

LEGISLATIVE COUNCIL

Tuesday 18 March 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.

Bills

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

HOUSING AMENDMENT BILL 2025

CREATIVE STATEMENT TO PARLIAMENT BILL 2025

SOUND NSW ADVISORY BOARD BILL 2025

MENTAL HEALTH LEGISLATION AMENDMENT BILL 2024

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2024

INSPECTOR OF CUSTODIAL SERVICES AMENDMENT BILL 2024

INDUSTRIAL RELATIONS AMENDMENT BILL 2025

CRIMES AMENDMENT (INCITING RACIAL HATRED) BILL 2025

CRIMES AMENDMENT (PLACES OF WORSHIP) BILL 2025

CRIMES LEGISLATION AMENDMENT (RACIAL AND RELIGIOUS HATRED) BILL 2025

MARINE SAFETY AMENDMENT BILL 2024

JUSTICE LEGISLATION AMENDMENT (CIVIL) BILL 2024

STRATA SCHEMES LEGISLATION AMENDMENT BILL 2024

JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2024

Assent

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

Documents

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 NSW Police Force body-worn video policy and practice*, dated March 2025, received out of session and made public on 5 March 2025.

Announcements

CLERK OF THE PARLIAMENTS AND CLERK OF THE LEGISLATIVE COUNCIL

The PRESIDENT (12:32): I advised the House on 11 February 2025 that a competitive merit selection process would be conducted for the position of Clerk of the Legislative Council and Clerk of the Parliaments following the retirement of Mr David Blunt, AM. Following a two-week recruitment period, the assessment panel comprising Ms Claressa Surtees, Clerk of the House of Representatives, Mr John Evans, PSM, former Clerk of the Legislative Council, the Clerk of the Parliaments and me arrived at a unanimous decision.

It is my great privilege to advise the House that the successful candidate for the position of Clerk is Mr Steven Reynolds. Steven's distinguished career in this place began in 1999, marking more than two decades

of dedicated service to the Parliament of New South Wales. Throughout these years he has been an invaluable source of knowledge and guidance, demonstrating unwavering commitment to upholding the principles of parliamentary democracy, procedural integrity and fairness.

Since 2006, when he was first appointed as Usher of the Black Rod, Steven has provided expert advice to members, and over the past 14 years he has served with distinction in the Clerk's office as Deputy Clerk, and frequently as Acting Clerk. Steven has been instrumental in ensuring the effective operation of the Legislative Council, providing steadfast support to Presiding Officers, Ministers, members, senior public servants, parliamentary staff and all those who seek his counsel on matters of parliamentary law, practice and procedure. Steven's extensive experience, coupled with his deep understanding of parliamentary conventions, has earned him the respect and confidence of those who have had the privilege of working with him.

As Clerk, Steven will continue to ensure the seamless operation of the Legislative Council, upholding the integrity of parliamentary processes and providing sound advice to members. I am confident that he will approach this role with the same diligence, professionalism and commitment that have been the hallmarks of his career thus far. To ensure a smooth transition, Steven will officially commence as Clerk on 29 March 2025, one day after the retirement of Mr David Blunt, AM. On behalf of all members, I extend our warmest congratulations to Steven on this well-earned appointment.

Motions

PARLIAMENTARY FRIENDS OF ISRAEL EVENT

The Hon. NATALIE WARD (12:34): I move:

- (1) That this House notes that:
 - (a) on 13 February 2025 the NSW Parliamentary Friends of Israel held its first event of 2025 at which members of the Jewish community, the NSW Jewish Board of Deputies and members of the New South Wales parliamentary community joined together to affirm our commitment to justice, tolerance and the right of every individual to live free from discrimination, harassment, violence, threats and antisemitism in all its forms;
 - (b) as co-chair of the NSW Parliamentary Friends of Israel, the Hon. Natalie Ward, MLC, commends the unwavering courage of our Jewish community as we sadly witness the ugly resurgence of antisemitism in New South Wales;
 - (c) the NSW Parliamentary Friends of Israel stands united against hate, stands with our local Jewish communities and supports our Jewish people and their families in New South Wales, Australia and worldwide; and
 - (d) the event included speeches by the Premier, the Hon. Chris Minns, MP; the Leader of the Opposition, the Hon. Mark Speakman, SC, MP; the Hon. Natalie Ward, MLC; and Dr Marjorie O'Neill, MP; and was attended by Ministers, shadow Ministers and other members of the Parliamentary community.
- (2) That this House thanks the NSW Parliamentary Friends of Israel and those in our New South Wales Jewish community for advocating against discrimination, harassment, intimidation, threats, hate and antisemitism to foster a safer and more inclusive environment in New South Wales.

Motion agreed to.

Committees

DELEGATED LEGISLATION COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES: I table a report of the Delegated Legislation Committee entitled *Delegated Legislation Monitor No. 3 of 2025*, dated 18 March 2025.

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. CAMERON MURPHY: I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 26/58*, dated 18 March 2025.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. BOB NANVA: I table report No. 30 of the Selection of Bills Committee, dated 18 March 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) Abortion Law Reform Amendment (Health Care Access) Bill 2025;
- (b) Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025;

- (c) Environmental Planning and Assessment Amendment Bill 2025;
- (d) Health Services Amendment (Splitting of the Hunter New England Health District) Bill 2025;
- (e) Statute Law Amendment (Administrative Appeals Tribunal) Bill 2025;
- (f) Transport Administration Amendment (Sydney Metro Governance) Bill 2025; and
- (g) Work Health and Safety Amendment (Standalone Regulator) Bill 2025.

Motion agreed to.

STANDING COMMITTEE ON STATE DEVELOPMENT

Government Response: Noncompliance with Standing Order

The CLERK: According to standing order, I announce receipt of correspondence advising the Government response to report No. 52 of the Standing Committee on State Development entitled *Ability of local governments to fund infrastructure and services*, tabled on 29 November 2024, is delayed. The correspondence was received out of session and published on 21 February 2025.

The PRESIDENT (12:38): I refer members to the correspondence just tabled by the Clerk, dated 21 February 2025, from the Minister for Local Government in relation to report No. 52 of the Standing Committee on State Development entitled *Ability of local governments to fund infrastructure and services*. In that correspondence, the Minister for Local Government indicated that the Government is not in a position to report to the Legislative Council as to what action the Government is proposing to take in relation to each recommendation of the committee's report by 28 February 2025. Under Standing Order 240, for any report from a committee which recommends that action be taken by the Government, the Government response is due within three months of the report being tabled.

Under Standing Order 240, the President is to report to the House when any Government response has not been received within the three-month deadline, and the relevant Minister must immediately explain to the House the reason for noncompliance.

In accordance with Standing Order 240, I call upon Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, representing the Minister for Local Government, to explain to the House the reason for the Government's failure to provide a response to report No. 52 of the Standing Committee on State Development.

Attendance of Minister in Her Place

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:39): I have sought a commitment from the Minister for Local Government that a response to the report will be tabled in this Chamber as a matter of priority. The advice that I have is that it is working through the Government's processes, but I have sought that commitment, and I will report that to the House today.

Government Response: Noncompliance with Standing Order

The PRESIDENT (12:39): Standing Order 240 further provides:

If, after explanation in the House, the Minister has not provided a full government response within a period of one month, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a full government response to each recommendation is provided.

PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to 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*, tabled on 29 November 2024, received out of session and published on 28 February 2025.

SELECT COMMITTEE ON THE PROPOSAL TO DEVELOP ROSEHILL RACECOURSE

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 2 of the committee entitled *Proposal to develop Rosehill Racecourse*, tabled on 6 December 2024, received out of session and published on 6 March 2025.

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

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 1 of the committee entitled *Arts and music education and training in New South Wales*, tabled on 12 December 2024, received out of session and published on 12 March 2025.

Petitions

RESPONSES TO PETITIONS

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

- (1) Government response to an ePetition presented by the Hon. Chris Rath on 11 February 2025 concerning the Croydon transport oriented development plan, received out of session and published on 6 March 2025.
- (2) Government response to an ePetition presented by the Hon. Wes Fang on 11 February 2025 concerning land management practices of the National Parks and Wildlife Service, received out of session and published on 12 March 2025.

Documents

CRYSTALLINE SILICA AIR MONITORING

Personal Information Redacted

The CLERK: According to Standing Order 52, I inform the House that on Wednesday 12 February 2025 the Hon. Mark Banasiak requested the production of redacted versions of certain documents returned on Wednesday 18 December 2024. The request was communicated to the Cabinet Office on Friday 14 February 2025.

I table a return received on Friday 21 February 2025 from the Cabinet Office, together with an indexed list of documents with personal information that should not be made public redacted as requested.

LOCAL SMALL COMMITMENTS ALLOCATION

Personal Information Redacted

The CLERK: According to Standing Order 52, I inform the House that on Wednesday 12 February 2025 the Hon. Sarah Mitchell requested the production of redacted versions of certain documents returned on Tuesday 11 February 2025. The request was communicated to the Cabinet Office on Friday 14 February 2025.

I table a return received on Friday 21 February 2025 from the Cabinet Office, together with an indexed list of documents with personal information that should not be made public redacted as requested.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 12 February 2025, I table:

- (a) a return received on Wednesday 5 March 2025 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;
- (b) a return received on Wednesday 5 March 2025 from the Cabinet Office, together with an indexed list of documents;
- (c) a return received on Wednesday 5 March 2025 from the Cabinet Office of documents subject to a claim of privilege;
- (d) a return received on Wednesday 5 March 2025 from the Cabinet Office of documents subject to a claim of personal information;
- (e) a return received on Wednesday 12 March 2025 from the Cabinet Office of documents, together with an indexed list of documents;
- (f) a return received on Wednesday 12 March 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (g) a return received on Wednesday 12 March 2025 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 return received on Wednesday 12 March 2025 from the Cabinet Office providing a revised indexed list of documents and a redacted version of a document previously returned.

DUBBO REGIONAL SPORTS HUB**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 19 February 2025, I table:

- (a) a return received on Wednesday 12 March 2025 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 12 March 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 12 March 2025 from the Cabinet Office of documents subject to a claim of personal information.

INNOVATION BLUEPRINT**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 19 February 2025, I table:

- (a) a return received on Wednesday 12 March 2025 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 12 March 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 12 March 2025 from the Cabinet Office of documents subject to a claim of personal information.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT**Variation of Order**

The PRESIDENT: According to Standing Order 53, I table a request received on Monday 3 March 2025 from the Cabinet Office to vary the scope of the further order for papers, together with a response from the Hon. Mark Latham not agreeing to the request.

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

INNOVATION BLUEPRINT**Variation of Order**

The PRESIDENT: According to Standing Order 53, I table a request received on Monday 3 March 2025 from the Cabinet Office to vary the scope of the order for papers, together with a response from the Hon. Jacqui Munro not agreeing to the request.

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

DUBBO REGIONAL SPORTS HUB**Variation of Order**

The PRESIDENT: According to Standing Order 53, I table a request received on Monday 3 March 2025 from the Cabinet Office to vary the scope of the order for papers, together with a response from the Hon. Sarah Mitchell not agreeing to the request.

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

MINISTERIAL VEHICLE LOGBOOKS**Tabling of Correspondence**

The CLERK: According to the resolution of the House of Wednesday 19 February 2025, I table:

- (a) correspondence received on Tuesday 4 March 2025 from the Speaker of the Legislative Assembly, the Hon. Greg Piper, MP, regarding comity between the Houses and requesting documents relating to Speakers be provided to members of the Legislative Assembly instead, together with a response from the Premier agreeing to the request.

- (b) correspondence received on Monday 10 March 2025 from the Cabinet Office, regarding the provision of documents relating to parliamentary office holders.

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

Members

MINISTRY

The Hon. PENNY SHARPE: I inform the House that on 17 March 2025 Her Excellency the Governor accepted the resignations of the Hon. John Graham, MLC, as Minister for Roads, and Minister for Jobs and Tourism; the Hon. Stephen Kamper, MP, as Minister for Small Business; the Hon. Rose Jackson, MLC, as Minister for the North Coast; and the Hon. Jennifer Kathleen Aitchison, MP, as Minister for Regional Transport and Roads.

I further inform the House that on 17 March 2025 Her Excellency the Governor issued commissions appointing the following persons to the positions indicated:

The Hon. Stephen Kamper, MP
Minister for Jobs and Tourism

The Hon. Jennifer Kathleen Aitchison, MP
Minister for Roads, and Minister for Regional Transport

The Hon. Janelle Anne Saffin, MP
Member of the Executive Council, and Minister for Small Business, Minister for Recovery, and Minister for the North Coast

SENIOR MINISTERS

The Hon. PENNY SHARPE: I inform the House that effective from 17 March 2025 the following Ministers were designated as senior Ministers:

The Hon. Daniel Mookhey, MLC

The Hon. Ryan John Park, MP

The Hon. Yasmin Maree Catley, MP

REPRESENTATION OF GOVERNMENT IN THE LEGISLATIVE COUNCIL

The Hon. PENNY SHARPE: I inform the House that from 17 March 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 in the other House in respect of the following portfolios:

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, MLC, Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy, 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 Roads, and Minister for Regional Transport

The Hon. Courtney Houssos, MLC, Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources, 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. Janelle Anne Saffin, MP

Minister for Small Business, Minister for Recovery, and Minister for the North Coast

The Hon. Rose Jackson, MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth, 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, MLC, 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 Lands and Property, Minister for Multiculturalism, Minister for Sport, and Minister for Jobs and Tourism

The Hon. Tara Moriarty, MLC, 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

PARLIAMENTARY SECRETARIES

The Hon. PENNY SHARPE: I inform the House that on 17 March 2025 the Hon. Emily Suvaal, MLC, was appointed as Parliamentary Secretary for Trade and Small Business.

I further inform the House that on 17 March 2025 Ms Janelle Saffin, MP, resigned as Parliamentary Secretary for Disaster Recovery.

Questions Without Notice

LONG-DURATION BATTERY PROCUREMENT

The Hon. DAMIEN TUDEHOPE (13:31): My question is directed to the Minister for Energy. Noting the recent announcement of Quinbrook Infrastructure Partners of plans to deploy batteries for long-duration storage made by Chinese company CATL at sites in New South Wales, and given that CATL has been identified as a company with a very high risk of forced labour, including child labour, in its supply chain, what steps is the Minister taking to ensure that there are no companies with a high risk of modern slavery in the supply chain for any New South Wales government procurement of long-duration battery storage?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:32): I thank the member for his question. All Government members are doing as much as we can to ensure that none of our supply chains are impacted by modern slavery. This House has worked for a long time, under the previous Government and with this Government, to put in place the things that are necessary to protect people from modern slavery. It is a matter that we take seriously. As any member who has spent time thinking about this matter also knows, it is not necessarily an easy thing to track nor to deal with in the first instance. Through the modern slavery work and through the commissioner we are putting in place the right models. Going specifically to the question, I am not aware of the details that the member has raised with me. I will take on notice what procedures we have in place in relation to these matters. I will be happy to report back on that.

There is no place for modern slavery in any supply chain that we have. Unfortunately, we do have to accept that it is fairly insidious, which is why there has been all that work done over a long time. I thank all those who have done that work. There is a lot of activity occurring as governments and other large institutions spend time trying to work through how they can prevent these types of products from getting into the supply chain.

Universities are doing work on it, as well as the Government. I will take on notice the specifics of the question and come back to the member, but it is a longstanding issue. It is a matter that we take seriously, and we are working hard to prevent it getting into our supply chains.

The Hon. DAMIEN TUDEHOPE (13:34): I ask a supplementary question. I thank the Minister for taking certain parts of my question on notice. She may wish to adopt the same position on whether CATL is currently involved in the supply chain for any procurement that falls under her portfolio responsibility. If so, what will she do about it?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:34): As I said, I will get specific information for the member and provide it when I can.

COMMONWEALTH GRANTS COMMISSION

The Hon. BOB NANVA (13:34): My question without notice is addressed to the Treasurer. Will the Treasurer update the House about the recent decision of the Commonwealth Grants Commission? What are the implications for New South Wales?

The Hon. DANIEL MOOKHEY (Treasurer) (13:35): I thank the member for his question. He is an ardent student of the Commonwealth Grants Commission process of annual GST determination, which culminated on Friday when the CGC published its decision for the coming financial year. As I am sure members will recall, last year was not a good year for New South Wales. Our per capita share went from 92.4 to 86.7 per cent of the GST. Disappointingly, last Friday the Commonwealth Grants Commission cut our relativity further. They cut it from 86.7 per cent per capita to 86 per cent, and that is not good. That means, once more—as we suggested would happen—that the share of New South Wales is falling year after year, for reasons which are largely inexplicable to most people.

The Hon. Damien Tudehope: To prop up Victoria.

The Hon. DANIEL MOOKHEY: I accept the interjection of the shadow Treasurer. While New South Wales taxpayers are watching our share of the pie dwindle, our neighbour to the south, Victoria, has now for the first time ticked over to becoming a recipient State. Its per capita share is now \$1.07. It used to be the case that New South Wales and Victoria would jointly shoulder responsibility to support the smaller States. Now we have a situation where we are obviously shovelling a lot of money down the Hume when it comes to the GST.

I should say there has been some commentary about New South Wales gaining sums. That arises from the fact that the broad size of the GST pool is higher. We are getting a smaller share of a bigger pie. That means that had we simply held on to the relativity that we had back in 2022-23 and 2023-24, the State's finances would be in a very different position, which is why this Government will continue to speak out about the need for a fairer way to allocate the GST. We should be going to a population-share model. That is a position which I am glad is supported by both sides of the House. We should then use the balance of the Federal grant system to help South Australia, Tasmania, the Northern Territory and now Victoria when it comes to these types of adjustments. That is a far more explicable and understandable system. Each year there will be ups and downs, but each year we as a Parliament should come together and say that this system is absurd and it is past time for reform. We should work to make sure New South Wales gets its fair share of the GST.

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE

The Hon. SARAH MITCHELL (13:38): My question is directed to the Minister for Domestic Manufacturing and Government Procurement. When will the NSW Procurement Board issue a procurement board direction to make compliance with the Anti-slavery Commissioner's Guidance on Reasonable Steps mandatory?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (13:38): I thank the member for an important question on an important issue. As the Leader of the Government has outlined, we on this side of the House—indeed, I believe, the entire Parliament—stand united against modern slavery, which is a scourge on our society. It is certainly a scourge that this Government is taking a range of steps to address. The question to me was on a specific request from the Anti-slavery Commissioner, a position that was established through an Act that originated in this House. Many of us were in the Chamber for that. I pay tribute to the Hon. Paul Green, who initiated that legislation, and to others like the Hon. Greg Donnelly, who for many years advocated on this issue.

The Government is addressing this through a range of different methods. The work to combat modern slavery is across government. Indeed, when I received this question during the budget estimates process, I gave the response that this Government is absolutely committed to taking a range of steps to address the question of

modern slavery, including the implementation of a guide to reasonable steps that was given to the Procurement Board by the Anti-slavery Commissioner.

As I said in the budget estimates hearing, the Anti-slavery Commissioner is in the process of meeting with agencies on what I understand to be a bimonthly basis. We accept that what reasonable steps look like will vary between different agencies, but it is important that they all implement these changes, irrespective of where they are. As I have said previously, each agency is responsible for its own contract management, including the use of modern slavery clauses. It is worthwhile noting that, as was outlined in the question, under the Public Works and Procurement Act 1912 a government agency must take reasonable steps to ensure that goods and services procured are not the product of modern slavery. We are doing that in a range of ways. The question was asked of me in relation to a ministerial direction—

The Hon. Sarah Mitchell: A Procurement Board direction.

The Hon. COURTNEY HOUSSOS: Sorry, a Procurement Board direction, not a ministerial direction. My apologies; I misheard the question. This question was asked of me in relation to a Procurement Board direction, in a budget estimates hearing. I am not ruling that out at this point, but the body of work is underway already with the Procurement Board and the Anti-slavery Commissioner. A range of work is underway across government in order to address the question of modern slavery.

PSYCHIATRY WORKFORCE

Dr AMANDA COHN (13:41): My question is directed to the Minister for Mental Health. The Government's contingency measures in response to the resignation of the majority of staff specialist psychiatrists have included casualisation of the workforce, privatisation of mental health care, bed closures, virtual care and even more pressure on other health professional groups. Last week in budget estimates hearings, the Minister stated that these measures are "a reactive, temporary contingency to what we hope is a short-term dispute". The Industrial Relations Commission [IRC] process is not brief, and the Government is fighting for an outcome that psychiatrists are saying would lead to further resignations. How long will the contingency measures be in place, and is the Minister accounting for them in the forward budget?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (13:42): I thank Dr Amanda Cohn for her question. The contingency measures will remain in place for as long as they are necessary to achieve what has been, from our perspective, the most important goal from day one: continued high-quality continuity of care for patients. That is the non-negotiable, from our point of view. The member is absolutely correct that the contingency measures that we have put in place are not preferred by the Government in achieving that goal. We would prefer to not employ some of the measures outlined in the question in order to ensure that that goal is reached.

However, because we will not compromise on quality patient care, we have had to take steps to manage the impact of the industrial tactic undertaken by our staff specialist psychiatrists, which the member also rightly noted is currently the subject of IRC arbitration this week. As the matter is before the IRC this week, I will not make too many comments about that process so as to avoid prejudicing it. Suffice to say, it is pleasing that we have reached this point of being able to use the industrial relations process established by this Government, unshackled from the wages cap, with recruitment and retention as core principles—principles that staff specialist psychiatrists have indicated are important to them. That is currently being considered in front of the full bench of the IRC.

My advice in relation to that process is that the time between the hearings this week and a determination is a matter for the IRC. We are not in a position to be directive of the IRC in any way as to how long it takes to deliver its determination. Of course, the Government would prefer that to be done as quickly as possible. Again, my advice is that may take a number of weeks, but we would hope it is a short period. Once we have the determination from the IRC, obviously we will be able to sit down with staff specialist psychiatrists and discuss the fair and reasonable determination that the Industrial Relations Commission has delivered. Again, I reiterate that the Government has always said we will honour the IRC—

Dr Amanda Cohn: Point of order: The second part of my question was very specific. I asked whether the Minister is accounting for the contingency measures in the forward budget. The Minister has been speaking for nearly 2½ minutes and has not addressed that part of the question.

The Hon. Penny Sharpe: To the point of order: The member may not like the way in which the Minister is answering the question, but the point is whether the Minister's answer is directly relevant, which I believe it is.

The PRESIDENT: I do not uphold the point of order. I understand the point that Dr Amanda Cohn is making. But if she wants a particular issue, and only that issue, addressed, perhaps in future she may substantially limit the scope of her question. The Minister has the call.

The Hon. ROSE JACKSON: I am happy to address that part of the question. The expenditure on the contingency measures is real dollars. Obviously we are accounting for the expenditure of public money. Every dollar that we spend, including on contingency measures that the member has outlined, is accounted for. Exactly how that will be accounted for is still the subject of some discussion, because we do not yet know, for example, how long these measures will be in place. It may not be a singular decision of moving away from them. Some elements may continue for longer than others. All of those decisions will be made in the fullness of time, based on the centrality of patient care. *[Time expired.]*

TROPICAL CYCLONE ALFRED RECOVERY

The Hon. MARK BUTTIGIEG (13:46): My question without notice is addressed to the Leader of the Government. Will the Minister update the House on the recovery efforts in northern New South Wales in the aftermath of Ex-Tropical Cyclone Alfred?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:46): I thank the member for his question. I acknowledge the very tough times that the people of the Far North Coast and the Northern Rivers have endured recently as a result of the impact of Ex-Tropical Cyclone Alfred. I was up there last week with the Hon. Rose Jackson, and I know that the Hon. Tara Moriarty was also up there. What we saw was very difficult. Families and businesses are on edge. We have to remember this community is still recovering from 2022. The damage was extensive: trees and branches down, floodwaters rising in the region, and extensive erosion along the coast. What we also saw, though, was the best of community—people helping others and their neighbours, being prepared, working with the various agencies and volunteering where they could. Many homes were evacuated, and I thank those who followed the directions of the SES and moved before their homes were isolated.

During the height of the severe weather, tens of thousands of homes and businesses lost electricity—many of them more than once. As the energy Minister, I thank the workers at Essential Energy, the distributor in the region, for their hard work to restore power. We know that electricity and water do not mix. Getting the lights back on in these circumstances was extremely difficult. With wet soggy ground and trees everywhere, it was very dangerous. That is before even getting to the leeches that they had to put up with. In total, Essential Energy restored power to 97,000 homes and businesses, and I thank everyone who was involved. My latest update is that only four customers are without power as of this morning.

The clean-up continues, and the disruption cannot be undone. The Government and Commonwealth Government are offering a range of financial and non-financial support to those affected. Today I inform the House that, as the energy Minister, I have just written to energy companies, asking them to help us ease the pressure on those recovering from Ex-Tropical Cyclone Alfred. I have written to 22 energy retailers, asking them to defer electricity bills in the region for 14 days and to waive the connection fee for customers on days when there was no supply of electricity. I have also asked them that they do not cut off supply or demand repayments from impacted customers for a fortnight, and that they are to provide additional information about payment plan options.

It is important that we provide as much support as possible to households and business owners, who are recovering from Ex-Tropical Cyclone Alfred. That is why I have written to the energy retailers, asking them to join Essential Energy, which has already agreed to do this, in providing relief to customers in the natural disaster zone. Work continues, and there are still people who are doing it tough. We are working closely with councils, particularly on waste and coastal erosion. The impacts along our beloved beaches have been immense, but work is underway. The waste levy has been waived, and work continues. Finally, I thank the communities of the North Coast and the Northern Rivers for their strength. I thank the new Minister for Recovery, Minister for Small Business, and Minister for the North Coast— *[Time expired.]*

ANTISEMITISM LEGISLATION

Ms CATE FAEHRMANN (13:49): My question is directed to the Treasurer, representing the Attorney General. Will the Government consider delaying the commencement of schedule 2 to the Crimes Amendment (Places of Worship) Bill 2025 so that the constitutional challenge launched by the Palestine Action Group to that anti-protest section can be tested by the Supreme Court before the police begin using potentially unconstitutional powers?

The Hon. DANIEL MOOKHEY (Treasurer) (13:50): I thank the member for her question, which is asked of me in my capacity representing the Attorney General. I do not have information about when the

Government is intending to commence the new law. I am happy to take the question on notice to see whether or not I can provide further information in that respect. Responding to the allegations of the potential unconstitutionality or invalidity of the law is a matter for the courts to resolve. The Government has prepared the laws on the basis that they comply with the Constitution. That was heavily tested through the course of debate on the bill. I am aware that during the second reading debate and elsewhere in debate on the bill, members made arguments to suggest that some elements were vulnerable to constitutional challenge. I refer to the responses to that argument from the Attorney General in the other place. In representing the Attorney General in this place, I also had the opportunity to address some of those concerns.

ELECTRIC BUS PROCUREMENT

The Hon. NATALIE WARD (13:51): My question is directed to the Minister for Transport. I congratulate him. We are going to have some fun. Regarding the procurement of electric buses under the Government's Bus Panel 4, what is the minimum local content required? How is local content calculated? What is the percentage of local content respectively for each of the four companies awarded supply contracts in December 2023—namely, Custom Denning, Foton Mobility Distribution, VDI Yutong and Volvo?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (13:52): I thank the shadow Minister for her question. She commenced by making threats, as usual—that we are going to have fun now that I am in the role—but I genuinely thank her for her congratulations and look forward to working with her in my new role. As members would be aware, the Opposition has asked a range of questions in the House and during budget estimates about procurement. There was a series of questions about procurement in a number of budget estimates hearings. Some of them were about modern slavery issues and some were about local content, but all of them disregarded the record of those opposite in government for 12 years. It is quite a surprise that they are taking that approach. Nonetheless, they are entitled to ask, and I am happy to answer the question.

The policy proposition from this Government is clear, driven by the domestic manufacturing Minister and the commitments that we made at the election. The Government will require 50 per cent local content in rolling stock. That is the approach the Government is taking; that is the policy principle. We also have a plan to give local suppliers a dedicated weighting in their plans. Those are the two key drivers and the Government is working closely on that. I feel like I am sitting on the shoulders of the work of the Minister for Domestic Manufacturing and Government Procurement, along with the former Minister for Transport, Jo Haylen, who was driving that agenda hard.

The Hon. Natalie Ward: Point of order: I have been listening carefully to the answer from the Minister for Transport. While I appreciate his comments about budget estimates, the former Minister for Transport and other iterations, my question was very specific. It related to the Bus Panel 4 procurement of those four companies and specific component parts of that. I ask that the Minister be drawn back to those specific parts of the question.

The PRESIDENT: There were a number of elements to the question. The Minister was being directly relevant to at least part of the question. I cannot direct him how to answer specifically. He was perhaps straying a little when he was lauding the previous Minister, so he will come back to the question at hand.

The Hon. JOHN GRAHAM: Mr President, I thank you for that ruling. The shadow Minister has accurately represented her question as highly specific. It was perhaps too specific to venture an answer to all of those details in the House. To be fair, the member raised those issues in the context of the budget estimates hearing, which is why I single that out. I am happy to take on notice the fine detail that the member has requested today. The Government will come back with that. I return to the broader point that the policy drivers are in place. The Ministers have been extremely focused on that, and I hope to continue the good work that has been done already. If we get it right, it could drive a real change across the State in the way that the industry works. That is the prize that, working together, we hope to drive.

TROPICAL CYCLONE ALFRED RECOVERY

The Hon. EMILY SUVAAL (13:55): My question is addressed to the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. Will the Minister update the House on how the New South Wales Government is supporting North Coast regional and agricultural communities to recover from Ex-Tropical Cyclone Alfred?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:56): I begin by congratulating the Hon. Emily Suvaal on her promotion to Parliamentary Secretary. It is well deserved and she will make an excellent contribution in that role. I talk about the situation that the communities of the Northern Rivers and the North Coast faced and continue to

face. As my colleague the Hon. Penny Sharpe indicated in her answer, I spent some time in communities there last week. I know that other Ministers did as well, including the Hon. Rose Jackson, the Premier and others.

The Government certainly took seriously the threat to communities from that weather event. The preparation work that was done to protect those communities when it was expected that Tropical Cyclone Alfred would cause more damage than it did was incredibly important and was based off the learnings from what occurred in those communities, particularly Lismore, in 2022. Whilst we are grateful that it did not become the disaster that was planned for, there have still been significant impacts on those communities. The Government will continue to work with those communities on that. I also acknowledge the member for Lismore, Janelle Saffin, and congratulate her on her appointment as the Minister for the North Coast. She is passionate about the community and will do great work making sure they get the resources that they need.

Regarding the work of my department in preparation for the cyclone, the emergency centre situated in Orange was opened a week or two ago. I went to Orange to meet with the team when the centre was opened. We also launched the agriculture and animal services functional area hotline for farmers and others to call if they needed support for animals that needed to be moved. I give a shout-out to farmers across the Northern Rivers who had plans in place and moved their livestock. People were responsible and did the right thing to protect their animals. That hotline is still available to make sure we do not have animal welfare issues. There is emergency fodder available and has been for some time. We are providing support to farmers who need it.

The team at Public Works has been supporting the local council with cleaning up waste. That might not be something that people think about, but those who have been a flood situation, like those communities have, know that dealing with waste efficiently and quickly, and enabling the community to quickly get rid of waste, prevents a range of problems from occurring. Well done to the team at Public Works, which has been supporting the council and the community to be able to get rid of waste quickly. That will help people get back on track sooner rather than later.

ANTISEMITISM

Ms SUE HIGGINSON (13:59): My question is directed to the Leader of the Government, representing the Premier. On or around 13 March Premier Chris Minns stated that there were 700 acts of antisemitism over the summer. Will the Minister confirm that there have been 700 incidents of antisemitism reported to the New South Wales police either over this summer or since October 2023?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:59): I can confirm that there have been hundreds of acts of antisemitism. If the Premier says there were 700, I believe him. He has been across the issue minute by minute. Over that period we have seen the very challenging impacts of antisemitic attacks on places of worship, businesses and private homes. In terms of the question asking me to confirm the number of incidents, I can confirm as far as I am aware. It was a summer of hate. Communities are fearful and worried about their kids travelling outside their houses, about going to school, about getting on public transport, about whether they are able to enter their places of worship safely, about whether their businesses are going to be attacked, and about whether they are going to walk outside onto their streets and find that their houses have been graffitied with antisemitic slurs. There have been attempts at committing arson on synagogues.

This Government is not prepared to sweep issues of antisemitism under the carpet. We have put in place a number of measures on the matter. I will not go through them all now. But we have taken it seriously. We stand with the Jewish community as it has dealt with a rise of antisemitism that we have not seen since the middle of last century. We will continue to work on it, as we do with every other community when it comes to these matters. Islamophobia is real and racism is real. We stand with communities who are under pressure and experiencing those things. We take them very seriously. If the member is somehow suggesting that the Premier is misleading or incorrect, I utterly reject that. The Premier has been very focused on trying to keep the community safe and sending a very strong message to the community that this will not be tolerated and that serious action will be taken if required, as it should.

Ms SUE HIGGINSON (14:02): I ask a supplementary question. Will the Minister elucidate that part of her answer where she referred to incidents? Will she confirm whether she is referring to 700 incidents or some other number of incidents?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:02): As I said in my answer, if the Premier said that there are 700, then there are 700. I am not personally, as his representative, able to confirm that. But I make the point that there were hundreds of incidents. The Government has taken firm action and will continue to do so.

ELECTRIC BUS PROCUREMENT

The Hon. AILEEN MacDONALD (14:02): My question is directed to the Minister for Transport. Is the Minister aware of the recent comment from the president of the Australian Uyghur Tangritagh Women's Association, Ramila Chanisheff, that too many imports are tainted by Uyghur blood as well as her call to cancel government contracts with Foton Mobility Distribution and Yutong? What steps is the Minister taking in response to her plea on behalf of the Uyghur people?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:03): I thank the honourable member for her very serious question. This is an appropriate way to raise it. Members know that the Government is taking these issues seriously, as are the Parliament and the House, having passed the Modern Slavery Bill some years ago. I have updated the House previously on this matter, but I will recap where we are up to. Firstly, I was not aware of the specific comments that were made, but I take them seriously. Secondly, in relation to actions, Transport for NSW is conducting a deep-dive review of Bus Procurement Panel 4 suppliers to examine forced labour concerns. The companies concerned, as part of that bus panel, have provided a range of documents in response. Transport has written to all 10 of those Bus Panel 4 suppliers, seeking an urgent response regarding supply chain risks, including details about suppliers and the country-of-origin of components.

On 7 March a key meeting was held between Transport and the Anti-slavery Commissioner. Transport shared information about the work that has been done so far to investigate the recent allegations. That engagement will be ongoing, as we sort through the issues. On 10 March 2025 I spoke to the Anti-slavery Commissioner to let him know that any assistance he required from government agencies would be provided and to ask him to alert me if he felt in any way that that was being impeded, to ensure that his work and the work of Transport were able to unfold. Transport is certainly aware of its obligations under the Act to take reasonable steps. I have sought assurance from Transport that it clearly understands those obligations, and I am satisfied that it does and will continue to work through these issues. Those are the facts.

I understand the view that is being put forward, and I understand why it is being put forward from this group. It is a helpful issue to raise in the House. What is less helpful is the approach that the Opposition has taken up until now, which is to overstate some of the claims that have been made in the reports. I place that concern on record. The Opposition has not merely put those reports before the House but has gone further than the reports in its claims. I have gone back to look at the reports, and the position put by the Opposition in the House and in estimates hearings is further than the reports themselves. I thank the member for her question, but the Opposition needs to be careful about the way it is approaching the issue.

TROPICAL CYCLONE ALFRED RECOVERY

The Hon. STEPHEN LAWRENCE (14:06): My question is addressed to the Minister for Housing. Will the Minister update the House on the impacts of Ex-Tropical Cyclone Alfred and the New South Wales Government's recovery efforts in supporting those who need access to housing?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (14:06): I am pleased to update the House on the impact of Ex-Tropical Cyclone Alfred. It was a major weather event and a major piece of preparation work right across the New South Wales Government. As has been noted, I, along with Minister Sharpe, visited the North Coast communities for a number of days. Many other members—Minister Moriarty, Minister Scully, the Premier, Minister Dib and now Minister Saffin—were there too. That breadth of engagement from the Government represented a breadth of engagement from across agencies.

I inform the House about the work that we have done on housing. Members may know that, through Homes NSW, we have responsibility for disaster welfare, which is an incredibly important and often undervalued part of government, responsible for administering evacuation centres. The SES makes decisions about where evacuation centres will be necessary, based on the information it has about weather patterns. Once those centres are stood up, the Department of Communities and Justice steps in through disaster welfare to run them. We ran 25 evacuation centres over the course of Ex-Tropical Cyclone Alfred. That is a large number, right across the North Coast and Northern Rivers region. I inform the House that over 1,500 people registered for assistance and hundreds stayed at those evacuation centres on Thursday, Friday, Saturday and Sunday nights. We started decommissioning the centres last week. More than 430 community members were supported with emergency accommodation in the form of hotels and motels. That is another important way to ensure that people are kept out of harm's way when their homes are not safe.

I particularly put on record my thanks to the teams at the Department of Communities and Justice and the Department of Education who staffed those evacuation centres. That is not their normal full-time job. Those are

people who otherwise work in schools, TAFEs, community services, child protection services and foster care services. When we set up evacuation centres, they step in. They have been specifically trained by disaster welfare to run those evacuation centres, intake people who are often very scared, anxious and upset, and support them with a place to stay and a meal. Our wonderful volunteer partners through the Red Cross and Anglicare are there to provide pastoral support, a cup of tea and an opportunity for chatting.

The PRESIDENT: Order!

The Hon. ROSE JACKSON: All of that is done through an incredible effort of people acting outside their ordinary roles to support their communities in need. I commend everyone involved in the evacuation centres. It was an excellent model of how that can work well and I am happy to update the House on that work.

The PRESIDENT: Order! I thank the Hon. Rose Jackson for her patience in allowing the conversation between the Leader of the Opposition and the Leader of the Government to continue while she spoke. I thank her for providing that important update.

HELIUM BALLOONS

The Hon. EMMA HURST (14:10): My question is directed to the Minister for the Environment. Released helium balloons are dangerous to animals and the environment. They can travel vast distances and often end up as litter in fragile ecosystems, including beaches, rivers, lakes and oceans, where they pose a serious risk to turtles, seabirds and other animals through entanglement and ingestion. Despite this, New South Wales laws still allow for the release of up to 19 helium balloons at a time. The Minister had previously indicated that the New South Wales Government intends to ban helium balloon releases by the end of 2025. Will the Minister confirm if this is still the intended time frame and indicate when we can expect to see legislation before the Parliament to outlaw balloon releases?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:10): I thank the honourable member for her question. This has been an ongoing issue for quite a number of years, as members know. In relation to the release of helium balloons, we have tied that into our response in relation to plastics. Members might have paid attention to the issue of tethered lids, which the Hon. Tania Mihailuk raised earlier today in the House. We are dealing with that. We have had a plastics paper that has gone out for consultation. We have had a lot of input into that.

Balloons are part of that conversation even though balloons are not technically plastic. We have rolled them in there because it is dealing with the same issue, which is litter getting into the environment and hurting animals as well as damaging the environment and getting into our food chain. The consultation paper, *NSW Plastics: The Way Forward*, had a lot of interest from the public. It had over 5,000 submissions, which is very good. We closed consultation on the paper in November and we are finalising the response to it. There are a number of different issues tied up in that, such as whether we can design out plastic from the beginning et cetera. The consideration of balloons will be part of that legislation, which, again, is still on the 2025 time frame.

ELECTRIC BUS PROCUREMENT

The Hon. SCOTT FARLOW (14:12): My question is directed to the Minister for Transport. Is the Minister aware of the warning by the Australian Strategic Policy Institute, first published in September 2024 and republished in January 2025 after the United States Department of Defense declared CATL to be a "Chinese military company", that the denial by CATL of forced labour in its supply chain "contradicts the substantial academic research and investigations done by members of the US Congress, making it highly doubtful that Australian governments should derive any confidence from it as a guide to the risks of these supply chains"? If so, is the Minister ignoring this warning and just trusting CATL's word that it is free from forced labour?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:13): I thank the member for his question. I do not believe I am aware of that specific report, but I will check and take specifically on notice if I have been briefed or my office has been briefed on it. But there certainly has been a lot of work done in this area, as members know. The reason I raise the concern about reports that Opposition members have drawn my attention to being overstated is the experience I have had of going back to look at them. It has been the case that Opposition members have been going further than those reports have suggested. The suggestion was made that this company is linked to state-imposed forced labour. The Globalworks report about this company, which also names other companies, does raise concerns that this company may be linked to forced labour—not that it is but that it may be. That is of serious concern to the Government but it is not assisted by the Opposition overstating the claim.

The PRESIDENT: Order! The Minister has the call.

The Hon. JOHN GRAHAM: It is part of a pattern from Opposition members. They are calling for an investigation by the Anti-slavery Commissioner into such matters. There is no power in the Modern Slavery Act, which they passed, to conduct such an investigation. They are calling for an investigation under a power that they refused to put in that bill. Members who were in Parliament at the time will recall how long that legislation was stalled. I am grateful to the Hon. Greg Donnelly for reminding me of the specifics. The bill was first passed in Parliament on 21 June 2018. It was finally commenced on 29 November 2021. We passed it; the former Government refused to commence it. After urging—it came up time and again in the House—it was commenced three years and five months later. I thank the Hon. Greg Donnelly for reminding us of the facts. That is the background to what is going on here. The Government is taking these matters seriously. Members who look fairly at the steps the Government has already taken would come to that conclusion. I do not discourage Opposition members from taking an interest in this, but I encourage them to be far more specific.

The Hon. SCOTT FARLOW (14:15): I ask a supplementary question. Is the Minister justifying the use of goods produced in a supply chain with a very high risk of forced and child labour just because the actual risk of such labour cannot be proven?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:16): No, that is absolutely not the position of the Government. We are taking reasonable steps to work through the issues.

The Hon. Damien Tudehope: That's the way you stated it.

The Hon. JOHN GRAHAM: If the Leader of the Opposition has concerns, I am glad the member sought clarification. We are taking reasonable steps to work through the issues. I have laid out the steps we have taken so far. I thank Transport for the work it has done. I thank the suppliers for the information they have supplied but, most of all, I thank the Anti-slavery Commissioner. One of the things that members should be aware of is that the Modern Slavery Act sets out reasonable steps. There are processes in place. The way the Government is tackling the issue will now be one of the key moments of testing where those powers lie, how a government should tackle them and how we should seek to reassure ourselves.

It will not be quick because we have to work through the issues appropriately, but it will be very significant. The future of anti-slavery regulation lies in such issues being appropriately raised by the Opposition—that is an appropriate thing to do—and then the Government taking them seriously and working through them. How this issue unfolds and evolves over time will be an important moment for the way the legislation works in not only this State but also other jurisdictions. To be clear, this is being watched around the world. It is part of an international discussion on these issues, as members well know.

TROPICAL CYCLONE ALFRED RECOVERY

The Hon. PETER PRIMROSE (14:17): My question without notice is addressed to the Minister for Finance. Will the Minister update the House about the Government's efforts to ease the burden on communities impacted by Ex-Tropical Cyclone Alfred?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:18): I thank the honourable member for a really important question. My colleagues and I have answered a range of questions in relation to the way that the Government has responded to Ex-Tropical Cyclone Alfred. This was a confronting time for a community that was deeply traumatised by what happened only a few years ago, in 2022. Our Government, led by the Premier, was swift in its response. Certainly we have sought to update the House on the range of steps that the Government took should the worst happen, which, thankfully—as you would be aware, Mr President, as a very proud resident of the Northern Rivers—did not eventuate.

There is no doubt about the focus of this Government, led by the Premier, the Leader of the Government in this place, and my colleagues the Hon. Rose Jackson and the Hon. Tara Moriarty. I pay tribute also to the Hon. Jihad Dib, the Minister for Emergency Services, who was on the ground with the Premier, together with the incredible local member, the Hon. Janelle Saffin, who stood hand in hand with her community. I update the House about the specific things put in place by Revenue NSW. Other members have reflected that, because this is not a new experience, unfortunately, our teams were well placed to kick into action. But they put into place a range of methods in order to, as Revenue NSW advised me, "get out of the way" during those initial stages.

They included pausing the processing of fines, debt notices, compliance activity and tax assessments in the affected areas in order to reduce the impact on the community in the short term and allow families, households and businesses to focus on the impending disaster and, of course, the immediate aftermath of that. During the peak of the impact, Revenue NSW paused 78,000 enforcement notices, 29,000 penalty notices and penalty reminder notices, and 1,600 State debt notices. In addition, Revenue NSW sent 46 staff to Service NSW to process and

provide support with the personal hardship grant. They provided support also to the Reconstruction Authority by receiving 1,183 phone calls and processing 37 applications for that vital service.

Indeed, the Minister for Water, and Minister for Housing, the Hon. Rose Jackson, who also has a range of other portfolios, said that the public service is at its best when we come together to support communities—when people give up their day jobs and say, in the face of an impending disaster, "We want to come together." Certainly, the community of the Northern Rivers has done that, despite being deeply traumatised by the events of just a few years ago. Certainly all members of the Government, led by the Premier, seek to stand with them during this time.

E-BIKE BATTERIES

The Hon. TAYLOR MARTIN (14:21): My question is directed to the Minister for Transport. Is the Minister aware of a fire on board a train in Melbourne over the weekend that was caused by the battery of an e-bike? What is the Government doing to ensure that e-bikes and scooters currently flooding our streets do not cause damage and injuries on Sydney's train network? Is the Minister concerned that a similar incident in Sydney could lead to strike action by rail staff over safety concerns, as was threatened by London train drivers recently?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:21): I thank the member for his very good question. The Leader of the Government has been very clear with the House and the public that there has been a growing issue with lithium ion batteries and fires over recent times. I am informed that there have been 10,000 to 12,000 fires over the past year in Australia. The Government is concerned about that. This is a problem also with e-micromobility devices. There is a much broader range of batteries in use, but we are seeing those fires as a result of an increase in e-micromobility devices, resulting in four times as many injuries as other fires.

The best data from Fire and Rescue NSW shows that e-micromobility vehicles caused 193 fires from 2022 to 2025, but it is continuing to rise each year. In 2024, 93 lithium ion micromobility fires have been reported, and 13 resulted in injury. Of the 71 micromobility fires examined to October 2024, 10 resulted in injury. First, I recognise that this is an issue; it is an issue that the House and its committees have examined. A plan is in place to deal with micromobility issues in general. As part of that plan, the issue of those batteries and battery fires is certainly being examined. The action plan has 58 actions that deal specifically with battery safety, safe use and, in particular, device standards, as well as charging and life cycle management. Those matters are being examined by the plan.

On the matter of fire risk, Transport and other agencies with these assets are assessing lithium ion battery fire risks for infrastructure and buildings. The Environment Protection Authority is leading reforms to support the safe disposal of batteries. That is why the Leader of the Government has been particularly active in this space. NSW Fair Trading is looking at some of the regulatory settings and standards for safer lithium ion batteries on e-micromobility devices for sale in New South Wales. That work has been progressing well, but there is clearly more to do—there is no getting around that. Since 1 February this year, all retailers and manufacturers can only sell e-micromobility devices in New South Wales with components that comply with the newly prescribed safety standards, and compliance officers have started the first phase of education-focused compliance activities. [*Time expired.*]

PSYCHIATRY WORKFORCE

The Hon. NATASHA MACLAREN-JONES (14:25): My question is directed to the Minister for Mental Health. In answer to an earlier question, the Minister labelled the numerous resignations as an "industrial tactic". Given the issue is currently being argued in the industrial relations court, why has the Minister pre-empted the court's decision and diminished the personal significance of the decision of each individual psychiatrist to resign?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (14:25): I have said on record on many occasions that it is an industrial tactic. The next words out of my mouth were literally "but I'm not going to elaborate or offer a running commentary because I don't want to prejudice the hearings that are on at this very moment". So I will not take up the invitation from the member to elaborate. But, while I am not taking up the invitation to offer a running commentary on the proceedings in the Industrial Relations Commission [IRC], as the member has raised the issue, I make this point: I accept questions on the matter from Dr Amanda Cohn because, while I do not agree with her views on the matter—and I have clearly articulated the position of the Government—at least Dr Amanda Cohn is not in the position of the Opposition as being directly responsible for creating the crisis, which is a direct result of the decisions of the former Government, year after year, to introduce and maintain the wages cap. There is a direct and linear link between the decisions of those opposite to introduce and maintain a wages cap for decades—

The PRESIDENT: Order!

The Hon. ROSE JACKSON: In fact, that is exactly the factor that has contributed to the crisis we are in. It is n=1. There is a direct link between the former Government's policies and this crisis. Not only do Opposition members have the gall to ask these questions after having created the crisis, but they act as though they have a solution! I have a solution and I have a plan. The Government has contingency measures in place, and the matter is with the Industrial Relations Commission. We have given the commission the powers to determine the outcome. We have a clear plan.

The PRESIDENT: Order! There are too many interjections.

The Hon. ROSE JACKSON: Does the Opposition think we should agree to the demand for a 25 per cent pay rise? I have absolutely no idea about its plans.

The PRESIDENT: Order! The Minister will resume her seat. There are too many interjections. I have not mentioned any members and I do not want to start, particularly with the Hon. Natasha Maclaren-Jones. I will not do so if she behaves. The Minister has the call.

The Hon. ROSE JACKSON: Opposition members, having caused the crisis, having been directly responsible for this situation occurring in the first place, have absolutely no policies, ideas or suggestions. At this stage I will even take a thought bubble about how to respond to the crisis, but they cannot even—

The PRESIDENT: Order! The Minister will resume her seat. Three minutes remain until the end of question time. Members will restrain themselves during that time. The Minister has the call.

The Hon. ROSE JACKSON: To reiterate, I will not take up the invitation to offer a running commentary on matters before the IRC, but I will take up the invitation to call out the hypocrisy of those opposite. They caused this crisis and have absolutely no plan to deal with it. [*Time expired.*]

NORTHERN BEACHES BUS SERVICES

The Hon. Dr SARAH KAINE (14:29): My question is addressed to the Minister for Transport. Will the Minister update the House on the Government's actions to assist bus passengers on the northern beaches by delivering more articulated buses and updating New South Wales's ageing bus fleet?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:29): I thank the Hon. Dr Sarah Kaine for her question. This is good news for passengers on the northern beaches. Firstly, I thank them for their patience. They have had a tough time as they work through a driver crisis and then through some other issues, but help is on the way for those who have been hit hardest by the shortage of articulated bendy buses. I thank also the Bus Industry Taskforce, which uncovered what could be described only as a fleet time bomb that had been left building up over time. There was no replacement plan for high-capacity buses like articulated and double-decker buses. Do members know when the last articulated bus was procured? I was quite shocked when I was briefed as an incoming Minister. The last articulated bus was procured in 2011, which is why we have the problem we have. It left an older fleet becoming harder and harder to maintain. That is why 83 Volvo articulated buses were temporarily removed from service. Those removed buses were built between 2005 and 2006, well before the former Government was in office.

The PRESIDENT: The Hon. Natalie Ward will cease interjecting.

The Hon. JOHN GRAHAM: Transport for NSW discovered cracking in the back half of those bendy buses. It could not have come at a worse time, because the northern beaches had already been hit by the driver shortage the former Minister did so much to work through with the agency. As that improved, we were then hit by this issue. That is why the Government is addressing the gap in the ageing high-capacity bus fleet by moving to buy 50 new diesel-powered, Euro 6 articulated buses, as well as 10 double-decker buses to supplement the B-Line fleet. That is welcome news on the northern beaches. These new buses are expected to commence to roll out and into service late in the year.

We are taking other steps to improve service, including repairs to the first six existing articulated buses, which are underway. They are forecast to return to service from April 2025. That will make a real difference. It has been well received. We are also improving support for passengers at key locations, like Dee Why and Wynyard, to make sure that they know what is going on. We continue to look for fleet opportunities and to shift buses around, with extra marshalling. I thank the community for its patience. There is help on the way, but there needed to be. Between the driver shortage and the issues of a fleet that had simply not been renewed, passengers, especially on the northern beaches, were suffering. So I thank them for their patience. Help is on the way.

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

LONG-DURATION BATTERY PROCUREMENT

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:32): I provide more information in answer to the question asked by the Leader of the Opposition about Quinbrook and CATL. This is what I can provide to date. The eligibility criteria for the road map for tenders for long-duration storage, conducted by Australian Energy Market Operator Services, which is our direct relationship with procurement, requires compliance with Australian's Modern Slavery Response and Remedy Framework. That is examined as part of the process, but we will continue to monitor the issues as they emerge.

Supplementary Questions for Written Answers

ELECTRIC BUS PROCUREMENT

The Hon. NATALIE WARD (14:33): My supplementary question for written answer is directed to the Minister for Transport. What is the minimum local content required for electric buses currently being supplied under Bus Panel 4? What is the percentage of local content specified by Custom Denning, by Foton Mobility Distribution, by VDI-Yutong and by Volvo? How is this percentage calculated and verified?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DAMIEN TUDEHOPE: I move:

That the House take note of answers to questions.

ELECTRIC BUS PROCUREMENT

The Hon. DAMIEN TUDEHOPE (14:34): I take note of answers given today by the Minister for Transport. A week ago the Minister was asked this question in a budget estimates hearing:

Are you aware that the Australian Uyghur Tangritagh Women's Association is calling on your Government to rip up the contracts and strengthen procurement mandates? Are you aware of that call?

The Minister answered, "I was not personally aware of that call." That was a week ago. An almost identical question was asked in this House today. The Minister said, "I am not aware of that call." Where has he been? That call was made a week ago, in relation to exactly the same subject matter. The bloke is asleep. He cannot have any idea about calls being made about potential breaches of the anti-slavery procurement regulations, which should surround procurement in New South Wales. The most appalling part of his answers today related to concerns about CATL batteries, raised by Globalworks. He sought to diminish those concerns, saying that the Opposition is overstating this, and ought to be more careful in relation to the way in which it characterises the report of organisations like Globalworks.

In fact, the Opposition highlighted the concerns by effectively saying that they exist. The Minister says that they do not exist really and that they are only identified as high risk. Seeking to diminish the Opposition's concerns in that manner does the Minister absolutely no credit whatsoever. He should have come into this House today knowing these issues would be raised. Clearly, he came in with an extensive brief on the subject matter. He should have come in and actually identified for the House those steps which should be taken. If he were determined to be transparent for the benefit of the people of this State, he would identify the process which he will adopt in the event that the Anti-slavery Commissioner confirms the concerns that have been raised.

Will the Minister walk away from those contracts in circumstances where those concerns are confirmed? If he is not prepared to do that, we are very concerned. When we raised this matter originally, the Minister for Domestic Manufacturing and Government Procurement was prepared to laugh about the issue, while saying, "We are taking it seriously." This side of the House takes these issues seriously. The Government has said that the former Government bought buses from the same companies, but we did not do it against a background where we had the benefit of those sorts of reports. The Government ought to take the concerns seriously by telling us what it will do.

TROPICAL CYCLONE ALFRED RECOVERY

Ms SUE HIGGINSON (14:37): I take note of a number of the answers about the extreme weather event, Ex-Tropical Cyclone Alfred, in my part of the State, the Northern Rivers. I note all of the responses given by the Government and its efforts to be there for the community, but I raise something nobody mentioned, which is the harm and trauma and incitement that came after the Premier, Chris Minns, made the absolutely absurd and fatal error of getting on 2GB in the early hours of the morning, after he had been swanning around the region and the disaster zone, after he had returned home and had the comfort of his own bed, I assume. He got up the next

morning, in the early hours, went straight on 2GB, spoke with Ben Fordham and said, "Actually, I have made a decision. I am just going to demolish some of the beautiful, old, Big Scrub homes at the bottom of Pine Street in North Lismore."

Those houses on Pine Street in North Lismore are part of a community that lives on the confluence of the rivers that in 2022 experienced the biggest flood in our time—one that riled and smashed my community, which has still not recovered. They are also on the front line of the combined housing, climate, cost-of-living and homelessness crises. It is a part of the State in which I have spent so much of my life. Right now a positive group of beautiful people—some vulnerable, all homeless—are residents of Pine Street. They are peacefully, respectfully, tidily and considerately occupying some homes that were promised to be relocated. Last weekend saw literal vigilante violence, attacks and damage perpetrated on those people. I was there and witnessed an act. I tell members in no uncertain terms that the impunity felt by those vigilantes came after Chris Minns made that reckless, unconsidered and heartless announcement.

ELECTRIC BUS PROCUREMENT

The Hon. AILEEN MacDONALD (14:40): I take note of an answer provided to me by the Minister for Transport and say that it was inadequate. The New South Wales Government claims to be committed to fairness, yet here we are talking about taxpayer dollars funding a procurement deal tainted by forced labour. The evidence is clear: Uyghur forced labour is well documented, with at least 38 companies in China's automotive sector engaging in state-sponsored labour transfers. A United States [US] congressional report found indisputable links between Contemporary Amperex Technology Co., Limited batteries and forced labour camps. Even the NSW Anti-slavery Commissioner is investigating, yet this Government is dragging its feet.

The Minister may say that the Government is reviewing the procurement framework, but that is not good enough. Procurement laws already require that goods must not be the product of modern slavery, so why were these contracts signed in the first place and why will the Government not commit to cancelling them? This is not an isolated issue. China dominates global electric vehicle battery production. The supply chains are compromised, and this Government must prove that it is not complicit in human rights abuses. Other governments are taking action. The US has banned imports, Canada and the United Kingdom are introducing stronger supply chain laws, yet in New South Wales we are funding contracts connected to the very same abuses. I ask the Government: Will it immediately freeze contracts with Foton Mobility Distribution and Yutong until it can guarantee no forced labour was used, or will it continue to hide behind process while people suffer in modern slavery?

PSYCHIATRY WORKFORCE

The Hon. STEPHEN LAWRENCE (14:42): I make a contribution to debate on the answer given by the Hon. Rose Jackson in relation to the psychiatrists issue that she as Minister is currently dealing with. Those are highly qualified specialists doing incredibly important work in not only our public health system but also our criminal justice system. Under legislation, they have important functions that relate closely to the criminal law. It really is subject matter of the utmost importance. It is a case of the chickens coming home to roost, except in this case they are not the Government's chickens. For 11 years these highly specialised and qualified professionals were subject to a wages cap—a crude measure that applied to our public sector across the board irrespective of circumstances and irrespective of particular needs.

Now we see this claim made for a 25 per cent wage increase. If those opposite had been returned at the last election, they surely would have been dealing with this exact same situation. One can only assume they would have dealt with it through the continuation of a wages cap. They would have continued to apply a blunt and indiscriminate measure that did substantial damage to our public service across the sectors. It was unsustainable for 11 years; it would have been unsustainable for another four. Despite those opposite creating this situation and bringing no substantive solution or policy proposal to the table in terms of how the Government should deal with it, they continue to make political mileage of it in this opportunistic way. It really needs to be called out. The chickens are coming home to roost, but they are their chickens, not ours.

Indeed, we have legislated to create a legal framework that ultimately gives public sector workers of all types and descriptions this mechanism to go to the Industrial Court and have these matters determined fairly. The Government is on the record that it will comply with decisions made by that body, and those people who work across the public sector have that assurance in place. The political hypocrisy and opportunism need to be repeatedly called out so that all those interested people across the community who might be listening to these misleading statements know the truth about it. Those opposite created this situation and now seek to make mileage out of it, without putting forward any constructive solutions.

NORTHERN BEACHES BUS SERVICES

The Hon. RACHEL MERTON (14:46): I take note of the comments by the Minister for Transport about the Government's acquisition of new buses for the North Shore and northern beaches. I was pleased to sit on Portfolio Committee No. 6 - Transport and the Arts for budget estimates on the same day that the Minister announced the acquisition of those buses. There were media headlines that morning—"New buses are coming". The budget estimates proceedings commenced at nine o'clock. The Minister was there with a big smile on his face, saying, "I've got good news for New South Wales."

But today the issue remains, with Anna Usher from the Mosman Collective reporting daily updates of 400-metre queues for the buses. Eighty-three buses were removed, but in the interim there is nothing, so commuters wait. Kids cannot get to school. It is commuter chaos. There are reports of another 400 people waiting and a 700-metre queue. Those passengers are taxpayers who want to go from the North Shore and the northern beaches to the CBD and then go home again. People cannot plan their day. Workplaces are having unpredictable arrivals of workers. It is bus chaos. The questions I raised in estimates regarding the interim measures remain unanswered. What can be done now? We are not getting anything on this.

The Minister talks about looking at continuing to use fleet opportunities. Where are the buses that are used for circumstances of rail closures? There are double-decker buses that have been acquired as museum pieces. The question remains: What is happening in the interim on this? I recognise the work of the member for Willoughby, Tim James. He has made over 50 representations on this. Commuters are angry. They are being let down. The Government announcement means nothing. We do not know when the first new bus will actually hit the streets of Sydney. Passengers need a better deal than a headline announcement with no buses and no interim arrangements in place.

TROPICAL CYCLONE ALFRED RECOVERY

The Hon. SCOTT BARRETT (14:48): My ears pricked up when I heard the Minister for Agriculture, in particular, tell the House what the Government is doing for those affected by the cyclone in the Northern Rivers. Once again, all members heard was chest beating after doing the bare minimum. Yes, the Minister visited the area, but I would have expected nothing less. A cyclone response centre was set up in Orange, of course. An animal welfare hotline was set up for those who might need it. That was after a lot of talk and a lot of preparation for what could have been a pretty disastrous event. Even though it was not as bad as it could have been, it still affected a lot of people in the area. We heard about those bare-minimum actions. We heard nothing about the farmers who have requested fodder but have been rejected. We heard nothing about grants or even loans that are or will be made available for farmers. We heard nothing about what money is going to be made available to councils to repair the roads. Farmers are going to need to get machinery in to do repairs on their properties as well as to get produce out. Milk comes to mind straightaway.

Scarily, we heard nothing about what additional resources are being made available or committed to reduce, minimise or eliminate the biosecurity risks that might come with the flood. Of course, there will be increased risks of weeds spreading out of this event. We have got cane toads in that area. Scarily, we have got tilapia in a lot of the waterways in the northern part of the State. Obviously, we have all seen footage of fire ants. At the moment, they are posing risks, with rafts forming and floating down the floodwaters. We heard nothing about what is being done to prepare for that biosecurity risk. We need to hear more from the Government on what it is doing to address those issues. We need to hear it now. If those risks—fire ants and tilapia—spread further, we are in for some really, really big problems that are going to cost far more than a bit of resourcing will now.

The other comment I will add is that people who want to support people in the Northern Rivers who are affected should be careful about how they donate. Donations can do harm after a natural disaster. If people are thinking about taking truckloads of donations up to that area, I ask them to please not. They should look for organisations that are going to use the money and spend it in the affected area. One example I will give is my former workplace, GIVIT, which is doing a fundraiser at Bunnings on 21 March. People should get along to that and buy a sausage. The money will be used to buy the items needed by the people affected by the cyclone and subsequent flooding in the areas affected. That will help not only the people, but also the local community.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:51): I thank—

The Hon. Wes Fang: Just say sorry.

The Hon. JOHN GRAHAM: It is quite alarming having the Hon. Wes Fang interject. It is quite disconcerting. I thank members for their contributions. It was another robust question time. The Leader of the

Opposition made his case on modern slavery strongly. I know he does actually care about these issues. I really do recognise that. But he did not make it better by again overstating his case about the position of the Government or by caricaturing it in that way. He simply did not help the case that he is trying to make. Opposition members also did not help their case by insisting that the Anti-slavery Commissioner is investigating these matters and, therefore, the Government should take them seriously.

In fact, as I understand it, the Anti-slavery Commissioner is not investigating these matters because the power to investigate was not granted in the legislation debated in this Chamber and passed by the former Government. Opposition members have called on the Government to reverse the onus of proof in the legislation that we passed together. The test in the legislation is this: The Government must take reasonable steps to assure itself that it is not procuring content with modern slavery in it. That is the test the Government is applying. The Opposition is now asking us to reverse the onus and say, "If you're not sure and there is some doubt, then you should break the contracts and stop buying the buses."

To the question of whether the Government will immediately freeze the contracts until we can guarantee that the supply chains are free of modern slavery, I say no, the Government will not do that. That is the opposite of what the legislation requires. We are taking the legislation very seriously. I emphasise that. We are taking reasonable steps. We will take further steps. I can update the House that the Government will take further steps than have been taken to date. But no, the Government will not reverse the onus in the Act and immediately cease purchasing. The issues raised are important, but they are not helped by overstating. They are not helped by calling for an investigation that is not allowed for. They are not helped by asserting that an investigation is happening when that cannot occur.

I do recognise the comments of the Hon. Rachel Merton. As usual, she is spot on. I agree with a lot of the comments she made about the impact the issue is having on the ground. I thank her for placing her concerns on record. It is a tough moment. I do not agree that we are doing nothing in the meantime. There are bus changes being driven. There is marshalling making this better. We are weeks away from having some of those repaired buses on the streets. The other buses will be delivered by the end of 2025. Of course, that is not helped by the fact that the last articulated bus was purchased in 2011.

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

Motion agreed to.

Deferred Answers

PSYCHIATRY WORKFORCE

In reply to **the Hon. DAMIEN TUDEHOPE** (11 February 2025).

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:

NSW Health initially brought the issue of the industrial action by the staff specialist psychiatrists to the attention of the Industrial Relations Commission in October 2024.

In response to impending resignations, the New South Wales Government had been acting with urgency in pursuing arbitration as a means to resolve the industrial dispute.

At the directions hearing on 21 January 2025, the parties agreed to an expedited arbitration of the matter resulting in a hearing being set down for 17 March 2025.

The New South Wales Government looks forward to going to the IRC hearing and having this matter resolved.

FIREARMS LICENCES

In reply to **the Hon. ROBERT BORSACK** (11 February 2025).

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 data requested is unable to be provided. Any information in relation to disability or impairment would be contained in database narratives and cannot be extracted for statistical purposes.

FIREARMS LICENCES

In reply to **the Hon. ROBERT BORSACK** (11 February 2025).

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:

The Health Risk Assessment does not contain a specific policy position in relation to vision-impaired or wheelchair-bound firearms licence holders. Any illness, injury, or disability that is likely to impair a person's ability to meet requirements must be carefully considered in the context of whether the person can safely possess and use a firearm without increased risk to themselves or others. The existence of any illness, injury, or disability does not, in and of itself, prevent a person from applying for or being issued a firearms licence.

WORKERS COMPENSATION

In reply to **Ms ABIGAIL BOYD** (11 February 2025).

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

I am advised:

NSW Treasury, State Insurance Regulation Authority [SIRA], Insurance and Care NSW [icare] and Department of Customer Service are providing ongoing advice on workers compensation reforms.

The Government will consult with businesses, workers and their representatives on any future reforms to New South Wales workers compensation schemes.

SYDNEY WATER ANNUAL REPORT

In reply to **the Hon. NATALIE WARD** (11 February 2025).

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:

Per the Treasurer's Direction (TD23-11 Annual Reporting requirements), Sydney Water was required to ensure its annual report is prepared and supplied to the responsible Minister within four months after the end of its annual reporting period. I can confirm that Sydney Water complied with this direction, and it supplied both electronic and hard copies of its annual report to myself, the Treasurer, and the Minister for Finance, on 31 October 2024.

As the honourable member would know, Sydney Water cannot distribute or publish its annual report until it has been tabled in both Houses of Parliament. I am pleased to confirm that on 11 February 2025, at 2.12 p.m. exactly, Sydney Water published its annual report on its website, within 24 hours of it being tabled in this House.

INSTITUTIONAL CHILD SEXUAL ABUSE

In reply to **the Hon. JEREMY BUCKINGHAM** (12 February 2025).

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

I am advised:

In *Bird*, the High Court found that a relationship of employment is a necessary precursor to a finding of vicarious liability on the part of an institution for historical criminal abuse. The High Court did not expand the common law principle of vicarious liability to relationships "akin to employment" including relationships between churches and clergy. The High Court observed that reforming the law of vicarious liability is a matter for the legislature.

In 2018, the New South Wales Government amended the Civil Liability Act 2002 to prospectively extend the common law of vicarious liability so that it applies not only to employees but also to those akin to employees (such as priests and volunteers). The reforms further introduced a statutory duty on certain organisations to take reasonable steps to prevent child abuse, with a reverse onus of proof.

These reforms implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) to make institutions liable for child sexual abuse by persons associated with the institution. The Royal Commission explicitly recommended these changes be made prospectively only.

I have been briefed by the Department of Communities and Justice regarding *Bird* and its implications.

On 21 February 2025, the Standing Council of Attorneys-General [SCAG] met and discussed the implications of the High Court's decision. SCAG noted the implications of the High Court's decision in *Bird* and the current legislative frameworks in Australian jurisdictions relating to institutional liability for child sexual abuse. SCAG further agreed that jurisdictions would work together to further consider the High Court's decision and consider potential reform options.

PSYCHIATRY WORKFORCE

In reply to **Dr AMANDA COHN** (11 February 2025).

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 part of contingency planning related to the planned resignation of staff specialist psychiatrists, NSW Health is working with private health facilities to explore their capacity to provide care and treatment to involuntary patients.

In this context, NSW Health is developing a formal process to assess and declare private hospital units as a declared mental health facility under the Mental Health Act 2007. Any approved process will ensure private facilities comply with obligations and regulations under the Private Health Facilities Act 2007 and the Mental Health Act 2007.

As of 11 February, there has been no determination to declare a private facility as a declared mental health facility as part of contingency planning related to the resignation of staff specialist psychiatrists.

The use of private facilities in this context is a recognised part of mental health service systems across jurisdictions in Australia.

SYDNEY WATER PFAS TESTING

In reply to **Ms CATE FAEHRMANN** (11 February 2025).

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:

Sydney Water monitors and reports on water quality in accordance with the Australian Drinking Water Guidelines.

Its rigorous testing program includes monitoring for 45 PFAS analytes. Currently, Sydney Water publicly reports data for three analytes – PFOS, PFOA, and PFHxS – as these have guideline values outlined in the Australian Drinking Water Guidelines.

Sydney Water's comprehensive water quality data, including results for all 45 PFAS analytes, is discussed with NSW Health, and shared as needed, to support ongoing monitoring and assessment of potential trends or changes.

Sydney Water is committed to transparency and ensuring the community has access to relevant water quality information. It has heard calls from its customers for greater access to PFAS testing data. Until now, Sydney Water's priority has been to publish results for analytes with guideline values in the Australian Drinking Water Guidelines. However, when additional information has been requested, Sydney Water has always been willing to provide it.

In response to customer interest, Sydney Water will begin publishing results for all 45 PFAS analytes from drinking water testing on its website as soon as possible, on a monthly basis.

SYDNEY WATER PFAS TESTING

In reply to **Ms CATE FAEHRMANN** (11 February 2025).

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:

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In response to customer interest, Sydney Water will begin publishing results for all 45 PFAS analytes from drinking water testing on its website as soon as possible, on a monthly basis.

WILDLIFE MANAGEMENT LICENCES

In reply to **the Hon. EMMA HURST** (12 February 2025).

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:

In 2023, the National Parks and Wildlife Service [NPWS] provided licences authorising lethal control measures for 227,721 native animals, the vast majority of which were for the control of macropods (i.e. kangaroos). The 227,721 represents the maximum number authorised to be controlled with the actual number of native animals controlled being lower.

Before NPWS issues a licence authorising lethal control, a landholder must demonstrate that non-lethal methods have failed and that the animals are a threat to human safety, damaging property or causing economic hardship.

It is understood the 657,203 figure reported by the Humane Society International includes licences issued under the Native Game Bird Management Program. This is a matter for the Department of Primary Industries and Regional Development.

A public register of all licences to harm issued by NPWS is available on the department's website. I am advised that the number of licences issued by NPWS has been relatively stable over the last 10 years, noting that fluctuations occur year to year.

MINISTERIAL CAR USE

In reply to **the Hon. NATALIE WARD** (12 February 2025).

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:

Travel in government vehicles is a contribution to travel not requiring disclosure under the Constitution (Disclosures by Members) Regulation 1983.

RACING NSW AND CROWN LANDS

In reply to **the Hon. MARK LATHAM** (12 February 2025).

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

I am advised:

The Department of Planning, Housing and Infrastructure has not received any representations from Racing NSW for the sale or transfer of freehold title of Crown land during this term of government.

RACING NSW AND CROWN LANDS

In reply to **the Hon. MARK LATHAM** (12 February 2025).

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

The department has not received any representations from Racing NSW for the sale or transfer to freehold title of Crown land during this term of government.

The Government, like local communities, strongly values Crown land. It is a precious asset that delivers social, cultural and environmental benefits across the State.

For this reason, Crown land is generally not sold. On rare occasions, when there is a demonstrable public benefit, parcels of Crown land may be available for purchase. However, this occurs only when an assessment confirms the land is not required for government use, and that it does not have a community benefit or a strategic purpose.

MINISTERIAL CAR USE

In reply to **the Hon. CHRIS RATH** (12 February 2025).

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 I have previously indicated, my use of ministerial drivers was in accordance with the requirements in the *Ministers' Office Handbook*.

The *Minister's Office Handbook* provides that the cost of allowances and overtime for ministerial drivers on public holidays are recovered from the relevant office holders' approved budget.

HEALTH WORKFORCE

In reply to **the Hon. TAYLOR MARTIN** (12 February 2025).

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:

The New South Wales Government is committed to ensuring junior medical officers [JMOs] work in organisations that uphold a culture of respect and support. Hunter New England Local Health District has unreservedly apologised to all John Hunter Hospital JMOs for the hurt and frustration caused by the email.

NSW Health has undertaken extensive work to support the wellbeing of JMOs, including:

- developing an initiative to support rostering review and safe hours policies and practices that enables local health districts to monitor the hours worked by JMOs and adjust staffing arrangements when necessary
- offering dedicated support services to JMOs through the Delivering Under Pressure coaching service and the JMO Support Line
- engaging the Black Dog Institute to develop the Shift app that uses evidence-based insights and early career doctors' real-world experiences to build skills in mental health and fitness.

Hunter New England Local Health District undertook a review of JMO consecutive shifts following claims of excessive night shifts outside of safe hours rostering practices. In the preceding six months no JMO had been rostered by the district for more than seven consecutive nights which is in line with safe rostering practices of NSW Health and supported by the Australian Salaried Medical Officers' Federation.

NSW Health has recently released the NSW Health *Culture and Staff Experience Framework* that sets the direction and behavioural expectations for developing the workplace culture and cultivating a positive staff experience that brings out the best in everyone.

The New South Wales Government will continue to listen to our valued JMOs as they advise us on what is important to them, and to ensure they have access to the right levels of support and professional development.

COUNCILLOR CONDUCT FRAMEWORK

In reply to **the Hon. TANIA MIHAILUK** (12 February 2025).

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:

Consultation on a discussion paper to create a new framework for councillor conduct and meeting practices closed at the end of November 2024.

Over 200 submissions were received to the discussion paper, including a submission from the Independent Commission Against Corruption.

This feedback is being collated and reviewed to inform the next stage of Councillor Conduct Framework reform in the first half of 2025. Submissions to the discussion paper will be released publicly during this process unless confidentiality has been requested.

RACING NSW AND CROWN LANDS

In reply to **the Hon. MARK LATHAM** (12 February 2025).

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

The Department of Planning, Housing and Infrastructure is reviewing the process for appointing Racing NSW as Crown land manager for Queanbeyan Racecourse.

Any actions in relation to the appointment will be informed by the outcomes of the review.

RACING NSW AND CROWN LANDS

In reply to **the Hon. MARK LATHAM** (12 February 2025).

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

Refer to answer to Question LC 3270.

FIREARMS LICENCES

In reply to **the Hon. MARK BANASIAK** (13 February 2025).

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:

Information in relation to an individual offender's physical characteristics, such as facial hair, tattoos and scars is contained in database narratives and cannot be extracted for statistical purposes. NSW Police Force cannot determine the "root cause" of an offence.

FIREARMS LICENCES

In reply to **the Hon. MARK BANASIAK** (13 February 2025).

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:

The NSW Police Force does not hold data on the number of New South Wales police officers with facial hair, tattoos or scars.

FIREARMS LICENCES

In reply to **the Hon. MARK BANASIAK** (13 February 2025).

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:

As of 21 February 2025, one (1) officer with a suspended civilian firearms licence and 49 officers with revoked firearms licences have access to their service firearms (details as per below).

Number of NSWPF officers	Revoked licence details
41	Related to previous employment as security guards where they did not maintain their civilian firearms licence due to new employment as police officers.
4	Subject to AVOs requiring mandatory revocation.
2	Subject of AVOs now past the 10-year mandatory revocation but have not re-applied for a civilian firearms licence.
1	Mental health related - licence holder was non-operational with no access to their service firearm, however, has since returned to full operational duties but has not re-applied for a civilian firearms licence.
1	Due to "no genuine reason" for firearms licence provided.

FIREARMS LICENCES

In reply to **the Hon. MARK BANASIAK** (13 February 2025).

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:

The decision to return a NSW Police Force service firearm to an officer is based on individual circumstances including the risk to other parties and the public.

FIREARMS LICENCES

In reply to **the Hon. ROD ROBERTS** (13 February 2025).

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:

The decision to return a NSW Police Force service firearm to an officer is based on individual circumstances including the risk to other parties and the public.

ELECTRIC BUS PROCUREMENT

In reply to **the Hon. SARAH MITCHELL** (19 February 2025).

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 New South Wales Government expects all its suppliers to meet the highest ethical standards and behaviours.

The *Supplier Code of Conduct* outlines the ethical standards and behaviours we expect from ourselves and our suppliers.

I am advised that buses are procured in New South Wales from approved suppliers as determined by Bus Panel 4.

Bus Panel 4 is a formal and long-standing procurement process operated by Transport for NSW [TfNSW]

The deed of standing offer that applies for bus procurement under Bus Panel 4 has provisions concerning modern slavery.

In accordance with the New South Wales Government procurement framework government agencies are responsible for the day-to-day management and enforcement of contractual provisions.

New South Wales government agencies can seek best practice advice from the NSW Anti-slavery Commissioner on modern slavery due diligence in New South Wales government contracts.

The New South Wales Government has accepted a recommendation by the Independent Commission Against Corruption to consider a supplier debarment scheme.

On 1 September 2024 I announced that we will ban suppliers who engage in serious misconduct or abuse of trust from doing business with the New South Wales Government.

The debarment scheme will define the rules and process which can be used to stop a supplier from doing business with the New South Wales Government.

ANTISEMITISM LEGISLATION

In reply to **the Hon. TANIA MIHAILUK** (19 February 2025).

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

I am advised:

The New South Wales Government has responded to rising incidents of antisemitic behaviour in New South Wales with a suite of reforms which were passed by the Parliament on 20 and 21 February 2025.

These include reforms introduced by the Crimes Amendment (Inciting Racial Hatred Act 2025 which introduces an offence of publicly and intentionally inciting hatred towards another person or group of persons on grounds of race.

The Government is committed to protecting the community from racial hatred.

ANTISEMITISM LEGISLATION

In reply to **the Hon. TANIA MIHAILUK** (19 February 2025).

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:

On 20 and 21 February 2025, the Parliament passed a suite of reforms to respond to rising incidents of antisemitic behaviour in New South Wales.

This included the Crimes Amendment (Inciting Racial Hatred) Act 2025, which will commence on proclamation and introduce a new offence of intentionally inciting racial hatred by a public act.

Agencies have systems in place to ensure staff are made aware of legislative changes that affect how they do their jobs. Agencies are working to ensure they are operationally ready when the offence commences. The NSW Police Force has policies and processes in place to educate staff and support enforcement of new and amended laws.

RACING NSW AND CROWN LANDS

In reply to **the Hon. MARK LATHAM** (19 February 2025).

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

I am advised:

The Government will review the process for appointing Racing NSW as Crown land manager for Queanbeyan Racecourse. Any actions in relation to the appointment will be informed by the outcomes of the review.

ELECTRIC BUS PROCUREMENT

In reply to **the Hon. SARAH MITCHELL** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

Under the NSW Treasury whole of government Financial Assessment Services Scheme, each shortlisted supplier to the Bus Panel 4 was assessed by a Transport for NSW appointed independent financial assessor to determine financial capacity, including understanding the supplier's ownership and structure.

While Halifax Capital had an interest in GoZero Group Limited, I am advised that Mr Tsihlis's interests are being acquired by another entity.

HUNTER TRANSMISSION PROJECT

In reply to **the Hon. MARK BANASIAK** (20 February 2025).

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:

Within the project impact area there are 250 hectares of BSAL which may be affected during construction. The final Permanent Easement (70m wide) is expected to contain 94 hectares. This BSAL is mainly along the Hunter River in the northern part of the proposed transmission corridor.

Disturbed areas of mapped BSAL will be rehabilitated following construction. This will facilitate the return of BSAL status to areas outside the operational transmission easement. In other words, they would continue to be classified as highly suitable for agriculture.

Cropping and livestock grazing is permitted within the transmission easement however will be subject to some restrictions for safety and operational reasons. To minimise impacting the productive value of this BSAL, EnergyCo has realigned the proposed transmission corridor away from farming operations where possible.

These impacts will be assessed as part of the detailed environmental impact statement, which EnergyCo expects to lodge with the Department of Planning, Housing and Infrastructure in mid-2025.

FIREARMS LICENCES

In reply to **the Hon. ROBERT BORSAK** (20 February 2025).

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 data requested is unable to be provided. Any information in relation to disability or impairment would be contained in database narratives and cannot be extracted for statistical purposes. The existence of an illness, injury or disability does not, in and of itself, prevent a person from applying for or being issued a firearms licence.

FIREARMS LICENCES

In reply to **the Hon. ROBERT BORSAK** (20 February 2025).

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:

The Health Risk Assessment does not contain a specific policy position in relation to dyslexia and/or dyspraxia. Any illness, injury, or disability that is likely to impair a person's ability to meet requirements must be carefully considered in the context of whether the person can safely possess and use a firearm without increased risk to themselves or others. The existence of an illness, injury or disability does not, in and of itself, prevent a person from applying for or being issued a firearms licence.

FIREARMS LICENCES

In reply to **the Hon. WES FANG** (20 February 2025).

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:

The NSW Police Force is unable to provide a response regarding criteria used by other New South Wales Government agencies.

ELECTRIC BUS PROCUREMENT

In reply to **the Hon. NATALIE WARD** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

The searches conducted by and on behalf of Transport for NSW to date have not located any publicly available record of any criminal conviction or past or present criminal legal proceedings against Mr Kyriakos Tsihlis, for either tax evasion or as a company director in connection with any phoenixing activities.

I am further advised that Mr Tsihlis's interests in the relevant entities are being acquired by another organisation.

ELECTRIC BUS PROCUREMENT

In reply to **the Hon. NATALIE WARD** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

Transport for NSW conducts financial risk assessments and requires additional due diligence questionnaires covering modern slavery, safety, cybersecurity, and other key risk areas on shortlisted suppliers. In some cases, further screening is undertaken on a supplier's legal structure, directorship, and ultimate beneficial owners.

At an enterprise policy level, Transport for NSW has begun implementing a risk-based, standardised, process for end-to-end supplier due diligence activities, including financial risk assessments, risk questionnaires, and independent supplier screening.

Transport for NSW is undertaking enhanced screening of all bus suppliers appointed to Transport's Bus Procurement Panel 4, including a review of its directors and ultimate beneficial owners to identify any key risks to ensure greater transparency and compliance with procurement standards.

RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

In reply to **Ms ABIGAIL BOYD** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

Kingston Reid is the law firm providing legal support to Sydney Trains and NSW Trains for the bargaining.

RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

In reply to **Ms ABIGAIL BOYD** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

The figure I provided to the House is for external legal fees for legal support provided to Sydney Trains and NSW Trains in respect of all aspects of the bargaining from May 2024 up until 31 January 2025. It was not just fees incurred in the year to date or relating only to the hearings and appearances in the Fair Work Commission.

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

In reply to **the Hon. MARK LATHAM** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

The rail agencies have been engaging in negotiations since May 2024 for a new enterprise agreement to replace the 2022 agreement covering Sydney Trains and NSW TrainLink employees. Any agreement will be in line with the Government's Fair Pay and Bargaining Policy and will include an increase to wages and conditions as negotiated between the parties. Discussions will continue including through negotiations with the unions due to occur in the Fair Work Commission on Friday, 28 February 2025.

On 19 February 2025, the Fair Work Commission ruled in favour of the rail agencies' s425 application for a suspension of industrial action, ordering a "cooling off" period until July 1 2025. The Combined Rail Unions and Electrical Trades Union must abide by this ruling, which includes advising their members of their obligations.

The rail agencies, as with all employers, are not able to stop employees using their leave entitlements such as sick leave; however, any misuse of sick leave will be dealt with through the agencies' usual attendance management processes.

ELECTRIC BUS PROCUREMENT

In reply to **the Hon. DAMIEN TUDEHOPE** (20 February 2025).

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)—The Minister provided the following response:

I am advised:

All suppliers appointed to Bus Procurement Panel 4 are required to undergo an independent financial assessment and comply with the applicable provisions of the Modern Slavery Act 2018 (NSW).

As part of the procurement process for Bus Procurement Panel 4, suppliers were required to provide information regarding how their business identifies, manages and addresses the risk of modern slavery in their operations and supply chains.

Under the terms of the Bus Procurement Panel 4 deed of standing offer, suppliers warrant that as at the date they execute the deed, neither they, or entities they own or control, have been convicted of a modern slavery offence, nor has to the best of their knowledge any sub-contractor. The deed also contains numerous obligations on suppliers aimed at achieving modern slavery compliance.

These include requiring suppliers to also take reasonable steps to ensure that modern slavery is not occurring in their supply chains.

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: I postpone Government business order of the day No. 1 until a later hour of the sitting.

*Ministerial Statement***WORKPLACE PSYCHOLOGICAL INJURIES**

The Hon. DANIEL MOOKHEY (Treasurer) (16:16): The Government will soon present to Parliament bills designed to curb the rising number of psychological injuries that people are experiencing at work. The reforms will recognise that our workplace health and safety and our workers compensation laws are failing both to prevent psychological injuries and to treat those with psychological injuries quickly. This failure hurts workers, punishes large and small businesses, and wastes billions of dollars of public resources. Simply put, the State's workplace health and safety laws and workers compensation scheme have not kept pace with the needs of the four million people working in New South Wales today, nor with the 338,000 businesses that employ them. Today I intend to shed more light on the rise of workplace psychological injury in our workplaces, and I outline to the House the principles guiding the Government's reforms.

Let me begin by first explaining important elements of our workplace health and safety and workers compensation systems. Workers compensation insurance has been compulsory in New South Wales since 1924. Today two separate insurers cover close to four million employees. There is the Nominal Insurer. It protects about 3.5 million private sector workers, and it is funded from premiums collected from nearly 340,000 mostly small businesses. Then there is the Treasury Managed Fund [TMF]. It covers more than 400,000 public sector workers. The taxpayer funds the TMF. Icare administers both schemes. Most experts agree that neither scheme has ever dealt very well with psychological injury. Historically, the small number of complaints has kept this hidden. But a recent and dramatic rise in cases, coinciding with social and technological changes and growing awareness of mental health, is exposing the system's inability to prevent and treat this type of injury.

Here is how to appreciate the scale at which the problem is growing. The number of psychological injury claims has doubled in six years. By comparison, all other injuries have grown by just 16 per cent during the same period. Here is how different the outcomes are for people with psychological injuries compared to those with physical injuries: On average, 88 per cent of workers who suffer from physical injuries have returned to work within 13 weeks, but 40 per cent of workers with psychological injuries are still languishing in the system after one year off work, still separated from their workplace and more likely to be socially isolated. Predictably, a system that fails to prevent and fails to heal is becoming increasingly expensive. Psychological claims now make up 12 per cent of total workers compensation claims but 38 per cent of the total cost. The average cost of a psychological injury claim has increased from \$146,000 in 2019-20 to \$288,542 in 2024-25. Why? Because the system is not returning workers to health, and then to work, effectively. In fact, it is likely that treating workplace conflict like a physical hazard is exacerbating the problem.

As claim numbers rise and claim durations increase, so do premiums. Businesses have faced an 8 per cent increase in premiums for three years running. Much of those increases followed the scandals that this House exposed in the previous Parliament. Even with those increases, the assets held by the Nominal Insurer do not equal its liabilities. For every \$1 needed to care for injured workers, the Nominal Insurer currently holds only 85¢ in assets. I advise the House that if claims continue growing at recent rates, icare expects that an additional 80,000 people will be injured over the next five years. I further advise the House that the cost of the system is expected to rise too. An employer facing no claims against them, operating a psychologically safe workplace, can expect their premiums to rise by 36 per cent over three years to 2027-28 if we do nothing. On top of that cost, the system severely disrupts their businesses. It sends staff that they have recruited and trained home and impairs their ability to manage interpersonal conflict and run productive workplaces.

The waste of precious time, talent and money has wider implications for our State. Billions of dollars could be better used to invest in capital and people. That is crucial for driving the State's economic growth. Allowing the system to stay on autopilot will only trap more employees, employers and the State of New South Wales in a fate that can be avoided. That is why the system as it currently stands is not sustainable. Our workers compensation system was designed at a time when most people did physical labour—on farms and building sites, in mines or in factories. A system that approaches all psychological workplace hazards the same way as physical dangers needs to change.

New South Wales should have workplace health and safety laws and a workers compensation system that places prevention ahead of compensation in responding to psychological safety. Hence, the legislation that the Government is developing is guided by the following key principles. First, it will give workers the right to call out a psychological hazard before an injury takes place. In practice, that means the Government will look to expand the NSW Industrial Relations Commission, establishing a bullying and harassment jurisdiction modelled on Federal law and requiring a bullying and harassment claim to be heard there first before a claim can be made through the workers compensation system. Second, it will let employees and employers know where they stand. New South Wales defines neither "psychological injury" nor "reasonable management action" in law. The

Government seeks to provide both workers and businesses with certainty. Unlike other States, we prefer an inclusive definition of psychological injury, not an exclusive definition.

Third, we must learn from States like South Australia and Queensland, which are ahead of us in the reform task, especially in setting the whole person impairment threshold. The Government will look to adopt some of their reforms. It will also look to adopt some of the anti-fraud measures recently adopted by the Commonwealth to protect the National Disability Insurance Scheme. Finally, we must administer the workers compensation scheme better. The Government will look to implement many of the recommendations that Robert McDougall made in his independent review of SafeWork NSW, as well as some of the recommendations that the State Insurance Regulatory Authority and the Legislative Council's Standing Committee on Law and Justice have made.

The pending legislation is the next step that the Government is taking to modernise New South Wales's workplace health and safety, workers compensation and industrial relations systems. Since the Government's election two years ago, it has restored the independence of the Industrial Relations Commission, led the nation in combating the return of silicosis as an occupational disease by standing up to the big engineered stone multinationals, and overhauled icare's governance and taken steps to rein in its spending. It is also establishing SafeWork NSW as a standalone regulator. This week the Government will ask this Parliament to lead the world in responding to the gig economy. The changes that the Government intends to introduce are part of its comprehensive strategy to ensure that the workers compensation system, the workplace health and safety system and the industrial relations system all work together and remain fit for purpose.

Shortly, the Government will commence deeper consultation with Business NSW and Unions NSW. I thank both of those organisations for the work that has been done so far. The Government also intends to work with all parties in this place and the other place who recognise the need for reform. This House excels when it grapples with complex reforms that are sorely needed. Undoubtedly, in recent years, the Legislative Council has acquired vast expertise in WHS law and workers compensation. It will soon get the opportunity to use it for the sake of the State's workers and businesses.

The Hon. DAMIEN TUDEHOPE (16:25): I thank the Treasurer and his staff for providing a briefing to my office regarding the Treasurer's statement. I welcome that courtesy that was afforded to me. I also welcome the Treasurer's acknowledgement that the exponential growth in psychological injury claims is putting unsustainable pressure on the two main workers compensation schemes in New South Wales: the Nominal Insurer, managed by icare, which serves the bulk of the private sector, and the Treasury Managed Fund [TMF], also managed by icare, which serves the public sector. When in opposition, the Treasurer was ready to attribute the need for cash injections into the Treasury Managed Fund entirely to alleged mismanagement by icare, never acknowledging that one of the main drivers of the need for those injections was the increase in psychological claims. After becoming Treasurer, he made further cash injections into the TMF before abolishing the prudential requirement for it to hold sufficient assets to balance its liabilities. The replacement policy has not been announced yet.

Acknowledging the impact of the growth in psychological injury claims on the schemes is a good start; how to address that impact is a challenge. We can all agree that preventing psychological injuries in the workplace is a desirable goal. How to achieve that goal is a challenge to which there is no one simple answer. I turn to the specific remedies that are being suggested by the Treasurer. Firstly, the Treasurer proposes establishing a bullying and harassment jurisdiction in the Industrial Relations Commission. Workers would be required to succeed with an application before the IRC before being able to pursue a workers compensation claim. Yesterday we heard lawyers for the New South Wales Government essentially bully a witness for the psychiatrists as if she was on trial for a crime. There is no point in establishing a bullying and harassment jurisdiction if the Government instructs its lawyers to bully any witness who dares to bring a bullying application.

Secondly, the Treasurer proposes an "inclusive" definition of psychological injury and a definition of "reasonable management action". Until we see the definitions, it is not possible to judge if they strike a fair balance between protecting the welfare, including the mental health, of workers and the integrity of the workers compensation schemes. Section 789FD of the Fair Work Act 2009 provides that bullying "does not apply to reasonable management action carried out in a reasonable manner". While it is not defined in the Act, the Fair Work Commission's website provides some useful guidance as to what that means. There is a definition of "reasonable management action" in the Public Interest Disclosures Act 2022. Whether it is fit for use in relation to workers compensation legislation will require careful assessment.

Thirdly, the Treasurer foreshadowed changes to the whole person impairment test. The New South Wales workers compensation guidelines for the evaluation of permanent impairment includes eight pages of guidelines for assessing and scoring the extent of permanent psychological injury. Assessment seeks to reduce to a numerical score the impairment caused by a work-related injury or incident on a person's self-care and personal hygiene; social and recreational activities; travel; social functioning and relationships; concentration, persistence and pace;

and employability. The current threshold is 15 per cent. Victoria has raised that to 21 per cent and South Australia has raised it to 30 per cent. The Treasurer has yet to declare how high he intends to raise the threshold, but his reference to South Australia suggests that a doubling of the threshold may be in view. Naturally, that will cut the costs of the scheme.

Is it fair to workers? The Opposition will listen carefully to all input from stakeholders before forming a view on any proposed change to the threshold. In partnership with SafeWork NSW, the NSW Small Business Commissioner and various research bodies, icare has done some excellent work on the prevention of psychological injuries at work through maintaining a psychologically healthy workplace. One frustration in this area is that, even after identifying a gold standard program that has been academically assessed as effective in preventing psychological injury in the workplace, there can be resistance to rolling it out across a whole industry or sector. More efforts in this space are required if we are to tackle this problem at its roots.

On 28 April each year I attend the International Day of Mourning, which acknowledges and remembers those who died as a result of a workplace injury. Deaths at the time of, or soon after, a physical injury at work are very visible. Deaths by suicide or the other harms that may follow a psychological injury in the workplace may be less visible. Every worker deserves to go home from work safe in mind as well as body. In seeking to address the stresses on the workers compensation schemes, we must take every care to ensure that this remains our goal. In summary, the Opposition welcomes the Treasurer's acknowledgement that this issue needs to be addressed. We will examine the specific legislation he has foreshadowed with due diligence as it becomes available.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: CENSURE

Ms ABIGAIL BOYD (16:31): I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith for censure of the Leader of the Government for failing to table documents in accordance with an order of the House.

I will save most of the details for debate on the substantive motion. I have brought a few Standing Order 52 requests to this place and I like to think I am a pretty reasonable individual. As will be detailed in the motion that I move today, I have been given an extraordinary amount of run-around from the Department of Education in relation to documents that were ordered by this House in November. I am aware of an attempt at using Standing Order 53 to vary the terms of the Standing Order 52 request late one night without even talking to me first. It was a ridiculous variation and was rejected. I then had a number of meetings with the department.

I will go into detail in the debate as to why none of the arguments for failing to deliver the documents stack up. The same arguments are being made today. It is unacceptable. In mid-November the House ordered these papers to be delivered. About one-thousandth—if that—of the documents I asked for were delivered in December and then it has been crickets since. The arbiter handed down an interim report in which he is scathing of the arguments put forward for privilege. There are no more excuses to be made. I urge members to support the suspension of standing orders to hear the motion.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:33): I do not oppose bringing on the motion. We will get into the details during the debate.

The Hon. SARAH MITCHELL (16:33): The Opposition supports bringing on the motion for debate.

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

Motion agreed to.

Documents

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Censure of Leader of the Government

Production of Documents: Further Order

Ms ABIGAIL BOYD (16:33): I move:

(1) That this House notes that:

- (a) on 13 November 2024 this House ordered the production of documents relating to the early childhood education and care sector;

- (b) despite agreement with the mover of the motion, Ms Abigail Boyd, over amendments to the notice to reduce the time frame for documents by one year, extend the due date of the return by seven days, and vary the scope of paragraph (k) of the order, the Government voted against the motion;
 - (c) on 21 November 2024 a request was received under Standing Order 53 to vary the scope of the order for papers, which was not agreed to by Ms Abigail Boyd;
 - (d) on three separate occasions between 21 November and 17 December 2024, Ms Abigail Boyd met with representatives from the Deputy Premier's office and the Department of Education in relation to the scope of the order and potential variations; however, no further request to vary the scope of the order was received;
 - (e) in response to the order, on 11 December 2024 an initial return was received from the Cabinet Office which:
 - (i) noted the large number of documents captured by the order;
 - (ii) detailed discussion with Ms Abigail Boyd concerning interpretation of the scope of the order by Ministers and agencies, the creation of documents in order to provide summary data, and the provision of documents in tranches;
 - (iii) noted Ms Abigail Boyd was willing to defer matters of compliance in relation to paragraph (e) on the condition should summary data be provided in the return to the order; and
 - (iv) made claims of privilege over a "whole 'family'" of related documents.
 - (f) on 18 December 2024 a further return was received from the Cabinet Office which indicated that a further return of documents would be provided by 5 February 2025;
 - (g) on 20 December 2024 Ms Abigail Boyd disputed the validity of the claims of privilege on documents returned on 11 December 2024 from the Cabinet Office, with the Hon. Keith Mason, AC, KC, appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege;
 - (h) on 6 March 2024, according to Standing Order 54, the Privileges Committee published the Independent Legal Arbiter's interim report on a sample of documents subject to the dispute, in which Mr Mason:
 - (i) noted agreement between Ms Abigail Boyd, Ministers and agencies over certain information which should not be made public, or where certain claims of privilege had been waived; and
 - (ii) expressed a view that did not accept most aspects of the Department of Education's continued claims of privilege.
 - (i) on 12 March 2025 the Department of Education advised Ms Abigail Boyd directly of a delay to further tranches of documents in response to the order; and
 - (j) despite the interim report of the Independent Legal Arbiter and a commitment by the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney, in a budget estimates hearing on 25 February 2025 to provide documents in response to the order, the remainder of the documents have not yet been provided.
- (2) That this House further notes that:
- (a) as agreed by Ms Abigail Boyd and the Department of Education, on 11 December 2024 a document of data relating to paragraphs (e) (v), (vi) and (ix) of the order was returned, entitled "Aggregated data related to Kids Academy Spring Farm (SE-40017213) (Affinity)" with explanatory text stating, "The data below demonstrates one of the analytical approaches the ECEC-RA uses to understand a service's risk level and help identify patterns of non-compliance";
 - (b) at a budget estimates hearing on 25 February 2025, the data was used in questions to the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney, and attributed to one service as stated in the document title and explanatory text;
 - (c) on 25 February 2025 *The Sydney Morning Herald* similarly reported on the data, before issuing a correction, based on advice from the Department of Education, that the data instead related to Affinity as a provider and not a single service;
 - (d) on 12 March 2025 *The Sydney Morning Herald* published an article entitled "NSW Department of Education error", which stated that the department had advised of a further correction, admitting that the data it had provided in response to the order of the House was incorrect, and actually related to all New South Wales service providers; and
 - (e) it was not until 12 March 2025, over two weeks after the department first became aware that the document provided was incorrect, that a return was received from the Cabinet Office, advising of the mistake to the title and explanatory text of the document.
- (3) That this House:
- (a) notes the failure of the Government to comply with the order of the House regarding the early childhood education and care sector and to produce documents necessary for this House to undertake its function of scrutinising the actions of the Executive Government and holding it to account using its power to order the production of State papers;
 - (b) notes that delays in the provision of documents, and the provision of inaccurate information, to orders for papers undermines the integrity and efficacy of a critical power of the House; and

- (c) reminds the Leader of the Government that, as the representative of the Government in this House, they are responsible for compliance with orders for papers passed by the Legislative Council.
- (4) That this House accordingly censures the Leader of the Government, as the representative of the Government in this House, for the Government's failure to comply with the order of the House regarding the early childhood education and care sector of 13 November 2024.
- (5) That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created since 1 January 2021 in the possession, custody or control of the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney, the Department of Education, the Minister for Police and Counter-terrorism, and Minister for the Hunter, the NSW Police Force, the Minister for Families and Communities, and Minister for Disability Inclusion, or the Department of Communities and Justice relating to the early childhood education and care sector:
- (a) all documents relating to emergency action notices, prohibition notices, suspension notices, compliance notices, show cause notices or other notices or directions served on or regarding early childhood education and care [ECEC] providers under the Children (Education and Care Services) National Law (NSW) 2010, the National Law;
 - (b) all written notices of decisions to cancel, suspend or continue approval of a service provider;
 - (c) any notifications to parents of children enrolled at an education and care service about the suspension or cancellation of provider approval;
 - (d) all documents relating to enforceable undertakings regarding early childhood education and care;
 - (e) all documents relating to suspected, alleged or actual criminal conduct, reportable incidents or allegation or risk of significant harm incidents, including:
 - (i) suspected criminal conduct in an ECEC provider towards a child;
 - (ii) alleged or actual criminal activity, including fraud, in relation to ECEC provision in New South Wales;
 - (iii) any investigations of suspected or proven criminal conduct towards a child or any other criminal activity related to New South Wales ECEC provision;
 - (iv) any actual or alleged offence of failing to notify certain circumstances or information, or failing to keep enrolment and other documents, as required by the National Law;
 - (v) any actual or alleged offence of using inappropriate discipline or of using an inappropriate person;
 - (vi) any actual or alleged offence relating to protection of children from harm and hazards;
 - (vii) any reports or notifications to the Department of Communities and Justice of risk of significant harm [ROSH] for children while in the care of New South Wales ECEC providers;
 - (viii) any reports or notifications to the Office of Children's Guardian of reportable allegations against staff, volunteers or contractors working for a New South Wales ECEC provider; and
 - (ix) any reports or notifications of reportable incidents to the National Quality Agenda IT System [NQA ITS] from New South Wales ECEC providers.
 - (f) all documents, including ministerial briefing documents, relating to death, serious injury or physical or sexual abuse of a child and a New South Wales ECEC facility or staff;
 - (g) all documents, including any briefs, relating to prosecutions of early childhood providers and educators, including in relation to:
 - (i) any recommendations for prosecution for conduct towards a child suspected to be criminal, or other criminal activity related to ECEC provision in New South Wales;
 - (ii) any recommendations for prosecution of criminal conduct against any New South Wales ECEC providers and/or staff in such a facility; and
 - (iii) any prosecution of any New South Wales ECEC providers or their employees or contractors.
 - (h) all documents relating to allegations of fraud, money laundering or scams regarding New South Wales ECEC provision;
 - (i) all documents regarding actual or alleged wage underpayment in any New South Wales ECEC;
 - (j) all correspondence with the Productivity Commission or the Australian Competition and Consumer Commission relating to New South Wales ECEC providers;
 - (k) all documents, including emails and all forms of communication (other than standardised notices or circulars sent to all, or a category of, ECEC providers), sent between the department and representatives or employees of any of the following entities:
 - (i) G8 Education;
 - (ii) Guardian Child Care;
 - (iii) Affinity Education Group;
 - (vi) Busy Bees Early Learning Australia;
 - (v) Edge Early Learning;

- (vi) Green Leaves;
 - (vii) Imagine Education;
 - (viii) Story House Early Learning;
 - (ix) Montessori Academy;
 - (x) Greentown Education;
 - (xi) Bright Horizons, also known as Only About Children;
 - (xii) Nido Early School;
 - (xiii) Mayfield;
 - (xiv) Sparrow Early Learning;
 - (xv) Fullshare Holdings;
 - (xvi) Journey Early Learning;
 - (xvii) Little Zak's Academy;
 - (xviii) Eden Academy;
 - (xix) Embark Early Education;
 - (xx) Stepping Stones;
 - (xxi) Explore and Develop;
 - (xxii) Aspire Early Learning;
 - (xxiii) Tallawong Childcare;
 - (xxiv) Tallawong Early Learning; and
 - (xxv) Genius Childcare.
- (l) all documents regarding compliance visits, spot checks or other compliance monitoring activities of ECEC providers;
 - (m) all documents relating to grants and payments made by the Childcare and Economic Opportunity Fund since its inception;
 - (n) all documents relating to grants and payments made under the Start Strong for Long Day Care program; and
 - (o) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (6) That, should the Leader of the Government fail to table documents in compliance with this resolution, it is open to this House to take all necessary action, including further censuring the Leader of the Government, adjudging the Leader of the Government guilty of contempt and suspending the Leader of the Government for whatever period necessary to cause compliance with this order of the House.

The motion sets out the long and sordid story that got us here. I will touch on the reasons that have been given to me that the documents have not been provided. As I said, I have received about one-thousandth of what I originally asked for. I have compromised and I offer again that, if the Government wants to be sensible about this, I am very happy to work with it to organise a Standing Order 53 variation in order to reduce the regulatory scope and supposed burden. But we have been working on that basis for the past five months and, despite every compromise I have made in reducing the scope—I have removed the reference to the police and said that it is okay if we just focus on the Department of Education documents for now, all of which I have done in good faith—I am still unable to obtain these documents from the department.

The excuse that it is using today is one that it has used both in its privilege claim and when I asked for these documents in the first place, and that is the idea that somehow this involves current investigations or implies some sort of criminal action. There is also the idea that knowing how the regulator acts compromises the functions of the regulator. I will deal with both of those ideas. If any of this information relates to a current prosecution, it has certainly not yet been provided to me in the privileged documents. I suspect that there are not very many of those. I would be sensitive to whether the documents actually compromised an ongoing criminal investigation, but everything that I have seen in the privileged documents so far relates to investigations of childcare operators that have been concluded or are ongoing. The arbiter had a lot to say about that in his interim report, which I will quote in a second.

In terms of how many have actually ended up before the court, it is interesting to note an answer last month to my question on notice No. 3221. I asked the Minister for Finance, representing the Minister for Education and Early Learning in the other place, how many breaches of the national law by New South Wales childcare and early learning centres in the past five years were never prosecuted—that is, where there were things that could

have been prosecuted but they decided not to prosecute. For example, the early childhood education and care regulatory authority website lists just one prosecution, I think in 2024. But when I asked the Minister the question on notice, the answer was:

In the calendar years 2020 to 2024, 70 breaches of the National Law or Regulations were not pursued as prosecutions due to plea negotiations.

Seventy breaches that otherwise would have been prosecuted did not get prosecuted and were kept from the public eye because there was a plea negotiation. When only one has been recorded—and I think two or three made their way onto the website in the previous years—and when 70 serious breaches have not made it to court, one begins to understand why the argument that the documents cannot be provided because they are investigating them or they are suddenly part of a prosecution becomes very clearly bogus.

In response to the claims put by the department in relation to the privileged documents returned, the interim report from the Hon. Keith Mason, AC, KC, dated 24 February 2025, which has now been made public, makes it very clear what he thinks of that argument. He did an analysis. He looked at about 13 documents and asked for the department to reconsider its submissions of privilege in relation to those documents. I put on record some of the things that the arbiter has said in response to that claim from the Department of Education. He states:

There is no suggestion of any contemplated or pending criminal process; or even of some civil proceedings that could possibly be compromised by concurrent parliamentary oversight. But there is much detail about incidents in 2023 and 2024 that have obviously raised the Regulating Authority's concerns. No parent or child is identified by name. Many specific incidents, variously classified as Administrative or Statutory, are recorded in some detail. The recipients of breach letters, caution letters or 'discussion' from the Regulating Authority are sometimes identified by name. All but four of the matters are recorded as having the Status of 'Resolved' ...

He goes on:

The details of 'Action Taken' show in considerable detail the Regulating Authority's responses to the various incidents. All of this detail is obviously relevant to parliamentary oversight of that Authority, consideration of legislative amendment, and resourcing issues.

That is in relation to one document that is a snapshot of a particular long day care centre. In relation to all of that list of data and all of those things that have been claimed to be privileged by the Department of Education, the arbiter is saying that there is no claim on the basis that there is some sort of current investigation going on. He goes on:

I see no reason why either the Member or representatives of the Government should be limited in debate about the Regulatory Authority's assessment of the seriousness of the incidents and its response to them.

He goes on:

So long as the names of particular children or parents are not revealed I do not favour suppression of the information in this or related documents, or similar types of document.

I have made very clear throughout this process that I do not want to see the names of children or their birthdates, but everything else is fair game, and the arbiter agrees. He states:

I do not accept the Department's submission that information becomes privileged when it includes 'identifying information that can be used contextually to identify individuals that may be witnesses or otherwise attendees of ECEC services'.

So he is applying that in a very narrow way. It is just the names; it is not difficult. Any member who has moved a Standing Order 52 motion in this place has seen very clearly how easy it is to redact a person's name or date of birth in a document. That is not a difficult thing to do and has not been difficult in previous calls for papers. The arbiter then quotes from something I said in one of my submissions about how important it is that the public is satisfied that money is spent on operators who uphold child safety and spend funds in an appropriate matter. I said:

Allowing relevant documents to be disclosed with appropriate redaction ... would allow scrutiny to inform the public about the operations of the regulator, in particular the way it is dealing with members of the public (particularly around complaints and concerns about child safety) ...

The arbiter states in response:

In my assessment, these matters offer a strong case for rebutting the claims of privilege asserted for ...

He then talks about this weird idea—a novel claim of privilege that the department has made over some of these documents, whose basis is that the documents would disclose aspects of the regulator's system and somehow give us an insight into what the regulator is doing. I think that I, most people in this place and probably most parents who have their children at a centre would like to know exactly what the regulator does in relation to complaints. He states:

The document does disclose aspects of the Regulator's system. But Parliament has its own claim to examine and critique that system and we are not dealing with some sophisticated and particular aspect of police detective science. If this or any other operator were to scrutinise the document it may well be encouraged to lift its game rather than to plot future evasive action. The fact that further regulatory action remains 'open' or that the information may not be entirely up to date does not establish a relevant public interest immunity in my evaluation.

He could not be clearer. He goes on:

Past and ongoing regulatory action is not immunised from parliamentary scrutiny. This will often involve revelation of the identity of individual actors, including those who are the subject of such administrative process. Nor does revealing the identity of actors automatically engage the 'personal information' redaction regime now embodied in Standing Order 52 (7).

He continues:

The Department's submission of 12 February 2024 raises several speculative spectres that I find unpersuasive when raised in opposition to unhampered parliamentary review. We are considering access to information already collected and recorded, as well as administrative action put into effect by the Department with no indication that civil or criminal litigation is in contemplation or even disputed by the service provider.

I could go on but members get the idea. The report is scathing of the Government's claims for privilege over these documents and the argument that it cannot easily produce the rest of the documents I have asked for. However, today education Minister Prue Car gave interviews on radio, putting up the speculative spectre that those documents relate to ongoing investigations. As I have said, given that it has plea-bargained the vast majority of matters that could otherwise be prosecuted, that is simply bogus. The other reason for the impossibility of compliance is twofold. The first is because of IT limitations, which is really frightening.

We are talking about compliance notices, urgency actions and notices where educators have agreed to give undertakings for things they admit they did. All of that goes out through Department of Education communications. The department has its name on them and they are signed and sent to those centres or educators. Yet when I asked for the documents, the regulator told me it would have to download them, which might make the whole IT system go down and apparently compromise the Department of Education. In case members do not believe how extraordinary that is, last Wednesday the regulator wrote me a letter setting it out. It said:

As noted, the department has undertaken IT checks ... to see if bulk downloads using keyword searches were possible within DOE's internal records management system where some documents are stored. Unfortunately it was determined that this was not possible, as the search would time out due to the sheer scale of the number of documents.

Apparently the record-keeping system of the Department of Education is so bad that we cannot produce copies of documents that it has sent out over a three-year period. It then said that it would instead go to the Australian Children's Education and Care Quality Authority [ACECQA] to try to get information, and that updating the IT system would cost \$250,000. But, of course, information held by ACECQA and information held by the department about the department's own correspondence are two entirely separate things. The issue with ACECQA should not stop the department from giving us copies of its own correspondence. If it is the case that a regulatory authority is incapable of easily drawing out information on its own activities in relation to a provider, that is truly frightening. How can a regulator go about its activities when it cannot even access its own information? I do not believe it. I think it is bogus.

Finally, the regulator said that compliance would simply cost too much time and money. Members of this House know—and the Leader of the Government in this place knows very well—that sometimes it costs a lot of money to comply with orders under Standing Order 52. In 2023 the Leader of the Government spoke about a \$300,000 bill that was incurred to produce a return under Standing Order 52 relating to Resilience NSW. It is an order of this House to comply with Standing Order 52 within a certain period. If it costs extra money to do that, that is the Government's obligation under the order of the House. I thank members for listening to my tale of woe. I have spent five months trying to get this information out, and none of the excuses stack up. Other States and Territories regularly deliver and make public such vital information. The fact that our regulatory authority cannot produce this information when it is responsible for keeping children as young as nought to three years safe is incredibly worrying. I encourage all members to support the motion.

The Hon. SARAH MITCHELL (16:54): On behalf of the Opposition, I indicate that we support the motion moved by Ms Abigail Boyd. I put on record that we take this matter very seriously. Censure motions are not moved lightly in this House. I can only recall a handful of them in my time. They are not moved lightly, and they are not supported lightly either. The Opposition and Ms Abigail Boyd take compliance with Standing Order 52 very seriously. The Government and its Ministers must do so as well. That is why the Opposition will support the censure motion on this occasion. It supports also the call within the motion for the production of the original documents to the House. Ms Abigail Boyd has very elegantly articulated the issues she has had with this particular call for papers over the course of some months.

This is not a new issue or an unreasonable request. It is not hundreds of thousands of documents being asked for within a two-week period. The request was laid out in the motion. It was covered in debate that Ms Abigail Boyd has worked with the departments and their officers to try to come up with a reasonable compromise in providing the data and information that she has sought—and that was done with the support of the House, which is my other point. It is not just Ms Abigail Boyd who is seeking this information. While she moved the original motion calling for those documents to be provided under Standing Order 52, that motion was supported by the majority of members in this House.

I also speak about some of the documents that have been requested. As a former Minister for Education and Early Learning and as shadow Minister, I am obviously interested in this space and can appreciate that sometimes there are challenges producing documents under Standing Order 52. It can be hard for agencies to comply with certain time frames and restrictions around what they are able to do. Members appreciate that. But Ms Abigail Boyd was very reasonable in her willingness to work through what is made available and when it is made available. We are several months in and there is still no resolution. That is not acceptable. This House has powers for a reason and we operate as a Council for a reason: to provide accountability and transparency for the people of this State. That is why this motion reaches the necessary threshold to censure the Leader of the Government and take further action so that these documents are provided to the House.

I am concerned about some of the information that has come through. Incorrect data was provided under the call for papers and in budget estimates hearings. Corrections were provided via the media before they were provided to the House. That is quite disappointing. The media has a role to play in government accountability, and clearly it would be interested in this story, but there were discussions with the media about the error before the House was informed. I wonder who made that decision. It calls into question the willingness of the Government to be up-front and comply with the orders of this House, and to take them seriously. What members do in this place is important. We want to make sure that Government members, particularly lower House Ministers—it is different for upper House Ministers because they know how this place works and they respect its processes—treat this House with the respect and courtesy it deserves. This is an example of that, and it has come to the fore in this debate.

Paragraphs 3 and 4 of the motion are the crux of the issue. There have been repeated failures of compliance, which we in this House need to and do take seriously. Unfortunately, the nature of being the Leader of the Government is to wear the censure. It is part of the process and how it works. But, to be frank, I suspect that the real disappointment here is with the Deputy Premier and her role as the Minister responsible for the early childhood and education sector. It is on her to make sure that her office and the agency she is the Minister for are complying with this. So whilst this motion is about the Leader of the Government, it is pretty clear that this is actually an indication of the House's disappointment with the Deputy Premier and her failure to do her job and ensure that this House's call for papers is complied with as it should be.

We support also the other parts of the motion where the member calls on the Government to deliver the documents that were requested by this House several months ago, with the support of the majority of members. This is about also making sure that the Government and the Ministers understand, appreciate and comply with the powers of this House. As I said at the outset, it is not an issue we take lightly. There have been serious allegations in recent days, but this is also about transparency and accountability. It is in the public interest that we understand what work the Government is doing in this space and how we are ensuring that children are being kept safe when they are attending these services.

I know that these are not necessarily new issues. I accept that some of them go back a few years. But we are trying to understand what is happening and what the Government is doing about it today. The continual noncompliance does not pay full respects to this House. A censure motion is our mechanism to say that enough is enough, and that is why we are happy to support Ms Abigail Boyd. As I said, we think it reaches that threshold for needing further action, which is a censure of the Leader of the Government and yet another call for these papers that were requested initially several months ago.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:01): I thank members for bringing this to the attention of the House. I make a couple of opening remarks before I get into the detail of why I do not believe this censure motion is warranted at this time. Like many people, last night I watched the *Four Corners* program about the concerns with the provision of child care and the safety and welfare of children and workers in those centres. No-one in this place believes that some of what was reported is in any way acceptable or requires no action. Firstly, dropping off children at child care is one of the greatest acts of trust a parent performs. Parents leave them, and they want them to be safe and to make sure that they are cared for.

I accept and acknowledge that Ms Abigail Boyd has been pursuing this and has helped, through the process under Standing Order 52, to bring some of this to light. I say that at the beginning because I think it is important

for members to know that the Government takes the process extremely seriously. Some of us became quite good at it when we were on the other side of the Chamber. We understand the arguments, and I will not stand before the House and make some of the arguments I think to be unrealistic. But there are some serious reasons why this has been a challenging call for papers, why there are issues about how we can comply with it and why it does not go away by moving this censure motion today. But I strongly place on record our commitment to the safety and welfare of all children and to taking action where we can to make sure that that is dealt with. I also acknowledge that a review is underway and that the Deputy Premier is part of the review, which has been mentioned in this debate.

Secondly, I believe that some of the allegations about the Deputy Premier or her motivations are false, and I reject them out of hand. The Deputy Premier takes this seriously. The Hon. Sarah Mitchell, who is a former Minister before, would know some of the complexities of some of the data about these matters. These are not simple matters we are simply dismissing or trying to be difficult with or trying to cover up. We are not doing any of those things. The Government opposes this motion because we believe that it is premature. There are still ongoing discussions with the independent arbiter, as we know. My advice is that on 25 February the independent arbiter issued an independent report, which the Privileges Committee tabled on 6 March. Our agencies have been working through the report, which raised several matters, some of which involve some legal complexity, which also required agencies to undertake consultation in line with the independent arbiter's suggestion.

Ms Abigail Boyd has claimed that a whole lot of this is bogus. It is just not the case that there is some attempt to hide this or that this is some bogus claim about how the data works. The sad reality is that some of the IT systems in our agencies are less than ideal. In an ideal world, we could design and spend a lot of money on upgrading IT programs, which, for a range of reasons, has or has not been done. But it does not change the fact that we cannot produce the data in the way in which people would like it, so that it is easy for them to deal with. That is the reality. Yesterday further information about that original claim was provided to the legal arbiter, and we are waiting on a final decision in relation to this matter. Getting a final outcome from the arbiter is part of the reason why more data has not been produced. However, there is still manual work being done to clarify this and to work through this issue.

I will go into some of the detail. As I indicated, the further call for papers will not be possible. I am being up-front with the House: It will not be possible to comply within the time frame. The number of documents in question is around one million. It is fine to get that lower. I welcome Ms Abigail Boyd talking about trying to get down to tintacks around how we could reduce the scope. That is good. Everyone has talked about it, that we have not worked through that together but that we should try to do that. We will definitely take her up on that. But it is just not possible to comply with in 14 days. It is not likely to be able to be complied with in many months. The Government is not trying to obstruct the House; it is the reality of releasing these documents. We are trying to do this.

Ms Abigail Boyd's point was that there should be only a handful of documents and we should be able to pull them out of the system. That is not actually how the data system works. It is a Federal system from the Australian Children's Education and Care Quality Authority, and the ACECQA system does not currently allow bulk downloads for the data the House is seeking. We can get it individually, and there is individual work being done to make that happen. But the system does not allow a keyword search for all of this to be delivered altogether. It requires a software upgrade. I am not complaining to the House about how much it will cost but informing the House that we believe that it will cost about \$250,000 for us to get it done, and it will take some time to deliver. Then we can download it in bulk and do it quickly. That does not mean we will stop trying to provide this data as quickly as we can, but that is it.

A significant issue about doing it individually is that we do not have extra people hired to be able to do this work, particularly because they need to be careful and do redactions, and there are legally complex issues. Members should not forget that we are dealing with reports of harm of children and terrible things that have happened within centres. This is not something we just can get a bunch of backpackers in to work through. That is not how this operates. I welcome Ms Abigail Boyd's offer about the Police Force or the Department of Communities and Justice, but this call for papers refers to the police and DCJ. All of the things about having to go through the issues and do the redactions for how it actually interacts with Standing Order 55 and the administration of justice are complicated. I am not suggesting they cannot be overcome, but they are absolutely complicated. We have to go through the Governor to apply for exemptions under those matters.

This is not straightforward. It cannot be done in 14 days, as much as people would like it to be. It just cannot. These matters have been raised with the member over time. I know that she is frustrated, but the one thing I would say is there is a difference between reasons and excuses. The Government is not seeking to make excuses here. It is trying to explain to the member and to the House why complying with the time frames in this call for

papers is much harder than simply waving a wand and wishing it was better. Unfortunately, that is not the way our data systems work. I think the former education Minister would understand that.

As I said, the other issue at play here is that we are waiting on the final determination of the Independent Legal Arbiter. This is a live determination system. I am not shocked that the arbiter has strong views over what should be provided and what should not, and the Department of Education has taken the advice. However, there are then implications for the handling of the rest of the documents. That is what is being examined, and that has only been in the past couple of weeks. This is not a months-long process; to get to the point of an interim report, we are really only talking about a few weeks. It has not been hanging around for six months.

Ms Abigail Boyd: Six months!

The Hon. PENNY SHARPE: You will get your reply. The Government has been acting in good faith and processing the documents relating to the call for papers since it was passed by the House in November last year. Those actions have included meetings with Ms Abigail Boyd and her advisers, which we welcomed, and requests for a variation in scope. If there is an argument around the variation in scope, I am happy to facilitate a meeting to sort that out. I am advised that the offer to do so has been made but we just have not been able to land the tintacks. If everyone is still open to that, I think we should continue to do so. The member noted we have already returned over 700 documents in response to the Standing Order 52 motion. The documents continue to be collated, but that literally has to be done by hand.

Regarding the privilege dispute, I note the first return was made on 11 December. Ms Abigail Boyd lodged the dispute of privilege on 20 January. There is always an argument around claims of privilege. I have been on the other side of those arguments in this House. When members are seeking documents and they do not think those documents should be privileged, they have to challenge the claim of privilege; I did that many times. There are differing views. I think some of the sensitivity in relation to these matters means that people have been careful. Members should acknowledge the truth here: When we have very short time frames to deal with these things, the departments often cannot process them as they would wish, getting down to each individual document, so issues go into the privilege box because those departments are concerned about privileged issues. That does not mean that there is an avoidance of the matter, but there is a need for us to deal with it. I have been on the other side of this situation and have dealt with a bunch of privileged stuff that we eventually got released, but sometimes that takes some time.

The department complied with the request from the independent arbiter. It received the interim report on 7 March 2025. As I said, the independent arbiter requested further information from the department and from Ms Abigail Boyd to inform the final decision. I am advised that further submission by the department was put in on Monday; however, I do not know the outcome at this point in time. The decision of the independent arbiter will have a bearing on the processing of the order for papers. As such, the NSW Early Childhood Education and Care Regulatory Authority and the department have continued to compile and generate relevant documents relating to the Standing Order 52 resolution since the last tranche was provided to Parliament in December 2024, including while waiting for the final report of the arbiter.

There appears to be a disagreement that, because of the interim report, the department ought to then be able to transfer all of this into the final report and release a lot of the documents. That is not the case. It is the understanding of the department that the independent arbiter agreed that his decision, while only considering the first returns, would guide how the department managed future tranches of documents. It is for this reason that no further documents have been provided since the first and second returns. If there was a misunderstanding there, then we need to clear that up. The department is still awaiting a response from Ms Abigail Boyd in relation to a number of documents that were referred to in the independent arbiter's report—

Ms Abigail Boyd: What?

The Hon. PENNY SHARPE: This is my advice. The independent arbiter noted those documents as being for Ms Abigail Boyd to advise on. If that is wrong, the member should let us know, but that is what I understand.

Ms Abigail Boyd: Yes, that's wrong.

The Hon. PENNY SHARPE: That is fine. Prior discussions were had with Ms Abigail Boyd's office in relation to this. There has been a number of meetings. I have covered the issues that mean the request cannot be dealt with in the time frame stated. There are around a million documents, and the IT systems as they work between the two are a genuine problem, not an excuse. The manual pull-out means it would take months, not days. We are looking for a software fix through ACECQA, which is going to take some time. The department has done the IT checks, which I know Ms Abigail Boyd disputes. All of us fight with our computers and our IT systems. Often one wishes they were better, but often they are not. We are being up-front about the way in which the

documents are stored, retrieved and collated. I hope people can work through this matter so that members can get the information they require in as timely a manner as possible.

The NSW Early Childhood Education and Care Regulatory Authority has been liaising with ACECQA to seek system amendments to the national database. We need to know that all State early childhood education and care [ECEC] regulators use the database which holds the full records. The ECEC regulator will be progressing those system amendments, but we expect them to take time. In the meantime, the manual documents keep going. I am advised that the department has reviewed close to 1,400 documents relating to paragraph (b) of the Standing Order 52 resolution, which have been collated and are undergoing final processing through the Cabinet Office for the next return. It is anticipated that lodgement with the Clerk's office will occur tomorrow, Wednesday 19 March. Some of those documents may be placed in the privileged bundle while the department waits for the final decision of the Independent Legal Arbiter. The department will then redact those documents in line with the arbiter's final decision, when tabled.

The ECEC regulator has also collated a further 531 documents relating to paragraph (a) of the resolution in relation to the provider G8 Education, which are currently being reviewed; and 83 documents relating to paragraph (a) and the provider Busy Bees. The ECEC regulator is continuing to manually collate documents relating to paragraph (a) of the resolution for the providers listed in paragraph (k), as agreed with Ms Abigail Boyd. In parallel, the department is working through further review of all the tranche one documents to apply redactions for release in the non-privileged bundles once the department receives the arbiter's final decision.

So far, the department has spent considerable time doing this, and it continues to do so. I know that members of the Legislative Council usually do not have a lot of sympathy for the time taken and the money and resources expended on orders for papers. That is a matter for the House. But the Government opposes this censure motion because there has been a genuine attempt to comply with the order. There are some practical reasons that that is not able to occur. There is no attempt here to try to obfuscate or cause difficulty in relation to this. The Deputy Premier continues to take very seriously the health, care and wellbeing of children in the early childhood sector. We believe that, at this point, the censure motion is not right because there is still more work to do. As I have said, it is unusual to censure the Leader of the Government when we are still awaiting a final determination from the arbiter, which, as ever, we will welcome and comply with.

The fundamental issue is the time frame. I wish we could comply within the time frames. Members on the Government side of the House understand the powers of the House. We attempt to comply with these orders as much as possible, but in cases such as this it is not possible. I understand where the House will probably go with this motion, and I am not offended if members wish to censure me, but this is not the time in relation to this matter. The issues canvassed are not a reflection of how seriously Government members regard orders for papers and the need for transparency. I remind the House that the Government has done a lot, partly as the result of our experiences in opposition, to proactively release the information that members want. We have tried to work through exactly what members will get from an order for papers so they are not getting boxes and boxes of stuff that is unhelpful. I observe the scope of Standing Order 52 motions is beginning to broaden out, resulting in boxes and boxes of material that is more challenging to compile. That is a matter for members, but we will argue the toss in relation to that.

All I ask members is to consider that we are willing to be open and provide information as best we can in the provided time frames. We do not trifle with the powers of the House in relation to that. We do ask, however, for that to sometimes be reciprocated, in terms of understanding, and that we not be unfairly accused of ill motives or a desire not to care about a particular issue because of the way in which those returns to order are handled. We all take it seriously. It is never truer than in the case of kids to say that all these matters are important. We will continue to do our best, which is what we must do for the kids of New South Wales.

Ms ABIGAIL BOYD (17:19): In reply: It is a very difficult situation when we are having to censure the Leader of the Government for something that really is a failure under the watch of the Deputy Premier in the other place. I do not believe that this would happen for a Standing Order 52 motion under the responsibility of the Leader of the Government. Unfortunately, here we are. The lack of inquisition from members in this place as to what is actually happening is disappointing, because a lot of things the Leader of the Government said in her response are just simply not true. Dealing at the outset with the idea of accusations of motivations and all the rest of it, I know enough about the public sector to not jump to the conclusion that it is a cover-up or that people are being deliberately wilful.

I think that people do not really want to comply and are doing everything they can to find excuses not to. Whether they are acknowledging that or not, it is up to the Deputy Premier to ensure that people do everything they possibly can. Everything I have seen, from the very first meeting I had with the department and the Deputy Premier's office, has been an attitude of, "Why would you want this anyway? What can we do to not give it to you?" From day one I was told it was impossible. It is really interesting that we keep hearing, "It is a million

documents." It was a million documents when we were talking before 6,000 services at the beginning. I then narrowed it down. We are looking at about 350 services, I think, and it is still a million documents. I then said, "Fine, you do not need to give me documents related to X, Y, Z. Just give me the actual documents." They still came back saying it is a million documents. That is a very tidy little number to say. It is quite misleading to continue to quote the same number of documents regardless of what I have done to try to narrow the scope.

I am seeking to move the Standing Order 52 motion again in exactly the same manner as the previous one simply because it was what was agreed to by the House. On the Clerk's advice, we repeated the exact same thing because there has been no variation. Again, there are some very easy variations. I have done all of the work. I even did a lovely colour-coded table of variations and changes that I gave to the department after one of our discussions. They had wheeled out nine people and it was just me sitting by myself on the other side trying to say, "Please can you compromise with me? Here is what I could do to vary the scope." Still, I never got confirmation. I never got a request under Standing Order 53 and I never got the documents.

The other thing that keeps being said is that it is premature, and that I should compromise with the department so that it gives me an early tranche on time and says the other stuff will come. But as soon as it has put little bit—or a lot, in this case—into privilege and I dispute that privilege claim, all the other tranches stop. I am not getting any other documents now; I have to wait. We have an arbiter who is very conciliatory. We had an arbitration session where he told the department very clearly that it had it all wrong and asked it to reconsider. He then wrote what is called an interim report, because it is only in relation to 13 documents. It is not a draft report; it is a final interim report. The details that were sought were in relation to one or two aspects of what we would or would not accept. But if one was to actually read the interim report, which I really hope the Leader of the Government did, one will see clearly that no further submissions are asked for as to whether those claims of privilege are bogus—because they are bogus. That is the only word I can use for this.

We then talk about how it is not the department; it is ACECQA. Yes, the document written by members of the legal team at the Department of Education [DOE] make it clear that the ACECQA database is very different to the database that the department holds. They say very clearly that they are worried that it would break the DOE's internal records management system—that a timeout or whatever else would stall the system. They then went to ACECQA and said, "Actually, you have got some documents and data. Can we have yours?" They are two separate things. When it comes to transparency, the other States and Territories routinely provide the lists of all of their compliance notices and other things. They can produce their documents readily. That is because their internal management system allows them to spew those documents back out.

I do not believe that the Department of Education is still living in the 1980s and has a computer system that is 1980s style where someone has to press a button for every single document that it has ever sent on letterhead, especially when these are form letters with just the name of the educator and the service they work at, the incident description and the action taken. It is very easy to redact the child's name for each of them. They are sent out on Department of Education letterhead. The idea that that cannot be provided, that we have a regulator that cannot see the same things that it has just sent out, frankly, beggars belief. I honestly do not believe it. The department also keeps raising the spectre of legal issues with providing these documents, saying, "We are not sure we can name educators. We are not sure we can name centres." But other States and Territories manage to do this. Other States and Territories are sure.

Again, it was made very clear by the arbiter that he does not really care what the department thinks is legal. Under Standing Order 52, the documents that need to be provided do not go under privilege because it is not considered in that way. A report set out very general principles that we were supposed to use to guide the redactions that were to come from the department for all of the documents that I assumed it had already printed out, ready to go, subject to those redactions. But, no. It turns out that, although the department did provide to me one of the 26 services I asked for within the time frame—even though it had not started for a couple of weeks after we passed the resolution; it took two weeks to work out what I wanted and then it spent two weeks producing those documents—producing those documents within two weeks, and that is a really large one, for the other 25 services I asked for, which is about a tenth of the original 6,000, it is going to take an extra five months and then we still cannot do it.

It just does not stack up. It is not premature. I am really sorry, because I think the Leader of the Government has potentially been given misinformation here. It is not okay. We are not talking about complicated processing. We are talking about document retrieval. All the way through this, I have faced such resistance. Department officers do not come and talk to me. Everything has to be me trying to give them suggestions as to how they might help me. They never came to talk to me. They have not come to talk to me about the Standing Order 52 call for papers until—

The Hon. Penny Sharpe: Didn't we have four meetings about it?

Ms ABIGAIL BOYD: We had the four meetings back in November, and then I had a meeting with the arbiter and them. Even when misinformation was provided under Standing Order 52, which they told the media, they still did not tell me. They did not say, "Sorry, that information we gave you that you then used in budget estimates hearings was wrong." Then department officials finally came to see me about a week ago about the review that they suddenly announced during budget estimates hearings, after I put all the pressure on. That was it. I said, "How about those documents under Standing Order 52?" The looks on their faces made very clear that they thought maybe the Standing Order 52 motion did not exist anymore. That is what we are dealing with. To hear this repeated again is really disappointing. We need to take this seriously. This is an order of the House. It is five months overdue. It deserves a censure.

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

The House divided.

Ayes20
Noes15
Majority.....5

AYES

Barrett	Higginson	Munro
Boyd	Hurst	Overall
Carter	MacDonald	Rath (teller)
Cohn	Maclaren-Jones	Roberts
Faehrmann	Martin	Ruddick
Fang (teller)	Merton	Ward
Farlow	Mitchell	

NOES

Buckingham	Jackson	Murphy (teller)
Buttigieg	Kaine	Nanva (teller)
Donnelly	Lawrence	Primrose
Graham	Mookhey	Sharpe
Houssos	Moriarty	Suvaal

PAIRS

Tudehope

D'Adam

Motion agreed to.

The PRESIDENT: Order! According to sessional order, it being 5.30 p.m., proceedings are interrupted for debate on committee reports and Government responses.

Rulings

COMMITTEE REPORTS AND GOVERNMENT RESPONSES POSTPONEMENT

The PRESIDENT (17:35): The Clerks have raised with me an issue in relation to the postponement of committee reports and Government responses, which I wish to address for the benefit of the House. Standing Order 47 (1) (c) provides that unless business is postponed during formalities, business may be postponed only at the time the item is called on. However, for many years, it has been practice for the Whips in particular to postpone consideration of multiple committee reports and Government responses at the time the first of those items is called on. While not strictly provided for under the standing orders, I regard this practice as a practical means for managing the consideration of committee reports and Government responses. Consequently, as long as items are postponed with the agreement of the mover, I will allow this practice to continue. Should any member disagree with the postponement of one or more items of business, they can request that the question on that postponement be put, as provided for under Standing Order 47.

*Committees***PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS****Reports****Debate resumed from 18 February 2025.**

The Hon. WES FANG (17:36): I continue my contribution to debate on the motion that the House take note of the report of Portfolio Committee No. 6 - Transport and the Arts entitled *Special Report to the House concerning disorderly conduct in committee proceedings*. During debate on the new sessional order, members raised the potential for it to be used in a political manner to shut down debate. I do not think anybody who reads the transcript of what occurred during the committee hearing would have any doubt as to the soft nature of my expulsion from the committee, albeit for only a number of minutes. It was, I think, an example of exactly what members were concerned about, which is that calls to order are impacting the way that budget estimates are occurring. We have only just finished another round of budget estimates, and I do not think there is any doubt that it has changed. It is no longer a robust questioning of the Executive Government. It has become a level of—

The Hon. Penny Sharpe: You don't have any good questions.

The Hon. WES FANG: Point of order: The Leader of the Government has just been censured. She should be quiet now and reflect on her censure.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order!

The Hon. WES FANG: There is no doubt that a number of points of order taken during budget estimates are unnecessary. When I put a question multiple times to a Minister, either because an answer is not being given or the answer is unsatisfactory, a point of order is taken that it is repetitious. It is time wasting by the Government. The continual interjections from Government members and the points of order that they take are impacting on the way that we conduct estimates. These things need to be considered, along with the way that calls to order are made in the committee process.

The Hon. NATALIE WARD (17:38): I take note of the report of Portfolio Committee No. 6 - Transport and the Arts entitled *Special Report to the House concerning disorderly conduct in committee proceedings*. It gives me no joy to do so, and the energy that has been spent on this matter is, in my view, ridiculous, but I will respond to some of the matters raised. I thank the chair of the committee, Ms Cate Faehrmann, for her handling of the matter. She is a fair and even-handed chair. She regularly tells members off, including me, and that is the measure of a good chair.

The budget estimates process is important. Part of good government is providing good opposition. The Hon. Greg Pearce started the budget estimates process many years ago, when we were last in opposition. He said that we should be able to ask questions about the budget, and budget estimates was born. I respect and honour the process. I have sat on both sides, as a Minister being asked questions and as a member of the Opposition—and, a long time ago, as a staffer in opposition preparing questions. It is an important process. When handled well and respected by all sides, it can result in good governance and government. The importance we place on it is the measure of this House.

Having done so, I submit that a lot of work goes into the budget estimates process. It is a serious matter. With good preparation, good outcomes can be obtained. I respect the process and the work that goes into it from both sides, having sat on both sides. There are a number of rulings in this place. There is the members' code of conduct and sessional orders about members' behaviour in this place. I refer to the ruling of former President Willis about members of Parliament. He said:

Members of Parliament occupy a very special and privileged position in our society, and nowhere more so than within the precincts of the Parliament ... the good and orderly conduct of the Parliament depends on the common sense, courtesy and observation of propriety by members. If that were not the case it would be open to any member to do things which may be found to be excessive by his or her colleagues. This line of propriety is very fine ... It relies entirely upon the good sense and courtesy of members.

We have a code of conduct, which states:

A Member must treat their staff and each other and all those working for Parliament in the course of their parliamentary duties and activities with dignity, courtesy and respect.

I submit that those standards have been very much let down by the member's conduct. I am obliged to respond. It is a privilege to serve in this place; it is not a right. It is not to be taken lightly. Rules are not there to be ignored or lambasted at one's choice; they are rules for a reason. There are excellent members in this place who conduct themselves well. I respect and cherish the good working relationships that we have in this place. They are much better than in the other place. I tried that once.

The Hon. Wes Fang put some things on record that I am now obliged to respond to. I respectfully say that he misrepresented the facts and may have potentially misled the House. Revisionist history serves only the person writing it. To go through the facts, there was no substitution of members of the National Party. There was no email sent to the chair. There was no substantive member status. There was no substitution for the Hon. Wes Fang. Therefore, he had no right of appearance and no standing, as the Hon. Anthony D'Adam pointed out during the hearing. The allegations are not supported by evidence or facts. The member had no right to appear. However, members were, as always, courteous and allowed him to attend and appear. There was no pre-agreed time allocation.

The usual course is for members to consult with the lead member, the shadow Minister, to arrange a strategy, agree on timing and agree on questions. That has been done by the Hon. Wes Fang and me on previous occasions to great success. On this occasion, it was not. Behaviour speaks louder than words or revisionist history. No meeting was held. There was no leadership agreement. There was no time allocated to the member. There was no agreement, no substitution and the member had no instructions. There was no discussion. I am part of the leadership that the member was asking me to refer to. I did not think I needed to say that. There was no discussion between the member and me.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! The Clerk will stop the clock. The Hon. Wes Fang will come to order.

The Hon. NATALIE WARD: The sum total of what the Hon. Wes Fang achieved was to give Minister Graham a break, to allow him some time out and to make himself the subject matter of the jokes. The member interrupted my hard work and the hard work of other members. He spoke about respect in his submission to the committee report. Respect is earned; it is not demanded, and it is certainly not earned dishonourably. It is earned through the hard work that members do in this place. It is earned through hard yakka and careful, considerate, courteous behaviour. My team works incredibly hard to be the alternative government or, as I like to call it, the government-in-exile. We work hard to earn trust. We work hard to make sure that we hold this Government to account so that we bring out the best for the people of New South Wales, not for ourselves.

Through the privilege of serving, we all have the opportunity to provide and leave a legacy in this place. That legacy may be coercive control legislation. It may be bringing to light the issues of particular people who do not have a voice. It may be holding the Government to account through an inquiry. When one's legacy in this place is to have a sessional order created for them because they cannot control their behaviour, and that sessional order is then used to repeatedly throw them out of budget estimates hearings, it is a sad day. John Howard talked about trust. He talked about the fact that trust is earned. Being the alternative government, it is my singular vision to earn that trust back from the electorate. One does not do that through the behaviour of the member. They do that because, as John Howard said, they want to rebuild a sense of trust and confidence in the words and commitments made by our political leaders and some restoration of the trust and confidence of the people in the political process. The member's behaviour did not contribute to earning that trust. His behaviour did not contribute to being the alternative government. Respect is earned. The member's behaviour did not earn respect.

My team and I work incredibly hard every day with crossbench and Government members, who also work incredibly hard on their vision. It is my view that the member's indulgent behaviour only makes him the joke. Government members are not laughing with him; they are laughing at him. The Hon. Wes Fang misrepresented what occurred and does not have the humble courtesy to come to this place and be honest about his behaviour and his approach, which has been repeated with other members in other hearings. That is not something that he should be proud of. He certainly should not continue that. He should consider what legacy he wants to leave in this place as he serves. It is a privilege, not a right. I thank the members who have sat through a number of those hearings and have been respectful while doing their jobs. That is our job and obligation in this place. I am mindful and respectful of and apologise to the staff members who have to tolerate the member's behaviour. The discourtesy shown to Hansard staff and witnesses is not acceptable. Going forward, a better approach for the member would be to think about the people that he is serving, not serving himself.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. CAMERON MURPHY: I move:

That committee reports and Government responses orders of the day Nos 2, 3 and 6 to 17 be postponed until the next sitting day.

Motion agreed to.

*Committees***PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE****Report and Government Response****Debate resumed from 12 November 2024.**

The Hon. JEREMY BUCKINGHAM (17:49): Today I stand before the House to take note of a report that should shock this Government into action. The report, entitled *Impact of the regulatory framework for cannabis in New South Wales: First report*, is not just another document to be politely acknowledged and quietly ignored. It is a damning indictment of a system that is not just broken but also actively harming the people of New South Wales. The evidence is in the title of the inquiry: "the impact". There is a significant impact on the people of New South Wales and the Government of the State.

For decades we have clung to outdated, punitive cannabis laws that have achieved nothing but harm. Those laws have criminalised everyday Australians—workers, parents, veterans and patients—who simply choose a plant over other pharmaceuticals. The laws have wasted valuable police resources, forcing officers to focus on minor cannabis offences rather than more serious crime; clogged our courts, turning simple possession cases into legal battles that cost taxpayers millions; handed a billion-dollar industry straight into the hands of organised crime while the government sits idly by, forgoing the economic benefits of legal regulation; and forced thousands of patients onto the black market, where they are left guessing about the quality, potency and safety of their medicine.

Meanwhile, cannabis use remains unchanged. It has not stopped; it will not stop. The only thing prohibition has achieved is pushing cannabis use into the shadows, where it is less safe, less regulated and more profitable for criminals. The evidence is overwhelming: Prohibition has failed. That was found by the inquiry. The report tears down the tired arguments for prohibition and lays out a clear, evidence-based road map for reform. It tells us what the data has been screaming for years: Criminalisation does not deter cannabis use; it only ruins lives, leaving people with criminal records for a substance that is legal in other parts of Australia and around the world.

Roadside drug testing is deeply flawed, punishing unimpaired drivers simply because THC can remain in the body for days or even weeks—long after any intoxicating effects have worn off. The Cannabis Cautioning Scheme is unfairly applied, with Aboriginal and lower income communities far more likely to be charged rather than diverted. The financial and social cost of prohibition is indefensible, draining taxpayer money on enforcement rather than investing in education, harm reduction and smart regulation. Most importantly, this report provides solutions. It does not just say what is wrong; it tells us exactly what needs to change. I thank the members of Portfolio Committee No. 1 - Premier and Finance who participated in the inquiry for their excellent and collaborative work on framing and shaping the key recommendations in the first report.

The first and clearest thing we must do is overhaul the Drug Misuse and Trafficking Act 1985. If we are serious about justice and fairness, we must rewrite New South Wales drug laws to reflect reality. We must redefine what constitutes a "small quantity" and a "trafficable quantity", right now. Those thresholds are absurdly low, meaning that small-time users are being dragged through the justice system as if they were dealers. We must reduce penalties for possession, cultivation and personal use to either a fine or a maximum of three months imprisonment instead of the current, wildly disproportionate two-year penalty.

We must amend supply laws to distinguish between non-commercial sharing of cannabis and actual drug trafficking. Right now, gifting a friend a joint is treated the same as selling kilos to organised crime. That is not just illogical; it is unjust. We must scrap "deemed supply" laws that presume anyone in possession of a certain quantity intends to sell it, reversing the burden of proof on the accused and making a mockery of legal fairness. I put on record that, as a member of the Legalise Cannabis Party, the reforms are a departure from our stated policy position. This is a depenalisation approach. It is a reasonable first step. I know that we are in the middle of the Drug Summit and the outcomes of that, but this is a reasonable first step. I thank the Hon. Stephen Lawrence for his work in shaping these reforms and working with me in a bipartisan way.

We must radically reform New South Wales police's search and enforcement powers. We must stop unjustified stop-and-search practices. Police should not be conducting invasive searches based on nothing more than a vague suspicion of cannabis possession. We must end the use of strip searches for minor cannabis offences, especially on young people, children and Aboriginal Australians, where those searches are disproportionately applied. The report makes it clear that police should not be treating cannabis possession as if it were a violent crime. We must fix the deeply flawed Cannabis Cautioning Scheme. While well intentioned, the scheme is riddled with inconsistencies, racial disparities and police discretion that allows bias to thrive. We must make diversion the default option. Right now, whether a person gets a caution depends on who they are and which officer they encounter. That is unacceptable, and it is postcode justice.

We must expand eligibility, increase the amount of cannabis that qualifies for a caution and introduce an administrative expiation scheme, like in South Australia, so that minor cannabis matters are dealt with through fines rather than clogging up the courts. This is about keeping people out of the criminal justice system and focusing police resources on real crime, not on persecuting cannabis users. We must introduce real reform to drug driving laws. That is key. It must happen soon. The current system is punishing legal medicinal cannabis patients for driving unimpaired. That must change. I will raise the matter in the short term with the new roads Minister, the Hon. Jenny Aitchison.

We must implement a medicinal cannabis defence, as already legislated in Tasmania, so that patients prescribed cannabis are not unfairly criminalised. We must ensure that cannabis and alcohol use are addressed separately, so that genuine impairment is targeted rather than mere presence in the system. I note that, since the deliberative on the report, the Victorians have commenced their discretionary regime whereby magistrates can use their discretion and not necessarily remove a licence from those people who get caught and test positive to a roadside drug test in Victoria.

We must begin a staged pathway to full legalisation. That is a key movement by my party. Rather than asking for everything all at once, we understand that this is a major change and we must bring people with us and do it in a staged and responsible way. It is time to acknowledge reality: Cannabis will eventually be legal in New South Wales. The question is whether we do it smartly or whether we let the black market continue to dominate. We must trial non-enforcement zones in certain areas to test the impacts of decriminalisation. An ad hoc non-enforcement zone already operates in New South Wales. It is called Nimbin. There are some issues there, but there are certainly some learnings to be taken from the Northern Rivers region on non-enforcement zones.

We must start investigating regulatory frameworks for a legal market, ensuring that tax revenue can be invested in health, education and harm reduction. We acknowledge that there is evidence of harm from cannabis. We especially need to keep cannabis out of the hands of children. We heard from the experts. They said cannabis use in persons under the age of 15 is particularly harmful. I would never stand in the Chamber and say that cannabis is always safe in all circumstances. We heard the evidence from health professionals that that is an example where there is misuse and real harm, so we need to educate young people about those harms. The way to do that is regulation, taxation and education.

We must prioritise public health over corporate greed, regulating cannabis in a way that prevents over-commercialisation while ensuring consumers have access to safe, legal products. The Government, while initially making some good noises, is out of step with reality. This is not a radical policy; this is common sense. The committee has set a pathway for a staged approach that the Government should consider and support in due course. The Australian Capital Territory has decriminalised cannabis and the sky has not fallen in. Just last week I was there. I availed myself of some delicious backyard cannabis.

The Hon. Stephen Lawrence: I saw the video.

The Hon. JEREMY BUCKINGHAM: The Hon. Stephen Lawrence saw the video. It was an absolutely beautiful Deep Chunk Salmon River hybrid of sativa—absolutely magnificent. It was a very uplifting high, I have to say. The sky has not fallen in in Canberra. There is not a societal-wide malaise.

The Hon. Dr Sarah Kaine: Not caused by that.

The Hon. JEREMY BUCKINGHAM: There might be but it is not to do with the cannabis. There has not been a massive reduction in productivity and a mental health catastrophe. Responsible adults have been growing and sharing cannabis responsibly from their backyards and reducing the cost. It is responsible adults enjoying that recreation. Even conservative governments around the world are recognising that prohibition does more harm than good. We only have to look to the United States and centre-left governments in Canada and in Germany, which are moving in this area. Yet the Premier and his Government refuse to even consider change. Instead, they have doubled down on prohibition despite knowing and being on the record saying that it does not work. That is not leadership; it is stubborn and politically driven, and I think it is cowardly.

Let me be clear: The public is ahead of this Parliament. The majority of Australians support cannabis reform, many of them working class, many of them young men and many of them a very powerful cohort of voters in regional areas and outer suburban areas who are looking for leadership from the Government that will change the way they live and have a significant impact on cost of living. People could grow their own backyard cannabis ultimately and not drink and not have to go to the black market. It could be a recreation that they could undertake responsibly and could help them with their hip pockets as well as provide a lot of other health and societal benefits. Community members know that change is inevitable. They look at the United States and Canberra. They understand that it can work if it is done responsibly. The committee has taken the first step. It has put forward reasonable and responsible informed recommendations based on comprehensive evidence from a variety of

stakeholders. The report spells out exactly what needs to happen. The Government can either act now and show leadership or continue ignoring the evidence and be remembered for it.

With the NSW Drug Summit now concluded, we are waiting on the final report, but one thing is already clear: The people of New South Wales want change. The polls say it. All the analysis says it. Experts, health professionals, legal advocates and even many members of this place have spoken with one voice: Our current cannabis laws are failing. The Government cannot keep kicking the can down the road, hiding behind a further review. Ultimately, it will run out of political excuses. The summit was meant to provide clarity on the future of drug law reform. I hope it does and I hope that the summit and these recommendations clear the pathway for responsible cannabis law reform in this State.

The Hon. STEPHEN LAWRENCE (18:04): I speak in debate on the committee's report entitled *Impact of the regulatory framework for cannabis in New South Wales: First report*. There were a variety of views on the committee on the ultimate question—I suppose you could call it—of whether cannabis should be legalised. Notwithstanding a diversity of views in the committee on that question, a majority was able to reach some pretty firm interim recommendations. I commend the chair of the committee. When the Hon. Jeremy Buckingham was appointed as the chair, I did hear a couple of quips that the fox might be in charge of the henhouse. But as he has just said, he proved himself to be most pragmatic as chair and very much helped craft interim recommendations that reflected a majority opinion. That left for another day the committee's deliberations on the ultimate and important question of legalisation because there is nothing in the recommendations of the interim report about that question. But it is squarely posed by the terms of reference and we will come to it and ultimately make findings on it.

The content of the interim report offers a very clear pathway for the Government to maintain and build upon its credibility on the question of progressive law reform, because it is the task of every Labor government to embark on progressive law reform and every Labor government in living memory has looked closely at the criminal law. We have long had a focus, whether during the Wran Government or the Carr Government after it, on trying to ameliorate some of the harsh and undue effects of the criminal law. That policy imperative obviously drives those who are in favour of legalisation and decriminalisation. They want to lift the burden of the criminal law on cannabis users.

It is important to acknowledge that, whatever one's views on legalisation, it is impossible to now deny, in light of all the evidence that we have, the pernicious effect of the criminal justice system on people—often vulnerable people—who are charged, prosecuted and dealt with in court for the possession of small quantities of cannabis. We heard evidence about convictions marring people's records, impairing their efforts to get into the workforce and having all sorts of deleterious effects on them. It became increasingly difficult and impossible, during the course of the hearing, to ignore the weight of the evidence from lawyers, doctors and professional associations expressing their clear alarm at the detrimental impact of the criminal justice system on cannabis users.

But the fortunate situation is that it is quite possible for this Government, and perfectly consistent with its election commitments, to ameliorate and remove most of that harm. The interim recommendations that we have made do not involve the legalisation or, indeed, the full decriminalisation of cannabis but they will enable the Government to stop inflicting that harm. In terms of the recommendations, a most important one is a reduction of the maximum penalty for the possession of a small quantity of cannabis from two years imprisonment to a fine or a much smaller term of imprisonment. It is important to note that in other Australian jurisdictions the possession of a small quantity of cannabis remains a crime but the penalty is a fine only, so this is not a novel law reform proposition.

In Victoria, the possession of a small quantity of cannabis is a fine-only offence. The possession of cannabis remains a criminal offence in Victoria. Victoria has not taken the step of undertaking that significant social reform. The sky has not fallen in in Victoria. The rate of use of cannabis is no higher and there are no adverse social effects whatsoever simply because this particular minor criminal offence in Victoria is a fine-only offence. Two years imprisonment has been the maximum penalty for the possession of cannabis for decades. We heard evidence in the inquiry about the extrinsic materials, including the second reading speech and so forth, from when that two-year penalty was legislated. It might have been in 1967. That debate in *Hansard* is a trip down memory lane, with its stereotypes and caricatures and the views of members of Parliament about the effects of smoking cannabis—that it would turn people into sex maniacs and all sorts of different things. In those circumstances and with the views that they had, which we now know were misplaced, they decided to impose a maximum penalty of two years imprisonment.

That maximum penalty has remained on the statute books not because any Parliament since has thought that it should, nor that it is a particularly good idea that it should, but because nobody has bothered to change it. If the question had come before any Parliament in the past 10 or 20 years, it would not have remained two years—I am very confident in saying that. In circumstances where children, adults and vulnerable people have been

prosecuted, where lives have been marred, where employment prospects have been reduced and where people have been locked out, excluded and alienated because of convictions, and in circumstances where whether a person is convicted or not is a question that will always have regard to the maximum penalty, there is an absolutely compelling case for change.

That is just one example of how this report offers the Government a pathway to maintain and build upon its credibility as a government of progressive law reform, and all Labor governments have been concerned with progressive law reform. Another committee recommendation is ensuring that the non-commercial supply of cannabis, or gifting, is treated as possession and not supply. We make the point that that policy choice, which is simple and uncontroversial—any Parliament could make it—would align our criminal law with the policy choices embodied in the Commonwealth Criminal Code. Two decades ago there was a lengthy bureaucratic process where a Federal Criminal Code was drafted. It was intended as a code to be rolled out and legislated for in all States and Territories. They looked at drugs and, indeed, there is an offence of cannabis possession in the Federal Criminal Code.

They looked at the question of gifting, or non-commercial supply, and in their wisdom chose to legislate in the Commonwealth Criminal Code—then agreed to by all States and Territories as a future code to be rolled out—that gratuitous supply would not be treated as supply. It would only be treated as possession because there is a rationale only for those higher maximum penalties when you get to commerciality. It is a ridiculous situation where the offence of supply, with its even greater maximum penalty, is applicable to a full non-commercial drug dealer and also a young person or adult who provides a joint to a friend at a party. The very expansive definition in the Drug Misuse and Trafficking Act [DMTA] applies, and supply includes a whole range of concepts, including agreement to supply and handing over—all sorts of things. That is a perverse aspect of our criminal law.

I am very confident to say that if legislation came before the Parliament to revamp that entire piece of legislation, that policy choice would not be recommended by the relevant bureaucracy. It is very outdated and easy to change. The committee also recommended the removal of deemed supply measures that reverse the onus of proof, such as those that exist in section 29 of the DMTA. Those provisions are inconsistent with international human rights law because they do not honour the burden and standard of proof and they operate in a pernicious way with respect to particular people who will not be able to satisfy burdens and so forth. Again, it can hardly be said that these are necessary for the proper administration of the criminal law. A raft of other matters are intended to increase diversion and cautioning. In conclusion, we can almost entirely eliminate the harmful effects of criminalisation. That has happened in some respects in Victoria. We do not have to make that ultimate choice yet on decriminalisation or legalisation.

The Hon. CAMERON MURPHY (18:14): I contribute to debate by endorsing what was said by the previous two speakers. This is an incredibly important inquiry, and this interim report, *Impact of the regulatory framework for cannabis in New South Wales: First report*, provides a framework or pathway so that if a government at some stage does decide to decriminalise cannabis—at the moment our Government has decided not to—there are sensible measures in order to achieve that objective. That important work was done by this committee in compiling the report. The timing of the report was excellent because it provided a positive avenue for discussion at the Drug Summit. People were able to look at some of the measures proposed in the report. It certainly enlivened the discussions that took place at the Drug Summit events I went to in Griffith and Sydney where people discussed elements of the report.

There were very different views among members of the committee, but they all did great work to pull together those different perspectives. In the early part of the work we also had an incredible opportunity to see what goes on practically. When we were on the North Coast we had a look at a cannabis manufacturing facility and farm with its greenhouses. We saw exactly how it goes about making medicinal cannabis. Two interesting things came out of that for me, including the organic process. They use insects rather than pesticides to ensure the viability of their crops. Also, it seems they are unnecessarily subjected to an incredible amount of red tape in an industry with a great future. The industry could generate enormous opportunities for this State in terms of jobs and gross State product through the economic activity of selling medicinal cannabis. Those two matters were very interesting for me.

I highlight matters in the report that I think are particularly important. In terms of the recommendations, one was that we reconsider the amount classifications in schedule 1 to the Drug Misuse and Trafficking Act 1985 in respect of cannabis generally, and particularly what amounts of cannabis should be considered "small quantity" and "traffickable quantity". The committee was of the view that the threshold for those were too low and that they unnecessarily captured people. That is one of the first things that ought to be reformed if a government chooses to go down the path of decriminalisation, as I have spoken about. One of the other matters that was raised by the Hon. Stephen Lawrence was to amend the Law Enforcement (Powers and Responsibilities) Act to significantly

limit the circumstances in which people can be searched by police in respect of a small quantity of cannabis that is not possessed for the purpose of supply.

At the moment drug-sniffing dog operations, usually at pubs or train stations, often result in people being searched on the basis that they may have cannabis on them and may be intending to supply that cannabis. It is resulting in unnecessary harassment of thousands of people who, in the end, are found to have only a personal-use quantity of cannabis on them. It is something that ought to end. I am firmly of the view that our police resources should be devoted to dealing with and investigating serious types of other crime—violent crime, such as murders and sexual assaults, including domestic violence—not searching people who ultimately are found to have a small amount of cannabis for personal use. Yet that is what is going on, and it ought to be reformed.

The way of reforming it is to put in place amendments that provide that the police may not exercise stop and search powers if they suspect only that a person unlawfully possesses a non-trafficable quantity of cannabis for personal use, or that provide, in the alternative, that searches are permitted only when police hold a reasonable belief as to the requisite circumstances—a reasonable belief that somebody is engaging in supply. Those are eminently sensible and reasonable measures and are just two of the report's many recommendations I wanted to highlight. This is only an interim report. There will be more to come from the good work of this committee. I commend the report to the House.

Ms CATE FAEHRMANN (18:21): I speak to the interim report of Portfolio Committee No. 1 - Premier and Finance entitled *Impact of the regulatory framework for cannabis in New South Wales: First report*. I acknowledge that I am not a substantive member of the committee, but I have participated in many of its hearings as The Greens' drug law reform and harm reduction spokesperson. As a member of this place, I have brought to the House a number of bills dealing with cannabis in different ways: to establish a legal framework as well as reform outdated roadside drug-testing laws.

I will speak to the detail of the interim report. The committee made several findings. It found that more research is required to understand the full scope of the benefits of medicinal cannabis, the barriers to accessing medicinal cannabis and how they are forcing some users with genuine medical needs to acquire cannabis illegally. It made other findings, which I will also talk about. It was reassuring that committee members from across party lines and political divides were able to come together and at least agree that the current regulatory framework for cannabis in New South Wales is seriously broken.

For years now, New South Wales has been wasting millions of taxpayer dollars and ruining lives through the criminalisation of cannabis. Australia has one of the highest rates of cannabis use per capita in the world, and most people over the age of 14 will use it at some point in their lives. More than two billion Australians use cannabis each year. The National Drug Strategy Household Survey 2022-2023 showed that 11 per cent of people in New South Wales used cannabis in the previous year. I think that figure is probably too low. This statistic should make it blatantly clear, though, that the harsh criminalisation of cannabis—and of drugs in general—is doing nothing to deter people from using cannabis.

The establishment of this inquiry was a good thing. Hopefully, it will give the Government the opportunity to carefully consider the recommendations coming forward and the ability to talk about the kind of stepped and staged approach that a number of committee members have addressed in their contributions to this debate. Unfortunately, the Premier has stated that he does not intend to decriminalise drugs, not even cannabis, in this term of Parliament. Therefore, that is the framework we are working with. But I hope that this first report and rising public support for legalising cannabis—I think it increases year on year—will be enough to cause the Premier to reconsider this approach. The findings of the report make clear that a punitive approach to cannabis only inflicts further harm on communities and does nothing to minimise risks associated with cannabis and nothing to decrease the use of cannabis. Over one million new patients have reported access to medicinal cannabis in Australia since 2016 through the Authorised Prescriber Scheme and a further 500,000 under the Special Access Scheme.

Findings 2, 3 and 4 of the report outline the need for further investigations into the barriers to accessing medicinal cannabis in New South Wales, such as high prices, low coverage in regional and rural areas, and an unfair system to navigate. People who have difficulties accessing medicinal cannabis for those reasons are led to the black market and are putting themselves at risk of criminal sanctions. Evidence shows that the current medicinal cannabis scheme is likely being used to facilitate both medicinal and recreational use of cannabis, which could create an arbitrary distinction between those who lawfully possess cannabis and those who do so illegally. These problems could be almost entirely eliminated by legalising cannabis, allowing for everyone who needs or wants to buy cannabis to do so safely and to know what they are buying and to be informed. I know that the report before us at the moment is not recommending legalising cannabis across the State at this stage.

Finding 12 of the report gets to the crux of why we need to legalise cannabis, which is that criminal sanctions for cannabis do not deter individuals or the community from using cannabis. The war on drugs has been going on for decades and decades, and more people than ever before are taking drugs. It has not stopped people using drugs. As many people say, the issue is not the drugs; it is the way in which they are being regulated and made illegal. The committee recommended that a staged approach to reforming the regulatory framework for cannabis should begin in this term of Parliament, by first implementing a relaxation of the criminalisation of cannabis, which would lead to the eventual legalisation of cannabis.

A reconsideration of the classifications of the Drug Misuse and Trafficking Act was also suggested in respect to cannabis generally and in relation to a small quantity and a trafficable quantity, with the view the current threshold is too low. That is one of the simplest ways in which the Government can act to reduce a significant amount of harm. I urge the Minns Government to genuinely look at that to see what it can do. In other countries, even those countries or jurisdictions that have laws that criminalise drugs, which many do, the minimum level of a drug to be deemed a trafficable quantity is really important. Amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 were recommended, to significantly limit the circumstances in which people can be searched by the police in respect of small amounts of cannabis, not possessed for the purpose of supplying. Again, that is something The Greens support, if that is where we need to go, in that staged approach. Getting that in place would be significant.

The report also recommends a defence of driving with the presence of a prescribed illicit drug in oral fluid, blood or urine, in respect of cannabis. That is one of the most important recommendations the Minns Government should and must follow in this term of Parliament. Put simply, the road laws have not kept up with the fact that cannabis has been prescribed as a medicine since I think 2016—almost a decade—at a Federal level. At least a million Australians have used medicinal cannabis for all sorts of ailments. It is absolutely ridiculous that people are having to go back to their prescription drugs, to drugs of addiction, to treat a huge range of different ailments, such as pain and post-traumatic stress disorder, and that they cannot drive because of the fear of getting caught and losing their licence. Claims of not knowing whether someone is impaired are ridiculous. Jurisdictions have worked through this with the police and can make it work. In places with legalised cannabis, such as Canada, the police just work out whether people are driving while impaired. I look forward to the rest of the work of the committee and, hopefully, a second report, which recommends legalising cannabis.

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

Motion agreed to.

The DEPUTY PRESIDENT (Ms Abigail Boyd): According to sessional order, it being 6.30 p.m., debate on committee reports and Government responses is interrupted.

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

Bills

WORK HEALTH AND SAFETY AMENDMENT (STANDALONE REGULATOR) BILL 2025

First Reading

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

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

Statement of public interest tabled.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

*Committees***PRIVILEGES COMMITTEE****Reports**

The Hon. STEPHEN LAWRENCE: I table report No. 99 of the Privileges Committee entitled *Consideration of disputed claims of privilege as referred by the Clerk under standing order 54 (March 2025)*, dated March 2025, together with correspondence.

*Documents***EARLY CHILDHOOD EDUCATION AND CARE SECTOR****Report of Independent Legal Arbiter**

The DEPUTY PRESIDENT (The Hon. Rod Roberts): According to Standing Order 52, I inform the House that, as the President reported on Tuesday 11 February 2025, the Hon. Keith Mason, AC, KC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of a claim of privilege disputed by Ms Abigail Boyd. I announce receipt of the interim report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Early childhood education and care sector*, dated Monday 24 February 2025, together with submissions and attachments.

The CLERK: According to Standing Order 54, I announce that:

- (1) On Tuesday 25 February 2025 the interim report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Early childhood education and care sector*, dated Monday 24 February 2025, together with submissions and attachments, was referred to the Privileges Committee.
- (2) On Thursday 6 March 2025, the committee resolved to publish the report and submissions.
- (3) The committee did not meet to consider the publication of any documents.
- (4) On Tuesday 18 March 2025 the Privileges Committee tabled report No. 99 entitled *Consideration of disputed claim of privilege as referred by the Clerk under standing order 54 (March 2025)*, dated March 2025.

MINISTERIAL VEHICLE LOGBOOKS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 18 February 2025, I table:

- (a) a return received on Tuesday 18 March 2025 from the Cabinet Office, together with an indexed list of documents subject to a claim of privilege; and
- (b) a return received on Tuesday 18 March 2025 from the Cabinet Office of documents subject to a claim of personal information.

*Bills***SCREEN AND DIGITAL GAMES INDUSTRIES BILL 2025****First Reading**

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

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

Statement of public interest tabled.

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (20:06): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Screen and Digital Games Industries Bill 2025. Australian storytelling and developing the next generation of creative talent are key priorities of this Government. Economic growth and job creation are also key priorities of this Government. Supporting the screen and digital games industries can help to achieve both of these goals. Research shows that New South Wales' share of Australian screen production businesses and workers is significant. In 2021-22 over 2,300 screen production businesses employed 15,000 people in New South Wales, with over half of Australia's screen production facilities located in New South Wales.

In terms of dollars, the New South Wales screen industry added almost \$1.1 billion to the State economy in 2021-22. In the same period, wages and salaries in the New South Wales screen industry were around \$1.24 billion, with businesses generating \$4.88 billion in income. When screen production happens in Australia, half the time it happens here in New South Wales. These productions not only create jobs but also showcase the best of Sydney and New South Wales and tell important local stories. I am sure that members have heard of the feature film *The Fall Guy*, starring Ryan Gosling and Emily Blunt. The choice to shoot *The Fall Guy* in Sydney was a testament to the power of the Made in NSW fund and Sydney's unique architectural landscape and natural features, backed in by a whole-of-government effort.

The production required effective coordination across a large number of government agencies and local councils to shoot, for example, on the Sydney Harbour Bridge, on the harbour and in front of the Sydney Opera House. Members might recognise some scenes from out the front of the government ministerial offices. There are some superb stunt scenes. For those who spend their time in the city, it is an unforgettable backdrop. Another unique New South Wales production is the TV series *Total Control*, hailing from Blackfella Films and starring Deborah Mailman and Rachel Griffiths.

The Hon. Penny Sharpe: Filmed in the other place.

The Hon. JOHN GRAHAM: *Total Control* brings First Nations stories and characters to a wide audience, with hard-hitting, home-grown storytelling. The Leader of the Government is right: Members may also recognise some of the sets from here. *Total Control* has been supported by Screen NSW for all three seasons, with the Regional Filming Fund supporting seasons two and three, shooting at various locations in regional New South Wales including Narromine, Trangie and Broken Hill. Season three alone employed 288 people living in regional New South Wales.

If members have not heard of those two productions, they will have heard of *Colin from Accounts*. When the first season launched in Australia, it broke records. It became Foxtel's most watched original scripted series of all time. It has gone on to have global success, premiering in the United Kingdom on BBC and in the United States on Paramount+. *Colin from Accounts* is a great example of how New South Wales based intellectual property has the potential to reach large local and global audiences. New South Wales has also attracted a new thriller starring Eric Bana and Charlize Theron for Netflix, with filming set to take place in Sydney and Western Sydney. The production was supported by the Made in NSW fund and is another example of what we do well in this State.

Digital games production is the new kid on the block. Some 81 per cent of Australians now play digital games, an astonishingly high figure. New South Wales is less established in its share of digital games production than in more traditional areas of screen production. The State is home to 22 per cent of Australia's game studios and 16 per cent of its full-time employees. However, with the right regulatory settings, there is significant opportunity for New South Wales, and Australia, to grow its digital games sector. The digital games industry was included in the State's new three-year Screen and Digital Games Strategy, launched in late 2024.

With the introduction of the bill, the Government is powering up its support for digital games creators. It reinforces our commitment to tangible actions for this industry that have already begun. We have reduced the threshold at which digital games producers are eligible to receive a rebate on development expenditure from \$500,000 to \$350,000 to allow more games producers to access the rebate. We have introduced the Digital Games Seed Development Program and the Market Travel Funding Program, worth \$300,000 a year. A total investment of \$1.5 million in digital games creators is in place for the next three years, making a real difference for this growing sector.

To support the work I have just outlined, the Government is proposing to repeal and replace the existing film and television legislation and create a new, modern Screen and Digital Games Industries Act. The Film and Television Industry Act 1988 has been amended so many times—I am advised at least eight times—over the past two decades that a refresh is needed, given how much the industry has changed since 1988. This is a demonstration by the Parliament to the sector that the Government is committed to supporting it through effective and contemporary regulatory and policy settings.

The Screen and Digital Games Industries Bill 2025 has three parts, and I turn to the content of the bill. The new Act renews and modernises terminology to reflect current and emerging technologies and, importantly, includes the digital games industry. Doing so will provide a robust regulatory framework for this sector that considers and enables its future growth. The objects of the Act have been updated to include recognising screen and digital games storytelling as a public good, and promoting cooperation between the New South Wales Government, local councils and industry to support the screen and digital games industries. That will align the Government's vision for screen and digital games production with the legislation and reflect contemporary language in relation to the arts. It reflects the rapid change of those industries over a number of decades.

A new addition to the Act is the inclusion of principles which decision-makers of government sector agencies and local councils must consider when making a decision in relation to screen or digital games production. The principles include that fees are kept at a minimum, applications for access to locations and services are dealt with in a reasonable time frame, and access to locations is supported where practical. Those principles draw on and align with the principles in the Premier's Memorandum *M2021-06 Making NSW Film Friendly*, and the Local Government Filming Protocol issued under the Local Government Act 1993. The Government is saying that screen and digital games production should be supported unless there are exceptional reasons not to do so. It is a "yes, unless" approach.

Finally, the Act allows for local councils to be accredited as "screen production friendly". The purpose of that is to encourage local councils to be screen friendly by recognising their efforts to attract screen production for both local benefit and that of the wider State economy. Through active adoption of the principles set out in the legislation, along with adherence to the provisions of the Local Government Filming Protocol, accredited councils will be demonstrating to the screen industry that it is seen as valuable and welcome. Eligibility and the process for accreditation will be determined by guidelines issued by the Minister. That is to allow time for the matters to be developed and consulted on with key stakeholders. This is a key way to encourage the most active councils. I have met with a number of those councils to talk to them about what they are doing. If they continue to lift their effort, we will work with them cooperatively to supercharge the screen industry in New South Wales.

The second part of the bill to note is the proposed new Screen and Digital Games Industries (Advisory Committee) Regulation 2025. The current Film and Television Industry Act established a Film and Television Industry Advisory Committee for the purpose of considering recommendations relating to film and television production funding and advising the secretary in relation to those recommendations. It performs that function well. The committee advises on the annual allocation of program funding between film and television industry funding programs and, if appropriate, recommends changes to existing funding programs and guidelines. The committee has also been charged with advising the Minister on the strategic direction of the film and television industry in the State.

I take this opportunity to thank the current committee for its invaluable contribution to the sector. The strategic advice to the Government when I have consulted with the committee has been instrumental in fostering creativity and growth in the sector. I particularly thank Patrick Fair for his work as chair of the committee and the other members for continuing to provide important insight into the funding priorities recommended by industry for New South Wales. We are lucky to have high-level members of the industry serving on that committee. The bill, through regulation, aims to modernise the purpose and composition of the advisory committee, which is renamed as the Screen and Digital Games Industries Advisory Committee.

The new regulation reflects the broader scope of the Act, strengthens the committee's ability to deliver on its functions and reflects contemporary governance practices, including that at least one member of the committee must identify as an Aboriginal or Torres Strait Islander person and one member must have digital games industry experience. To allow for that, membership of the committee will also increase from no more than seven to no more than 10 members.

Further, the regulation specifies that the chairperson must have industry experience, in order to advocate for the sector, and the deputy chairperson must not have industry experience, in order to provide an independent voice at an appropriate level of authority. The Government is committed to a diversity of views and expertise. Beyond these regulations, a skills matrix will be used to support appointments to the committee, including considerations such as subsectors, skills, youth, cultural and linguistic diversity, and location. It is proposed that the Screen and Digital Games Industries Act and regulation commence on 1 July to allow the current Film and Television Industry Advisory Committee to complete its term and ensure there is no gap before the appointment of a new committee.

The last part of the bill to note are the proposed amendments to the Local Government Act 1993. Specifically, those amendments relate to division 4, "Approvals for filming". The need for those amendments is due to concurrent work that is being undertaken to update the Local Government Filming Protocol, which sits under division 4 of the Local Government Act 1993. To ensure that the revised protocol will not conflict with a number of provisions in the Local Government Act 1993, some amendments are required. The proposed amendments are in direct response to feedback received from councils on the draft revised Local Government Filming Protocol, including that they felt they were inadequately remunerated for filming requests and that their resources are regularly diverted to pursuing applicants for fee payment. Accordingly, it is proposed to amend section 116 to provide that the maximum application fee payable and the number of days within which an applicant must pay fees to a council be outlined in the Local Government Filming Protocol instead of the Local Government Act 1993 and regulations. Including such information in the protocol instead of the Act provides more flexibility and the ability to be more responsive to changing conditions.

In addition, it is proposed to amend section 117 to reduce the number of days within which a council must acknowledge receipt of an application to film from seven days to two business days, reflecting changing technologies and business practices. We can respond more rapidly now than when this Act was first written in 1988. The days of hard copy submissions and manual preparation of individual letters are past, and councils are to provide prompt electronic acknowledgment. I am grateful for the support of my parliamentary colleague Minister Scully, who has, through his agency, supported a change to be drafted to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008—the codes SEPP—to extend the time for filming taking place on relevant land from 30 to 90 days before a development application is required. It is a significant change for the screen industry that will reduce red tape and make processes for filming much easier.

I take this opportunity to signal that we will be looking at a range of other policy measures to further turn New South Wales from a "No" State to a wholehearted "Yes" State for filming for both the local and global screen and digital games industries. The bill will act on the Government's commitment to support the screen and digital games industries. It will bring together the policy and regulatory settings into the twenty-first century. It will reflect contemporary technologies, business practices and governance structures. I acknowledge the significant work that has gone on across the many agencies that have collaborated to make the bill possible. I recognise the Department of Creative Industries, Tourism, Hospitality and Sport, particularly Screen NSW, supported by the Office of the 24-Hour Economy Commissioner and Create NSW; the Department of Planning, Housing and Infrastructure; and the Office of Local Government.

I also recognise my ministerial colleagues in each of those areas who have worked hard to support this reform. This work has included extensive consultation undertaken in the development of the Creative Communities policy and the Screen and Digital Games Strategy, as well as engagement with councils on the revised Local Government Filming Protocol. I particularly recognise Kyas Hepworth, Head of Screen NSW, and Emily Crocker of the Office of the 24-Hour Commissioner as well as the policy team working across agencies for their input in making this legislation possible. I commend the bill to the House.

Debate adjourned.

PRODUCT LIFECYCLE RESPONSIBILITY BILL 2025

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

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

Statement of public interest tabled.

Second Reading Speech

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:23): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Product Lifecycle Responsibility Bill 2025. The bill proposes a new Act, the Product Lifecycle Responsibility Act, to establish a product stewardship framework for brand owners of certain products. The Act could be applied to any product and is futureproofed to handle emerging environmental issues. The Act will give the ability to establish a product stewardship scheme for a particular product.

We have been prompted to action by the lithium ion battery fire crisis in New South Wales. We need a system to be able to easily and quickly regulate products causing problems, whether they are a risk to safety or a risk to the environment. While these laws will work alongside Commonwealth laws, this is nation-leading reform. New South Wales will lead the way for new mandatory product life cycle schemes that we hope other States will adopt. The framework established under the bill allows the Minister to prescribe, by regulation, requirements across the entire life cycle of a product, including the development, design, creation, production, assembly, supply, use or re-use, collection, recovery, recycling or disposal of the regulated product.

Too often and, in fact, most of the time, products are designed without any consideration of what will happen to them when their use has ended. This must change. Those who make the products and those who sell the products must take some responsibility for where they end up. Design requirements would require products to be recyclable or re-usable, to last longer, or to be safer and less likely to cause fires. This legislation also provides the legislative framework to ensure that there is regulatory oversight of a product stewardship organisation when dealing with products that can cause harm. Notably, at this point in time, we are very concerned about lithium ion batteries and the spate of fires that has been occurring nationwide. We need to recall that people have lost their

lives this year as a result of fires caused by some of these products. We also have the situation where our waste industry is dealing with hundreds of fires a week either in the bins, in trucks or at their facilities.

The legislation allows the Government to enter into a contract with a product stewardship organisation. The Government may do this for a particular product where there is a need to oversee an aspect of the product life cycle. We typically think about this at the end of life for a product where the markets for re-use or recycling are still developing. The bill provides appropriate regulatory oversight to ensure that product stewardship organisations are fulfilling their agreed responsibilities. The bill carries significant penalties for brand owners—the owner of a product name—who fail to comply with product stewardship requirements set by the regulations and, in particular, for contraventions of safety requirements identified by the regulations.

This legislation is intended in the first instance to be used to provide a framework for the regulation of product stewardship for batteries. The fact is that while batteries are an incredibly important part of society and will help us decarbonise our economy, enjoy life and make things a little bit easier, from those little handheld chainsaws to toothbrushes and all of those products that have batteries in them, they do pose a risk to people when not properly disposed of, when damaged or mishandled, or when improperly designed. This bill will enable the New South Wales Government to take comprehensive action and escalate its response to reduce the likelihood and prevalence of battery fires in the waste supply chain. We know this will prevent further deaths, injuries and property damage. This bill targets the entire life cycle of a product, from how it is designed and manufactured to how it is used, recycled or disposed of.

Battery fires are an escalating risk in New South Wales, driven by the growing number of lithium ion batteries throughout the community. As I said before, while these batteries are well-loved and have significant benefits, the risk of fires from unsafe or mishandled batteries is growing. According to Fire and Rescue NSW, these batteries are the fastest growing fire risk in New South Wales, with 324 incidents since 2024, including 33 injuries and 1,125 evacuations. This is up from 171 incidents in 2022, while research from the waste and recycling industry in 2024 estimated that the waste and resource recovery sector deals with between 10,000 and 12,000 fires a year in trucks and at facilities caused by improperly disposed of lithium ion batteries. When batteries are placed in kerbside red bins or commercial bins, they end up in waste trucks and can make their way to landfills or resource recovery facilities. I remind members of the House that the Australian Capital Territory resource recovery centre actually burnt down as a result of one of these fires. These cause problems because they can ignite when punctured in the back of a truck or in recycling processing machinery.

When lithium ion batteries are damaged, they can enter a process called thermal runaway. They create very hot fires that are extremely difficult to extinguish and release toxic gases into the air. When an emergency responder, truck driver or facility worker is exposed to a battery fire, they risk serious safety and health consequences. They can experience burns, exposure to hazardous chemicals on their skin, and harm from breathing in vapours from the burning battery. The hazardous chemicals in lithium ion batteries can also leak into landfills, as they are compacted and exposed to moisture over time. There is a risk that the liquid making its way into landfill could breach the lining, leach into surrounding waterways and travel in the groundwater to other sites. Such events can have serious water pollution and human health impacts. That is why the Government must take urgent action now to address these significant challenges.

The Environment Ministers' Meeting in December 2024 identified the need for urgent reforms to product stewardship arrangements for batteries, to address the escalating risks of fires and create a safe circular economy. Ministers recognised the need to act quickly to reduce the risk of battery fires. Ministers discussed progression of aligned State-led reforms for mandatory battery product stewardship, and the New South Wales Government highlighted that we would progress this legislation. We decided that we could not stand by and allow these challenges to continue. New South Wales is leading the way nationally by providing a comprehensive regulatory framework with appropriate oversight to protect the environment and human health. This approach is an escalation from the voluntary approach currently employed under existing Commonwealth accreditation, which does not have the same regulatory oversight.

Through this bill, New South Wales is initially taking a twofold approach to the regulation of batteries. The first component of the Government's response is this bill. The bill will allow the Government to establish product stewardship schemes and cover potentially harmful products. This legislation has been drafted as a standalone Act so it can easily be used by other States and Territories as a template to regulate product stewardship. Other Australian State and Territory Ministers and regulators have been supportive of the approach New South Wales has taken and have expressed interest in adopting a similar approach. Standardising this approach across States will be important for providing consistency nationally while also ensuring we have appropriate protections in place.

The Government has chosen this legislative response to ensure there is appropriate regulatory oversight of product stewardship organisations, which is not present in current voluntary schemes. The bill provides a

comprehensive suite of considerations and oversight improvements to ensure that brand owners take responsibility for products across their life cycles and risk is managed appropriately. The obligations on brand owners are appropriate, and the bill includes meaningful but measured penalties for noncompliance. There is a particular focus on penalties for noncompliance with safety requirements. Ultimately, we are trying to protect the community, protect infrastructure, keep people safe and limit environmental impacts.

The second step of this process will be to draft regulations to make product stewardships mandatory for problematic products, including certain classes of battery where there is an existing Commonwealth stewardship accreditation. This allows the Government to act urgently to address battery fires and reduce free riders in the current system. The regulation would mandate product stewardship for batteries that are captured under existing Commonwealth voluntary product stewardship schemes. We will work collaboratively with industry and local government when finalising these recommendations. Another reason for pursuing this action in New South Wales is that the Commonwealth battery schemes are voluntary and, to date, they have seen very low recovery rates. The current schemes are not effectively able to address the challenge we face.

Many embedded batteries, or batteries encased in products, like an electric toothbrush or the cute shoes that kids wear with lights on them—all of those new products that have never had batteries before but now do—are not being collected in the schemes. People do not think about them and they chuck them in the bin. That is where the problems are. These batteries can be found in consumer household electronics. The other one I have not mentioned yet that all members would be familiar with is vapes. Embedded batteries in vapes are a huge problem. Embedded batteries are also included in power tools and kids' toys, as well as the ones we are more familiar with, like the bigger batteries in electric transport devices such as e-bikes, e-scooters and e-hoverboards—I would not get on one of those; I would probably break my neck!

Fire and Rescue NSW advise that these embedded batteries are some of the batteries most likely to cause issues in waste management infrastructure. To address this challenge, we must evolve our regulatory response and respond to the greatest risk. Under the current settings in voluntary schemes, the prevalence of fires, deaths and injuries is escalating. Tragically, we have seen that happen this year already. We want to achieve the best possible outcomes. The success of programs like container deposit scheme Return and Earn is recognition that mandatory product stewardship can provide a very successful model. The EPA has engaged extensively with stakeholders on the risks posed by batteries, current product stewardship arrangements and opportunities for reform.

That included the preparation of a draft regulatory impact statement in 2024, which was done in collaboration with the Victorian Government Department of Energy, Environment and Climate Action. I give a shout-out to my colleague Steve Dimopoulos in Victoria, who was very keen to work collaboratively with us on that. The New South Wales Government has reflected that feedback as much as possible in this legislation. I thank everyone who provided feedback on these important reforms. We believe that this framework provides us the appropriate tools to escalate our response, evaluate our approach, adapt as we need to over time and deal with this very challenging problem.

I now turn to the detail of the bill. Members will note that this is a long regulatory bill, and so I do need to take the House through the details. As we discuss the bill over the next week or so, I am happy to get any information that members might need. Proposed section 3 sets out the objects of the Act. The objects of the Act are:

- (a) to minimise the impact that products have on human health and the environment, throughout the lifecycle of the products,
- (b) to ensure that persons who supply a product are responsible for minimising the potential harm of what is supplied,
- (c) to support material circularity through design, production, use, re-use, collection, recycling, reprocessing and end-of-life management,
- (d) to promote and support the principles of a circular economy.

Proposed section 5 is an important provision as it allows the proposed Act to be applied to people outside of New South Wales. That is particularly important when regulating products that are sold online or manufactured outside the State. Proposed section 6 describes a brand owner under the proposed Act. Specifically, it is the owner of the product name under which the product is supplied in New South Wales. That means the brand owner may not be the manufacturer of the product but is the person responsible for supplying it in New South Wales. Proposed section 8 provides for product stewardship requirements that set the key environmental outcomes that must be achieved by all scheme participants. It enables regulations to establish schemes for the stewardship of the life cycle of regulated products and outlines a range of conditions that the Government may make regulations on for product stewardship organisations.

The regulations may prescribe product stewardship requirements and specify targets for the stewardship of the life cycle of a product, or part of a product, prescribed by the regulations, including the development, design, creation, production, assembly, supply, use or re-use, collection, recovery, recycling or disposal of the regulated product. If at any part of the cycle there is a problem, we will be watching very carefully and making sensible regulation, if required, to make sure that human health, human safety and the environment are protected. Proposed section 9 gives the Minister the ability to set product stewardship targets for regulated products by order published in the *Government Gazette*—one of our favourite publications. That ability ensures that targets, if required, can evolve over time and suit the nuance of different product types which would not be appropriate in the Act.

Proposed section 10 makes it an offence for the brand owner of a regulated product to fail to comply with a product stewardship requirement or target for the product. There is particular emphasis on failing to comply with a safety requirement which carries a maximum penalty of 2,000 penalty units, which is \$220,000, for an individual, or 8,000 penalty units, which is equivalent to \$880,000, for a corporation. We want to make sure we are minimising harm, and failing to do so will result in significant penalties for noncompliance.

Proposed sections 12 and 13 set out reporting requirements for brand owners and product stewardship organisations in relation to regulated products. The record-keeping requirements ensure transparency for the regulator, the public and brand owners. There is a requirement for a product stewardship organisation, if appointed, to provide quarterly financial reports. That allows for transparency over expenditure of scheme operators to the regulator, scheme members and the public. Of note, under proposed section 12 is a provision that brand owners must notify the regulator and, if appointed, the product stewardship organisation of the first supply of a regulated product.

Proposed section 12 also provides an offence for a brand owner failing to give a report to the regulator within three months of the end of the financial year, while proposed section 13 provides an offence for a product stewardship organisation failing to give an annual or quarterly report to the regulator within three months of the end of the financial year or quarter. The reporting and record-keeping requirements are about ensuring there is transparency in the system. A criticism of some voluntary schemes is the lack of transparency for scheme participants and the community. Under this legislation, product stewardship organisations, if appointed, and brand owners must provide a level of transparency that enables appropriate regulatory oversight. That oversight is important given the potential harms that irresponsible product stewardship may cause, namely loss of human life, injuries and significant environmental harm.

Division 3 introduces the concept of action plans, which is similar to the operation of the Plastic Reduction and Circular Economy Act 2021. Proposed sections 15 and 16 give the ability to, by regulation, require brand owners or product stewardship organisations to prepare action plans. The action plan, if required, will outline how the brand owner plans to meet the product stewardship targets. This holds brand owners to account, while providing the flexibility to meet the targets in the manner that best suits their business models. The action plan sets out how the brand owner intends to comply with the proposed part, including indirect environmental actions. Where there is no action plan required, brand owners will still have to meet the mandatory product stewardship requirements. Under proposed sections 15 and 16 there is an offence for a product stewardship organisation or brand owner for failing to, if required by the regulations, prepare and lodge an action plan.

Proposed section 19 makes it an offence for a brand owner to supply the regulated product unless the approved action plan is in effect and the supply is in accordance with the approved action plan. This ensures that brand owners are taking responsibility for their products under the Act and are adhering to their agreed action plans. Under proposed section 20 are a range of actions that may be taken by the regulator with notice to the brand owner of a regulated product or a product stewardship organisation. It is an offence for the brand owner of a regulated product or a product stewardship organisation to fail to comply with a direction given by the regulator.

Proposed section 23 provides for the concept of a stewardship administration agreement, which is, essentially, a contract between the regulator and a product stewardship organisation and which must include provisions requiring the product stewardship organisation to enter into arrangements with brand owners. It provides the ability for product stewardship organisations to charge brand owners fees for the cost of the management, administration and operation of the scheme. Proposed section 27 provides that the regulator may conduct a performance audit of the activities of product stewardship organisations in relation to the performance of obligations under a stewardship administration agreement. This oversight ensures that the regulator can respond appropriately where there is suspicion that a scheme operator is not fulfilling its obligations.

Part 3 enables the regulator to impose conditions on approved action plans for brand owners and product stewardship organisations to provide financial assurances. The purpose of the assurances is to guarantee funding to meet product stewardship requirements or targets in the event the organisation was not able to fulfill those obligations. This would prevent an organisation in a precarious financial situation entering administration while still having outstanding obligations such as batteries at collection points or in storage that would need to be

removed. The bill also provides for fees. The intent of the fee provisions is to ensure the bill has built-in cost recovery mechanisms. The charging of fees by the regulator would be limited to cost recovery of the administration of the functions under the proposed Act and corresponding regulations.

Batteries are an important component of our everyday lives and are essential as we decarbonise our economy. However, the harms from battery-related fires resulting from the incorrect disposal of batteries is a problem we cannot ignore. Fire and Rescue NSW has highlighted that lithium ion batteries are the fastest growing fire risk in New South Wales, and we want to ensure we are protecting the people of New South Wales. Poor-quality batteries continue to enter the market, with limited safety systems to prevent them overheating or igniting. Fires are either igniting spontaneously in homes or when these batteries and products are punctured in waste trucks or at waste facilities when people dispose of them improperly in their waste bins.

There are existing voluntary product stewardship schemes for batteries, and I acknowledge the work put into those, but scheme participation rates are as low as 15 per cent. This means that there are many battery suppliers free-riding on the participation of others, which limits the funding available for schemes to deliver wide-reaching communications and community education, which is also desperately needed. It also reduces the funding available for providing convenient and accessible collection point infrastructure. Mandatory participation in product stewardship would properly resource collection infrastructure and public education about problematic batteries and products with batteries embedded. It would also tell people where to take those products to dispose of them properly. My ongoing message, which I have said in this House many times, is that batteries do not ever belong in the bin.

This legislative framework provides the appropriate regulatory oversights for dealing with a serious and dangerous problem. The framework can be used to establish product stewardship schemes for other products that may have emerging harms. The threat to human life and environmental health from battery-related fires cannot be overstated. Without comprehensive action to address the incorrect disposal of batteries, as the first product proposed to be managed by the improved framework set up in this bill, there will continue to be avoidable, preventable tragedies.

I take the opportunity to thank some key people who have worked closely with the Government and with the EPA in developing this legislation. These people continue to work closely with us as we develop regulations over time. Whilst there are many within the industry who have worked with the Government, I particularly thank Gayle Sloan from the Waste Management and Resource Recovery Association of Australia, Brett Lemin from the Waste Contractors and Recyclers Association of NSW and Suzanne Toumbourou from the Australian Council of Recycling. All are fierce advocates for the recycling industry and their members. They also advocate for a better, stronger, safer and more circular waste system. We would not be delivering this nation-leading reform without their input, and I thank them for it.

I also thank Jeff Angell from the Total Environment Centre, one of Australia's longest serving environmental campaigners and someone I can always rely on for frank and fearless advice, support where needed and a push in the right direction. The bill is testament to the things he has been nagging me about for a very long time. I place on record the EPA's dedicated waste and circular economy team, who have worked tirelessly to deliver the bill. The Government recognises the problems we are facing and has a plan to manage the challenges in the waste and resource recovery sector. The time for action is now. There have been too many problems in waste that have been ignored, and they cannot be kicked down the road any longer. This bill is an important part of addressing that challenge. I commend the bill to the House.

Debate adjourned.

AUTOMATIC MUTUAL RECOGNITION LEGISLATION AMENDMENT BILL 2024

Second Reading Debate

Debate resumed from 18 February 2025.

Ms ABIGAIL BOYD (20:45): Keen observers will be aware that I spoke in debate on the Automatic Mutual Recognition Legislation Amendment Bill 2024 on 18 February. To be frank, I was filibustering. I made that very clear at the time because I was working with the Minister's office to come to a point of mutual understanding on what the bill does. I was also trying to buy a bit more time to understand what happened to conveyancers in particular in Victoria and get some information from Victorian fair trading so that The Greens could come back to the Minister's office and progress our understanding of the bill. We have now received that information and legal advice from Fair Trading. However, both the New South Wales and Victorian divisions of the Australian Institute of Conveyancers say that the advice that Fair Trading has given is wrong.

There are obviously competing understandings of what is happening here. I am not a specialist lawyer in this area, so I do not profess to know the answer. However, I am convinced that automatic mutual recognition [AMR] will not be implemented by the bill. As I understand it, if the bill is not passed, AMR would still come into effect on 1 July 2025, but consumers would not get the insurance coverage they need to protect against unqualified conveyancers. In the context of these duelling bits of legal advice and the legitimate concerns about how consumers will navigate a world where interstate actors can call themselves conveyancers without the full occupational equivalence, I have asked the Government to provide an assurance that over the next 12 months Fair Trading will keep a close eye on this and in 12 months time provide advice to the Treasurer as to whether another exemption is needed. I understand that all of this is within the Treasurer's power and it does not come into being by virtue of the bill.

On that basis, The Greens are happy to support the bill, but we ask for an assurance from the Parliamentary Secretary that if this all goes horribly wrong and we end up with people who are not qualified to give legal advice on conveyancing matters calling themselves conveyancers, the Government will create an exemption in New South Wales.

The Hon. PETER PRIMROSE (20:48): When the Deputy Government Whip gave me the opportunity to express my strong support and endorsement of the Automatic Mutual Recognition Legislation Amendment Bill 2024, I could not resist. All members who have spoken in debate on this bill have outlined its important aspects and why it should be supported by the House. I join the Parliamentary Secretary in commending the Minister and the Government for bringing this very important bill before us today. Particularly, I praise the provisions of the bill that are designed to reduce regulatory burden and lower costs through the automatic mutual recognition [AMR] entry pathway. Workers and businesses across key industries will benefit from these savings, including our motor dealers and repairers and those in the real estate and conveyancing industries. I am sure they will be incredibly grateful for the benefits they achieve through this important piece of legislation.

AMR reduces the cost and administrative burden for licence holders by allowing New South Wales regulators to automatically recognise occupational activities regulated by licences issued by another participating State or Territory. It means that workers who have already met entry requirements in their home State do not need to go through the laborious and, indeed, burdensome process of preparing another licence application to temporarily work in New South Wales. The AMR scheme also allows licensed tradespeople and professionals to temporarily work in New South Wales without paying fees for a second licence.

I know that many colleagues in this Chamber would welcome the fact that reducing the regulatory burden on tradespeople is so important to ensuring the continued economic development both of our State and those long-suffering tradespeople and professionals. As long as the worker maintains their original home State licence, they will be able to support New South Wales businesses and industries without facing the licence application or processing fees. I stress that this is particularly important because most small businesses are either sole traders or groups of one or two people only. When we talk about small businesses, they are the ones who drive our economy and provide most of the employment.

These amendments will enable workers in up to 37 new occupations to benefit from the reduction of unnecessary fees as well as the removal of duplicated administrative processes. These changes will incentivise individuals to bring their skills and experience to work in New South Wales, which may especially support an increasing availability of workers in regional areas and border towns. New South Wales businesses can also benefit from skilled workers entering these industries through AMR. Business owners looking for skilled workers to support their business can benefit from an increased number of skilled workers in their industry through the introduction of AMR participants.

By enabling new occupations to join AMR, we are providing New South Wales consumers with an opportunity for a greater choice of traders or professionals who work in important industries. The ability to attract more workers will support more readily available services for consumers across New South Wales. The bill is a prime example of this Government's commitment to easing regulatory burden and supporting workers, businesses and consumers. I have no doubt that the amendments presented by this bill will be welcomed by the people of New South Wales. I again thank the Deputy Government Whip for the opportunity to speak in debate on this important bill.

The Hon. ROD ROBERTS (20:53): I contribute to debate on the Automatic Mutual Recognition Legislation Amendment Bill 2024. I listened to the contribution of my friend the Hon. Peter Primrose and I have trouble disagreeing with a lot of the things he said. I find it very hard to disagree with him at times. The need to reduce red tape and costs is imperative to enabling business to operate nowadays. I am a big believer in the removal of red tape. Transportable skills in our workplaces and professions must be recognised. While I welcome the intent of the bill, which is to cut red tape and improve workforce mobility, I have some strong concerns about its current form, which I will outline. Those concerns probably echo something you said in your contribution, Madam Deputy

President, particularly when we come to the conveyancer side. I will touch upon the real estate side, of which I suggest I have a great deal of experience—but that is for others to judge. This is due to some serious concerns that have been shared with me and other members by industry stakeholders, particularly those in the conveyancing and real estate sectors.

Before I begin outlining the flaws of the bill, it is important to first remind ourselves that purchasing a property represents the single biggest financial commitment that many people and families across New South Wales will make in their lives. I acknowledge that I am beginning to sound like Darryl Kerrigan when I say that a property is not just four walls or a piece of land; it is a place to build a future and to raise children. It is often a key to long-term financial security. With such a significant investment, it is crucial to have trust in professionals who can guide and advise you through the process.

I will deal with conveyancing first. The bill seeks to amend the Conveyancers Licensing Act 2003 so that conveyancers from other States can carry out their business in New South Wales while operating under the licence or qualification that was issued to them by their home State. This proposition is very admirable, but there is a major problem here. Madam Deputy President, you alluded to longstanding advice from the New South Wales Crown Solicitor's Office that conveyancer-type occupations in other jurisdictions, such as the Australian Capital Territory, Tasmania, Western Australia, South Australia and the Northern Territory, are not equivalent to the occupation of a licensed New South Wales conveyancer.

That is because interstate conveyancers, perhaps with the sole exception of those licensed in Victoria, are prohibited from engaging in legal practice. New South Wales conveyancers, on the other hand, are actively engaged in legal practice. I will now demonstrate this through direct references to the Act. Under the Conveyancers Licensing Act 2003, a licensed New South Wales conveyancer can carry out "conveyancing work". Section 4 (1) defines conveyancing work as "legal work carried out in connection with any transaction that creates, varies, transfers or extinguishes a legal or equitable interest in any real or personal property."

Subsection 2 further adds that conveyancing work includes legal work, such as preparing any document or agreement that is necessary to give effect to transactions, and providing advice that is consequential or ancillary to any such transaction. To make things perfectly clear, subsection 4 defines legal work as follows:

legal work means work that, if done for fee or reward by a person who is not an Australian legal practitioner, would give rise to an offence under Part 2.1 of the *Legal Profession Uniform Law (NSW)*.

Licensed New South Wales conveyancers are engaged in legal practice through the various forms of legal work that they carry out, but the majority of interstate conveyancers are expressly prohibited from doing so. If any member in this Chamber has bought real property—and I suggest that all of us have—we have relied on legal advice from either a solicitor or a conveyancer. If we remove solicitors from this argument, it is the legal advice provided by conveyancers that has guided us mere mortals through the tangled web of purchasing a property. We turn to these people for advice, guidance and legal assistance. They are qualified to give legal assistance in New South Wales, but not in other States. The Government has made an effort to sidestep this issue by conveniently hiding behind an overarching principle of the Automatic Mutual Recognition scheme.

AMR restricts interstate workers to only carrying out activities in New South Wales that their home State authorises them to perform. Who is going to engage a conveyancer in New South Wales that cannot give them advice or carry them through the process of buying real property? This is an intractable problem. Since the vast majority of interstate conveyancers are not authorised to engage in legal practice in their home State, how can they lawfully carry out work in New South Wales? This is the big elephant in the room that has not been addressed. It is my understanding that these interstate conveyancers would not only be violating the AMR scheme but also committing an offence under the NSW Legal Profession Uniform Law if they choose to provide an equal level of service.

The need for reliable conveyancers cannot be overstated. When navigating the complexities of property transactions, it is essential that individuals and families have full confidence in their conveyancer to ensure not only that all paperwork is handled accurately, but also that their best interests are understood and protected. That is why conveyancers in New South Wales are authorised to carry out legal work and provide advice. There are also grave concerns among industry stakeholders, as well as consumers, that interstate conveyancers will not be adequately covered by professional indemnity insurance for activities that they undertake in New South Wales because they are prohibited from engaging in legal practice by their home State. While only hypothetical at this stage, such concerns are not without merit and should not be overlooked. Whichever way you cut it, the occupation of conveyancer in the vast majority of other States is not equivalent to that of a licensed conveyancer in New South Wales. As such, it appears simply unworkable to include interstate conveyancers as part of the automatic mutual recognition scheme—at least in the form that is being presented in the bill.

Let us look at real estate agents—an area where, as I said, I have a great deal of experience. I had to undergo extensive training to become a licensed agent in New South Wales. Real estate agents in other States operate under completely different rules and regulations. I speak from personal experience. In November 2024 I purchased and sold real property in Queensland. Much to my amazement, the real estate agent in Queensland prepared the contract of sale with no involvement of a solicitor and no involvement of a conveyancer. The agent actually prepared the contract, which to me was very unusual and something I questioned. In Queensland, agents are permitted under their Act to make alterations to the contract, such as to the purchase price, terms and conditions of the sale, exchange periods, cooling-off periods and settlement periods. The agent actually does that by altering the contract. They are allowed to do so. A real estate agent cannot make those alterations in New South Wales. They must be undertaken by a solicitor and/or a licensed conveyancer. It is allowed in Queensland. That is fine; it is their regulation.

Under the bill, if a person is licensed in Queensland, they can come and operate in New South Wales as long as they are trained in Queensland. But the Queensland rules and regulations are not compatible with those in New South Wales. We will have agents who are licensed in Queensland—and who are trained and licensed under that scheme—operating in New South Wales without any formal training in the New South Wales way of doing business. I am not suggesting the agents would act out of bad faith. But if they come to New South Wales and, say, participate in cross-transactional operations on the border between Coolangatta and Tweed Heads and they alter and make amendments to the contract, that is not permissible in New South Wales. No matter how well trained a Queensland agent is, they must be au fait and qualified to operate under the New South Wales system. That is not outlined anywhere in the bill.

Auctions in New South Wales are also conducted completely differently from those in other States. Rules were put in place here to protect consumers. They do not exist in other States. I am not suggesting that agents in other States do not have the capacity to work in New South Wales. They just do not have the experience and the training to be able to operate under the New South Wales Property and Stock Agents Act. I believe the bill is deficient in many areas. Its intentions are admirable, but it fails to address the concerns of consumers. That is where the problem lies, and I wanted to put those issues clearly on the record this evening.

The Hon. CAMERON MURPHY (21:04): I make a brief contribution to debate on the Automatic Mutual Recognition Legislation Amendment Bill 2024. I was trying to think of a Dale Kerrigan quote to follow the last couple of speakers. I think the appropriate quote might be, "He loved the serenity, but I think Dad just loved the word." The bill supports the work of the Government by introducing several amendments that will support the safe transition of up to 37 registered occupations into the automatic mutual recognition, or AMR, scheme. Enabling those occupations to join AMR will continue to support the benefits of the AMR scheme, including increased worker mobility for workers looking to work in New South Wales, savings in time and costs for those workers, and stronger economic growth whilst upholding consumer protections and worker safety.

Over 19 per cent of Australian workers require a registration or licence of some form to perform their work. Some occupations, such as health sector professions, are registered nationally, but most trades and other professions, including conveyancers and motor dealers, are registered on a State-by-State basis. Regulatory requirements and processes for most registered professions are managed and set differently in each of the eight States and Territories. Differences in regulation between jurisdictions for the same occupation make it harder for tradespeople and other professionals to move across borders for work. That contributes to rising costs for employers to fill job vacancies and reduces competition and choice for consumers. Many businesses and workers that operate across or close to State and Territory borders face time and significant financial costs when applying for and renewing a licence in more than one jurisdiction.

AMR has successfully removed those entry barriers, allowing interstate workers to work temporarily in New South Wales without needing to fill in the application form, pay and then wait for a new licence to be processed. It is not about harmonising occupations across State borders; rather, it is about allowing people who are already licensed in another jurisdiction to perform those occupational activities in New South Wales. The scheme recognises that once a person is licensed to work in a trade or profession in one State or Territory, they should be able to perform those occupational activities anywhere in Australia, without needing to spend the time and money to go through the licence application again. Since its introduction in 2021, over 120 occupations have successfully joined the AMR scheme in New South Wales. The amendments proposed in the bill will remove barriers to allow up to 37 new occupations to participate in AMR. Those changes can support workers and key industries across the State, while continuing to protect and support consumers. I commend the bill to the House.

The Hon. MARK BUTTIGIEG (21:07): On behalf of the Hon. Penny Sharpe: In reply: I thank members for their various contributions to debate on the Automatic Mutual Recognition Legislation Amendment Bill 2024, in particular, the Hon. Scott Farlow, Ms Abigail Boyd, the Hon. Peter Primrose, the Hon. Rod Roberts and the Hon. Cameron Murphy. Although the bill makes a range of minor amendments to various Acts, it remains a

critical piece of legislation. The automatic mutual recognition [AMR] scheme provides a quicker, cheaper and easier pathway for already skilled workers to enter New South Wales for work. The bill demonstrates this Government's continued commitment to supporting both workers and consumers. The bill will not only enable licensed interstate workers to support key industries here in New South Wales, but also allow them to work in New South Wales while benefiting from reduced time and cost burdens that they would otherwise face. The bill also clarifies the application of consumer protection measures and regulatory powers across several pieces of fair trading legislation, demonstrating the importance we place on protecting consumers throughout New South Wales.

I now address some of the points made during the debate. I acknowledge that members have heard concerns from some stakeholders about the operation of AMR. I will be clear that the AMR scheme does not require or presume the harmonisation of occupations or entry requirements across Australia. The principle underpinning the Commonwealth scheme is that where an individual is authorised to carry out activities in one State, they are deemed eligible to do those same activities in another State. It is important to specify that this does not mean AMR allows unauthorised workers to work in New South Wales. Only authorised and verified interstate workers will be eligible to enter under AMR. While working in New South Wales, AMR restricts those workers to only carry out activities that their home State authorises them to perform. This applies even if the occupation in New South Wales allows workers to perform a broader range of activities than those allowed under the operator's home State licence or registration. As such, AMR is not expected to compromise industry standards in New South Wales.

When working in New South Wales under AMR, interstate licence holders must comply with all relevant New South Wales laws and regulations, including all industry compliance obligations. Anyone who fails to comply with these obligations will face penalties that can include losing their home State licence. To ensure that all industry participants are doing the right thing, New South Wales compliance and enforcement activity will continue, and, as the bill reinforces, those powers will apply to AMR participants as they apply to New South Wales licence holders. It is important to note that AMR operators in New South Wales will need to meet continuing professional development [CPD] obligations where they apply to New South Wales licence holders. The current AMR exemptions are due to expire on 1 July 2025. The bill attempts to ensure that there are appropriate controls to regulate people coming from interstate under AMR, to ensure that they meet all New South Wales obligations.

I note comments from Ms Abigail Boyd and the Hon. Rod Roberts regarding conveyancers, real estate agents and consumer protection. AMR does not require occupational equivalence between jurisdictions. Being recognised under AMR in New South Wales does not grant interstate workers any ability to perform activities that they are not licensed to perform in their home State. In regard to conveyancers, the Legal Profession Uniform Law (NSW) prohibits an entity from engaging in legal practice unless it is a qualified entity. Any interstate conveyancer proposing to operate in New South Wales under AMR would need to ensure that the nature of their home State licence allows them to operate in New South Wales without contravening the legal profession uniform law.

Nevertheless, I note the concerns of Ms Abigail Boyd and the Hon. Rod Roberts about conveyancers operating in New South Wales under AMR performing work that is beyond the scope of their home State licence. AMR operators will be required to notify NSW Fair Trading when they wish to work in New South Wales, ensuring appropriate regulatory oversight is upheld. Additionally, conveyancers have been included in AMR in Victoria since the scheme began in 2021. Since this time, Consumer Affairs Victoria has not noted any issues with conveyancers acting under the AMR scheme. Nevertheless, the Minns Labor Government is committed to ensuring consumers are adequately protected in New South Wales. NSW Fair Trading will continue to monitor and review whether further protections or exemptions are warranted.

In regard to the Hon. Rod Roberts' comments about real estate agents, AMR operators in New South Wales will be required to notify NSW Fair Trading that they will be operating in New South Wales. Additionally, real estate agents from other jurisdictions will be required to meet mandatory CPD requirements that will equip them with the knowledge of operational differences relating to how their profession operates in New South Wales. If they are found not to be acting in compliance with New South Wales law, NSW Fair Trading can take compliance and enforcement action. It should also be noted that Queensland is not a participant in the AMR scheme.

I am confident that the citizens of New South Wales, and workers across Australia, will benefit from the amendments this bill is intended to effect. I thank our dedicated Treasury officers who worked on this bill: Cathy Thurley, Morgan Fardy and Marion Martin. I also thank our dedicated departmental officers for their efforts in bringing the bill to the House: Caroline Woolger, Charlotte Robertson, Tim Richardson and Warren McAllister. I also thank the team members from the office of the Minister for Better Regulation and Fair Trading:

Jonathan Stanbury, Alicia Sylvester, Khamena Zaya and Praveena Shyamala for all their hard work on this bill. 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. MARK BUTTIGIEG: On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

Motion agreed to.

STATUTE LAW AMENDMENT (ADMINISTRATIVE APPEALS TRIBUNAL) BILL 2025

Second Reading Debate

Debate resumed from 20 February 2025.

The Hon. SUSAN CARTER (21:17): I speak on behalf of the Coalition in debate on the Statute Law Amendment (Administrative Appeals Tribunal) Bill 2025. This bill responds to Commonwealth legislation that has abolished the Administrative Appeals Tribunal and replaced it with the Administrative Review Tribunal. It changes the name of the relevant tribunal in some 13 New South Wales Acts. I indicate that the Coalition is very happy to support this minor amendment to the statute book. It raises absolutely no issues of concern at all and, in essence, is simply legislation by thesaurus or, as some have called it, linguistic optimisation of our legislation. The Coalition would have been happy to support this as part of the last Statute Law (Miscellaneous Provisions) Bill (No. 2), which was introduced and first read on 24 October last year, 10 days after the Commonwealth legislation to which this bill is responding was proclaimed, and some five months after it was assented to by the Parliament of Australia.

The Coalition also would have been very happy to support it as part of the next Statute Law (Miscellaneous Provisions) Bill, which inevitably will be presented to this House in due course. The Coalition also would have been happy if this legislation was not presented to us at all and we continued to rely, as the Government clearly has, since the Commonwealth legislation was assented to some five months ago, on the common law principle of *in pari materia*. While it is hard to argue that diverse New South Wales legislation and a Commonwealth Act establishing an administrative tribunal are part of a legislative scheme, it is clear, as the Minister notes in the second reading speech, that section 4 of the Administrative Review Tribunal (Consequential and Transitional Provisions No.1) Act 2024 (Cth) provides that all references to the Administrative Appeals Tribunal, in "another Act", such as the 13 New South Wales Acts affected, are taken to be a reference to the new Administrative Review Tribunal. It is equally clear that the *in pari materia* principle can be used to interpret legislation even though that legislation has been made in different jurisdictions. I know that members are fascinated by that, so I direct them to the page-turner prepared by the High Court in the case of *Federal Commissioner of Taxation v ICI Australia Limited* [1972] HCA 75.

The impetus for the legislation—coming months after the Commonwealth law was passed—is unclear. Perhaps it is a concern that at least one of the 13 New South Wales Acts may not be read *in pari materia* with the Commonwealth legislation. We can only guess at the reason for the legislation being presented now. Any such concern is arguably misplaced, as there is a clear line of authority, at least from Henderson's case in 1943, that while definitions in Federal legislation cannot control definitions in State legislation—as, in this case, section 4 in the Commonwealth law—if it would lead to a coherent and consistent meaning, which it clearly would in the New South Wales laws affected by the change in the name of the tribunal, then, *in pari materia*, the Acts may be read together. That reading would also be supported by a purposive approach to interpretation, endorsed by section 33 of the Interpretation Act 1987.

A number of paths are available to the Government to address the issue raised by the bill. The Government has, as is its right, chosen to deal with the issue of changing the name of a tribunal in 13 New South Wales Acts and one set of regulations by introducing the bill. It is a surprising choice and an interesting use of government time, but it is the choice that has been made. The bill is a housekeeping tidy-up. It should be supported but, unlike the Government's decision to abolish the Community Justice Centres [CJCs], it will have no impact at all on the administration of justice or the timely and just resolution of disputes in New South Wales. I look forward with considerable interest to debating legislation about the abolition of the CJCs when the Government chooses to bring that legislation before the House.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (21:21): In reply: I thank the Hon. Susan Carter for her comments. She captured the spirit of the bill in her description of its purpose. The bill makes consequential amendments and replaces references. The Government did not represent it in any terms stronger than that. The member has accurately caricatured the purpose of the bill, if not the Government's purpose in bringing it forward. Secondly, the bill amends 13 New South Wales Acts in the way that was described. It comes after the Administrative Appeals Tribunal was abolished on 14 October 2024.

The Hon. Susan Carter's observations about alternative paths are well informed, as always. Of course there is a range of ways that the Government could tackle this. It raises the question about why the Coalition might be sensitive about that particular body being singled out. Perhaps it is because of the significant controversy that befell that particular institution at a Federal level. Perhaps that is one of the reasons why it is sensitive. I put it in the terms of the Hon. Mark Dreyfus, the Federal Attorney-General, in speaking about the reasons why the Commonwealth took the steps it did. He said:

The AAT's public standing has been irreversibly damaged as a result of the actions of the former government over the last nine years.

By appointing as many as 85 former Liberal MPs, failed Liberal candidates, former Liberal staffers and other close Liberal associates without any merit-based selection process – including some individuals with no relevant experience or expertise – the former government fatally compromised the AAT, undermined its independence and eroded the quality and efficiency of its decision-making.

The member is accurate in describing other paths that are open to the Government. The Government has not chosen those paths. It has taken this step. I thank the House for its time. I simply place those reflections on the record. While not associating them with those comments, I thank some of the departmental staff who contributed to this bill: Carly Morris and Katy Wood from the Department of Communities and Justice, James Conroy from the Cabinet Office and Amanda Rose from my office. 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. JOHN GRAHAM: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. JOHN GRAHAM: I move:

That this House do now adjourn.

INTERNATIONAL DAY TO COMBAT ISLAMOPHOBIA

The Hon. BOB NANVA (21:26): I speak about the International Day to Combat Islamophobia, which was held on Saturday 15 March. Discrimination and prejudice against people of Islamic faith or background is always a deep and pressing problem, but this year it has taken on even more urgency because we are forced to consider the scourge of Islamophobia in the context of a broader, global rise in intolerance, bigotry and hatred that is affecting people of all faiths. Conflicts driven by personalities or egos and fuelled by ancient animosities have led to unspeakable atrocities across the Middle East, Europe and Africa. It is unsurprising that these conflicts have caused grief, anger and despair for diasporic communities around the world, including in Australia.

In this atmosphere, Australia's much-vaunted multicultural and plural society is being routinely challenged. Our hard-won social cohesion and our tender embrace of difference have been put to test. In my inaugural speech to this place, I spoke of the period in the early 2000s when people of Middle Eastern background felt directly threatened in this country—the shameful period that culminated in the Cronulla riots. I spoke about the calculated exploitation of refugees during the Tampa affair, where people were used as political fodder in a legitimate domestic policy debate. The whispering campaign—that vulnerable men, women and children could be terrorists—appealed to the very worst in human nature.

As I have said before, these events saw race emerge as a brace for divisive and menacing rhetoric that would pass as political debate. The parallels today are clear, but this time the targets are not just people from Islamic nations. I find it deeply troubling that some people feel so unrestrained from engaging in religious and ethnic bigotry in all its forms. Australia's social fabric is not some sun-bleached beach towel; it is a rich

multicoloured tapestry woven from the experiences of people from every corner of the globe and from ancient peoples who have been here for thousands of years.

That tapestry is as vulnerable as it is valuable because, once it is deemed permissible to target one section of the community with vitriol and violence, it will inevitably also be considered permissible to behave in the same way towards other parts of the community. At the risk of labouring the metaphor, once we start pulling at one thread of the tapestry, others follow and the whole thing starts to unravel. In the early 2000s, when I felt personally exposed and vulnerable because of the colour of my skin and shape of my nose, I just wanted to know that someone had my back and that I was valued as a citizen in my own country.

As we mark the International Day to Combat Islamophobia, I implore all members to never lose sight of the impact that their words and actions can have on others and to never forget the power of their example. Our social cohesion will not endure by accident or good luck. It requires resolve and vigilance. It requires a steadfast commitment to empathy and putting ourselves in other people's shoes. Most importantly, it requires leadership from people in positions of authority.

SNOWY MONARO REGIONAL COUNCIL

The Hon. NICHOLE OVERALL (21:29): At Local Government budget estimates on 28 February, I questioned Minister Ron Hoenig about the performance improvement order he imposed on Snowy Monaro Regional Council on 6 February. That order demanded the compliance of all elected councillors; however, I have received numerous complaints and concerns that it has already been breached. The drastic step of issuing that order was taken in part as a response to the continued, serious and escalating conduct of one councillor, Andrew Thaler, elected at the October 2024 local government election. That individual has repeatedly targeted fellow councillors including the previous mayor, who spoke in Parliament tonight on some of these very issues, as well as council staff, community members and former and current parliamentary members, myself among them. Not only is the ongoing behaviour beyond unacceptable but it is an attack on the integrity of local governance itself.

Since October last year, not less than 19 formal code of conduct complaints have been lodged against that councillor, an astonishing number that he himself has boasted about on social media. Each complaint, I am advised, costs between \$5,000 and \$10,000 to investigate, placing a significant and unnecessary financial burden on ratepayers. The pattern of behaviour exhibited by that councillor has been so detrimental it has warranted multiple media reports, including a two-page exposé in *The Sydney Morning Herald* late last year. That exposé also reported that, prior to his election, he had faced court on multiple occasions. In response to my budget estimates questioning, Minister Hoenig confirmed that all councillors had signed the performance improvement order, agreeing to its stipulations. The very first required councillors to:

- a) refrain from making statements, orally or in writing, that a reasonable person may consider offensive, abusive, harassing, threatening, or disrespectful ...

Yet on social media that councillor has subsequently called a fellow councillor—a woman he has targeted repeatedly—a "big fat liar", a clear violation of the Minister's directive. And it has not stopped there. He has publicly declared that the same fellow councillor is "not a fit and proper person to serve the people". The hypocrisy alone is staggering. He has accused council of a "cover-up" regarding asbestos management and openly threatened to "hold council to account", apparently attempting to undermine public trust. This is not about governance. This is deliberate, calculated chaos. Minister Hoenig has acknowledged that this behaviour "brings local government into disrepute".

The Minister further stated in response to my questioning, "I'm in a stronger position. I have some additional powers to the performance improvement order. I'm monitoring it closely." If the Minister is indeed monitoring it closely, then there is no alternative but to act immediately. That councillor is flagrantly violating the Minister's order and the situation is untenable. How much longer will innocent ratepayers be forced to foot the bill, monetarily and otherwise, for this distressing situation? Rather than serving the community as expected of an elected representative, he is using it as a platform to announce his candidacy to run for a Federal seat. This is not about democracy. It is not about free speech. Most certainly, it is not about public service. It is harmful, destructive and dangerous behaviour that is hurting this community, not just its residents but its reputation as well as trust and confidence in local government itself.

So too are there serious concerns when it comes to the Work Health and Safety Act and the potential damage these actions can and are causing. For too long, too many have remained silent while just a handful of courageous locals across the political spectrum have tried to push back. Those brave hearts feel ignored, unprotected and even unsafe in the place they call home. This Labor Government must not fail them. More must be done. The process has been set in motion. The framework for action does exist, as ineffective as it currently is, which is something else that needs to be promptly addressed.

Among other things, the NSW Civil and Administrative Tribunal has the power to "Disqualify the councillor from holding civic office for a period not exceeding five years". Minister Hoenig has the authority to act and send an unmistakable message: Such behaviour will not be ignored. Given the Broderick report on bullying and harassment handed down in New South Wales only a few years ago, it would not be tolerated at this level of government and neither should it be excused or trivialised at the local level. On behalf of the Snowy Monaro community, I implore the Minister and the Labor Government to step up and deliver on their commitment to ensure respectful, constructive and safe governance. The time for action is now. The integrity of local government is at stake.

FEDERAL ELECTION

Ms CATE FAEHRMANN (21:34): A lot of people across Australia are thinking right now how glad they are that they live in Australia and not in the United States [US] under the Trump 2.0 administration. However, there is a chance that the upcoming Federal election could see Peter Dutton elected as Prime Minister and a Trumpian far-right agenda would be not just on our doorstep but in our living rooms, backyards and on our streets. Peter Dutton has referred to Trump as a big thinker with a "genuine desire to see peace and stability" for his suggestions that the US take over Gaza and displace the millions of Palestinians that rightfully call it home. We have already seen him follow in Trump's footsteps by announcing cuts to the public service, and let's never forget that when Peter Dutton was health Minister, he tried to end bulk billing. He has consistently voted against action on building affordable and public housing in a housing crisis. He has already committed that if he were elected as our next Prime Minister, he would abandon our climate targets and pursue his toxic and divisive nuclear agenda.

What else do Trump and Dutton have in common? Why do they repeat the same lies and promote the same destructive policies? They are both in the pockets of billionaires and the fossil fuel industry, which allows those backers to wield massive amounts of power in Australian politics at the expense of everyday Australians but, let's be honest, so is Labor. In return for big donations to the Coalition and Labor, gas corporations like Santos often pay nothing in tax in exchange for destroying our planet while charging people more for their energy bills. In the US, Elon Musk's so-called Department of Government Efficiency is out to destroy the government, firing thousands of public sector workers and wanting to abolish whole departments like the Department of Education. Peter Dutton is boasting that he has a similarly destructive program and has placed Jacinta Price at the helm of the slash-and-burn agenda.

At the behest of their wealthy donors, the Coalition wants to force employees back to the office and increase caregiving bills in a cost-of-living crisis. Dutton also parrots Trump's and Gina Rinehart's saying, "Drill, baby, drill." The Coalition has promised to expand offshore gas exploration but cancel at least half of the proposed offshore wind zones and rip up contracts signed by the Federal Government. Peter Dutton's preposterous nuclear plans will mean that rooftop solar systems will have to be switched off every day for several hours a day—at least. Tell that to the more than four million households and small business owners saving money with rooftop solar now. The Coalition's priority is maximising the profits of its fossil fuel donors, not Australians doing it tough in a cost-of-living crisis. That is because the influence of big coal and gas companies over politics in this country is nothing short of obscene.

In recent elections we have seen the rise of far-right fringe and astroturfing groups Advance and Better Australia running well-funded scare campaigns against The Greens, backed by billionaires with links to big coal and gas and the Zionist lobby. Ultra-Zionist and Labor Party member Sophie Calland is a key organiser of Better Australia. Calland's husband, Ofir Birenbaum, is a close friend of the Australian Jewish Association [AJA], which is on the far-right of Zionist politics and a strident critic of the Albanese Government. The president of the AJA, David Adler, is a founding member and advisor of Advance, which has amassed \$14 million to target Greens and Teals in the Federal election. Others with dubious connections are also popping up. The groups are doing everything they can to keep The Greens out of power because they want to stop us from fighting to ban corporate donations, tax billionaires funding climate action, protecting nature and putting dental and mental health into Medicare, and because we are calling out the Israeli Government's agenda in Gaza.

But what these far-right forces do not get is that we will not stop. The 1.5 million Australians who voted for The Greens in 2022 are not about to fall for dumb ads full of lies and misinformation peddled by dodgy right-wing front groups. The truth is that a vote for The Greens is a billionaire's worst nightmare. It will keep Dutton out and push Labor to make billionaires pay their fair share of taxes. What is not to love?

CLIMATE CHANGE

The Hon. Dr SARAH KAINE (21:39): Last year Ellie interned in my office as part of her study abroad program from the United States. Her internship overlapped with the United States election, so we had lots of discussions about its outcomes and impacts. I would like to share her reflections, written shortly after the election result was announced. Ellie wrote:

This past November, the United States stood at a crossroads. The American people faced a choice between two starkly different paths for the future of their country—one embracing progress and the other on a swift road of regression. The decision carried profound implications not only for the United States but for its allies and adversaries alike. Now, we know the choice that was made: a second Trump presidency. For Americans, this decision carries profound implications for the US economy, society, and global standing. For the rest of the world, it represents a defining moment in the battle against climate change.

As a young person, I feel the weight of this moment more acutely than ever.

Remember, I am speaking Ellie's words. She continues:

Climate change is not some distant threat, it is my reality, and it will shape my future. For my generation, the stakes could not be higher. Every decision made by global leaders today has the power to accelerate the climate crisis or to forge a path toward sustainability. And yet, with the re-election of Donald Trump, we are once again confronted with a U.S. administration that denies science, dismantles progress, and abdicates its responsibility to the planet.

A second Trump presidency means the United States will likely withdraw even further from global climate agreements, undercutting international cooperation and emboldening countries to continue delaying meaningful action.

We have seen this before. During Trump's first term, his decision to withdraw from the Paris Agreement sent shockwaves through the international community. In Australia, it gave license to climate sceptics in government and industry to argue against ambitious carbon reduction targets. Instead of bold action, the country clung to outdated models of coal and gas dependence, ignoring the devastating impacts of droughts, bushfires, and floods that are intensifying every year.

The implications of a second Trump presidency on Australia's climate future are complex and deeply troubling. At the international level, Trump's rejection of climate science and his immediate withdrawal from global agreements like the Paris Accord signal a weakening of collective action. For a country like Australia, which already struggles with balancing its economic dependence on fossil fuels and the urgent need for climate adaptation, this loss of global momentum only makes a difficult path harder to navigate.

The repercussions are not merely environmental but deeply economic. Australia's reliance on coal and gas exports ties its economy to industries that will only face greater scrutiny and decline as global markets evolve. Trump's stance on climate change may momentarily slow the shift to renewables, but it cannot stop it entirely. The risk for Australia is being left behind—becoming dependent on industries that no longer hold the promise they once did, while other nations surge ahead in green innovation.

I understand how frustrating it must be for Australians to see a global superpower like the United States abdicate its responsibility. But as a young person, I also feel the weight of shared responsibility. The decisions being made today—in Washington, in Canberra, and in capitals around the world—are decisions that my generation will live with for decades to come.

What keeps me hopeful is the resilience I've seen here. Australians have an incredible capacity for adaptation, innovation, and advocacy. The work being done by local governments, Indigenous communities, and grassroots organisations to push for stronger climate action is beyond inspiring. But no amount of local effort can fully counteract the ripple effects of global inaction.

This moment demands more than resilience. It demands recognition of the interconnected nature of our challenges. What happens in the United States does not stay in the United States; its choices shape the policy playing field for countries like Australia. And as a young American standing on your soil, I feel both the urgency of this moment and the responsibility to fight for a better path forward.

The stakes could not be higher. The future we build—or fail to build—will be shared by all of us. The challenges Australia faces are challenges we all face. And the decisions made here, in Washington, and beyond will determine whether we rise to meet this moment or leave a legacy of missed opportunities and irreversible damage. As a young person with my entire future ahead of me, I hope with all my heart that we choose wisely.

I thank Ellie for her words and the contributions she made while interning in my office. I think members will agree that her speech was extremely thoughtful. I wish Ellie all the best.

DEPARTMENT OF PRIMARY INDUSTRIES

The Hon. SCOTT BARRETT (21:44): I experienced my first budget estimates as a member of the Opposition side of the House recently and it kicked off with the hearing with the Minister for Agriculture. We put to the Minister the terrible People Matter Employee Survey results for the Department of Primary Industries [DPI]. Particularly concerning were survey results around a willingness to recommend DPI as a great place to work and whether staff were proud to tell others they work for DPI. Both of those were down 10 per cent from last year, which was already down on the year before. Also down is the belief that DPI is making improvements to meet future challenges. Under this Minister only about 50 per cent of staff believe that to be true. The other 50 per cent do not believe the Department of Primary Industries is making the improvements needed to meet future challenges—very worrying, I would have thought.

When we put the results to the Minister, not only were the concerns dismissed but we also learnt that the Minister had not even seen the results. Instead, we were criticised for asking questions and having an interest in the staffing of the DPI. If the Minister for Regional New South Wales does not understand why people are concerned about an organisation that is critical to the State's primary industries sector and a major employer across regional New South Wales, including in Orange, then we have a serious problem on our hands. It is no wonder the People Matter Employee Survey results are so bad, with the headcount at DPI falling by almost 200 in the 12 months to July last year. Around 10 per cent of the department was gone in one financial year. Redundancy payments shot up sevenfold to \$7 million and long service leave payments have more than doubled to just shy of \$20 million.

That comes at a time of some very real and dangerous biosecurity threats and some genuine market threats, and some real changes in the way we farm going forward. Yet some of our most experienced and dedicated people are leaving the department. I am not begrudging anyone for taking long service leave, particularly after the stresses they have been through over the past couple of years, but the brain drain is concerning. It is also concerning that, despite countless opportunities, the Minister has refused to rule out a reduction in the capacity of the department's research stations. I note there is a report on the future of those institutions sitting with the Minister waiting for release. Yet we wait as patiently as we can for some clarity around what that future looks like.

We worryingly learnt that there are currently seven vacancies on our Local Land Services board—all of them ministerial appointments. They have been vacant for between two to seven months. While I am not sure where the process is up to in filling those positions, seven months seems like an awfully long time for the Minister to leave those positions open. Hopefully we see some immediate action there. Another fact we learnt is that the Government has used some tricky wording in its announcement of the Good Neighbours Program, which looks to control weeds in and near national parks and other public lands. Prior to budget estimates the Minister announced \$10 million to fund 21 on-ground projects to be run over two years. However, we learnt that the funding for those 21 projects is only \$3.4 million. There is, in fact, another round of projects yet to be announced. Hopefully we will see some information on the remaining \$6.6 million for the second round soon.

In some positive news, we received an update on the previous Coalition Government's commitment to make mRNA vaccines for foot-and-mouth and lumpy skin diseases. The initial vaccines have been successful and will soon be tested overseas for efficacy. The program could be a game changer for our livestock industry, as previously there was no way of distinguishing between an infected animal and one that had been vaccinated. Again, we watch those developments closely. Budget estimates is a very important process and I thank the Minister for giving her time to the hearing and also, importantly, the department officials, who added a great deal of value to the process. Budget estimates is not just some game for us in this place; it is an important opportunity to interrogate what the Government is doing with taxpayer money and the direction it is taking the State. We do that on behalf of the people of New South Wales, who deserve that process to be treated with respect.

GOVERNMENT PERFORMANCE

Ms SUE HIGGINSON (21:48): From where I stand, I see five fronts of unforgivable failure from the Minns Labor Government, and the common thread through them all is Premier Chris Minns. First, where is our Great Koala National Park? NSW Labor promised this park 10 years ago. Labor has now been in power for two years and we still do not have the promised park. Not only do we not yet have it, they have logged the crap out of it. As far as anyone can ascertain, it has all been decided, but it is only Premier Chris Minns who is holding it back from actually happening. Every single day that politics is played and the promised Great Koala National Park is delayed, Premier Chris Minns has blood on his hands and political failure in his veins.

Second, we now have the greatest rate of increase in Aboriginal juvenile incarceration levels in Australia's history. Premier Chris Minns is locking up innocent Aboriginal children with bail laws tougher than those for adults. He trialled those laws for 12 months, and all that happened was that the number of children locked up increased by one-third—almost all of them Aboriginal young people. There was no resulting reduction in youth crime. Now, without any consultation, he extends these laws by declaration on 2GB for an additional three years. His measure of success is more black kids in custody. He said:

It's not "mission accomplished" on youth crime, but the bail laws are working, so we're extending them.

But he is a fool. The relatively stable crime rates have not gone down and the community is no safer. In fact, it is at much greater risk in the medium and long term from demonised young people who he has made more criminal. There I was, two years ago, thinking that we had a real chance of providing the actual circuit breaker that the experts in youth justice advocate for: raising the age of criminal responsibility in this State under a Labor Government. Well, more fool me.

Third, what a fundamental mess the Premier appears to have made of the recent racial hatred, incitement, graffiti and places of worship laws. The Premier's integrity is now clearly in question. Fourth, as of yesterday, the draconian anti-protest part of those laws that give the police extraordinary powers to move people on for peacefully protesting on public lands are in contest in the courts, and they were just thrown in by the Premier for good measure. We know the police did not actually ask for those powers. The Palestine Action Group has commenced proceedings on the basis that the laws impermissibly burden the implied freedom of political communication within the Constitution of Australia. Good one, Chris Minns.

Fifth, there is the Premier's reckless disregard for flood-affected communities. There is a part of my community who right now live positively and peacefully, temporarily occupying homes in Pine Street in North Lismore. Those homes were once owned and rented by wonderful friends of mine, but the great flood of 2022—that is what we now call it in Lismore—was a climate event too grave for them to stay. It was a climate event that

has deemed those beautiful old Big Scrub homes too dangerous to be permanent, safe homes. The Premier came to visit Lismore and the region as we were all thrown into the path of Tropical Cyclone Alfred. Before we even had a chance to calm our frayed nerves and catch up on our sleep, he returned to Sydney and declared, again on 2GB, that he will knock down those timber homes to get rid of the folk who are temporarily occupying them. They are human beings just occupying homes in a housing crisis, on the front line of the climate crisis—homes that were bought back and promised to be relocated.

The Premier chose to punch down on a small part of our flood-affected community and the people of Pine Street. He sided with and platformed the nasty, intolerant views of some, fuelling division and hate. Good leaders know that making bullyboy, strongarm threats and punching down on people where there is underlying division is a dog whistle to people who are fuelled by hate and intolerance. The Premier of New South Wales did just that. Last weekend we saw frightening acts of vigilantism on peaceful people by haters who had a shot of pure impunity that came from a Premier who has no vision, through division, and who has no grasp of the complexities and the diversity of the people he is currently governing for. The most telling thing was that I asked him to call for calm, and he ignored the call. The people and the land of New South Wales deserve much better.

WORLD PLUMBING DAY

The Hon. MARK BUTTIGIEG (21:54): On 11 March we marked World Plumbing Day, which raises awareness about how essential plumbing is to the health and safety of our communities. Last week I was honoured to join the celebrations of the Plumbing Industry Climate Action Centre [PICAC], along with Minister Chanthivong and the Plumbing and Pipe Trades Employees Union [PPTEU]. We observed "Try A Trade Day", where high school students learnt about the plumbing and sprinkling fitting fire protection industries through hands-on workshops. In the afternoon I joined an awards ceremony for PICAC apprentices. Guests at the ceremony included the secretary of PPTEU, Theo Samartzopoulos; the secretary of PICAC, Shayne La Combre; the State operations manager of PICAC, Shayne La Combre; the assistant secretary of the PPTEU, Chris Seet; the CEO of the National Fire Industry Association, Joe Smith; PPTEU organiser Con Tsiakoulas; and Austin and Katherine from the skills and workforce programs within the Department of Education.

Strong training and qualifications ensure that we have skilled professionals to carry out the complex plumbing work that we all rely on. That is why the work of PICAC is so important. Through the Hydrogen Centre of Excellence, PICAC is helping to prepare us for the industries of the future. The New South Wales Government has invested \$25 million in partnership with PICAC to create the centre, and it is on its way. Late last year I attended the groundbreaking ceremony. In the first five years of opening, we expect it will train and upskill 8,250 plumbers and gasfitters, which goes to show the importance of plumbing in creating more sustainable communities. This is a groundbreaking training facility. It is the exemplar of a good, strong union working with good employers and the Government to provide training and education for skills trades, to solve the skills shortage and make New South Wales a good place to have a trade.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 21:56 until Wednesday 19 March 2025 at 10:00.