

LEGISLATIVE COUNCIL

Thursday 20 March 2025

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

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

Bills

BAIL AMENDMENT (EXTENSION OF LIMITATION ON BAIL IN CERTAIN CIRCUMSTANCES) BILL 2025

First Reading

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

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

Statement of public interest tabled.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

Documents

AUSTRALIAN NATIONAL BABOON COLONY

Production of Documents: Further Order

The Hon. EMMA HURST (10:03): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast, the Minister for Aboriginal Affairs and Treaty, Minister for Gaming and Racing, Minister for Veterans, Minister for Medical Research, and Minister for the Central Coast, the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, the Ministry of Health, Sydney Local Health District, the Department of Primary Industries and Regional Development, or the Animal Research Review Panel relating to the Australian National Baboon Colony at Wallacia, New South Wales (the facility):

- (a) all documents, including records, reports, documentation and correspondence regarding:
 - (i) the number and names of animals held at the facility; and
 - (ii) the number of births and deaths at the facility.
- (b) all documents recording details of research conducted on baboons at or obtained from the facility;
- (c) all documents recording:
 - (i) the number of times each baboon has been used for research;
 - (ii) the use of and number of times baboons have been sent to provide companionship for other baboons undergoing experimentation; and
 - (iii) the age of baboons used for experimentation.
- (d) all documents, including records, reports, documentation and correspondence, regarding adverse reactions, health complications, deaths and causes of deaths of baboons at or obtained from the facility;
- (e) all documents recording the results of any audits or inspections of the facility, or audits or inspections of any other person or organisation in relation to research conducted on animals obtained from the facility;

- (f) all records of complaints received regarding the facility, or any other person or organisation in relation to research conducted on animals obtained from the facility, including all records concerning any action taken in response to those complaints;
- (g) all documents recording any revocation, suspension or other disciplinary action taken in respect of the facility, or any other person or organisation in relation to research conducted on animals obtained from the facility;
- (h) all documents disclosing funding or other financial support provided to the facility; and
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

FREEDOM RIDE SIXTIETH ANNIVERSARY

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

That this House notes that:

- (a) 12 February 2025 marked the sixtieth anniversary of the 1965 Freedom Ride, a key historical event raising awareness of racial injustice and building momentum for reconciliation action in Australia;
- (b) the Freedom Ride was inspired by a set of bus trips by the civil rights movement in the United States, where a group of 30 University of Sydney students hired a bus, hung a banner across the front and set off on a two-week journey through regional New South Wales;
- (c) the group of students included Aboriginal students Charles Perkins and Gary Williams, and non-Aboriginal students, including future New South Wales Chief Justice Jim Spigelman;
- (d) the group rode through Wellington, Gulargambone and Walgett, before passing Moree, Boggabilla, Tenterfield, Lismore, Grafton, Bowraville and Kempsey;
- (e) the Freedom Ride drew national and international attention to the racial discrimination and exclusion of Aboriginal people in country towns, and the poor living conditions where they were forced to live on the outskirts of towns;
- (f) the Freedom Ride brought discrimination to the consciousness of Australians and paved the way for the reconciliation milestones, including the 1967 referendum;
- (g) Minister for Heritage, Penny Sharpe, MLC, and Minister for Aboriginal Affairs and Treaty, David Harris, MP, visited Walgett to commemorate the anniversary and announced funding to complete a community pavilion in Walgett and a new program to commemorate significant steps along the Freedom Ride route; and
- (h) the sixtieth anniversary of the Freedom Ride in February 2025 is an opportunity and chance to reflect on reconciliation in Australia, the vision of fairness, equity and inclusion that was an aspiration of the group of students 60 years ago, how far we have come and the work that remains to be done.

Motion agreed to.

COOTA BEACH VOLLEYBALL CARNIVAL

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

That this House notes that:

- (a) on 14 February 2025 the annual Coota Beach Volleyball Carnival was held, with Wallendoon Street closed off and 900 tonnes of sand carted in to create 10 beach volleyball courts, 360 kilometres from the nearest beach;
- (b) over three days, a huge volleyball tournament ensued, welcoming players, young athletes, school students, community members, spectators and beach volleyball fans from the Central West and all over;
- (c) the event was hosted by the Cootamundra community to fundraise for local aged-care and palliative services at Adina Care, and historically began as a fundraiser for the Bali bombings victims;
- (d) the organisers of the carnival are to be congratulated on the great success of the event and its celebration of sport and community spirit in an extraordinary setting in the Central West; and
- (e) attendees included Ms Steph Cooke, MP, the Hon. Stephen Lawrence, MLC, and representatives from Cootamundra-Gundagai Regional Council.

Motion agreed to.

DUBBO HOLI MELA FESTIVAL

The Hon. STEPHEN LAWRENCE (10:05): I move:

That this House notes that:

- (a) on 8 March 2025 an event was held in Dubbo at the Ollie Robbins Oval to celebrate the Holi Mela festival;
- (b) the event was hosted by the Dubbo Nepalese Community Australia in partnership with Orana Residents of Indian Sub-Continental Heritage [ORISCON] and Dubbo Regional Council;

- (c) the event was a great success and attended by hundreds of people from across Dubbo and the Central West;
- (d) the event was another example of the strong community spirit and cooperation existing between the various subcontinental communities in the Central West; and
- (e) attendees included Mr Dugald Saunders, MP, the Hon. Stephen Lawrence, MLC, and Mayor of Dubbo Regional Council Josh Black.

Motion agreed to.

TRIBUTE TO MICHAEL "MIKE" LANE AUGEE

The Hon. STEPHEN LAWRENCE (10:05): I move:

That this House notes that:

- (a) on 20 February 2025 Mr Michael "Mike" Lane Augée of Wellington died in Sydney;
- (b) Mike Augée was born in Portland, Oregon, on 9 March 1939;
- (c) Mike was a former deputy mayor of the Wellington shire and a volunteer for a large number of community organisations, including the National Parks and Wildlife Service, the Burrendong Arboretum, the Mount Arthur Reserve Trust and the Wellington Caves;
- (d) Mike was a member of the Australian Labor Party for many years, who in 2024 contested the Dubbo Regional Council elections for the NSW Greens Party and narrowly missed out on election;
- (e) his obituary published in *The Sydney Morning Herald* recorded "Kind-hearted and generous to a fault, Mike's quick wit, superb organisational skills and catering prowess were legendary. Following a distinguished career in teaching and research at UNSW Sydney (specialising in native Australian mammals, especially monotremes), retirement saw him fully engage in community affairs with his usual trademark energy and enthusiasm. Loved and dearly missed by family, friends and colleagues near and far";
- (f) a memorial celebration took place on 9 March 2025 at the Wellington Golf Club, and had many speakers and was very well attended, including by the Hon. Stephen Lawrence, MLC; Mayor of Dubbo Regional Council Josh Black; former Mayor of Wellington Shire Anne Jones; and a number of former councillors including Jess Gough and Mark Griggs; and
- (g) Mike was loved and dearly missed by family, friends and colleagues near and far.

Motion agreed to.

WORLD DOWN SYNDROME DAY

The Hon. NATASHA MACLAREN-JONES (10:05): I move:

- (1) That this House affirms its support for World Down Syndrome Day, observed on 21 March, which celebrates people with Down syndrome and their abilities and accomplishments.
- (2) That this House notes that:
 - (a) the theme for World Down Syndrome Day in 2025 is "We call on all Governments to Improve Our Support Systems";
 - (b) Down syndrome is the most common genetic condition, resulting from the triplication of the twenty-first chromosome; and
 - (c) approximately one in every 1,100 babies in Australia, around 290 each year, is born with Down syndrome, highlighting the need for continued support and education in our community.
- (3) That this House notes that on 21 March 2025 people are encouraged to wear fun or brightly coloured socks as part of the "Lots of Socks" campaign to raise awareness for Down syndrome and celebrate the contributions of people with Down syndrome.

Motion agreed to.

TRIBUTE TO ALLAN "BELLY" BELL

The Hon. MARK BUTTIGIEG (10:06): I move:

- (1) That this House notes with sadness the passing of Allan "Belly" Bell, an official, delegate and life member of the Australian Workers' Union.
- (2) That this House further notes that:
 - (a) Belly was dedicated to the union and labour movement throughout his life and is remembered as a determined and selfless advocate, unwilling to trade off his values and principles for expediency; and
 - (b) the Australian Workers' Union Newcastle office flew their flags at half-mast in honour of Belly, a testament to his strong impact on the union and its members.
- (3) Vale Allan "Belly" Bell, a true warrior for the Australian Workers' Union and working people.

Motion agreed to.

MICHAEL CROUCH INNOVATION CENTRE

The Hon. JACQUI MUNRO (10:06): I move:

- (1) That this House notes that the Michael Crouch Innovation Centre [MCIC] celebrated its tenth anniversary at the University of New South Wales [UNSW] Sydney MCIC Event Space on 27 February 2025.
- (2) That this House acknowledges the significant impact of the MCIC in shaping the Australian innovation landscape over the past decade, including training 50,000 entrepreneurs, helping to create more than 1,000 startups and supporting more than 735 women entrepreneurs through the dedicated New Wave program since 2017.
- (3) That this House recognises the groundbreaking role of the MCIC as the first dedicated innovation space at any Australian university, focused on empowering innovators, changemakers and startup founders.
- (4) That this House celebrates the generosity of Dr Michael Crouch, AC, renowned Australian innovator, businessperson and founder of Zip Industries, who donated \$10 million to UNSW Sydney to create the MCIC in 2015.
- (5) That this House further recognises the important role of philanthropy in supporting startups, founders and entrepreneurs at universities and through venture capital.
- (6) That this House further notes:
 - (a) that UNSW Founders startups have raised more than \$175 million in capital, created 500 new jobs and generated more than \$750 million in enterprise value, a significant achievement that has contributed to Australia's economy and prosperity; and
 - (b) the attendance of the following people at the tenth anniversary dinner of the Michael Crouch Innovation Centre:
 - (i) the family of Dr Michael Crouch, AC, including wife, Shanny and son, George;
 - (ii) Mr David Gonski, AC, Chancellor and Chairman, UNSW Sydney;
 - (iii) Professor Attila Brungs, Vice-Chancellor and President, UNSW Sydney;
 - (iv) Professor Bronwyn Fox, Deputy Vice Chancellor Research and Enterprise, UNSW Sydney;
 - (v) Mr David Burt, Director, Entrepreneurship, UNSW Sydney;
 - (vi) Entrepreneurs, founders and participants supported by the MCIC;
 - (vii) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy.
- (7) That this House reflects upon Dr Crouch's well-known catchphrase "There's always a better way".

Motion agreed to.

PARLIAMENT FRIENDSHIP AND DIALOGUE IFTAR DINNER

The Hon. JACQUI MUNRO (10:07): I move:

- (1) That this House notes:
 - (a) that on 5 March 2025 the Affinity Intercultural Foundation held its sixteenth NSW Parliament Friendship and Dialogue Iftar Dinner at the Strangers' Function Room, New South Wales Parliament House; and
 - (b) the attendance of the following attendees:
 - (i) Ryka Satrick, Aboriginal and Torres Strait Islander leader;
 - (ii) Ahmen Orhan Polat, Executive Director, Affinity Intercultural Foundation;
 - (iii) Hugh De Krester, President, Australian Human Rights Commission;
 - (iv) Simon Marnie, media broadcaster;
 - (v) Bilal Kilic, religion and values teacher, Amity College Prestons;
 - (vi) Imam Mogamat Majidi Essa, chaplain, Royal Australian Navy;
 - (vii) Mehar Ahmad, president, Seena Inc;
 - (viii) Martha Jabour, OAM, CEO, Homicide Victims Support Group Australia Ltd and 2025 NSW Local Hero;
 - (ix) Violet Roumeliotis, AM, CEO, Settlement Services International;
 - (x) John Cleary, veteran broadcaster and Affinity advisory board member;
 - (xi) Farhan Shah and SufiOz, contemporary Sufi performers;
 - (xii) the Hon. Stephen Kamper, MP, Minister for Lands and Property, Minister for Multiculturalism, Minister for Sport, and Minister for Jobs and Tourism;
 - (xiii) Mr Mark Coure, MP, shadow Minister for Multiculturalism, shadow Minister for Jobs, Industry, Innovation, Science and Technology, and shadow Minister for South-Western Sydney;
 - (xiv) Mr Alister Henskens, MP, shadow Attorney General;

- (xv) the Hon. Susan Carter, MLC, shadow Assistant Minister for Attorney General, shadow Assistant Special Minister of State, and shadow Assistant Minister for Corrections;
 - (xvi) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy; and
 - (xvii) members of the New South Wales Legislative Assembly and the New South Wales Legislative Council.
- (2) That this House acknowledges the significance of this annual event in fostering unity and understanding between all faiths and cultures during the Islamic holy month of Ramadan.
 - (3) That this House recognises the efforts of Mr Ahmet Orhan Polat, executive director of Affinity Intercultural Foundation, in organising and hosting this important interfaith and intercultural event.
 - (4) That this House commends Affinity Intercultural Foundation for its continued commitment to promoting dialogue, friendship and understanding among diverse communities in New South Wales.
 - (5) That this House further acknowledges the importance of such events in strengthening social cohesion and fostering a more inclusive society in our State.

Motion agreed to.

SHEN YUN

The Hon. JACQUI MUNRO (10:07): I move:

- (1) That this House notes Shen Yun, a globally acclaimed performance showcasing 5,000 years of Chinese culture, showed at Sydney's Capitol Theatre from 26 February 2025 to 9 March 2025.
- (2) That this House recognises:
 - (a) Shen Yun's unique artistic presentation, combining classical Chinese dance, ethnic dances, vibrant costumes and a live East-West orchestra to bring ancient legends and modern tales to life; and
 - (b) the cultural and artistic significance of Shen Yun's performances in promoting cross-cultural understanding and appreciation.
- (3) That this House commends the artists, musicians and production team of Shen Yun for their dedication to preserving and sharing Chinese cultural heritage in Australia.
- (4) That this House further notes the attendance of:
 - (a) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-hour Economy; and
 - (b) Mr David Cheng-Wei Wu, director of the Taipei Economic and Cultural Office.

Motion agreed to.

SYDNEY GAY AND LESBIAN MARDI GRAS

The Hon. JACQUI MUNRO (10:07): I move:

- (1) That this House notes:
 - (a) that the Sydney Gay and Lesbian Mardi Gras festival took place from 14 February 2025 to 2 March 2025, celebrating its forty-seventh year with the theme "Free to Be"; and
 - (b) the participation of various groups in the parade, including:
 - (i) Dykes on Bikes;
 - (ii) The 78ers;
 - (iii) Liberal Pride NSW;
 - (iv) Rainbow Labor NSW;
 - (v) The Greens NSW; and
 - (vi) Legalise Cannabis Party.
- (2) That this House acknowledges:
 - (a) the success of Fair Day, held on 16 February 2025 at Victoria Park, which was a vibrant celebration of LGBTQIA+ communities, attracting over 70,000 attendees who could visit over 200 stalls; and
 - (b) the significant economic impact of the Sydney Gay and Lesbian Mardi Gras festival noting that the 2025 event generated an estimated \$200 million in economic benefit for New South Wales and attracting over 500,000 attendees including 100,000 interstate and international visitors.
- (3) That this House recognises:
 - (a) the significance of the Sydney Mardi Gras parade, which occurred on 1 March 2025, featuring over 10,000 marchers and more than 180 floats; and

- (b) the economic and cultural contributions of the Sydney Gay and Lesbian Mardi Gras to New South Wales attracting visitors from across Australia and around the world.
- (4) That this House commends the organisers, volunteers and participants for their efforts in creating an inclusive and celebratory atmosphere that promoted equality, diversity and freedom of expression.

Motion agreed to.

VICKIE BURKINSHAW

The Hon. WES FANG (10:08): I move:

- (1) That this House notes that:
 - (a) Vickie Burkinshaw has been named Wagga Wagga's Local Woman of the Year for 2025;
 - (b) Ms Burkinshaw serves as the Wagga Wagga Art Gallery president, supporting the Riverina region's arts community and additionally, as the owner of The Curious Rabbit, a cafe and gallery in Wagga Wagga, where she provides a space for emerging and touring artists to display their abilities and foster their talents; and
 - (c) in addition to her service for the arts in the Riverina region, Ms Burkinshaw serves as the president of the management committee for the Wagga Woman's Health Centre.
- (2) This House congratulates Ms Burkinshaw on receiving her award at New South Wales Parliament on 6 March 2025.

Motion agreed to.

Matter of Public Importance

GOVERNMENT TRANSPARENCY

Ms SUE HIGGINSON (10:27): I move:

That the following matter of public importance be discussed forthwith:

The importance of integrity and transparency in governance.

Members debate matters of public importance when a deep-seated reason such as an event or occurrence takes place and requires discussion. The broad discussions in the public arena and among members of both Houses of Parliament about recent events have moved from the events themselves and the substance of those events into discussions about integrity, transparency and accountability—the fundamental cornerstones and principles of good governance and democracy. We have a mature and sophisticated democracy in New South Wales, and we pride ourselves on being very active participants within it. After discussions with members inside and outside the House, I and others thought that this would be a very important and timely discussion to have.

Members do not contest the urgency of this discussion. In that regard, when crossbench members move matters of public importance, they are always incredibly grateful to the Government and the Opposition for their underlying respect that these urgent matters should take priority and be discussed. The subject matter is transparency and accountability. It is about honesty and trust, which are the core business not only of elected members and of Parliament but of this House in particular, because we are the house of review, and with that comes many notions of integrity and accountability. They are my short and simple submissions about the urgency of this matter of public importance.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (10:30): The Government does not oppose this matter being discussed and will contribute to the debate.

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

Motion agreed to.

Ms SUE HIGGINSON (10:30): I speak to matters that go to the heart of our democracy: the principles of integrity and transparency in governance. During the lead-up to the 2023 election, Chris Minns, then Leader of the Opposition, emphasised a commitment to restoring integrity and transparency in government. I am certain of the sincerity of that commitment and of that platform. However, what we have seen in this Parliament over the past months is a sliding away from that simple commitment made two years ago.

This has been highlighted by the Government's handling of the Dural caravan incident and the passage of three significant pieces of legislation in February. After that caravan was found, packed with explosives and accompanied by a list of targets, as alarming as that might have been, the Premier stood in front of cameras and said, "This is the discovery of a potential mass casualty event. There is only one way of calling it out, and that is terrorism." Against that background of fear, this Government rushed through laws expanding police powers, criminalising protests and dramatically shifting the balance between rights and State control. Yet we now know that New South Wales police knew from the outset that this was likely not a terrorist plot. Deputy Commissioner

Hudson has confirmed that suspicions of it being a criminal hoax were present from the outset, that the explosives were old, that there were no detonators and that the whole event was likely concocted for personal gain.

What is worse is that the Premier, the Minister for Police and Counter-terrorism and the Attorney General knew or should have known that the terror narrative was collapsing as the police investigation progressed. Still they said nothing—not to Parliament and not to the people of New South Wales. In fact, they pushed ahead with legislation fuelled by public fear, in a climate of urgency whose manufacture they themselves contributed to, while sitting on critical information that should have fundamentally changed that debate. They should have been happy about that and about their ability to bring the truth to light. That is a failure of integrity and transparency and a betrayal of this Parliament and of the people we are elected to serve. Integrity and transparency are crucial to building trust and fostering positive relationships. The relationships we are required to foster are not merely between each other in this place but between all of us and everyone in New South Wales and across Australia and the globe, because we hold a special position in our democracy.

I know that there has been much debate about this particular incident and that other members will speak to it. So I will talk about why this matter of public importance is broader and goes to matters of transparency and integrity. This is not an isolated case. This pattern of misusing Parliament, manipulating fear and hiding the truth is becoming too commonplace. Look at the youth bail laws, which also were rushed through under the cover of fear—fear of youth crimes and of gangs. No evidence showing that those laws would reduce crime was presented. In fact, the evidence tells us the opposite, that the laws will simply trap more vulnerable young people—particularly First Nations children—in the criminal justice system, doing generational damage to communities. Where is the integrity in this? This has all come under the guise of being for the victims. What does any of this do for victims of crime? How does this actually deliver justice? Most victims want justice, not pure revenge. Studies of victimology show us that revenge politics can further victimise those impacted by crime, pinning systemic problems to the individuals of our collective communities.

Where is the integrity? We were promised more. The Government promised the Great Koala National Park, but we still do not have the Great Koala National Park. We know that things take time, and we understand the machinery of government. But, instead of protecting one of the most iconic and endangered species in our State, the Premier continues to use koalas as a political football, keeping communities out there hanging while native forests continue to be logged and koala habitats destroyed. The community participated in the public consultation in good faith, and that process was finished more than three months ago. Yet we get no updates, no transparency. We are told it will be coming soon, while logging continues every day, destroying critical koala habitat. People are hurting because of this lack of transparency. This diminishes the integrity of the promises made. The forests and the koalas are hurting. All of us put faith in this process. Yet the Government is leaving all of us in the dark.

Where is the respect for the public's time, energy and trust? Where is the integrity here? This is not just environmental vandalism anymore; it is political cynicism of the highest order. We now face the draconian anti-protest laws that remain on the books. They are designed to silence climate activists, to intimidate peaceful dissent and to criminalise those who dare to stand up against government action. Let us remember that, when people stand up, they are always calling for transparency, integrity and accountability. They do not agree with something. They need more answers. They need to engage. Yet this Government continues to punch down on that act of democracy.

What about oversight of the police? It appears that the Police Force is continuously handed more powers, even when it has not asked for more powers, apparently so the Premier can pursue more ratings on 2GB. The Law Enforcement Conduct Commission continues to be starved of the resources and the powers it needs to be an effective oversight body. Police are the law enforcers. The issue goes to the integrity of upholding criminal laws. If it is not done with serious accountability, then trust is lost, which is too serious an issue. The fear now is that this Government is heading in the wrong direction. At every turn, this Premier is tightening the grip on power, shrinking the democratic space and punishing those who refuse to stay silent.

Let us speak plainly. This Government has weaponised race, fear and division to serve its political ends. This is counter to all transparency, integrity and good governance. It has all been in the name, at this point, of tackling antisemitism, which is a real and serious issue. But this Government pushed through laws that were not needed against a background of the Premier declaring antisemitic terrorism was looming, not because it cares about safety. If it was for safety, we do not see or hear of that anymore because fear is a political tool. And it worked. The Parliament voted under duress and under manipulated facts, which is a serious concern for all of us.

While we are on integrity, let us talk about climate or, more specifically, the Premier's failure to act. The people of the Northern Rivers are still waiting for a real recovery plan after the catastrophic floods of 2022. Communities like Lismore's Pine Street residents are under attack again. Instead of leadership, they are getting spin. Instead of transparency, they are getting secrecy and a unilateral plan. Democracy is built on trust, on the

idea that governments act in good faith, tell the truth and do not manipulate the people for political gain. We saw and experienced that in my small neck of the woods when, after visiting Lismore, Chris Minns returned to Sydney and decided to punch down on a small group of people, feeding division without having the integrity to really understand the complex nuances that come when there is no genuine action.

If a leader does not have a vision that provides for everyone in our community—irrespective of whether they are liked or someone has spoken nastily about them—and if they do not have the intuition to pick up that division is being fuelled by hatred, and they back one person against another, then we are on a downward spiral from a lack of integrity and inclusion. I fear too much of that is happening, and the only reason for that is politics. It is about division and drumming up fear in order to obtain political points. That is not what good governance looks like. When a leader is not operating on a platform of genuine integrity and of accountability to everyone, but on the platform that is most popular at a given time, then they will continue down the slippery slope of failure. We all deserve so much more than that.

Democracy is built on trust and on the idea that governments act in good faith, tell the truth and do not manipulate the people for their own political gain. This Government and this Premier are on the brink of repeatedly breaking that trust: the Dural caravan, the youth bail laws, the Great Koala National Park and the harm to the community that is waiting for it, the climate failures and the anti-protest laws. This is a government that, unfortunately, seems to be governing by fear, omission and political calculation. The Parliament and the people of New South Wales deserve better. We deserve a government that governs with integrity, that is brave enough to tell the truth even when it is inconvenient or unpopular, and that does not hide behind half-truths or manufactured crises. Integrity and transparency are not optional extras in this democracy; they are the foundations on which public trust is built. Without them, this House becomes meaningless. It is past time that the members of this Parliament stand up, demand truth and continue to hold this Government and this Premier to account.

This matter of public importance is not just about one event and not just about the predicament that we are in now. A number of things have made that particular event the one that makes all of us now call for a temperature check and question where we are on the radar when it comes to integrity, transparency and genuine accountability. Let us be realistic: This is about the vision for this State. What is the vision to bring people together rather than to divide and conquer, to get a headline or a small political kick? We need strength, we need courage and we need inclusion. We need to stop transacting on division. Until Premier Chris Minns is willing to do that, we will find ourselves in a spiral of losing integrity, and none of us can afford that in these times.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (10:45): On behalf of the Government, I contribute to the discussion of the matter of public importance. Firstly, I note the interest of the House on the matter over the course of the week, including during debate on the motion of the Hon. Rod Roberts to establish a select committee of inquiry. When speaking to that motion, the Hon. Rod Roberts said that this is a Chamber of freethinkers and inquiring minds. That is a good tradition. It is good that this is a Chamber in which members feel free to question successive governments on issues. The Government has no problem with that. However, the Government's position on this issue is clear. We are concerned about the rising attacks in our city and in our State. We are concerned about the rising fear that our citizens are facing. Let me be really clear on this matter: This is not a manufactured crisis. I reject the suggestion that it is manufactured; it is not. It is real. That is the Government's position, and I state that clearly.

It comes in the context where around the world for thousands of years—decade after decade and generation after generation—Jewish people have been subject to antisemitic attacks, pogroms, banishments and murders. Those things have happened on continent after continent and in town after town in almost every decade, unbelievably, over that period. That is the context of this debate. It is not a reason not to tackle Islamophobia or not to tackle hatred of our lesbian, gay or queer communities in this State. It is not a reason not to work for peace in Gaza and not to fight for an urgent ceasefire in the Middle East. But it is a reason to tackle antisemitism.

That is why the Government will not apologise for actively pursuing this agenda: to tackle the genuine fear in our community that is present at the moment. That is not manufactured and is the reason the Government is taking action. Those principles should be true around the world for any parliament or any people. It should be true anywhere on the planet, but it is especially true in New South Wales. In our multicultural society, we do have to work harder for social cohesion, particularly when events around the world make that more difficult. We should work harder because we have been so successful in creating that society. That is something that the Government is absolutely focused on defending.

I respect the position that the member has put on a series of issues that she feels strongly about. It is no surprise that Ms Sue Higginson is opposed to the Government's legislation and to the particular actions it has taken on youth crime. Again, having spoken to people who have had their doors bashed in, who have been attacked with machetes, I think there is evidence that there is an issue. That is why the Government is acting. It is no

surprise that she wants the Great Koala National Park dealt with faster or that she is opposed to the anti-protest laws or the police powers laws. It is a surprise that some of the attack on the legislation seems to be coordinated with the office of the Leader of the Opposition in this House. It is a surprise that the Leader of the Opposition in the other place seems unaware of that fact. The Government stands by its recent changes to legislation to protect the community from racial hatred, prevent protests at places of worship and strengthen penalties for displaying Nazi symbols. The Government's response to rising antisemitism in our community was never about one incident. It has been about the hundreds of attacks and incidents since October 2023. There has been a shocking surge in hateful incidents, striking out against our Jewish community.

As the Leader of the Government has informed the House, I am advised that as of this month Strike Force Pearl, the specialised operation to investigate antisemitism and targeted arson attacks in Sydney, has laid 143 charges against 29 individuals. As of February, Operation Shelter had arrested 191 people since October 2023, resulting in 479 charges. The magnitude of those police operations and their results clearly show that these laws were not justified on one incident alone. There was, and there is, a much wider and deeply concerning trend of antisemitism. We have witnessed a level of antisemitism not seen before in Australia—a level of antisemitism that Jewish communities in Australia, often having fled from other countries, never expected to encounter here.

I refer members to the Attorney General's statement in the other place. On Tuesday he said that he would not have changed one iota of either the legislation or its timing had there been no caravan, because it is completely and utterly irrelevant. The Attorney General spoke about the way opponents of the legislation are now fighting a rearguard action, using the caravan as a supposed gotcha moment and suggesting that the laws represent a secret agenda and that the Government's intentions are not bona fide. I place on record the Government's view that this is not a secret agenda. The Government has been very clear about why it has taken the actions that it has. I refer members to the Premier's ministerial statement in the other place on 11 February, where he laid out his motivation. He said:

... schoolkids who are now afraid to wear their uniforms in public as they walk down the street to their local school and of parents who have started to drive their kids everywhere, so they do not risk a trip on the bus or the train.

The Premier also spoke about people in the Jewish community removing their yarmulke "just to walk down the street" and "where people are made to hide their heritage because of the ignorance, bigotry or racism of other people—people they have never met". Many of us would have experienced those events over recent months. I have seen the increased fear and the heightened level of alertness of the security around synagogues and schools as people wander past or enter their grounds. Those circumstances are behind the motivations of the Government in this instance. I note that in his statement on 11 February the Premier does not refer at all to the incident at Dural. I will be clear, though: Were all the facts of the confidential police information shared with the Parliament? No, they were not, and nor could they have been at the time.

The Hon. Mark Latham: The police shared them. The police told us, not the Minister.

The Hon. JOHN GRAHAM: The Government stands by the NSW Police Force and the need for confidentiality in these matters. That has been the position of successive governments. Members have a right to inquire and ask about that. We are not quibbling with that, but we are standing by the confidentiality of those briefings. I note that the House has now called an inquiry into these matters. The Government will cooperate with that inquiry. I have set out the principles by which it will do so. We will be resolute in protecting social cohesion in New South Wales, but, of course, we will defend the confidentiality of sensitive police matters in an active investigation. The three bills, passed in this Parliament, were designed to protect people from religious and racial hatred and to protect places of worship. The Government stands by that legislation.

The Hon. MARK LATHAM (10:53): This is a matter of public importance because, unfortunately, in New South Wales we go through a cycle of a new government coming in and promising a new era of transparency and integrity, but within a few years we are quickly back to our convict origins. That is what has happened with this Government. We can put aside the rorted local grants community allocation scheme, which is a disgrace, or some of the things happening in the racing industry, which are also disgraceful. But there is no doubt that the Parliament legislated, under false pretences, on the so-called protest and hate speech laws.

The Hon. John Graham drew the short straw in having to defend the indefensible today. He said, "We will not tell you about confidential briefings." Well, the police told us at budget estimates hearings. Dave Hudson, who headed the investigation, said two things very clearly: From the end of January onwards, the police had suspicions of organised crimes being behind the so-called antisemitic attacks, and by 21 February it was conclusive that those events were not driven by antisemitic ideology. Whether it is the caravan or arson attacks in the eastern suburbs or vandals spray-painting graffiti, none of those things were driven by antisemitic ideology. It was a con job, a put-up, by organised crime figures.

The date 21 February is very significant. Members were held in this place by the Leader of the Government until 4.00 a.m. to legislate something that later that day the police concluded was not necessary and was not factual. I have seen this movie before in the Federal Parliament with a thing called "kids overboard", which the Labor Party condemned as strongly as possible. The Howard Government lied about those kids being thrown in the water from the refugee boat, and now the New South Wales Parliament is dealing with "kids overboard" in legislation. The Howard Government never corrected the lie, and this is even worse because it was legislated in the statute books on false information and under false pretences.

After the bills passed this House at 4.00 a.m. on 21 February, they went to the Legislative Assembly with a few amendments. What happened after that? There were nine days in which Mr Daley, the Attorney General, the first law officer, knew that this was happening under false pretence. The police concluded on that very same day, 21 February, that the information of antisemitic attacks was not genuine and that it was a put-up, a con job, by organised crime. The Attorney General had nine days in which to call it off. Instead, he certified that the Governor should assent to the laws, which she did on Sunday 2 March. What sort of Attorney General misleads the Governor and says, "These are genuine laws, and, as first law officer, I am advising you to assent to these laws"?

He could have called it off, based on the clear police conclusion and advice to the Minns Government. That is the worst thing that happened. Maybe the Government can say, "On 21 February, on the balance of probabilities, there were suspicions, but we did not know for sure." Coincidentally, later that day Dave Hudson reaches the conclusion, but it is still not law; it has to be assented to by the Governor. Nine days later, Michael Daley writes, "Yes, you should assent to it." A responsible first law officer would have clearly said to the Governor and Executive Government, "Because of what we now know, we should not assent to this. We will wait and leave it in abeyance until we can have further parliamentary debate and consideration."

This is "kids overboard" in legislation—legislation that has been passed on a lie, on false information. It is legislation that has been passed by a government driven by ego and arrogance, unwilling to unravel the "kids overboard" in legislation and say, "We got it wrong. We acted hastily. It should not have been assented to on 2 March." What a disgrace. There is one thing that goes beyond party politics—and there have been debates in the Labor caucus reflecting this—and that is the role of a parliamentarian to legislate important laws like these on accurate information, knowing the facts. You betray the people and you betray democracy if you legislate a lie. Whether a member is Labor, Liberal or on the crossbench, they should revolt against it.

The Hon. Penny Sharpe: Point of order: I have listened carefully to the Hon. Mark Latham's very passionate views on this matter, but I question whether he is cavilling with a decision that was made by the House, which is the passage of these laws. I ask you to direct him to not do that, Mr President.

The Hon. MARK LATHAM: To the point of order: I am arguing that they are bad laws—laws legislated on a lie. That is the truth. This Government cannot handle the truth.

The Hon. Penny Sharpe: Further to the point of order: Firstly, accusing members of lying is unparliamentary and this Government utterly rejects it. Secondly, those matters were decided by this House. The member is allowed to raise issues of concern about that, but he is not allowed to cavil with the decision that was made by the House and suggest that members did not know what they were doing or were unable to pass legislation. I note that both the Government and the Opposition have indicated that the laws are necessary. There is no attempt to try to wind them back. Revisiting the decisions made by this House is not within the standing orders.

The Hon. MARK LATHAM: Further to the point of order: That is not convincing anyone on the backbench.

Ms Sue Higginson: To the point of order: It is a relevant factor that this House has now passed a motion to inquire into these matters. There is a genuine decision of the House, since passing the laws, that goes to the question that the Hon. Mark Latham is raising about the basis upon which the House passed those laws. I believe there is a question that follows the fact that this House passed those laws.

The PRESIDENT: I will consider the point of order and related issues and come back with some words of wisdom after question time.

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

*Visitors***VISITORS**

The PRESIDENT: I welcome a range of people to the Parliament today, starting, most importantly, with student leaders from New South Wales schools who are participating in the Secondary Schools Student Leadership Program conducted by the parliamentary education team. It was wonderful to speak with them this morning. I also welcome *The Sydney Morning Herald* trainee journalists Penry Buckley, Frances Howe, Daniel Lo Surdo and Cindy Yin. I wish them all the best with their careers and endeavours. I welcome a former President and former Leader of the Government in this place, the Hon. Don Harwin. He is always welcome. I welcome and acknowledge a delegation of young members of Parliament from Indonesia, who are seated in the upper gallery today. They are visiting the Parliament of New South Wales as part of the Department of Foreign Affairs and Trade special visits program. I also welcome two young people who are interning in members' offices: Luca Wilson, who is interning in the office of the Hon. Natalie Ward, and Salma Kheder, who is interning in the office of the Hon. Mark Buttigieg. They are all very welcome to the Legislative Council.

*Questions Without Notice***GOVERNMENT PROCUREMENT**

The Hon. SARAH MITCHELL (11:00): My question is directed to the Minister for Domestic Manufacturing and Government Procurement. In response to an answer to a question taken on notice as to why Kyriakos Tsihlis, a publicly known tax defaulter and phoenixer, was benefiting from a contract for the supply of electric buses, the Minister for Transport told the House that the searches conducted by Transport for NSW have not located any record of any criminal conviction or criminal legal proceedings against Mr Tsihlis for either tax evasion or as a company director in connection with any phoenixing activities. Does the Minister endorse that standard for screening out unsuitable suppliers—a criminal conviction or, at least, criminal proceedings? Are repeat tax defaulters suitable suppliers if they have never been charged with a criminal offence?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:01): I thank the member for the question. It raises a serious issue relating to the checks that the Government undertakes with its suppliers, which the Opposition has asked questions in the House about before. The Opposition also asked about it during budget estimates hearings. The question that is asked to me relates to a question that was asked to the Minister for Transport. It indicates how important it is for the Government more broadly to work together to address issues. In relation to the specific question, which asks me whether repeat tax offenders should be considered reliable suppliers with the New South Wales Government, it is my expectation that agencies undertake reasonable steps, reasonable checks and have robust processes in place as they assess tenders.

That process occurs within a framework established by the Procurement Board, which I am responsible for. It occurs within agencies. That is why the questions about this specific contract and individual were directed to the Minister for Transport and are currently being investigated by the department of transport. I have referred some additional allegations that the Leader of the Opposition asked me about in budget estimates hearings to the Secretary of Transport to ensure that investigation is fulsome. Regarding tax defaulters, I was briefed as recently as in the past couple of weeks. I have been having discussions with Infrastructure NSW, which is responsible for the Construction Leadership Group. As part of those discussions, Infrastructure NSW talked about the different work that is being undertaken to share information across government.

That is how we both manage individual contracts within agencies but also ensure that government agencies are talking to each other. It is difficult. It is an ongoing and iterative process. If there are serious allegations, the Government will investigate those. The Government, in response to recommendations from the ICAC, will implement a debarment scheme. There is only one other debarment scheme in operation in Australia. That is in Western Australia. We will be careful as we implement the scheme, because it is a high bar to set. The Government believes that it is appropriate to be able to say across government that there are some suppliers that the Government should not engage with.

The Hon. SARAH MITCHELL (11:04): I ask a supplementary question. I thank the Minister for her answer. The Minister said that there would be a broader framework across government for suitable suppliers but that it is then up to individual agencies to assess the suitability of providers. Will the Minister elucidate that part of the answer and explain whether individual agencies will decide whether suppliers are suitable or if there will be a consistent position across government on those issues?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:05): I thank the member for the question. The member is right. There is a framework established for supplier due diligence. Supplier due diligence standards

for New South Wales government agencies are defined in the Procurement Policy Framework. There is a Procurement Board direction. There is a guide for New South Wales public sector agencies that is published by the ICAC. There are multiple Procurement Board directions. It is reasonable to expect that those due diligence steps that occur within agencies are conducted with a risk-based approach. We accept that there are small contracts. The first ministerial direction that I issued was to enable government departments to directly engage with suppliers for smaller amounts. We want to be able to encourage small- and medium-sized businesses to engage with the New South Wales Government. As the contracts get larger, we expect that there is a risk-based approach and that those due diligence checks are in accordance with the size of the contracts.

The Government sets the framework. That is my responsibility as the Minister for Domestic Manufacturing and Government Procurement. In establishing that broader framework, the Government expects that individual agencies have robust processes in place. It is worth saying that the due diligence steps may include referee checks; financial assessments; regulatory checks; a review of legal proceedings; confirmation of work health and safety systems, environment management systems and quality management standards; confirmation of certifications, licences and other essential qualifications; confirmations of insurances, which is an important one that has been raised in other questions; and Working with Children Checks. It is a robust framework that is broadly set through the Procurement Board. The Government expects that agencies are able to implement that themselves.

PUBLIC EDUCATION

The Hon. ANTHONY D'ADAM (11:08): My question is addressed to the Minister for Finance, representing the Minister for Education and Early Learning. Will the Minister update the House on the New South Wales Government's plans to achieve better educational outcomes for New South Wales students?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:08): I thank the member for an important question. It is certainly one that members of this House are interested in. Members would be aware that after many months of negotiation, the Federal and State Labor governments were able to reach an agreement to fully and fairly fund New South Wales public schools. I commend the Deputy Premier for the work that she has done on that agreement. The Treasurer has also been closely involved. This is an important step for our public schools. It will lift the Commonwealth contribution from 20 per cent to 25 per cent of the Schooling Resource Standard by 2034, and it delivers on our Government's election commitment to reach 75 per cent of the Schooling Resource Standard in 2025.

It is worthwhile noting that that is two years ahead of the former Liberal-Nationals Government. That is an additional estimated \$4.8 billion of Commonwealth funding to New South Wales public schools over the next 10 years. That is the biggest ever investment in New South Wales public schools by the Australian Government. We have outlined, and the Treasurer has outlined at length, the importance of these national agreements and striking good deals. The Deputy Premier has been working tirelessly with her Federal counterparts in order to deliver that outcome for New South Wales schools. It is a really important step that will put our schools on the best possible standing going forward.

This comes off the back of a range of things that the Deputy Premier is leading and this Government is doing. Teacher vacancies have dropped. There are now 1,294 vacancies in New South Wales public schools, which is a 40 per cent reduction since the same time in 2023. That is a direct result of the policies that our Government is making to ensure that we have, as we know, a teacher in every classroom. The first way that we can improve education outcomes for students—as the students in the gallery would know—is by having a teacher in a classroom. This Government is absolutely committed to doing that, and that is the result of the deliberate decisions made by this Government.

Also over the parliamentary break our Government and the Deputy Premier announced that we are continuing our work to improve education outcomes for all students, with ambitious academic HSC attainment and school attendance targets to be introduced to public schools. That will ensure that we lift outcomes for every student, from kindergarten to year 12. Those ambitious goals include increasing the average NAPLAN reading and numeracy scores, increasing the proportion of New South Wales students attaining year 12, and increasing the growing the number of students taking up university. Those are ambitious goals, but this Government is absolutely striving for them. That is delivering for the people of New South Wales.

ELECTRIC BUS PROCUREMENT

The Hon. NATALIE WARD (11:11): My question is directed to the Minister for Transport. On 13 March 2025 in answer to a question taken on notice the Minister advised the House that Mr Tsihlis's interests in the "relevant entities"—referring to GoZero and Foton Mobility Distribution—"are being acquired by another organisation". When the Minister provided that answer, was he aware that a week earlier, on 6 March 2025,

The Australian Financial Review had reported that this \$400 million deal was all but dead due to the reputation risk stemming from Mr Tsihlis's long-term involvement? Would he care to update the House on the current involvement of Mr Tsihlis in GoZero and its subsidiary, Foton Mobility Distribution?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:12): I thank the shadow Minister for her question. Firstly, I give the House some background both on the specifics and the overall framework. I recall that the Bus Panel 4, or BP4, framework was actually set by the Coalition under its rules. The request for proposal went out on 24 October 2022. It was part of an open tender under the approved procurement strategy, under the former Government. It is true, as the Minister made clear, that we are strengthening these provisions. We are actually improving these rules, but, of course, members opposite are asking about their own procurement framework.

The Hon. Natalie Ward: Point of order: My question is very specific. It is not about the former Government's procurement. We did not do this procurement. I am asking about these very specific companies and the Minister's statement to the House about these companies. I have listened carefully. I do not need further context, with respect. I am asking the question because he gave a very clear statement to the House and a written answer. We would like clarification on that and I am giving him the opportunity to do so. I ask that he be brought back to those very specific parts of the question.

The Hon. Courtney Houssos: To the point of order: The question specifically outlined Bus Panel 4 and the Minister was outlining how Bus Panel 4—

The Hon. Natalie Ward: Further to the point of order—

The PRESIDENT: The Hon. Natalie Ward will resume her seat. I am hearing from the Hon. Courtney Houssos on the point of order.

The Hon. Courtney Houssos: The Minister is being directly relevant in responding to that part of the question in relation to Bus Panel 4.

The Hon. Natalie Ward: The question does not mention Bus Panel 4 once.

The PRESIDENT: I have some sympathy for the point of order taken by the Hon. Natalie Ward. That being said, I suspect that the Minister was about to come to exactly the point made by the member.

The Hon. JOHN GRAHAM: There is a significant financial assessment where this individual is potentially examined. I am happy to update the House, should the Opposition be interested in the significant steps. The Minister just outlined the general government framework but, of course, Transport for NSW also works through significant steps. I would be happy to spell those out. Today I update the House that I am advised that Mr Tsihlis is a beneficial owner of significant interests in two related Bus Panel 4 suppliers, Foton Mobility and Nexport, via Halifax Capital Pty Ltd, in which he has a shareholding. That has investments in GoZero Group Ltd. He is not a director of the BP4 suppliers or their immediate parents, although in the past he has held director roles in the relevant entities and their direct parent, GoZero Group Ltd, including, I might add, at or around the time that the Coalition was purchasing buses from some of the groups it has subsequently been asking questions about. In relation to the acquisition, I understand that that is yet to proceed at this point, on the basis of the advice that I have with me today in the House.

CONSERVATION HUNTING

The Hon. MARK BANASIAK (11:16): My question without notice is directed to the Minister for Agriculture. Research undertaken in the 2024 calendar year by the Australian Pig Doggers and Hunters Association, which was overseen and reviewed by the University of Southern Queensland, shows that voluntary conservation hunters have removed 1,692,625 feral pigs from New South Wales. That figure clearly exceeds Local Land Services data of 112,888 pigs killed by Government-funded feral pig operations. How many meetings has the New South Wales feral pig coordinator had in the 2024 calendar year with recognised New South Wales hunting groups and associations to formally integrate voluntary conservation hunters into community-based landscape-scale feral pig management programs across the State?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:17): I thank the member for the question. I say at the outset that we are doing a significant amount of work in reassessing how we need to be dealing with pests and weeds, particularly animals, in a more coordinated way across government and across the resources that we have. But we want to also work in a better partnership with people outside of government. Farmers and landholders have a responsibility for managing pests on their properties. Hunters have a bigger role to play, in our view, with helping with that coordinated work to manage the significant pest problem in New South Wales.

The member referred to feral pigs, which is a particular problem in New South Wales at the moment. I have talked a lot about that in this place before and in the public domain. Feral pigs are one of the most significant problems we have at the moment due to their breeding conditions across regional New South Wales. The Government has invested \$26 million into a coordinated program for tackling feral pigs and other animals. We are also doing work to better coordinate how these issues are dealt with. Part of the problem is the ad hoc nature of dealing with issues as they pop up, rather than having more coordination on how they are dealt with. In relation to hunting, we want to work with hunting groups on how to better coordinate with government on this. I acknowledge that hunters are doing significant work through their hunting practices to assist with dealing with feral animals.

In relation to the specific part of the question about meetings that the Feral Pig Coordinator has had, I do not know whom she has specifically met with over the course of the calendar year. I am happy to take that part of the question on notice and come back to the honourable member about the specific meetings that she has had. But I am advised that she has had meetings and conversations with the organisation that was referenced in the question, the Australian Pig Doggers and Hunters Association. I believe there have been interactions between the coordinator and the president of that organisation, but I will have to take on notice the specifics of how many and who else she has met with.

The Hon. MARK BANASIAK (11:19): I ask a supplementary question. In her answer the Minister spoke about facilitating better coordination and engagement. Will the Minister advise where voluntary conservation hunting groups can read and access the communication strategy for the New South Wales pig controller and how they can actually better engage with the New South Wales pig controller?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:20): I thank the member for the supplementary question. I refer back to my previous answer. We want to work closely with hunting associations. We already do, but we want to do that more. I know we have had some conversations with the Shooters, Fishers and Farmers Party about how to improve that, and we will continue to do that. In relation to how the policies can be accessed, I am hoping that they are available publicly, but if they are not, I am happy to work out how to provide them or how they can be accessed. I am happy to make sure that this is as transparent as possible.

We want conversations about how we can better coordinate. We need all the help we can get. Feral pests and pigs are a significant problem across regional New South Wales. The Government cannot deal with them by itself, and the legislation is very clear about that. People have to take responsibility on their land, and that includes government land. Farmers and the like have to take responsibility for managing pests, and hunters have a role to play in that. I will take on notice how those policies can be accessed and come back to the member.

The Hon. ROD ROBERTS (11:21): I ask a second supplementary question. I do so in light of my newfound interest in pig hunting! What specific commitments, directions or instructions has the Minister provided the Department of Primary Industries, Local Land Services and the New South Wales Feral Pig Coordinator to ensure that voluntary conservation pig hunters who contribute significant results in economic value are actively integrated into coordinated government-supported feral pig control programs across New South Wales?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:22): I thank the member for the question. There is a lot of interest in the issue from the hunting community, and I acknowledge that. We want more coordination to tackle the issue of managing feral pigs but also other pest animals across New South Wales. As I indicated in my previous answers, we are working on a whole package of how to better coordinate tackling those issues. The Natural Resources Commission is involved in that. We have engaged an Independent Biosecurity Commissioner to help us with that piece of work of better coordination.

The Government has to make all of the dollars it has on behalf of taxpayers go as far as they can. Rather than dealing with things, as I referred to before, on an ad hoc basis based on whatever the particular pest is that needs to be managed at a particular time, we are looking at how it can be dealt with in a better way across government departments and with landholders, who, again, have a responsibility under the Biosecurity Act to manage pest animals on their properties. That can include better engagement with hunting groups. I am certainly committed to having conversations about how we can better engage them in a more formal way as part of that work.

APARTMENT ROOFTOP SOLAR

The Hon. MARK BUTTIGIEG (11:23): My question without notice is addressed to the Minister for Energy. Will the Minister inform the House on how the Minns Labor Government is working with the Federal

Labor Government to make solar power more accessible and affordable for the many people who live in apartments?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:24): I certainly will. I welcome the students and the cadets to the Legislative Council. They will notice that members of the Legislative Council are much more polite than those in the Legislative Assembly. I do not know whether they are going to see them. Everyone is very quiet today; they are a bit tired. I have lots of good news to provide to the House, which I am very happy about. A couple of weeks ago I joined the Prime Minister Anthony Albanese and my colleague Chris Bowen at a block of nine units in Ashfield where a group of residents had decided to put solar on the roof of their apartment block. That is quite a challenging thing. I give a big shout out to a man called Keith, who did all of the technical work to make apartment solar a reality for those residents. The Government wants to make sure that we learn lessons from people like Keith to support everyone having access to solar. That will result in cheaper bills and will keep emissions down.

In New South Wales, one in five homes are apartments, yet only 3.5 per cent of those have access to solar. What has changed in apartment blocks is that not only are there good people like Keith who have done the work, but also, importantly, there is new technology that allows the distribution of solar power fairly amongst units. The Federal and State governments are investing \$25 million into a program to cover up to 50 per cent of the cost of installing solar or up to \$150,000 per project for strata units. To use Keith's example, it cost \$50,000 to put in solar for nine units. Each person living in that apartment block is saving just under \$1,000 a year, but they had to pay that up-front. Now the government will do that. The program will expand solar so that renters living in strata will get the benefit of lower cost energy through solar.

This is a really important program. We have already had a lot of interest in it. We only announced it a couple of weeks ago, and I think we have had over 130 applications already. But the message is clear: The benefits of solar should not be just for people who own houses; they should be for renters and for people living in strata. The adoption and love of solar is deeply ingrained in Australians. Over four million people already have rooftop solar. The more that we can deal with the technical issues within the energy market and the energy rules and the more that we can support solar and make it work, the more solar will spread and be shared fairly. That is a very good thing.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. MARK LATHAM (11:27): My question is directed to the Treasurer. I refer the Treasurer to the request of the chairman of the Australian Turf Club [ATC], Peter McGauran, for the Government to pay \$5 billion in gross sale proceeds to buy Rosehill Gardens Racecourse. Given that the ATC commissioned the respected economic and property analyst HillPDA last year to assess the net present value of the site and it reported it was worth \$1.6 billion, why would the Government pay \$5 billion for something that is worth less than one-third of that amount? Will the Treasurer assure the House that he is not Alan Bond and the ATC is not Kerry Packer?

The Hon. DANIEL MOOKHEY (Treasurer) (11:27): I thank the honourable member for his question. I confirm that I have no likeness to Alan Bond that I am aware of. I guess it remains to be seen though. The member asked me if I was aware of a request to government. It is important to point out that last year the ATC submitted an unsolicited proposal to develop the Rosehill racecourse. That then triggered the unsolicited proposals process that we inherited from the previous Government. The ATC is currently deliberating as to whether it should pursue this course of action. I do not believe that Mr McGauran has yet made the \$5 million request to government. As I understand it, the proposition is going before ATC members for approval. Of course, we respect the fact that the ATC members need to make a decision about whether this proposal is to go forward as well. Should the ATC proposal go forward, there will then be a strict process that will apply to all conversations with the ATC, as there is now.

The member asked me about the HillPDA report as well. I am aware of the report. I have not seen the report. As I understand it, that report was commissioned for the purpose of ATC deliberations. The member asked me about its conclusion about the net present value [NPV]. The member is tempting me to wax lyrical about NPV calculations and models, but I will not, other than to simply say that I am aware of the fact that a conclusion was reached by that group. I have not seen the actual NPV model that it has put forward; nevertheless I will and truly understand that that will be a matter of concern to the House and the House will rightly want a response to it at the appropriate time. I just do not think that time is now, because the proposal has not been brought to the Government and the deliberations remain with the ATC. The ATC is deliberating and it is for its members to decide whether or not they wish to go forward.

Rosehill will be a transformational proposal should it go ahead. It is a once-in-a-generation opportunity to build a new city. I grew up near that area, as the member knows. I know it very well. I know that it is the last part of land on that peninsula that may well be available for alternative use like housing amidst a housing crisis. We

should not forget the fact that there is a housing crisis and that we have to be bold when it comes to thinking through how we build enough housing for this generation and the generations to come.

The Hon. MARK LATHAM (11:31): I ask a supplementary question. Will the Treasurer elaborate on his answer about the processes of deliberation that he described? Does the Government stand by the Premier's commitment in December 2023 that it would never pay one cent for Rosehill?

The Hon. DANIEL MOOKHEY (Treasurer) (11:31): I am happy to elaborate on the processes of deliberation as I understand it. Those processes of deliberation right now involve the ATC members having a say about the future of that particular site. In addition, it is for its members to decide. As I understand it, there is what could be diplomatically described as quite a debate happening within the ATC about whether or not this proposal should go forward. I am not a member of the ATC so I am not participating in that debate. To be frank, I actually do not know how to join the ATC. I presume there is a form but I have not yet done it.

The Hon. Scott Barrett: I thought you ran around Armidale turf club.

The Hon. DANIEL MOOKHEY: I acknowledge the interjection. I have visited the Armidale racetrack for a race and I have actually also run around it myself, but I did not do so as a member of the Armidale race club. I confess I did not join to undertake that particular run. The member asked me about whether or not the Government's view has changed. I recall that the Premier did say that in December. He said at the time that it was a once-in-a-generation opportunity to realise a big housing outcome for Sydney. He also said that it is a matter for ATC members. The consistent point that the Premier has made since this idea has surfaced is that the first step is for the ATC membership itself to decide whether or not it wants this proposal to go forward. Only then will the Government engage about whether or not we can seize the opportunity that it might present to help us deal with the housing crisis. I should also point out that I recall the former member for Parramatta, Geoff Lee, also saying in December 2023 that he had tried to get a metro station at Rosehill and he commended the Premier for seizing the opportunity there. That is my recall of the events of December 2023.

The Hon. SCOTT FARLOW (11:33): I ask a second supplementary question. Given the Treasurer's outlining of his understanding of the HillPDA report, has the Treasurer or the New South Wales Government commissioned their own independent analysis as to the net present value of Rosehill racecourse?

The Hon. DANIEL MOOKHEY (Treasurer) (11:33): I have to say the members are doing their absolute best to tempt me to debate net present value models. They are luring me in. I thank the member for the question around NPV models. It is the first Opposition question I have gotten all year. I am thrilled that the shadow planning spokesperson has seized the opportunity to ask me a second supplementary question. Has the Government commissioned its own NPV analysis? I refer the member to the earlier answer in which I said that, under the unsolicited proposal process that his Government previously established, it is way too premature for the Government to be getting into the processes of commissioning our own NPV model under this scenario.

Having spoken about NPV, the member asked me whether there was a formal one. As members would know, I actually can do an NPV model right now on a spreadsheet. This is the point, though: You actually have to have a proposal in order to assess it. That is generally required for you to construct an assessment of a proposal, rather than modelling different scenarios or looking at different propositions. That is what we as a government will do should we find ourselves in a position in which this proposal goes forward. I will be clear about this one point, though: The shadow planning Minister is absolutely right that processes need to be followed. When it comes to something like this, it is important that processes are followed. To the best of my knowledge and with the advice I have been given, that is exactly what the Government has done.

MINISTERIAL STAFF TRAINING

The Hon. CHRIS RATH (11:36): My question is directed to the Leader of the Government. In an answer given to me yesterday to a supplementary question in budget estimates, the Premier told me that the Cabinet Office "provides training for ministerial staff on their obligations under the Government Information (Public Access) Act 2009". Given the recent multiple breaches of the Government Information (Public Access) Act by the Cabinet Office, who is now going to provide training for ministerial staff on those obligations?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:36): The Hon. Chris Rath should be careful about some of the supplementary questions that have been put in his name at budget estimates. Some of them are completely inappropriate.

The Hon. Chris Rath: We have already removed them.

The Hon. PENNY SHARPE: It is still inappropriate. In relation to the question asked by the honourable member, I would refer him to the answer that I gave yesterday in relation to this, which is that there are a number

of reviews and investigations in place as a result of the release of the data. We are taking it very seriously. This should not have happened and everyone accepts that. To be clear, both the Cabinet Office and the Premier's Department have apologised for this. We believe it is unacceptable. All of that work is being undertaken and the information will be provided in due course. In terms of the specifics of who will do the training and how that works, I am happy to take that on notice if there are concerns about that. I am not aware of how people are trained in relation to such matters. I am aware that they are trained.

The Hon. Wes Fang: It's a cornflakes packet. You open it and get a certificate.

The Hon. PENNY SHARPE: Are you going to stop interrupting?

The PRESIDENT: Order! Interjections are disorderly at all times. The Leader of the Government is quite right; the Hon. Wes Fang is interjecting too much. But responding to interjections is disorderly as well.

The Hon. PENNY SHARPE: I will take a point of order in future, Mr President.

The PRESIDENT: Let us draw a line under it and move on.

The Hon. PENNY SHARPE: The Government is taking this extremely seriously. It is a breach that should never have occurred. The Privacy Commissioner, ID Support NSW and others are undertaking and asking the appropriate questions in relation to this. As I also indicated yesterday, there will be a review. On the specific question of the training, I am happy to come back to the member if it was, indeed, a serious question.

WATER SECURITY

The Hon. PETER PRIMROSE (11:38): My question without notice is addressed to the Minister for Water. Will the Minister please update the House on the progress made to secure water in our regions?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:39): I am happy to update the House on some of the work that I have been doing as the Minister for Water to ensure that this incredibly precious resource that we have is shared equitably and used efficiently. One of the first things I did when I became the Minister for Water was to commission a review into the way that the metering reforms were being rolled out. Members may recall that after a series of pretty explosive allegations back in 2018 and 2019, the previous Government implemented a metering policy, which meant that if a person did not have a meter for the water they were taking, they could not pump it.

The problem was that when I became Minister, it was clear that we were on track to meet our obligations for a full metering rollout by 2040. To me, that was a pretty unacceptable time frame for the pretty basic principle of "no meter, no pump". We have now done the review. We have consulted with stakeholders, and we have put in place a new plan that will let us meet our obligations to meter all of the water that we pump for irrigation and for agriculture 15 years earlier than we were previously on track for. That is a big improvement from those reforms. I thank everyone who engaged in the review process, including environmentalists, irrigators, farmers and communities; everyone is on board and has accepted the outcomes of the review. We are very pleased with that progress.

On top of that, we have also put another \$23 million into our water efficiency and Regional Leak Reduction Program. That has been a hugely successful program. We work with local water utilities to identify opportunities for them to reduce leaks and use water more efficiently. So far, that program has clocked up a staggering 7,500 megalitres a year in water savings. We have literally set the dogs on it: My favourite part of this very comprehensive program is the dogs in regional New South Wales who are sniffing out breaks and leaks in water pipes so that we know where they are and can get in there and fix them quickly.

On top of that, we have now fully funded the upgrade to the Yass Water Treatment Plant. That issue has been a running sore. The Yass community was duded year after year, with 85 per cent of the community turning to bottled water. They will not drink the tap water because it smells and tastes weird. We have now fully funded an upgrade to that water treatment plant so that community can turn on the tap, fill up their cups and drink it up again. We have also funded PFAS testing for every local water utility in regional New South Wales. We have met with the communities in the areas where we have identified issues, such as Gwydir shire, and are working through solutions. There is a lot of work happening out in regional New South Wales to secure our precious water resources.

VEOLIA WOODLAWN ECO PRECINCT

Dr AMANDA COHN (11:42): My question without notice is directed to the Minister for the Environment. In July last year, Veolia was fined significantly by the Environment Protection Authority [EPA] for failing to comply with the conditions of the environment protection licence covering its mechanical biological treatment facility in Tarago. The EPA had previously issued Veolia with a formal warning and official cautions

regarding noncompliance with its licence conditions. The current Veolia Woodlawn proposal for a new waste to energy incinerator has met fierce community resistance. Despite currently reviewing the energy from waste framework, the Government is proposing not to change the Southern Goulburn Mulwaree Precinct. How can the Minister have any confidence in the future regulation of a new waste to energy incinerator at Tarago from a proponent that is not compliant with its existing responsibilities?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:43): I thank the member for her question and her ongoing interest in waste, waste infrastructure and how we deal with the challenge of Greater Sydney running out of landfill space by 2030. This is a serious matter. I will deal with the question in a couple of parts. Firstly, the Tarago energy to waste proposal is currently in the planning system and is working its way through that. The planning system will deal with it. Secondly, New South Wales has the strictest regulations and requirements for any energy from waste plant, if it is, indeed, approved, which we are not certain about.

In relation to regulations and the work of the EPA, the EPA works very closely with all of the licence holders that operate under the Act that it is in charge of. I will take on notice the detail around the breaches and what has happened with Veolia. I do not want to pass comment on it. I have confidence in the EPA and the way in which it seems to regulate quite challenging licences where there are serious issues relating to human health and the environment. I am very familiar with the Tarago site. It is an old nickel mine; it is very toxic. There is a lot of work going on there to remediate the site, manage the landfill and look at the other programs that are happening there. I am happy to take on notice the issues around the breach.

But if the question is whether I have confidence in the EPA and the way it is regulating, the answer is absolutely. I remind the member that last year this Parliament significantly increased the penalties and the regulatory levers that the EPA has to make sure that people are able to, and must, do the right thing in relation to their licences. The bottom line is that we have to regulate very challenging industries; there is no doubt about that. But those who have licences need to be able to, and must, follow the rules that are set out in those licences. The EPA has undertaken a range of compliance actions as a result of that. The site at Tarago and Veolia are no different. I have absolute confidence that the EPA is doing the right thing. The issues around waste and waste disposal are enormous. We have six years until we have to deal with running out of landfill. We are determined to tackle the issues and not kick them further down the road.

WATER MANAGEMENT

The Hon. NICHOLE OVERALL (11:46): My question is directed to the Minister for Water. The Minimum Inflows Method Review that is underway is looking to update the drought of record and incorporate climate risk into the methodology for determining water availability and allocations. Will the Minister guarantee that the new methodology will not result in an increase in water allocations for high-security water needs at the expense of allocations for reliable water supply for agriculture and industry?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:46): I thank the member for her question. She is correct: The Office of the NSW Chief Scientist and Engineer is conducting a minimum inflows review. That work was a recommendation out of its inquiry into the mass fish deaths in the Menindee Lakes, which, as members may recall, resulted in the catastrophic death of millions of fish in 2023 and has led the Government to take the ecosystem health of our regional river systems seriously. I am not going to prejudge the outcomes of that review. The member is asking me to make guarantees about not just what the recommendations are but also the Government's response to those recommendations. I am not going to do that. We do not even know what the recommendations of the minimum inflow review will be, let alone what our response to those recommendations are.

The minimum inflow review does not sit in isolation; it sits alongside the work that the Government is doing on the connectivity panel, another piece of work that we have commissioned. We have received the recommendations of that, although we are still updating some of the hydrological and economic modelling that underpins it. I might get a copy of the question. Agriculture has high-security licences, so I am not sure about putting high-security and agricultural licences in separate buckets. I understand that they are part of the same licence entitlement system. Suffice to say, we are concerned about river connectivity in regional New South Wales. I have been up-front about that. We are concerned because we have seen two massive fish death events in the Menindee Lakes. One of those was at a time of drought; the other one was at a time of water abundance.

We clearly have an issue with ecosystem health in regional New South Wales. It is there for all to see; it is the dead fish gasping on the banks of rivers. We were guided by science in that work, and the minimum inflow review was part of that. The Government has given clear commitments, and I give this commitment to the member in answering her question: All the decisions the Government makes off the back of those recommendations are

based on consultation and engaging with people who are impacted by the way we share water in regional New South Wales. Their opinions and perspectives will feed into the decisions we make. I will not prejudge the recommendations or our response to them, but I give the member the guarantee that no decisions will be made without full consultation with communities who are potentially impacted by those decisions.

WILDLIFE VEHICLE STRIKES

The Hon. BOB NANVA (11:50): My question without notice is addressed to the Minister for Transport, representing the Minister for Roads. The prevention of wildlife vehicle strikes is a focus for the Government. Will the Minister please provide an update for the House on what the Government is doing in that space?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:50): I thank the member for his question. This part of the Transport portfolio is heading to Minister Jenny Aitchison, and I congratulate her on that. I update the House because this matter is of real interest to members, including Ms Cate Faehrmann, Ms Sue Higginson and the Hon. Mark Latham. In particular, I thank the Hon. Emma Hurst for the work she has done with the Government to sort through the active solutions to those issues that members have repeatedly raised with the Government. As part of its commitment to road safety and wildlife protection, the Government will soon roll out technology trials aimed at reducing wildlife vehicle strikes, particularly involving koalas, kangaroos and wombats. The trials, made possible by a \$500,000 commitment, are an important step in addressing the issue.

Two key trials will take place. In April, at the Future Mobility Testing and Research Centre at Cudal, Transport will test whether lighter pavement surfaces will improve a driver's ability to spot wildlife and the speeds at which drivers will be able to spot wildlife. The theory we are testing is that the silhouettes of animals may be seen more clearly on lighter pavements. At Yennora, AI cameras will be trained to detect wildlife such as kangaroos, koalas and wombats. Those cameras will link to smart signage, alerting drivers in real time when animals are near the road. Compared to the static signs that drivers might be used to, those signs will indicate when animals are active.

In addition to those trials, the Government is working with local wildlife groups on other initiatives. At Appin Road, new road markings will be added, similar to school zones, along with static signs featuring a koala outline, indicating to drivers to slow down. On the Hume Highway, there will be one-way koala escape doors near Wilton, the Nepean, Morgan Creek Bridge and Appin Road near Gilead. That will allow animals to escape in one direction, away from the road, not towards the road. When it comes to the koalas of south-west Sydney, the Government's goal is clear: We want to give them a home amongst the gum trees, with lots of plum trees and, given that it is the Macarthur region, perhaps a sheep or two and a kangaroo. I thank members for their interest in the issue and for the recommendations they have made to the Government as we tackle those issues.

The Hon. Sarah Mitchell: Must do better.

The Hon. JOHN GRAHAM: That's fair. I acknowledge the interjection.

SOUTH COAST MARICULTURE

Ms CATE FAEHRMANN (11:53): My question is directed to the Minister for Agriculture. At the end of last year, divers in Jervis Bay Marine Park were shocked to discover masses of invasive mussels in areas where they had never been seen before. Those mussels smother marine habitat and threaten the delicate ecosystem of Jervis Bay Marine Park. The community suspects that a nearby mussel farm, South Coast Mariculture, is responsible, yet the operator proposes to expand its operations from 50 hectares to 70 hectares. In response to community concerns, the department is conducting testing of mussels to determine whether the wild and farmed populations are linked. If the results confirm a connection, what steps will be taken to remediate the situation, and will any decision on the farm's expansion be delayed until the study is completed?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:54): I thank the member for her question. I am aware of those issues. I understand the perspective of divers and others. There is a significant industry on the South Coast, and that business is a significant employer operating in that part of New South Wales. The Government is working closely with the company on those issues and the nature of its mussel farming business. The department is working in this area to undertake genetic analysis of mussel stock on that part of the coast. We have implemented a three-year spatfall monitoring program and established an advisory group to communicate the results of genetic and spatfall analysis to stakeholders. Work is underway in relation to this.

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

The Hon. TARA MORIARTY: I am happy to take any other specific details on notice and come back to the member and the House.

HOMELESSNESS STRATEGY

The Hon. NATASHA MACLAREN-JONES (11:56): My question is directed to the Minister for Homelessness. On Monday the Treasurer said:

In San Francisco, you have middle-class people lining up for soup kitchens ... could have made better choices—they didn't.

Homelessness NSW chief executive Dominic Rowe said:

... even people with good jobs are finding it hard to find a private rental—

The PRESIDENT: Order! There is too much audible conversation in the Chamber. The Minister must be able to hear the question so that she can answer appropriately. The member will begin her question again.

The Hon. NATASHA MACLAREN-JONES: On Monday the Treasurer said:

In San Francisco, you have middle-class people lining up for soup kitchens ... could have made better choices—they didn't.

Homelessness NSW chief executive Dominic Rowe said:

... even people with good jobs are finding it hard to find a private rental.

Working people are being squished out of the private markets and forced onto the street.

When will the homelessness strategy be released?

The Hon. Daniel Mookhey: Point of order: I seek leave to make a personal explanation.

The PRESIDENT: There is no point of order, but the Treasurer may seek leave.

[*Business interrupted.*]

*Personal Explanation***HOMELESSNESS STRATEGY**

The Hon. DANIEL MOOKHEY: I seek leave to make a personal explanation.

Leave not granted.

*Questions Without Notice***HOMELESSNESS STRATEGY**

[*Business resumed.*]

The Hon. Natalie Ward: Point of order: To clarify the Opposition's position, we will support the Treasurer's request to make a personal explanation after question time.

The Hon. Courtney Houssos: To the point of order: The Hon. Natasha Maclaren-Jones asked a specific question in relation to a quote that was supposedly provided by the Treasurer. The Treasurer then sought leave to make a personal explanation to explain that he disputes the veracity of the quote. I ask that the Treasurer be given the opportunity—

The Hon. Natalie Ward: Further to the point of order—

The PRESIDENT: The Hon. Natalie Ward will resume her seat.

The Hon. Courtney Houssos: The Treasurer has disputed the veracity of the quote; therefore that part of the question should be removed and the Hon. Natasha Maclaren-Jones should reframe her question.

The Hon. Sarah Mitchell: To the point of order: The quote came directly, word for word, from a Channel 7 news article on Monday. The Opposition is happy for the Treasurer to make a personal explanation after question time, but the question that the member asked is factual.

The Hon. Penny Sharpe: To the point of order: The point is, if a member asserts that something has been said and that is disputed, whether they are generous about that is up to them. Clearly, the Opposition is not. The point I make about the standing orders is that the question clearly contains argument. That part of the question should be struck out.

The Hon. Mark Latham: To the point of order: Mr President, to assist you and the Chamber, I can indicate I saw this on social media earlier in the week. There is absolutely no doubt that, in the full context of what was said, the Treasurer was referring to government authorities in San Francisco who had made poor choices, not local residents. On that basis, I do not think he has anything to answer for. I know I am giving the answer he could have given to the Chamber.

The Hon. Natalie Ward: In my respectful submission, Mr President, the Treasurer will have the opportunity to make that explanation. We have made that patently clear. That is not the issue. The question that was put to the Minister is straightforward: When will the homelessness strategy be made public? That is an easy question to answer. We ask that she get on and do so, and we can hear from the Treasurer later.

The Hon. John Graham: Point of order: Under Standing Order 65 (1) (a), questions may not contain statements of fact or names of persons unless they are strictly necessary to render the question intelligible and they can be authenticated. Particularly given the submission you have just heard, this is not strictly necessary, and I would ask that you strike it out of the question. It certainly cannot be authenticated, given it is not true.

The PRESIDENT: Order! There is too much audible conversation in the Chamber. A number of points of order have been taken, but I will respond to them all together. Firstly, in question time, suggestions, allegations and statements are made. It is impossible for the Chair to check the veracity of those facts each time, and so they must be appropriately and thoughtfully raised by members as they are asking or answering questions. If the contention is that those are wrong, it is entirely within the purview of the Minister to ensure that the record is clear. Obviously, that is not to say that the House may be misled. But in question time there must be some degree of latitude to allow questions to be asked without me necessarily being able to fact-check in real time. That is the first point I make.

Secondly, the Hon. John Graham raises a good point, and I have some sympathy for it. However, if we go too far down that line, we will knock out a whole range of preliminary information in almost every question. It is not my intention to do that today. Thirdly, I appreciate the Opposition giving the Treasurer the opportunity to provide his response. However, I note that a Minister may transfer a question to another Minister, so the Hon. Rose Jackson has the opportunity to do that now if she wishes. That is entirely up to her. The Hon. Rose Jackson or another Minister on her behalf has the call.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (12:03): I am happy to transfer the question to the Treasurer to allow him to explain. The strategy will be released soon.

The Hon. DANIEL MOOKHEY (Treasurer) (12:03): I thank the member. I know that from Monday a video has been circulating on social media, from sources emanating from what is generally described as the right wing of Twitter, not the left wing of Twitter. This video is recycling a news story published on 5 February 2024, not this Monday.

The Hon. Scott Farlow: Point of order: The point of order is about relevance. The question went to the heart of when the Government's homelessness strategy will be made public. I do not know whether the left wing, the right wing or the centre of Twitter is relevant to the question about when the Government's homelessness strategy will be made public.

The PRESIDENT: In response to the earlier point of order of the Hon. John Graham I noted that there must be potential to have some extra information at the beginning of questions that is not ruled out of order, otherwise we would be ruling out vast quantities of questions or parts of questions. In the same way, if the Treasurer wishes to address that part of the question, he is entitled to do so. The Treasurer has the call.

The Hon. DANIEL MOOKHEY: As I was saying, this video resurfaced on Monday and was being recirculated from what I describe as right-wing Twitter. I am aware of one particular person who has retweeted it, a person known by "John Macgowan", whom I believe to be a former researcher from the New South Wales Liberal Party. I recall that he was circulating this video, trying to pass off these remarks as, firstly, being made on Monday and, secondly, directed at people per se. Therefore I actually had my office recall the event.

On 5 February 2024 I did appear at the Sydney Summit of the Committee for Sydney, at which I made the point, which was on the front page of *The Sydney Morning Herald*, that the policies of the San Francisco council and the state of California had created a crisis for the middle class and that, as a result, the middle class of that city was facing real pressure to afford to live in that city. I said at the time that that was a fate we would like to avoid. At no point did I say that it was the fault of those people in San Francisco themselves. At no point, as has been passed off by the Opposition today, have I said that that is the fault of the people of Sydney, as the Opposition is trying to imply. The Opposition has fallen for right-wing misinformation from Elon Musk's swamp. That is what the alternative government is using this forum for.

The Hon. Sarah Mitchell: Point of order—

The Hon. DANIEL MOOKHEY: That is what the alternative Minister responsible for homelessness has brought to the floor of this Parliament.

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

The Hon. DANIEL MOOKHEY: They have fallen for a right-wing dupe—

The PRESIDENT: Order! The Treasurer will resume his seat.

The Hon. Sarah Mitchell: My point of order goes to relevance. I appreciate what you said earlier, Mr President, about there being an opportunity for introductory remarks. The question was clear: When will the homelessness strategy be made public? There are 40-odd seconds to go. The Treasurer has not mentioned the homelessness strategy. We would like an answer to the question.

The PRESIDENT: That was not the ruling I made. The ruling I made, in fact, was that the comments were part of the question. The Treasurer was being directly relevant. That having been said, the Treasurer straying into talking about Elon Musk's swamp is not relevant to any part of the question. The Treasurer has the call.

The Hon. DANIEL MOOKHEY: Thank you. I appreciate the guidance. I simply make the point that, when Opposition members ask questions in the New South Wales Parliament, they should fact-check. The fact that the alternative Minister responsible for homelessness in this State fell for that is stunning. It is absolutely stunning that the Opposition would not do such basic fact-checking before using question time to ask a question like this. I was accused of making those comments on Monday. That was in the actual question. The fact that this missed the notice of the alternative Government is stunning. I simply point out that we have massively increased homelessness funding, and I thank the Minister for her support.

The Hon. NATASHA MACLAREN-JONES (12:08): I ask a supplementary question. I would like to know whether the Treasurer actually did say, "In San Francisco you have middle-class people lining up at soup kitchens. They could have made better choices, and they didn't."

The Hon. DANIEL MOOKHEY (Treasurer) (12:08): Again, if members saw the full remarks, they will know that I was referring to the city of San Francisco and the people of California. That was what I said. That retort of the shadow Minister—how utterly hopeless. Having had this exploding cigar blow up in her face, it is telling that she gets up to again double down on this misinformation.

The Hon. Sarah Mitchell: Point of order: The Treasurer is directly reflecting on the Hon. Natasha Maclaren-Jones. He should not be doing that, as he well knows.

The PRESIDENT: I uphold the point of order. The Treasurer has the call.

The Hon. DANIEL MOOKHEY: I withdraw any reflections that I have made on the shadow Minister. But I still make the point that anyone who has been paying attention to what has been happening in California knows full well there is a severe housing crisis. Everybody there knows full well that earlier intervention from the Californian authorities, including the City and County of San Francisco, would have avoided the fate that I was warning of. I stand by the point that we are under that pressure and that we have an opportunity to make better choices right now. Not only did I say that on 5 February 2024, but when I gave the budget, we also announced the \$500 million increase for homelessness.

That is the biggest funding increase for homelessness in a generation and something that the shadow Minister could not deliver herself. So not only are we saying that we should make better choices, but this Government is making better choices. When it comes to better choices, not only did we put \$500 million into homelessness, but we also put an additional \$5 billion into social housing investment. And in budget one and budget two we are putting in \$750 million for essential worker housing, the biggest investment that any government has done to avoid the very fate that we do not want to happen here. I absolutely stand by that and the fact that members on this side of the House do not fall for misinformation.

Ms SUE HIGGINSON (12:11): I ask a second supplementary question. Will the Treasurer elucidate the part of his answer where he reflects that the Government is doing more building? Where does demolishing the homes in Lismore fit into the Government's program?

The PRESIDENT: It was a nice try, but that is an entirely new second supplementary question that has nothing to do with the original question or the supplementary question.

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

VEOLIA WOODLAWN ECO PRECINCT

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (12:13): Earlier in question time Dr Amanda Cohn asked me a question about Veolia. I give an update on the regulatory action. Veolia currently operates three licensed premises at the Woodlawn Eco Precinct near Tarago comprising a major landfill for waste recovery and composting. It is

an intermodal facility that imports domestic waste from Sydney and surrounding areas for treatment and disposal. The site was a former zinc, copper and lead mine. That has caused challenges but it also means that the site is a good option for waste facilities. Together the facilities cater for the red bins from 1.8 million Sydney residents, almost half of Sydney's putrescible waste, and they are important for regional waste. The Environment Protection Authority [EPA] has investigated and responded to reports of pollution and noncompliance with the environmental requirements at the site, including reports of offensive odours from the premises and leaking waste containers used to transport waste on public roads.

The EPA's regulatory responses have included warning letters, stronger licence conditions, official cautions, pollution reduction programs, penalty notices and prevention notices. The EPA has advised Veolia of a range of environmental concerns that require action. These include offensive odour from the premises, leachate and water management, leaking waste containers used to transport waste on roads and greenhouse gas management and reporting. The EPA is requiring an action plan from Veolia to identify immediate management measures and risk assessments to safeguard the environment. The EPA will use its action plan to inform its next steps, including regulatory processes. The EPA will continue to work with the Department of Planning, Housing and Infrastructure to ensure both a coordinated response and Veolia's compliance with all statutory requirements in major project approvals and environmental protection licences.

Supplementary Questions for Written Answers

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. MARK LATHAM (12:12): My supplementary question for written answer is directed to the Treasurer. Following his answer about Rosehill racecourse, will he now consult the unsolicited proposal documents in his eponymous library and bring himself up to date with the valuation that is being undertaken by the Premier's Department? Will he provide the House with the information as to who is doing that valuation and on what basis? Why has Simon Draper said that the Australian Turf Club membership vote has been held back until after 3 April?

WATER MANAGEMENT

The Hon. SCOTT BARRETT (12:13): My supplementary question for written answer is directed to the Minister for Water. Given that when the department explored the proposal on minimum inflows in 2013-14 and concluded that changing the "drought of record" could result in an inappropriate balance between productive use of water and drought security, and that alternative measures including improving infrastructure were preferable, why is the Minister not focusing on improved water infrastructure instead of doing yet another review?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. NATALIE WARD: I move:

That the House take note of answers to questions.

ELECTRIC BUS PROCUREMENT

The Hon. NATALIE WARD (12:15): I take note of answers given today in question time. We had a range of interesting matters today. I was particularly interested in the answer of the Minister for Transport to my question regarding Mr Tsihlis's interests in the relevant entities, GoZero Group and Foton Mobility Distribution. This should not come as a surprise because we have asked this consistently. The Minister for Transport told us on 13 March that Mr Tsihlis was selling his interest in Foton Mobility Distribution and GoZero. That deal was reported in *The Australian Financial Review* as "all but dead"; that was a week earlier. So surely he or someone in his office should have been aware a week earlier that that was not likely to be the case.

The members opposite seem to have an obsession with talking about the previous Government—there is not a single answer where they do not refer to it. As we are two years in, it is time for them to start talking about this Government. Nonetheless, today the Minister tells us that the previous Government also dealt with Mr Tsihlis, as if that is some random reason for this Government's actions being perfectly fine. What the Minister for Transport failed to mention in this place was that this was well before Mr Tsihlis's company Metsquare was reported publicly for defaulting on a \$23 million tax bill in February 2024—well after the term of the previous Government and well and truly in the remit of this current Government, of which it or the department would or should have been aware. Nonetheless, their dealings continued, so much so that contracts were awarded. Those opposite can refer to the previous Government as much as they like, but the fact is that the procurement award contract was made under this Government to great fanfare and great press releases. They got out there to announce it.

The fact is that the public reporting said that there was a default of \$23 million on that tax bill in February 2024. They are taxpayer dollars that go to the Australian Taxation Office to spend on all of those things that Australians expect from a government that is well managed. They do not expect that someone will be rewarded for a default by being given a contract for more government work. These companies—Nexport and Foton—were added to Bus Panel 4 a month after this, in March 2024, and clearly that is under this Government. That is why we are asking questions and we are concerned about the levels of scrutiny that this Government is undertaking when it awards these huge contracts. The Minister has told us that Mr Tsihlis has no criminal convictions, implying that a repeat defaulter is perfectly acceptable under this Government. That is not acceptable to us. We will continue to ask questions about it. These are large contracts. We expect taxpayer dollars to be expended responsibly and carefully. The fact that he does not have a criminal conviction is not good enough for us.

ELECTRIC BUS PROCUREMENT

The Hon. Dr SARAH KAINE (12:18): I welcome the Opposition's newfound commitment to procurement and supply chain transparency, particularly when it comes to the treatment of workers in supply chains. I will say why I am so pleased. Very recently, quite late in its term—in fact, in November 2021—the previous Government awarded a contract to a company called Merivale, which members may have heard of. It was named the exclusive hospitality experience partner at the SCG and the Sydney Football Stadium precinct. Members opposite might also know the company because Justin Hemmes, of course, is great mates with Peter Dutton, who came to visit him quite recently. What may not be known—it might not be remembered—is that from 2019 to 2020 it was front-page news that staff at Merivale were pursuing wage theft claims.

The Hon. Natalie Ward: What has this got to do with anything?

The Hon. Dr SARAH KAINE: I acknowledge an interjection about what this has to do with anything. Well, it has quite a lot to do with everything, because it has to do with doing checks about suitable suppliers. When in government, those opposite did not do a quick and dirty Google search to see if Merivale was indeed a suitable supplier, given that it was found by the Federal Court to have underpaid workers by coming up with an agreement that did not comply with the award. In fact, in 2024 Merivale paid out their workers \$19.25 million.

So what does that have to do with anything? As I said, I am extremely pleased about the Opposition's collective "road to Damascus" moment on the importance of checking supply chains and making sure that there is transparency in delivering our procurement outcomes. I am sure that the workers of Merivale will feel very comforted by that fact, retrospectively and, indeed, into the future. I suggest to those opposite, given that they have come to this new position, that they have a good look at all of the other products that are the result of modern slavery. Indeed, they should have a look at the labels of the clothes they are wearing today. One in four of the garments that we wear have product, like cotton, made by Uighur workers. It is not just in a particular province; they have been shipped around China into different factories and have been exploited. So this newfound commitment, I welcome; the hypocrisy, not so much.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. MARK LATHAM (12:21): I take note of the answer provided by Treasurer about Rosehill. I would have welcomed his thorough and detailed explanation of the processes of net present value valuations. I look forward to him having a look at the HillPDA report, which found that for a housing development of 25,000 lots, there is no comparable precedent in Sydney—nowhere near it. The closest it could find was at Rhodes for 5,000 lots. So it is certainly true that for the Government to take any line from history about the true value of Rosehill, it is a stab in the dark. It would be completely irresponsible economic management for the Government to pay that money, never really knowing for sure what it is worth and taking all the risk of the development.

Talk to any developer, and they will say that the risks for a housing development of 25,000 lots over a 40-year period—another COVID, conflict with China or the Trump factor—are enormous. Over that period, it would be for the private sector to take those risks, not the New South Wales taxpayer. When there is no possible comparison with a 25,000-lot development, for the Government to buy it would mean New South Wales risking the experience that I know well, or heard of, of WA Inc. and Victoria Inc. in the past, where government took financial risks that belonged to the private sector.

I was fascinated by the puzzlement of the Hon. Rose Jackson, appropriately the Minister for Youth, and that she did not know the Kerry Packer/Alan Bond analogy. Kerry Packer famously said, "You only get one Alan Bond in your lifetime, and I just had mine." Now, I hope that the Australian Turf Club [ATC] never says that of the Hon. Daniel Mookhey: "We saw him coming. We got \$5 billion gross out of him, even though no-one could accurately predict the risk factors and the true valuation of that property." Beyond that, there is also an ATC trick on the membership, and that is to say it is gross sale proceeds, because the appropriate figure, of course, is net.

Anyone who goes through various documents in the Mookhey library will see \$2 billion to build the metro station, and a requirement of seven new schools for 25,000 dwellings. The site is flood-prone and must be elevated. The pipes underneath are a century old—probably laid by Jack Lang—and the entire water and sewerage system will have to be rebuilt. New healthcare and childcare services will be needed, and there is a requirement to widen James Ruse Drive to a 60-metre corridor. Who is paying for all of that? The only appropriate figure is net, and it will be well south of \$5 billion if the ATC ever got that money off the State Government. The wacky process of the unsolicited proposal has fallen over. They tried scheme after scheme, site after site, and none of them worked. In the end, they say, "Maybe Daniel Mookhey is actually Alan Bond."

HOMELESSNESS STRATEGY

The Hon. NATASHA MACLAREN-JONES (12:24): I start by saying how disappointed I was with the comments by the Treasurer. I will admit that he can be quite an entertaining Treasurer in his performance. However, when talking about the most vulnerable people in our State, he joked and laughed rather than addressing serious matter at hand, which was a homelessness strategy. The Government indicated that it would release something last year. A draft came out, but we still do not have the specifics. We did not get any specifics in budget estimates as to exactly when the strategy would come out and what the Government's solution is. Homelessness has increased, particularly over the past 12 months, across New South Wales. The fact is a lot of people cannot afford rent, let alone buy million-dollar properties. In areas like the inner west, we have seen homelessness increase by over 16 per cent in the past 12 months.

What has come out in the Australian Institute of Health and Welfare's report this year, which looks at the past 12 months, is the rise of working homelessness, which has become a significant problem across Australia, particularly in New South Wales. It reported an increase of around 17 per cent of working people presenting to specialist homelessness services, needing assistance. Seventy per cent of those people were women, and around 10,000 people working full-time were presenting to these services because they did not have a home to live in. They were either couch surfing or sleeping in cars. This is an issue I have raised continuously. The data is collected through street counts, which are only collecting information about a person who might be on the street on that night. They do not collect information about a person who is living on someone's couch or in a spare room, going from home to home, from family member to friend or whoever may take them, or a person who might be living in their car. As I said, these people are working full-time and are being turned away because these services are stretched.

The reports that come out of specialist homelessness services indicate that 50 per cent of people who present to homelessness services—and they include kids under 18 years of age—are being turned away each and every day because there is no support. There is nowhere for them to go. There are no resources. What is worse, as we have found out from this Government, is the wait time. If you are homeless and seeking assistance, you either call Link2Home, where the wait time is up to 38 minutes, or reach out to a service. At the moment, the message that is being sent out from this Government and from this Treasurer is that they have no solution, that they actually have no plan and that they are turning their back on the most vulnerable people in this State. It is an absolute disgrace and not a laughing matter.

APARTMENT ROOFTOP SOLAR

The Hon. CAMERON MURPHY (12:28): I take note of the answer given by the Minister for Energy to the question about rooftop solar for apartments. It is incredibly important, as we roll out renewable energy, to ensure there is equity in the rollout. More and more people in New South Wales—and in Sydney, in particular—are living in apartments, and it can be incredibly difficult for those people to access the benefits of renewable energy. Think about an apartment. Where do you put the solar system? Where do you put a battery system? In other nations, like Germany, people are hanging solar panels off balconies. That is not really the appropriate answer, but I am very glad that this Minister has turned her mind to this problem and is out there looking for solutions to get strata schemes working together to ensure that renewable energy is rolled out in those schemes.

During question time yesterday we heard from the Minister that New South Wales is rolling out the greatest amount of rooftop solar and batteries of any State in Australia. Over four million households in Australia have it, and New South Wales is leading the way in that respect. There is almost one gigawatt of solar capacity in place in New South Wales. We are leading in that respect as well. We need to make sure that those opportunities are available for people who live in strata schemes. Otherwise, we run the risk of inequity and a two-speed system where people in houses have the ability to put a battery and solar in place but people in strata schemes miss out, and may in future pay more for their energy unless they have access to renewable energy.

I am pleased that the Minister is looking at that. I am pleased that the Government has got subsidy programs in place to roll out new solar and battery systems for those residential customers. That is increasingly important in the cost-of-living crisis that we are in at the moment. I know that the Opposition is not interested in that at all.

It does not care about the cost of living. It does not care about renewable energy in any way, as evidenced by the constant interjections. The Government is doing a good job creating equity and making sure that renewable energy is available to people across New South Wales, including those living in strata schemes.

CONSERVATION HUNTING

The Hon. MARK BANASIAK (12:31): I take note of the Minister for Agriculture's answers about feral pig control and highlight some stark facts. The Minister, the Department of Primary Industries and Local Land Services [LLS] continue to rely on a flawed and costly model of government-funded programs. Over the past two years, LLS has spent \$26 million of taxpayer funds but has only removed 112,888 feral pigs across New South Wales, according to their own reporting under the Feral Pig Program 2023-2024. To put that in perspective, with the current breeding rate, that figure represents less than 10 days worth of new piglets across New South Wales. The current approach is failing to make any meaningful dent in pig numbers. By contrast, the Australian Pig Doggers and Hunters Association, through its Great Australian Pig Hunt, reports that volunteer hunters removed about 1.69 million feral pigs in New South Wales in 2024 alone. Nationally, hunters accounted for over 5.38 million pigs removed, injecting a whopping \$102.7 million into the State's rural economy without costing taxpayers a cent.

Despite that success, LLS has ignored those contributions. Its regional strategic pest animal management plans are riddled with unscientific assumptions and cut-and-paste strategies, showing a clear lack of professionalism. It is no wonder they are failing. New South Wales taxpayers and landholders deserve better. It was encouraging to hear the Minister acknowledge the need to integrate hunters into feral animal management programs. That is both welcome and long overdue. The negativity towards hunting in LLS strategy documents only reinforces how urgently the change is needed. There has been no formal consultation with groups like the Australian Pig Doggers and Hunters Association, despite their proven effectiveness. I urge the Minister to act swiftly and ensure that hunters are brought to the table. New South Wales cannot afford to sideline those already delivering results.

PUBLIC EDUCATION

The Hon. RACHEL MERTON (12:33): I take note of the answer provided by the Minister for Finance, representing the Minister for Education and Early Learning. The Minister was asked about the Government's plans to achieve better educational outcomes for students in New South Wales. Before I take note of that answer, I acknowledge the Minister's contribution to the debate about special religious education last night. I acknowledge her support for the continuation of that in New South Wales schools. However, today the Minister concentrated on a funding agreement. She spoke of teacher vacancies. I share with the House some experiences of what P&Cs are reporting and what school communities, and mums and dads, are seeing in New South Wales schools.

I recognise the additional roles that school principals and deputy principals are now taking on as a result of teacher shortages. They are back in the classroom as well as managing the school. I also acknowledge that parents are seeing that teachers are missing and that classrooms are getting bigger. In terms of the acceleration of putting teachers into schools, it is critical that the local school continues to be involved in the merit selection process so that teachers fit the culture and the community of the school, in the hope that every newly appointed teacher has a positive experience at the school.

It is important to register some parent concerns in the current environment. There are concerns around the curriculum. Parents are noting and providing evidence of the corrosive impact that a complex curriculum, infused with ideology, is having upon students and education. There are examples. I have tabled material about Teachers and School Staff for Palestine. Once again, the teachers' code of conduct is not worth the paper it is written on. Some have said that it has the strength of a lettuce in enforcing standards. There are also concerns from parents about the push for a back-to-basics approach. I recognise the NSW Department of Education's commitment to that approach in decluttering the curriculum and focusing on core subjects—maths, English and science being core subjects in New South Wales schools—explicit instruction and teacher training.

HOMELESSNESS STRATEGY

PUBLIC EDUCATION

The Hon. STEPHEN LAWRENCE (12:36): Firstly, I speak about the question asked by the Hon. Natasha Maclaren-Jones originally to the Hon. Rose Jackson. It was then handled by the Treasurer. I admit that my ears pricked up when I heard talk of John Macgowan's Twitter account. I am not really on Twitter, but I have an account. His account has come up on my feed. I only see Elon Musk and him. For some reason, they are the only two accounts that pop up. I find his Twitter account quite interesting. It is an interesting mix of right-wing commentary, esoterica, political analysis, insider jokes and so forth. I find it quite compelling. I had the opportunity to see him interviewed on the Hon. Jeremy Buckingham's podcast, *Into the Weeds*, which I am sure

members have seen. I have never met the man, but I do not take his Twitter account too seriously. One of the reasons why one should almost immediately not take it seriously is that the pinned post—the post that people see first when they go to his account—announces:

Finished my definitive Australian conspiracy iceberg before you ask they are all real.

He then lists all of the conspiracies. He is giving everyone a pretty clear indication that he should not be taken too literally in what he says. His post that talks about things that the Treasurer allegedly said about San Francisco should have pricked up some caution immediately, because there is no context or information. All members of the House should know that the Treasurer would not have said that. It is inherently unlikely.

On to more serious matters, I take note of the answer given by the Hon. Courtney Houssos about school funding. It goes back to the Gonski review and the establishment of the important Schooling Resource Standard [SRS]. It is such a positive announcement that the Commonwealth contribution will go to 25 per cent, with the State contributing the rest. That will be achievable by 2025. There is an inequitable and pernicious problem in school funding, which is that schools that meet, through their own tuition fees, the Schooling Resource Standard and much more under the formulas still get public money. That is a different issue, one that cannot be resolved—even if it should be—any time soon. At the very least, all public schools should be getting 100 per cent of the SRS.

CONSERVATION HUNTING

The Hon. SCOTT BARRETT (12:39): I take note of the answers given about feral pig management. The Minister spoke about \$26 million allocated to pig control over the past two years; it is actually \$26.1 million and it is now for feral pig and pest control programs. I will come back to that. I have noticed that the Government makes an announcement and then makes the same announcement again and again. This announcement was made again during a release about the Natural Resources Commission [NRC] review into pest animal management—the Invasive Species Management Review. In the release acknowledging that review, the Government said:

In line with the preliminary report recommendations of the NRC the NSW Government is also:

- Investing \$26 million between 2023 and 2025 to deliver the Feral Pig Program and expanded Feral Pig and Pest Program

We asked what recommendations from the report align with the program, but we are yet to get an answer on that. When I looked deeper into this, I wondered whether that is because the report in which this announcement was re-made talked about the pig control program as "a recent, large-scale example of ineffective government resource allocation". It was, among other things, "characterised by delivery constraints; a limited evidence base; insufficient cross-tenure planning; and a lack of monitoring, evaluation and reporting". Having received that feedback, the Government went ahead with another 12 months of the program. This time it is investing \$13.1 million. I found out that the \$100,000 was from capital expenditure. The Government has expanded the program to include other priority pests. It is either reducing the amount of money going to pig control—because pig control is different to rabbit control and other priority pest control—or it is not spending any money on other priority pests.

That is just another example of the Government re-announcing things they have already done, and the program is proven not to work. That NRC report talks about examples of the Government "dumping money for 12 months, with the planning stage taking up most of that. The time frames do not allow for long-term management outcomes." One-year programs like this, for \$13 million, might make a good press release or fun announcement by the Minister, but they do not result in any outcomes on reducing the number of pigs across regional New South Wales. We need long-term strategic programs that are focused on outcomes and not just numbers to put in a press release.

HOMELESSNESS STRATEGY

ELECTRIC BUS PROCUREMENT

The Hon. JACQUI MUNRO (12:42): I take note of two answers. The first answer was given by the Treasurer. It was passed from the Minister for Housing to the Treasurer so that the Treasurer could make a personal explanation. It reflects poorly on the Treasurer that he was more interested in spending his time answering a question by talking about his own activities and trying to make it all about him, instead of taking the opportunity to speak in depth about homelessness in New South Wales. This Government has a woeful record so far in the number of homes delivered, including approvals and construction. Apparently, there is funding but no strategy. It is unclear where the funding is going. To me that demonstrates yet another reason why there should be a dwelling use audit. It is incumbent upon this Government to use the resources of new technology to understand what the landscape is so that it can make appropriate policy. As our shadow Minister said, there is apparently no policy. There is some money, but there is no strategy. We are left in the dark. The Treasurer is more interested in talking about Elon Musk and John Macgowan than people facing homelessness in New South Wales.

The second answer was given by the Minister for Domestic Manufacturing and Government Procurement. Titles like "Minister for Jobs", "Minister for Industry" and "Minister for Domestic Manufacturing and Government Procurement" are virtue-signalling ministries with very little responsibility for the portfolios in those titles. I have said that from the beginning. In budget estimates hearings, Minister Chanthivong and Minister Graham—although I note that he is no longer the Minister for Jobs and Tourism—did not take any responsibility for delivering policy in those areas. The Minister for Finance has additional titles. Today she said, "I'm responsible for a framework, so you can't ask me about the implementation of that framework because other departments are responsible for robust processes." But what happens when those so-called robust processes are so egregiously ineffective that our quick and dirty Google searches do better than an entire department in revealing information about the types of people who are getting government contracts? It is important because it is taxpayers' money that the Government is wasting. We must hold Government members to account because they will not do it themselves.

VEOLIA WOODLAWN ECO PRECINCT

The Hon. NICHOLE OVERALL (12:45): I take note of Minister Sharpe's response to questions about the Tarago waste to energy incinerator. This issue—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! Pursuant to standing orders, debate is interrupted to allow the Minister to respond.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY (Treasurer) (12:46): It is hard to know what the shadow Minister for Homelessness should be more embarrassed about: her question or her record. Her question was disgraceful. It was absolute misinformation repeated on the floor of the House into *Hansard*, without even the most basic fact-checking. I remind all members that they have an obligation to not mislead the House in their questions as well as in their answers. It is remarkable that the shadow Minister failed the most basic fact check in saying that a comment was made on Monday when it was made more than a year ago. I have never seen it in my 10 to 12 years in this place. What I then found stunning was the misdirection applied in the take-note debate to hide the embarrassment of what I can only describe as a disaster question time for the Opposition. The member tried to suggest that the issue was with my response. I am happy to debate the record.

The shadow Minister—who was the Minister for Homelessness when she was in government—left us with a crisis and no funding or strategy. That the Minister for Housing has spent the past two years rectifying those mistakes speaks for itself. This Government has achieved more in two years to curb homelessness than the previous Government did in 12 years. That is not just rhetoric. We are proud of the level of emergency investment into homelessness services in our first and second budgets. It took a Labor government to get that done. We paired emergency investment into homelessness services to the tune of \$500 million in our last budget with a \$5 billion investment into social housing. In addition to that, we included a \$1 billion investment into maintenance and about a \$750 million investment into essential worker housing. That is the progress we are making in direct government investment. We have also delivered the biggest rezoning to Sydney and New South Wales in the State's history. We have done more to fix the planning system than any government has done in a long time. That is our strategy.

At no point did I hear Opposition members apologise to the House for peddling misinformation in this place. I listened carefully to the contributions made by Opposition members in the take-note debate. Not one of them was prepared to accept that they accused us of saying something on Monday that was not true. Not one of them was prepared to withdraw or say, "Sorry, we got it wrong." I have been in opposition. I know what it is like. That does happen. To be frank, when the previous Opposition did that, we said, "Sorry, there was an error with our facts." Unfortunately, once more, the shadow Minister and the Opposition have demonstrated that they are not only unfit for government but also becoming more unfit for government as this term of Parliament continues.

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

Motion agreed to.

Written Answers to Supplementary Questions

MINISTERIAL VEHICLE LOGBOOKS DATA

In reply to **the Hon. DAMIEN TUDEHOPE** (19 March 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 Premier's Office is advised of all access applications to the Premier's Department and the Cabinet Office under the Government Information (Public Access) Act 2009 (the Act).

Section 117 of the Act provides that a person cannot direct an officer of an agency in relation to a decision concerning an access application under the Act.

Under the NSW Office Holder's Staff Code of Conduct, ministerial staff acknowledge that staff do not have the power to direct public service employees in their own right and that public service employees are not subject to their direction.

I am advised that the Premier's Office has not directed the Premier's Department or the Cabinet Office in relation to any access application under the Act.

POLITICAL DONATIONS

In reply to **the Hon. TANIA MIHAILUK** (20 March 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 *Grants Administration Guide* (guide) governs the administration of all grants in New South Wales.
- It is a mandatory requirement under the guide that when designing the assessment process, officials must consider and develop a plan for managing any conflicts of interest that might arise (section 5.7, section 6.1.5). The guide provides that mechanisms should be in place to manage potential conflicts of interest, such as a register of interests and procedures for declaring interests.
- It is a mandatory requirement under the guide that, for all grants other than one-off or ad hoc grants, officials must prepare clear and consistent grant guidelines containing certain information (section 6.1.7). Grant guidelines may provide specific guidance on the arrangements put in place to manage potential conflicts of interest for the relevant grants program.
- In relation to government boards, the *NSW Government Boards and Committees Guidelines* (guidelines) issued under Premier's Memorandum 2013-06 require members of government boards and committees to disclose to the board or committee any interests (including positions and pecuniary interests) in corporations, partnerships or other businesses or organisations that may be relevant to the activities of the board or committee.
- The guidelines provide that disclosures should be made at the beginning of a member's term, during the term as necessary, and when an issue arises. The guidelines recommend that a register of conflicts of interest should be maintained by the board and that these interests must be reported to the relevant Minister (section 7 of the guidelines).
- The guidelines provide that a member has a duty to declare any private interest that may impinge on a board or committee decision (section 7.4 of the guidelines). The guidelines provide that a conflict of interest exists when it is likely that a member could be influenced by a personal or business interest.
- The guidelines provide guidance about mechanisms for avoiding or managing conflicts of interest (at section 7.5), as well as a member's pecuniary interest declaration form (appendix 5 to the guidelines) for disclosing relevant interests.
- The guidelines also provide guidance for agencies about the induction of board members (at section 6.1). This includes that the induction may include arrangements for declaring interests including conflicts of interest.

TIMBER INDUSTRY AND GREAT KOALA NATIONAL PARK

In reply to **the Hon. MARK BANASIAK** (19 March 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 current compensation available is for koala hubs.

The decision around compensation for the creation of the Great Koala National Park is being considered by Government.

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

Rulings

REFLECTIONS ON VOTES OF THE HOUSE

The PRESIDENT (14:01): Prior to question time, during debate on the matter of public importance, the Leader of the Government took a point of order that the Hon. Mark Latham, in his contribution, was reflecting on a decision of the House in passing certain bills in the previous sitting fortnight. Standing Order 96 (1) provides that "a member may not reflect on any resolution or vote of the House, unless moving for its rescission". "Reflect" in this context has been taken to mean to "reflect adversely". However, in a significant ruling in 2017, President Ajaka ruled:

Odgers' Australian Senate Practice indicates that the rule is to be invoked against "gross abuse of a past decision of the Senate, which would amount to reflections on the Senate itself". However, Odgers also observes that the equivalent provision in the Senate is seldom invoked and, significantly, states, "senators are not prevented in practice from saying that a decision of the Senate was wrong".

Having reviewed the transcript from earlier today, I am satisfied that the Hon. Mark Latham was not reflecting on the House but was reflecting on the circumstances in which the House passed the bills in question. In those circumstances, I do not uphold the point of order.

Matter of Public Importance

GOVERNMENT TRANSPARENCY

Discussion resumed from an earlier hour.

The Hon. MARK LATHAM (14:02): Good old Odgers, there with his silly wig in the Senate—he had to be good for something, didn't he? I am glad he has come good and you have made that ruling, Mr President. The Senate never really did me any favours, so I am not doing them any. Thank you for that ruling, Mr President. I was saying before question time that the primary responsibility of any parliamentarian is to legislate according to the facts. If they find that the facts were wrong and they had made a mistake, it is wise to own up to it. The similarities with the "kids overboard" incident during the term of the Howard Government are quite remarkable. After the 2001 election, when the Howard Government was exposed playing politics with that photo of kids in the water and Admiral Barrie and Vice-Admiral Shackleton established that there had not been evidence that they were thrown in the water by their parents, the position of the Howard Government was "Well, the parents are the sort of people who would have done that anyway." It was, in modern lingo, gaslighting.

The Minns Government has engaged in exactly the same process by saying, "There is an outbreak of antisemitism. It is all out of control and this legislation, looking back on it, was absolutely necessary." But the past four weeks exposed the untruth and falsehood of that. It is four weeks ago today that the House started debate on those three bills—the protest laws and the so-called racial hatred laws—and, in the four weeks since, nothing has happened. Can anyone cite a single antisemitic attack in Sydney? They all stopped. Was it magic? Was it the power of the legislation? Was it sprinkle dust across Sydney and somehow there was an outbreak of peace? No. What happened was the police on 21 February concluded that it was criminal elements with a con job, and obviously the elements became aware of that and they stopped doing what they were doing.

There has been no convoy of people trekking out of Lakemba, Belmore and similar suburbs to Dover Heights and Vacluse to graffiti or torch cars or attack old Alex Ryvchin's former home. We should have known at the time, really, that it was all a little orchestrated. How would some rando know where that bloke had lived back in the day? It all looks a bit strange in hindsight. The Minns Government knew it as of 21 February and since then nothing has happened. The Hon. John Graham was given the brief of trying to convince us through gaslighting that somehow the antisemitism problems have continued. No-one can name an incident in the past four weeks because the origins and source of them dried up. They were exposed. There has been no convoy of people out of Lakemba and Belmore doing anything that anyone knows of.

I always thought it was a little strange. Where I live in south-west Sydney, people do not talk about the Jews and the Arabs and all that; they get on with life. I do not think Sydney is a place where this "outbreak" has been anything, from what we now know, other than orchestrated and the work of political elements. The primary responsibility of the Government after 21 February was to say, "We've got a problem here. We've legislated on false pretences but we haven't assented yet to the laws. They're not actually in place. It is not yet law, so get on to old Michael Daley to advise the Governor that we're going to put it aside, have some sort of inquiry to firmly establish the facts based on the police advice and then allow the Parliament to be assured that parliamentarians haven't been led down the garden path and haven't been legislating under false pretences, and that we've lived up to the noble ideal of an accurate, factual democracy."

The Hon. SUSAN CARTER (14:06): I speak in debate on this matter of public importance relating to integrity and transparency in governance. I acknowledge the contributions made by earlier speakers that this matter may have arisen in the context of the Dural caravan incident and related matters, but it is a much broader question than that and it does not hang simply on one example of behaviour by the Government. "Transparency and integrity is the very least New South Wales deserves from their government." Those are not my words; they are the words of Chris Minns on X on 30 June 2022—words that we would all agree with. Integrity means that the people of New South Wales should be able to trust what all of us say to them. It is a concept described often as "Your word is your bond", or—as the Premier, promising that honesty and integrity would be the hallmarks of his government, described it during the election campaign—as a verb and not just a noun. Trust in honesty in government is critically important to the maintenance of our democratic systems. When trust breaks down because government proves that it cannot be relied on to fulfil its promises, our core institutions are threatened.

For example, if the Treasurer-in-waiting promises the people of New South Wales that Labor would address the issue of problem gambling by taking 9½ thousand poker machines out of circulation by buying back pokie licences in New South Wales, then the electors should be able to rely on the fact that that promise will be

fulfilled. I remind members that we were promised that integrity would be a verb to be actioned every day. How many poker machine licences have been bought back by the Government? Apparently, none. But when questioned about it in budget estimates hearings this year—those hearings being, of course, one of the key accountability mechanisms of government—Minister Harris said:

You make those commitments before an election, then you actually get in and you do the work, and you realise what that's going to do.

Is that integrity in governance—making a specific, verifiable commitment to the people of New South Wales before an election to buy back 9½ thousand poker machine licences, asking the people of New South Wales to trust you with government on the basis of that and other promises, and then renegeing when you get into government? The Hon. Scott Barrett asked:

My question then is, is it okay for the Treasurer to come out and make commitments such as this without having the evidence beforehand, knowing that, down the track, you can change your mind or withdraw the commitment?

Minister Harris replied:

It goes back to my point that you make election commitments on the best knowledge that you've got. When you get into government and then you've got all the power of the departments ... and you've got a whole lot of other things, you may find that some of the commitments you made are no longer relevant ...

Integrity is not promising what one is not sure one can deliver. Integrity is telling the people if circumstances change and promises cannot be met. Integrity is not waiting for questions at budget estimates hearings and then trying to explain away why clear, measurable promises were abandoned. If integrity is a verb, and if it is to be a hallmark of the Minns Government, it should be clearly identifiable in every action of this Government, like the hallmark in every piece of silver you pick up—unless, of course, we are dealing with a fake. If integrity is a verb, it would call every Minister to action; it would rule out being wilfully blind, ignoring issues and hiding behind the trope that "nothing has been brought to my attention".

Integrity would look for problems and develop solutions. Minister Daley, our Attorney General, would keep a watching brief on all issues to do with the administration of justice. The Minns Government responded to escalating problems of domestic violence and the tragic death of Molly Ticehurst by rolling out a package of bail reforms, including that all bail decisions would be made by magistrates. The Government's plan involved a greater use of online hearings for bail matters, which necessitated the rollout of an expanded audiovisual link network in New South Wales.

I asked the Attorney General about that at the recent budget estimates hearings. I said, "What feedback have you had about the success of the program?" He replied, "I haven't heard that there have been any problems with it." That was a particularly passive approach from our first law officer to a major Government initiative. He was quickly corrected by the Secretary of the Department of Communities and Justice, who said, "The answer to that would be we will monitor." Meetings with various stakeholders were then outlined. My next question was:

You may be familiar with the reporting in *The Sunday Telegraph* on 22 February—

that is, the Sunday immediately preceding that budget estimates hearing—

that there are serious backlogs in bail that are causing for police, having to retain offenders in custody for periods as long as 60 hours, in one case, when that person subsequently actually received bail, and an allegation that bail courts are only allowing a three-hour window because of a lack of magistrates.

Surely it is not too high a bar to expect that a watching brief on issues would involve reading the Sunday paper or at least flicking through the clips to find the matters that are relevant to one's portfolio and then seeking advice about those issues. Integrity in governance should mean more than waiting for problems to come to you. A government with integrity should not be able to hide behind a wall of "no-one told me", especially if it is wilfully blind and not looking for any problems. During that budget estimates discussion the Attorney General agreed with me that it was important to maintain public confidence in the administration of justice, and we discussed the matter of *R v Hallak*—or, rather, I drew that October decision to the attention of the Attorney General.

Due to public concern about issues with the prosecution of sexual assault cases, the Office of the Department of Public Prosecutions conducted an audit of those cases and released a public report—an important and valuable transparency mechanism. Given the problems disclosed in that particular criminal prosecution—where the Crown prosecutor advised the judge that the case was being run with no reasonable prospect of success—the question arose about the need or desirability for further audits in the interests of transparency. I asked the Attorney General the following:

The Hon. SUSAN CARTER: ... If we are wasting taxpayers' money by bringing the wrong cases with no prospect of success, then the public loses confidence in the system. That's very dangerous for the rule of law, you'd agree.

Mr MICHAEL DALEY: If that was the case, yes.

The Hon. SUSAN CARTER: Have you made any inquiries to determine if this is a one-off or, in fact, if there are other matters like this? Should we have an audit of all of these cases?

Mr MICHAEL DALEY: No ... There's been nothing that's been brought to my attention to suggest that's the case.

The Hon. SUSAN CARTER: Have you looked, though, Attorney General?

Mr MICHAEL DALEY: Yes, I have regular meetings ...

The Hon. SUSAN CARTER: You're aware of all matters in which costs certificates have been ordered?

Mr MICHAEL DALEY: That's a ridiculous question.

What is ridiculous about asking the Attorney General if he is informing himself about the use of public money? What is ridiculous about expecting that taxpayers' money is used carefully, and that Ministers regard themselves as accountable for the use of that money? What is ridiculous about expecting Ministers to keep abreast of developing issues in their portfolio, rather than waiting for fully blown problems to explode, causing greater harm? What is ridiculous about expecting Ministers to be transparent about how our money is being spent, or about how decisions are made?

The decision to close community justice centres will likely impact on every club and voluntary association in New South Wales. Councils and legal centres have warned that the decision will clog courts and delay dispute resolution. That decision was made with no consultation with a range of important stakeholders and with poor communication. Where is the transparency in that? Another important issue at the moment is the ongoing dispute with staff psychiatrists, and the costs to the people of New South Wales of transferring staff psychiatrists to visiting medical officers or locum contracts. When asked for details at budget estimates hearings, the Minister for Mental Health was unable to provide an answer. She could not provide a ballpark figure on what that is costing the people of New South Wales.

I do not have time to go into answers provided by Minister Catley at budget estimates hearing. She point-blank refused to provide the date of meetings that had been the matter of public discussion for some weeks. We are all too familiar with the circumstances of the delayed statutory review of section 93Z. Where is the transparency about that important issue of reform? Integrity and transparency were to be the hallmarks of this Government. What do we call the absence of those hallmarks? The only word is dross.

The PRESIDENT: I welcome to the Legislative Council gallery year 10 and 11 students from St Joseph's, Lochinvar, who are undertaking the Legal Studies and the Legislature program with the Parliamentary Education and Engagement team. You are all very welcome to Parliament House today.

The Hon. JOHN RUDDICK (14:16): I support the matter of public importance on the issue of integrity in governance. Fear is the lifeblood of government power. As a consequence, governments throughout the ages have often repeated the time-honoured tactic of taking a real concern, exaggerating it out of all proportion, and using the subsequent fear to justify more money and power for the government. The sad truth is that the tactic works very effectively. The Libertarian Party wants to change that, and I have half-a-dozen examples to explain why. Mid last century, there was a growing problem with drug use. According to the numbers, this was a manageable problem, but the threat was exaggerated into a social crisis that was used to justify far-reaching new government powers and agencies, with billions of dollars spent—or probably trillions—and an unwinnable war against hippies.

At the end of last century, there were three or four high-profile shootings in Australia. According to the numbers, that represented a manageable risk, but the threat was exaggerated into a public panic that was used to justify a crackdown on law-abiding firearms owners, with billions of dollars spent and the concentration of power with the State. At the beginning of this century, there was a problem with Islamic terrorism. According to the numbers, that was a manageable problem, but the threat was exaggerated into an existential crisis and used to justify a powerful surveillance state, with billions of dollars spent, once again, and a series of bloody and counterproductive wars.

More recently, the world was hit by a concerning variation of the regular flu. According to the numbers, COVID represented a manageable risk, but the threat was exaggerated into a life-or-death struggle and used to justify unprecedented authoritarian crackdowns, with billions of dollars spent and mandated medical experiments on the public—which did not work. Since the industrial revolution, the world has warmed up by around one degree Celsius. That could simply be a natural variation, but the misanthropes who want to blame human success claim it was caused by industrialisation. Even if that is true—it is not—global warming would be a manageable risk, but any threat has been exaggerated into the end of the world and used to justify unaffordable electricity prices, billions of dollars spent, and a global industry of grifters and false prophets.

Another example is the global financial crisis [GFC] in 2008. We were told at the time that the financial system of the Western world would implode. What did we do? We just spent trillions of dollars on bailing out

dodgy banks. Some of those banks should have fallen over, but we propped them all up, and we are still suffering the consequences of the GFC. The best way to handle a big stock market crash is what Ronald Reagan did in 1987. He let the market find its own bottom and did not intervene. And then we bounced back with strength. Now we see a growing fear of antisemitism in Australia. According to the numbers, this too is a manageable concern, but the threat has been exaggerated into a moral panic that has been used to justify new anti-speech laws, stricter thought crime laws and stronger police powers that can be used against protestors.

These case studies are not exceptions to the rule. This is the standard playbook used by both sides of politics to justify more money and power to government. In each case there is a curated narrative designed to drive fear and sideline the rational part of our brains, a rushed demand for action, hyperventilating media, which are usually the problem behind these things, eager to tell a dramatic story, and cheap politicians quick to take advantage of the crisis to build their power and legacy.

Sometimes these fear campaigns have been exposed, showing that our political emperors have no clothes. The Hon. Mark Latham gave a good example of the "children overboard" thing. Weapons of mass destruction and exploding-caravan hoaxes leave the Government embarrassed, though it will often double down to avoid admitting its mistakes. However, too often these fear campaigns still grip the public, with many people still irrationally scared of cannabis, guns and carbon dioxide, the gas of life. Humans have evolved to worry. It is healthy to be concerned so that we can avoid the next cold winter or sabretooth tiger around the corner, and that instinct has served us well for most of our history. Unfortunately, that positive instinct to be concerned for safety has been hijacked by authority figures who benefit from selling fear, despite the relative decline in genuine danger.

Some people are able to see through the fear narratives in their fields of expertise and are left dumbfounded by the dishonesty and incompetence of the government and the media. Sadly, many of these people go on to instinctively believe the next fear narrative they hear, about a topic outside of their fields of expertise. That instinct needs to change. We should aim to get to the bottom of the current caravan hoax and repeal the rushed overreaction. That is why this inquiry is a terrific idea. This is important, but just as important is to learn the right lessons from this exposed fear campaign so that we can get better at seeing through the many other former and future fear campaigns that drive an ever-growing government.

I am glad to see the schoolchildren here. I went to school not too far away from you kids. All these other political parties are your enemy. They want the government to boss you around, and I encourage you to look at the Libertarian Party. We are your friends.

Ms Sue Higginson: Point of order—

The PRESIDENT: A point of order has been taken. The Clerk will stop the clock.

The Hon. JOHN RUDDICK: I have finished.

Ms Sue Higginson: The point of order, as you can anticipate, is that all things must go through you, Mr President, and not be addressed to the children in the gallery.

The PRESIDENT: The Hon. John Ruddick has concluded his contribution.

Ms ABIGAIL BOYD (14:23): I contribute to debate on this matter of public importance and thank the mover for bringing it, and I am glad of it. Although it was moved by Ms Sue Higginson, it is reflective of a sentiment that goes across the entire crossbench, as well as throughout the Opposition, and I think we are all glad to say what we think on the current Government's record of integrity and transparency. It is always interesting for me, a bit of a nerd, to look in the dictionary for definitions of these terms.

Ms Sue Higginson: I did that.

Ms ABIGAIL BOYD: You did that, as well? Very good.

Ms Cate Faehrmann: Through the Chair.

Ms ABIGAIL BOYD: Sorry. Through the Chair. "Transparency" was a particularly interesting one. In the Oxford dictionary, transparency is defined as the quality of being easy to perceive or detect and the quality of allowing light to pass through so that objects behind can be distinctly seen. That goes to the heart of what is particularly problematic with the Minns Labor Government, and I will give an example. Minns himself, in the budget estimates session with the Premier, would be—

The Hon. Greg Donnelly: "The Premier".

Ms ABIGAIL BOYD: I do not mean that as a mark of disrespect. It is how people on the street would speak. We do not tend to speak like that about people, but that is fine. The Premier in his estimates sessions has a pattern of not answering questions. He has a bit of a routine. First of all he pretends not to understand the question.

He will try to slow things down by demanding to see evidence of every aspect of the question before answering. For example, when I asked him a couple of budget estimates sessions ago about why he had promised that, if the greyhound industry had not been reformed within two years, he would then seek to shut it down, he demanded to see a transcript of him actually having said that, even though, of course, he had. We did have the evidence, but that slowed things down to such an extent that there was an inability to ask further questions. That is a classic example of not being able to be perceived or seen because you are putting up these obstacles of not even acknowledging the question to begin with.

Then, when the question is actually perceived, he gives an answer that is totally unrelated to the question, often grandstanding about something completely different, again doing everything to not answer the question. The final line of defence from being perceived or seen or actually providing the information being requested is to attack the questioner. In the case of The Greens, when I asked a question about workers compensation amendments, which people in this State are interested in, the answer I got was, "Greens' talking points, Greens' talking points", and he wanted to school me on the workers compensation system generally, rather than answer a specific question.

I point this out as an example that is the norm for how many, though not all—#NotAllLabor—Ministers in the Labor Party are responding to questions. We see it with answers given to written questions. We often ask a question and the answer that comes back is not at all answering the question. We will ask something like, "How many people have X, Y, Z?" The answer comes back with, "The Government is always keen to ensure" and then something completely unrelated. It does not answer the question. This is not a one-off. This is just constant with many different Ministers. Talking about transparency, I raised it here when I was talking about the use of non-disclosure agreements. I asked how many non-disclosure agreements had been signed, and I had specific questions of every Minister, and what came back was a stock response saying that the Government occasionally uses non-disclosure agreements, without answering the questions I had asked. I asked some subsequent questions and got some better answers back from some of the departments but not from all.

But that is evidence of what seems to be a systemic inability to expose the Government to actually being perceived, which is what we are talking about when talking about transparency. Others have said that this party was elected on promising—or, one at least, in the process of being elected, that promised—to be an accountable and transparent government. From the perspective of the crossbench, I am not alone in thinking that this Government is actually less transparent and accountable than the one before it, and that one was not known for its transparency and accountability. So, if I were the Labor Government, I would take that seriously.

The Premier this week was in the other place, going on about the inquiry that was being established into the misleading statements around the caravan event. Rather than accepting that that happens in a parliament of accountability over good governance, he was saying that the Coalition is in bed with The Greens. The suggestion was that it is a political attack and that it is somehow untoward for parties who are not in government to come together to hold the government of the day accountable, but that is what Parliament is for. We are not a unicameral system. We have two Houses in this State. In the upper House we have representatives from a broad variety of parties who represent a broad demographic of people with different interests and of political persuasions. It is our job to hold the government of the day to account.

That brings me to another reflection on what is happening here. I feel that the Labor Party needs to grow up from being a political party to being a government. We are still seeing this Sussex Street politics, or even student politics, in response to criticisms of government agencies or of the way that departments are being run. Again, that is not by all Ministers. There are a lot of good Ministers in the upper House who do not see it in that way. But the number of times that we get criticism of our political motives when we are doing something to hold government departments to account shows a disturbing trend. There is the Labor Party, and then there is the Labor Party as the Government. Once a party is in the Executive, it is accountable to the Parliament not just for its actions but for the actions of the departments that it is responsible for. That is, perhaps, the evolution that needs to occur in the Labor Party for it to become the political leader that we need it to be in this moment.

We have listed all of the things we have all seen that lead us to conclude that this is a particularly non-transparent set of Ministers, particularly in the senior leadership of this Government. There needs to be an attitude shift. At a time when people's faith in democracy is so low, when people are so sick of politicians playing silly games and not answering questions or being direct, what this Labor Government is doing is particularly dangerous and damaging to democracy. The Greens take it incredibly seriously. This is not about having a go at Labor. We say it a lot, and I will say it again: I do not want to see the Coalition in government again. I would rather have a Labor Government than a Coalition Government, but that does not mean we just accept whatever this Labor Government dishes out. At the moment it is not performing. It is not allowing itself to be perceived and judged in the way it should be and the way that a responsible government should.

Another obstacle that the Government puts up—I talked before of it not being open or wanting to answer our questions during the budget estimates process—is all of that attitude. That is also evident when bills are rushed through at the last minute. Particularly nasty ramifications resulted from the bills we were forced to rush through in the last sitting day of February. Members now know that we were pretty much collectively misled about a lot of different things leading up to that. But this happens all the time, and it is a tactic. We have called it out for the past two years. When the Government brings bills to this place and rushes them through in one day or in one week, that is an obstacle to transparency. That means we do not get to properly do our job of being able to perceive what is happening in government. If the Government wants to be transparent, it needs to stop that practice.

The Hon. STEPHEN LAWRENCE (14:33): I make a—hopefully—brief contribution to the matter of public importance and particularly respond to some of the things said by the Hon. Mark Latham and Ms Sue Higginson about what has been called the Dural caravan incident and broader related events. When those things were reported in the newspaper in late February, I did not feel deceived. I do not for a moment question the bona fides of the Hon. Rod Roberts, the Hon. Mark Latham and Ms Sue Higginson, who have all said that they did, but I did not feel deceived.

I have followed the media pretty closely and read the comments that Deputy Commissioner Hudson made on 29 February. I had close regard to the things that *The Sydney Morning Herald* in particular had reported about it—*The Australian* may have reported on some things as well—which essentially was that the National Cabinet had been briefed about the possibility of foreign interference or a person overseas paying for these terrible things to occur. Also I distinctly recall media coverage during February that, in the view of the police, no-one who had been charged up until that point had an antisemitic motive. So when it was all revealed, I did not feel any surprise.

To assess the claims from Opposition members that they felt some sense of surprise or deception, I went back to the debate in this House on the Crimes Amendment (Inciting Racial Hatred) Bill and noticed this part of the speech of the Hon. Anthony D'Adam and his exchange with the Leader of the Opposition on 20 February. The member, discussing the Dural event, said:

The Sydney Morning Herald has done a great service by not being taken along with the consensus rhetoric that seems to be flowing through the media but actually delving into the specifics of the case. It seems that it was a ploy by organised crime to try to negotiate a reduction in sentence.

The Hon. Damien Tudehope: It was a stunt.

The Hon. ANTHONY D'ADAM: It was a stunt. It was not antisemitism at all. I hear today that more of the grievous events that have occurred appear to be the doing of a single individual ...

In the week previous to that, I spoke on a motion about antisemitism. I mentioned an article I had read in *The Times of Israel* and went through in some detail the interpretations that were being given to the events in Australia, in Sydney in particular. The article made extensive reference to the possibility of foreign interference and someone paying for these things to occur and so forth.

It is interesting that such different interpretations are given to the significance of these revelations. I have discussed this with a few colleagues. I think it is confirmation bias at play, which is the tendency to prefer information that reflects your own existing beliefs and values. Perhaps that also extends to preferring information that suits a particular purpose that a person might have. I think that is very much at play here. I admit to having confirmation bias, because when these events started to occur, particularly the serious criminal events—the firebombings, the damage of property, and the disgusting antisemitic graffiti on synagogues and so forth—I had a general view. I obviously tried to keep an open mind, but it just seemed to me to be not consistent with the country that I love and the people who live in this country. I have never been aware of any such thing occurring before.

When Deputy Commissioner Hudson said at the press conference that there was a possibility of it being a ploy—and I think he went so far as to say "to achieve a reduction in sentence"—I, as part of an exercise in confirmation bias, pretty much accepted and tended to believe that. Later, when I read things in the various publications about an overseas foreign agent playing for it and that none of the initial 10—later 12—arrested people were said by police to have an antisemitic motive, that further bolstered the belief I had that this was some sort of bizarre exercise, maybe, of foreign interference or of a criminal thing of the type that Deputy Commissioner Hudson talked about.

I am not criticising those who have expressed a view about feeling misled. For some people, until it is on the front page of *The Daily Telegraph*, it was all a hoax; they did not tend to believe it. It is interesting to think about why that is. The issue of antisemitism and the politics of the Middle East are incredibly contentious and politically divisive. That plays out very much in domestic politics around the world. There is a tendency to analyse and to ascribe antisemitism to things that occur in circumstances where the conduct is either—in my view—just clearly not antisemitism or very ambiguous conduct that could be interpreted one way or the other. That might

include particular chants or the flying of particular flags. In the case of events in Israel and Palestine, it could be legitimate resistance on behalf of the Palestinian people, or it could be a crime against humanity. There is a tendency on both sides to look at these things with confirmation bias. Sometimes in a political debate people will ascribe all of those things I have talked about to antisemitism, and I think that is confirmation bias.

When those events occurred in Sydney over the summer, it suited the political narrative and agenda of some people to paint them as the product of an organic uprising of antisemitism in the community. I am not saying there was not such an uprising, and there has been a lot of discussion about hundreds of other incidents, perhaps at a lower level. But in terms of the series of criminal events, it suited the perspective of some people to paint them as a product of antisemitism, because that chimed with points they were trying to make about protest movements and other things. As I said, I am not saying that I am not guilty of confirmation bias. I also interpreted what I was hearing through a particular lens. I tended to believe and accept the theory of Deputy Commissioner Hudson about these serious incidences of criminal attacks on synagogues and houses and cars and so forth.

I am not questioning those who are crying deceit, saying that they were misled. I note that the Hon. Mark Latham said that the police gave certain information and suggested other people should have as well. I do not want to get into that. The Government's position has been put very clearly, and I support it. I encourage those, particularly on the right wing of politics, who are now claiming to have been deceived to think about their own biases. They should think about how they interpreted Deputy Commissioner Hudson's statements and how they interpreted these events as they occurred. They should ask themselves whether they truly considered the questions: "Is this the sort of thing that happens in Australia? Is this reflective of the Australian community as I know it?" If we all try to be a bit more objective about how we interpret events, we might not get into these predicaments in this way.

The Hon. NATALIE WARD (14:42): I thank Ms Sue Higginson for bringing this matter of public importance to the House. I will briefly add a couple of comments. It is important to be reminded that members enter this House knowing there is an obligation, particularly as the house of review, to undertake our task to hold the Government to account. I truly believe that many Government members equally respect that and worked hard when they were in opposition to ensure that was so. That makes for a good democracy. However, our experience on this side—and I echo the comments of the crossbencher—is that, increasingly, it has become difficult to get even the most elemental of answers to not even tricky questions but straight-up questions on, for example, the budget and line items and projects and timelines and estimated costs. These are not trick questions. These things should not be hidden, but they should be open, clear and apparent. In light of recent incidents, there are questions to ask about who knew what and when, and that should be no surprise to this Government at all.

In my particular space, I have somewhat experienced the feeling that during question time some of our questions are criticised—some worthy and some not—but I feel it is important that question time is taken seriously and is respected for what it is, and those opportunities to ask questions in a way that might give that Minister an opportunity to provide an answer could be welcomed more often. There are some good players in this place and those who have been around the block for a while. The Leader of the Government in this House has seen a few question times, and she acknowledges that where appropriate, as does the now transport Minister, and I welcome that. But at times we could all be a bit more respectful of that process and acknowledge and welcome the opportunity to provide information.

In budget estimates hearings in particular, I found the proliferation of taking answers on notice on some of the most obvious questions—questions that I have asked previously and that I ask every time—not embarrassing but it is increasing and seems to be the starting point. I would have thought that Ministers would come to budget estimates hearings prepared to talk about, particularly, budget line items and say, "Yes, we are here on this", or "No, we are delayed on that". That is just stating facts. I would have thought that an open, transparent, honest and accountable government would be able to do that without always falling to the default of "We will take it on notice" or "We cannot talk about it". Of course, big projects are difficult. We know because we delivered lots of them. But it seems that this Government has strayed quite a long way from the transparency and integrity it promised in opposition and the things it said it would do. In particular, we have had our ups and downs in the recent budget estimates processes. In my experience, Government members taking process points of order to ostensibly raise an issue but, in effect, running down the clock, is not helpful.

The Hon. Cameron Murphy: It's Wes Fang!

The Hon. NATALIE WARD: No, I said that we have all had our experiences, and the Hon. John Graham was the beneficiary. We were not perfect; I put that on record. But we did a lot of things that I am proud of. No government is perfect. We must be realistic and acknowledge that. As an upstart newbie backbencher trying to make my way, I recall that I was a bit prolific with points of order, and I got a message from the then Premier's office saying, "Settle down. No need for more points of order." That was a measure of the leadership at that time to say, "It is okay. Ministers are there to answer questions. They are grown-ups. Thanks for trying, but no need."

That really said to me that there was a point at which our Ministers had the privilege of serving and had to be accountable. I acknowledge that from Gladys Berejiklian's office.

The great tradition of Standing Order 52 motions—and I apologise to the Clerk's office for our prolific use of Standing Order 52 and the thousands of documents, and I am sorry to the trees—is a process, it seems, that we increasingly have to revert to. After asking questions in question time, on notice and in inquiries, it seems that we are not getting answers. We have to go through this laborious process, which we happily do. I welcome crossbench members' openness and starting position of supporting those motions wherever possible. That is noble of the crossbench, and that is our approach in opposition as we go forward.

We raised a number of questions early in this parliamentary term about this Government, particularly in relation to ministerial staff members and bureaucrats who were supposed to be doing non-political work and were found to be doing political work. We found that information through these important processes and under Standing Order 52. Ultimately, that meant that those behaviours were uncovered and dealt with. Kieren Ash was doing political work. Apparently he could not be located for the inquiry. He just could not be found, and he could not be contacted. Kieren, you can thank me for the job change at some point, because he is available now. The importance of appearing as a witness in an inquiry should be taken very seriously, particularly when there is evidence that political work is being undertaken.

Through the same process, we also uncovered donations by Josh Murray to Jo Haylen's campaign, his attendance at the Premier's party on the night of the election and, ultimately, the so-called recruitment process that led to him being appointed Secretary of Transport. Criticisms were raised during that process—quite rightly—that he had no operational experience, that he had made donations to the campaign and that he was ultimately inserted into the recruitment process. I sincerely wish him well in that role because we need a good transport system. But inquiring into a questionable process which became subject to an inquiry and subject to questions is something that we absolutely must do. Of course we must. The now Government did the same in opposition. We should not be scoffed at for those processes; we should be welcomed for doing our job, even if Government members do not like it or find it uncomfortable. We have all been on both sides of that.

I respect the traditions and courtesies of this House, which perhaps do not extend to the same extent in the other place. I welcome it when good answers are provided by Ministers. I acknowledge and respect their work. It is not an easy job in government to carry out some of the work that they do, particularly if they are looking to make landmark change. The question time, budget estimates and Standing Order 52 processes are important, particularly regarding this most recent matter. Questions can and should be asked. That is our job. Bill Belichick, the greatest coach in the world, says, "Do your job." That is absolutely our job.

I finish by saying that all members should consider that as we go forward. Importantly, members must follow through when they make promises during an election to be and do better—and we should all do that. When they explicitly say that they will be transparent and accountable, they must be transparent and accountable. If promises are made, such as no two-way tolling on the Harbour Bridge or other promises on toll reform, they have to be followed through on. I understand and respect that it is difficult. If that does not happen, members must explain why. We have found documents through the five transport reviews that would not have otherwise seen the light. We have uncovered documents through the Standing Order 52 process about what the Government is spending its money on. They are important matters. They are taxpayer dollars. I support the motion. I thank Ms Sue Higginson for bringing it to this place. I commend the matter of public importance.

Ms CATE FAEHRMANN (14:51): I speak in support of the matter of public importance and thank my colleague Ms Sue Higginson for bringing it to the House. On 21 February everyone in this Chamber participated in a debate that, in hindsight, calls into question for many the integrity of the Government and potentially the Premier. Three bills on racial hatred were rushed through with the agenda of extending police powers. Antisemitism has undoubtedly risen in the past 1½ years since the beginning of the Israeli Government's war on Gaza and the Palestinian people. However, it does no good to label it a "summer of racism" and to raise the temperature on the issue, as the Premier and some senior Ministers continue to do.

Over that same time, there was a 510 per cent rise in Islamophobic incidents, but we did not hear anywhere near as much about those from the Premier, particularly at that time. I take the opportunity to read a statement that was issued by the Alliance of Australian Muslims and the Australian National Imams Council on 14 March. The heading is "Serious questions need to be answered by the NSW Premier Chris Minns about the passing of new hate speech laws." It states:

The **Alliance of Australians for Muslims (AAM)** and **The Australian National Imams Council (ANIC)** are deeply concerned and disappointed by the circumstances under which the amendments to the hate speech laws were recently passed. In particular, those laws were hurriedly passed in reliance on, in part, an explosive-laden caravan found in Dural in January 2025. The NSW Premier, Chris Minns, was quick to label that incident as a terrorism event.

It is now apparent that not only was the event not linked to terrorism, but the Premier was made aware of this at an early stage. Despite this, the NSW Premier and his Government pushed to hurriedly pass significant laws that provide protection only to some Australians based on race.

Most concerning, the labelling of the incident as terrorism caused alarm and panic in the community and also received widespread media coverage. In turn, it left many people across the State feeling vulnerable and unsafe. The Premier's response to the incident also left the Australian Muslim community exposed to suggestions that an Australian Arab or Australian Muslim may have been involved. In short, the Premier's characterisation of, and response to, the incident caused panic and fear, increased Islamophobia and had the effect of undermining social cohesion in our society.

The situation was worsened when his Government rushed the amendments to section 93z of the *Crimes Act*. This step was taken despite many members of the Faith Affairs Council (which advises the Premier) not to rush such amendments or at least extend the protection to Australians based on religious affiliation and belief. This is particularly important given the recent surge in Islamophobia, ensuring the amendments cover other vulnerable communities. The Premier disregarded these requests. The Premier also disregarded the advice of the former Chief Justice who headed the Law Reform Commission's review of the proposed amendments (and advised that it should not be amended and that "(E)xpanded criminalisation comes with risks and is not always the best tool to achieve social policy aims.")

Given the above circumstances, it is troubling that the Premier has seemingly doubled down on his earlier decisions and failed to acknowledge the severe shortfalls in his approach to passing significant laws (for instance, in his Media Statement of 13 March 2025).

I leave my comments there, recognising the time and that other members want to contribute. It is important that people understand the ramifications of those laws for not just this place but the Muslim community.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:55): I have listened carefully to the debate, and there are a few things I want to say. Firstly, the Government takes the issue of integrity and transparency extremely seriously. That has been a feature of discussions both internally and externally in terms of the way members conduct themselves, the way Ministers do their jobs and the way the Government operates. I place on the record that the Government utterly rejects the suggestions made by some that it has acted without integrity or transparency. Members can have differing views about the way that things are delivered, but some of the accusations made in the debate are wrong and must be rejected.

I speak about three particular issues that were raised in the debate that deserve a direct response. The first is the Dural caravan incident. We have heard a lot about that. There is a lot of speculation. Members have talked about the impact of the antisemitic attacks that have happened across the city. I reject the idea that only three or four individuals were locked up as a result of the good work of our police and that it has stopped or that there is a great decrease in what is going on. As the Hon. John Graham and I have put on the record, there have been more than dozens of arrests and there has been a huge effort from the police to avoid further attacks as they are happening. There is ongoing work to protect places of worship and others to make sure that is not happening. That is the good work of the police. There is not an issue where only a handful of people were participating in antisemitic behaviour.

Secondly, the plans to tighten up those matters and the laws that went through the Parliament were already well in train before what is known as the Dural caravan incident. It happened in the middle of that, so some people drew conclusions around that. Again, on behalf of the Government, I reject that it was the driver and that there was anything misleading about the information provided to the House. I am sure the matter will be investigated further through the inquiry, which the Government believes is unnecessary. I place on record that the incident is not the reason why those laws were passed. There was no attempt to mislead the House. The action was taken to deal with incredibly problematic issues of hate speech, the way in which various places of worship are being attacked and the implications of that within the community. The Government wanted to take action on that.

I also respond to allegations made by The Greens about Ex-Tropical Cyclone Alfred and the response of this Government, particularly the actions of the Premier, when it comes to supporting the communities of the North Coast. I do not know where The Greens were. It is the case that the Premier and the Minister for Emergency Services were on the ground during that weather event, making sure the response was in place, including over 3,000 volunteers. They were gathering energy and doing the work in terms of power, waste, waste levies and agriculture. All of that was coordinated across government, led by the Premier, who was literally on the ground during the event. The suggestion that he somehow got out of town and did not take it seriously is, frankly, offensive. I would have thought that the member would know better than that.

The other point I make is about squatters. I refer to the member for Lismore because she knows more about this than most. She, along with the Hon. Rose Jackson, works every single day to deal with the homelessness crisis that exists on the North Coast. She does that because she cares about those people. People living in those houses should not be living there. It is dangerous. Thankfully, the area did not have another fast flooding event. People are in harm's way. There is a reason that Government bought those houses and there is a reason that people need to be carefully managed to move out of them. The idea that the Government does not care or is somehow

unaware of the issue is wrong. It is disingenuous to say that the houses are safe and people should continue living in them.

I address the issue of the Great Koala National Park and the idea that the Government has not fulfilled its promise. That is simply untrue. We made a clear election commitment to create the Great Koala National Park and work through the process. If anyone bothered to look at the commitment—I did, because I wrote it—they would have seen that it said we would implement the Great Koala National Park in our first term of office. We are halfway through and we are almost there. We are taking extremely seriously the survival of koalas in the wild and also the impact on local communities. We are working through those issues. That is what grown-up governments do. We have not, in any way, broken any promises. We continue to deliver. Frankly, it is tiring to hear ongoing criticism when we are doing exactly what we said we would do, in the manner we choose to do it. The fact that some members do not like that does not mean we are not telling the truth and acting with integrity. I reject any suggestion that we are not.

Finally, I address the broader conversation. This is very much a Legislative Council discussion, but it is important. Debates like this are important. How the Legislative Council holds people to account, the tools it has and the way in which we use those tools are important. Today the debate has shown that there are lots of tools in the toolbox. Sometimes members do not like the way that the Government uses those tools, but I argue that that is a perennial issue depending on which side of the House members sit on, having sat on both sides for a long time. The point I make is that it is important that governments act with integrity and transparency. I argue that this Government does that, sometimes not in the way that all members would like. As someone who was censured this week for exactly that, I understand that members will use all the tools they have in the toolbox to try and leverage the Government. But Government members are clear that we support and endorse our commitments and will continue to act with integrity and transparency in our decision-making on behalf of the people of New South Wales.

Ms SUE HIGGINSON (15:02): In reply: I thank all members for contributing to a discussion of one of the most important issues we can ever discuss in this place—integrity and transparency, which go straight to accountability. It would be a missed opportunity for the Government to reduce most of the input and contributions to just disagreements on substantive issues. I listened to every member's contribution. Whilst there were discussions about substantive issues, the discussion was not about the substance of those issues but about the integrity, transparency and accountability around those substantive issues. And many issues were raised. It would be a serious wasted and missed opportunity to simply punch back and punch down on the feedback and contributions of members.

I heard many contributions about what can only be measured as failure, whether it is failure around the process or failure around the integrity of the issues. Members raised the issue of the way questions are answered and the need for Government Ministers to act with integrity, accountability and transparency by coming prepared to budget estimates. That was raised, and that is really important. The idea that the issue of the caravan in Dural, and it being the basis for the Government bringing those bills to the House, was the only focus for members who felt misled misses the whole point. The punch down—almost gaslighting—of saying, "How dare you bring these issues. In fact, we are acting with integrity, and we are transparent in what we do", is just wrong.

Members across the Chamber brought to the discussion genuine concerns about integrity. They did not raise those concerns just to punch down on the Government. That is not why members contributed to the discussion and that was not the substance of their contributions. All members present heard those contributions, which will be recorded in *Hansard*. Legitimate questions were asked and, unfortunately, not one Government member stood up and said, "We hear you. We hear what you are saying. We take on board the issues that you have raised, and we will take those issues back and consider them." It is not just about each and every instance of complaint about integrity, transparency and accountability.

The Government holds the Executive and there is a collegiate mind and a collegiate direction. Members in this place are saying that they are concerned that fundamental issues of integrity and transparency are going by the wayside. A discussion on a matter of public importance is an opportunity to raise those issues. The hope is that the Government will respond with respect by hearing those issues, rather than paying lip service and stridently saying, "We have integrity and we are transparent." Today members have presented evidence that there are serious problems. I hope that members of the Government will go back, re-read and re-hear what members across the floor have brought before the Government in a genuine discussion on a matter of public importance.

It is prudent that I respond to some of the direct complaints or concerns targeted at my contribution. Obviously, during the ex-tropical cyclone, I was in the Northern Rivers. I was there assisting my community and my family. The Premier was there for some of the time. The concern was that he left, came back to Sydney and then made a unilateral announcement to punch down and demolish beautiful old homes that people are occupying. I ask anyone with criticisms of that criticism whether they have actually been to Pine Street and sat down with

that community. I know for sure that Chris Minns did not. Members in this Chamber who criticise my part in representing the people in my community, who I will continue to represent, for being somehow wrong or flawed is preposterous, absurd, wrong and lacks sincere, real integrity.

The laws that we were forced to make, that were bullied through this place on 20 and 21 February, were laws that literally flew in the face of some of the best legal advice that this State can receive. That was from the Law Reform Commission and the Hon. Tom Bathurst, who laid out in a long and detailed report that those laws were not entirely appropriate and were not laws that we would make if the Government was genuinely concerned about integrity in navigating a way through a rise in hate. The other really important fact that all members have knowledge of is that the NSW Law Reform Commission is currently undertaking a large body of work to review the anti-discrimination laws in this State. That review is due to be tabled at some point in the not too distant future. Members know that the outcome of that review will be in front of us soon. This Government raced ahead with a political agenda despite all of that. I know I am not the only member who received many detailed, considerate, concerned emails with reports attached, saying, "Please don't go in this direction."

When I asked the police in budget estimates whether they had requested the new police powers this Government handed over to them, they all said, "No, we didn't ask for these laws." For the Leader of the Government to say in this House, "No, this was our intention all along," makes it more confusing and concerning for the members of this place to understand the origin and the intention behind the laws we were forced to make. I think, along with many other members, that because of the lack of integrity and transparency in the way those laws were brought to this place, we now have genuinely substandard laws on the law books. I think the basis upon which the laws were made is in question. Fortunately, there will be an inquiry into them. Today has shown, from all the contributions, that there are serious questions of integrity and transparency.

I am really pleased that we have been able to have this opportunity and this platform to discuss the matters. It is really sad that the Government was not able to take the discussion on board, stand in this place with some integrity and accept the criticisms brought by members of this place. Those criticisms are not just of the substantive differences in policy but relate to the actual underpinnings of why those differences have gone from issue to aggravation. I sincerely regret that Government members were not able to come to this debate and take some of the criticism. Instead, they punched down, gaslit and fought back. That is an honest disappointment. I really respect every other contribution. The discussion was an opportunity for the Government to not defend the indefensible and not punch down, but instead that is what it chose to do. I honestly think that is regrettable.

Discussion concluded.

Committees

MODERN SLAVERY COMMITTEE

Government Response

The Hon. ROSE JACKSON: I table the Government response to report No. 3 of the Modern Slavery Committee entitled *Review of the Modern Slavery Act—Part 2*, tabled on 20 December 2024.

Motions

TROPICAL CYCLONE ALFRED

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (15:12): I move:

- (1) That this House acknowledges the communities impacted by Ex-Tropical Cyclone Alfred.
- (2) That this House commends the extraordinary preparation of communities in northern New South Wales who are still recovering from flooding and other disasters in recent years.
- (3) That this House also commends the courage, selflessness and service of volunteer organisations, the State Emergency Service, Rural Fire Service, Australian Defence Force, Fire and Rescue NSW, NSW Police Force, Marine Rescue, VRA Rescue and all emergency service workers and agencies.

I recognise the importance of this motion because Tropical Cyclone Alfred was the first tropical cyclone—or ex-tropical cyclone or tropical low or whatever meteorological term we are using, and I do wish to be exact—to hit New South Wales since Tropical Cyclone Nancy in 1990. It was a pretty significant event. We do not get a lot of tropical cyclonic weather activity in New South Wales. Normally that is an unfortunate occurrence much further north. To have this event in northern New South Wales is a significant occurrence, and it is worth reflecting on the good things that have been done and the lessons learned for further events. Unfortunately, as this House knows, one of the many impacts of a changing climate is the increased frequency and severity of weather events like tropical cyclones. We have an important opportunity to reflect on what went well and what we can do to make sure our State is further prepared for future weather events.

The communities affected by Ex-Tropical Cyclone Alfred have moved from the response phase to the recovery phase. I will update the House as to where the Government is up to in terms of supporting those communities. The Reconstruction Authority, alongside the SES and the Red Cross, are currently visiting communities to assess damage and hear about their experiences. We are starting north at the border, at Tweed, and working our way down. People have returned to their homes, and we continue to encourage people to exercise caution, make sure their properties are safe and check for potential damage. Even a while after these events occur, that amount of water can have an ongoing impact, like destabilising trees, so please be careful. We are on the road to recovery, but we are not there yet. We are committed to supporting impacted communities to get back on their feet as soon as possible. Ex-Tropical Cyclone Alfred occurred in a part of the State that has been smashed in recent years. That has been talked about a bit, from the 2017 floods to the devastation of 2022. For a community that has really experienced the worst of Mother Nature in recent years, the ex-tropical cyclone coming on the back of those events is obviously challenging. Supporting them on the road to recovery is incredibly important.

In response to Ex-Tropical Cyclone Alfred, I can report to the House that the SES responded to over 7,717 incidents and conducted 89 flood rescues. The information from the SES is that the vast majority of those flood rescues, which were by and large all successful, were of people driving through floodwater. After going to a number of briefings and press conferences day after day, the SES sounded like a broken record saying, "Don't drive through floodwater." But those figures show why the SES has to keep saying it. The SES says, "Don't drive through floodwater. If it is flooded, forget it." Even though the SES was saying that day after day, people still think, "I can get through that. I have a four-wheel drive." You cannot; forget it. Do not drive through floodwaters. I thank the 3,300 SES members involved in the event, who came from all over the State. When I was on the North Coast, I dropped into the SES headquarters in Lismore and Tweed and there were people from across New South Wales, in uniform, standing with communities. The SES is an amazing volunteer army. That was fantastic.

I thank the team led by Homes NSW and our partner non-government organisations who stood up the evacuation centres. There were 25 centres in total, and I visited a number of them. The evacuation centres were managed by staff from the Department of Communities and Justice and the Department of Education, and that is not their job. It is not as though "running an evacuation centre" is in their title and they are waiting for disasters to happen. No, they have other jobs. They work in incredibly challenging areas like child protection, foster care and community support. They are teachers. They work in TAFE. When disasters happen, they are local to the communities, they are based in those areas and they step into those roles, welcoming people who are really vulnerable, who have had a really tough time, and wrapping their arms around them and running those evacuation centres. I thank the staff who ran those evacuation centres. They were beautiful people.

I have to call out the non-government organisation partners. I particularly call out the Red Cross and Anglicare. The Red Cross and Anglicare people I saw at a number of centres were incredible people. They were making cups of tea, having conversations, offering an ear to listen to people's stories and giving them reassurance. I thank them so much for making those centres a welcoming and comforting place for people who were having a tough time. Over 1,530 people registered for assistance at evacuation centres and more than 429 community members were supported in emergency accommodation in hotels and motels. That was a big piece of work to ensure that when evacuation orders are in place, we have places for people to go. We were able to ensure that that was available this time. I also note that Homes NSW has received 167 requests for maintenance of social housing properties due to storm damage and we are working our way through those.

Ex-Tropical Cyclone Alfred, as members would know, made landfall on Saturday 8 March, resulting in coastal erosion, damaging winds, and flash and riverine flooding for parts of northern New South Wales, including Lismore, Ballina, Tweed Heads, Dorrigo and Grafton, amongst others. New South Wales was preparing for the worst and hoping for the best, and we can all be proud of our preparation. The SES led the multi-agency response, but the RFS, Fire and Rescue NSW, Marine Rescue NSW, Surf Life Saving NSW, VRA Rescue NSW, NSW Ambulance, New South Wales police and the Australian Defence Force were all there alongside the SES to ensure that the preparation and response for this event was truly multi-agency and comprehensive.

I note a couple of stats. Some 666,450 sandbags were deployed and distributed to northern New South Wales ahead of the cyclone. That is a lot of sandbags. A large number of organisations—26 agencies, departments and NGOs—worked together as part of the State Emergency Operations Centre. With energy impacts, school closures, road closures and other disruptions, having all of those key agencies and departments situated in the same place helped make the response as streamlined as possible. I will provide an example of why that was so important. When we are standing up 25 evacuation centres in three or four days, obviously getting things to them is a logistical challenge, whether it is food, bedding or clothing. The impact of road closures really did make the logistical challenge of getting things to the evacuation centres pretty challenging.

We were able to ensure that we could make as much available as we could because we were sitting alongside Transport for NSW in the operations centre. When road closures started impacting the arrival of

equipment, we could talk directly to Transport and say, "Here is the logistic challenge we have. We need to get the food and bedding in. This road is closed. What can we do about it?" Having that department sit in the operations centre is one example of how those things were able to be managed very quickly. The recovery assistance points that have now been established after the event in Tweed Heads, Coffs Harbour, Lismore and Ballina are available for people. Services Australia, Legal Aid, the St Vincent de Paul Society, Homes NSW and others are available to assist at those places as we move from response to recovery—and we have always said that we did not want daylight between them.

People can go to www.nsw.gov.au/emergency/tropical-cyclone-alfred-recovery-updates to receive information about recovery hubs. A range of disaster assistance payments are available for those impacted: personal hardship payments, income support for workers and sole traders who have lost income—that is through the Commonwealth Government and we thank it for that—and disaster recovery payments for individuals. Local councils across northern New South Wales have also been supported with special funding for things like clean-up and the restoration of community assets. There is work to ensure that roads are back online. We have said before that we planned for the worst but we hoped for the best. It is pretty clear that the weather event was not as bad as we feared it might be. But it is incredibly important to reflect on the old adage that it is better to be safe than sorry. I cannot think of a better example of that.

We were ready for the worst. Thankfully, this event was not as bad as it could have been, but we were ready and that preparation has stood us in very good stead. I will reflect on the road from 2022 to today. Obviously, 2022 had a different weather event. It was not nearly as significant. But it was also a different response. This House can take some comfort from the fact that the parliamentary inquiries that were conducted into the 2022 event did not sit dusty in a bottom drawer. They were genuinely learned from and reflected upon. That is the real value that this House can bring at times: doing those parliamentary inquiries, making those recommendations and learning those lessons. I make clear that this is not about political pointscoring. Both governments—the former Government and this Government—have been honest about what went well and what did not go well and where to learn from.

I note that, when I was in the region, the Mayor of Lismore expressed his affection for former Premier Perrottet. The member for Lismore has expressed her admiration and affection for the former emergency services Minister, Steph Cooke. This should not be a political issue; it should be bipartisan. We will keep facing natural disasters as a State. We will have to keep making sure that the preparation is right and the response is as good as it can be, and then that we learn from those lessons and reflect on what went well and what we can do better. I take the opportunity to once again express our love, support and solidarity to the communities of the Northern Rivers and the North Coast.

The Hon. AILEEN MacDONALD (15:25): Ex-Tropical Cyclone Alfred was yet another test of resilience for the people of northern New South Wales. Communities that have endured so much in recent years once again faced the threat of destruction, but they did not face it unprepared. As the weather event approached, I spoke with the Mayor of Ballina Shire, Sharon Cadwallader. Ballina, like so many communities in the region, has learned difficult lessons from past disasters. The council, in coordination with the State Emergency Service, was well prepared, taking proactive measures to protect residents, businesses and infrastructure. Their approach was one of being prepared and, as the Minister has said, hoping for the best but planning for the worst.

For many, this latest event has been another cruel blow, disrupting lives, damaging homes and businesses, and placing immense pressure on local infrastructure. Having family in the region, I have heard stories of hardship as well as inspiring accounts of neighbours helping neighbours, communities pulling together and volunteers working tirelessly. I, too, commend our emergency services: the State Emergency Service, Fire and Rescue NSW, the Rural Fire Service, the Australian Defence Force, New South Wales police, Marine Rescue and VRA Rescue, as well as countless other services and their members who put themselves in harm's way to protect others. Their dedication, selflessness and unwavering service deserve our highest gratitude.

I also recognise the unsung heroes: the local businesses that provided shelter and supplies, the community groups that coordinated aid and the countless volunteers who opened their homes and helped others who were impacted. The House must not only acknowledge their efforts but also commit to ensuring that those communities receive the ongoing support they need not just in the immediate aftermath but also in the recovery ahead. I stand with the people of northern New South Wales and I will continue advocating for the resources, infrastructure and long-term planning necessary to build resilience against future disasters.

The Hon. NATASHA MACLAREN-JONES (15:27): I support this motion regarding the impacts of Ex-Tropical Cyclone Alfred. As we reflect on this event, I acknowledge the incredible work and recovery efforts of local communities, councils, government agency staff, thousands of volunteers, and emergency services and Defence Force personnel who worked around the clock to support the community. That collective effort

showcases the resilience of the Northern Rivers community, which has been through so much, particularly over the past few years. We must continue to support them as they recover from this latest event.

The preparation and management of evacuation centres, built on the learnings of the 2022 floods, was vital in keeping communities safe as they faced extreme weather. I was in that region in 2022 and met with Department of Communities and Justice staff and NGO staff. Some were local; some came from outside the area. Many of those who were local had actually been impacted directly. They had lost their homes, but every day they worked with others who were experiencing trauma. They went home at night and worked with their families and neighbours. Those people, no matter what, were there. They continue to be there and are still there today supporting their community.

The evacuation centres were set up to provide safe shelter for thousands of people affected by the disaster. I acknowledge Department of Communities and Justice and Homes NSW staff who provided emergency accommodation support. The Minister touched on the next steps, particularly with maintenance and repairs. While everything is reviewed later on, these motions are an opportunity for members to highlight the efforts made by staff and volunteers on the ground. At the end of the day, our volunteers come forward during a crisis. These volunteers were not just locals; they came from across the State and even interstate. They included members of the SES, the Rural Fire Service and Red Cross as well as other amazing organisations. I give a shout-out to Social Futures, which does a fantastic job across a range of areas. During the last floods, Social Futures lost its main office in Lismore, and it was then reopened. But, no matter what, Social Futures and its staff were there to support locals during the recovery.

The Resilient Kids Program was created as a result of the last floods. It has reached over 17,000 young people since it began in 2022. It was designed to support young people experiencing trauma, in particular. One story that stood out came from a young person who was involved in the program. They felt a significant sense of calm when the ex-tropical cyclone came through because they could rely on techniques learned in the program. They could call on that emotional support, strength and resilience by using the training techniques they were taught in the program run by Social Futures. That made a huge difference. I commend the motion to the House and thank the Minister for moving it. I thank every person who helped during the crisis as well as those who continue to help the community.

Ms SUE HIGGINSON (15:31): Ex-Tropical Cyclone Alfred was very scary. Last Wednesday night, during budget estimates hearings, I was on the North Coast and my phone was pinging. My kids and their kids were messaging, saying, "Oh my God. What do we do?" We got people in Coraki and Goonellabah up high. We were talking about the floods, saying, "It's okay. We know how to deal with floods now. We're really good at that." But there was a whole new freak-out about what to do about the winds. I have an almost hysterical image of my wonderful man hanging onto the roof of a shed with ratchets and ropes in the early hours of the morning. I was there with him, holding a torch in gale-force winds, saying, "Go on, you can do it. Tie it down." The reality was we were all petrified.

We were absolutely frightened about what we were going to experience. It was so different to last time and, of course, no-one was asleep. We were all connected, messaging each other and posting on Facebook. We can go back through the group chats. We were messaging every minute of the night, asking, "Has it hit you yet? Can you feel the winds?" even at 1.00 a.m., 1.30 a.m., 2.30 a.m., 3.30 a.m., 4.30 a.m. and 5.30 a.m. It started in earnest at about 1.30 a.m. last Friday morning, and it was just so different. It was not one of those occasions when something is coming from the past. We thought, "Gosh, we're in for something big." It was so different this time because it was so cumulative, and we could not know or anticipate that.

It was unlike anything I had experienced and unlike anything people had ever seen. It was different from the 2022 flood, which was different from the 2017 flood. The 2022 flood was just unimaginable. I acknowledge the Minister said we were much better prepared for this cyclone than the 2022 flood. But we may as well have said that there was no preparation for the 2022 flood. We did the preparation that we would ordinarily do, like we did for the flood in 2017—that got us through the 2017 flood, even though we were all shocked—but the 2022 flood was just off the scale, and all the preparation we had done was nowhere near enough. This cyclone had a whole different element because it was not even predicted to be another flood, however bad it could be.

There were consequences that we did not understand or had not yet learned about, and that included small things like where to put big animals. For example, "I'll go and put my big animals where I ordinarily put my big animals," but where is that when there is a cyclone and we have never experienced one before? With a flood we know to take them to higher ground, but with a cyclone there is nowhere to take them. I came to terms with that for the first time ever. I was in my place, thinking, "If it comes, there really is nowhere to go." Of course, I could go to the smallest and most secure room in the house, but it did make me contemplate that this is honestly what we have talked about for so long—the climate crisis.

There are weather events that are so extreme, so unpredictable and unlike anything we have ever experienced before. I can turn on the vision and see the news images from Cyclone Tracy. We have just had the anniversary for that. We can try to grapple with the learnings, stories and experiences that came from Cyclone Tracy, and the 50-year anniversary was arguably very helpful. I listened to a few stories on ABC radio. I remember thinking, "Here we go. Here I am in a place where I honestly did not think a cyclone would come any time soon," though I know that cyclones have come close before. This morning the Hon. John Ruddick gave notice of a motion suggesting there was nothing unusual about the cyclone.

The Hon. Mark Latham: We have fewer than ever before.

Ms SUE HIGGINSON: We may have fewer than before, by some accounts, but the fact is that they are less predictable and they are moving further south. The Bureau of Meteorology and the CSIRO said there is a very tangible link between the warm ocean and the cyclone. Members in this place may not know that the water where I live was 27 degrees on the day of Tropical Cyclone Alfred. That is two degrees above the normal temperature for that time of year, which is why the experts made the evidenced potential link between Tropical Cyclone Alfred, climate change and the warming temperatures of the ocean. That is what the experts told us would happen, and here it is. For all of my sins, I know that, and I have been reading about it for many years.

Living on that front line has very serious consequences. As a community, we experienced collective fear. I absolutely guarantee that that collective fear was built on an unrecovered community, and amongst an unrecovered community it is hell. That collective feeling and experience in the community was unlike anything I had ever seen. Preparations were quite incredible. People were more prepared. Categorically, the stand up of many services and volunteers was phenomenal, and one need only speak with the people who know about this in my community. Elly Bird, the head of Resilient Lismore, led the charge with Helping Hands prior to the 2022 flood. Helping Hands formed after the 2017 floods and is a volunteer network that grew out of the Lock the Gate movement from Bentley.

Activists and volunteers from the community of Bentley collaborated to build the movement that formed the basis of Lismore Helping Hands, which then grew into Resilient Lismore. Elly's firsthand account is that we were so much more prepared, and it was incredible. Everyone in my community and more broadly around the Northern Rivers commends the Government for being consistent, thorough, diligent and vigilant so that we were more prepared and ready. So many amazing people and important resources came to Lismore to assist. Seeing the Lismore CBD on that day, Thursday, and the efforts everybody made was unbelievable. The town went from being a full, little, recovering town to a ghost town. It was empty. Everyone had taken their stuff and gone. People did exactly as they were told.

I will say one thing about, "If it's flooded, forget it." We really do forget it when it is flooded. But the fact is that sometimes even our driveways are flooded, and we drive down them. That is why many of us have big cars. I want to give a serious message of caution around this campaign. It is an important campaign, but it is really important also that, in the thick of it, with how unpredictable water can be, particularly in low-lying areas, we remember to say to people that, if they did screw up, they should call for help, really fast. The shaming must stop. We are talking about a community that is absolutely vulnerable to these events, and sometimes we do what we do to save our lives. We think it is the right thing to do when we are doing it. It might be to cross somewhere, to get to somebody you must reach because you have only 15 minutes to get them out. I get it.

This idea that we can do disasters safely in only our SES uniforms, our fire brigade uniforms or our Australian Defence Force uniforms is not a real thing. It is time to wake up. We have passed that. We are now living in a period when we know that. In 2022 the SES said not to go in the water and not to put our tinnies in, and we did not listen—thank God—because we knew that, if we did not go in, hundreds of people would die. They did not, because we saved them from their roofs. Families and neighbours saved each other. I want everyone to know that that is what it actually takes sometimes. We can be as prepared as we want to be, bring in the big guns and have the State-purchased boats. But, at the end of the day, when it comes to disasters, we all need to be working with each other.

That brings me to three things. Firstly, I give a massive sing-out to one woman whose effort was phenomenal, the current Greens candidate for the Federal seat of Richmond, Mandy Nolan. I have never before seen someone load so many sandbags so fast in so many different locations. She was amazing. That woman is a powerhouse. She was putting so much sand into sandbags. When the sandbags ran out, we found pillowcases. The other person I give a massive sing-out to is Sarah Ndiaye, the Mayor of Byron. She was absolutely phenomenal and a powerhouse. When the evacuation centre was set up in Byron, there were no beds but people were there. People were helping out. People, mostly women, of our communities turned up and provided things from their own beds and their own places and helped out big-time. I give a sing-out to those people who turned up when the evacuation orders were put out. Evacuation centres were to be opened at four o'clock. One of them was not open

until 6.30, but people were there, keeping everyone calm. They were not called by the Government but came themselves. They remind us they are the people we always need in the face of a disaster, no matter what.

I will not sit down until I talk one last time about those people who everyone somehow decided are the squatters. They are human beings. They are beautiful people. They live and have been living in and occupying homes in a part of Lismore. Yes, the houses have been bought by the Government because they are no longer liveable or the families living there did not feel safe to live there anymore, though they had lived there for years, but the 2022 floods knocked them out, and they did not have another flood left in them. Nobody gave two hoots about those people quietly occupying those homes for a short period. They were there for 12 months, living contently. They had nowhere else to go. They were single mums, some kids, homeless people but, at that point in time, they found a place to be, found a people to identify with, made music, planted gardens and trees, went on the riverbank and got rid of some of the noxious weeds from the last flood, which nobody has bothered about. They just found a place to be.

Then one day the National Party member for the Federal seat of Page decided to punch down on them and say, "They've got to go. This is ridiculous." Then some councillors decided to join that and punch down on them, too. Premier Chris Minns spent a couple of days up there and then flew back to Sydney. The next morning, he went in to 2GB and said, "It's untenable. We have to get rid of the squatters. We will bulldoze the houses. That Sue Higginson supports them." That was yucky, and we raise it because they are human beings—positive, lovely people. There was just a small bit of division happening in our community. Then Premier Minns came in and punched down, and that is gross.

You do not do that when you are the Premier of a State and turn up to the front line of a disaster zone. And it is not just this one disaster; it is the cumulative impact of disasters. Our nerves are frayed. We have not slept. We have lost animals and crops and are worried about our families. Our shopkeepers and businesses had to vacate and will not make money for weeks and weeks. Yet the Premier chose to come in and punch down on a small group—a positive, lovely community. That is what he did. He made it personal, and I think that is really regrettable and a stain on the good work of all the Ministers who showed up.

To this moment, there is nothing wrong with the Premier standing up and apologising for punching down. There is the space and the time for him to do it. And he should, because the following weekend there were vigilantes, harm and damage to those lovely, positive people who just decided to live a small part of their lives in some unoccupied houses, in a housing crisis. That is a mark on the Government's efforts. Every time Government members here congratulate themselves and say how good the effort is, which is true, this will come up, too. That is the truth of it. This will keep coming up.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (15:47): In reply: I thank the Hon. Aileen MacDonald, the Hon. Natasha Maclaren-Jones and Ms Sue Higginson for contributing. I agree with many of the things said. I will briefly address the issue Ms Sue Higginson raised at the end, about the people living on Pine Street. I will say a couple of things. Firstly, the idea that the Government's concern about those people living there came out of some local politicking, as she described it, is inaccurate. I was in the briefings with the SES officers, where they were expressly indicating their concern about people living in these areas. They did not know who they were or how many were there. Obviously, they are flood-prone houses. That is why they have been bought by the Government. A genuine concern as to the safety of those people was being raised by the SES, which did elevate that issue in the minds of the Government. I think the words of Lismore resident Naomi Worrall are important, so I will read it out to be recorded in *Hansard*. She has published this publicly, and they are the words of a Lismore resident. I do not agree with everything she says here, but it does express—

Ms Sue Higginson: She lives in Kyogle.

The Hon. ROSE JACKSON: I ask Ms Sue Higginson to listen to her words. She says:

We need to talk about Pine Street.

I'm furious.

I lived in my beautiful little 1900s railway cottage on Pine Street for 15 years.

Ms Sue Higginson has left the Chamber but I repeat that this woman lived on Pine Street for 15 years. Her statement continues:

She was going to be my forever home and I invested everything in her and her garden with that vision in mind. But it was not to be.

After the 22 flood, she cleaned up okay and I was hopeful that we could move together to a new patch of land, well above the flood plain. However, after only a few weeks of dealing with the NSW Government I realised three things: 1. The process would take many years 2. My mental health would not withstand dealing with the process for that long., and 3. Living there as all the houses around me were deserted and boarded up would be horrible and frightening. And so I made the very painful decision to accept a buyback. I know I made the right decision but shutting the front door on her for the last time was surprisingly heartbreaking. I felt like I was deserting her; this little abode who had stood through so much adversity for over a century. I consoled myself with the promise that where possible, our houses would be saved.

I always knew that prolonged neglect of these houses would lead to their destruction. And I suspected the bureaucrats and lawyers who were getting paid bloated salaries to keep telling us how hard it all was would welcome any excuse to knock them down—all they had to do was wait ... So enter, the activist squatters to drive that outcome, with a little help from Alfred. Did anyone who knows anything really think a government that just spent \$900 million to move people out of the most dangerous parts of Lismore would give the nod to another community of unknowns setting up there? ... If the camp and those people advertising free housing are not shut down, more will come and they won't be single parents made homeless from the flood, and peaceful backpackers who like to garden. With all the advertising these libertarian activists have delighted in it's only a matter of time before we get ... Sharmans and "sovereign citizens" pouring in to stake a claim. How many people will come and who will be responsible for their well-being when the next flood hits? No responsible government could possibly agree to that. And anyone in parliament knows it.

Naomi is right. This is not about trying to deny a home to people who need it. We have made record investments into housing. We have temporary, crisis, emergency and transitional housing available. Just the other day I opened another nine modular homes in Casino for people who had been living in the pod villages. We have been proactive in offering assistance with housing and homelessness services to anyone who needs it. Homes NSW has repeatedly attempted to offer assistance to people living in Pine Street. That has repeatedly been rebuffed. I do not want to cause division or be difficult, but the fact is that far from the description Ms Sue Higginson gave, Homes NSW required police escorts to enter that community to try to outreach with people. That is the reality. I am not trying to cause division; I am trying to put facts on record. That is what has happened.

The solution to the housing crisis will not and cannot be the occupation of unsafe, old, flood-prone and mouldy homes that we have spent taxpayers' money buying back precisely because we do not want people living in them because they are unsafe. This Government has spent billions of dollars and will continue to invest in real solutions to the housing crisis. Any suggestion that our response to the happenings in Pine Street is anything other than a genuine concern for community safety, for the safety of those individuals and of our first responders is a misrepresentation of the Government's position. I reiterate that anyone in that community who requires housing and homelessness support should please talk to their wonderful member for Lismore, Janelle Saffin, who could not have been more proactive in connecting people with genuine need to Homes NSW. But activists and ideologues attempting to make communities in places where it is not safe to do so are misleading individuals and are being active obstacles to real solutions to the housing crisis.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that the motion be agreed to.

Motion agreed to.

Documents

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Report of Independent Legal Arbiter

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): According to Standing Order 52, I inform the House that, as previously reported on Tuesday 18 March 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. Following the publication of his interim report on Thursday 6 March 2025, Mr Mason requested additional submissions from the parties to the dispute.

I announce receipt of the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Early Childhood Education and Care Sector*, dated Thursday 20 March 2025, together with submissions.

GAMING REFORM

Tabling of Correspondence

The CLERK: According to the resolution of the House of Wednesday 20 November 2024, I table correspondence received on Thursday 20 March 2025 from the Cabinet Office, responding to correspondence from Ms Cate Faehrmann on Wednesday 26 February 2025 regarding compliance with the order for papers.

Bills

WORK HEALTH AND SAFETY AMENDMENT (STANDALONE REGULATOR) BILL 2025

Second Reading Speech

The Hon. MARK BUTTIGIEG (15:55): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

I am proud to introduce the Work Health and Safety Amendment (Standalone Regulator) Bill 2025. The bill will amend the Work Health and Safety Act 2011 to establish a new governance model for SafeWork NSW, facilitating its transition to a standalone executive agency. It is a fundamental right of every worker that their place of work should be safe and that they return home safely to their loved ones at the end of their working day. The fact that I say this all the time should never diminish the truth, power and significance of that statement. The Minns Government believes in this fundamental right, which is why the Premier created the Work Health and Safety portfolio title, one that had not existed for decades. It was a signal to every single business, employer and worker in this State that the Government would be putting the safety of workers and workplaces at the forefront of its agenda.

Every worker in this State also deserves a strong work health and safety regulator. They need a cop on the beat. They need to believe that if an employer is doing the wrong thing, putting safety and lives at risk, the regulator will have their back. Every worker needs to have faith that our work health and safety laws are upheld and, where they are not, that those responsible are prosecuted. The union movement needs to have faith that, if they raise safety concerns, those concerns will be heard, taken seriously and followed up. Employers also need to have a regulator that will be a source of advice, training and support when they require it. To do that we need a regulator empowered with those responsibilities and a leader of that organisation with the authority and standing to make it happen, whose one job is leading work health and safety standards in this State.

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

Leave granted.

When we were elected nearly two years ago, we found the workplace regulator buried within one of the mega agencies. Many of its functions had been excised and were shared amongst other agencies. SafeWork NSW had become disempowered, irrelevant and ignored. It was treated as a form of red tape. Let me be perfectly clear: Workplace safety is not red tape. From opposition we were obviously very concerned with the way the functions of SafeWork NSW were being eroded and what that meant for worker safety in this State. That is why we put pressure on the former Government to conduct an independent review. I am proud that the independent review that the former Government was dragged kicking and screaming to establish validated our concerns and has led us to where we are today restoring the work health and safety regulator as a standalone agency.

Before I turn to the detail of the bill, I will run through some of the other key actions the Minns Government has already undertaken to strengthen the role of the regulator and improve work health and safety outcomes in this State. We increased penalties for serious work health and safety breaches in line with model laws. We introduced 88 new penalty notices and increased fines for breaches of the Work Health and Safety Regulation. We closed the loopholes that allowed businesses to insure against work health and safety fines as a cost of doing business. We introduced an industrial manslaughter offence in New South Wales, including the highest maximum penalties for corporations in Australia.

We led the calls for a ban on engineered stone, which led to the unanimous decision by all work health and safety Ministers across the country and the Commonwealth for a national ban. We boosted SafeWork NSW by \$2.5 million to allow it to deploy more inspectors to enforce the engineered stone ban. We legislated to establish the framework for a silica worker register to track and care for workers exposed to silica dust. We implemented the Work Health and Safety Amendment (Crystalline Silica Substances) Regulation 2024 to provide for stronger regulation of the processing of materials containing crystalline silica across all industries, particularly for processing that is assessed as high risk.

We also appointed an acting deputy secretary, Mr Curtin, to lead SafeWork NSW and begin its transformation into a modern, fit-for-purpose safety regulator. The new structure ensures SafeWork NSW is more effectively allocating resources towards its strategic priorities to improve the health and safety of all workers in New South Wales and realise the opportunities identified in the various reports. This new structure resulted in the following: an increase in the number of inspectors by 48 full-time equivalents, including the introduction of new team coordinator inspector roles to improve supervision and quality assurance; increased capacity and capability to respond in regional New South Wales by having flexible regional teams addressing all harms and industries; refocused research, data and intelligence capability towards SafeWork NSW priorities; the establishment of new functions, including program design and evaluation, program management, regulatory engagement, governance, operational assurance and operational intelligence, resulting in more rigorous and effective regulatory practice; and expanded focus of the high-risk workplaces and repeat offenders program to all industries.

That last point is something that I am very interested in. Particularly over the past year, a number of bigger companies continue to be repeat offenders. This program, the first of its kind in the State, will put them on a list. Repeat offenders are targeted by SafeWork, and we will throw whatever we need to throw at them. I take this opportunity to thank the incredible SafeWork professionals, staff and, in particular, the inspectors. I thank Mr Curtin and his team for improving SafeWork's standing as a regulator, for rebuilding relationships with important stakeholders, including industry, unions, employees, employers, experts and families of those who have lost loved ones, and for preparing the agency for its new, enhanced role. I express my appreciation of the Secretary of the Department of Customer Service, Graeme Head. We value his advice. Alongside Mr Curtin, he has supported the Government's changes. I also acknowledge my amazing, hardworking ministerial staff, who have done an incredible job on the bill.

I now turn to the detail of the bill. The changes contained in the bill will strengthen the identity of SafeWork NSW and restore public confidence in the State's work health and safety regulator by establishing the SafeWork Commissioner as the regulator under clause 1 (1) (a) of schedule 2 to the Act, with a new advisory council to support the commissioner's functions. In October 2022 the former Government commissioned the Hon. Robert McDougall, KC, to carry out an independent review of SafeWork NSW to assess the performance and effectiveness of SafeWork's compliance and enforcement functions. The review made 46 recommendations aimed at enhancing SafeWork NSW's regulatory capabilities. The recommendations addressed several areas, including operational improvements, capability enhancements and structural reforms.

The review highlighted the need for structural reform of SafeWork NSW to increase public confidence and access to the regulator, to allow for appropriate stakeholder representation and voice, and to promote transparency and accountability. The Government welcomed the report's findings and provided support or in principle support to all recommendations. The bill is an important step to effecting the necessary changes and increasing public confidence in the regulator. The review recommended restructuring the governance of SafeWork NSW to increase its separation from the Department of Customer Service [DCS]. The bill implements that purpose and provides the regulator with the necessary separation and governance to effectively carry out its functions free from departmental control.

SafeWork NSW has been preparing for increased separation and strengthening its identity as the work health and safety regulator for New South Wales. SafeWork NSW previously sat within the Better Regulation Division in DCS, which combined various regulators overseen by a single deputy secretary. Since 1 December 2023, SafeWork NSW has been operating as a standalone regulator within DCS. A key concern highlighted by the review was SafeWork NSW's loss of identity and reduced public face while it was housed within DCS. Stakeholders noted that the work health and safety regulator should be a separate identifiable regulator removed from DCS.

From 1 July 2025, SafeWork NSW will be established as a public service executive agency by way of an administrative arrangements order. The order will establish the SafeWork Commissioner as the head of the newly formed executive agency. Schedule 1 [5] to the bill amends schedule 2 to the Act by removing references to the Secretary of the Department of Customer Service as the regulator and replaces it with reference to the SafeWork Commissioner. The effect of that is to establish the SafeWork Commissioner as the regulator. The SafeWork Commissioner will hold all necessary functions as the regulator under the Work Health and Safety Act. As head of the executive agency, the commissioner will also hold the functions of an executive agency head under the Government Sector Employment Act 2013.

New section 155E (2) will require the commissioner to take into account advice from the SafeWork Advisory Council when determining the strategic direction and priorities of SafeWork NSW. That will allow the key stakeholders to have more voice and will increase transparency and accountability. The advisory council will also provide that advice to the Minister of the day. I also note that, as an executive agency, SafeWork NSW will produce annual reports separately to DCS, which will be tabled in Parliament in line with the requirements under the Government Sector Finance Act 2018. In addition, new section 155F will require a statutory review of these amendments after the first three years of operation to ensure their effectiveness. The requirements will enhance parliamentary oversight of the agency, ensuring information about decision-making, resource use and performance is clear and can be scrutinised by the Parliament and the public.

The New South Wales Government has listened to the views expressed in the review about the regulator's lack of autonomy and independence as a division of DCS. The reforms mark a significant increase in SafeWork NSW as a standalone regulator. I am confident that that will give the regulator more autonomy to address the full suite of recommendations proposed by the Hon. Robert McDougall, KC, including necessary operational improvements to address emerging challenges in the field of work health and safety. The review highlighted the need for the regulator's decision-making to be informed by input from key stakeholders, specifically industry employers, unions, employees, experts in the field of work health and safety and people with lived experience. I strongly agree with the need for insights and expertise from those important stakeholders to inform the regulator's priorities and strategic direction.

The reforms in the bill will ensure SafeWork NSW has that stakeholder input by establishing a SafeWork Advisory Council. Schedule 1 [4] inserts provisions into the Act relating to the establishment and governance of the SafeWork Advisory Council. Under clause 2 of new schedule 1A, the council will consist of three representatives of employer organisations, three representatives from unions to be nominated by Unions NSW, at least one expert in work health and safety and at least one representative of a work health and safety support, advocacy or awareness organisation or a person who has lived experience of workplace injury or death and represents the interests of injured workers and their families. The membership goes beyond traditional tripartite advisory arrangements, which are ordinarily between unions, employers and government because this Government is committed to listening to those affected by workplace incidents.

I thank the families who have lost loved ones in the workplace. Many members in this place have either constituents or have worked with families who have lost loved ones in the workplace. It has affected us personally. We carry that into this place and try to make things better. Members opposite, such as the member for Miranda, a former Minister, and the member for Willoughby, who are in the Chamber, carry those stories of people's experiences. It is important for us to raise the issues that people highlight and make changes to make workplaces safer. We acknowledge the unique insights that those people bring to the effective regulation of work health and safety. That is why the bill gives these important stakeholders a formal role by mandating the inclusion of advocates or people with lived experience of work health and safety matters.

The bill also mandates the inclusion of an expert in the field of work health and safety, acknowledging the role they play in achieving healthier and safer working environments. New section 155E outlines the functions of the advisory council. The functions are to monitor emerging risks and trends in the field of work health and safety, advise the SafeWork Commissioner on the strategic direction and priorities of SafeWork NSW and advise the SafeWork Commissioner or the Minister on any matters referred to the council by the SafeWork Commissioner or the Minister. New section 155E (2) requires the SafeWork Commissioner to consider the council's advice when determining the strategic direction and priorities of SafeWork NSW. I am confident that establishing an advisory council will address the review's concern about improving representation from the important key stakeholder groups. It is an important mechanism to ensure that the regulator considers the diverse perspectives of workers, employers, experts and people with lived experience when setting its strategic direction and priorities.

The New South Wales Government takes worker safety seriously. It is crucial that our State's work health and safety regulator is strong, responsive and accessible. The reforms in the bill aim to foster greater trust and confidence in the regulator, both from the public, from industry and from workers. I am confident that the bill will improve the effectiveness of work health and safety regulation in New South Wales. I commend the bill to the House.

Second Reading Debate

The Hon. SCOTT FARLOW (15:57): On behalf of the Opposition, I contribute to debate on the Work Health and Safety Amendment (Standalone Regulator) Bill 2025. I indicate that the Liberals and Nationals support the bill. These are important reforms that stem from the review by the Hon. Robert McDougall, KC, into the

State's work health and safety regulator, SafeWork NSW. In October 2022 then Premier Dominic Perrottet commissioned retired Supreme Court Judge McDougall to inquire into SafeWork NSW's performance and effectiveness and to make recommendations for improvement. Mr McDougall is an eminent Australian. The Opposition acknowledges his diligence and the deep thought he put into his inquiry and in coming to his findings.

The McDougall report, with the 46 recommendations it makes, lays out the significant challenges that SafeWork NSW faces and how those can be fixed. We on this side of the House support that process. We all want a regulator that is fit for purpose, reflecting best practice and delivering on work health and safety outcomes for all in the workplace. The Opposition will not stand in the way of the reorganisation of SafeWork NSW to become a standalone regulator nor its separation from the Department of Customer Service. The McDougall report recommended that, which the Opposition supports. There is widespread acceptance that the previous model was, as noted by McDougall, "undesirable" and that SafeWork needed to be independent of the department and its competing priorities and whims. I note that the bill supports a separation process that is already ongoing. Since 1 December 2024, SafeWork has operated as a standalone regulator within the Department of Customer Service. I note the Minister's confirmation that on 1 July 2025 SafeWork will be established as a public service executive agency through an administrative arrangements order. I will briefly provide some comment on the bill's main provisions.

Of most consequence, item [5] of schedule 1 to the bill provides that the new SafeWork Commissioner is the regulator under the Work Health and Safety Act 2011, replacing the Secretary of the Department of Customer Service. The Opposition, of course, welcomes this change, which is necessary if SafeWork NSW is to be a standalone body and be empowered with the powers of the regulator. We await an announcement from the Minister on the appointment of the new SafeWork Commissioner. The bill also establishes and lays out the governance arrangements for the new SafeWork Advisory Council. The council would provide advice that the SafeWork Commissioner must have regard to on the strategic direction and priorities of SafeWork NSW. It would also provide advice on any matter referred to it by the commissioner or the Minister.

The advisory council would consist of the commissioner and between eight and 12 other members, including three nominated by employer bodies, three nominated by Unions NSW, at least one expert in work health and safety, and at least one representative of work health and safety support, advocacy or awareness group or a person who has lived experience of workplace injury or death. The Opposition welcomes these arrangements and, in particular, supports the inclusion, beyond the existing tripartite arrangements, of a voice for those with lived experiences. Indeed, the McDougall report recommended it, and we are pleased to see this realised. I acknowledge all those who have experienced injury in the workplace and also the families and loved ones of those who have lost their lives. We value their experiences, which will be used through the advisory council process to make the work health and safety system the best it can be. We also support the need for a statutory review provision. This is a significant new governance structure for the regulator, and in three years the opportunity will come to review that this is functioning as intended.

The McDougall report made 46 recommendations going to how SafeWork NSW can better perform its functions as a regulator, including its compliance and enforcement functions, its education function and its governance and culture. The Opposition hopes that the new governance arrangements will create a SafeWork that is best designed and best placed to fully address the review's findings. I note that a standalone SafeWork has the support of unions and key business groups, and we thank them for their engagement with the Coalition's shadow Minister, the member for Willoughby in the other place.

There is a desire to get this right and working for all. Safety at work is important, as is SafeWork. Workers have the right to go to work and return home safely. We all share that determination, across this place. I acknowledge the many dedicated staff at SafeWork NSW. They are capable and dedicated, and they are there because they understand the real importance and difference that their work makes. I also thank the Minister and her staff for their engagement with the Opposition on this bill—and I note the Minister's presence in the President's gallery. The Opposition wants to see these new governance arrangements work and succeed. We commend the bill to the House.

The Hon. MARK LATHAM (16:02): There are too many failed agencies in the New South Wales public sector, and SafeWork is the worst of them. Never has a body had so much responsibility but delivered so little. As Minister Cotsis has admitted, it is a toothless tiger, a hopeless wreck of inaction and ineffectiveness. In the Minister's second reading speech on the Work Health and Safety Amendment (Standalone Regulator) Bill 2025, she said that it has become disempowered, irrelevant and ignored. If you feel bad on the crossbench, then how would you like to be disempowered, irrelevant and ignored? That is the Minister's description of SafeWork, and in this legislation she is trying to fix it.

Lives are at stake, literally, yet SafeWork itself is lifeless. It is part of the general malaise of the New South Wales public service, whereby woke political programs and thinking are becoming more important than customer

service and taxpayers' value for dollar. The great Australian tradition of resilience has been lost, replaced by endless complaints about hurt feelings and so-called microaggressions. Even coming to the workplace is optional, as work from home is rorted blind as part of the weird ethos of Ministers and managers being powerless over the workforce. No-one is ever sacked for incompetence. In fact, you are a good chance of being promoted for it, as evidenced by the very top of the New South Wales public service, Mr Draper. So there is hope for everyone: Anyone can be a big shot in the New South Wales bureaucracy if they once ran Northern Territory's airports, moving three Cessnas a day.

Under successive governments, the public service has been totally politicised, losing its tradition for independent, fearless advice. We know this from budget estimates, where public servants routinely run political interference for the Government or just sit there, smugly sneering at the whole process. This is how to win promotion beyond one's level of ability. The New South Wales public service used to be run by the cream of the working class, appointed and promoted on merit. To paraphrase Kim Beasley Sr, now it is run by the dregs of middle-class managerialism, and that is so true of SafeWork. There is no performance measurement, no accountability and no time frame for completing investigations. Bringing people to justice appears to be optional.

Members might think I am being a bit harsh on SafeWork, but I do have firsthand experience of this. When the education committee went to investigate the shameful episode of asbestos-ridden Castle Hill High School, a couple of things happened. There was a four- or five-year delay to investigate the critical safety issues around staffrooms and other schoolrooms riddled with loose asbestos fragments dropping from the ceiling. It took SafeWork four or five years to get on the job and reach a final report and conclusion. In the end, so typical of SafeWork, it chose the softest possible option and went after the department instead of the retired principal, who, on the evidence, clearly knew of a problem with asbestos. Testing came up for an outfit in Wollongong, and she ignored it on the basis that she was in competition against Baulkham Hills selective high school and did not want to be outdone academically if she had to close the school at Castle Hill.

Worst of all, the teachers, who were in regular contact with me, horrified by the working environment in which they found themselves, said that one of the investigators at SafeWork told them, "That Latham galah in the upper House has moved an SO 52 to get all the documents. We will bury him in paper." Obscurantism! They said that they would bury me in paper. And it was true—they produced 20 or 30 copies of the same document, right through a big pile of material. I took on the challenge, and I sat in the Mookhey library, day after day. It was shameful that the inspector had said, "We don't want Latham to know too much about this. We'll bury him in paper in the SO 52." There were documents repeated time after time.

Clearly what the teachers told me was true. I thought it was such a bad reflection on SafeWork—so insular, so unaccountable and, in that instance, trying to directly obstruct the work of this Parliament in the call for papers. In the end, I got to the material. The key document was the one that came up from Wollongong, showing a dangerous asbestos test result that the general assistant at the school gave to the principal, and she ignored it. So I got to the document, but I had to sit there a long, long time to get it. Members might think I am being harsh, but it is from the burning experience of excessive time in the Mookhey library and having to get to the facts against an agency that has not been accountable enough or transparent enough.

The Minister is right about one thing: SafeWork is a toothless tiger, a gummy pussycat, lounging around stroking itself in the sun. SafeWork is not feared by a single employer in this State, even those knowingly putting workers' lives at risk or allowing workplace intimidation, harassment and mismanagement to go unchecked. Many of those businesses run cover-ups, which is not hard. A good day for SafeWork inspectors and their management is a day when nothing happens. It is a bit like Louis XVI's diary entry for 14 July 1789: "Nothing happened." Yet so much is happening in our workplaces that requires hard-nosed investigation and prosecution. I was reminded of this at the recent budget estimates when I asked Minister Cotsis—who I think is a good and genuine Minister overall but who, in this case, was a bit deficient—and also the acting head of SafeWork about the damning review of Nine Entertainment out in the open, released last October. Some 3,000 workers in New South Wales have been badly affected by a company with a toxic workplace culture of intimidation, violence, harassment and cover-up.

The Minister had not read the report, and the acting head of SafeWork said he had only read someone else's summary of it, which I found quite inadequate. How seriously does a Labor Government take workplace health and safety when it is ignorant of the most serious workplace problems that we have at the moment? It seems that unless a Labor-affiliated trade union makes a complaint, apparently it does not matter. The 3,000 workers at Nine Entertainment in New South Wales were unrepresented at that moment. I hope now the Minister and the SafeWork boss have read the report in full. Mark my words: Nine Entertainment will probably be another example of SafeWork saying its inspectors have gone in and then nothing happening—a bit like what I saw with the Castle Hill High School asbestos dangers.

Already employees are saying to me, "Nothing has changed at 2GB, and nothing has changed at Nine TV. The cultural review is finished. SafeWork is supposed to be examining our workplace, yet Nine is still exactly the

same: dominated by intimidation, harassment and cover-ups." That is what they have said to me. That point has been confirmed publicly by media presenters and reporters who are probably well known around the Chamber. Tom Steinfort, Deborah Knight, Dimity Clancey and Amelia Adams have said publicly that dozens of complaints were made about known perpetrators, yet they are still in their jobs. Absolutely nothing has happened to them. Why hasn't SafeWork gone to the background information of the culture review that names the perpetrators and details their offences? Why hasn't SafeWork investigated them completely for their crimes and brought them to justice, five months after the landmark report was made public?

It has been five months since the release of the "Out in the Open" report in October. Until I raised it during budget estimates, it had not been on the Government's radar—so much for a "tough cop on the beat" under a Labor government. The toothless tiger lives on, as gummy as ever. It is not hard to work out why. In politics, it is hard to take on media organisations in that fashion. I do not think that Chris Minns is going to be too keen on ruffling feathers at 2GB or Channel Nine. The proposition only needs to be stated to be laughed out of Macquarie Street. Is Minns the man to take on the workplace abuses in those particular outfits? There is a protection racket around 2GB and Channel Nine for the obvious political reasons. That is where the problem starts and ends.

We are not talking about a dangerous construction site or factory; we are dealing with the unique circumstance of what, in the media industry, they call "talent". The on-air presenters are placed on a pedestal, allowing them to be arrogant and self-entitled and treat their staff as trash. When staff complain to management, the talent—aka the perpetrators—are untouchable. They are too commercially valuable to be disciplined, especially in a competitive market environment where mainstream media is struggling to stay alive. For commercial reasons, the culture of cover-up kicks in. I use that as an example of the deficiencies of SafeWork that are trying to be fixed by the bill. I will move an amendment to take the solutions further than initially proposed by the Government.

The culture review at Nine, the "Out in the Open" report, reveals the full extent of the problem. On page 8, there is a good summary of how bad the situation has become in the various divisions of Nine Entertainment. The two worst ones are broadcast, or TV, and radio. In radio, two out of every three employees say they have experienced or witnessed an abuse of power or authority. Half of them say they have experienced bullying, discrimination or harassment. The majority of people who work at 2GB work in New South Wales. In the television unit, 62 per cent of broadcast employees experienced or witnessed abuse of power, and nearly 60 per cent have experienced bullying, discrimination or harassment. It is hard to imagine a more toxic workplace culture than that, with toxic outcomes for employees.

SafeWork needs to develop a model of intervention and prosecution to bust open and break the culture of cover-up at companies like Nine Entertainment, and especially at 2GB. In an infamous episode, Ray Hadley put a young guy named Richard Palmer into a mental home and was then suspended by the station manager. Hadley appealed to John Singleton, who reinstated him and sacked the station manager instead. That is the culture of cover-up that persists to this day. Staff at 2GB, quite rightly, are worried that nothing has changed. Since the October report, nothing has happened to the on-air talent subject to multiple complaints, except, ironically, Ray Hadley. He was the most complained about person in the company, so he had to go, but not the others.

In a bizarre act of hypocrisy, Hadley tried to save himself by parading publicly as a born-again good guy, a reformed thug who invited victims to confide in him with the promise of being their champions and taking up their issues and experiences. Some victims went to him, and then the lousy sod dobbed them into Tom Malone, the station boss. He is not a good person to confide in. The others who have been complained about remain. I mentioned them during budget estimates. That fact remains on the record and is of great concern to the people they work with at 2GB. That is the reality of what we have to deal with. As I mentioned earlier, the on-air presenters are put on a pedestal for commercial reasons. They are valuable commercially. They are called the "talent". That then gives them the ego and arrogance to treat employees and people around them shockingly, which leads to this record number of complaints inside Nine Entertainment. Then there is the cover-up that follows because management will not do anything to diminish their commercial position by acting as any other normal manager would.

What is SafeWork doing about it? How can SafeWork, as per the Minister's intent, be a tough cop on the beat? The starting point is visibility. Businesses and workplaces in general do not fear SafeWork. The agency needs to be more like the Australian Taxation Office, the Australian Securities and Investments Commission or the Federal Police. A notification from them puts management well and truly on notice that tough action may follow. I support the provisions in the bill for a standalone regulator, to take SafeWork out of the Department of Customer Service—where it was buried and basically marginalised—and to introduce a new SafeWork Commissioner with a new advisory council.

The new layers of bureaucracy cannot be allowed to operate like the old SafeWork. They need to have teeth. We need to know what work they are doing. SafeWork can no longer afford to be semi-anonymous in this

State. SafeWork is known in this building and among MPs but not very widely in the business community and the labour force. My amendment to the bill would put reporting requirements in place in the schedule about the regulator, such that the SafeWork Commissioner would report every six months, including in an annual report, on the achievements, challenges, program management, regulatory engagement and governance of SafeWork NSW. Those reports would be posted on the SafeWork NSW website and include the high-risk workplaces and repeat offenders program list; a summary of action under the high-risk workplaces and repeat offenders program; a summary of completed investigations and their outcomes; in circumstances where the regulator considers it appropriate, a list of current investigations; a summary of the number and type of complaints by industry received by SafeWork NSW; and a summary of any action taken following advice received from the SafeWork Advisory Council.

Those reporting requirements would have an important impact in several respects. First, workers have got the right to know whether it is safe to go to a workplace. Is it safe to stay there? If a person is thinking about moving to a certain workplace and it turns out that, behind the scenes at SafeWork, it is on the high-risk workplace and repeat offenders list, shouldn't workers know that? Shouldn't workers know the companies and workplaces that are repeat offenders, repeatedly unsafe and a danger to their health and wellbeing? Workers have the right to know those things. It should not be hidden away in some bureaucratic office in a bottom drawer. Workers have the right to know the workplaces that are not safe, whether they are currently working there and thinking about leaving or they are thinking about applying for a job there. That is critical.

It is also important for workers to know about completed investigations and their outcomes. Workers should know that basic information on the public record, and the new SafeWork Commissioner should ensure that it is reported on its website every six months and in an annual report. Under the old system, under the former Government, which swallowed SafeWork into the Department of Customer Service, there was basically no reporting. SafeWork has not had a full comprehensive annual report since 2014. They were incorporated into the annual report of the Department of Customer Service. Turning to the most recent one, there are three and a half pages in the middle of that report. It is totally inadequate. Who in New South Wales would know any of that? It does not list any unsafe places; it just has generalisations about education programs and other things that SafeWork is thinking about.

One of the ridiculous things that SafeWork has been engaged in, which is a legacy of the former Government, is a thing called the small business rebate program, where \$1,000 of taxpayers' money can go to a business—pretty much any small business of up to 50 employees—for workplace safety. That sends the wrong message. It shows that SafeWork is a soft touch. It will give taxpayers' money to a business to do safety improvements, like put a mat in a warehouse. It is not the responsibility of taxpayers to make workplaces safe; it is the responsibility of businesses. Businesses have the sole responsibility, under government law and regulation, to make their workplaces safe, not to be given a \$1,000 handout. SafeWork is a soft touch. I encourage the Minister to put that money to better purposes. Businesses are responsible for workplace safety.

Businesses are told that they are not responsible and that taxpayers have to kick in the money for safety mats, materials and other odds and ends around the workplace. In the immediate past, not surprisingly, some of that has been abused, rorted and not put to safety purposes. The Government has tried to clamp down on that. But, overall, it sends the wrong message—that they are not really responsible for workplace safety because the taxpayer will give them some money to try and fix it up. Businesses have to fund these things and be sharply on notice that it is their responsibility to look after their workers and make sure that their health and safety is not endangered. SafeWork has had the wrong approach. The information about it has been so obscure one has to spend a fair bit of time on the internet to drill into the Department of Customer Service to find out what has been going on, and the information is so minimal; it is 3½ pages of nothingness. At least we can correct that with some accountability and transparency.

Importantly, the reporting requirement also gives some comfort to victims. A lot of people are suffering in workplaces right now, wondering, "Who is going to help me? I have to put food on the table. I have to feed my kids. I have to house my family. I cannot afford to throw in the towel on this business. I have to put up with it. Who is going to help me? Who is going to provide a bit of relief from the things I'm experiencing in this workplace?" If they find out their workplace is under serious investigation by SafeWork, it gives them some comfort.

Speaking earlier about Nine Entertainment, I have spoken to people on the phone and I have had some meetings with some people in particular who are absolutely distraught. At a human level, I have to feel sorry for their circumstance and the way they have been abused and treated. But they have had to put up with it because they have, realistically, in a tough economy, no other viable source of income in a cost-of-living crisis. Providing the information publicly that that workplace is under investigation and there is some hope that SafeWork might do something will provide a lot of comfort to the victims who are in some very bad circumstances. It is the right

of the worker to know this information, it will give some comfort to the victims and it will put the businesses on notice. It will create a little bit of public exposure that says, "You are not doing so great at looking after your workforce. You are on notice to do better in the future." It is the old rule: The best disinfectant is a bit of sunlight. Let us shine that sunlight on these businesses and have, at long last, serious transparency arrangements and reporting requirements for SafeWork.

I thank the Minister for taking the problem seriously. It is the bread and butter of a Labor Government to fix up SafeWork. If Labor was not doing it, it would be totally in despair and workers would suffer forever. There is a bit of hope. But we cannot allow the new commissioner and the new advisory council to be like the rest of old SafeWork: obscure and downgraded. What did the Minister say in the second reading speech? We cannot allow these new aspects of SafeWork to be "disempowered, irrelevant and ignored". They have to be active and strike a bit of fear or apprehension into businesses, or SafeWork will be on the job—"I will have to lift my game and make sure my workplace is safe." Whether it is the physical safety of construction site workers and avoiding the deaths in that tough industry or other forms of physical disempowerment and dangers for workers, or the more modern trend of intimidation and harassment in the workplace, SafeWork has so much work to do. Its past record is appalling.

This legislation holds out some hope. I will be moving my amendments, although I did have a late-notice response from the Minister's office. She has been working with me on this, thankfully. There is a consensus: To the material that has been circulated, we need to add some standard liability provisions so that any business named in the report does not strike back by suing under various other provisions. We will fix that up and come up with a good amendment for reporting requirements. If SafeWork gets serious, under the guidance of the Minister, it is going to be a big improvement for New South Wales.

The Hon. MARK BANASIAK (16:23): I support the Work Health and Safety Amendment (Standalone Regulator) Bill 2025. I commend the Minister for bringing the bill to the House. She has already done a lot of good work in this space, and the bill is another example. I note the Minister's second reading speech in the other place. She stated:

Every worker in this State also deserves a strong work health and safety regulator. They need a cop on the beat. They need to believe that if an employer is doing the wrong thing, putting safety and lives at risk, the regulator will have their back. Every worker needs to have faith that our work health and safety laws are upheld and, where they are not, that those responsible are prosecuted.

I add that this standalone regulator should act without fear or favour; it should not pull its punches if it is dealing with a government agency. I hope the bill will help to deliver that. Unfortunately, like the Hon. Mark Latham, I can give a few examples with the current arrangements where that has not occurred. I draw the attention of members to the Cooma water reservoir incident in 2020. The reservoir exploded and flooded part of the town. That incident was categorised as a serious incident with a high risk of death and injury. It exposed a large majority of the town to asbestos once the water receded.

The water reservoir was filled by council against all advice, despite the serious risk to council workers and, ultimately, residents. It can be best described as a cataclysmic failure by multiple government agencies, with everyone looking at someone else expecting them to take up the responsibility of ensuring safety. SafeWork failed to hold anyone responsible and, effectively, failed to adhere to the mantra that workplace safety is everyone's responsibility. My, and many of the residents', conclusion from the investigation was that it was put in the too-hard basket because it was essentially government versus government. I draw members to a more recent example, and the subject of the Standing Order 52 request on silica dust in tunnelling. I was approached by the Australian Workers' Union, with SafeWork being reluctant to release information on air monitoring in tunnelling. SafeWork's reasoning for its reluctance was that it was concerned that the information would reflect badly on the private companies involved. A regulator should not be concerned with the reputation of a company when considering actions against that company.

The documents that came from the call for papers show a high number of warnings for similar repeated breaches being issued to companies that are contracted onto government projects. Dozens and dozens of these pages show that companies have breached levels of exposure through failing to adhere to personal protective equipment guidelines and failing to have the appropriate equipment in place for worker safety. What has SafeWork done throughout? It has given soft warnings not to do it again. There are dozens of examples. The only conclusion to be made is that SafeWork is worried that going hard on the companies working for the government on a government project will reflect poorly on the government agency. It should not be worried about that. It should act without fear or favour.

I was reminded by the Hon. Mark Latham of another example. From January to March the Department of Education is appearing before the court over 60 times. The majority of those court cases are with SafeWork. That is not including appearances before the Personal Injury Commission. That department is a serial offender. In the last Parliament, if somebody wanted to be bullied and harassed, they went to the health and safety department of

the Department of Education because, for over 20 years, that is where it was happening the most. It is a serial offender. If it is appearing before the court, taken by SafeWork, one has to ask why that has not been escalated. It is appearing before the court 60 times in three months. Why isn't this being taken seriously?

SafeWork should not be afraid to prosecute a government agency. I am hoping that, with the new standalone regulator, it will not succumb to political pressure or government agency pressure. It should not matter who somebody works for, whether a private company or a government agency. They should feel safe at work, with confidence that the regulator will do its job regardless of the employer. I hope the standalone regulator will restore some public confidence in the system, particularly for workers who have suffered for so long in government agencies and have not been supported by the current regulator as it stands.

Ms ABIGAIL BOYD (16:28): As The Greens spokesperson for work health and safety, I indicate our support for the Work Health and Safety Amendment (Standalone Regulator) Bill 2025. This legislation puts the enabling infrastructure around the government policy to create SafeWork NSW as its own distinctive executive agency. This will be the culmination of a protracted process of reform to finally bring SafeWork out from under the Department of Customer Service [DCS] where it has languished for years as a paper tiger. Since December 2023, SafeWork has been working as something of a de facto standalone regulator within DCS doing something of a trial separation. We are told by the Minister that on 1 July this year the Government will establish SafeWork NSW as a public sector executive agency by way of an administrative arrangements order. During budget estimates hearings a few weeks ago, I asked how this would work in an operational and nuts-and-bolts sense, because I was aware of anxiety within the public service workforce who would be impacted by this operational change. I was told:

SafeWork is currently just a division of DCS. Under these arrangements, it becomes an executive agency in its own right. The secretary is not the head of that agency. The commissioner will be the head of that agency. It's a public service appointment that the Minister appoints because it's an agency head position. It will still be able—as any executive agency can—to enter into arrangements with the department for corporate support, if it so wishes, et cetera, but it will be an entity in its own right reporting directly to the Minister, not reporting to the secretary.

The bill empowers the newly formed executive agency to act as the regulator by removing references in the Act to the Secretary of the Department of Customer Service and replacing them with references to the SafeWork Commissioner. A further finding and recommendation of the McDougall review was that SafeWork had not previously taken sufficient input from key stakeholders, including unions and businesses. The bill therefore creates the SafeWork Advisory Council to provide advice to the regulator and the Minister when determining the strategic direction and priorities of SafeWork NSW.

The council will comprise at least eight, and up to 12, members, including three representatives of employer organisations, three representatives from unions to be nominated by Unions NSW, at least one expert in work health and safety and at least one representative of a work health and safety support, advocacy or awareness organisation or a person who has lived experience of workplace injury or death and represents the interests of injured workers and their families. The functions of the council are to monitor existing risks and trends in the field of work health and safety, advise the SafeWork Commissioner on the strategic direction and priorities of SafeWork NSW, and advise the SafeWork Commissioner or the Minister on any matters referred to the council by the SafeWork Commissioner or the Minister. The SafeWork Commissioner will be required to consider the council's advice when determining the strategic direction and priorities of SafeWork NSW. Those are all the technical bits.

The bill is necessary because SafeWork was failing to keep people safe at work. It has been a regulator more interested in gently encouraging and focusing on so-called education of employers, rather than an enforcer and prosecutor in defence of worker safety. It was in that context that the independent review of SafeWork NSW undertaken by the Hon. Robert McDougall, KC, was conducted. The review—and the Auditor-General's report into SafeWork that ran concurrently—found that SafeWork was not fulfilling its regulatory functions. It found that SafeWork's triaging system, which decides whether complaints result in action, was inconsistent, with some serious complaints being downgraded to administrative responses. For example, letters were given to businesses rather than inspectors. It found a lack of transparency in how triage decisions were made; delays in investigations, sometimes influenced by SafeWork's capacity rather than merit; and under-enforcement where inspectors reported that too many cases were resolved through education and advice rather than prosecution, even in serious breaches.

In relation to investigations and prosecutions, the review found, firstly, that many inspectors felt that SafeWork pursued too few prosecutions, leading to a perception that businesses did not fear consequences; secondly, that inspectors and unions reported delays and inconsistencies in investigating serious workplace incidents; and, finally, that prosecution decisions were sometimes influenced by resource availability rather than the severity of the case. The review also found that government agencies were under-scrutinised. Many respondents felt that SafeWork was too lenient on public sector employers. SafeWork provides training for inspectors, businesses and workers, but the review found that the training materials were often complex and

confusing, that there was inconsistency in fieldwork training for new inspectors, and that health and safety representative training did not always meet workers' needs.

It also found that some workers and unions found SafeWork's education efforts inaccessible and ineffective and that training for handling psychosocial risks, for example, workplace bullying and mental health hazards et cetera, was inadequate. The review found SafeWork was not independent as it was part of the Department of Customer Service, that many stakeholders did not trust SafeWork to regulate government agencies effectively, and that internal complaints handling, for example, workplace bullying within SafeWork, was inadequate. Key recommendations were to reconstitute SafeWork as a statutory corporation, similar to the Environment Protection Authority; establish an independent board, with representation from employer and worker organisations, safety experts, and families of injured and deceased workers; ensure parliamentary oversight through regular reviews; and improve complaints handling for SafeWork employees, including external reviews of workplace misconduct cases. I flag that I will be moving an amendment in the Committee of the Whole regarding parliamentary oversight.

The report found that injured workers and families of deceased workers often felt excluded from SafeWork's decision-making. It found that there was poor communication with affected families about investigation progress and outcomes, and that health and safety representatives were not involved enough in decision-making. The long and the short of that report, and all reports looking into SafeWork, was that it was a regulator incapable of regulating effectively. Generally, SafeWork needs more independence to function effectively. The current governance model creates conflicts and reduces accountability. Training needs major improvements, particularly in psychosocial risks and investigations. That is clearly an unacceptable situation for the workplace safety regulator responsible for protecting the safety of the largest workforce in Australia.

The regulator responsible for independently holding to account the largest employer in the Southern Hemisphere, the New South Wales government, has been failing for years, and the workers of New South Wales have been paying the price. I have quoted the following statistics in debate previously but they are worth repeating because they show just how badly we have fallen behind in our protection of workers in this State. New South Wales was once a nation leader in worker safety, driven in no small part by our robust compliance and prosecution framework. In 2009-10, according to Safe Work Australia records, New South Wales had the lowest number of fatalities recorded over the past seven years, with a 26 per cent decrease. Incidence rates of serious claims by jurisdiction had New South Wales as one of the best in the nation. Look at the same data today, and New South Wales is far and away the least safe place in which to be a worker. In 2022-23 the incidence rate of serious claims was 50 per cent higher in New South Wales than the national average.

In the past 15 years we have gone from being the safest jurisdiction in Australia to being the least safe and having serious claims 50 per cent higher than the national average. That is a very concerning downfall, and it is clear the current regime is not working. If SafeWork NSW is restructured, well funded and properly governed, it can become a best practice workplace safety regulator. However, significant reforms are needed, particularly in enforcement, governance and worker engagement. I hope the bill will take us further in the right direction. Legislation means nothing if it is not accompanied with resourcing to match its aspirations, and so I look forward to seeing a big, no-strings-attached funding commitment in the upcoming budget that will see enforcement and compliance of workplace safety at the forefront. The Greens support the bill.

The Hon. STEPHEN LAWRENCE (16:37): I support the Work Health and Safety Amendment (Standalone Regulator) Bill 2025. The bill represents the fulfillment of an important policy commitment made by the current Minns Labor Government when we were in opposition. For twelve years we watched as arguably one of the State's most important institutions, the work health and safety regulator, was deliberately diminished from its previous iteration into a largely invisible and less powerful and effective body. Upon return to government two years ago, we found the work safety regulator submerged within the Better Regulation Division within the mega agency of Customer Service. Workplace safety was treated as a form of red tape. That was a dangerous message sent by the previous Government to employers that it did not take worker safety seriously.

From opposition our shadow spokespeople, including the current Minister, who I note is in the House, called for an independent review time and again. Finally, as the curtain was closing on their Government, they agreed, kicking and screaming, to a review, and commissioned His Honour Robert McDougall, KC, to conduct the independent review. It made 46 recommendations, including recommendations to change the structure and governance of SafeWork NSW. Unsurprisingly, the independent review suggested that a standalone structure could promote transparency and accountability, increase public confidence in the regulator and allow for appropriate stakeholder representation and access.

In response, the Minns Government publicly supported the principle of an independent work health and safety regulator and progressed work to develop a new model for SafeWork NSW that would address some of the concerns raised by the review. The Government determined that SafeWork NSW would be established as a public

service executive agency by way of an administrative arrangements order. If the bill is passed, the new structure will come into effect on 1 July 2025. The changes aim to increase the separation of SafeWork NSW from the department, increase its visibility amongst the public and foster stronger stakeholder relationships. For example, it will establish an advisory council to offer expert advice to the SafeWork Commissioner.

Establishing SafeWork NSW as an executive agency by administrative order maintains the intent of providing the State's work health and safety regulator with independence while allowing the new structure to operate within the existing framework of the Government Sector Employment Act 2013. It is a simple, elegant, effective and efficient way of implementing the intent of Mr McDougall's recommendation. The bill moves powers and functions under the Work Health and Safety Act 2011 from the Secretary of the Department of Customer Service to a dedicated SafeWork Commissioner who will be the regulator. That will strengthen the regulator's identity and give the commissioner all the necessary powers and functions to effectively fulfil that role.

The SafeWork Commissioner, the Minister for Work Health and Safety and the advisory council will each have a role to play in the governance of SafeWork NSW. The commissioner will determine the strategic direction of SafeWork NSW and be responsible for the day-to-day operations of the agency, including critical decision-making and determining prosecutions under the Work Health and Safety Act 2011. Those functions are set out in the Government Sector Employment Act 2013. The commissioner will be advised on matters, including SafeWork NSW's strategic direction and priorities, by an advisory council made up of key stakeholders and experts who will monitor emerging risks and trends in the field of work health and safety. The commissioner will be required to take the advisory council's advice into account when determining strategic direction and priorities.

The Minister will retain control and direction over SafeWork NSW except for certain matters such as investigations and prosecutions, and will be responsible for appointing the SafeWork Commissioner and members of the advisory council. Importantly, the Minister will be able to refer matters to the advisory council for advice. The advisory council will be responsible for monitoring emerging risks and trends in the field of work health and safety; providing advice to the SafeWork Commissioner on the potential strategic direction and priorities of SafeWork NSW; and providing advice to the SafeWork Commissioner or the Minister for Work Health and Safety on any matter referred to it by the SafeWork Commissioner or the Minister for Work Health and Safety. Further, the advisory council will be able to establish subcommittees to assist with those functions.

The advisory council will consist of the SafeWork Commissioner and up to 12 appointed members. Membership of the council will include three representatives from employer organisations, three representatives from unions, at least one person who works in or is an expert in the field of workplace health and safety, and at least one person who is a representative of a work health and safety support, advocacy or awareness group or organisation, or a person who has lived experience of workplace injury or death and represents the interests of injured workers and their families. The structure ensures all affected stakeholders have a strong voice in the way SafeWork NSW operates.

SafeWork NSW will be required to produce annual reports separate to the Department of Customer Service. The annual reports will be tabled in Parliament in line with the requirements under the Government Sector Finance Act 2018 so there will be transparency and accountability. A statutory review of the amending legislation will also be required after the first three years of operation to review its effectiveness, with a report on the review to be tabled in Parliament. The bill marks a very important milestone for workers in this State. The Minns Government is sending the message to the community that it places workplace safety at the heart of its priorities. When the agency is fully up and running once more, workers in this State will have a workplace safety regulator with their interests at heart and employers will have a regulator that will provide education and support for them to ensure that they can provide a safe workplace in accordance with their legal duty. I commend the bill to the House.

The Hon. BOB NANVA (16:43): I support the Work Health and Safety Amendment (Standalone Regulator) Bill 2025. As a former union official, it dawned on me how often I used to have to sit in the lounge rooms of families who had lost a loved one at work. It struck me that it would have often been useful if the leaders at SafeWork NSW came out from under the rock of the Department of Customer Service [DCS] and did what many union officials like me had to do: sit in those lounge rooms of those grieving families and see what impact a lack of safety at work has.

I always had reservations about SafeWork's habitual slowness to act and about its failure to keep workplaces safe—not to mention those well-publicised issues of bullying taking place within SafeWork itself. SafeWork took years to act on crises that were emerging in workplaces, like the silicosis crisis that has now taken hold. It is absolutely disgraceful. That is as much a matter of inadequate structures as an inadequate culture at that organisation. There is disdain for the regulator among tradies, healthcare workers and transport workers—whose disdain I was acutely aware of. You can perhaps excuse any one of those worker groups in isolation and explain

their disdain away. But, when you look at the lack of confidence that so many workers had collectively, you can only draw a conclusion that there has been a terrible failure in regulatory leadership and oversight.

The damning Auditor-General's report into SafeWork is a real indictment of how it has conducted its affairs over the past decade. I am glad that it was the trigger—eventually—for the robust reform that has now taken place, including the reforms within this bill. That is why I am so pleased to support the further changes that the Minister is now making, including separating and dismantling the Better Regulation Division; ensuring that SafeWork really does stand alone within DCS, as it has done since 1 December 2023; making it an executive agency by way of an administrative arrangements order; and making the SafeWork Commissioner head of that agency. Those further steps are necessary and I endorse them. I commend the bill to the House.

The Hon. MARK BUTTIGIEG (16:47): On behalf of the Hon. Daniel Mookhey: In reply: I thank all honourable members who spoke in debate on the Work Health and Safety Amendment (Standalone Regulator) Bill 2025 for their very good contributions: the Hon. Scott Farlow, the Hon. Mark Latham, the Hon. Mark Banasiak, Ms Abigail Boyd, the Hon. Stephen Lawrence and the Hon. Bob Nanva. This is a significant piece of legislation for the Government. It fulfils an important commitment that we made to the workers of this State to restore the work health and safety regulator as a standalone entity empowered to ensure that critical work health and safety laws are upheld and enforced. As someone who previously worked in a dangerous occupation, the bill is important to me but, more importantly, it is critical to the workers in this State who need to be able to rely on the workplace safety regulator to have their backs.

The bill amends the Work Health and Safety Act 2011 to implement crucial governance reforms that will not only strengthen the identity of SafeWork NSW but also restore public confidence in our State's work health and safety regulator. The bill gives effect to some of the key recommendations from the independent review led by the Hon. Robert McDougall, KC. The review was completed in December 2023 and delivered 46 recommendations. The New South Wales Government is taking those recommendations seriously, as well as the recommendations from the report into SafeWork's performance by the Audit Office in 2024. The bill is a testament to that commitment. By implementing those reforms, we are improving the work health and safety regulatory environment and making our State a better place to work, live and thrive. The amendments to the Act that are proposed in the bill are designed to support the transformation of SafeWork NSW into a standalone executive agency. The restructure will take effect on 1 July 2025 by way of administrative order, which aligns with the proposed commencement date of the bill.

The SafeWork commissioner will become part of the agency. The bill establishes the SafeWork commissioner as the regulator under the Work Health and Safety Act 2011 and introduces new governance arrangements to support the commissioner. The bill also establishes an advisory council that will consist of three representatives of employer organisations, three representatives from unions, at least one expert in work health and safety, and at least one representative of a work health and safety support advocacy or awareness organisation, or a person who has lived experience of workplace injury or death. The Minister will be able to appoint up to 12 people on the advisory council, including the compulsory members. That structure reflects the Government's tripartite approach to work health and safety, and it goes beyond that with the inclusion of other members.

The composition and function of the advisory council will ensure that a full range of stakeholders will have a voice in determining how SafeWork NSW operates. The people serving on the advisory council will be able to represent the interests they serve, whether that be the interests of workers, employers, families or experts. That is the best way of implementing what the McDougall report intended to achieve. To ensure SafeWork's ongoing effectiveness, the bill includes a statutory review of the amendments after the first three years of operation. Additionally, as a public service executive agency, SafeWork NSW will be required to produce annual reports. Those reports will be tabled in Parliament and accessible for Parliament and the public to scrutinise. Those review mechanisms will ensure that this is not a case of set and forget. We will evaluate the new Government's model to guarantee its success.

The Government appreciates the support of all members in debate on the bill. I note the Hon. Mark Latham foreshadowed that he would move an amendment in the Committee stage. Ms Abigail Boyd has also foreshadowed moving an amendment relating to transparency and accountability and the need for a tough cop on the beat to enforce these laws. In debate on the bill, Ms Abigail Boyd reflected on the declining safety over the past 15 years. That is another sobering reminder of what the bill is all about and why the Government is so determined to turn things around. The Government is very mindful of the high expectations on the new standalone agency to deliver. As was said in debate on the bill, the Government is committed to restoring and repairing the agency and providing the community with confidence that the regulator has their back and that its work is done in an accountable and transparent way, without fear or favour. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There are two sheets of amendments: The Greens amendment No. 1 on sheet c2025-057F and the Hon. Mark Latham's amendment No. 1 on sheet A01.3.

Ms ABIGAIL BOYD (16:55): I move The Greens amendment No. 1 on sheet c2025-057F:

No. 1 **Parliamentary oversight of work health and safety scheme**

Page 4, Schedule 1. Insert after line 2—

[3A] Section 276C

Insert after section 276B—

276C Supervision of operation of work health and safety scheme by Parliamentary Committee

- (1) As soon as practicable after the commencement of this section and the commencement of the first session of each Parliament, a committee of the Legislative Council must be designated by resolution of the Legislative Council as the designated committee for this section.
- (2) The resolution of the Legislative Council must specify the terms of reference of the committee, which must relate to supervising the operation of the work health and safety scheme established under this Act.
- (3) On the commencement of this section and until a committee is designated under subsection (1), the Standing Committee on Law and Justice is taken to be the designated committee.

The amendment seeks to bring the oversight of work health and safety laws within the remit of the Standing Committee on Law and Justice in exactly the same way that it has oversight of the workers compensation scheme, the Dust Diseases Scheme, the motor accident scheme and the Motor Accident Lifetime Care and Support Scheme, which is by virtue of section 27 of the State Insurance and Care Governance Act 2015. I thank the Parliamentary Counsel's Office for drafting the amendment at relatively short notice. There was back and forth about the best way to do it, but the amendment was drafted in this way to ensure that the Standing Committee on Law and Justice is the default committee for that oversight; and, for the purposes of ensuring that happens, the terms of reference of the Standing Committee on Law and Justice must be updated to reflect this legislation.

That second step is required for the oversight to take effect, which is why the amendment was drafted in this way. Paragraph (2) states that the Legislative Council "must specify the terms of reference of the committee". That is the effect of the amendment, which is about oversight. We are fortunate to have a government that is focused on prevention and talks a lot about it. We do not want workers to be injured in the first place. In the current law and justice committee inquiry into the suitability of the Dust Diseases Scheme, we have found that we have veered into that space, so it is the natural place for oversight of the agency. The ability for the committee to have a good look every parliamentary term at what our work health and safety legislation is doing would be incredibly valuable. That is the reason for the amendment. I commend it to the Committee.

The Hon. MARK BUTTIGIEG (16:57): The Government appreciates and acknowledges the intent of the proposed amendment. The form of oversight for the new standalone agency was considered carefully by the Government. The Government determined that, as an executive agency, transparency and accountability would be achieved through an annual report process, in addition to the review of legislation and normal budget estimates scrutiny. As an executive agency, SafeWork NSW will be required to provide annual reports to Parliament in compliance with the Government Sector Finance Act 2018 and the TD23-11 Annual reporting requirements, separate from the Department of Customer Service.

That will increase parliamentary oversight of SafeWork NSW by ensuring information relating to decision-making, resource use and performance is clear and able to be scrutinised by the Parliament and the public. It is unusual for an executive agency to report to a parliamentary committee given the agency's relationship to a department. However, given the issues we face in work health and safety, the Government understands that members in this place feel the need for increased oversight. On that basis, the Government does not oppose the amendment.

The Hon. SCOTT FARLOW (16:58): The Opposition supports the amendment moved by Ms Abigail Boyd. It is a sensible amendment. The Standing Committee on Law and Justice carries out this work for many other organisations, and we think that it is a sensible extension, considering SafeWork now is a standalone agency.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2025-057F. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. MARK LATHAM (16:59): I move my amendment No. 1 on sheet A01.3:

No. 1 **Schedule 2 The Regulator**

Page 6, after line 37, insert new:

[6] Schedule 2 The Regulator

Insert after clause 1(2)—

(3) Reporting Requirements

The SafeWork Commissioner will report every 6 months (including in an Annual Report) on the achievements, challenges, program management and regulatory engagement governance of SafeWork NSW. These reports will be posted on the SafeWork NSW website and include—

- (a) the High-Risk Workplaces and Repeat Offenders program list, and
 - (b) a summary of action under the High-Risk Workplaces and Repeat Offenders program, and
 - (c) a summary of completed investigations and their outcomes, and
 - (d) in circumstances where the regulator considers it appropriate, a list of current investigations, and
 - (e) a summary of the number and type of complaints by industry received by SafeWork NSW, and
 - (f) a summary of any action taken following advice received from the SafeWork Advisory Council.
- (4)** No liability is incurred by the State in respect of anything done in good faith for the purpose of publishing information under this section.
- (5)** No liability is incurred by a person publishing in good faith information that has been published under this section.
- (5A)** In this section—

liability includes liability in defamation.

I gave it a fair burst during my contribution to the second reading debate. I will not repeat that. I thank those supporting the amendment, the Government, the Minister and other honourable members. There is a lot of goodwill and determination around the Chamber to improve SafeWork. We have had some criticism of it, but I think that has been warranted. It is now incumbent upon the agency, under this new set of provisions and with a commissioner, a standalone regulator, an advisory council and improved transparency, to live up to its name to make every workplace in New South Wales a safe workplace and, most importantly, ensure that every person who leaves for work in the morning comes home safe and healthy at night. The goodwill around the Chamber is there. The Minister is determined. I think we have every opportunity to make a real difference. I commend the amendment to the Committee and thank all of those who have supported it.

The Hon. MARK BUTTIGIEG (17:00): On behalf of the Minister, I thank the Hon. Mark Latham for his carefully considered amendment. I understand that the amendment was drafted in consultation with the Minister's office, which is appreciated. The effect of the amendment is to provide further transparency and accountability to the work of the safety regulator, by requiring the SafeWork Commissioner to report twice yearly on some of the key performance metrics SafeWork is required to achieve. Having such reports available on the website will provide any worker, health and safety representative, union or member of the public with important information relating to ongoing investigations, companies that have been placed on the program for high-risk workplaces and repeat offenders and, importantly, information on action taken in response to advice from the advisory council.

The whole point of this bill is to bring SafeWork out from where it was hidden and bring it back to life, just as his Honour Justice McDougall recommended. Undoubtedly, it will take time to achieve the kinds of changes we all want to see, but a lot has already been done, including a full restructure that has resulted in the creation of 48 additional inspector positions and a realignment of the agency's functions to be in line with the regulatory priorities. The public needs to have confidence that the workplace health and safety regulator has its back. This amendment aims to increase transparency and ensure that information about SafeWork NSW's regulatory activities is available to the public. The Government therefore supports the intent of increasing transparency and public accountability of SafeWork NSW, and that is why it supports this amendment.

The Hon. SCOTT FARLOW (17:02): The Opposition too supports the amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. Mark Latham has moved his amendment No. 1 on sheet A01.3. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. MARK BUTTIGIEG: I move:

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

Motion agreed to.

Adoption of Report

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Daniel Mookhey: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

Motion agreed to.

BAIL AMENDMENT (EXTENSION OF LIMITATION ON BAIL IN CERTAIN CIRCUMSTANCES) BILL 2025

Second Reading Speech

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:05): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

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

Leave granted.

Last year, the Government listened to calls from the community for action on youth crime, particularly in the regions.

At that time, there were concerns about young people under the age of 18 committing motor vehicle theft and break and enter offences, including when those young people were already on bail for those types of offences. The people of Moree expressed particular concern about the impact that this type of youth crime was having on their community.

The Government introduced a multifaced response to combat youth crime, including:

- legislative reform, which this bill seeks to extend; and,
- therapeutic and community initiatives, which continue to be implemented. This included a targeted package for Moree to address crime, support young people, and improve community safety.

In April 2024, we introduced section 22C of the Bail Act. This legislative reform introduced a temporary, additional bail test for young people aged 14 to 17 charged with committing a serious break and enter or motor theft offence while on bail for another offence of that type. Under this test, unless the bail authority has a 'high degree of confidence' that the young person will not commit a serious indictable offence while on bail, bail is to be refused.

The additional bail test was intended as a circuit-breaker. It offered an immediate response while the broader community-based programs were implemented.

Section 22C was initially intended to sunset 12 months after it commenced, on 4 April 2025.

While we had hoped that 12 months would be sufficient to address community concerns, as the sunset approaches, it has become clear that community concern remains high. More time is needed to fully implement and expand on the measures in Moree and other regional areas to address youth crime.

This bill replaces the current sunset provision so that the temporary additional bail test will sunset four years after it commenced, on 4 April 2028.

This step is not taken lightly, recognising that it has very real impacts at an individual and system-wide level.

However, the provision remains a time-limited and specifically targeted test.

It is not being made permanent.

Rather, this extension is intended to keep the additional bail test in place – and keep the community safe – while efforts continue across Government to reduce youth crime through therapeutic and community-based solutions that aim to minimise a young persons' contact with the criminal justice system over the longer term. Additional funding is being allocated to further develop and expand these programs.

I will say more about this broader program of work to support community safety now.

Last year, the Government announced a place-based response in Moree. This multifaced project continues to be implemented:

- Almost \$900,000 of the \$1 million funding for additional after-hours activities has now been allocated. Programs for young people are seeing strong engagement:
 - Miyay Birray's StreetBeat bus completed over 1,000 pickups in its first three months of operation and both the PCYC and SHAE Academy programs are attracting dozens of kids per night.
 - The small grants program has distributed over \$215,000 for the delivery of 20 diverse after-hours activities, from sports and arts activities to mental health peer support.
- A consortium of three local Aboriginal organisations has been chosen to design and deliver Moree's Bail Accommodation Program.
 - The consortium consists of Miyay Birray Youth Service, Pius X Aboriginal Medical Service and SHAE Academy.
 - While the program is expected to open later this year, Youth Justice NSW is also boosting resources in Moree by establishing additional temporary caseworker roles to supervise young people on bail.
- A temporary Acting Magistrate has been appointed to the New England Circuit.
- Key themes and findings from a review of services supporting young people in Moree have been identified, and proposed recommendations and actions are now being developed with the local governance group established to oversee this work.

Beyond the place-based response, additional services and resources have been allocated to Moree since March 2024:

- In February 2025, the New South Wales Government announced an additional place-based investment in Moree of \$2 million over four years from July 2025, to address youth crime and strengthen community safety.
- NSW Police has undertaken more than 30 surge operations in Moree over the past year, with Operation Mongoose identifying 255 offenders across the Western Region.
- The Safe Aboriginal Youth (SAY) program will be delivered by SHAE Academy from April 2025 for two years, providing activities and transport to Aboriginal young people aged 12-17 years old.
- The Casework Support Program (CSP) will be delivered by Miyay Birray from April 2025 for five years, helping young people meet practical needs and goals as part of their case plan, such as enrolling in education, getting ID, finding work, and applying for Centrelink payments.
- A new Legal Aid office is opening, with two Aboriginal-identified roles advertised and four lawyers to be based permanently in Moree.
- An additional NSW Health Adolescent Court and Community Clinician role at the Children's Court to help more young people access diversion services have been established.
- Additional teachers have been recruited throughout the year.

The Government is also expanding assistance to other communities struggling with youth crime, including regional communities across New South Wales.

In February 2025, the New South Wales Government committed \$4 million over five years (including the current financial year) in Bourke and Kempsey, to match the Commonwealth Government's investment in the Stronger Places, Stronger People program, which supports community-led place-based responses to local issues.

The funding for Bourke and Kempsey will be used to fund backbone teams to facilitate local planning, inclusive engagement, measurement and evaluation, joint decision-making, governance, and local action. The Backbone teams work with, and are accountable to, local community leadership groups, supporting the community in developing and implementing their tailored strategy and plan of action.

The Australian Government Department of Social Services is planning to undertake an evaluation of the Stronger Places, Stronger People initiative to capture learnings and insights from the first phase, to inform the forward approach and understand the effectiveness of community-led, collective impact measures. This will be undertaken in partnership with Stronger Places, Stronger People communities and State and Territory governments.

The three-year extension of section 22C proposed in this bill will also allow more comprehensive data to be obtained, and for other work relevant to the issues of youth crime to be considered.

At present, the final checked data regarding the impact of section 22C is limited to a nine-month period from March 2024 to December 2024. Extending the temporary additional bail test will enable a detailed analysis of the relevant data trends and the effects of the temporary bail test prior to its sunset in April 2028.

An amendment agreed to in the other place also provides for a statutory review to be tabled as soon as practicable 12 months from the commencement of the measure in the bill. It makes it clear that the Bureau of Crime Statistics and Research (BOCSAR) will be consulted and provide information to inform the review.

In addition, the Government is expected to receive and consider the recommendations of the Parliamentary Inquiry into Community Safety in Regional and Rural Communities in this period. The inquiry held community hearings in Bourke, Kempsey and Broken Hill. The final report of the inquiry is due in November 2025.

This additional information will provide valuable insights and inform further work to be done to reduce youth offending.

Schedule 1 replaces the current sunset provision in subsection (5) with a new provision specifying that section 22C will be repealed at the beginning of 4 April 2028.

The amendment agreed to in the other place inserts section 22D, which imposes a requirement to review the operation of section 22C 12 months after the commencement of this bill. The review will determine whether the objects of the amendment remain valid and whether the terms remain appropriate for achieving the objectives.

BOCSAR will be consulted and provide the relevant data to inform the review, which will be tabled in each House of the Parliament.

The Government is committed to addressing the causes of youth crime at their core, with the long-term aim of curbing the offending behaviour of young people in our community and their contact with the criminal justice system.

However, our Government cannot and will not ignore the fact that the lived experience of youth crime in many communities is one of genuine fear, concern and frustration.

The time-limited extension of section 22C is intended to support community safety, while the extensive broader program of work undertaken by this Government to comprehensively address youth crime continues to be implemented.

I commend the bill to the House.

Second Reading Debate

The Hon. SUSAN CARTER (17:06): I speak on behalf of the Coalition in debate on the Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025. This bill seeks to extend the operation of section 22C of the Bail Act for a further three years, until 4 April 2028. When section 22C was originally inserted into the Bail Act, it was to have a 12-month sunset clause. This was by design. In the second reading speech to the Bail and Crimes Amendment Bill 2024, given by the Attorney General on 12 March last year, he said of this new provision:

The Bail Act change in proposed new section 22C is a time-limited, targeted amendment. It has been purposefully designed as a "circuit breaker" to address repeated alleged offending by young people aged between 14 and 18 who have been charged with serious break and enter or motor vehicle theft offences while on bail for another offence of that type.

That bill introduced a new test under section 22C: that the bail authority must not grant bail to offenders between the ages of 14 and 18 charged with those offences while on bail for another offence, unless the bail authority has a high degree of confidence that the young person will not commit a serious indictable offence while on bail. The test of "high degree of confidence" still has to be developed in terms of what it means, with several Supreme Court justices observing unfavourably that it is a test that is not known to the law. For the judiciary to say that something is not known to the law is usually not a flattering observation. In his 2024 second reading speech, the Attorney General made it clear that the new bail test for young repeat offenders has "been approached cautiously". He continued:

That is why this change is time-limited and specifically targeted at young people who are already alleged to have committed at least one relevant offence whilst on bail ...

He continued:

The provision will sunset after 12 months, with an evaluation to take place at the end of that period.

In his second reading speech on the current bill, which seeks to extend that sunset clause, the Attorney General did not suggest what the results of that evaluation have been. There was no reference at all to crime data and the impact of section 22C on the relevant offences, on different localities or on youth crime offending generally. The closest we got to an evaluation was a concession that section 22C does not appear to have worked as the Government had hoped. In his second reading speech on this bill, the Attorney General said:

... the extension is intended to keep the additional bail test in place and keep the community safe while efforts continue across government to reduce youth crime through therapeutic and community-based solutions that aim to minimise a young person's contact with the criminal justice system over the longer term.

Last year the Opposition sought to amend the 2024 bill to require reporting by the Bureau of Crime Statistics and Research [BOCSAR], the New South Wales criminal data research agency. We wanted that agency to report data about the operation of section 22C and related matters, including the number of relevant offences committed; the number of offences committed by 10- to 14-year-olds, 14- to 18-year-olds, and those under the age of 10; and whether the relevant person or other individuals referred to were on bail at the time the relevant offences were alleged to have been committed.

We wanted the data reported in a timely fashion at regular intervals, because all members are concerned about what is happening in the community. We want to make sure that measures are properly targeted. Without

data, without any information, it is difficult to know. That data has not been made available. If it was available to us now, we would be in a stronger position to make decisions about the legislation before us. Recent events have confirmed the importance of this House making fully informed decisions about legislation with all of the information available to it. To yet again have to make a decision without full information puts us in a difficult position.

The Opposition will again seek the provision of government data to this Parliament on how section 22C is operating. Given the delay in the provision of statutory reviews, and the recent example of the Government in relation to provision of information, it is not enough that this data is provided to the Minister. All members in this place should have access to it. We hope that the Government and the crossbench will support us, as members of the Parliament, and the broader community having access to this data. It will provide transparency in the operation of this law, which is the Government's only youth crime legislative initiative. All members are keen for this to work well, but we need to know what is happening to make that assessment.

Provision of the data was previously opposed by the Government on the basis that it was said to be only a 12-month provision. However, it is clearly not going to be a 12-month provision if the Government wants it to continue longer. Twelve months later, no data has been provided to this House. We urge the Government to reconsider its position in relation to that. In the Attorney General's second reading speech on the Bail and Crimes Amendment Bill 2024, he said that section 22C will:

... work in tandem with a suite of measures and supports that aim to provide therapeutic and community-based solutions to address offending behaviour and support regional communities so that they can continue to support and care for their young people.

This is a very important part of what needs to be a total response to youth crime rather than merely a legislative response. Indeed, the provision of the data about how the legislative response is working would also inform the nature and type and the spread of supportive measures that should be part of this approach to youth justice. In his second reading speech on the bill currently before the House, the Attorney General indicated:

Additional funding is being allocated to further develop and expand these programs.

That is very welcome. It is good that additional funding has been allocated, because, sadly, it appears that a number of the originally planned initiatives have stalled. For example, I understand that some 12 months later, there is still no bail accommodation for young offenders in Moree. I understand that we are "close", which is a word that we are used to hearing, and that "soon" a tender may be issued for bail accommodation in Moree. That is simply not good enough. We cannot be focusing on legislative initiatives but letting the other part of the suite of measures that is meant to accompany those initiatives lag. We want the data so that we can effectively debate what is happening with this issue as a whole. One of the reasons that the Opposition will be moving amendments in relation to the sunset clause is so that the whole response can be reviewed in a timely manner. We all agree that the best response to youth crime is to prevent it altogether.

The problems with youth crime have continued notwithstanding section 22C and the wraparound services that have been promised by this Government that perhaps do not wrap all the way around all of the youth that they need to. The problem of youth crime has, sadly, increased since the State election and is not limited to regional areas or to certain areas in the regions, such as Moree, even though that has been the particular focus of the Government's initiative. It is occurring all over the State. It is harming communities. It is harming people. It is making elderly people, especially, scared to travel and to be in their homes. It is also harming the young people who are caught up in crime. We need an appropriate response.

This Parliament needs to constantly review and monitor what is happening with respect to youth crime. It is not a sufficient response for the Government to take scrutiny of its response under section 22C away from this Parliament for three years, with a sunset clause pushed out to April 2028. The Opposition will be moving amendments to make the sunset clause end on 1 October 2026. That gives a 2½ year period after the Act's commencement for evaluation and should be sufficient for us to evaluate whether this provision is working, how the provision is working, and what changes should be made to the provision to help it work better. We could then consider a possible extension by this Parliament—again—if, after true consideration with full data, that is the appropriate response to the continuing issue of youth crime. That is also an appropriate time to let the Government's wraparound services operate, and for us to assess the impact of the total response of which section 22C forms one part.

With respect to how the courts are applying the "high degree of confidence" test for the granting of bail, it is fair to say that there has been a mixed response and there has been some unwillingness by the courts to apply this test and refuse bail. It appears that, perhaps, the interpretation of this test by the courts was not that which was intended by the Government when the test was introduced. Decisions such as *R v TW*, *R v BH*, *R v TB* and *R v JS* show a judicial concern, rising in some cases to opposition, of the fact that a different and harsher test is in place for children aged between 14 and 18 than for adults, even on a show cause offence under the Bail Act.

The result is Supreme Court justices being satisfied, on a review of bail, that they have a high degree of confidence under section 22C that an indictable offence will not be committed on bail with appropriate conditions. The usual condition of bail granted by Supreme Court decisions, if the matter falls under section 22C, is for either home detention or at least a curfew between the hours of 8.00 p.m. and 6.00 a.m. If the courts are going to continue to give bail in circumstances covered by section 22C in a significant number of cases, then the Government should be doing everything that it can in the interests of community safety to ensure that bail conditions are complied with. To that end the Opposition will move amendments to require the following conditions, in the event that bail is granted for a section 22C offence because the bail authority has a high degree of confidence the young person will not commit a serious indictable offence on bail: First, in the interests of community safety, there should be always a curfew on the relevant young person between the hours of 8.00 p.m. and 6.00 a.m.; and, secondly, to ensure that curfew is met, the young person should be subject to electronic monitoring.

It is to be remembered that the Government introduced this legislation not for all offences but for the most serious offences. Therefore, if bail is to be granted to serious offenders, it is not unreasonable that public safety is protected by the use of ankle monitoring to ensure that the conditions of bail are being complied with. Electronic monitoring of youth offenders is used in a number of Australian jurisdictions. It is not novel, and neither is the idea of a curfew. Electronic monitoring has dramatically reduced reoffending in domestic violence parole cases, as measured by BOCSAR. It is reasonable to think that a similar result would be achieved with regard to reoffending rates by young persons with a history of committing serious break and enter or motor theft offences.

Electronic monitoring has more recently been introduced for bail granted in domestic violence offences, where the Government followed the private member's bill brought forward by the Opposition. The introduction of electronic monitoring is a further support to judges who grant bail to enforce the conditions that they impose, as the court would no doubt want. Courts do not make orders without them wanting and expecting that those orders will be complied with, and these conditions of bail fall into that category. Any bail granted under section 22C, under the amendments to be proposed by the Opposition, would be revoked in one of three circumstances: first, failure to comply with bail conditions; second, the young person is charged with another crime; or, third, any interference with the electronic monitoring device. In order to ensure that this revocation operates appropriately, bail can be granted again only if the breach of bail was for a trivial breach, such as exceeding the curfew by a few minutes or if there are other exceptional circumstances. This is not a mechanical test. It needs to be looked at in the individual circumstances of the young offender.

It is a privilege for repeat serious offenders to be granted bail, having regard to the seriousness of their offences. By having clear consequences for their reoffending, the Opposition believes that the existing laws, as amended by our amendments, will be tailored in favour of community safety. We have had the opportunity now to see how this legislation is being interpreted by the courts, how it is operating in practice and whether there has been a reduction in youth crime. The Opposition amendments will address what we now know, 12 months down the track, in order to better protect the community, and that surely is the aim of all of us in this place.

Ms SUE HIGGINSON (17:21): Here we are, another proud Minns Labor Government moment, extending bail laws—appalling laws—on the basis that we have locked more kids up in prison, so they must be working. I start with the utmost, radical and frank honesty that that is what we are doing. This is what we call another fundamental "Minns mess", and it is a gravely tragic one. It will come as no surprise that The Greens strongly oppose the Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025. Listen to the name—it sounds absurd, because it is absurd.

These bail laws should not have passed through Parliament a year ago, and they certainly should not be extended today. These laws, as we know already, will only incarcerate more vulnerable—and predominantly First Nations—young people, and they will fail to prevent crime from happening in the first place. These laws deliver headlines for the Minns Government but nothing but harm for communities. The bill is another cowardly response by the Minns Government to additional right-wing intolerant shock-jock politics and media. It is a continued kneejerk reaction to what are false claims surrounding the so-called crisis and wave of youth crime. But, hey, we started on this, so we will just bunker on down and keep going, because that is what this Government seems to do when things are not working well for it.

Law and order politics are ill informed, cheap, nasty and crass but, more importantly, they are dangerous. In fact, the most recent Bureau of Crime Statistics and Research [BOCSAR] data for the last quarter of 2024 shows that over the two- and 10-year trends, youth crime remains stable, and further breaches of bail conditions are in fact down 6.6 per cent over the two-year period. But I have a feeling that those stats do not mean a whole lot to the people who are introducing these laws in this place. As we know, the laws are in response to *The Daily Telegraph*, 2GB, some in the National Party and a small cabal of country mayors—none of whom are in fact the elected government of New South Wales and yet, somehow, it appears that way. The laws before us would appear to make that case.

I note that the country mayors—and I mean this as no attack on them at all—who have been to Parliament came in good faith to talk about youth crime, and I know that all those voices came with a concern for the victims of crime. Absolutely nothing that this Government has done or is doing again here remotely helps victims of any crime. It is about time that the Minns Labor Government starts to honestly talk about the victims of crime and what we can do to the very broken system of justice when it comes to them. This Labor Government has no courage to take on the hard issues when it comes to justice, and it cannot stand on its own two feet when it comes to law and order.

As we debate this legislation, State and Territory governments across the country stand shoulder to shoulder with this New South Wales Labor Government in introducing disastrously punitive laws to lock up more young people, driven by dangerous rhetoric and moral panic. The Queensland Liberal Government has suspended its own Human Rights Act yet again, sentencing kids in more or less the same way as adults in the criminal justice system. The Northern Territory Liberal Government has undone previous nation-leading and evidence-based policy, which had raised the age of criminal responsibility and has now lowered it back to 10. After life-saving bail reforms, the Victorian Labor Government is now vowing to introduce the "toughest bail laws in Australia" and remove the principle of remand as a last resort for young people. This race to the bottom is happening right now on our watch, and this is against the most vulnerable young people amongst us. These unconscionable law and order agendas are effective for an easy headline for the government of the day but, in reality, they lead to years of trauma and despair for vulnerable young people and undo any progress made in making the criminal justice system work more fairly, effectively and holistically for them. Ultimately, they lead to more crime.

I will now discuss the real implication of these laws and echo the plethora of voices who share these concerns. Section 22C of the Bail Act, inserted by last year's legislation, imposes an extraordinary bail test for 14- to 18-year-olds—a test that is completely unknown to criminal law. The "high degree of confidence" bail test that was so willingly rushed through Parliament is a dangerous step beyond the bounds of a sound legal system. In fact, as pointed out by those in the judiciary such as Justice Rothman in the Supreme Court, this bail test is stricter than the "show cause" bail test applied for adults committing serious offences, including murder. I recall the outrage by so many when we moved to the show cause test. It is very alarming and we must all be cognisant of the fact that when we start going down the slope, when we get to the next step, we are a long way from where we started. This incrementalism is terribly dangerous. We must remind ourselves that we are not here to start from the last bad laws that were passed and make them even worse. We should remember the time when our laws were better and use that as our baseline and our starting point.

It has been pointed out that such a bail test is likely to be stricter than the bail test applied for terrorism offences under Commonwealth law. That is not my analysis. That is the judiciary's analysis by Supreme Court justices who know a heck of a lot more about these laws than all of us in this place put together. In what world can motor vehicle theft or break and enter offences be, even vaguely, compared to murder or terrorism offences? The overreach of the bail laws cannot be understated. I implore the Government to take genuine notice of the expertise and perspective of judges in the highest courts in our State who are speaking out against the laws. They have to deal with the operation and application of the laws. They do not make criticisms for no reason. They are the most qualified and knowledgeable experts on the law in this State. Justice Rothman of the Supreme Court has made numerous important points about the true impacts of the laws. Referring to the laws, he pointed out:

It would ... mean that two co-offenders before the court who are otherwise in the situation where they are assessed identically in terms of the unacceptable risk posed by each of them to the community, in accordance with the bail concerns and the provisions of ss 17 and 19 of the *Bail Act* would need to be treated differently if one of the co-offenders was 18 years and 1 month and the other co-offender was 17 years and 11 months, with a more onerous situation applying to the person who is 17 years and 11 months.

I plead with members to understand the gravity of that prospect. An 18-year-old, an adult under the law, would be treated more favourably than a 17-year-old, a minor under the law, in being granted bail, with the younger person being treated more stringently by a court—because of members in this place—than their adult counterpart. In reality, our bail laws apply a cruel double standard. It is not theoretical; it is quite perverse. Members need to remember that. Members should not let themselves think that they are doing it for the benefit of young people. It is a legal and moral wrong that young people are now held to a higher criminal standard than adults for being granted bail. Shame on everyone if the bill gets through this place to extend the laws that have already been passed in this place. Justice Rothman goes on to say:

While I am prepared without argument to concede that the legislature may exercise power in a manner that defies the principles of equal justice, I am minded that there are contrary arguments to that proposition. However, it is clear that the application of equal justice and the application of justice in a manner which is neither capricious nor arbitrary is a requirement on courts and some tribunals.

That is a significant statement made by a judge of the highest court in the State. For a representative of the judiciary to conclude that the Legislature has ultimately defied the principles of equal justice in passing those bail laws is

damning. The laws are not only morally wrong; they have the potential to be at odds with our Commonwealth Constitution. Justice Rothman argues that point by saying:

A nice question arises that if this legislation requires the Court to treat persons, who are relevantly equal differently and worse, whether the Court is acting in a manner which prevents it from acting on its fundamental tenets and offends its position as a Supreme Court, guaranteed by the provisions of s 73 of the Constitution.

Justice Rothman concludes:

It is a ham-fisted attempt to deal with a political difficulty in a manner which, in my view, creates significant problems for the administration of justice and does not deal with the problem that was sought to be overcome.

That has to mean something to members who claim to be able to create such serious laws. The comments made by Justice Rothman have not been made lightly. However, the judiciary, in its application of justice, is speaking out against the Government's flawed "tough on crime" agenda, because these laws are no less than dangerous. Similarly, remarks made by Justice Loneragan in the Supreme Court highlight the contradiction of the bail laws with other legislation applicable to young people. Justice Loneragan points that out by saying:

These considerations highlight a lack of coherence between the bail court's obligations to comply with ss 4 and 6 of the *Children (Criminal Proceedings) Act* and the requirements of s 22C, which treats a relevantly charged child's freedom in a less favourable way than an adult's freedom in exactly the same circumstances ...

The Children (Criminal Proceedings) Act 1987 is the governing Act for the criminal trial process for young people and is designed to place greater emphasis on rehabilitation for young people charged with a crime. Section 6 of the Act sets out the principles, which include:

...

- (b) that children who commit offences bear responsibility for their actions but, because of their state of dependency and immaturity, require guidance and assistance,
- (c) that it is desirable, wherever possible, to allow the education or employment of a child to proceed without interruption,
- (d) that it is desirable, wherever possible, to allow a child to reside in his or her own home,

...

- (f) that it is desirable that children who commit offences be assisted with their reintegration into the community so as to sustain family and community ties,

...

The bill does none of that. The laws directly threaten the application of legislation that has previously been upheld to achieve better results for children and young people, and they compromise the court's ability to provide alternatives to incarceration. Justice Rothman and Justice Loneragan are not alone. There are several other judges in the District and Supreme courts putting their concerns and criticism of the laws on the public record. Opposition to the laws does not stop there. Last year 560 lawyers, community workers and academics signed an open letter to members of this House expressing "grave concerns" over the proposed laws. The Law Society of New South Wales noted the inconsistency of the bail laws with the Children (Criminal Proceedings) Act 1987, Closing the Gap targets and the United Nations Convention on the Rights of the Child. The letter states:

... it will likely result in the incarceration of children and young people who would otherwise not have been incarcerated. It is also likely to result in the incarceration of some children and young people who are unlikely to be found guilty of any offence.

It continues:

We query the wisdom of increasing the remand population of children in this way, particularly when the child remand population is already high.

Twelve months later, it is clear that the concerns raised by the Law Society and other critical stakeholders are accurate. I pause to say do not do that thing where members say, "We are doing it for their own good. We are doing it for the kids. We are doing it for them." Remember that one? Members should stop their minds from going there, because it is not right. All of the evidence says that it is not right. The most recent BOCSAR statistics show a 31.6 per cent overall increase in the youth custody population and a 34.4 per cent increase in the youth remand population over the past year. That is what Chris Minns has achieved. That is what he has done. He has really put his foot on the accelerator and got the number of incarcerated kids up there. It is a rate of increase that has never been seen in this country.

Human rights advocates, community legal centres and judges are, without doubt, distressed by those figures. But who isn't? The Premier and the Attorney General. The Government is satisfied by the fact that more young people are behind bars under laws that it pushed through the Parliament. We should not be proud of more young people in detention, and yet those words came out of the Premier's mouth and the Attorney General's mouth in budget estimates hearings over the preceding weeks. "Our laws are working. There are more kids behind bars."

Honestly, it is unfathomable. We know from all the evidence available to us that youth detention centres are places of deprivation and despair. On that moment, I reflect right now.

When I asked the Attorney General if he had been to a youth detention centre, he said, "Yes, when I was the police Minister." I am wondering how long ago that might have been because he was the police Minister a long time ago. He is putting people into places he has not even been to. I put on record that I ask the Premier—and I would like the know the answer—whether he has been to a youth detention centre. If so, was it only in the past few weeks? That would be a curious answer. Did he go to a youth detention centre before he brought these laws to the Parliament? The incarceration of a young person can do unimaginable and lifelong harm. When a young person is imprisoned, they are separated and disconnected from their families and communities, deprived of education and re-exposed to trauma.

Academics of the Nova Southeastern University in the United States researched the impact of youth incarceration and discussed a range of findings in their 2024 publication entitled "Systematic review: Impact of juvenile incarceration". Those findings are so consistent with the findings from report after report about the impacts of juvenile detention. This is interesting. The publication particularly noted the significant impact of youth incarceration on adult mental health, including that individuals incarcerated as children showed a higher incidence of depressive syndrome, suicide risk and suicide risk as adults. Further analysis showed that youths who were recently incarcerated showed lower levels of overall psychosocial maturity, temperance and responsibility. The publication revealed in a study of 97 previously incarcerated young men from a Connecticut detention centre that just 10 per cent had graduated high school and three individuals had pursued college education.

Youth prisons are overwhelmingly filled with the most vulnerable young people—17.4 per cent of young people in detention have a disability, despite making up just 3.5 per cent of the population. More than one in four young people in detention have been in out-of-home care. Those cohorts are already suffering greatly to properly integrate into and gain belonging in society. These vulnerable young people need care, not custody. Youth crime is not a random occurrence. It is a symptom of the deeper social issues that have been neglected in our communities by successive governments over years and years. The issues are poverty, homelessness, domestic and family violence, substance abuse, and lack of access to health care and education. Where is the urgency to address these deep causes of crime in the laws being brought before the Parliament, if that is what it takes? No, we are not seeing that. This bill is the opposite of what we need now.

Devastatingly, 59.8 per cent of young people in custody right now are First Nations. That is despite the fact that, of young people in this State, just 4.5 per cent are First Nations. Again, just in case that did not sink in, 59.8 per cent of young people in custody are First Nations. That is despite the fact that, of young people in the State, just 4.5 per cent are First Nations. That is so despicably racist. Laws like the bill before the House only continue the violent colonial legacy of this Parliament right here on this carpet, these tables and these seats. This State was already locking up First Nations people disproportionately at alarming rates, but it has only gotten worse as a result of these laws. The latest Closing the Gap quarterly report shows that First Nations young people refused bail by courts have now increased 25.7 per cent over the past 12 months. First Nations young people in detention has increased 17.2 per cent since 2022.

Are members ready for the next stat? Only a couple of members are left in the Chamber. The sentenced custody population of First Nations young people is up 105.3 per cent since 2022. There we are, folks. Does everyone feel like going home? Should we pack up and go? You know what, it would be a damn sight better for this State if we all did. These laws are a deep betrayal of the promises made to close the gap and will send this State down the wrong trajectory, with more First Nations young people incarcerated. Laws like these will only make the Government's obligations to the Closing the Gap agreement not just increasingly unachievable but, I would say, on this Government's watch, impossible. We cannot on the one hand say we are working towards First Nations justice and on the other choose to extend laws that disproportionately lock up First Nations young people. Karly Warner, the CEO of the Aboriginal Legal Service—and this woman is on the front line—stated:

Despite promises to do things differently under Closing the Gap, Aboriginal children are being sacrificed to the Premier's tough-on-crime political agenda in a race to the bottom the Labor government can never win.

Yet we will stand in this place and talk about integrity until the matter of public importance runs out of time. A three-year extension of these laws is an extension of the misery that vulnerable young people and First Nations communities have come to expect when making contact with the criminal justice system. The Attorney General has consistently said in response to criticisms of these draconian laws, "These steps have not been taken lightly and the Government simply has no other choice than to enact these laws." I couldn't make it up, honestly. It is not only timid; it is deliberately ignorant, harmful, wildly reckless and self-serving.

The overwhelming evidence has been known for years upon years and still this Government, like so many before it, has failed to listen. Let us go there; I know it is in members' heads—"Think of the victims of these

crimes!" Let us talk about the victims. Let us get some real victim compensation schemes on the table and introduce some laws that would help victims. You know what? Nine times out of 10—and I think it gets to 10 out of 10—victims do not want revenge; they want justice. They do not want to see kids further criminalised. They want access to victim schemes that will help them and to experience something that can right the wrong that was committed against them.

New South Wales now spends \$2,814 per day to lock up a single person. That is over \$1 million per year per young person. Fool on all of you. Imagine if those millions of dollars were actually spent on solutions that address the deep causes of crime—and let us put some into victim assistance while we are at it. This Government could reinvest that funding into early intervention and could keep young people out of the criminal justice system in the first place. I am hearing those voices again, "But we're doing that as well! Lock them up and we will do something else as well." We need long-term sustainable investment into community-driven services such as the Aboriginal community controlled organisations in providing wraparound support for First Nations communities, investment in family support services to prevent children entering the out-of-home care system and investment in mental health programs that could offer young people safe and accessible mental health care. We cannot lock them up and do that as well. That is hypocrisy, nonsensical and a lie.

The Government could choose to address the role that housing insecurity plays in the lives of young people by properly funding public housing and making it accessible for families and young people, and by ensuring safe accommodation for young people who are on bail or unable to return home. That could happen today and would make an impact immediately, unlike the Premier's and the Attorney General's assertions. The Government could choose to reduce youth contact with the criminal justice system by raising the age of criminal responsibility to at least 14. That is what all the experts say. That is the circuit breaker that is needed, not refusing bail and throwing them in prison. The experts say to take the criminal aspect out of it and make the children responsible proper, not criminally. Doing that and expanding diversionary alternatives to detention under the Young Offenders Act are the ways the Government could respond to youth crime and its causes and prevent it from happening. I hear that voice again saying, "Communities just aren't fit; they're not ready." Kids need to be helped proper, and not locked up while that is being done.

The idea put by the Attorney General that the bail test is the circuit breaker, despite having been in place for 12 months and only leading to more young people committing crimes and ending up incarcerated, is the myth. I go further, it is the lie. The only circuit that this bail test breaks is the one for young people getting support and rehabilitation, and maybe the rule of law under the Constitution. The only metric that the Premier has cited as part of the extension of the laws is an increase in bail refusal and concurrently an increase in the youth population. That is the most ridiculous measure of the success of a law. It has no proven link to a reduction in youth crime, and there has been no identification of a reduction in crime at all since the laws were enacted.

What we are doing now is a circle of nonsense, a circle of harm and a circle of absolute destruction in the lives of the young people who have done wrong. I urge the Government and all members of this House to not pass the bill. The Supreme Court judges clearly appear to oppose the laws, which have serious problems. Lawyers and community workers oppose the laws. The resounding evidence does not support the laws. The moral panic driven by dangerous fearmongering and the rhetoric in the media and by some politicians are the only things driving this bill. We have so many options that we could be pursuing, but we have decided this one must be in the mix. Locking up more kids might get the headlines, but it does not and will not stop crime.

I ask any member who talks about the victims to please do it sincerely with honest respect for the victims, because locking up children will not give the victims the justice they deserve. All it will do is provide some very short-term measure of revenge, and all sorts of studies and research around victimology have shown that in the long run that does not serve victim justice. It compounds the harm. Eventually that little bit of moral law and order retribution rhetoric runs very shallow and disappears, and the victim of any offending is left without real justice. What it has done instead is ensured and locked in crime, criminal behaviour and criminal thinking for the medium and long term. We know that because the evidence of recidivism is so clear. We know that locking up more kids might get a headline but it does not stop crime. The laws that we have before us today reinforce a legacy of more young people behind bars, condemned to trauma and despair and exposed to the life cycles of crime. On that basis, The Greens will not support the laws and will move some very sensible amendments.

The Hon. STEPHEN LAWRENCE (17:54): I contribute to debate in support of the Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025. The bill will extend a most unusual piece of legislation for a further three years. It represents a political choice made by the Labor caucus and Cabinet, and I support it. Bail, sentence and police powers are quintessentially political matters, and they have been decided in those forums that I spoke of. I was interested to hear the Hon. Susan Carter talk about an amendment that she foreshadowed in relation to crime statistics. I will let the Minister speak on the Government position, but I question

why that would need to be included in the legislation in circumstances where parliamentarians and, indeed, everyone in the community has access to the Bureau of Crime Statistics and Research [BOCSAR].

In the lead-up to this debate I asked the Parliamentary Research Service, because I was lazy, to provide me with graphs and tables for the relevant offences that relate to the legislation for a 10-year period in a number of formats and also for statewide statistics in relation to the relevant offences—serious break and enter offences and car theft—and cognate offences. It is important information and BOCSAR produces quarterly reports. I was speaking to my co-chair of the Parliamentary Friends of Youth Justice Reform, the Hon. Aileen MacDonald, about the availability of those statistics and their relevance to so much of the work we do. I note her presence in the Chamber. We decided as co-chairs to email the parliamentary community on a quarterly basis with a summary of those statistics as they relate to juvenile justice, because BOCSAR is an incredible resource and the State spends money on it.

The crime statistics that BOCSAR produce allow tracking from a quarterly basis up to a 20- or 30-year period. It is amazing how far back they go, and they show the meaningful trends in crime statistics with points in time when different amendments to bail laws came in. The impact, if any, they had on crime rates can be tracked. We have had many and varied amendments to bail laws over the years that allow us to analyse the impact they had on crime rates, because fundamentally we should be concerned with a safer, more peaceful community when we seek to amend the criminal law.

Unlike most legislative restrictions on the open-ended discretion as to bail that has generally existed under statute—it has been varied at different times but has existed at different times—this piece of law does not fix just on offence types to restrict bail or restrict the circumstances in which bail can be granted. It fixes also on age and applies a previously unused formula, which is the "high degree of satisfaction" formula that the Hon. Susan Carter and the Minister spoke about in their contributions. That fixing on age as an effective disentitlement to bail in most circumstances is why it has been particularly controversial, because it contradicts the general principle found in international law and, generally, domestic law in many countries, if not most, that incarceration is a measure of last resort.

Schedule 1 extends the operation of section 22C of the Bail Act until the end of 3 April 2028. It will place Australia in breach of its international human rights obligations, but that happens on a fairly regular basis and is well within the power of a State and indeed a Federal parliament to do. It is a political choice about quintessentially political matters. The section provides for a limitation on when a bail authority may grant bail to a young person for a relevant offence alleged to have been committed while the young person is on bail for an offence of that type. A relevant offence is defined as a serious breaking and entering offence or a motor theft offence. I note that motor theft is defined quite broadly and includes cognate offences.

The section applies to a young person who is 14 to 17 years of age at the time the offence the subject of the bail decision is committed. As I have said, the limitation requires the bail authority to have a high degree of confidence that the young person will not commit a serious indictable offence, which is a defined term in the Crimes Act 1900. The way the section is operating is now clear. Around 90 per cent of the kids who are caught by the provision are refused bail and spend time on remand. It is important to say that many of those kids would not have received a term of control; that is, had they been bailed, which many would be but for the operation of section 22C, they would never have spent time in a detention centre.

That may surprise some people. It is, after all, certainly a serious set of allegations to be accused of multiple offences of the type captured by the provision, with at least one committed while on bail for at least one other. But the reality is our criminal law is very carefully calibrated in the way it deals with children. A hierarchy of penalties exists and key principles are built in to ensure that rehabilitation and the best interests of children are the key consideration, and the incarceration of children is generally a last resort. The Children (Criminal Proceedings) Act 1987 sets out much of the legal framework applicable to children in the criminal justice system. The principles stated in section 6 of that Act require a person or a body that exercises powers under the Act to have regard to them. The principles are:

- (a) that children have rights and freedoms before the law equal to those enjoyed by adults and, in particular, a right to be heard, and a right to participate, in the processes that lead to decisions that affect them,
- (b) that children who commit offences bear responsibility for their actions but, because of their state of dependency and immaturity, require guidance and assistance,
- (c) that it is desirable, wherever possible, to allow the education or employment of a child to proceed without interruption,
- (d) that it is desirable, wherever possible, to allow a child to reside in his or her own home,
- (e) that the penalty imposed on a child for an offence should be no greater than that imposed on an adult who commits an offence of the same kind,

- (f) that it is desirable that children who commit offences be assisted with their reintegration into the community so as to sustain family and community ties,
- (g) that it is desirable that children who commit offences accept responsibility for their actions and, wherever possible, make reparation for their actions,
- (h) that, subject to the other principles described above, consideration should be given to the effect of any crime on the victim.

It is perhaps curious that the Children (Criminal Proceedings) Act does not contain a special regime for bail in respect of children and the Act is generally subject to the Bail Act, which prevails in the event of inconsistency. In all areas of criminal law reform, it is important to identify what a reform will or will not do. A reason for that is that there are many views in the community, held in good faith, as to the capacity of the criminal law to reduce or prevent harmful conduct. Those views find expression in views as to the existence and scope of criminal offences, the penalties available, the operation and content of bail laws and, indeed, the powers for the investigation of offences. They are often expressed vehemently in the wake of certain shocking events or when it is perceived that crime is rising; though rarely, in fact, in our most fortunate society does crime dramatically rise in a sustained way. The truly remarkable thing is how long term the real trends in crime statistics generally are.

Sometimes, but not always, those views are wrong. Often the criminal law and related powers actually cannot realistically reduce offending and reduce harm. It is not a good thing when the focus of community expectations around reform to address a social problem is wrongly directed, not least because it takes the focus off real solutions. Sometimes the reality is that only addressing underlying social problems can truly protect the community. Sometimes the reality is that only population-wide factors will meaningfully impact certain types of offending. That perspective is especially important in criminal law, where there are adverse consequences from many reforms. The more people you lock up, the more crime you create down the track; the more people you refuse bail to, the more innocent people are exposed to the traumatic and criminogenic experiences of jail and the more vulnerable and young people are exposed to the criminal justice system. The impacts will be disproportionate on certain communities, some of which already endure mass incarceration.

There is no doubt about one thing that the bill will do: It will take certain recidivist young offenders off the streets for a period time. Yesterday I attended a presentation by the National Children's Commissioner Anne Hollonds. One insightful and succinct point the commissioner made was that the incarceration of children, whether through onerous bail provisions or harsh sentencing laws, does not drive down crime rates. Indeed, in her view, in the longer term it produces more crime. The reasons for that perhaps somewhat counterintuitive situation are multiple, but in my view they include some of the following factors. Most offences are not detected so the idea that all or even most offending will be interrupted by bail refusal or sentence just cannot be right. I could not find New South Wales statistics but I did find some Victorian statistics in relation to break and enters, which recorded that:

Over the past ten years, the proportion of residential burglaries that has remained unsolved in Victoria has consistently been above 80 per cent of all recorded burglary offences.

That may be different in communities in New South Wales. It may be different for offences involving children or offences in smaller communities if you zero in on them, but it is my view, having worked in the criminal law for about 20 years, that most offences are not solved. Many children refused bail or imprisoned would or might not have offended in the remand period anyway. Most periods of remand, especially for children, will be relatively short. As I indicated earlier, many of those children do not even receive control orders ultimately. Those children emerge at some point and some will commit offences in the future.

The incapacitation factor from short periods of remand will be small at best. Perhaps most importantly, incarceration produces more crime. Those left behind at home—the little brothers and cousins—are more likely to offend. But, most importantly, the child who is the subject of detention is more likely to offend. Any incapacitation effect of detention is perhaps offset by that. Tackling in a transformational way the underlying causes of offending is the answer. That is not a novel insight. Crimes committed by children are a symptom of those social issues. That is easy to say but hard to do and the Government is investing in those matters and I know is committed to doing so.

I dedicated a significant part of my professional life to defending Aboriginal people, including kids, on criminal charges in western New South Wales. It is how I came to live in Dubbo and eventually how I got into politics. I distinctly remember the first time I saw a 10- or maybe 11-year-old in the dock at Dubbo. I missed him as I walked into court because his little head could not be seen over the back of the dock. Life can be so cruel. One of Commissioner Hollonds' more chilling insights was that some institutionalised children could not articulate any particular hopes and dreams and could not comprehend doing so. Some kids do not have a chance; others do not but they make it anyway. Some of the best people I know are former young offenders doing amazing work in the community. One is the legendary Jeff Amatto, who runs intervention programs in New South Wales, including

in Wellington, helping Aboriginal people escape intergenerational cycles—"mob helping mob", as he described it to me today. He told me today of the desperate need for more intervention programs. He said:

Yes, I think we are starting early intervention way too late and programs need to be as young as kids in year 3 and have programs for them to transition into when they graduate from each program. It's working really well here in Wellington.

This bill will pass. I will vote for it. The statistics show more kids will be jailed as a result and the Premier has been crystal clear that that is at least part of the intent. It will not reduce crime overall, though it is possible it might prevent some serious offences. But the sad procession of wasted young lives will continue. It will be mainly kids descended from people who were pushed off their lands, placed into missions, subject to cruel paternalism—sometimes having their children taken off them—and then suddenly released from paternalism and told to integrate, after which a particular cruel social dysfunction took over their lives. That is why we have entrenched high crime rates in regional communities.

A friend of mine, Rob Riley of Dubbo, another guy doing amazing community work, once sat me down and showed me some records from the Dubbo Police Station from many decades ago, when Aboriginal families went to seek permission to access their wages. I recognised so many of the family names of the children and adults who I had appeared for. There is a direct connection between the past and the future. I believe one day we will make the drastic investments to more quickly try to vindicate those kids' rights to health, safety, culture, participation, non-discrimination, adequate standards of living and education, which are not being realised. I urge members to read the Children's Commissioner's 2024 report, *'Help way earlier!' How Australia can transform child justice to improve safety and wellbeing*. That incredibly important report investigates opportunities for reform of child justice and related systems across Australia based on children's rights and sound evidence. For those reasons, I support the bill.

The Hon. AILEEN MacDONALD (18:09): There is a saying that if you do what you have always done, you will get what you have always got. The Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025 extends the tougher bail laws introduced last year, but let us be honest: If those laws were working, we would not be here debating their extension. Last year the Government promised that the changes would act as a circuit breaker to stop youth crime. Instead, the numbers tell us we are still locking up kids at the same rate, cycling them through remand and expecting a different result.

As of December 2024, there were 173 young people in custody in New South Wales. But here is the catch: The majority had not even been sentenced. Those kids were sitting in detention not because they had been found guilty but because we do not have the right support systems in place to manage them in the community. A 15-year-old with no home, no transport and no support is not a flight risk; he is a kid whom society has already failed. Let us be clear: When a young person spends weeks or months in detention, only to be found not guilty or given a non-custodial sentence, we have not solved anything. We have disrupted their education, severed their support networks and increased their risk of reoffending.

Every kid we fail to reach early is another future inmate, another crime statistic, another victim. Do we want safer streets or just bigger detention centres? The Bureau of Crime Statistics and Research has already shown us the facts: 64.4 per cent of young people who leave detention will be convicted again within 12 months. Compare that with 44.3 per cent of young people given non-custodial sentences. The numbers do not lie. Detention does not stop crime; it fuels it. We know exactly whom this bill will hit the hardest. As Ms Sue Higginson has already said, over 59 per cent of young people in custody are First Nations, and the majority of them are on remand and not convicted. We are not only failing these young people; we are setting them up to fail.

I support community safety. I support giving police and courts the tools they need to deal with repeat offenders. But I cannot support the fantasy that tougher bail laws alone will solve this crisis. If we are serious about reducing youth crime, we need to stop chasing headlines and start funding what actually works: intensive bail supervision, so young people are not just left to fail; regional youth case management, so kids in the bush have the same support as those in the city; and early intervention, because if we step in before kids reach the courts then we can stop the cycle before it starts. If we want fewer victims, we need fewer offenders. That means real solutions, not just tougher headlines. I will say it again: If you do what you have always done, you will get what you have always got. The bill buys us time, but it is not the answer. The real question is what the Government will do with that time. Communities do not just need tougher laws; they need real solutions. I urge the Government to not let this be the end of the conversation.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): I welcome the friends of The Greens NSW to the gallery.

The Hon. ROBERT BORSACK (18:13): I welcome them all. I speak on behalf of the Shooters, Fishers and Farmers Party in especially strong support for the Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025. We acknowledge the complexities of youth justice. We know that many young

offenders, particularly those aged between 10 and 13, come from traumatic and disadvantaged backgrounds. According to the Bureau of Crime Statistics and Research [BOCSAR], in 2023, 82 per cent of those children were identified as being at risk of significant harm, 56 per cent had been victims of violence and 60 per cent had a parent who had been in custody. Those harrowing statistics highlight why early intervention and community support are vital. We recognise the genuine work being done through programs like those in Moree, such as the StreetBeat Bus, after-hours youth activities and the Moree Bail Accommodation Program, which are all aimed at breaking the cycle of crime. Those programs are critical.

However, although rehabilitation is essential, it cannot come at the expense of community safety. The reality is that the statistics are not just numbers; they reflect the very real impact being felt in our regional communities. In Moree alone, the NSW Police Force conducted over 30 surge operations last year, identifying more than 250 young offenders. That trend is far from isolated. BOCSAR's data confirms that the rate of legal proceedings against children aged under 14 is more than three times higher in regional and remote areas compared with metropolitan areas. Meanwhile, Aboriginal children make up 60 per cent of youth detention episodes for that same age group. We must not give in to the bleeding-heart elites, the ideological left or The Greens, who continually harangue us, calling us troglodytes and other names. They would have us believe that firm action is unwarranted—that the victims are to blame, not the perpetrators.

If we do not hold our young criminals accountable today, we will only see them become repeat offenders tomorrow. Take the recent situation in Bourke as a stark example of the worsening crisis. On Saturday 22 February 2025, officers from the Central North Police District were called to a caravan park on Becker Street after two offenders broke into an Isuzu ute and tried to force their way into a caravan. A 62-year-old man attempting to protect himself and his partner was slashed with a knife and required hospitalisation. Both will now live with the trauma of that night for the rest of their lives. The violence does not stop there. Only hours earlier, a group of four armed offenders broke into staff accommodation at a motel on Anson Street, threatening and robbing a 24-year-old man at knifepoint. The same gang then broke into another room, where they threatened and injured a 52-year-old man before fleeing in a stolen white Holden SUV, which was later found dumped in Orange. That brazen, coordinated offending leaves no doubt: Regional towns like Bourke are being overwhelmed by rising lawlessness.

We must act now before Bourke and other regional towns follow the same trajectory as Alice Springs, where the current Northern Territory Government has been forced to scramble in the face of an uncontrolled youth crime wave—a legacy of the weak, left-wing former Northern Territory Government. In Alice Springs, businesses have shut down, families live in fear and social order has broken down entirely. We cannot allow regional New South Wales to spiral into the same crisis. The writing is on the wall. Without firm intervention, Bourke risks becoming the next tragic headline in the national story of government inaction and failure.

That is why the Shooters, Fishers and Farmers Party supports the extension of section 22C of the Bail Act. It provides communities with a much-needed circuit breaker to stop the revolving door of bail for serious repeat offenders. It is not a permanent solution but a necessary, time-limited measure to give breathing space to communities under siege while longer term, community-led programs continue to be developed. As regional representatives, we hear constantly from constituents who feel abandoned by a justice system that seems more focused on the offenders than on their victims. We must remember that the justice system must protect young people but also protect the communities they are harming.

We think that section 22C strikes the right balance. It ensures that, in cases where there is not a high degree of confidence that a young person will not reoffend, bail can and must be refused. The Shooters, Fishers and Farmers Party will always support a justice system that combines compassion and accountability. We commend the programs aimed at addressing the root causes of youth crime. We equally stand behind the tough but fair provisions in the bill. Community safety, from our point of view, is totally not negotiable. We stand with the victims and with families and businesses across regional New South Wales crying out for peace and security. Accordingly, we support the bill.

The Hon. ROD ROBERTS (18:19): I make a contribution to debate on the Bail Amendment (Extension of Limitation on Bail in Certain Circumstances) Bill 2025. Community safety should be a key priority for all governments. At the moment we are experiencing a juvenile crime wave. It is happening all over the State, including in metropolitan Sydney, but it is more pronounced and acute in regional New South Wales. One only has to pick up the paper to read about the havoc the youth crime wave is wreaking upon rural towns and cities. There has been a concerted cry from community leaders, rural mayors, councillors and local police in those towns asking for assistance from the Government to control the crime wave. Young criminals are tearing the heart and soul out of hardworking, proud communities. A response, if we could call it that, has brought us to this debate today.

Some members may say, "Hang on a second, I have heard those words before." They would be right, because that is taken directly from my speech in this Chamber on 21 March 2024, when we debated the Bail and

Crimes Amendment Bill. I ask members, "What has changed?" Absolutely nothing. As I said on 21 March 2024, "This bill will go nowhere towards fixing the problem." In fact, the bill does little to change the status quo in policing youth crime at the moment. The youth crime rate will drop only once the legal system makes young people accountable for their actions.

We are not talking about kids who have gone into a shop and done a bit of shoplifting for a dare. We are talking about young offenders who are committing serious crimes, such as breaking into homes. The victims of those crimes are always soft targets—normally, elderly people who cannot defend themselves. Imagine how they must feel living in fear inside their homes. The fear of an armed person breaking into their home as they sleep at night carries across the board. The fear does not change whether the offender is 15 years of age or 50 years of age. As I have said, we need to look at the Bail Act and section 16A (1) is the pertinent section. It states:

A bail authority making a bail decision for a show cause offence must refuse bail unless the accused person shows cause why his or her detention is not justified.

I note that a bail authority is either a police officer or a properly constituted court. This section is known as the show cause requirement and applies to the most serious of crimes and includes continuing to commit crimes while on bail. As I said, we are not talking about shoplifting a packet of chewing gum on a dare. Why is section 16A of the Bail Act not being used at present? That is because section 16A (3) states:

This section does not apply if the accused person was under the age of 18 years at the time of the offence.

I have said in the past that the answer is staring us in the face. This bill should have sought to amend the Bail Act by removing section 16A (3), thereby rendering those under the age of 18 subject to the provisions that apply to show cause offences. Again, youth crime will drop once the legal system makes young people accountable for their actions. Clearly this Government does not have the stomach or the spine to make hard decisions. The burden of proof for obtaining bail should be transferred to the offender, as happens in the adult system. The bill is just window-dressing. It is another flag-waving exercise in an attempt to hoodwink a concerned public into thinking the Minns Government has heard its message and is getting tough on crime. In reality, the bill will do nothing but appease to the hand-wringing apologists who subscribe to a theory of blaming everyone else except the young person who has committed the crime.

The Hon. Aileen MacDonald used a quote in her contribution. I will do the same thing. The definition of insanity is doing the same thing over and over again and expecting a different result. Nothing has changed in society since this Chamber passed the Bail and Crimes Amendment Bill on 21 March 2024. In fact, they have got worse. What are we doing? We are going to do the same thing all over again, only we are going to extend the period until 3 April 2028. Conveniently—and no other member has mentioned this—that puts the end date past the 2027 election. That decision was made in the hope that something different will happen. That bill has made no difference in the past 12 months and I can guarantee it will make no difference in the next 12 months. After that time, as I said on 21 March 2024, we will be back in this place doing this all over again. Clearly my words were right!

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:25): On behalf of the Hon. Daniel Mookhey: In reply: I thank all members for their contributions to this debate today: the Hon. Susan Carter, Ms Sue Higginson, the Hon. Stephen Lawrence, the Hon. Aileen MacDonald, the Hon. Robert Borsak and the Hon. Rod Roberts. In the Attorney General's second reading speech in the other place, he ran through numerous measures that our Government is progressing to tackle youth crime. The single measure in this bill is only part of a much bigger picture. We continue to work on a multifaceted response to address youth crime and community concerns. Extending section 22C for a further three years will allow the test to remain in place while work continues across government to fully implement and expand on measures being implemented to support young people and tackle youth crime.

We recently announced additional funding for Moree and over \$4 million to support similar place-based responses in Bourke and Kempsey. That funding will bolster successful local teams working with the Government to tackle identified issues. It will also provide time for our Government to receive and consider the recommendations of the parliamentary inquiry into community safety in regional and rural communities. Finally, it will give us time to undertake a review, informed by longer term Bureau of Crime Statistics and Research [BOCSAR] data and stakeholder feedback. Given ongoing serious community concerns about repeat offending, particularly repeat offending by young people in relation to break and enter and motor theft offences, allowing section 22C to expire on 4 April 2025 would not be in the public interest.

I will now address some of the matters raised by members in debate. The Hon. Susan Carter raised the lack of evaluation of section 22C. Since the introduction of section 22C, the Department of Communities and Justice [DCJ] has closely monitored the provision and engaged with justice stakeholders through a specially dedicated

monitoring group, which regularly exchanged information and updates on the operation of the temporary bail test. The monitoring group includes representatives from DCJ and the courts, the NSW Police Force, the Office of the Director of Public Prosecutions, Legal Aid NSW, the Aboriginal Legal Service, the Public Defenders, Corrective Services NSW, Youth Justice NSW, the Cabinet Office and the Premier's Department.

At the time we introduced the bill, the checked data on youth crime trends since the implementation of section 22C covered six months, from March 2024 to September 2024. This period is not sufficient to track long-term crime trends. The three-year extension of the test will allow for data on relevant crime trends to be collected and analysed over the longer term to inform a comprehensive review of the provision, to analyse the impact and inform the decision as to the provision's future at that time. The amendment passed in the other place will also see the section reviewed in 12 months and the report tabled in both Houses. It also makes it clear that BOCSAR will be consulted and provide information to inform the review.

Ms Sue Higginson and the Hon. Aileen MacDonald criticised the section 22C test for incarcerating vulnerable children and Aboriginal children. The test was introduced to address, on a temporary basis, real community concerns about a specific youth crime trend, particularly in regional areas of New South Wales. It was anticipated that the test would lead to a limited cohort of young people being more likely to be imprisoned. That is why the test was carefully designed and appropriately limited to specific categories of offending, but, importantly, it is not the only measure being progressed by our Government. The test was introduced with a package of broader non-legislative initiatives aimed at reducing youth offending and supporting vulnerable young people and their communities, especially Aboriginal young people. This includes linking young Aboriginal youth to Indigenous organisations, Elders and cultural and family supports, with skilled staff providing 24/7 child-safe care. For example, the Moree bail accommodation will be led by three local Aboriginal organisations to provide the most culturally appropriate leadership for this novel facility.

The Government remains committed to working with communities and our Closing the Gap partners to develop long-term therapeutic and community-based approaches to address offending by young people on a broader scale. Section 22C continues to serve as a temporary legislative measure to support community safety while a range of long-term solutions are implemented, including community-based solutions to divert children from criminal activities and interaction with the criminal justice system. For example, some of the programs we have implemented in Moree are doing exactly that. Miyay Birray StreetBeat bus completed over 3,500 pick-ups since October 2024, and both the PCYC and SHAE Academy programs are attracting dozens of kids per night. The small grants program has distributed \$225,000, excluding GST, for the delivery of 21 diverse after-hours activities, from sports and arts activities to mental health peer support.

In response to the comment from Ms Sue Higginson that the Attorney General has not visited a youth justice centre, I can advise that he has visited Cobham Youth Justice Centre. Ms Sue Higginson and the Hon. Aileen MacDonald also raised the impact of incarceration on young people. Our Government is committed to addressing the causes of crime at their core, with the long-term aim of curbing the offending behaviour of young people in our community and their contact with the criminal justice system. However, our Government cannot and will not ignore the fact that the lived experience of youth crime in many communities is one of genuine fear, concern and frustration. Section 22C serves as a temporary legislative measure to support community safety while a range of long-term solutions are implemented, including community-based solutions to divert children from criminal activities and interaction with the criminal justice system.

The Hon. Aileen MacDonald said we need real solutions to youth crime, and we agree. Youth crime is a long-term problem that needs to be tackled with a number of solutions. That is what our Government is doing. Our Government is addressing youth crime in a meaningful way across the State by introducing a comprehensive suite of measures. We are not focusing on Moree alone; we are extending programs across the regions. In addition to the multifaceted programs introduced in Moree, last year we announced an investment of \$12.9 million to fund and implement a range of statewide regional crime prevention initiatives, including the expansion of youth action meetings in nine police districts; the expansion of the Safe Aboriginal Youth Patrol Program to an additional five Closing the Gap priority locations, to be determined in consultation with communities; and reducing the risk of young people being victims of crime and the risk they will become persons of interest in relation to a crime.

We are also continuing to roll out \$7.5 million in Justice Reinvestment grants, with grant funding available to recipients as early as June 2024. This year we have allocated \$4 million to Bourke and Kempsey, as I said, to match the Commonwealth Government's investment in the Stronger Places, Stronger People program, which supports community-led place-based responses to local issues. Other programs are being developed in other towns, such as the rugby program in Dubbo. Section 22C applies across the State. Extending the temporary bail test for three years will help to keep the community safer while the Government continues efforts to reduce youth crime and minimise young people's long-term contact with the justice system.

Progress is being made constantly. For example, the Moree bail accommodation—a novel facility—will commence operating around the middle of the year. Time was needed to select the most appropriate organisations to lead it, and, as I have said, three Aboriginal organisations have been chosen to lead this culturally appropriate initiative. The Hon. Susan Carter said that a shorter extension of 18 months is appropriate. We are seeking to extend the test for three years, rather than a shorter time frame, to allow sufficient time for these multifaceted, long-term initiatives to become fully operational. The three-year extension provides communities, legal practitioners and the courts involved in bail proceedings certainty about the status of the temporary bail test while this work is ongoing.

In conclusion, it is clear that there is ongoing community concern about youth offending, particularly serious break and enter and motor theft offences committed by young people on bail. This extension will help keep the community safer while the Government continues efforts to reduce youth crime and minimise young people's long-term contact with the criminal justice system. The Government believes more needs to be done and that the temporary bail test should remain in place while this important work is underway. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): The question is that this bill be now read a second time.

Motion agreed to.

Instruction to Committee of the Whole

The Hon. SUSAN CARTER: According to standing order, I move:

That it be an instruction to the Committee of the Whole that it has the power to consider amendments related to section 22C of the Bail Act 2013 and for related purposes.

Motion agreed to.

The Hon. TARA MORIARTY: On behalf of the Hon. Daniel Mookhey: I move:

That consideration of the bill in Committee of the Whole stand as an order of the day for a later hour of the sitting.

Motion agreed to.

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

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Reference

Ms ABIGAIL BOYD: I inform the House that in accordance with paragraph (6) of the resolution establishing the portfolio committees, Portfolio Committee No. 3 - Education resolved on this day to adopt the following reference:

Early childhood education and care sector in New South Wales

- (1) That Portfolio Committee No. 3 - Education inquire into and report on the early childhood education and care [ECEC] sector in New South Wales, including:
 - (a) the safety, health and wellbeing of children in ECEC services;
 - (b) the quality of ECEC services and the educational and developmental outcomes for children attending ECEC services;
 - (c) the safety, pay and conditions of workers within the ECEC sector;
 - (d) the effectiveness of the regulatory framework for the ECEC sector, as applied in New South Wales;
 - (e) the effectiveness of the NSW ECEC Regulatory Authority;
 - (f) the collection, evaluation and publication of reliable data in relation to ECEC services and the level of public knowledge and access to information made available about each ECEC service;
 - (g) the availability and affordability of quality training institutions for early childhood education qualifications;
 - (h) the composition of the ECEC sector and the impact of government funding on the type and quality of services;
 - (i) the experiences of children with disability, and their parents and carers, in ECEC services; and
 - (j) any other related matters.
- (2) That the committee report by 31 March 2026.

*Bills***BAIL AMENDMENT (EXTENSION OF LIMITATION ON BAIL IN CERTAIN CIRCUMSTANCES)
BILL 2025****In Committee**

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There are four sheets of amendments. I have Opposition amendments Nos 1 to 5 on sheet c2025-058B, The Greens amendments Nos 1 and 2 on sheet c2025-060, The Greens amendment No. 1 on sheet c2025-059B and The Greens amendments Nos 1 and 2 on sheet c2025-043D. We will begin with the Opposition amendments.

The Hon. SUSAN CARTER (20:06): By leave: I move Opposition amendments Nos 1 and 2 on sheet c2025-058B in globo:

No. 1 **Additional bail conditions for grant of bail under Bail Act 2013, section 22C**

Page 3, Schedule 1, lines 2–4. Omit all words on the lines. Insert instead—

[1] **Section 22C Temporary limitation on bail for certain young persons in relation to certain serious offences**

Omit section 22C(1). Insert instead—

- (1) A bail authority must not grant bail to a relevant young person for a relevant offence alleged to have been committed while the young person is on bail for another relevant offence unless—
 - (a) the bail authority has a high degree of confidence the young person will not commit a serious indictable offence while on bail subject to any proposed bail conditions, and
 - (b) the bail authority grants bail subject to bail conditions that include—
 - (i) the imposition of a curfew on the relevant young person between the hours of 8pm and 6am, and
 - (ii) a requirement the relevant young person be subject to electronic monitoring by the Commissioner for Corrective Services in relation to the enforcement of the bail condition imposing a curfew and any other relevant bail conditions.

[1A] **Section 22C(3A) and (3B)**

Insert after section 22C(3)—

- (3A) If any of the following circumstances occur in relation to a young person subject to bail conditions under this section, the young person's bail is taken to have been revoked under this Act—
 - (a) the relevant young person fails to comply with the bail conditions,
 - (b) any further charges are laid against the relevant young person,
 - (c) there is any interference with the device used to electronically monitor the relevant young person.
- (3B) If a relevant young person's bail is revoked under subsection (3A), a further decision to grant bail to the young person for the same offence cannot be made unless—
 - (a) the failure to comply with bail conditions that resulted in the young person's bail being revoked under that subsection was a trivial failure, or
 - (b) exceptional circumstances apply.

[1B] **Section 22C(5)**

Omit the subsection. Insert instead—

No. 2 **Sunset date for Bail Act 2013, section 22C**

Page 3, Schedule 1[1], proposed section 22C(5), line 5. Omit "4 April 2028". Insert instead "1 October 2026".

Earlier I foreshadowed the content of these amendments. Amendment No. 1 preserves the test that has been inserted but seeks to ensure that where bail has been granted because the judicial officer has a high degree of confidence that the young person will not commit a serious indictable offence while on bail, that bail be subject to two conditions: the imposition of a curfew from 8.00 p.m. to 6.00 a.m., and electronic monitoring to ensure that curfew is followed. The imposition of a curfew on youth offenders is not novel. In fact, it is clear from the bail decisions that are published and that we have been able to review that the majority of bail decisions for young

offenders include either home detention or a curfew. The addition of electronic monitoring is a practical measure to make sure that curfew is enforced.

We have significant experience with the electronic monitoring of offenders on parole. We are confident that it works and that it has an impact on community safety. That is beneficial for two reasons. It is beneficial for the community if there are fewer youths committing crimes while they are on bail. It is also beneficial for the young offenders, because a revolving door of bail courts and engagement with the law is not good for the young persons either. It is important to note that we are not talking about young offenders who have pinched a packet of chewing gum at the check-out at Coles. Section 22C only applies to repeat offenders for serious crimes—either break and enter offences or stolen motor vehicle offences. That is the context in which we are proposing both the curfew and the electronic monitoring.

There has been significant community discussion about young offenders who repeatedly come before the bail courts. In fact, that is one of the issues that we are trying to address with the new item. Bail granted under section 22C will be revoked in one of three circumstances. The obvious circumstances are a failure to comply with bail conditions, and there is nothing novel about that; committing another crime, again, there is nothing novel about that; or if they have interfered with the electronic monitoring device. We have now had the opportunity to see how the courts are interpreting section 22C. We see that there is resistance by the judiciary to the application of this section, and I draw the attention of members to those cases that I discussed earlier.

Having regard to the way in which section 22C has been operating, the amendments strengthen the intent behind the section and hopefully provide a greater deterrent to this cohort of young offenders who are repeat, serious young offenders. I draw those to the attention of the Committee. I reiterate that we are discussing the two amendments together on the advice of the Clerks, but we will be voting on them separately. If members have any concerns about the first amendment but are attracted to the second, the amendments do not sit together. The second amendment is important. Essentially, we are saying that we agree that this is an extraordinary measure and therefore it should be a sunset measure, but it should sunset on 1 October 2026. Section 22C was originally introduced for a 12-month period, and it was said that that 12-month period would allow an evaluation.

The present bill seeks a three-year extension of that period. I take note of what the Minister said about the Department of Communities and Justice monitoring group and the range of stakeholders that are involved. It is good to know that this is being monitored, but sadly the fruits of that monitoring have not been brought to the Parliament and have not been made available to members. As far as I am aware, they have not been put in the public domain so that we can contest whether this is actually working. The point of bringing that sunset clause forward is to say that 2½ years should be a long enough period for us to evaluate this and to determine if it is working. I am also conscious of the remarks made by the Minister in relation to the nature of the wraparound services that are being made available. It is our observation that the initial rollout of those wraparound services in Moree has been very slow.

Our understanding was that Moree was essentially to be a pilot, which is why it was a Moree response, and then we could see if that total approach was working and look at what could be applied in other places where youth crime is particularly troubling. That simply has not happened. The Government provided a significant extension, a tripling of the initial period, and said, "Trust us. We are the Government. We will roll out these wraparound services. We will tell you how it is working. We will look at other places." Opposition members are a bit cynical. We would like a shorter time period so that we can have an evaluation and, frankly, so that the Government has that shorter time period right in front of its face all the time. It will know that is the deadline for the wraparound services. We do not want to push it off into the never-never. We want the total response now.

In terms of the rollout of services, I mention again the bail accommodation in Moree. It is encouraging to know that three groups have been identified, as far as the Minister is telling us today, that will run that accommodation. As far as I am aware, we still do not know where that accommodation is. One answer at budget estimates said that a tender was about to be opened, but another said that there was a building about to be purchased. There is a huge degree of uncertainty at the end of what was meant to be a trial period. There are very strong reasons for saying that a 2½-year period is long enough. We are deliberately setting a timeline that says that we want accountability to make sure that this is not just about stronger bail conditions; it is also about appropriate services. For those reasons, I encourage members to support both of the amendments.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:14): The Government opposes these amendments. Amendment No. 1 would impose both a curfew and electronic monitoring on young people who are subject to the test in section 22C as mandatory bail conditions. The amendment fails to recognise the need to assess the bail concerns and unacceptable risks that apply in each case and to impose conditions that are reasonably necessary to address those bail concerns. Restricting judicial discretion can lead to unjust and disproportionate outcomes. Each child has different needs, and different characteristics and criminogenic risks present different bail risks.

Conditions should be crafted to best address these. No exceptions are proposed to the mandatory curfew condition, even if a young person might need to attend prosocial activities that could continue past 8.00 p.m., like taking part in sport, which they could do in a supervised environment.

In August last year the Government announced a \$1 million package to address crime in Moree, as has been well ventilated, to support young people and improve community safety. Leaders across that community, including the mayor, are supportive of those actions, and having activities for young people in safe circumstances is a positive for the community. But this amendment would not provide for that. There are no exceptions proposed to the mandatory electronic monitoring condition, even if the young person involved has a cognitive impairment and is not able to understand the effect of that condition. The amendment also fails to recognise that children captured by section 22C and subsequently granted bail are already receiving strict conditions. Supreme Court bail decisions considering section 22C show that courts are not just imposing a curfew; they are imposing stronger conditions like home detention. The Opposition knows that children are already getting conditions that are stronger than what is proposed, yet they are proposing it anyway.

In relation to electronic monitoring, the proposed amendment is substantially and obviously different to the electronic monitoring condition that applies to people charged with serious domestic violence offences, which does not apply to children. It captures different alleged offending behaviour and does not have even close to the same evidence base or rationale for its application. We do not see any sound evidence to support the effectiveness of electronic monitoring of young people on bail. It can have a number of negative consequences that ultimately hamper rehabilitation and do not make our community safer.

Proposed new item [1A] provides that a young person's bail will be taken to be revoked if the young person breaches their bail, is charged with a further offence, or if there is any interference with the electronic monitoring device. It also proposes the bail authority cannot grant bail for the same offence unless the breach of bail was trivial or there are exceptional circumstances. This amendment simply states that the bail is taken to be revoked but does not clarify the operational implications and mechanisms. It is not clear whether a young person would be required to be brought back to court for bail to be formally refused, whether it is anticipated that a further bail or detention application would need to be made, or if it is proposed to bypass the court altogether. Police already have the power to bring a person back before the court if they breach their bail. Police also already have the power to make bail decisions for fresh offences if a person is charged with an offence while on bail.

The Government also opposes amendment No. 2. This amendment would extend the temporary bail test for 1½ years instead of three years. We do have to ask what is going on with the Opposition in relation to this. It says the test in section 22C is not strong enough and it wants to move amendments to strengthen it but, in the same argument, it wants a shorter sunset period so that the provision will cease operation in October next year. David Elliott was recently weighing in on this sunset debacle on 2GB and suggesting that the intention of this amendment was political and not, as we have heard, to solve the problem of youth crime. Speaking of the Opposition, he said:

But they are also at risk of having an internal fight in the public in the lead-up to the election because half of the Coalition wants to go red-hot hard on bail laws, particularly youth crime, and the other half of the Coalition, I can tell you as a fact, will want to water it down because they believe they will only win Teal seats on the North Shore of Sydney if they go easy on youth crime.

Those opposite do not know if they are coming or going on this, and that is an issue. We should not be surprised since it is public knowledge that members opposite are in a bit of disarray when it comes to their response to youth crime, and these amendments make it all the clearer. Last week *The Daily Telegraph* reported that the rift within the New South Wales Coalition over youth crime has deepened and the Coalition is in a civil war over it.

The Hon. Chris Rath: Point of order—

The Hon. TARA MORIARTY: I was waiting for it.

The CHAIR (The Hon. Rod Roberts): So was I, and I am glad the member is taking the point of order. I ask the Hon. Chris Rath to make his contribution short because I have already formed an opinion on what my ruling is going to be.

The Hon. Chris Rath: Mr Chair, you are far more learned than me about the standing orders. Obviously the Minister is straying very far from the amendments, and I ask that she be called back to the substance of them. That contribution should have been made in the second reading speech.

The CHAIR (The Hon. Rod Roberts): The Minister is a very experienced parliamentarian. She knows that the Committee of the Whole deals with amendments. Great latitude is given in a second reading debate, no doubt, but let us focus on the amendments before the Committee.

The Hon. TARA MORIARTY: I respect you greatly, Chair, but it was worth it. Being in disarray is something members should factor in when considering how to vote on the amendments. That is relevant to the

discussion. If members are going to come with serious arguments to a serious piece of legislation, that kind of split in the Opposition is relevant for members' consideration. The Government does not support the amendments.

The Hon. STEPHEN LAWRENCE (20:21): I make a brief contribution regarding Opposition amendment No. 1. This attempt to impose bail conditions of a high degree of specificity on children through an act of legislation rather than through the discretion of the court should be rejected. It is, I would suggest, quite absurd that the Parliament would see fit to impose a curfew between the hours of 8.00 p.m. and 6.00 a.m. upon an entire class of young people without exception. The Minister has stated that, but I add that the enforcement of curfews and electronic monitoring is done by the executive. Those resources are limited, and it is very common for an enforcement condition to be imposed as part of a curfew that allows, and sometimes requires, the police to go and enforce the curfew through inspections.

Every time we pass a law that requires police to do a particular thing in respect of a class of person, we are, in a very real way, stopping police from using their discretion to allocate resources as they see fit in order to protect the community. It is very absurd to do this in respect of this class of persons. The best body to decide who gets a curfew and who gets electronic monitoring is a court, which then takes into account all of the relevant circumstances. This would be an undue resource and administrative burden on the police and, in my view, would have really unfortunate consequences.

Ms SUE HIGGINSON (20:23): The Greens do not support Opposition amendment No. 1. I accept the attempt to try to avoid the refusal of bail as the other option but, frankly, I think it is traversing into some very dangerous territory, not so much for the resourcing argument that the Hon. Stephen Lawrence put forward, which is a valid proposition that members ought to consider and debate with rigor. I have had advice about the real implications of electronic monitoring. If someone is running around with an ankle bracelet, that puts that young person on display and disadvantages them from participating in all the things that we are saying young people should be participating in, such as football and other sports. I get that it is instead of bail refusal, but it is sliding into some very dangerous territory.

It is absolutely not appropriate to put curfews into the law. Curfews must be flexible, modifiable, reviewable and liftable, if they are applied at all. Bail is bail, and the bail authority is the appropriate issuer of bail, not members of this House. We are not a bail authority. Naturally, The Greens will support amendment No. 2. Anything that gets rid of the laws for good is a good thing. If a sunset clause is being proffered, we will go for it. We will take whatever we can get to bring the laws to an end and get them off the law books. They are a stain on our law books; they should not be there. It is a shame the amendment proposes 2½ years and not tomorrow.

I find the proposition that we should not do something because the Opposition might be in disarray really hard to listen to. All of it is politicking; all of this is about the election. Government members want the clause to sunset after the election and Opposition members want it before. Shame on all of you. Yes, that is politicising the issue, but that is what the bill all about. This is a moment of truth for all of us. An election will happen, and I hope neither Labor nor the Coalition get elected. If these are the kinds of laws they keep bringing to this place and supporting each other on, then shame on the lot of them. It will be a disaster for our young people, their families, our communities and this State, because we deserve better than locking up young people.

The Hon. SUSAN CARTER (20:26): I simply observe that the only reason the Government has for opposing a shorter sunset clause and not dealing with any of the substantive arguments that were made is that somebody who used to be in the other place said on 2GB that there were a few issues in our party. I sit in our party room and we have no disarray. We bring legislation that we agree on as a party and we argue in a unified way. We are very concerned about an open-ended cheque for the Government to keep putting things off without accountability.

The CHAIR (The Hon. Rod Roberts): Order! A request has been made that the questions on the amendments be put separately. Because there are some conflicts, I invite Ms Sue Higginson to move The Greens amendments Nos 1 and 2 on sheet c2025-043D before the question is put on Opposition amendments Nos 1 and 2.

Ms SUE HIGGINSON (20:27): By leave: I move The Greens amendments Nos 1 and 2 on sheet c2025-043D in globo:

No. 1 **Amendment of Bail Act 2013, section 22C(1) and (2)**

Page 3, Schedule 1, lines 2–5. Omit all words on the lines. Insert instead—

[1] **Section 22C Temporary limitation on bail for certain young persons in relation to certain serious offences**

Omit "a high degree of" from section 22C(1).

[1A] **Section 22C(1)**

Omit "serious indictable offence". Insert instead "relevant offence of the same type".

[1B] Section 22C(2)(b)

Omit "serious indictable". Insert instead "relevant".

[1C] Section 22C(2)(b)

Omit "offence.". Insert instead—

- offence, and
- (c) if bail is refused—consideration of the negative impacts on the wellbeing of the relevant young person, and
- (d) if bail is refused—consideration of the available bed space, and
- (e) consideration of available non-custodial options that would assist the relevant young person's compliance with bail conditions.

[1D] Section 22C(5)

Omit the subsection. Insert instead—

- (5) This section is repealed on 4 April 2026.

No. 2 Amendment of Bail Act 2013, section 22C(6) and review of section 22C

Page 3, Schedule 1. Insert before line 6—

[1E] Section 22C(6), definition of "motor theft offence", paragraph (a)

Insert "(1)(a)" after "154A".

[1F] Section 22C(6) definition of "relevant young person", paragraph (a)

Omit "14". Insert instead "16".

[1G] Section 22C(6), definition of "serious indictable offence"

Omit the definition. The Greens see these amendments as very reasonable and essential to mitigating the most harmful impacts of these terrible laws. If this Parliament insists on progressing a law that will lock up more vulnerable young people, predominantly First Nations children, these amendments provide an opportunity to reduce the worst of the injustice. Amendment No. 1 will remove the requirement that a bail authority must have a high degree of confidence that a young person will not commit a serious indictable offence. Instead, the test will require confidence—a standard that is well understood in law. The phrase "high degree of confidence" is untested and unclear. We are already hearing from judicial officers about it. It has no precedent in the bail laws, the crimes laws or any other criminal legislation.

Expecting police—often junior officers, particularly in rural and regional areas—to interpret a new, abstract legal standard is setting them up to fail. We have already seen appeals and struggles, and are hearing from very senior expert justices in relation to that standard. The result will no doubt be uneven application, confusion and more children kept in custody. There is an element of disgraceful aggravation in throwing an entirely new and draconian measure at young people and testing it on them, particularly when judicial officers are giving us all a tap on the shoulder about it.

The test is inconsistent with Australia's obligations under the Convention on the Rights of the Child, which is clear that detention must only be a measure of last resort. This Greens amendment restores a known, workable threshold that protects against unnecessary remand. The Attorney General has said that nobody wants to do this but it is necessary and we have to do it. That is simply not true. We could do so many things other than throw young people—mostly First Nations children—into remand before they have been convicted of any offence. When we do that, under the law we are literally incarcerating an innocent person. It is important that we do not turn this into something it is not.

The Greens amendment No. 2 on sheet c2025-043D goes to narrowing the scope of offences captured. It will narrow the application of the provisions to ensure that they only apply to the specific types of offending cited by the Premier—namely, serious property offences involving break and enters or motor vehicle offences. As drafted, the bill captures a vast array of offences that were never intended to fall within its scope, including low-level offences like shoplifting, minor property damage or assaults between siblings. Those are common in the Children's Court and should never be the basis for remanding a child or young person. Without this change, children could be refused bail because of concerns they might steal food while hungry or cause minor damage in out-of-home care, deepening cycles of disadvantage and incarceration.

The Greens amendment No. 1 on sheet c2025-043D will also require bail authorities to explicitly consider the negative impacts on the wellbeing of a young person if bail is refused. That is a simple, reasonable safeguard. The harm of remanding children is well known: separation from family, loss of education, exposure to trauma and increased likelihood of reoffending. Refusing bail should never be done without regard to those serious

consequences. The amendment ensures that reality is reflected in the decision-making process. The amendment also provides for requiring consideration of bed availability.

It would require the bail authority to consider whether there is a suitable bed available in the custodial system before refusing bail. I accept that, when I have spoken in budget estimates hearings to the Commissioner of Corrective Services or the acting Commissioner of Corrective Services and the Minister for Corrections and so forth, they say, "We have always got beds. It is okay." That may be the case, but where are those beds at any given time? And what are we actually doing? When we are making it mandatory to refuse bail, we should be requiring the bail authority to be considering bed availability.

Let us face it: Our youth detention system is overcrowded, unsafe and unfit. And it will get a whole lot more crowded. The latest reports from the Inspector of Custodial Services confirm this in no uncertain terms. Overcrowding exacerbates the harm, particularly for children with complex needs. Before sending a child into that environment, a bail authority must be certain of an appropriate place for them. This is basic, responsible government. Requiring the consideration of non-custodial options must be something that we implement here and now. This further amendment will require those considerations that could assist a young person to actually comply with bail conditions. Remember that what we are doing to children and young people is pushing them into a cycle of failure. That is what we do when we make these changes to our criminal laws. We put these young people further and deeper into the cycles of the criminal justice system and make it harder to get out.

Across New South Wales there are community-led programs that are proven to work, run by Aboriginal and non-Aboriginal organisations, youth services and therapeutic providers. These programs rehabilitate, prevent reoffending and save the State a heck of a lot of money. Yet they are chronically underfunded. We know the investment is so much better. It is such a better bang for the buck. I remember, directly relevant to this point, that in budget estimates hearings the expert within Youth Justice NSW gave evidence and said they know it is much more affordable to provide young people with diversionary programs, rehabilitation and therapeutic care than it is to incarcerate them. We are choosing the worst economic option for dealing with the current rates of youth crime, which have not spiked out of control. This amendment ensures that courts and police at least properly turn their minds to these alternatives before sending another child into custody.

Raising the age threshold for these harsh provisions from 14 to 16 years is an incredibly logical thing to do. It is a small but critical step. Even the Attorney General acknowledged recently that the age could be raised. There is no justification for exposing 14- and 15-year-olds, who are still legally minors, to this punitive regime. We are talking about largely First Nations young people. If this Parliament does nothing else, it should support this change. It is a matter of absolute basic evidence. It is what all of the youth justice experts have been calling for. It is the genuine circuit breaker. I know that the Attorney General uses that term. I think the Premier has used that term. But—to use that term in earnest and correctly in this field of expertise—the real circuit breaker is taking the criminal justice system away from troubled young people who need care, not custody.

On the whole, these amendments are reasonable. They make the bill a heck of a lot better and offer a chance to prevent the worst of its harm. They give this Parliament a choice: to either entrench injustice, or to build in the basic protections every young person deserves. As always, I urge members to support these amendments. If this Parliament is determined to proceed, let us at least do so with our eyes open to the real and lasting impacts these laws will have, and take these small, measured steps to prevent the worst impacts of these laws the Government has proposed before us.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:39): The Government opposes these amendments. Amendment No. 1 will change the threshold in the temporary bail test from requiring a high degree of confidence that a relevant young person will not commit a serious indictable offence whilst on bail, subject to any proposed bail conditions, which requires confidence that they will not commit a serious indictable offence. This considerably lowers the threshold in the temporary bail test and would mean that the additional threshold may not, in fact, have any real effect or impose any additional threshold of significance. The test was carefully developed to address a particular cohort of young people who may pose a greater risk to community safety as a result of repeat alleged offending while also avoiding, as much as possible, broad or unintended adverse consequences.

This amendment would undermine the intention of the test and that is why the Government cannot support it. Particularly in relation to new item [1A], this amendment would change the threshold test to require a bail authority to have a high degree of confidence that a relevant young person will not commit a further relevant offence of the same type on bail, instead of the current test of a further serious indictable offence. The effect of this amendment would be that a bail authority considering bail for a young person accused of a motor theft offence committed while on bail for a relevant offence would be required to consider only the likelihood of the young person committing a further motor theft offence, and not other types of serious offending. It would unduly limit

the types of offending risk that the bail decision-maker could take into account when making a bail decision under the new test and would undermine the intention of the test.

In relation to new item [1B], the amendment would mean that a bail authority can consider only whether bail conditions could address bail concerns, or risks the young person will commit the relevant offence. It would have the consequence that bail authorities could not consider whether bail conditions could address a bail concern that the young person will commit other types of serious offending and unduly limit the bail decision-maker. Specifically, in relation to new item [1C], the amendment would introduce a requirement into section 22C (2) that would require the bail authority to consider the negative impacts on the wellbeing of the relevant young person if bail is refused, the availability of bed space if bail is refused and available non-custodial options that would assist the relevant person's compliance with bail conditions before making a bail decision.

The temporary test targets a specific cohort of young people and specific categories of offending causing considerable community concern and the risk of reoffending. A court can already consider information about the wellbeing of a young person when considering a young person's bail application, including through the assessment of bail concerns under the unacceptable risk test. Practically, this amendment relating to bed space would necessitate the provision of real-time information about bed space to bail authorities when they are making decisions about bail, including to police who may be making these decisions outside normal working hours, along with information about the security classification of the relevant young person, which is simply not available or practical to require a bail authority to consider.

Finally, the amendment to consider non-custodial options is also not required. A bail authority is already able to consider available non-custodial options, particularly bail conditions, when making a bail decision, including when making a bail decision under the temporary bail test. The Government has explained why three years in relation to new item [1D] is also the appropriate extension, and an extension to one year is not sufficient—and we have covered that—because we need to continue the substantial progress on the work we are doing across government and with the community to address youth and regional crime broadly. I would argue we covered that in the debate on the previous amendment. The sunset date of 4 April 2026 will not be sufficient time for the broad set of community-based initiatives to become fully implemented.

As I have indicated, the Government also opposes amendment No. 2. It would narrow the definition of "motor theft offence" as it applies to the bail test so that only young people who take and drive a conveyance would be captured, not young people who knowingly drive a conveyance after somebody else stole it, and not passengers in stolen vehicles. That amendment is clearly contrary to the intention of the temporary bail test and would mean that passengers who knowingly travel in stolen cars or who knowingly drive stolen cars would not be captured. It would create an artificial distinction between the members of a group of people engaged in criminal behaviour collectively; therefore, it cannot be supported.

Item [1F] in The Greens amendment No. 2 regarding the definition of "relevant young person" and the age, that would be relevant. It redefines the meaning of "relevant young person" with the effect that the temporary bail test would only apply to young people aged between 16 and 18 rather than between 14 and 18 as it does at present. That would unduly narrow the application of the test, which was identified using BOCSAR data to ensure that it addressed the appropriate cohort, and it is still the appropriate cohort. In 2024 almost 90 per cent of young people charged with targeted offences of break and enter and motor vehicle theft fell in the 14 to 17 years age bracket. Therefore 14 to 17 is the appropriate age bracket and the amendment will not be supported.

The Hon. SUSAN CARTER (20:45): The Opposition opposes The Greens amendments. We agree with most of what the Government has outlined. We also believe that, having commenced this experiment, it is important to test it. If we change the parameters midstream, then any data we are collecting will not be an effective test, and we are opposed to that.

The CHAIR (The Hon. Rod Roberts): The Hon. Susan Carter has moved Opposition amendments Nos 1 and 2 on sheet c2025-058B. Ms Sue Higginson has moved The Greens amendments Nos 1 and 2 on sheet c2025-043D. I will put the questions separately. I inform members that if Opposition amendment Nos 1 or 2 get up, then The Greens amendment No. 1 will lapse. The question is that Opposition amendment No. 1 on sheet c2025-058B be agreed to.

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): The question is that Opposition amendment No. 2 on sheet c2025-058B be agreed to.

The Committee divided.

Ayes 16

Noes11
Majority.....5

AYES

Boyd	Higginson (teller)	Merton
Carter	Hurst	Munro
Cohn	MacDonald	Overall
Faehrmann	Maclaren-Jones	Rath (teller)
Farlow	Martin	Ruddick
Franklin		

NOES

Donnelly	Mihailuk	Primrose
Jackson	Moriarty	Sharpe
Kaine	Murphy (teller)	Suvaal
Lawrence	Nanva (teller)	

PAIRS

Barrett	Graham
Fang	D'Adam
Mitchell	Buttigieg
Tudehope	Houssos
Ward	Mookhey

Amendment agreed to.

The Greens amendment No. 1 lapsed.

The CHAIR (The Hon. Rod Roberts): The question now is that The Greens amendment No. 2 on sheet c2025-043D be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
Noes22
Majority.....17

AYES

Boyd	Faehrmann	Hurst (teller)
Cohn	Higginson (teller)	

NOES

Carter	Maclaren-Jones	Nanva (teller)
Donnelly	Martin	Overall
Farlow	Merton	Primrose
Franklin	Mihailuk	Rath (teller)
Jackson	Moriarty	Ruddick
Kaine	Munro	Sharpe
Lawrence	Murphy	Suvaal
MacDonald		

Amendment negatived.

The Hon. SUSAN CARTER (20:59): By leave: I move Opposition amendments Nos 3 to 5 on sheet c2025-058B in globo:

No. 3 **Reports from BOCSAR—consequential amendment**

Page 3, Schedule 1[2], line 6. Omit "Section". Insert instead "Sections 22CA and".

No. 4 **Reports from BOCSAR**

Page 3, Schedule 1[2]. Insert after line 7—

22CA**Reports from BOCSAR**

- (1) BOCSAR must, for each prescribed period, prepare a report about the operation of section 22C and related matters, including the following—
 - (a) the numbers of relevant offences committed during the prescribed period,
 - (b) the number of relevant offences for which the following persons were charged during the prescribed period—
 - (i) relevant young persons,
 - (ii) individuals who, at the time the relevant offences were alleged to have been committed by the individuals, were—
 - (A) at least 10 years of age, and
 - (B) less than 14 years of age,
 - (c) whether the relevant young persons or other individuals referred to in paragraph (b) were on bail at the time the relevant offences were alleged to have been committed and, if so, whether the bail was in relation to earlier charges for relevant offences,
 - (d) whether relevant young persons and other individuals referred to in paragraph (b) were granted bail in relation to the offences with which the young persons and other individuals were charged and, if so, details of the particular offences with which the relevant young persons and other individuals were charged,
 - (e) a comparison between the matters mentioned in paragraphs (a)–(d) during the equivalent period immediately before the commencement of section 22C and the prescribed period.
- (2) BOCSAR must, as soon as practicable after preparing each report, give the report to the Minister.
- (3) The Minister must ensure that a report received under subsection (2) is given to the Presiding Officer of each House of Parliament as soon as practicable after its receipt.
- (4) The Presiding Officer of a House of Parliament—
 - (a) must ensure the report is tabled on the first sitting day after the report's receipt, and
 - (b) may make the report public whether or not the House is in session and whether or not the report has been tabled in the House.
- (5) If a report is made public by the Presiding Officer of a House of Parliament before it is tabled in the House, the report attracts the same privileges and immunities as if the report had been tabled in the House.
- (6) To avoid doubt, this section, including any definitions in subsection (7), continues to apply despite the repeal of the *Bail Act 2013*, section 22C.
- (7) In this section—

BOCSAR means the Bureau of Crime Statistics and Research within the department in which this Act is administered.

prescribed period means—

 - (a) the period starting on the commencement of this section and ending 3 months after that date, or
 - (b) each period of 3 months starting on the date the last prescribed period ended.

relevant offence means—

 - (a) a motor theft offence within the meaning of section 22C, or
 - (b) a serious breaking and entering offence within the meaning of section 22C, or
 - (c) an offence against the *Crimes Act 1900*, section 154K, or
 - (d) another serious indictable offence within the meaning of section 22C.

relevant young person has the same meaning as in section 22C.

No. 5 **Long title**

Insert "; and to make other amendments to that Act for related purposes" after "that Act".

These amendments were well foreshadowed in my earlier speeches. I will speak briefly to amendment No. 5, I hope without confusing members, and then deal with amendment No. 4, which is the really substantive amendment. Amendment No. 5 is simply required to ensure that the long title indicates the true scope and purpose of the Act as it will be amended by these amendments. Amendment No. 4 concerns the meat of the amendments, which is that we want data.

In 2024 the original legislation was presented as a trial on which we would receive a report. I understand from the Minister that a Department of Communities and Justice working group has been looking at the legislation. That is very pleasing, but it is appropriate that we receive that information before this Parliament makes essential decisions about any further extensions. We should receive an understanding about what is happening from whoever has the capacity to look at the legislation. I note that the Hon. Stephen Lawrence has referred to the vast amounts of data available from the Bureau of Crime Statistics and Research. That is not the type of data that has been specified in the amendment. If the legislation is working, we need to understand how it is working and what impact it is having. Therefore, it is important to have access to that data. I encourage the Committee to support these amendments.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (21:01): The Government does not support the Opposition amendments. I will also address the amendments in reverse order, because that makes the most sense. Amendment No. 5 amends the long title of the bill. We understand the purpose of that is to facilitate other Opposition amendments, which we do not support. The Government also opposes amendment No. 4. The amendment agreed to in the other place means that the bill now contains a statutory review to be tabled as soon as practicable 12 months from the commencement of the measure in the bill. It makes it clear that the Bureau of Crime Statistics and Research will be consulted and will provide information to inform the review.

The Opposition amendment would instead insert a new section into the Bail Act 2013 that would require BOCSAR to prepare reports on the operation of section 22C at three-monthly intervals after the commencement of the section. It would require the reports to be tabled in Parliament, and for the reports to contain data about a number of specific matters. The Opposition moved a very similar amendment last year when the Government first introduced legislation to enact section 22C. At that time we made it clear why introducing such a provision would be problematic. Our view has not changed. We will not include provisions in legislation that require BOCSAR to provide data to Parliament at specific intervals and on specific matters.

The amendment would require extensive reporting on people not captured by the test in section 22C. It also requires comparative reporting as proposed by subsections 1 (c) to (e) of the amendment with no explanation about how that would inform Parliament about the effectiveness of section 22C. It is not clear why Opposition members think they know better than the experts at BOCSAR about how to measure that effectiveness. As a consequence, the Government does not support Opposition amendments Nos 3 to 5.

The Hon. SUSAN CARTER (21:03): I will respond. The Opposition has moved these amendments in the full knowledge of the amendment that was agreed to in the other place. We are aware that that amendment calls for a statutory review to be provided as soon as practicable after 12 months. We are still waiting for the statutory review of section 93Z, which is exactly why we are moving these amendments. We are conscious that we moved a very similar amendment when the 2024 legislation was introduced and at that time the Government said that this was not needed because it was for a 12-month period. It is clearly contemplated that these provisions will be for longer than a 12-month period. We need to receive data so that we can make proper assessments of this issue. We have seen examples recently where we have perhaps not been as fully informed as we could have been and have passed legislation. We are very determined to make sure that we know what we are doing in the future.

Ms SUE HIGGINSON (21:04): The Greens do not support the amendments. We made a contribution to debate on the first round of introducing these awful, draconian bail restriction laws and the Opposition moved a similar amendment at that point. Crime statistics are very specific and at the moment we have an expert body, the Bureau of Crime Statistics and Research. We know that crime statistics underpin so much of what we actually end up knowing about crime—real facts, real data. It is collected in a particular way. It is arranged in a particular way that is really well informed by the deeper concepts of criminology. It is not just grabbing numbers and putting them in places at different times. There is actually a real method behind this.

If we, as a Parliament, start requesting specific bits of data and that data is collected in a particular way, especially without having consulted with BOCSAR on whether that is appropriate at this point in time, we reach that next level of a bunch of people engaging in something they are simply not qualified to do. I do not say that disrespectfully. I say that coming from a point of not wanting to mess with something as important as actual data and facts. We are in a very dangerous era for messing with and telling experts about data and facts.

BOCSAR is fundamental to the way we understand what is happening on the streets, in homes and in towns around the State. It is incredibly important that we do not start requiring specific bits of data. Ultimately, with the way data is being sought and the way this would be arranged, we would be learning things about specific individuals and young people that could drive harm and have some serious perverse or unintended consequences. We should stay away from it. I say, though, that I do understand the intent of the member moving the amendment. We just do not agree with it and, therefore, will not be supporting it. In terms of the amendment to change the long title, we are not content with supporting that in this form.

The CHAIR (The Hon. Rod Roberts): The Hon. Susan Carter has moved Opposition amendments Nos 3 to 5 on sheet c2025-058B. The question is that the amendments be agreed to.

The Committee divided.

Ayes12
Noes15
Majority.....3

AYES

Carter
Farlow (teller)
Franklin
MacDonald

Maclaren-Jones
Martin
Merton
Mihailuk

Munro
Overall
Rath (teller)
Ruddick

NOES

Boyd
Buttigieg
Cohn
Donnelly
Faehrmann

Graham
Higginson
Hurst
Lawrence
Moriarty

Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

PAIRS

Barrett
Fang
Mitchell
Tudehope
Ward

D'Adam
Houssos
Jackson
Kaine
Mookhey

Amendments negatived.

Ms SUE HIGGINSON (21:16): By leave: I move The Greens amendments Nos 1 and 2 on sheet c2025-060 in globo:

No. 1 Review of operation of Bail Act 2013, section 22C—consequential amendment

Page 3, Schedule 1[2], line 6. Omit "Section". Insert instead "Sections 22CA and".

No. 2 Review of operation of Bail Act 2013, section 22C

Page 3, Schedule 1[2]. Insert after line 7—

22CA Review of operation of section 22C

- (1) The Minister must refer the operation of section 22C to Portfolio Committee No. 5—Justice and Communities to determine whether—
 - (a) the policy objectives of section 22C remain valid, and
 - (b) the terms of section 22C remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 12 months after the commencement of section 22C.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 18 months after the commencement of section 22C.
- (4) This section is repealed on 1 January 2026.

These awesome amendments in relation to the review would bring into scope better accountability, better oversight and genuine examination of the effect of the laws. The Government has a track record of rolling over

punitive laws and laws with sunset clauses. The bill is ultimately proof of that. I note the comments of the Hon. Susan Carter earlier about how even when a requirement to do a review is written into legislation, sometimes they do not happen. That is terribly disappointing. It is an insult to the legislative scheme when a Minister or the Executive is not doing what the law says they should be doing to review the laws. Without the amendments, the Parliament risks entrenching this regime indefinitely without proper scrutiny. Having Portfolio Committee No. 5 review the laws will ensure that the Attorney General is not the sole arbiter of whether they are working and will ensure that a review actually happens.

The Government claims six months is too soon to assess effectiveness, but it had no qualms in passing the laws in a two-week period. If law can be made in a fortnight, it can be reviewed in six months. The laws have been going for 12 months, and The Greens believe this is what the level of scrutiny should look like. The reality is young people are minute by minute, hour by hour, day by day and night by night being deprived of their liberty and being deprived of their opportunity to be a valued, participating member of our community who gets educated and gets to do what other kids are doing. Therefore, it is not a major impost to require these laws to be reviewed by a committee in the time the amendments require.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (21:19): The Government does not support the amendments. The Greens amendment No. 2 would require the Attorney General to refer the operation of section 22C to Portfolio Committee No. 5 for review. The amendment agreed to in the other place renders this amendment unnecessary. It inserts new section 22D to impose a requirement to review the operation of the amendments made by the bill as soon as possible after the period of 12 months from the commencement of the bill and that a report on the outcome of the bill must be tabled in each House of Parliament. The review will determine whether the object of the amendments remain valid and whether the terms remain appropriate for achieving the objectives. The Bureau of Crime Statistics and Research will be consulted and provide the relevant data to inform the review. In speaking to that amendment, the Attorney General in the other place made clear that it would include a considerable amount of relevant and important information. In light of that, the Government does not consider this amendment necessary.

The Hon. SUSAN CARTER (21:20): The Opposition finds The Greens amendment No. 2 attractive in many ways because we are very interested in appropriate review. We will not support the amendment at this time, but we are conscious that it is always open to this House to refer the matter to Portfolio Committee No. 5 at another time.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendments Nos 1 and 2 on sheet c2025-060. The question is that the amendments be agreed to.

The Committee divided.

Ayes6
Noes23
Majority.....17

AYES

Boyd
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst
Ruddick

NOES

Buttigieg
Carter
Donnelly
Farlow
Franklin
Graham
Jackson
Kaine

Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Moriarty
Munro

Murphy
Nanva (teller)
Overall
Primrose
Rath (teller)
Sharpe
Suvaal

Amendments negatived.

Ms SUE HIGGINSON (21:28): I move The Greens amendment No. 1 on sheet c2025-059B:

No. 1 **District Court may hear bail application in certain circumstances**

Page 3, Schedule 1. Insert after line 29—

[3] **Section 65 Powers specific to District Court**

Insert at the end of the section—

- (2) The District Court may hear a release application for an offence if bail for the offence has been refused by a Local Court, an authorised justice or a police officer.
- (3) The District Court may hear a detention application or variation application for an offence if a bail decision has been made by the Local Court, an authorised justice or a police officer. This amendment will empower the District Court to hear fresh bail applications following refusal in a local court. This simple but important reform will improve access to justice, particularly for people in rural and regional New South Wales, where the burden of the current system falls hardest. At present, anyone refused bail in the Local Court must apply to the Supreme Court for fresh consideration. That process is costly, slow and logistically out of reach for many, especially for First Nations people and those in remote communities. Preparing a Supreme Court bail application can take months and cost thousands of dollars and often excludes families and support people from the process. This is justice denied, not only justice delayed. It is a complete denial. The amendment provides a practical, fair and efficient alternative, allowing a fresh application to the District Court, often sitting in the same building or nearby.

Most members would know, surely—because they go into courts all the time, now that we are doing this—that at many regional courts there is a Local Court but no Supreme Court. There is one, in Sydney. But, in many of the regional centres, there is a District Court that consistently sits. The amendment would ensure that families have the opportunity to attend and legal representatives the ability to properly present matters without the crushing costs and delays of the Supreme Court. This change will ease the workload of the Supreme Court; reduce pressure on Legal Aid and the Aboriginal Legal Service, which is always starved of the funding it needs; and avoid unnecessary remand, where too many people, including young and vulnerable people, are today. The human and financial cost of unnecessary remand is enormous. It is not just to keep people incarcerated simply because the system makes it too hard to review their bail or deny them the ability to make a fresh application.

This amendment is about fairness, efficiency and improving access to justice, particularly for those in the bush and First Nations people, who are over-represented in the system. This notion has been posited by experts, by people who actually are using and have used the system, including people who have administered the bail court system. This is a really important amendment. It would be an immediate and much-needed response to the concerning increase in the remand population. The most recent statistics show that 76.4 per cent of the youth prison population is remanded. I urge members to actually do something good here and support this amendment. The notion of access to justice, surely, must be fundamental. If you are locking kids up, you should make sure they can access court to have their bail applications heard.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (21:32): The Government opposes this amendment. The amendment seeks to amend a provision of the Bail Act entirely unrelated to the bill before the Committee today. Not only is it not limited to the issue of the extension of 22C; it is not limited to section 22C at all. The amendment seeks to grant power to the District Court to hear release and detention applications, akin to the power of the Supreme Court. This is a substantial and significant change that carries a number of risks and may give rise to a number of issues. It is not clear whether a person would need to exhaust the new District Court avenue before lodging a detention or release application to the Supreme Court and what impact the outcome of a District Court application would have on someone seeking to pursue also a Supreme Court bail application.

The amendment also risks adding to the complexity of bail processes in this State and delaying justice by creating a substantial amount of additional work for the District Court. The proposed power to allow the District Court to hear release applications is not limited to young people but would apply to any bail refusal in the Local Court. This could have tremendous financial and resourcing implications for the District Court. It is likely to increase its workload significantly and impact its capacity to conduct its regular work, including sexual assault and child sexual assault trials. In the Government's view the amendment is too wide, is too complex and has significant operational and financial implications that have not been considered in relation to this very specific and very limited bill. The Government opposes the amendment.

The Hon. SUSAN CARTER (21:34): The Opposition also opposes the amendment. I recognise the concept of access to justice and the really important ideas that underlie the amendment. The Opposition has similar concerns to those expressed by the Government in terms of how it would relate to Supreme Court bail, and we are concerned that perhaps it might end up adding a third layer of appeal and then a third issue of cost. It may make it too complex for most people to achieve that access, but we would be happy to look at other access ideas that could facilitate it.

Ms SUE HIGGINSON (21:35): I state for the record the practical implications of this. It is known that often District Court judges have to sit and then retire. They have to wait. The practical realities of the way a

regional court works, with the Local Court and the District Court, is that there is often scope for local matters to be dealt with by the District Court and the movement of those matters in a court complex. In the District Court, juries may be out deliberating or the court may be between matters. There is always scope to manage those matters. The amendment was genuinely considered, thought about and developed for the way our court system works right now. There was nothing flippant about it. As I said in my earlier contribution, this amendment was developed with expertise of how every local and district court in this State works right now. Whilst it is clear that the amendment will not be agreed to on this occasion, I really hope the Attorney General gives this concept deeper thought and consideration. Right now our justice system needs some really good new ideas, and this is one of them.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2025-059B. The question is that amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes6
Noes22
Majority.....16

AYES

Boyd
Cohn

Faehrmann (teller)
Higginson (teller)

Hurst
Ruddick

NOES

Buttigieg
Carter
Donnelly
Farlow
Franklin
Jackson
Kaine
Lawrence

MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Moriarty
Munro

Murphy
Nanva (teller)
Overall
Primrose
Rath (teller)
Sharpe
Suvaal

Amendment negatived.

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

Motion agreed to.

The Hon. TARA MORIARTY: I move:

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

Motion agreed to.

Adoption of Report

The Hon. TARA MORIARTY: On behalf of the Hon. Daniel Mookhey: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. TARA MORIARTY: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

The PRESIDENT: Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes22
Noes5

Majority.....17

AYES

Buttigieg	Maclaren-Jones	Nanva (teller)
Carter	Martin	Overall
Donnelly	Merton	Primrose
Farlow	Mihailuk	Rath
Jackson	Moriarty	Roberts
Kaine	Munro	Sharpe
Lawrence	Murphy (teller)	Suvaal
MacDonald		

NOES

Boyd	Faehrmann	Hurst (teller)
Cohn	Higginson (teller)	

Motion agreed to.*Adjournment Debate***ADJOURNMENT****The Hon. TARA MORIARTY:** I move:

That this House do now adjourn.

STATE POLITICS

The Hon. SCOTT FARLOW (21:45): Earlier this week I was interviewed on the eve of the 10-year anniversary of my election to this place. They say, "May you live in interesting times." Much has happened in that decade. There have been four Premiers and four Prime Ministers during that time and four leaders of my party, at both the State and Federal level. There have been droughts, fires and floods, a once-in-a-century pandemic, and a change of government in both New South Wales and federally. On the personal front, we have welcomed our daughter, Colette, to the world, who was present at my inaugural speech in utero, unbeknownst to anyone other than my wife, Penny, and I. She was alluded to in the speech when I said:

Together Penny and I have created what will always be our greatest achievement, our son, Christian, whom I love more than words can describe. I hope and pray he will never be alone.

Sadly as well, during that past decade we have also farewelled my wife's grandmother Nancy, and my grandmothers, Beryl and Elsie. Today, in fact, marks seven years since my nan Elsie passed. With any anniversary, it is always a good moment to reflect. With 10 years, I think back to my inaugural speech in this Chamber, one I am often reminded of as I am introduced at a function, as it is so commonly read to inform your story, assess your vision and determine what drives you forward.

A former Liberal Party stalwart in the Hunter, Bob Geoghegan, advised me before my inaugural speech to not read other inaugural speeches but to read the valedictory of Liz Kernohan, as inaugural speeches were devoid of the harsh reality of politics while valedictories are illuminating in the reality of what is to come. Sadly, during that time Bob too has passed, but his words have always been a prescient reminder and have remained alive in me to be mindful of the realities that we face in this job. With 10 years behind us, I think it is time to make an assessment of some of the ideas that I flagged in my inaugural speech, whether they are still relevant, and the realities of the times and politics.

From the outset, I still remain fervently committed to limited government. I stand by Mill's view "of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs", and I still believe that "the best form of welfare is a job, the best housing policy is the one that allows individuals and families to provide for their own accommodation, and the best form of insurance is the family unit and its broader network". When it comes to State's rights and addressing the vertical fiscal imbalance, I still believe it is an issue that we need to address, and I regret that we have not. It has not been due to a lack of intention, though. As Parliamentary Secretary to then Treasurer Perrottet, I was pleased to be intimately involved with the Federal Financial Relations Review, chaired by David Thodey. That work commenced in 2019 with great optimism about what could be achieved at a time when there would not be a New South Wales, Victorian or Federal election for three years and the window that would provide for reform.

The discussion paper was released in October 2019, and then, unfortunately, a once-in-a-lifetime pandemic came along and the challenges facing government became more pressing and immediate. The draft and final report were both released in 2020, following the advent of COVID, and both focused on addressing the road to recovery. While the report made several excellent recommendations, at that time there was not the bandwidth to address those reforms across governments when considering the pressing requirements of all governments during that time. It is certainly an area we need to revisit.

During that time of COVID, though, the importance of the States became evident. The States are the service delivery arm of government. It is the States that people interact with on a daily basis, and, because of this, it is where governments impact people's lives the most and reform can have the greatest impact on our society. During the past decade, I have seen the transformation of our State. Whether it be the delivery of the WestConnex that I championed, having grown up next to the exit of the M4 at Strathfield—when I was a kid, it would take 45 minutes to get to the airport, trundling through the back streets of the inner west; now it takes 12 minutes along WestConnex—or the advent of a metro system that has transformed Sydney, we see the transformational nature of infrastructure that governments that I was a part of invested in.

In my inaugural speech, I called for transparency websites, to give citizens and taxpayers an insight into how governments spend their money. It was as valid then as it is now. With the advent of artificial intelligence, there is no doubt that such a system could be even more effective. There is an opportunity to be more transparent with government spending and shine a light on waste, indulgence and corruption. A recent Resolve Political Monitor poll found that the strongest support for a Trump administration policy being applied in Australia was 51 per cent for cutting waste from the public service, with only 19 per cent against it.

I am pleased to see that Peter Dutton has appointed Jacinta Price as shadow Minister for Government Efficiency in the Federal Coalition. I hope that kind of transparency is an initiative that is embraced by a future Coalition government. I still detest payroll tax. I am glad that we have reduced payroll tax over the past decade. In 2015, when I was elected, the payroll tax threshold was \$750,000; it now stands at \$1.2 million. That has meant a significant reduction in tax for many small businesses. Under this Government, we unfortunately have not seen any increase in the tax-free threshold. I hope that is something that the Treasurer will be changing in the forthcoming budget.

FREE TRADE

The Hon. TAYLOR MARTIN (21:50): To just about anyone educated from the 1970s onwards, "tariff" is a dirty word. One just has to think about how much effort the world has gone to over the past 50 years to unwind them piece by piece, with hundreds, if not thousands, of free trade agreements put in place after so much back and forth between officials. It now seems that Francis Fukuyama may have declared the end of history too soon, with the world entering a new era of MAGA-nomics after the introduction of Trump's tariffs, with no exemptions for anyone, not even for allies and the United States' uber-friendly neighbour Canada. As other Western countries come to terms with the sudden surge of uncertainty coming from the world's largest economy, and as we bunker down for the next four years of having a "narcissist-in-chief" who signs whatever executive orders spring to mind, we must all—not just policymakers but every citizen going about their day, purchasing goods and services—realise that history is not over.

The debate on free trade, which was once settled, is now open slather. We must deal in reality. At the micro level, individuals should now consider deliberate choices, such as buying Australian owned and made where possible. At the macro level, we should ensure that we engage with like-minded countries and trading blocs as we all get used to what may unfortunately become a "new normal" of those seeking policy certainty, enabling markets to function the way they should and efficiently allocating resources, while, on the other side of the ledger, there are those who utilise or abuse the leverage that the competitive advantages of their nation affords them.

Why are we having to deal with this now? Ever since the end of World War II, the United States has spearheaded free trade and initiated so many free trade agreements. In fact, in 2020 Donald Trump himself negotiated a new agreement with Canada and Mexico, but we now see a different attitude from the same man. When the subject came to the fore during last year's United States election campaign, I first thought that it was the usual pre-election strategy of targeting those Midwest and swing states critical to any United States election. I thought it may also be a form of ultranationalistic jingoism, a populist us-versus-them mentality that helped Trump attain such a romping win, which included winning the popular vote—a rare feat for a Republican candidate.

Once elected, I thought it may have been a way to supplement the tax take, diversifying away from taxing United States taxpayers' income and capital gains with a third stream: taxing foreigners by way of tariffs on imports into the United States. Let us not forget that it is all in the context of an enormous, almost unpayable, federal debt of over \$36.6 trillion and growing. Possibly the simplest explanation is the most likely to be true, as

per Occam's razor. On that, I reflect on the words of the former Republican Speaker of the House of Representatives, Paul Ryan. A little over 18 months ago, the former Speaker characterised the now President as "a populist, authoritarian narcissist". He went further to give his assessment on Trump's motivations, saying:

All of his tendencies are basically where narcissism takes him, which is whatever makes him popular, makes him feel good at any given moment ... He doesn't think in classical liberal-conservative terms. He thinks in an authoritarian way. And he's been able to get a big chunk of the Republican base to follow him because he's the culture warrior.

That is a view that is hard to disagree with, no matter which side of the political spectrum one sits on. Next week, the Australian Federal budget will be handed down before an election. We know a large part of the coverage will focus on a renewed push for Australian made goods. In previous years, that might have been seen by those from the centre-right of politics, like me, as a typical Labor hat tip towards union jobs and the manufacturing base that largely underpins them. But even before Trump's tariff brain fart, the supply shortages five years ago during COVID should have been a wake-up call that local supply chains cannot be ignored, and that support from our closest allies can be shut down on a whim. When the facts change, we have to change. The world has changed, and we must deal in reality. Favouring Australian made goods will take on more importance than it has at any time since the end of World War II. The end of history did not come with the end of the Cold War, the fall of the Berlin Wall and widespread globalisation. We must adapt to whatever may come next.

CLIMATE CHANGE

The Hon. PETER PRIMROSE (21:55): Alan Kohler is a finance presenter and columnist for ABC News. He also writes for *Intelligent Investor*. He recently wrote of an important event that took place at a fire station in a tiny village between Pittsburgh and Cleveland in the United States of America, and about why it was important for Australia. That was the site chosen by Lee Zeldin, the new head of the United States Environmental Protection Agency [EPA], to announce that he was "driving a dagger through the heart of climate change religion". Zeldin announced that the United States of America is rolling back 31 environmental rules, including the EPA's 2009 finding that greenhouse gases endanger public health and welfare. In short, America is abandoning climate action.

Kohler argued that the global effort to prevent climate change—which began with COP1 in Berlin in 1995 and peaked two years later with a burst of optimism in Kyoto—is pretty much over. There are two other reasons for that. Firstly, China talks a big game about renewable energy. China is taking action, but it is also frantically building coal-fired power stations. Last year it added 100 gigawatts of coal capacity, which is five times Australia's entire coal-fired capacity. Another 94.5 gigawatts is under construction and 66.7 gigawatts more has been approved. Secondly, to reach net zero, at least two billion tonnes of carbon—possibly as much as five billion—will have to be sequestered in new trees. Yet there simply will not be enough new trees planted. Many organisations that supply emitting companies with offset certificates are getting away with saying that a tree not cut down is the same as a tree.

Current policies and pledges put the world on track for around 2.5 to 3 degrees Celsius of warming, but if emissions remain high and predicted tipping points are reached, 4 degrees Celsius is likely later this century. Kohler says that, for Australia, warming of 3 to 4 degrees Celsius would see the complete destruction of the Great Barrier Reef, constant flooding of south-east Queensland and northern New South Wales, cyclones as far south as Coffs Harbour, frequent bushfires everywhere else, and a massive refugee flood as Bangladesh and the Pacific Islands are inundated. Apart from the refugees, preparing for that risk is largely a matter of infrastructure and insurance—in other words, money.

About 25 per cent of Queensland households are currently uninsured, according to the Actuaries Institute. As premiums rise, that number will increase. In south-east Queensland, 70 per cent of houses were built before the 1970s. All of them are in Region B of the National Construction Code, which means they are not built to withstand a category 2 cyclone. If Cyclone Alfred had not become a tropical low before hitting the Queensland coast, many thousands of families would have been financially ruined. The next category 2 cyclone, or the one after that, could remain category 2. Separately, almost all households in Australia are underinsured because of the roughly 40 per cent to 50 per cent rise in building costs since the pandemic.

As Cyclone Alfred was peaking in the Coral Sea in late February, the Insurance Council of Australia [ICA] released a new report titled *Advancing Australia's Resilience*. It recommended \$30 billion of infrastructure spending to deliver new critical flood defence infrastructure, strengthen properties in harm's way, manage relocation and future-proof existing flood mitigation infrastructure. The ICA is talking mainly about floods, which it says are the second biggest component of insurance premiums. Tax is the biggest—GST and stamp duty. The \$30 billion would be spent building levees along riverbanks and around towns, raising houses onto stilts and simply helping families move out of flood plains by buying their unsaleable properties—that is, reducing risk and so lowering premiums and getting more houses insured. But Kohler says the reality is that without that kind of spending, and probably much more, it will become impossible to live in many parts of regional Australia. His

conclusion is that we had better all hope that the whole scientific community worldwide is wrong, and that climate change really is just a woke scam religion.

FOOTBALL IN SCHOOLS PROGRAM

The Hon. TANIA MIHAILUK (22:00): Football is the sport with the highest participation rate in New South Wales, with roughly 230,000 players affiliated with Football NSW and 54,000 with Northern NSW Football. Those numbers are very positive, given the significant health and social benefits of children and adults playing sport. During the recent budget estimates hearings, after examining the reportable political donations made to the NSW Labor party in the 2022-23 financial year, and cross-referencing with the recipients of grant funding in the Government's budget papers, it became apparent to me that reportable Labor political donors in the Sport portfolio were receiving millions of New South Wales taxpayers' dollars in the form of the discretionary Football in Schools grant.

In a September 2023 media release issued by the Minister for Education and Early Learning, the Hon. Prue Car, and the Minister for Sport, the Hon. Stephen Kamper, a \$14.5 million grant to Macarthur Football Club and Western Sydney Wanderers was announced. The media release from our Ministers failed to highlight the following reportable donations made to Sussex Street: Macarthur Football Club donated \$4,460 to NSW Labor, with nil to any other party, and Western Sydney Wanderers donated money to a couple of members of Parliament, Stephen Bali and Hugh McDermott, with nil to any other party. While still in opposition, NSW Labor made an election commitment of \$8 million over four years to fund its political donor Macarthur Football Club's school program. Macarthur Football Club charges boys and girls in south-west Sydney up to \$3,000 to play in their boys and girls national premier league youth teams. That was of particular interest to me, given that the then Labor candidates for Leppington and Liverpool, Nathan Hagarty and Charishma Kaliyanda, were quoted in the announcement of the funding on the Macarthur Football Club website. All of that sounds peculiar, until we start joining the dots.

Also included in the list of reportable political donors to NSW Labor was the Southern Districts Soccer Football Association, a not-for-profit association that collects admin fees or levies from every single affiliated local soccer club and player within the Liverpool and Fairfield local government areas. They donated \$5,720 to NSW Labor, \$3,300 to Nathan Hagarty as the candidate and \$3,300 to Charishma Kaliyanda, with nil to any other political party. Liverpool Olympic Sports and Social Club Limited, which is affiliated to Southern Districts Soccer Football Association, also donated \$1,100 to Charishma Kaliyanda and \$1,280 to Nathan Hagarty. Those are large amounts of money for any entity to be donating to a political party, let alone a not-for-profit association that exists to organise local soccer.

Local soccer clubs within the electorates of Leppington and Liverpool operate on a cost-recovery basis and are volunteer run. To break even after paying all their admin fees and levies as well as buying soccer equipment, clubs charge around \$400 per child to play soccer. I wonder if the member for Leppington and the member for Liverpool will come out and explain to the mums and dads at Liverpool Olympic that part of their \$400-plus soccer registration fee, which is also sent to the Southern Districts Soccer Football Association in the form of affiliation fees and levies, was then funnelled through to both Sussex Street and its political campaign?

Of course, sporting clubs and associations are not prohibited donors in our State. I am also aware that community- and council-run sporting grounds always seem to miss out on the big-ticket infrastructure items when it comes to the Minns Government. But I believe that where there is smoke, there is fire. In south-west Sydney, it is apparent that certain forces within the Labor Party were influencing those local soccer clubs and associations to funnel political donations into Sussex Street and marginal Labor electorates by promising them grant funding or infrastructure upgrades. The Office of Sport waxes lyrical that cost and facilities are two of the greatest barriers to increasing our community level sporting participation rates. Donating to the Labor Party should not be the way those barriers are addressed. During budget estimates, Minister Kamper stated that he was none the wiser, deflected to his office and took matters on notice. However, what I found disturbing was the following statement from Acting Chief Executive of the Office of Sport Adam Berry:

...the New South Wales Government grants guide and the Office of Sport's own grants policy both require the declaration of any conflict of interest, but they do not specifically require declarations of political donations.

This is a glaring policy black hole that must be rectified as a matter of urgency. When cost continues to be the greatest barrier to kids experiencing the joys of community sport, are we really at the point where local clubs, lest they miss out on funding for new projects, are either compelled or feel compelled to donate to the New South Wales Labor Party or local Labor candidates desperate to win marginal seats? New South Wales parents and, of course, their children deserve so much better.

NORTH MACEDONIA NIGHTCLUB FIRE

TRIBUTE TO DANIEL LONG

The Hon. MARK BUTTIGIEG (22:05): I bring to the attention of the House a very distressing incident in the Republic of North Macedonia this week. In the early hours of the morning of Sunday 16 March, a nightclub in Kočani caught fire, leading to the deaths of at least 59 people and injuring over 150 more. The youngest reported person hurt was only 16. Since the critical incident, it has been reported that the club did not have a legal licence and was at double capacity at the time of the fire. There was only one emergency exit, which had been locked, and there was insufficient fire safety equipment available. I note that a number of arrests have taken place in the days since the incident. I know this horrific event is being felt locally in our Macedonian community. I have read of at least one Australian who lost a relative in the fire. I acknowledge their pain and loss and send my best regards to the Macedonian community, both locally and overseas, during this difficult time. I thank the president of the Australian Macedonian Council of New South Wales, Dame Temelkoski, for all of the work he has been doing on this important matter.

I also pay tribute to Daniel "Dan" Long, who recently passed away. Dan was an incredibly well-respected and committed member of the Labor Party. He was looked up to and known well in the labour movement around the Sutherland Shire. Dan was a member of the Miranda branch and, along with his wife of 75 years, Anne, worked hard on many campaigns in the local area. In fact, Dan was one of the longest-living members and supporters of Labor. He died just before his 105th birthday. Dan was born in 1920 in Great Britain and moved to Australia in the '60s. He strongly advocated for peace, having served in the army during World War II, including as part of the D-Day landing in France and then into Belgium, the Netherlands and Germany. The *St George and Sutherland Shire Leader* interviewed Dan close to Anzac Day last year, and he told his stories of the horrors of war. He was quoted as saying:

There should never be world wars again. War is the worst thing and I would like the younger generation to make peace their priority.

That is an important message worthy of the Parliament's acknowledgement. I also note that Dan received a special medal from the Kogarah RSL Sub-Branch for his service last year, a well-deserved honour. Dan believed strongly in the right to a fair go, and he was passionate about social justice, influenced by his experience growing up during the Great Depression. Dan inspired so many people in the labour movement. He was a true believer and will be greatly missed. I send my deepest condolences to Dan's family, including his children, grandchildren and great-grandchildren, whom I know he loved very much.

I knew Dan quite well. He helped on the three campaigns I ran in the Sutherland Shire. I ran for the seat of Cook in 2004 and 2007, and I was eventually elected to local council in 2008. Dan was a very dedicated Labor person who believed in the ideals of the labour movement. He was a guy you could always rely on and look up to. Clearly, he had grown up with the experience of war and an absence of means. He was a cook in the army—a very good cook. I went to his place for dinner on many lovely occasions. He would have us around and we would talk all night about Labor politics. He would attend anything that was happening with the Labor Party, not just branches but doorknocking, campaigning and putting up posters—even at the age of 90. As I said earlier, he lived to be 105 years old. He was a truly lovely, gentlemanly fellow. His lovely wife, Anne, passed away years earlier. They were some of the nicest people one could ever hope to be associated with, meet and have in one's life. He was a beautiful man who lived a very worthy life and will always be remembered. Vale, Daniel Long.

ARTIFICIAL INTELLIGENCE

The Hon. JACQUI MUNRO (22:09): We are slipping into a low-trust era, with existential changes staring at us through our screens, our neighbours and our ecosystem. Using Yuval Noah Harari's thesis that the transfer of information is at the core of our social and therefore economic functioning, the digital age of AI presents a unique challenge. More information, he asserts, is no longer an automatic pathway to truth or reality—that is, the idea that we simply continue to fight bad ideas or false information with more information is now outdated, and maybe it was always a bit of a furphy.

He offers examples of the witch trials across Europe in the fifteenth, sixteenth and seventeenth centuries, where fabricated, malicious and even hysterical evidence offered as proof of witchcraft added to the information flying around but did not put us on a path of greater knowledge about the existence of witchcraft. What did get us to a place of public scepticism and an eventual rejection of the concept were appeals to courts and judges to not admit evidence that was provided under duress or had little substantiation beyond an anecdotal report. It was a trust in an institution, the judiciary, that eventually allowed progress to occur amongst a tangled and dense web of information that was fundamentally untrue.

Liberal democracies emerged through a trust in particular institutions, including the judiciary, that provided scrutiny over the other key institutions. They had responsibilities to inquire scientifically with apolitical curiosity,

to hold individuals to account for their behaviour according to a set of agreed principles, to act on the will of the population and be granted power to serve by the public, and to investigate power and report widely. Those institutions are universities, the judiciary, parliaments and the media. The combination of those institutions coupled with the free flow of information with and without government bureaucracy has provided a bulwark against authoritarianism and communism. Humans have created those entities to embed a sense of shared reality. They are mechanisms that embed self-correction into a system of public accountability.

Liberal democracies are naturally and fundamentally complex. They encourage information to flow outside the constraints and the eye of government, with individuals building networks and linkages between communities, companies and families with minimal State interference. In a digital age, AI and data collection in management, where the free flow of information is more intense and plentiful than ever before, presents a real puzzle for citizens and politicians. It also presents us with a question that goes something like this: How do we build a society and an economy with the self-correcting mechanisms that embed a sense of trust and shared reality among citizens?

The scary reality at this point—and Harari also asserts as much—is that countries with centralised systems of government are better equipped to manage information flows in a way that minimises complexity. That could be anything from the Stasi in East Germany to the Chinese Communist Party of today. The obvious problem is that this centralisation leads inevitably to government overreach, citizen surveillance, coercion and totalitarianism. We see the social credit system in China as an obvious example of that. With its new ways to surveil, influence and control, we also face the reality that AI has the power to hack our psychology in ways that we are powerless to resist. Things like pokies, based on algorithms that are designed to ensnare the senses so that we lose track of space and time, already provide perfectly timed dopamine hits to keep us engaged. We are now well past that level of sophistication in technology, data collection and data use through AI—for example, deepfake videos of dead politicians in India.

We are literally powerless to prevent the influence of those videos on our psychology. Even if we know that a politician is no longer alive, and we hear a message from a source that we may or may not trust, that embeds the sense that we already hold that the piece of information is true or untrue depending on who says it. In that context, the particular problems that the Edelman Trust Barometer shows in Australia mean that we need to create institutions, particularly as elected representatives, that are equipped to deal with the new reality and to build a shared reality in the digital age of AI.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 22:15 until Tuesday 25 March 2025 at 12:30.