

# LEGISLATIVE COUNCIL

**Tuesday 25 March 2025**

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

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

*Governor*

## ADMINISTRATION OF THE GOVERNMENT

**The PRESIDENT:** I report receipt of a message regarding the administration of the Government.

*Documents*

## SMALL BUSINESS COMMISSIONER

### Reports

**The PRESIDENT:** According to the Small Business Commissioner Act 2013, I table a report of the Small Business Commissioner for the year ended 31 December 2024, received out of session and made public on 21 March 2025.

*Members*

## THE HON. EMMA HURST

**The PRESIDENT:** I make an important announcement that today is the birthday of the Hon. Emma Hurst. I wish her a happy birthday.

*Motions*

## RIDESHARE SAFETY

**The Hon. TANIA MIHAILUK (12:33):** I seek leave to amend private members' business item No. 1780 standing in my name on today's *Notice Paper* by omitting paragraph (2) and inserting instead:

- (2) That this House calls on the Government to examine:
  - (a) prioritising protecting unaccompanied minors using point to point transport by amending the Child Protection (Working with Children) Act 2012 to ensure that all drivers with a passenger transport licence code have a Working with Children Check clearance;
  - (b) developing a policy or guidelines to protect unaccompanied minors using point to point transport; and
  - (c) ensuring that rideshare operators are required to validate the age of users on their platforms.

**Leave granted.**

**The Hon. TANIA MIHAILUK:** Accordingly, I move:

- (1) That this House notes that:
  - (a) neither Transport for NSW nor the Point to Point Transport Commission collate or seek data on how many of more than 170,000 rideshare drivers in New South Wales have a Working with Children Check clearance;
  - (b) neither Transport for NSW nor the Point to Point Transport Commission have an unaccompanied children policy or guidelines for point to point transport in New South Wales;
  - (c) point to point drivers in Tasmania are required by the Tasmanian Government to obtain the Tasmanian equivalent of the New South Wales Working with Children Check but this is not the case in New South Wales;
  - (d) of the 68 million point to point trips undertaken by over 170,000 drivers in New South Wales every year, many of these trips include unaccompanied children in single or shared rides; and
  - (e) the Government has failed to require point to point operators to verify that its users are over the age of 18 in New South Wales.
- (2) That this House calls on the Government to examine:

- (a) prioritising protecting unaccompanied minors using point to point transport by amending the Child Protection (Working with Children) Act 2012 to ensure that all drivers with a passenger transport licence code have a Working with Children Check clearance;
- (b) developing a policy or guidelines to protect unaccompanied minors using point to point transport; and
- (c) ensuring that rideshare operators are required to validate the age of users on their platforms.

**Motion agreed to.**

### **TRIBUTE TO BRUCE MACCARTHY, FORMER MEMBER FOR STRATHFIELD**

**The Hon. SCOTT FARLOW (12:34):** I move:

- (1) That this House honours the life and contributions of the former member for Strathfield Mr Bruce Edward MacCarthy, who passed away on 25 February 2025.
- (2) That this House notes that Mr MacCarthy:
  - (a) served as the member for Strathfield in the New South Wales Legislative Assembly from 1996 to 1999;
  - (b) was born in Denistone on 15 October 1948 and attended Homebush Boys High School, later earning degrees in pure mathematics and public finance;
  - (c) dedicated his career to public service, joining the Liberal Party in 1967 and holding numerous leadership roles, including branch president, branch secretary and State Executive member; and
  - (d) had a tenure in Parliament that was marked by a deep commitment to his constituents and unwavering dedication to the principles of the Liberal Party.
- (3) That this House extends its condolences to Mr MacCarthy's wife, Lea, children, family and many friends, and acknowledges his lasting contributions to the Liberal Party, the Strathfield community and the people of New South Wales.

**Motion agreed to.**

### **ORANGE RUNNING FESTIVAL**

**The Hon. SCOTT BARRETT (12:35):** I move:

- (1) That this House notes that:
  - (a) the Orange Running Festival was held at Gosling Creek Reserve on Sunday 9 March 2025, organised by the Orange Runners Club; and
  - (b) approximately 2,500 runners competed across multiple events consisting of the marathon, half-marathon, 10 kilometres, five kilometres and various two kilometres dash events, including school and workplace challenges.
- (2) That this House congratulates and thanks:
  - (a) all the runners who took part in the event, whether as competitive athletes, children enjoying the day, members from formal and social running groups, charity representatives and walkers or parents with prams;
  - (b) the organisational committee for their hard work and dedication in delivering another successful event;
  - (c) the approximately 200 volunteers whose efforts were integral to the success of the event and the enjoyment had by all the participants; and
  - (d) local groups and organisations such as the Rural Fire Service, Scouts, Cycling Without Age, Air Force Cadets and various school groups for their contribution to the event.
- (3) That this House acknowledges:
  - (a) that approximately half of the runners came from outside the region, providing a massive boost to the event, the local economy and local businesses; and
  - (b) the important role that events like the Orange Running Festival play in enhancing the health, wellbeing, vibrancy and liveability of our regional communities and, as such, the entire State.

**Motion agreed to.**

### **SEXUAL VIOLENCE**

**Ms ABIGAIL BOYD (12:35):** I move:

- (1) That this House notes that according to the Australian Law Reform Commission [ALRC] in its report entitled *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence*, published in January 2025:
  - (a) sexual violence occurs in almost all areas of Australian life and causes significant harm to individuals, families and society, and yet few people who experience sexual violence engage with the justice system;
  - (b) nine out of 10 women who have experienced sexual violence do not report to the police and, where there is engagement with the justice system, that engagement is usually short-lived;

- (c) between 75 per cent to 85 per cent of reports to police do not proceed to charge, and even fewer reports proceed to court, and once in court, many victim-survivors report being re-traumatised and mistreated by the system and often encounter myths and misconceptions about sexual violence;
  - (d) across all jurisdictions, the justice system is failing to meet the twin goals of access to justice and accountability, and it is neither supporting those who have experienced sexual violence to engage with the justice system, nor is it holding those who use sexual violence to account; and
  - (e) ending sexual violence requires substantial action from almost every government system.
- (2) That this House further notes that the ALRC made 64 recommendations for the Commonwealth, States and Territories, including the following recommendations, which are actionable by the Government:
- (a) the Australian Government, together with State and Territory governments, should fund relevant organisations, including sexual violence services, community legal centres, Aboriginal community controlled organisations, legal aid commissions and participating legal firms, to provide independent legal services, justice system navigators and safe places to disclose;
  - (b) State and Territory governments should each establish and fund an independent taskforce with specialist and diverse sector expertise to review reports of sexual violence made to police that do not progress to charge, and develop models for independent, ongoing review mechanisms for reports of sexual violence that the police do not progress to charge;
  - (c) State and Territory governments should each establish and fund an independent centralised feedback mechanism for complainants of sexual violence to report their experience of the criminal justice system;
  - (d) the Commonwealth and those States and Territories that do not currently have a legislated victims' charter should enact such a charter;
  - (e) people who work in the criminal justice system and have relevant involvement in sexual violence matters, including judicial officers, court staff, prosecutors and in-house witness assistance officers, defence lawyers and police officers, should receive properly resourced and evidence-based education about myths and misconceptions, as well as training about trauma-informed and culturally safe practices, developed with input from experts, representatives and people with lived experience;
  - (f) Federal, State and Territory police agencies and the offices of the directors of public prosecutions should prepare or review and update their guidelines on responding to complainants of sexual violence to ensure that their guidelines address relevant matters;
  - (g) Federal, State and Territory police agencies, the offices of the directors of public prosecutions and State and Territory courts should ensure their online information on processes about sexual offence matters are accessible, trauma informed and kept up to date;
  - (h) Federal, State and Territory police agencies should ensure that trauma-informed environments are available for interviewing complainants of sexual violence, including the provision of a comfortable space, privacy, the ability to accommodate a support person or victim advocate and disability access;
  - (i) the Commonwealth, States and Territories should review and amend legislation, and courts should amend court rules, to implement flexible measures for victims to make and deliver victim impact statements;
  - (j) jurisdictions that have recently adopted affirmative models of consent should evaluate these reforms within five years of the reforms commencing to ensure that a best practice affirmative model of consent is identified for the purposes of national harmonisation; and
  - (k) the Commonwealth, States and Territories should, where necessary, adopt or review and amend legislation to make restorative justice for sexual violence widely available and ensure restorative justice is properly resourced and supported by wraparound services.
- (3) That this House recognises with concern the significant systemic barriers to reporting sexual violence and engaging with the justice system, which continue to prevent victim-survivors from receiving justice, oftentimes causing further harm and re-traumatisation.
- (4) That this House calls on the Government to urgently respond to the ALRC's findings in relation to the experience of sexual violence victim-survivors with the justice system, and take relevant action.

**Motion agreed to.**

#### *Committees*

### **JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL**

#### **Government Response**

**The Hon. PENNY SHARPE:** I table the Government response to report No. 1/58 of the Joint Standing Committee on the Office of the Valuer General entitled *Sixteenth General Meeting with the Valuer General*, tabled 25 September 2024.

**DELEGATED LEGISLATION COMMITTEE****Reports**

**The Hon. NATASHA MACLAREN-JONES:** I table a report of the Delegated Legislation Committee entitled *Delegated Legislation Monitor No. 4 of 2025*, dated 25 March 2025.

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

**The Hon. CAMERON MURPHY:** I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 27/58*, dated 25 March 2025.

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

**The Hon. BOB NANVA:** I table report No. 31 of the Selection of Bills Committee, dated 25 March 2025. According to standing order, I move:

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

- (a) Claim Farming Practices Prohibition Bill 2025;
- (b) Community Improvement Districts Bill 2025;
- (c) Crimes Legislation Amendment (Racial and Religious Hatred Legislation Repeal) Bill 2025;
- (d) Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025;
- (e) Product Lifecycle Responsibility Bill 2025;
- (f) Roads Amendment (Wildlife Impacts) Bill 2024; and
- (g) Screen and Digital Games Industries Bill 2025.

**Motion agreed to.**

*Rulings***MINISTERIAL VEHICLE LOGBOOKS**

**The PRESIDENT (12:38):** I refer to the resolution of the Legislative Council on 19 February 2025 ordering the production of papers relating to driver and vehicle use, including in relation to the Presiding Officers. Following concerns regarding the comity of the Houses, the Speaker requested that papers pertaining to the Speaker of the Legislative Assembly be released directly to his office and not be included with the papers provided to the Legislative Council under the order for papers. I understand that this request has been agreed to.

It was also decided that as the role of President does not form part of the Executive, and to ensure a separation of powers, all documents relating to use of the office of the President's driver and vehicle also be excluded from the papers delivered to the Legislative Council. They will instead be released to my office directly. I have been advised by the Cabinet Office that the enclosures will be delivered today. In the interest of transparency, I intend to make the enclosures available to any member of the Legislative Council upon request via email to my chief of staff.

*Documents***MINISTERIAL VEHICLE LOGBOOKS****Disputed Claim of Privilege**

**The PRESIDENT:** According to Standing Order 52, I inform the House that on Friday 21 March 2025 the Hon. Mark Latham disputed the validity of claims of privilege on documents lodged with the Clerk regarding office holder vehicle and aviation use. The Hon. Keith Mason, AC, KC, was appointed as Independent Legal Arbitrator to evaluate and report as to the validity of the claim of privilege. The disputed documents were released to Mr Mason.

**Tabling of Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 19 February 2025, I table correspondence relating to the order for papers regarding office holder vehicle and aviation use received on Tuesday 25 March 2025 from the Cabinet Office stating that redacted versions of documents previously returned would be provided to the order.

*Petitions***PETITIONS RECEIVED****NSW National Parks and Wildlife Service**

ePetition requesting that the Legislative Council undertake an inquiry into all track and area closures in all NSW National Parks and Wildlife Service managed land over the past 10 years, including detailed justification for the restriction of public access in each area and the ensuing economic impacts on local communities and associated industries, received from **the Hon. John Ruddick**.

*Notices***PRESENTATION**

*[During the giving of notices of motions]*

**Ms Abigail Boyd:** Point of order: I hate to do this, but the Hon. Mark Latham has already given notice of three motions.

**The PRESIDENT:** Yes, Ms Abigail Boyd is right. I uphold the point of order. The member is allowed to give notice of the motion but in truncated form.

**The Hon. MARK LATHAM:** This one is very truncated.

**The PRESIDENT:** The member may say what the motion is about but may not read it in full. The member has fulfilled that requirement.

**The Hon. Penny Sharpe:** Point of order: I have an issue with the content of the motion of which the Hon. Mark Latham was giving notice.

**The PRESIDENT:** I will hear from the Leader of the Government on her separate point of order.

**The Hon. Penny Sharpe:** Despite not hearing the entire notice of motion, it sounds to me like it questions a decision made by the House regarding the lifting of the hard adjournment. The member cannot condemn me for that decision as it was made by way of motion agreed to by the majority of this House.

**The Hon. MARK LATHAM:** To the point of order: The Leader of the Government is a genius who knows things that she has not read. The notice of motion makes no mention of the hard adjournment. It refers to a tactic—a very deliberate tactic—that has been used time after time over the past two years. Mr President, I think you will find that the notice of motion is in order.

**The Hon. Penny Sharpe:** Further to the point of order: Decisions that are made by the House after being debated in the House cannot be revisited.

**The PRESIDENT:** Order! Appropriately, I upheld the point of order taken by Ms Abigail Boyd about the giving of notice of the motion by the Hon. Mark Latham. However, because a point of order has now been taken about the substantive motion, it would help the House to hear the motion in its entirety. I encourage members to include in their first three notices the motions that are more open to debate. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** I am trying to punt the ICAC commissioner. I thought that was reasonably contentious. I am told this is known as the Latham rule. As unwilling as I am to override my own rule, I will do so.

*Later,*

**The PRESIDENT:** Does the Leader of the Government have anything further to add to the points that she made previously?

**The Hon. Penny Sharpe:** No, I have made my submission.

**The PRESIDENT:** I will consider the issue and report back to the House.

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

*Visitors***VISITORS**

**The PRESIDENT:** I welcome to the Legislative Council gallery students from Batemans Bay High School and Riverside Girls High School who are participating in the Legal Studies and the Legislature program

conducted by the Parliamentary Education and Engagement team. You are all very welcome to Parliament House this afternoon.

*Questions Without Notice*

**RESPECT AT WORK TRAINING**

**The Hon. DAMIEN TUDEHOPE (13:31):** I also welcome the students in the gallery and ask them to take note of the answers. My question is directed to the Leader of the Government. What requirements has the Premier placed on Ministers to undergo formal respect at work training, and have all Ministers completed that training?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:32):** I thank the member for his question. Members are required to do some training. I will take on notice whether all members have completed that, and the nature and details of it. I have done a number of different training courses, as would be expected. Ministers run very important offices. We take seriously those previous reports about a lack of respect at work and the need for everyone to work in a respectful workplace. I will take the details on notice because they are not available to me at this point.

**HEALTH INSURANCE LEVIES**

**The Hon. EMILY SUVAAL (13:32):** My question without notice is addressed to the Treasurer. The Government inherited a health system in which private health insurance companies were not paying their bills to NSW Health. How much additional money has NSW Health received since 1 January, when the major private insurers resumed paying the full rate for private rooms in public hospitals?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:33):** I thank the member for her question and welcome the students in the gallery. The answer is \$23 million. That is, \$23 million has now been paid to NSW Health after this Government acted to end the rot that the former Government left to linger for us to inherit. I remind all members that back in 2012, Mike Baird, one of my predecessors, confronted that very same issue. He made the very simple proposition that if a private health fund wants to use a public hospital to provide a service, it should pay NSW Health what it costs to deliver that service. That was the principle. Within five years, the former Government decided that NSW Health did not need to charge private insurers the full amount and instead offered a discount.

Back in 2018 the former Government reached an agreement requiring private health funds to pay 85 per cent of the cost of a public hospital bed. But when Labor came to power, the health funds were not even paying that. The biggest health funds were flooding members with premium increases year after year while at the same time demanding subsidies from NSW Health to top up their profits. The Government thought it should do what Mike Baird did by making sure that if those health funds do not pay the bed rate, it would recover those funds by changing the law. That is exactly what the Government has done. In doing so, we were opposed by members opposite. In fact, the Opposition went so far as to say that private health fund premiums would skyrocket, everybody would leave private health and there would be a massive rush on the New South Wales public health system. That did not happen at all.

This Government welcomes the fact that the Federal Government has acted on the outrageous campaign from the private health insurers to hike premiums. I remind all members that the former Government chose to back the profits of private health insurers over public health. There is no ambiguity about that position. The position of the former Government was to protect the profits of private health funds above all else, so it would not have acted on its promise and it would have continued to turn a blind eye. The \$23 million that we now have will be ploughed back into the health system to deliver better services. We are doing that to ensure our public hospitals work and to undo the damage that those opposite left us.

**The PRESIDENT:** Before I call the Deputy Leader of the Opposition, I ask all members to cease interjecting, particularly the Leader of the Opposition.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. SARAH MITCHELL (13:36):** My question is directed to the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. Documents provided to the House under Standing Order 52 [SO 52] include a report that in January 2025 the Minister yelled over the phone at the Chief Financial Officer of the Department of Primary Industries and Regional Development. Did the Minister yell at that senior public servant?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:37):** I have been waiting for this question because Opposition members were shopping it around all morning. The answer is no. Let us talk about the question that came out of the order for papers under Standing Order 52 regarding Dubbo, which I welcome and celebrate.

**The Hon. Sarah Mitchell:** They're not our words; they're your own public servant's. Do you want to have a look?

**The Hon. TARA MORIARTY:** No. I put on record that that hearsay and those third-hand rumours came from people I have never acted with in my life. I do not know those people, nor do I know who was referred to in those emails. I have never met them. If members would like to talk about behaviour—I hope the kids in the gallery are listening—they should look at Dugald Saunders' Facebook page, where he has allowed people to say that I should be shot and punched. Dugald Saunders, the Leader of The Nationals, thinks I should be punched.

**The Hon. Sarah Mitchell:** Point of order: I asked the Minister a specific question regarding allegations made in documents produced under Standing Order 52 about her conduct and behaviour. The question was whether the Minister yelled at a public servant.

**The Hon. Mark Buttigieg:** She has answered you.

**The Hon. Sarah Mitchell:** Then she should sit down rather than carrying on with props and propaganda, which is disgraceful. No wonder they are all leaving in droves under her. It's shocking.

**The Hon. Jacqui Munro:** That's right. You don't get to just answer and then freewheel.

**The Hon. Penny Sharpe:** To the point of order: The Minister was directly relevant to the question and is now answering as she sees fit. The Minister was absolutely in order. Nationals members who are worried about respectful workplaces should think about what is going on with their leader.

**The PRESIDENT:** The first part of the point of order from the Hon. Sarah Mitchell was indeed in order, but the second part was an unhelpful debating point. The Hon. Jacqui Munro is quite right that the Hon. Tara Moriarty was, but is no longer, being relevant. The Minister will return to the leave of the question. The Minister's answer may be relevant to a Government question at some point, but it was certainly not relevant to this question.

**The Hon. Damien Tudehope:** Point of order: My point of order relates to the use of props by the Minister.

**The PRESIDENT:** Yes, it is longstanding practice that members do not use props. All members push that a little, including those in the Opposition. But it is always the case that props are disorderly in this place. The Minister has the call.

**The Hon. TARA MORIARTY:** Thank you, Mr President. I accept your ruling about relevancy. I opened my answer by saying no. Those opposite are referring to documents that came through the SO 52 call for papers regarding Dubbo, which I am delighted to talk about. I supported that call for papers, and I supported it being expanded back to 2018.

**The Hon. Sarah Mitchell:** In Angus's words, she yelled at him over the phone.

**The Hon. TARA MORIARTY:** Those opposite are still not listening to me, as they never do in this Chamber. That did not happen. The documents do not refer to my department; they refer to people I have never interacted with in my entire life. I want to know what the Deputy Leader of the Opposition thinks of Dugald Saunders allowing for it to be said that I should be shot. I want to know what every other member of this Chamber thinks about the Leader of The Nationals, who wants to be the Deputy Premier of New South Wales, saying I should be punched.

**The Hon. Sarah Mitchell:** Point of order: I refer again to relevance. The question does not mention any other MP. It is in relation to a specific allegation—

**The PRESIDENT:** Yes, the member is quite right. I uphold the point of order.

**The Hon. TARA MORIARTY:** I again accept the ruling, but I am talking about behaviour in this Chamber that is relevant to the question, which I have already answered. I did not do it; it did not happen. But I do call out the fact that someone who wants to be the Deputy Premier thinks I should be shot.

**The Hon. Sarah Mitchell:** That's the third time you've gone against the President's ruling!

**The Hon. Damien Tudehope:** Point of order: The Minister is, in fact, debating your ruling in terms of the manner she is approaching her answer. This is the third time we have raised this issue. The question was specific. The Minister should stay within the confines of the question.

**The PRESIDENT:** I contend that the Minister was not in fact debating my ruling, but she certainly was flouting it. I am not impressed.

**The Hon. TARA MORIARTY:** I am not either, Mr President.

**The PRESIDENT:** Excuse me! I am not impressed. I gave the Minister a very clear direction about what she was and was not to answer as directly relevant to this question. She is welcome to talk about this issue if she is asked a question on this issue. The Minister has the call.

**The Hon. TARA MORIARTY:** Mr President, I apologise. I am not reflecting on your ruling in any way, shape or form. I think you do a terrific job upholding standards in this place. I am going to call out bad behaviour every time I see it and I will not resile from that. I call on the National Party and the Liberal Party, which we have read in the newspaper today—ask the Hon. Natalie Ward what she thinks about the behaviour of the National Party.

**The Hon. Sarah Mitchell:** Point of order: This is the fourth time the Minister has returned to her feet and completely ignored your ruling. The question is about comments she allegedly made to a senior public servant. It is very direct. It is very clear. She is now once again talking about other members. What does it take for the Minister to give some sort of decent response and not just completely ignore your ruling?

**The Hon. Courtney Houssos:** To the point of order: The Minister was actually making a different point when she began her remarks. The question was in relation to bullying and the Minister was then being directly relevant to the question asked of her. Those opposite might not like the answer she was providing, but I contend that it was a different answer to the question than the one you had previously ruled on, and it was one that was directly relevant to the question that she was asked.

**The PRESIDENT:** I appreciate the point of order. Respectfully, I do not agree with it. I call the Hon. Tara Moriarty to order for the first time. Does the Minister have anything further to add that is relevant directly to the question?

**The Hon. TARA MORIARTY:** I refer to my previous answer.

**The Hon. Sarah Mitchell:** You covered yourself in glory with that one.

#### **GREAT KOALA NATIONAL PARK**

**Ms SUE HIGGINSON (13:43):** My question is directed to the Minister for the Environment. Is the establishment of the Great Koala National Park being delayed by the Premier or any other person until after the Federal election in May?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:43):** I thank the honourable member for her question. The answer is no. In relation to the timing of the Great Koala National Park and the assessment, I have said many times—I also went through this in quite a lot of detail at budget estimates—that the Government committed to a lengthy and proper process when it made the announcement prior to the election that it would create the Great Koala National Park. It is our most significant environmental commitment, one that we are determined to deliver and one that is going to significantly contribute to making sure that koalas do not go extinct in the wild by 2050.

A process needs to be undertaken on this issue. There has been a lot of discussion about when it will happen and how it is going to operate. The commitment was that we would do the assessment process and establish the Great Koala National Park in our first term. We are at the halfway point today, and I am very proud of the many achievements and the progress we have made on difficult issues that were ignored by those opposite for so long.

**The Hon. Damien Tudehope:** Name them.

**The Hon. PENNY SHARPE:** I am very happy to list them, but not during this answer because that would not be directly relevant. In answer to the question, I say that the park is not being held up. We are going through the process that we already said we would do. I thank those who have been involved in the First Nations panel, the environment and science panel and the timber industry panel. There has been a lot of modelling. As I have said before, I wish we had some more consensus around agreed facts but that has remained elusive. However, we are working through that issue properly. The Government is doing this seriously. Whatever we do on the final size of the Great Koala National Park, there will be an impact on local communities. We take that seriously, and we want to make sure that we work through those issues properly. The timing matters in relation to this. As I have said to the member previously, it will be soon. But we are also going to do this properly and there is going to be proper consideration from Government.

**Ms SUE HIGGINSON (13:46):** I ask a supplementary question. Will the Minister elucidate that part of her answer in relation to the Federal election? Will it be just a coincidence that the park is announced after the Federal election, if that is in fact the case?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:46):** I do not know how many times I can say this. We are assessing all the material that is there. It will be done. The member should know by now that I want this done as soon as possible, but I also want it done properly. This is going to be not only a significant contribution to the health and welfare of koalas in the wild but also an incredible tourism and conservation outcome for the Mid North Coast. This is an important issue. I refer the member to my ongoing and very consistent answers in relation to this. We will do it as soon as we can, but we will do it properly.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. BOB NANVA (13:47):** My question is addressed to the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. Will the Minister comment on instances of disrespectful behaviour she has experienced as a Minister?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:47):** I thank the member for this very important question. I think all members in this place should be treated with respect. I think everyone in this building should be treated with respect. That is how I conduct myself at all times. I do not resile from the fact that I am a very strong advocate for regional New South Wales and for how taxpayer dollars are spent. It is no secret that I have inherited a portfolio that was full of pork-barrelling from the National Party, and I am cleaning it up. I am a very forceful and strong advocate for the people of regional New South Wales. I will never shy away from that. In my previous answer I referred to comments on the Facebook page of Dugald Saunders. I will respect your ruling about props, Mr President, but I note that members can look up the Facebook page right now. It is right there; it has been sitting there for weeks. The Leader of the National Party, the person wants who to be the Deputy Premier of New South Wales—

**The Hon. Damien Tudehope:** Point of order: Members should be aware that reflections on members in another place should be done by way of substantive motion if, in fact, they are a reflection on that member. This material, which was foreshadowed in a previous answer and which was ruled upon by you, Mr President, certainly is a reflection on a member in another place.

**The Hon. Penny Sharpe:** To the point of order: This is a direct question and the Minister is answering it in a direct fashion. But the point here is that, in the context of the question, the Minister is providing factual information in relation to a member. It is not casting aspersions on the member; it is actually stating facts that are there for everyone to see. The Minister is completely in order in the way she is answering the question.

**The PRESIDENT:** I thank members. It is a good point of order. I refer specifically to Standing Order 96 (3):

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

This has formulated a convention whereby if members wish to do so, it must be by way of substantive motion. That having been said, that does not mean that members cannot criticise members of the other House politically, for political motivation, or about what is on the public record. I accept the point made by the Leader of the Opposition. I do not think that the Minister has strayed over that line at this point. However, I will be listening carefully to the remainder of her answer. The Minister has the call.

**The Hon. TARA MORIARTY:** Thank you, Mr President. Again, I genuinely respect your presidency and the way that you conduct yourself in dealing with the Chamber. I will take all those comments on board. In answer to the direct question that I have been asked, I am outlining poor treatment and behaviour which is on the Facebook page of the Leader of the National Party right now. It has been sitting there for weeks. He has done nothing about it and he has not deleted any of it. "Just shoot the bitch" is right there on his page. "I'd just punch her" is sitting on his page, as well as "Filthy. Sack the bitch. Won't answer questions, you stupid C-U-N-T".

If National Party members want to ask the questions that they asked today, I will stand up and answer them. I do not resile from it. In my role, I am a very strong advocate for regional New South Wales. I am a fiercely strong advocate for how taxpayer dollars are spent, because I inherited a situation where that was not the case. I do not resile from it; I own it. I stand in this place every day, absolutely in that strength, on behalf of the people of regional New South Wales. Ask the Hon. Natalie Ward about the conduct of members of the party that is asking me these questions today. I read in *The Daily Telegraph*—

**The Hon. Sarah Mitchell:** You yelled at your public servants, and you are desperate to cover it up. That is exactly what you did.

**The Hon. TARA MORIARTY:** I will point out that they are doing it to women. What does the Deputy Leader of the Opposition think about that? This behaviour should be called out in all of its forms. What I am doing today is saying that the guy—

**The Hon. Sarah Mitchell:** Did you yell at your public servants or not?

**The Hon. TARA MORIARTY:** Those opposite are trying to knock off. They are just waiting for the right opportunity to do it. It is not supported, as a leader—

**The Hon. Sarah Mitchell:** Point of order: I really should not say what I could, because I will probably be called to order.

**The Hon. John Graham:** Hear, hear!

**The Hon. Sarah Mitchell:** Thank you. The Minister, I believe, has now strayed from your ruling, Mr President. She is reflecting on the fabulous Leader of The Nationals and should not be doing so.

**The PRESIDENT:** The Minister's final sentence was, in fact, not directly relevant; the rest of her answer was directly relevant. The Minister has the call.

**The Hon. TARA MORIARTY:** Thank you, Mr President—fair enough, and I accept that. I note, for the record, the Deputy Leader of the Opposition saying that the Leader of The Nationals is fabulous. Let me continue to read out the comments that he has allowed to remain in public, including, again, that I should be punched.

**The Hon. Damien Tudehope:** Point of order: The assertion is that the Leader of the National Party allowed those comments to remain in public. Whether those comments remain in public is a question of fact. Whether the Leader of the National Party allowed it is, in fact, a reflection on him.

**The PRESIDENT:** I admire the Leader of the Opposition, but he is drawing a long bow if comments are contended to be on someone's Facebook page and those comments are still there. The Minister has the call.

**The Hon. TARA MORIARTY:** I have been called a stupid bitch on repeated occasions. I do not think that is, in any way, useful political debate on any issue— [*Time expired.*]

#### ANIMAL WELFARE ADVISORY COUNCIL

**The Hon. EMMA HURST (13:54):** My question is directed to the Minister for Agriculture. According to its terms of reference, the Animal Welfare Advisory Council is scheduled to meet four times a year, with those meetings to be convened by the chair of the council or at the request of the Minister. However, at budget estimates, it was revealed that the council has only met once in the past two years. Will the Minister explain why this important advisory body, which has the ability to provide the Minister with advice about broad animal welfare matters, has not met four times per year as per its terms of reference and appears to have been underutilised by the Government?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:55):** I thank the member for what is a perfectly reasonable question. I am not sure how often the council that has been referred to in the question has met, but I agree that it should be utilised to its fullest extent. Members would be aware that my department is doing a whole heap of work on how animal welfare should be dealt with by government, and this council—and any other structures that we have in place—if they are working, should be enhanced and, as per the question, used to their fullest use. I want to hear from experts, and I want to hear from people who know about how to deal with these issues as best they can. If this council has not been meeting, I am certainly happy to find out what the reasons are and come back to the member and to the House.

The member would also be aware that, as part of that whole piece of work on animal welfare, we are looking at what structures are in place and how these committees should be working. We are setting up an office of animal welfare, which was, of course, an election commitment, and I have talked about it many times in this place. We are certainly interested in all of the feedback that we can get from people who operate in this space, whether they are in industry or whether they are advocates, such as the Hon. Emma Hurst, on how it all can be working better. Specifically in relation to this council, I am not sure directly off the top of my head, but I will absolutely find out and come back to the member.

## PUBLIC SERVICE WORKPLACE PRESENCE

**The Hon. NATALIE WARD (13:57):** My question is directed to the Minister for Transport. Prime Minister Anthony Albanese recently stated that public sector workers in Sydney could be worse off by up to \$5,789 per year if forced to return to working in the office. The Public Service Association reports that 84 per cent of the thousand Transport for NSW staff who responded to its survey on the proposed workplace presence policy are concerned about increased individual costs from being forced back to the office, and 45 per cent stated they would be actively looking for another job. What impact on the Transport for NSW workforce does the Minister anticipate from the implementation of the Minns approach to working in the office rather than the Albanese approach?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (13:57):** I thank the shadow Minister for her question. There are some days in this place when I get a question from the shadow Minister and I wish I were still the Minister for Roads and able to talk about road policy, but I will not be distracted by that. I recognise that the issue of working from home is an important one, particularly in a department as big as Transport. It has thousands of employees, many of whom work on the front line and do not have a choice about where to work, as is the case with many of New South Wales' public servants.

The Premier has been very clear about the New South Wales position, and it has been discussed at senior levels of the Government. It would be better for public services, it would be better for the economy and it would be better for public sector workers if they were in the office more often. That is the reason for the goal of having those workers back in the office—certainly three days a week—and moving back from working from home. Like other agencies, Transport is working to enact the direction issued by the Premier's Department and working through those issues. We will be clearly doing that.

The Federal Government is entitled to take whatever position it likes. The distinction is that it is operating a national public service. But in New South Wales the actions of the Government make sense. Members can see the difference in the city as that policy has come into place and as the metro line has opened up, and I give full credit to the former Government for that. It is changing how the city is being used. Particularly on a Friday, workers are in the city in a way that has not been the case recently or over the COVID years. People flooding back into the city by virtue of the metro and being back in the workplace as a result of the Government's position is a positive thing. I endorse the approach.

## ROAD TOLLS

**The Hon. BOB NANVA (14:00):** My question without notice is addressed to the Minister for Transport, representing the Minister for Roads. The Government inherited a heavily tolled road network. Will the Minister update the House on what the Government is doing to support motorists struggling with tolls and other cost-of-living pressures? Is he aware of any other approaches?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:00):** I thank the member for the question. I am happy to report that since the Government implemented the \$60 weekly toll cap on 1 January 2024, we have paid out \$106 million to more than 365,000 claimants. I am also pleased to report that the Liberal-Nationals Opposition has now finally supported the \$60 toll cap! Last week in this place, Opposition members finally came around to vote for a motion in support of toll relief. After years of supporting the wage cap but opposing the toll cap, they finally flipped their position, and it is very welcome. It is a big moment; it was an amazing moment of revelation. Members might even say it was a "toll road to Damascus" moment. It was a very long road.

The former roads Minister likes to keep a tally since something has or has not happened. I am sure she knows by heart how many days it has been since we commissioned the Independent Toll Review. Spoiler alert: It has been 720 days. I fired up the solar-powered calculator to work out how long the shadow Minister's toll road to Damascus was, precisely. From the day we announced our toll relief plan—a month before the election—until last Wednesday's vote, it took a grand total of 766 days for the Opposition to back in the toll cap. The cap has been in operation for 443 days, which is more than 400 days of the toll cap financially supporting drivers during a cost-of-living crisis until the Opposition could bring itself to actually back it in.

The toll cap is supporting the drivers of Blacktown, Baulkham Hills, Auburn and Merrylands. These are million-dollar suburbs—they are suburbs where drivers are getting \$1 million back in toll relief. But there is the question of how many days until the Opposition admits that tolls are too expensive. As recently as November last year, the shadow Minister was asked four times on ABC Radio if tolls were too expensive, and she could not bring herself to admit it. We cannot reform tolls if members opposite cannot admit that commonsense view. How many

days will it take the Opposition to go that final step to say those four simple words: "Tolls are too high"? It would help so much.

### GOVERNMENT TRANSPARENCY

**The Hon. MARK LATHAM (14:03):** My question is directed to the Leader of the Government, representing the Premier. What progress has the Government made in implementing its promise for higher standards of transparency and integrity in New South Wales? In particular, why has the head of the Cabinet Office, Kate Boyd, been allowed to claim privilege on the Standing Order 52 motion calling for the full car logs and ministerial driver records of this Government on the basis of the remarkable argument that, because the office messed up a Government Information (Public Access) Act [GIPAA] application and released the privacy details of former Ministers, there is no guarantee the Cabinet Office is competent enough not to do it a second time in relation to the call for papers? On both fronts—the original GIPAA incompetence and now this claim of privilege—why has Kate Boyd not been sacked?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:04):** The member tries to raise quite a serious matter but, yet again, does that by attacking public servants, which I think is deeply unhelpful. We want good people to work in our public service, and that does not mean they are without accountability. But every time they do something that the Hon. Mark Latham does not like, all of a sudden he is calling for them to be sacked, he is naming them in Parliament and he is using parliamentary privilege to attack them. That is not something this Government accepts nor thinks is reasonable. There are longstanding ways in which privilege is claimed and dealt with in this House. Our legal arbiter, the Hon. Keith Mason, has allowed almost every privilege claim that has ever been challenged to go through. That is on various standards and ways in which that is dealt with in the House.

The member was not in this place last week when we had a lot of discussion relating to an error that occurred with the release of some information that personally identified former Ministers. We and the agencies have apologised for that. A number of investigations are occurring as a result of that. People being careful with personal information is not being indulgent or non-transparent; it is following the rules and taking a sensible approach to managing the release of information without unnecessary personal information. The matters in which privilege is established and the way in which it is challenged and resolved are well known and well practised in this House. It is something that everyone does and something that we will continue to do.

The member is simply attacking public servants who are doing their job and who are trying to make sure they do it diligently, but he should know that it is not up to individuals. Ministers do not sack public servants for these matters, but this is from the bloke who is trying to sack the ICAC commissioner. I make the point that privileged information is dealt with appropriately, within well-understood rules and conventions, which has not held back the Legislative Council in its scrutiny of the documents of the day. There is a need to be careful about the way in which information—particularly sensitive, private information—comes into the public arena. The Privacy Commissioner and most members fully understand that and take it seriously. We must be responsible when we are working through matters of conflict and the transparency of information.

**The Hon. MARK LATHAM (14:07):** I ask a supplementary question. Will the Minister elaborate on the investigations into the GIPAA debacle from last week? What have those investigations shown as to who is responsible? Who will be held accountable? Where is the transparency of the Government? And why does it seemingly have a policy for nothing ever happening to highly paid public servants, no matter how incompetent, inefficient or hopelessly bungling they might be?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:07):** I again reject the assertions made about the good public servants who work for this State, in particular about one who has worked for both the previous Government and this Government. That is a disgraceful way to deal with them. However, regarding the data breaches, I am aware that the member was not in this place last week, but I can provide information. With the Privacy Commissioner and ID Support NSW, there is a review into how the details were released. A number of investigations are being undertaken by various appropriate bodies. The member would not be surprised to know that there are two or three of those. I cannot remember the third one off the top of my head, but they are occurring. I refer him to the answers that I gave last week.

The Government takes this seriously. Both the Cabinet Office and the Premier's Department have apologised for the release of that material. A review is underway and the referrals have been made to the appropriate authorities about the nature of the breach and whether any remedies exist to deal with that. My latest advice is that those are not yet concluded. Obviously, when they are concluded, information will be made public in relation to them.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. SCOTT BARRETT (14:09):** My question is directed to the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. Documents provided to the House show that the Chief Financial Officer of the Office of Sport stated in an email sent at 8.56 a.m. on 24 January 2025 that she had just spoken to the Chief Financial Officer of the Department of Primary Industries and Regional Development and that "Minister Moriarty yelled at him over the phone". Did the Minister have that phone call?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:09):** I am happy to keep going on this all day. The answer is no. I have never interacted with anyone from the Office of Sport. I have been asked a question about an email from someone from the Office of Sport. I do not know anyone in the Office of Sport. Opposition members want to use time today based on rumours and hearsay of this person heard that and someone else heard something in the hallway. I do not think time should be wasted on that. The member asked about documents that came through an order for papers under Standing Order 52. I am happy to talk about those. That Standing Order 52 motion was moved in this place. We extended it to go back to 2018 so that we could look at the farce of the phantom project that never existed that we are talking about.

**The Hon. Damien Tudehope:** Point of order: The question was specifically about whether or not the Minister had the conversation referred to in the email that the member referenced in the question.

**The Hon. Daniel Mookhey:** To the point of order: Members often add information ahead of their specific question to provide context. That is helpful in many senses. It also allows and invites the Minister to respond to some of the information that is there to provide context, particularly in the event that the Minister wishes to either dispute some of that information, elaborate on that information or expand that information in the event that, for example, not all of the information in context has been provided. The Minister for Agriculture was clearly making the point that one has to examine the totality of the documents in order to understand them.

Restricting the Minister's ability to answer and telling her to respond to one document that contains one fact, without allowing the Minister to place that in the full context, is unnecessarily restrictive and does not assist the House in understanding her answer. Generally, in your rulings, you are quite right to say that we ought to privilege the capacity of the House to ask a question and to get an answer. That means that the Minister should have some latitude to be able to provide some context, particularly because she has been asked to respond to a particular document from an order for papers. I also make the point that when I used to ask Ministers questions arising from documents received under Standing Order 52 and Ministers would refer to other documents or to the Standing Order 52 motion in general, the House accepted that as being fair.

**The Hon. Damien Tudehope:** Further to the point of order: The Minister's observations in going back to 2018 in relation to the Dubbo sports hub—

**The PRESIDENT:** Order! A tradition is starting to take hold in this place of members interjecting when other members are taking points of order. It is a practice of members on both sides of the Chamber and it is not helpful. Members will cease interjecting.

**The Hon. Damien Tudehope:** The Minister started to provide information relating to the order for papers and went back to 2018. If the Minister wants to provide context to say, "No, I did not have the conversation," the information going back to 2018 does not reference that specific context. The Minister can say, "By way of context, I want to establish why I am able to say no, and that is because of this other information that is available." She does not have a general licence to go back to the context of the Standing Order 52 documents that is not relevant to the specific question that she has been asked about an email that suggests she had a conversation and acted in a particular manner.

**The PRESIDENT:** I appreciate the comments of the Leader of the Opposition and have sympathy for them. He made an appropriate and intellectual point. That being said, I am mindful of the comment the Treasurer made, which is, "Let's see." I will see how the Minister responds, bearing in mind the comments of the Leader of the Opposition.

**The Hon. John Graham:** Point of order: The Leader of the Opposition's characterisation of the question was different to the question itself. I make that clear.

**The PRESIDENT:** I have the question in front of me, which I am cognisant of. A point that I should have made is that I cannot direct the Minister to answer in a particular way. The Minister has the call.

**The Hon. TARA MORIARTY:** Those are all perfectly reasonable points. I am complying with what the Opposition asked. If only members opposite listened to any of the answers that I try to give in this place at any time, instead of yelling over me on every occasion, then members would not need to take points of order.

**The Hon. Damien Tudehope:** Point of order: The observations being made by the Minister, while I understand her reaction, are not in answer to the question.

**The Hon. Daniel Mookhey:** To the point of order—

**The PRESIDENT:** We might get on with the answer, shall we?

**The Hon. Daniel Mookhey:** That was my point.

**The PRESIDENT:** The Minister has the call.

**The Hon. TARA MORIARTY:** I get back to where I was before the original point of order. It is relevant to the question to talk about the history of the Standing Order 52 motion. It is such a disappointment to the community of Dubbo. I share their disappointment. The community was misled about the project for seven years. The documents went all the way back. There is a paper trail about everyone involved in the project misleading the community. The question has been asked of me in relation to a conversation—

**The Hon. Damien Tudehope:** Point of order: I renew my earlier point of order that this is not context for the purpose of answering the question.

**The Hon. Courtney Houssos:** To the point of order: The question contained introductory material in providing context. Mr President, your previous rulings have made clear that you cannot distinguish between introductory remarks and the question. Equally, you cannot direct the Minister to which part of the question the Minister should answer. The Minister, in her answer, is being directly relevant to a part of the question. It is perhaps not the part of the question that the Opposition wants her to answer. If that is the case, then the member needs to reframe the question. The Minister is being directly relevant to the subject matter in the question.

**The PRESIDENT:** I appreciate the Hon. Courtney Houssos's comment, but the fact that the question mentions the word "documents" does not mean that the Minister can talk about all documents. The question states, "Documents provided to the House show that," and then a specific email is mentioned. The mere fact that the question says "documents" does not mean that every document can be talked about. The question simply asks about one specific email and talks about a contention from that email. That is how the Minister will be directly relevant.

**The Hon. TARA MORIARTY:** I respect all of those things. I was mid-sentence and saying, "In relation to the question about the conversation," so I will continue from where I was. Members opposite like to cherrypick bits and pieces of things to mislead the House.

**The Hon. Sarah Mitchell:** You can have the whole thing. It's pretty obvious.

**The Hon. TARA MORIARTY:** I am familiar with the history of it—every part of it. As I have said, I do not resile from making sure that taxpayer—

**The Hon. Emily Suvaal:** Point of order: I am having a lot of trouble hearing the Minister's response because of the constant interjections from the Deputy Leader of the Opposition. I ask that she be reminded about previous rulings about interjections.

**The PRESIDENT:** I am also having problems hearing the Minister. The member is quite right to say that the Deputy Leader of the Opposition carries some blame in the matter. She is, however, not Robinson Crusoe. The last 50 seconds of the Minister's answer will be heard in silence.

**The Hon. TARA MORIARTY:** I am happy to talk about this for as many lots of 50 seconds as members would like to ask me questions. There are no secrets here. The process misled the community. All of the documents are relevant.

**The Hon. Sarah Mitchell:** Point of order—

**The Hon. TARA MORIARTY:** I'm specifically talking about the question I have been asked. Members opposite do not want to hear the answer.

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

**The Hon. Sarah Mitchell:** I appreciate that a number of points of order have been taken in relation to this question. Your last ruling was that referring to the issue in general and the previous Government and any documents was not relevant to the question asked by the Hon. Scott Barrett. The question was about one document,

which I have in my hand and I am happy to table, if the Minister wants a copy. It is clear. The question was about a phone call. The Minister is flouting your ruling, once again, this question time.

**The PRESIDENT:** The Minister was halfway through her sentence. I will hear the end of the sentence before I determine whether the Deputy Leader of the Opposition is correct. The Minister has the call.

**The Hon. TARA MORIARTY:** As I was saying, members opposite like to cherrypick bits and pieces of things and purport them to be a different topic, out of context, inside the Chamber. It is important that the context is relevant. I have already answered questions about the allegations that have been put. I have answered pretty clearly. The context of conversations with people inside my department was that the Government made a decision about this and months later it was continuing on, and I put a deadline on it so that it could come to a head for the people of Dubbo. This has been dragging on for seven years. [*Time expired.*]

**The Hon. SCOTT BARRETT (14:20):** I ask a supplementary question. Given the Minister's assertion that the phone call did not happen—

**The Hon. Tara Moriarty:** No.

**The Hon. Sarah Mitchell:** You said it did not happen.

**The Hon. SCOTT BARRETT:** Absolutely, she did.

**The PRESIDENT:** Order! The Hon. Scott Barrett has the call.

**The Hon. SCOTT BARRETT:** Given the Minister's assertion that the phone call did not occur, is she suggesting that either the Chief Financial Officer of the Office of Sport has verbalised the Chief Financial Officer of the Department of Primary Industries and Regional Development, or that the Chief Financial Officer of the Department of Primary Industries and Regional Development has invented a story that she yelled at him over the phone?

**The Hon. Daniel Mookhey:** Point of order: The purpose of a supplementary question is to seek an elucidation of information, not to invite the Minister to provide an interpretation of her first answer and characterise it. The specific request of the Minister to make an allegation about whether or not someone is lying is not an elucidation of information. It is beyond the remit of a permissible supplementary question. I also make the point that the supplementary question is not capable of being answered because it does not relate to the matter for which the Minister has responsibility. It invites the Minister to, in effect, provide an opinion or characterisation of hearsay, as has been put, that no Minister is in a position to be able to respond to.

**The PRESIDENT:** In relation to the first part of the point of order, the Minister said that the answer to the question is no. I have sympathy towards the second part of the point of order, but the Minister will answer the question in any way she wishes, so long as it is directly relevant. The Minister has the call.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:22):** I am happy to answer all the questions that members have about this matter. Let us keep going for the rest of question time and every day this week. I am in the Chamber to talk about Dubbo and any other questions related to my portfolio. This particular question, which has been asked in various forms, is about a matter that came from the Office of Sport. I have clearly said that I do not think I have ever interacted with someone from the Office of Sport. There may well be people in the Office of Sport who live next door to me, but I do not interact with the Office of Sport. That is not my department. I do not know people in the Office of Sport. Members are referring to an email based on hearsay. I have said repeatedly today that the email is from people in a department that I have no interactions with.

#### WASTE DISPOSAL INFRASTRUCTURE

**The Hon. MARK BUTTIGIEG (14:23):** My question without notice is addressed to the Minister for the Environment. Will the Minister update the House on the state of landfill in Greater Sydney and what actions the Government is taking to address the crisis?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:23):** I thank the member for his question. One briefing I received when I first became the Minister for the Environment was from some of the officials at the Environment Protection Authority. Do members know how public servants sometimes walk in with really scary graphs? We definitely had some scary graphs there. The scary graphs were pretty clear. They showed that Greater Sydney and some parts of regional New South Wales are running out of capacity for landfill and that we need to do a whole range of things to address that. Basically, without urgent intervention, we will get to the position in 2030 where red bins are no longer able to be collected because there is nowhere for the waste to go. That problem has been ignored for a long time. We will not kick the can down the road any further.

Waste and recycling services are essential services. The simple truth is that it is not easy or popular to build waste and recycling infrastructure, whether that is landfill, recycling plants, food organics and garden organics [FOGO] facilities or energy from waste. None of them are easy to build. But if we do not build more and get them operating by 2030, we will only have a few years before there is nowhere for that waste to go. Infrastructure needs a few years to move through the planning system and be built. We must act now. Difficult decisions can no longer be avoided. Hard conversations can no longer be avoided. Regulations need to be updated, and quickly. It is not just landfill. We are running low on recycling capacity, and our recycling rates have stagnated over time. We know that we need a multi-pronged approach to fix our waste and recycling challenges. One action will not fix this all at once. There are no silver bullets; there is just hard work to work through all the issues that have arisen as a result of a lack of planning.

We have begun work in earnest to pull government levers to fix the waste crisis. I thank the House for passing the FOGO mandates, which were about driving organics out of red bins, lowering waste emissions and increasing organics recycling. We are working on our plastics plan, new design standards, and phasing out some types of plastic and ensuring the safety and recyclability of others. We have just completed the waste levy review. Everyone is interested in that review. The waste levy is a big issue for councils and industry. I look forward to reporting to the House on that. In a few weeks I will also release the first New South Wales waste infrastructure strategy, an actual plan for the future and a path for getting there. These issues are not easy; nor is an issue like asbestos, which we are also tackling. All of these issues need to be dealt with if we are to have a waste-free society that re-uses as much as possible, without allowing one skerrick of waste to occur, and to ensure that people can still get their red bins picked up by 2030.

### **PUBLIC SCHOOLS ANZAC DAY COMMEMORATIONS**

**The Hon. TANIA MIHAILUK (14:26):** My question is directed to the Minister for Finance, representing the Minister for Education and Early Learning. It was revealed on 2GB radio that a Department of Education official stated that Sherwood Ridge Public School made Anzac Day commemorations optional for students because "the school is accommodating a small cohort of Christian students who do not commemorate war". Overnight a representative of the Plymouth Brethren Christian Church contacted 2GB and said that their church, with only a few families at the school, did not make such a request. Will the Minister investigate why a Christian group was blamed for the school principal's decision to allow students to opt out of the school's Anzac Day commemoration service, or is the Minns Labor Government happy for its officials to dump on Christians?

**The Hon. Penny Sharpe:** Point of order: The start of the question was quite good, but it contains argument and I ask that it be struck out before the Minister answers.

**The PRESIDENT:** I agree with the Leader of the Government. The Minister will ignore the last part of the question, which states "or is the Minns Labor Government happy for its officials to dump on Christians". The Minister is welcome to answer the rest of the question.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:28):** I thank the member for the question. I note that it was asked of me in my capacity representing the excellent Minister for Education and Early Learning. I will take that part of the question on notice and come back to the member with an answer in relation to the specifics that were raised on 2GB and the response to those concerns. I confess that I was listening to 2GB this morning and that was not the part of the show that was most memorable to me.

**The Hon. Tania Mihailuk:** That's surprising.

**The Hon. COURTNEY HOUSSOS:** I thought the Premier was excellent on 2GB this morning. There was another contribution that was interesting. The member raises an important question in relation to harmony and religious tolerance within our schools. I make the point that just last week our public schools—indeed, all of our schools—celebrated Harmony Day, which is an important opportunity to recognise the range of religions and cultures present in our public schools and all of our schools. That is something that the Government is firmly committed to. We are very proud of the multicultural society that we live in, and we absolutely support that within our schools and education facilities and, more broadly, within our community. Over recent months the Government has taken active steps towards that in this place and more broadly in the community. Given the timing, I also make the point that today is Greek Independence Day. I take the opportunity to commend Greece, as a significant Christian nation, for its 204 years of independence.

**The Hon. Sarah Mitchell:** Ron Hoenig did a post on it.

**The Hon. COURTNEY HOUSSOS:** I acknowledge the interjection. I have not taken the opportunity to check out Ron Hoenig's Facebook post. I will now because no doubt it is fantastic and innovative content. On a serious note, our Greek community is celebrating 204 years of independence. There was a huge celebration on the

weekend. I take the opportunity to congratulate our Greek community. Indeed, many of our public schools are having commemorations and celebrations of this important day today. I will come back to the member with the specifics around the matter that was raised on 2GB.

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

*Supplementary Questions for Written Answers*

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. SARAH MITCHELL (14:31):** My supplementary question for written answer is directed to the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. Did the Minister have a phone call with the Chief Financial Officer of the Department of Primary Industries and Regional Development on or about 24 January in relation to the Dubbo sports hub?

**PUBLIC SERVICE WORKPLACE PRESENCE**

**The Hon. MARK LATHAM (14:31):** My supplementary question for written answer is directed to the Deputy Leader of the Government regarding the work from home order. Will the Deputy Leader of the Government confirm what appeared to be the comments of the Premier on radio this morning that the work from home order was the idea and policy of Simon Draper, not necessarily the Government, and that all the Government did was back in Mr Draper?

*Personal Explanation*

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. DAMIEN TUDEHOPE (14:32):** By leave: Mr President, earlier today you made a ruling on a point of order that I took in relation to the Leader of The Nationals allowing something to appear on his Facebook page. What I was asserting, in taking the point of order, was in relation to the idea that he therefore endorsed the view. All of us run Facebook pages. Often people put comments on those pages. In fact, I note that the Premier recently made a Facebook post celebrating Indian culture and someone made a Facebook contribution saying, "Too many Indians; they should go home." Does that mean the Premier endorses racism? What I would seek your guidance on—

**Leave withdrawn.**

*Questions Without Notice: Take Note*

**The Hon. SARAH MITCHELL:** I move:

That the House take note of answers to questions.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. SARAH MITCHELL (14:33):** I take note of answers given today by Minister Moriarty in relation to very serious allegations about her conduct towards senior members of her department. There was quite a bit from the Minister today about how this story was being shopped around and how dare we ask questions about what came from a call for papers. I will be very clear: There was no selective choice of documents. It was pretty clear in the information provided under the standing order that there have been allegations of what I think amounts to fairly inappropriate behaviour from the Minister to the chief financial officer of her own department. It is very clear, and it comes from the CFO of the Office of Sport. The document states:

By way of update - I just spoke to angus begg (CFO): Minister Moriarty imposed the 5pm today deadline (in angus' words, she yelled at him over the phone) about 5 mins before angus sent me the text and called me.

**The Hon. Penny Sharpe:** Point of order: This is a debate to take note of answers given today; it is not an opportunity to read documents onto *Hansard*—documents that have been refuted by the Minister in her answer that she gave today.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I uphold the point of order.

**The Hon. SARAH MITCHELL:** The documents, which are publicly available—anyone can look at them—clearly state allegations about the Minister yelling at a senior public servant. Those opposite can play defence all they want, but there are, in writing, senior public servants of two agencies discussing what I would say is very inappropriate conduct from the Minister. That is why we asked questions about it today. The Minister

not only refuted that behaviour but also said no phone call took place, which raises some serious questions about whether or not she has been honest with the House today about what occurred. We know that morale within that agency is at an all-time low. My Nationals colleagues questioned the Minister at length about that during the budget estimates hearing. There are some pretty telling statistics coming out of the department in terms of people feeling confident in the workplace. Frankly, it is no wonder. If senior public servants are being yelled at by the Minister, then clearly they are not going to be very impressed or have positive morale in their workplace.

The fact is the Minister refuses to take the allegations seriously. All she could do today was play a bit of petty politics and try to reflect on other people, claiming that the comments on every member of Parliament's Facebook page are endorsed by them. The Leader of the Opposition tried to raise an example where someone had made an unsavoury comment on the Premier's Facebook page that is still there. The reality is there are allegations that the Minister should be answering. She should be up-front about whether the phone call took place. If she did indeed yell at that public servant, which is what has been alleged, frankly, she should be apologising. The Premier should be investigating what has gone on. It is all very well and good to talk about respect at work, but when a Minister will not even answer questions, those opposite have a real problem. *[Time expired.]*

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES  
PUBLIC SERVICE WORKPLACE PRESENCE**

**The Hon. MARK LATHAM (14:36):** What is yelling? Raising your voice because you are passionate and you care about something, or because someone is not listening or someone is not following instructions? If every person in this place was punted because they once raised their voice, the cleaners of Parliament House would be left to legislate—perhaps an improvement, some would say. But in politics, if you do not care enough at some stage to get worked up, why are you here? We should not be a snowflake society or a snowflake Parliament. In any case, a former Minister, the member for Miranda, had a PhD in yelling. They had to soundproof the ministerial office to give people a bit of relief, and the then Premier had to send her to the backbench to reduce the ear damage that people had in that particular department.

It is not unusual in politics, and I do not see how it can be regarded as any sort of offence. Let us put that in perspective—as well as the work from home order. I am not prone to congratulate the Premier too much, but I thought he was excellent on radio this morning explaining the productivity benefits of ending working from home. The Premier made the very good point that when people collaborate in the workplace, productivity lifts, and that when you mentor young people in the workplace face to face, they have a better working career and productivity lifts. It is one of the great furrphies. I do not know what studies have been cited in the past, but I cannot believe for a moment that productivity is improved by work from home arrangements where you do not know what people are doing. Clearly people are abusing it and rorting it and there is no collaboration in the actual workplace.

In the Federal Government, it is very strange for the Labor Party to have the view that workers should never meet each other and should never be face to face, and for a workers party to say, "Spread out. Scatter", like old Keith Miller when he gave instructions on where to go fielding. "Just scatter and don't actually meet face to face or know your colleagues or collaborate with them." I congratulate Chris Minns on the order, although perhaps I should be congratulating Simon Draper, whom I disparaged last week by saying he ran airports in the Northern Territory, moving three Cessnas a day. Apparently, he is trying to move the workers back into the workplace in New South Wales, and that is a good thing.

The Premier said that it was the idea, concept and directive of the head of the Premier's Department, and the Government was merely backing him in. Either way, it is a good thing for New South Wales. The other thing we should back is public servants doing their jobs, especially highly paid public servants on over \$500,000 a year. Workers work very hard to pay their taxes, and Ministers must be absolutely vigilant in ensuring that they are well used. For someone to lodge a claim of privilege by saying, "We cannot guarantee that inadvertent errors have not occurred in this return and, as such, the Premier's Department has made a claim of privilege over the entirety of its return" is, quite frankly, hopeless. We would be better off with AI doing the work of returning documents. AI would do it free of cost. *[Time expired.]*

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. EMILY SUVAAL (14:39):** I take note of the answers provided by my colleague the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, who attempted to provide answers to questions asked by the Opposition. There were a number of interjections and it was difficult, at times, to hear the Minister's answer. I take particular note of the part of her answer referring to

comments made on the Facebook posts of members of the other place. I bring to the attention of the House the 2021 High Court ruling in the Voller case, which was very well publicised. The court held that media publishers are liable for defamatory third-party comments posted on their social media pages because, by facilitating and encouraging the comments, they assist in their publication.

By the way, I cannot stand social media, and Facebook in particular, which is an absolute cesspit for some of the worst comments and most vile behaviour in our society. I firmly believe that it is a strong contributor to some of the mental health outcomes across society. If a member posts content on their social media page and then encourages or invites comments, and people post defamatory and, at times, even dangerous comments, the member is legally the publisher of those comments. They are on their Facebook page. They are legally the publisher of those comments, including "The bitch should be shot" and "She should be punched". They are disgusting, they are outrageous and they need to be deleted.

I take very seriously my responsibility as an elected member who does have a Facebook page—mind you, as I said earlier, I loathe Facebook for those reasons—to delete the comments. Members need to delete the comments or hide the comments. They are responsible for those comments. They need to take them down. They are encouraging and facilitating violence against women and hatred and vitriol against women. It is not on. I will call it out. The other issue I take note of is the continual interjections from Opposition members. There were so many they formed part of the debate, including when the Deputy Leader of the Opposition said to the Minister, "You covered yourself in glory with that."

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. NICHOLE OVERALL (14:42):** I take note of the apparent answers of the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. I am shaking my head and beyond disappointed at the hypocrisy of the Minister for suggesting that she is calling out disrespect. She knows full well of an individual in the Snowy Monaro, who is now an elected councillor, who for years has been beyond disrespectful, particularly to members of this place and particularly to women in this place. He has said and continues to say and get away with staggering things. Today he referred to me—and I do not like to use such unparliamentary language—as a "bitch". That is one of the tamer things that he has said.

**The Hon. Penny Sharpe:** This is not a take-note contribution.

**The Hon. NICHOLE OVERALL:** It is a take-note contribution because she was talking about disrespect.

**The Hon. Penny Sharpe:** Point of order: The Hon. Nichole Overall is new, and I do not like interrupting. I know the individual that she is talking about because I have had trouble with him too, but the point is that it is supposed to be a debate to take note of answers.

**The Hon. Sarah Mitchell:** To the point of order: The Minister did do a Dixie from her own side about how she was targeted for being a female member of Parliament. The Hon. Emily Suvaal has just talked about Facebook posts and inappropriate behaviour directed at women. The Hon. Nichole Overall is being relevant to the debate that occurred today.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** No, she is not. I will explain why. The point of the debate is to take note of answers given today. I have great sympathy for what the Hon. Nichole Overall is saying, and I think all members are aware of the individual she is talking about. But it is not relevant today. I suggest that at some other time the member moves a motion to be debated in this House. Today the member's contribution must relate directly to the answers provided by Ministers.

**The Hon. NICHOLE OVERALL:** Thank you, Mr Deputy President. I fully understand the nature of the take-note debate. I do refer to the Minister's response that she was "calling out disrespect". That is what I am getting to in my answer—perhaps in a more longwinded way, by using some examples of when I, as a member of this place, have experienced that type of behaviour. I also note that the Hon. Bronnie Taylor, a former member, was a previous target. The Minister for the Environment also talked about being a target. But my point in this take-note debate is that not once has the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, nor anyone else on that side of the Chamber, publicly and openly called out the disrespect against members of this place. They may have done so privately. I take note of that particular answer and the Minister's hypocrisy in attempting to politicise the issue of Facebook comments, when she has never once called out an individual who has targeted members of this place.

**PUBLIC SCHOOL ANZAC DAY COMMEMORATIONS****MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. TANIA MIHAILUK (14:45):** I briefly comment on the answer given to the question I asked the Minister for Finance, representing the Minister for Education and Early Learning. I note that she took part of my question on notice, but she did respond. My question, of course, was in response to what I heard on 2GB, which revealed that Sherwood Ridge Public School is giving students the option to opt out of an Anzac Day commemoration service. When 2GB followed it up—and credit to 2GB for following it up—the Department of Education responded by saying, "The school is accommodating a small cohort of Christian students who do not commemorate war." This morning, a representative of the Plymouth Brethren Christian Church made it very clear that despite having a few families at the school, the church did not make such a request. It is very important for the Minister for Education and Early Learning to investigate why such a response was given when, in fact, it must have been the principal or the school itself that gave students the option to opt out of the Anzac Day commemoration service. I will wait for the answer from the Minister.

I also make a brief comment on the answer given by Minister Moriarty. The Labor Party might be a little surprised by what I am going to say. I have known the Minister for 28—almost 30—years. In the time that I have known her, despite us on many occasions not being on the same side of issues, I have never heard her yell at anyone. If that is worth anything, I will say it. I do not understand that line of questioning from the Coalition. Ministers need to be able to have discussions with departmental staff. At that level, those departmental staff are paid much more than any member of Parliament. They are paid to respond and answer to the Minister. I think it is farcical that we are spending an entire question time questioning a discussion between a Minister and a senior bureaucrat and how a senior bureaucrat felt after a particular phone call.

I also comment on the issue of comments on the Facebook page of the Leader of The Nationals, Dugald Saunders. It is grossly unfair to raise those issues in response. I say that because people make all sorts of disparaging commentary in comments. To suggest that the member is in any way responsible for or in agreement with those comments is appalling in itself. I do not think either the Government or the Opposition came across well today. I would have liked to have heard more questions from both sides about the upcoming budget tonight. It would have been more interesting to hear about how we are going to address the cost of living in this State.

**HEALTH INSURANCE LEVIES**

**The Hon. CAMERON MURPHY (14:49):** I take note of the Treasurer's answer to a question about private health insurance. It was fantastic to hear the Treasurer inform the House that \$23 million has already been raised by the legislative change the Government made to ensure that private health insurers pay NSW Health the amount they agreed but refused to pay for public hospital beds. It is extraordinary that this measure was proposed by Mike Baird when he was the Premier and now is being vigorously opposed by Opposition members. It is normal to expect a private health insurer to pay a fair rate when one of its patients uses a public service in a public hospital. The Government has taken a sensible measure by putting forward legislation and engaging in constructive discussions with private health insurers to make sure they pay what they agreed to but did not previously pay. It was not all private health insurers that failed to pay; it was just the big four.

There was no level playing field between the big four insurers and the industry. While some insurers contributed, until that point the big four refused to pay. It is times like these that I wish the Hon. Chris Rath, the Opposition Whip, was in the Chamber. He is a devout follower of Milton Friedman and free market economics. We are about to face a 5 per cent increase in the cost of private health insurance, which the Commonwealth Government has authorised. I do not think that industry would exist if it was left on its own. Without the tax penalty imposed on people who earn above a certain income requiring them to take out private health insurance or pay a penalty, and without the Government's subsidy for people who take out health insurance, I do not think the industry would exist.

If the nation left the industry to market forces it would collapse because, by and large, all insurers are offering most people is junk insurance. People are taking out insurance in order to offset their tax, but that insurance provides people with virtually no benefit. For most people there is no point at which they will be able to obtain any reasonable value out of the tens of thousands of dollars over their lifetime that they pay in private health insurance. The industry is in great need of reform. We should stop subsidising it with a tax penalty.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. SCOTT BARRETT (14:52):** During question time there was a lot of discussion about emails provided under Standing Order 52 that contained information about a phone call between the agriculture Minister

and the Chief Financial Officer [CFO] of the Department of Primary Industries and Regional Development [DPIRD]. The Minister said the conversation did not happen and suggested the story was made up. I presume the story was made up by the CFO. It is no wonder that morale at DPIRD is at an all-time low. It is lower than it has been for years. Fewer people are saying they are proud to work for this once-great organisation, fewer people recommend DPIRD as a great place to work and only 50 per cent of people at DPIRD believe that under this Minister the department is prepared to meet future challenges. On top of that, people are leaving the department because of the morale issues they face and the concerns they have with the organisation or because of job cuts. That is concerning.

The brain drain is happening at a time of massive biosecurity and market threats as well as new ways of farming, yet long-serving and hardworking people are leaving the department. I acknowledge the Minister suggested the story was made up. If we take the emails at face value, it appears the Minister yelled at the chief financial officer because a \$33 million invoice was not paid within two days of being sent. But I am told also that the Government has taken months to respond to meeting requests from stakeholders. The agriculture Minister has had on her desk a report on the future of DPIRD research stations since December, and a cloud hangs over the entire industry. According to the emails, the blow-up occurred because an invoice was not paid within two days. That, in itself, is damaging for the department. Further, an Agriculture Commissioner was appointed 12 months after it was announced that the appointment would be made "soon", and seven board positions within Local Land Services have not been filled. We have heard a lot about those emails.

**The Hon. Penny Sharpe:** Scott, I'm going to take a point of order.

**The Hon. SCOTT BARRETT:** I acknowledge the interjection and will return to the leave of the take-note debate. Members must be very careful about what goes on Facebook. I am not a strong user of Facebook. I use it but would not claim to be good at it. Members have been criticised for posting pejorative comments about others on Facebook, but those who were critical have also posted pejorative comments on Facebook. All members should be very careful about throwing stones in glass houses.

#### **PUBLIC SCHOOLS ANZAC DAY COMMEMORATIONS**

##### **MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. MARK BUTTIGIEG (14:55):** During question time Minister Courtney Houssos referenced Greek Independence Day, which is a very significant day for the Greek people. On 25 March the Greeks celebrate overcoming 400 years of Ottoman oppression. I am married to a very proud Greek woman, so it is a very important day for us. "Zíto i Elládas!", or "Long live Greece!", will be chanted throughout the celebrations, along with "Eleftheria i thanatos", which means "Freedom or death". The Greek flag contains prominent blue-and-white stripes. The blue stripes represent the Aegean Sea, the white stripes represent the land, and the number of stripes represent the syllables in the phrase "Freedom or death" in Greek. That explains the significance of the flag. Members may enjoy another anecdote that is very close to my heart. The national Greek dish, kleftiko, refers to the thieves in the mountains who, during Ottoman rule, disguised themselves to evade attack and cooked lamb underneath the earth using coals. Kleftiko is a very gorgeous and tasty Greek dish that I enjoy a lot when my very talented wife cooks.

**The Hon. Sarah Mitchell:** Can you bring some in?

**The Hon. MARK BUTTIGIEG:** I'll do that. Greece is a very proud nation, and of course we should remember that it is the antecedent to western civilisation. I briefly reference the nature of question time. While it is within the right of Opposition members to ask questions about any matter they so desire, a lack of policy gravitas is clear when the majority of question time is used to besmirch a Minister. The Minister for Agriculture responded to the allegation made about her within the first 10 seconds of her answer. Opposition members should use question time to keep Government members on their feet about policy matters, ideological differences and how the State is run. The Government has been in power for two years. Instead of attacking Ministers, Opposition members should do their homework and differentiate themselves on policy so the people of New South Wales have a real choice.

#### **PUBLIC SERVICE WORKPLACE PRESENCE**

**The Hon. RACHEL MERTON (14:58):** I take note of the answer from the Deputy Leader of the Government in response to a question from the Deputy Leader of the Liberal Party about return to work and Transport for NSW. I remember the headlines, including on 2GB talkback. On 7 August 2024 there was a big announcement that Premier Chris Minns had called public servants back to the office. It was quite a morning. Talkback callers including small business people said, "This makes good sense" and "Come on, Premier. Let's do this." Now we have Federal Labor—or should I say the Public Service Association [PSA]?—revealing the cost to

workers who are in the office five days a week is \$5,000 per year. Further, we have PSA survey results recording 84 per cent of workers are concerned about the costs of the return to the office. Some 45 per cent state—and this is relevant to Transport for NSW—that they are looking for another job.

If we recap what the return to work call means to the public sector, at the moment we have vacant offices. We have cadets who have been offered jobs in the public service and are turning them down because they do not have an office to work from. They say, "I want to be mentored. I want to work with a team. I want to learn. I want to be the best at my job." Under the current workplace arrangements that is not possible. On many occasions in estimates I have asked responsible Ministers for the occupancy rates of government offices. Members of the public are walking into government offices and finding them unoccupied. Those people look up and see four floors unoccupied. Who is paying the bill for those offices? It is the taxpayer.

The public wants an answer to this. The public wants to see workers back in the offices. We have also heard about teething problems with the adoption of the Premier's return to work directive. Extensions have been given to different departments and workplaces to meet it. Directives have been given to New South Wales public servants, yet to this day we have not seen any of those directives to back the Premier's call to return to work.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. STEPHEN LAWRENCE (15:01):** I make a contribution to the take-note debate in respect of the questions asked of the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales about the email. At primary school I learnt about the dangers of relying upon second-, third- or fourth-hand versions of conversations. I think a lot of us probably did while playing the game Chinese whispers. I hope that is not offensive these days; if it is, I apologise and withdraw. But I am sure everyone recalls sitting around in a circle and passing on a whisper; by the time it reached the end of the circle, it was a completely different version.

My understanding of that document is that it is a recounting of a conversation. That is quite a dangerous thing to rely upon. It is also very commonly the case that people remember things differently. People also recount things differently. How many times has one had a conversation with someone and said, "They yelled at me"? One does not necessarily literally mean that; one is trying to convey a perception of a heated conversation. I assume the Opposition has not spoken to the public servant in question or attempted to verify this. To take this document and chuck it into the public domain and say, "This person said that they were yelled at" is a bit of a dangerous approach.

I endorse what the Hon. Emily Suvaal said about the High Court decision in Voller. I thought that she very accurately and specifically talked about that decision. She said that the decision includes within the definition of "publish" the leaving of a comment on one's page. I think we all need to be careful about how we leave comments. Of course, that has varying degrees of difficulty depending how successful your page is. If your page is as successful as that of the Hon. Mark Latham, which I have noticed is very active and attracts lots of comments, it is perhaps a bigger job to go through and check those comments. I look at Dugald Saunders' page quite a bit. I have noticed it is not that successful, and I look at it quite carefully. I think it is well within Dugald's resources to be a little more careful about the checking of the comments.

We have all been in a situation where people drop in and comment and say really horrendous things. Obviously the Minister has recounted some things; I do not think any member seriously doubts that those comments were there. It does, I think, fall upon us to delete after monitoring. The Chinese whispers lesson was reinforced to me in the law, which is why the law generally prohibits, subject to exceptions, the admission of hearsay. Fundamentally, people can come out of one conversation with two or three different versions of reality.

**MINISTER FOR AGRICULTURE, MINISTER FOR REGIONAL NEW SOUTH WALES, AND  
MINISTER FOR WESTERN NEW SOUTH WALES**

**The Hon. WES FANG (15:04):** In the brief time left, I address a couple of things. Firstly, during the contribution of the previous speaker, the Hon. Stephen Lawrence, he indicated he accepted his comments around Chinese whispers could be potentially offensive and then used the phrase again at the end of the contribution. I will put that aside for a moment. How often do members see a Minister walk into this place and get ready for question time with a dirt file under their arm? It only ever happens when the Minister knows that there is something to answer and they want to deflect. That is the point that members should be reflecting on in this place.

My final point about question time today is that members of the Opposition are tasked with asking questions of the government of the day, particularly members of the Executive. The contribution of the Hon. Mark Buttigieg suggested that we should be talking about policy and the like in question time. I accept that there is a

time for policy, but question time is not about us dictating policy. It is about asking questions of the Executive. [Time expired.]

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Order! Pursuant to standing orders debate is interrupted to allow the Minister to respond.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:05):** Today's question time has raised some pretty significant issues that I think are worth reflecting on as I close the debate for the Government today. The first question I was asked was about the training that Ministers and staff get around respectful workplaces. The reason those things have been brought into more common arrangements in relation to Ministers is the Goward report. Members opposite would recall that significant and quite shocking information was provided via that report and the Jenkins report in relation to behaviour and respectful workplaces. We need to remind ourselves about why these things are in place. All members should strive to treat all of our staff with respect, no matter who they are.

The second thing I raise is social media. All members use social media; some of us would like more people to look at our social media. However, we need to be responsible for what ends up on our pages. Yes, that can be challenging but, frankly, the types of comments that Minister Moriarty reflected on today should not be on anyone's page. Once they are drawn to your attention, you should delete them straightaway. I think all members who are women, and probably plenty of the blokes as well, have had to deal with appalling behaviour online—death threats, threats to our families, appallingly sexist material, sexual abuse threats and a whole range of things. None of that is ever okay.

I remind all members that they should moderate what they are doing and understand that they have some responsibility for the comments that, through no fault of their own, have been posted on their page. The idea that people are talking about the types of things raised in the debate today regarding a Minister should be unacceptable to everyone. Respectful workplaces mean being vigilant around those matters—not just letting it happen, but actually going through those comments. These are very serious matters. I urge every member who has experienced such behaviour not just to keep pointing fingers at each other but to take responsibility for their own page and what is on it. The other thing I touch on is the use of Parliament to attack public servants by name. I again raise the concerns that I have in relation to that. I do not believe that it is appropriate. It is up to members to raise whatever issue they want. There is no doubt I am going to continue to disagree with the Hon. Mark Latham on this. But I place on record that the New South Wales Government does not believe that is an appropriate use of Parliament.

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

**Motion agreed to.**

#### *Written Answers to Supplementary Questions*

#### ROSEHILL RACECOURSE HOUSING DEVELOPMENT

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

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

I am advised:

Please refer to "Government Responsibilities" section on pages 24-25 of the *Unsolicited Proposals: Guide for Submission and Assessment*.

#### WATER MANAGEMENT

In reply to **the Hon. SCOTT BARRETT** (20 March 2025).

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth)**—The Minister provided the following response:

I am advised:

In July 2021 the remade Water Sharing Plan for the NSW Border Rivers Regulated River Water Source included a clause (cl 57(4)) that requires a review of the lowest accumulated inflows (drought of record). This regulatory requirement was included in the other inland regulated water sharing plans when they were amended and must be completed by July 2026. The review requirement was included in the regulated water sharing plans in response to the 2017-2020 drought where the inflows into the major dams were significantly lower than those prescribed by the water sharing plans.

The NSW Water Strategy (August 2021), Action 4.2 calls for review (of) water allocation and water sharing in response to new climate information availability. The Natural Resources Commission, in its water sharing plan reviews has repeatedly recommended incorporating climate change into allocation process.

In October 2021, the Nature Conservation Council of NSW filed a case against the former New South Wales Government challenging the validity of the Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021.

The plaintiffs asked the court to invalidate the water sharing plan on the grounds that decision-makers failed to properly consider climate change, thereby breaching the Water Management Act 2000. In settling this legal challenge in March 2024, the New South Wales Government committed to taking steps to plan for the impacts of climate change by reviewing the way water is managed in New South Wales.

The "Minimum Inflow Review" is considering the minimum volume of water required to be set aside in public storages to meet basic landholder rights and critical human needs, including town water supply. It is also investigating the impact on planned environmental water and water users.

The NSW Chief Scientist and Engineer was asked in May 2024 to convene an independent expert panel to review a draft method to review the minimum inflows used to make available water determinations in regulated water sources.

In addition to this work, the New South Wales Government continues to invest in improved water infrastructure through the Safe and Secure Water Program [SSWP]. The SSWP provides up to \$1 billion in co-funding to Local Water Utilities [LWUs] for projects in regional New South Wales that improve water security and water quality, and that help ensure wastewater services are meeting environmental and public health standards.

Total New South Wales Government funding for the Safe and Secure Water Program [SSWP] is up to \$1 billion, which has been fully committed. The New South Wales 2024-2025 budget is providing \$41.8 million (\$224.6 million recurrent expenses over four years) to SSWP. The New South Wales Government is in negotiation with, or contributing funding to, more than 270 projects under the SSWP that support 90 of the 92 LWUs in New South Wales.

### *Notices*

## COMITY AND NOTICES OF MOTIONS

**The Hon. Penny Sharpe:** Point of order: The Hon. Mark Latham is on fire today, and there are a lot of issues that we wish to raise.

**The Hon. Mark Latham:** To the point of order: Under what procedure is this? The take-note debate has concluded, and then we go to the hour-long siesta.

**The Hon. Penny Sharpe:** No, this is a point of order in relation to the Hon. Mark Latham's notices of motions.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** From my observations, I understand that the Minister has sought advice—

**The Hon. Mark Latham:** You would have to seek leave, wouldn't you, to continue this? This is not part of the take-note—

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Mr Latham, I am answering your question. It is quite obvious, from my observations, that the Leader of the Government has sought advice from the Clerk. I have watched intently from the chair. No doubt the Clerk is about to tell me what the precedent is, and we will soon find out. But I am sure that the Leader of the Government has sought advice before doing this.

**The Hon. Mark Latham:** What about the siesta and other matters?

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I was otherwise occupied, Mr Latham. In light of what I have just said, I think it might be appropriate to allow the Minister to continue.

**The Hon. Mark Latham:** All right. I will take your guidance.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The Minister has the call.

**The Hon. Penny Sharpe:** Very wise. Thank you for that, Mr Deputy President. I wish to take a point of order in relation to the Hon. Mark Latham's notice of motion about the compliance with orders for office holder vehicle and aviation use. He actually gave notice of another motion to be placed on the *Notice Paper*, but I am not taking a point of order against that one. This is about compliance with the orders by the Speaker in the other House and the impact of whether we are able to do that while maintaining comity between the Houses. I know that the Hon. Mark Latham has very strong views about that, which I am sure we will debate.

The reason that I raise this now is that if the member wishes to place this on the *Notice Paper* for tomorrow, there is a decision to be made about whether the motion can be pursued or not, and I am seeking that advice. I am happy for you to reserve your ruling in relation to this matter, Mr Deputy President, so that the Hon. Mark Latham has the full gamut of motions that he has put forward today to choose from tomorrow.

**The Hon. Mark Latham:** To the point of order: I am looking through this book, Mr Deputy President, for the standing order about comity. There is none. For my sins, I spent 11 years in Canberra, where I come from the "unrepresentative swill" school of comity being a complete myth. There is no standing order about comity. What is the point here, especially in the circumstances where Speaker Piper has expenses of the Executive

Government that can be interrogated at budget estimates hearings and are a legitimate—entirely legitimate—matter for a call for papers? These are expenses of the Executive Government and, as the motion states, if he wants to avoid that scrutiny, the Legislative Assembly can stump up for his money instead.

**The Hon. Penny Sharpe:** Further to the point of order: We are now looking at the standing orders, so just give me a moment while I deal with this. Really, what we are seeking is some guidance from the Clerks and from the Deputy President in relation to this. I am trying to find the standing order. The point that we make about the issue of whether comity exists between the Houses is that it is well established in practice. The way in which it is dealt with by our standing orders is slightly different. As the member also knows, it is not just the standing orders that exist; it is the conventions and other matters in relation to the House that we deal with. What I am seeking from this is advice.

**The Hon. Mark Latham:** Point of order: The Leader of the Government has had about an hour to get this right. She is now going through the index of the big fat red book.

**The Hon. Penny Sharpe:** No, it is because you raised a particular issue.

**The Hon. Mark Latham:** I think this is an indulgence for the House that is bordering on abuse. If you do not know, sit down.

**The Hon. Penny Sharpe:** You have to be joking. You really make it really hard sometimes, you know?

**The Hon. Mark Latham:** Well, you don't, do you?

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Order! May I just say this?

**The Hon. Mark Latham:** You are Ms Grumble.

**The Hon. Penny Sharpe:** I have to put up with you, so here we go.

**The Hon. Mark Latham:** Well, I am here for a while, though I do not think I will enjoy it.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Order! I call the Hon. Mark Latham to order for the first time. I call Minister Sharpe to order for the first time. Can I just say this? The Minister took her point of order. The Hon. Mark Latham has put his views to the point of order. If there are no further contributions, I will reserve my decision over the lunchbreak and seek further guidance and assistance, and we will come back after lunch with a ruling.

**The Hon. Wes Fang:** There goes your siesta.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** No siesta for me. I shall now leave the chair. The House will resume at 4.00 p.m.

### *Rulings*

### **REFLECTIONS ON VOTES OF THE HOUSE**

**The PRESIDENT (16:02):** During the giving of notices of motions today, the Leader of the Government took a point of order that a notice given by the Hon. Mark Latham was reflecting on a decision of the House to support the suspension of the hard adjournment. At my request, the Hon. Mark Latham subsequently read the notice in full to the House. While the notice did not specifically raise the hard adjournment, I took the point of order as going to the criticism in the notice of perceived or anticipated tactical ordering of Government business. Having ruled on reflections on votes of the House only last week, I do not uphold the point of order.

I reiterate my ruling from last week that reflecting on circumstances in which the House has agreed to the passage of bills, including potentially their tactical ordering, is not reflecting on the House. However, noting that this matter has arisen a second time, I will put down a marker for the future. Members should be aware that I am alert to offensive expressions against the character and conduct of the House that degrade this House and the Legislature in the eyes of the public. Whilst today's notice given by the Hon. Mark Latham does not in my opinion breach this marker, I urge all members to reflect on the public perception of this House.

### **COMITY AND NOTICES OF MOTIONS**

**The PRESIDENT (16:03):** After the take-note debate on questions, the Hon. Penny Sharpe took a point of order on the Hon. Mark Latham's notices of motions, which will probably lead to the Hon. Mark Latham giving notice of a second motion. I reserve my ruling on that point of order and will advise the House before the end of the day.

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

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

**WORK HEALTH AND SAFETY AMENDMENT (STANDALONE REGULATOR) BILL 2025****Messages**

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

*Documents***TABLING OF PAPERS**

**The Hon. PENNY SHARPE:** According to the Water Management Act 2000, I table the following papers:

- (1) Report of Murray-Darling Basin Authority for year ended 30 June 2024.
- (2) Report of Murray-Darling Basin Authority entitled *Basin Plan annual report 2023-24*, dated December 2024.

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

**The Hon. PENNY SHARPE:** On behalf of the Hon. John Graham: I postpone Government business orders of the day Nos 1 and 2 until a later hour of the sitting.

*Committees***SELECT COMMITTEE ON THE RELATIONSHIP BETWEEN THE DURAL CARAVAN INCIDENT  
AND PARLIAMENTARY DEBATES ON LEGISLATION****Membership**

**The PRESIDENT:** I inform the House that the Clerk has received from the Leader of the Government and the Leader of the Opposition the following nominations for membership of the Select Committee on the Relationship between the Dural Caravan Incident and Parliamentary Debates on Legislation:

Government:	The Hon. Greg Donnelly The Hon. Bob Nanva The Hon. Emily Suvaal
Opposition:	The Hon. Wes Fang

*Bills***ROAD TRANSPORT LEGISLATION AMENDMENT (POST-CRASH DRUG AND ALCOHOL  
TESTING) BILL 2025****First Reading**

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

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

**Statement of public interest tabled.**

**Second Reading Speech**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (16:06):** I move:

That this bill be now read a second time.

I am pleased to introduce the Road Transport Legislation Amendment (Post-Crash Drug and Alcohol Testing) Bill 2025. The bill will achieve a number of things. Firstly, in recognition of the experience of road trauma victims, the bill will replace references to "accident" with "crash" where practicable in the Act. This reflects that serious road trauma has causal factors and is preventable, not simply accidental. Secondly, the bill delivers on key actions

in the New South Wales Government 2026 Road Safety Action Plan. It amends transport legislation to enhance and strengthen post-crash drug and alcohol testing after the most serious crashes on New South Wales roads. The bill will ensure that police have powers to systematically collect evidence where a motor vehicle crash results in grievous bodily harm, not just in fatal crashes. It will enable samples to be tested for drugs as well as alcohol, provided certain conditions are met.

The reforms ensure the same post-crash testing is available whether the driver is injured or uninjured. It will extend these same testing powers to bicycle riders involved in fatal crashes or crashes that result in grievous bodily harm. The bill also updates and enhances other aspects of drink and drug driving testing and sentencing provisions. In the development of these amendments, extensive consultation has occurred with NSW Police Force, NSW Health and the NSW Health Pathology Forensic and Analytical Science Service, which is the prescribed laboratory. The 2026 Road Safety Action Plan outlines the Government's commitment to reduce fatalities on New South Wales roads by 50 per cent and serious injuries by 30 per cent by 2030. Initiatives in the plan focus on actions to improve the safety of vulnerable road users through safer road environments, accelerated safety features in vehicles and continued investment in life-saving safety infrastructure. The plan features initiatives targeting high-risk offenders, including in response to recommendations of the NSW Sentencing Council report entitled *Repeat traffic offenders*.

This bill aims to ensure that those who engage in high-risk behaviour, drive with alcohol and drugs in their system, and cause very serious injury are held accountable. The first key element of the bill is to replace "accident" terminology with "crash". I particularly thank the Road Trauma Support Group NSW for its ongoing work to provide a voice for families that have been impacted by road trauma through the criminal act of another road user. This group was established by people who have tragically lost their loved ones in a road crash. Through their immense grief and lived experiences, they are striving to help other families who are facing that pain. The Road Trauma Support Group has been a passionate advocate for changing the language used to describe road incidents in legislation and media away from the term "accident".

The experience of road trauma victims was part of both the insights shared and the feedback at the Road Safety Forum held in early 2024, which emphasised the need to build a stronger safety culture. The term "accident" can imply that crashes are unavoidable. We acknowledge the perspective of the Road Trauma Support Group that using the term "accident" minimises the culpability of the driver. Replacing "accident" with "crash" in the Act and related regulations aligns with the New South Wales Government's Safe System approach to road safety. It is underpinned by the principle that any death and serious injury on the road network is preventable. It also reflects language that has long been used in communications and education by Transport for NSW and the NSW Police Force. We are aware that the term "accident" is used in other legislation, such as the Motor Accident Injuries Act 2017. This change will not affect other Acts or their operation. Making this change in our road transport legislation is an important step in ongoing conversations with the community that serious road trauma on New South Wales roads is avoidable and not simply an accident.

The second key element of this bill is to extend post-crash testing in circumstances where a crash results in grievous bodily harm. New South Wales has had a policy of mandatory drug and alcohol testing of all drivers involved in fatal crashes since 2006. This reform was first introduced to target the most serious of road crashes, recognising that fatal crashes often involve dangerous and illegal behaviour by one or more drivers. If drivers involved in fatal crashes have alcohol or drugs in their system when they crash, police can systematically gather that evidence. We know that alcohol and drugs are also a contributing factor in other very serious crashes. Like fatal crashes, these also have a devastating impact on those involved and their loved ones.

This bill will allow evidence of alcohol or drug involvement to be systematically collected and available to police for the next most serious category of injury. This is where a crash results in significant injuries that are consistent with grievous bodily harm. This evidence could then be used to support relevant charges in the Crimes Act 1900 and the Road Transport Act 2013, including negligent and dangerous driving offences. This Government has a strong commitment to improving road safety in New South Wales, and the bill maintains the clear message that drink and drug driving is unacceptable.

The New South Wales Government acknowledges the ongoing work of the NSW Drug Summit. It understands that there were various views expressed at the Drug Summit about the potential for drivers using medically prescribed cannabis to be charged with a drug presence offence. This is primarily detected through the roadside drug testing program. These post-crash testing reforms aim to ensure that serious traffic offences can be applied to drivers following very serious crashes that result in injuries consistent with grievous bodily harm. These reforms are important to progress, independent of any recommendations that may arise from the Drug Summit. To ensure that it is clear for the community, it is important to outline the current post-crash testing regime and the effect of the amendments proposed in this bill. Currently, there are two main pathways for a person to have their blood sample taken and tested after a crash, depending on whether the person is injured or uninjured in the crash.

This bill includes amendments to both pathways so that there is a consistent approach to collecting evidence of drug and alcohol impairment.

The first pathway is where a person is injured and attends hospital because of a crash and is at least 15 years of age. An authorised sample-taker at the hospital must take a sample of that person's blood. This applies to any injured road user, including drivers, riders, bicycle riders, pedestrians and drivers of vehicles other than motor vehicles. The samples are automatically tested for alcohol only. Existing legislation allows police to test these samples for drugs in limited circumstances. This includes where the crash was fatal or where police have reasonable belief that the driver was under the influence of drugs at the time of the crash. Post-crash drug testing currently only applies to drivers, motorcycle riders or supervising drivers involved in a crash. The drugs tested for include a wide range of legal and illegal drugs known to impair driving. This bill will allow blood samples to be taken from an injured driver, motorcycle rider or supervising driver to be tested for drugs, in addition to alcohol, where police have a reasonable belief that grievous bodily harm has resulted from the crash.

The second current testing pathway is where a driver, rider or supervising driver of a motor vehicle is not injured and is involved in a fatal or likely fatal crash. New South Wales police currently have the power to arrest the driver for the purpose of providing a blood and urine sample. The samples can only be tested for alcohol and drugs if a fatality has occurred. This bill will give New South Wales police the power to arrest an uninjured driver involved in a crash where the police have reasonable suspicion that the crash has resulted in grievous bodily harm. This is for the purpose of providing a blood and urine sample. This reasonable suspicion threshold means that police will need to have an informed view about the nature and severity of a person's injuries before they can arrest the driver but do not need confirmation of grievous bodily harm, as this cannot be determined at the roadside.

For the purposes of these reforms, grievous bodily harm will have the same meaning as in the Crimes Act, meaning that police will need to have reasonable suspicion that a crash has resulted in any permanent or serious disfiguring of the person. I emphasise that police suspicion is not about driver culpability; it is simply a suspicion that injuries are severe and likely consistent with grievous bodily harm. Importantly, this threshold can be met by police at the roadside and ensures that samples from the driver can be taken without placing undue burden on officers, who often need to act quickly and with limited information in a crash scene. Police can obtain medical information from paramedics to supplement their own visual observations of injury severity and have advised that this aligns with current operational policing practice.

Once a sample is taken, it is not automatically tested for alcohol and drugs. The legislation will require that a police officer must provide written notice to the laboratory that the police officer reasonably believes that a person involved in the crash has suffered grievous bodily harm as a result of the crash. This second step requires police to gather more detailed confirmatory information about the crash and injuries sustained that is not available at the time of the crash. This can include information provided by doctors or nurses. This is consistent with the current approach for likely fatal crashes and reflects the process undertaken by police when investigating potential charges.

Consistent with current practice, the drug and alcohol sampling unit within the NSW Police Force reviews all police requests for drug analysis. This ensures that only samples that meet legislative requirements are analysed for alcohol and drugs. The process for requesting a drug analysis, which I have just described, will also apply to circumstances where a driver is injured and in hospital and has been involved in a crash resulting in grievous bodily harm. Again, this already reflects current police process. Amendments are proposed to clarify this in the legislation to make it clear that police will be required to follow the same steps to request drug analysis whether a driver is injured or uninjured. It is estimated that up to 1,500 additional blood and urine samples may be analysed for alcohol and drugs per year due to this reform.

This bill does not introduce any new offences. Most significantly, the evidence can help to prove the elements for the offence of dangerous driving occasioning grievous bodily harm in the Crimes Act 1900. However, for a driver to be convicted of a serious driving offence, all elements of the offence must still be proven to the satisfaction of the court. In the event that there is insufficient evidence to support a charge under the Crimes Act, other charges under the Road Transport Act remain available to police. This is already the case and remains unchanged by this bill.

Under the existing legislation, there are strict protocols already in place to ensure the safe and appropriate taking, handling, transportation and storage of all blood and urine samples, and to ensure the data related to those samples is secure. Those protocols will continue under the reforms, and there are a number of requirements already in the legislation. Those requirements include that samples can only be taken by authorised sample-takers, requirements around the way in which samples are to be dropped off, labelled, stored and transferred, and also that samples must only be analysed by prescribed laboratories. The bill also makes a minor amendment to enable blood samples taken from an injured person at a hospital as a result of a crash to be taken by an authorised

sample-taker consistent with other circumstances under the Act, rather than specifying a medical practitioner or a registered nurse if no medical practitioner is present. That better reflects emergency department clinical practice.

The provisions in the bill will commence on a date to be appointed by proclamation and will be announced by the New South Wales Government prior to commencing. That is expected to be later in 2025. That is to ensure that the necessary systems and operational changes are implemented by Transport for NSW and partner agencies, including the NSW Police Force and NSW Health. Transport for NSW will undertake a review 12 months after implementation, in consultation with key agencies, to assess the operational impacts of the reform. It is important to note that the new post-crash testing provisions will only apply to samples taken from crashes occurring from the date of proclamation. Samples that have been taken prior to this date will be tested according to the legislation that was in place beforehand.

I now move on to discussing post-crash testing for bicycle riders. As part of the post-crash testing reforms, the bill will enable drug and alcohol testing of bicyclists involved in fatal or grievous bodily harm crashes. That is intended to make the post-crash testing provisions for bicyclists consistent with arrest and testing powers for motor vehicle drivers. It is an offence for a bicycle rider to ride while under the influence of drugs or alcohol. Currently, however, bicycle riders who are involved in fatal crashes are not routinely tested for both drugs and alcohol as mandatory testing applies to motor vehicle drivers and motorcycle riders only. Bicycle riders can travel at significant speed and are particularly unprotected in the event of a crash.

While bicycle riders are generally the most vulnerable road users in a crash, very serious crashes involving other bicyclists or pedestrians can also occur. Tragically, that occurred last year when a bicycle collided with a pedestrian and the pedestrian later died in hospital as a result of their injuries. It is essential that crash investigators reviewing our most serious crashes, including bicycle crashes, have all relevant evidence available to them. Under existing laws, blood samples are already taken from most injured adult bicycle riders when they attend hospital. Those samples are analysed for alcohol only.

A bicycle rider that is not injured in a fatal crash cannot currently be routinely arrested for the purpose of drug and alcohol testing. The bill addresses that by including bicycle riders in the group of crash participants that police have the power to arrest for the purpose of providing blood and urine samples following a crash that has resulted in a death or where police reasonably suspect grievous bodily harm has occurred. It also enables a blood sample of a hospitalised bicycle rider who has had a sample taken for alcohol analysis to be also analysed for drugs if police have a reasonable belief that the crash that caused the rider to attend at or be admitted to hospital was fatal or resulted in grievous bodily harm. That will make the testing framework for bicyclists consistent with motor vehicle drivers and motorcycle riders. That change is expected to affect a small number of bicycle riders only.

On average, around 10 bicycle riders are involved in fatal crashes in New South Wales each year and, as noted, most will already have their blood taken under the current law. The bill does not introduce new offences for bicyclists. The amendment simply means that a sample can be taken more consistently from any bicycle rider involved in a fatal or grievous bodily harm crash and can be tested for both drugs and alcohol. Further, having a consistent framework in place is important as the use of e-bikes grows in our community. E-bikes, if they are a legally permitted type, are considered a bicycle. High-powered, illegal e-bikes are considered a motor vehicle. As it is not always clear at the roadside if a bike is an illegal or legal type, the change will ensure that blood and urine samples can be taken consistently.

The bill seeks to enhance police ability to enforce the combined drink and drug driving offence that was introduced into legislation in 2021. The combined offence follows similar processes to those currently in place for drink driving and drug driving in New South Wales. Police administer a breath test, followed by a breath analysis if the breath test is positive. Following that, police administer a roadside drug test and if the initial screening test is positive, an oral fluid sample is taken and submitted to the laboratory. Currently, drivers who are physically unable to submit to a breath analysis following a failed breath test can be required by police to provide a blood sample. The sample can be analysed to determine the concentration of alcohol in the blood only.

Similarly, where a driver is physically unable to provide an oral fluid sample following a positive initial screening test, a blood sample can be taken and tested for prescribed illicit drugs only. The inability may be a result of a medical condition, but often it is because the driver is too intoxicated to do so and has fallen asleep, passed out or their gross motor skills have been so impaired that they are physically unable to submit to the evidential breath analysis undertaken at the police station. The proposed amendments will allow a blood sample taken in either of the previously mentioned circumstances to be tested for both alcohol and prescribed illicit drugs from the one sample, rather than requiring two separate blood samples. There are no changes to the combined offence itself. Making that amendment simply provides police with additional tools to enforce the combined drink and drug driving offence where a person is physically unable to provide a breath or oral fluid sample.

The bill also makes changes to the mandatory Alcohol Interlock Program. The Alcohol Interlock Program is a proven road safety measure that reduces the risk of drink drivers reoffending. Courts are required to order eligible offenders to complete a minimum licence disqualification period and a period of participation in the interlock program of at least 12 months. Longer periods are applicable for more serious offences. An offender who does not complete the interlock program remains disqualified from driving for five years from their sentencing. That feature of the program is intended to encourage offenders to complete the program while ensuring they are not locked out of licensing indefinitely.

Limited exemptions from the interlock program are available. That includes for offenders who have a medical condition that prevents them from operating the device and no reasonable adjustments may be made to the device to overcome this inability. However, currently, medical exemptions can only be made at the point of the sentencing date. A person who receives an interlock order on sentencing but later develops a medical condition and can no longer operate the interlock device is not able to subsequently apply for an exemption order. They would remain disqualified for five years. The bill will allow an offender to whom an interlock order applies to apply to the court for an exemption order.

Under those provisions, the court may provide an exemption order if a person has a medical condition diagnosed by a medical practitioner that prevents them from providing a sufficient breath sample to operate the interlock device and the device cannot be modified to enable the person to operate the device. That is consistent with the requirements for seeking an exemption order on the original sentencing. That responds to a recommendation in the Sentencing Council *Repeat traffic offenders* report. It is designed to provide fairness for the small number of people who cannot operate an interlock through no fault of their own, who would otherwise be locked out of licensing for an extended five-year period.

Consistent with the requirements that currently exist for an interlock exemption order, if a person is exempted from participating in the interlock program, they are disqualified from driving for an alternative period. They may also be required to undertake a drink driving education program before they can apply for a new licence. That is to help the person separate drinking from driving. The bill requires that the disqualification period for a driver who applies for an interlock exemption in those circumstances is consistent with the ordered or automatic period that would have applied under section 205 of the Act. This is as if the person had applied for an exemption order at their original sentencing, and it would be deemed to have commenced at the same time. In determining a disqualification period, the courts must consider the amount of time the offender has already served of their disqualification and interlock period.

The bill also makes two minor amendments to address inconsistencies in the existing legislation. The first is to explicitly specify dangerous driving offences in the definition of "major offences" in the Road Transport Act 2013. I note that this does not expand the definition but makes their inclusion clearer, as recommended by the Sentencing Council. The other is to correct a sentencing provision in the Crimes (Sentencing Procedures) Act 1999 that was inadvertently missed when the combined drink and drug driving offence was introduced in 2021. For consistency, the bill includes the combined offence as a "prescribed traffic offence" under that section, alongside drink driving offences, drug presence offences and driving under the influence of drugs or alcohol offences.

The impact of road trauma is real for so many in our communities. The enhanced laws for post-crash testing will enable collection of evidence about whether drugs or alcohol may have been a factor in the most serious crashes that occur on New South Wales roads. That evidence will support police in investigating serious driving offences and ensure that drivers and bicycle riders are held accountable for their actions when they kill or cause grievous bodily harm to another person. I commend the bill to the House.

**Debate adjourned.**

## **PRODUCT LIFECYCLE RESPONSIBILITY BILL 2025**

### **Second Reading Debate**

**Debate resumed from 18 March 2025.**

**Dr AMANDA COHN (16:31):** The Greens support the Product Lifecycle Responsibility Bill 2025. Product stewardship is a critical approach to reducing waste, as well as reducing the impact of hazardous items like flammable and toxic batteries on our health and on the environment. In the waste crisis that we are facing in New South Wales, and particularly in Greater Sydney, it is welcome to see an approach from the Government that places responsibility with producers so that it is not only individuals, councils, ratepayers and taxpayers bearing the burden of cleaning up the mess we are in.

The bill establishes a mandatory product stewardship framework through a new Act, the Product Lifecycle Responsibility Act. The framework established by the bill allows the Minister to prescribe, by regulation, requirements across the entire life cycle of a product, including the development, design, creation, production, assembly, supply, use or re-use, collection, recovery, recycling or disposal of the regulated product. By regulation, the Minister may prescribe a product stewardship requirement about an extensive and exciting range of items, processes and their impacts. The list is lengthy and includes the use or re-use of recycled materials; the ability of a product to be recycled, composted, repaired, maintained, processed, reprocessed, refurbished, upgraded, shared or re-used; labelling and packaging; traceability of materials and reduction in material used in a product; prevention and reduction of litter and unlawful or unsafe disposal; training, education, advertising and public awareness campaigns; and the impact, including the potential impact, of a product or the life cycle of a product on the environment or on human health.

The Minister described at length in her second reading speech how the proposed Act will operate, and I will not repeat all of that. It is the clearly stated intent of the Government for this framework to be applied to batteries. Batteries are a notable current challenge in terms of the danger they pose to the community and the environment when dumped or placed into regular household bins. I understand that Fire and Rescue NSW has advised that the fastest growing fire risk is lithium ion batteries that are poor quality and without appropriate safety systems to prevent overheating. I understand that this urgency has prompted the Government to make batteries the target of this new Act.

There is existing important work in battery stewardship that is important to acknowledge. Operated by the Battery Stewardship Council, B-cycle is our national accredited battery stewardship scheme, supported by the Commonwealth and all State and Territory governments. Since 2022 B-cycle has more than doubled the national battery collection rate to recover millions of kilograms of batteries. At over 5,200 drop-off points across the country, more than 1,000 of which are in New South Wales, B-cycle has provided people with a safe way to dispose of batteries and divert them out of landfill. But despite best efforts, under the current voluntary scheme only 10 per cent to 15 per cent of batteries are returned.

Another issue with the current scheme is that of so-called free riders, who charge a levy that is not appropriately reinvested. B-cycle itself has identified that inconsistent participation by producers, inadequate infrastructure to safely manage lithium ion batteries, economic pressures and lack of regulation to enforce industry-wide compliance have been barriers to better rates of recycling. The Government has stated that its objective through the bill is for battery return rates to increase to between 80 per cent and 90 per cent.

The Greens appreciate that this is a brand-new framework. We will be watching closely and holding the Government to account to ensure that it will deliver its stated aims. The bill carries significant penalties for brand owners who fail to comply with product stewardship requirements set out by the regulations and, in particular, for the contravention of safety requirements. The end goal of all of this, of course, should not be that fines are issued regularly but that producers take into account where a product will end up at the end of its useful life and design products or their parts to be repairable, re-usable, recyclable, longer lasting or safer. At the moment we are facing the exact opposite, where producers plan the obsolescence of their products to induce further demand.

The Greens look forward to working with the Government to extend the framework as soon as practicable to other challenging and hazardous waste streams. An opportunity exists to tackle a variety of waste streams through product stewardship. It would be a great shame for this opportunity to be used only to respond to fires caused by batteries and then gather dust on a shelf. I know that the Government is aware of the risk posed by embedded batteries in a range of household electronic products as well as in disposable vapes. Product stewardship could and should be applied to a wide variety of products, such as hazardous chemicals and solvents, some medical waste, appliances and even textiles. On a personal note, as a resident of a cross-border community, I note with gratitude the collaboration between the New South Wales and Victorian governments on this matter and hope that this continues and results in harmonisation across jurisdictions.

**The Hon. NATALIE WARD (16:36):** I contribute to debate on the Product Lifecycle Responsibility Bill 2025 on behalf of the Opposition and the shadow Minister in the other place, James Griffin. The Opposition supports the bill and its intent to ensure that batteries are collected safely for recycling. We note that the scope of batteries to be covered by the first tranche of regulations is based on risk and the items that Fire and Rescue advise are causing the fires. They include e-bikes and e-scooters. With the increasing use of lithium batteries in consumer electronics, electric vehicles and energy storage systems, New South Wales faces a growing challenge in managing their end-of-life disposal. While those batteries offer significant advantages in terms of energy efficiency and sustainability, their improper disposal and handling can lead to serious fire hazards.

A well-structured product stewardship scheme is essential to mitigate the risks and ensure that lithium batteries are managed safely and responsibly. Lithium batteries pose a significant fire risk when damaged, overcharged or exposed to high temperatures. One of the primary dangers stems from thermal runaway—a chain

reaction where a battery's internal temperature rapidly increases, leading to combustion. Fires caused by lithium batteries are particularly hazardous because they burn intensely, release toxic fumes and are difficult to extinguish using conventional methods.

In New South Wales hundreds, if not thousands, of incidents of waste facility fires and kerbside recycling truck fires have been linked to improperly discarded lithium batteries, highlighting the urgent need for better management and regulation. A product stewardship scheme is a regulatory framework that ensures that manufacturers, importers and retailers take responsibility for the entire life cycle of their products, including disposal and recycling. In the case of lithium batteries, such a scheme would involve structured collection, safe transportation and proper recycling or disposal methods. The bill would turn existing schemes, such as B-cycle, from voluntary schemes to mandatory schemes in New South Wales. That means suppliers must participate in funding and rolling out collection points and community education to ensure that batteries are safely disposed of.

The Opposition supports the introduction of product stewardship for a number of reasons, including fire risk reduction. Proper collection and disposal significantly lower the likelihood of fires in waste facilities, garbage trucks and residential areas. We support protecting the environment by reducing the number of batteries that end up in landfill to prevent toxic chemical leakage into soil and waterways. Regarding resource recovery and a circular economy, we support recycling lithium batteries to allow valuable materials to be re-used, reducing reliance on finite natural resources and promoting a more sustainable economy. We also support regulatory compliance and industry accountability to ensure that manufacturers and retailers take responsibility for end-of-life battery management, to foster safer industry practices and to reduce the burden on local governments.

A product stewardship scheme for lithium batteries is a critical step towards mitigating fire risks, protecting the environment and promoting sustainable resource management in New South Wales. By implementing robust policies and encouraging responsible disposal practices, the State can reduce hazardous incidents while fostering a cleaner, safer and more sustainable future. As we have heard, research from 2024 estimates the waste and resource recovery sector deals with between 10,000 and 12,000 fires a year in trucks and at facilities caused by improper disposal of lithium ion batteries. Clearly the issue must be comprehensively dealt with.

The Opposition also acknowledges that the basis for the scheme is the former Coalition Government's signature recycling and resource recovery program Return and Earn, which is well known in the community. We are proud that Return and Earn has done good things for the environment and has demonstrated how to successfully implement product stewardship in New South Wales. Finally, we note the scheme will likely come into effect in 2026 and will also consider a broader range of batteries than just those in e-bikes and e-scooters. We welcome that. It is a logical next step and the expansion of the scheme will be important in futureproofing against other batteries that enter the market. The Opposition supports the bill.

**The Hon. TANIA MIHAILUK (16:41):** I make a contribution to debate on the Product Lifecycle Responsibility Bill 2025. I state from the outset that I welcome the policy intent of the bill, which is to create a regulatory framework for mandatory product stewardship to address the growing risk of lithium ion battery fires in our State. The next step will be to hear from the fair trading Minister to ensure that compliance and enforcement are also a focus of this Government. As the former member for Bankstown and in my capacity as a member of this place, I have heard anecdotally from members of Fire and Rescue NSW that call-outs to private homes for lithium batteries that catch on fire—because the battery is either faulty or disposed of in household waste bins, or because solar panels or batteries have been installed by an unlicensed or unqualified supplier—are becoming more and more frequent.

It is not just household batteries that are catching on fire. Many people in our State are ordering products such as electric scooters or bikes or kids' toys and apparel that contain lithium batteries within them, which can catch alight when they are plugged in for recharge or when they are incorrectly disposed of. Many of those dodgy products are ordered online from websites such as Temu or Wish, and they are contributing to the growing number of Fire and Rescue NSW call-outs in our State. The regulatory framework that is set to be introduced through the mandatory product stewardship in this bill proposes four things in principle: one, to minimise the impact that products have on human health and the environment throughout the life cycle of the products; two, to ensure that persons who supply a product are responsible for minimising the potential harm of what is supplied; three, to support material circularity through design, production, use, re-use, collection, recycling, reprocessing and end-of-life management; and, finally, to promote and support the principles of a circular economy.

The goal of the objects of the bill relating to batteries is about supporting safer disposal options for batteries, particularly when it comes to the disposal of batteries in household waste bins; ensuring a level playing field between businesses who participate and do not participate in the product stewardship scheme; strengthening design standards, particularly for e-scooters and e-bikes, and I note we had some e-scooters in Parliament last week; supporting an education and awareness campaign for the safe disposal of lithium ion batteries; and increasing the re-use and recycling of battery products in a circular economy. Many technical aspects of the bill

regarding regulation, reporting and enforcement have been addressed by the Minister, so I will not go into further detail on them. As the former member for Bankstown and as someone who regularly speaks to frontline service workers in my area, I support the bill due to its policy aims, because we know more and more lithium batteries are catching on fire, whether in the family home or when they are discarded in an unsafe way.

The Minister is introducing a regulatory framework to work in conjunction with existing mandatory product stewardship provisions and Commonwealth laws to address that growing concern, but there is an important role in the next step for NSW Fair Trading to play, and that is in addressing the use of unsafe or faulty lithium ion batteries and in stopping the installation of those batteries by unsafe or unqualified tradespeople. As the Minister and the Labor Government encourage households to transition to solar and battery use in their homes, the Government also needs to provide the appropriate regulatory framework and enforcement capacity to ensure that it is done safely. I see the introduction of this bill as a step in that direction.

**The Hon. Dr SARAH KAINE (16:45):** I am not only pleased but also excited to speak in support of the Product Lifecycle Responsibility Bill 2025, as I have been very keen to promote extended producer responsibility. I am extremely proud that we are moving forward on that. The bill proposes a new Act to establish a product stewardship framework for brand owners. It will allow the Minister to prescribe requirements for regulated products across their entire life cycle, from development and design to recycling and disposal. It is essential that suppliers take responsibility across the life cycle of the regulated product, especially when they risk impacting people and the environment. The Government recognises the need to futureproof our legislation to ensure that New South Wales can respond to any emerging environmental issues from products.

I am particularly keen on product life cycle responsibility because I very much want to ensure that businesses that are reaping economic gain from the development and sale of products cannot ignore the negative externalities for which the rest of the community bears the cost. The bill is an important step in making sure that that is not the case. The Government has heard the struggles the waste sector is experiencing dealing with battery fires. The sector estimates that over 10,000 fires every year are caused by batteries, predominately lithium ion batteries. Fires have started spontaneously in homes or when they get punctured in waste trucks or at waste and resource recovery facilities, putting workers at those facilities and in those trucks in danger, as well as the community around them. The impact of those fires is also felt by our emergency services and the environment. While lithium ion batteries are incredibly important, they can cause significant harm to people and the environment when they are not properly disposed of or are damaged, mishandled or designed poorly.

Product stewardship schemes such as B-cycle and MobileMuster already exist; however, those schemes are voluntary and lack appropriate regulatory oversight. A couple of weeks ago I met with Libby Chaplin, CEO of B-cycle, to hear about the excellent work that it has been doing in that voluntary capacity. She talked to me about the fact that a voluntary scheme means that some of the worst offenders in an industry can get away with not doing the right thing. I also note that one of the recommendations from the recent e-mobility inquiry of Portfolio Committee No. 6 was that there should be an extended producer responsibility for batteries because of all the evidence the committee heard about the dangers associated with them. It is very comforting to know that we are taking action on the issue.

The recovery rate for voluntary schemes is low, and there is a lack of financial support in those systems as well as the presence of free riders. Product stewardship is most successful when there is the level playing field that can be achieved in a mandatory scheme. We want to reduce harms from products such as batteries. As I said, B-cycle is a voluntary scheme operating under Commonwealth laws. It has already collected \$31 million in levies since it commenced in January 2022, which is quite a scale of achievement given its voluntary nature. In saying that, it is only recovering about 15 per cent of batteries within the scope of its scheme. While some producers have supported the development of safe disposal pathways and solutions to solve the battery crisis, others have had a free ride. That is simply not acceptable. It should not be on a few to solve the problems of many. All producers of those batteries and producers of products that use those batteries have a responsibility to prevent the harm being caused.

The Government intends to release draft regulations for the highest priority battery types to give effect to a mandatory product stewardship scheme. That will see a flow of funds from more suppliers towards battery product stewardship to fund collection points and education, both of which will be essential for such a scheme to be successful. By mandating requirements about the safe collection and disposal of batteries, the bill will ensure that New South Wales can reduce the number of battery fires and further loss of life. Battery suppliers must share the burden of ensuring that the products they supply are properly managed when they reach the end of life by providing pathways to ensure correct disposal. The Government is committed to strengthening the system by making sure the responsibility is shared.

A product stewardship framework to regulate a product will outline compulsory requirements for brand owners to look after products throughout the product life cycle. We must ensure that the funding for and rolling

out of collection points and community education is done at a scale that ensures that the system works effectively. I recognise the hard work of those who have already contributed to dealing with the deleterious effects of these types of products. Businesses are currently working to improve products in order to design out some of the problems we see at end of life, which is ideal to limiting waste and landfill and the dangers of these types of products.

The Government is committed to supporting the New South Wales transition to a circular economy through the schemes I have outlined. The bill also prevents people from being harmed by poorly designed products. Members would know that I speak often about sustainability and circularity in fashion and textiles. The voluntary Federal extended producer responsibility scheme in textiles is called Seamless. I am very excited about what model this mandated regulation might provide if Seamless is unable to scale up to the extent that we would like it to in order to solve the waste crisis in another sector. I look forward to the consideration of other mandatory extended producer responsibility schemes in other industries. I commend the bill to the House.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:51):** In reply: I thank all members who contributed to debate on the important Product Lifecycle Responsibility Bill 2025. It is a big step forward in looking after our environment and human health. The growth of products that we never envisaged in our consumer-dominated world is now beginning to cause serious problems. We now have 10,000 to 12,000 fires a year in bins and on premises. That is too many. Unfortunately, people in New South Wales have lost their lives as a result of overcharging lithium ion batteries. That serious matter was raised by the Hon. Tania Mihailuk. Good attempts were made to try to find ways to take batteries out of bins, trucks and waste facilities after they are incorrectly disposed of in homes, but that has not been successful.

I welcome the bipartisan support for the bill across the Parliament. We are going to take action on this issue. In particular, I thank Dr Amanda Cohn, the Hon. Natalie Ward, the Hon. Tania Mihailuk and the Hon. Dr Sarah Kaine for contributing to debate on the bill and explaining its importance, because the need for this legislation is very serious. We must be able to easily and quickly regulate products causing problems, whether they are a risk to safety or to the environment. The bill will give us the tools we need to act. It will allow us to target products throughout their entire life cycle, preventing potential harm. The bill will equip the New South Wales Government with the strongest powers in the country to ensure that brand owners are held accountable for their products. This legislative framework provides the appropriate regulatory oversights for dealing with a serious and dangerous problem.

This groundbreaking reform demonstrates New South Wales' leadership in environmental protection and the strong support of members from across Parliament for taking action when it is needed. Again, I thank members for their support for the bill. I thank also the waste industry for its invaluable input into the bill. I thank Environment Protection Authority staff, a few of whom are in the gallery, for all their work. I spoke in question time about the challenges we face with waste, and that little group of people is taking on that challenge—under quite a bossy Minister! We must deal with the red-lid bins by 2030, and the team are rising to that challenge. We have introduced legislation on FOGO—food organics and garden organics—and batteries, and there is more to come. I acknowledge the team for their fantastic work. They did much better drafting than I could ever do.

I also thank the agencies from across government. As the Hon. Tania Mihailuk noted, we cannot solve this problem on our own. I am dealing with the problem by looking at ways in which we can safely dispose of these products. Together with my colleague the fair trading Minister, Anoulack Chanthivong, we are working on standards for batteries and solar in the consumer energy industry. We need the right accredited people doing the job. We cannot do this alone. I give a particular shout-out to Fire and Rescue NSW, especially to the commissioner, who stood beside me on numerous media occasions in the past week and reinforced the need for this legislation. We are all trying to do what we can across government.

I will not detain the House any longer. I thank members for their input. I thank the Opposition and The Greens for their consideration and support for the bill. It will make a difference. This is yet another important step towards a more circular economy with less waste and more recycling. People can enjoy the products they love and need, but those products must be disposed of safely, rather than being thrown somewhere and causing a fire. I commend the bill to the House.

**The PRESIDENT:** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.****SCREEN AND DIGITAL GAMES INDUSTRIES BILL 2025****Second Reading Debate****Debate resumed from 18 March 2025.**

**The Hon. JACQUI MUNRO (16:57):** I lead for the Opposition in debate on the Screen and Digital Games Industries Bill 2025, which we support. My colleague in the other place the shadow Minister for the Arts, Kevin Anderson, will seek to amend the bill to include regional representation in the composition of the advisory committee. The Coalition has a proud history of supporting the digital games industry. In September 2021 the Coalition, under the leadership of Ministers Stuart Ayres and Don Harwin, announced a 10 per cent tax rebate on digital games projects for companies based in New South Wales. It widened the rebate already offered to post-production, digital and visual effects projects based in the State, recognising the value and opportunity the digital games sector had to offer.

According to a recent strategy, New South Wales is now home to 22 per cent of Australia's games studios and 16 per cent of full-time employees, and there is a great deal of room to grow. Some 81 per cent of Australians now play digital games, and I am surprised it is not higher. This is a huge industry, valued at over half a trillion dollars globally. There is lots to do. It is appropriate that the digital games industry be incorporated into our screen industry. It is the appropriate place given the crossovers in technology and production. The existing infrastructure governing the screen sector in New South Wales can be widened to ensure that this industry is embedded in our industry policies.

Screen NSW obviously does a lot of incredible work. We have Create NSW coming in next to that agency to ensure that there is appropriate infrastructure provided for the people working in these industries. Some 51 per cent of Australia's screen production businesses are in New South Wales, so we have an existing dominance that needs to be valued and added to. The Opposition was incredibly critical when this Labor Government decided to make \$60 million worth of cuts to the Made in NSW fund and through the Post, Digital and Visual Effects Offset opportunities. The screen industry fought tooth and nail to retain that funding. It should not have had to do so, but it put in the work to ensure that this Government understood the true value of the industry. At the time it was a worrying indication that perhaps this Government was not committed to the screen industry.

Places like South Australia, Victoria and Queensland are significantly increasing their infrastructure, their funding and their support for the players who are coming to Australia. Australia nationally has one of the most generous offset schemes for film and screen producers. With that is a need to ensure that the infrastructure here is appropriate. There is also a need to entice to New South Wales the people who are coming to Australia to benefit from those offsets. One of the things I have been told in consultation on the bill is that, while it is welcome, there are aspects of it that need to be added to, not only in legislation but also in the action the Government takes to ensure that infrastructure is suitable for the growth we ambitiously seek.

One such area is the space and time available at studio production spaces like Fox Studios. I think there are nine production spaces there. I have been told anecdotally that smaller productions, particularly Australian ones, are not given an appropriate amount of time in those spaces to make the kind of good-quality content that we want to make here. Potentially, those smaller productions will be kicked out of those spaces if global productions come into town and take precedence because of their mighty scale and enormous economic value. We are potentially risking our local industry if we do not increase the amount of studio production space in New South Wales.

I asked about that during budget estimates. The response from the secretary was that there is a process occurring to investigate what spaces might be available around Greater Sydney but there is, as yet, no money allocated to actually securing that space. It is a problem if that extension of space is not provided for in the next budget. If the industry has to wait another budget cycle—over 12 months—for an increase in production space, productions will simply go elsewhere to places like Victoria, South Australia and Queensland that are demonstrating that they want the business of the screen industry. As I said, Create NSW works with Screen NSW to undertake this task. My understanding is that Create NSW deals with the infrastructure side of things. We do need to keep the pressure on to ensure that the objects and intentions of the bill are realised with the funding required.

I note the support other States are giving the industry, particularly in the studio production space. Victoria has constructed a new \$46 million sound stage at Docklands Studios known as the "super stage", Sound Stage 6. At 3,700 square metres, it is now the largest in the Southern Hemisphere. It opened in March 2022 and accommodates large-scale productions, with high action sequence capabilities and a 900,000-litre water pit, which

means that it can film underwater scenes. That is really exciting for them, but it is something we are now competing against.

Similarly, Queensland is increasing the spaces it has available. A new 1,000-square-metre sound stage has opened in Cairns. It has digital video editing suites, a sound recording studio and set construction and wardrobe spaces. I believe there are also plans for a major new film production facility with 10 sound stages on the Gold Coast, which would more than double what we have here in Sydney at Fox Studios. Other States are forging ahead and we risk missing out on the growth here. We already have 51 per cent of screen production businesses, but we should be aiming for more. We are ripe to lose those screen production businesses if they will get a better deal elsewhere.

I understand that we do not yet have ongoing funding secured over the forward estimates for the Made in NSW fund. Under the Coalition we had \$175 million over five years. I understand that the Government gave a one-year extension of \$35 million, but there is very little confidence that such funding will be available for the screen and digital games industry into the forward estimates. It would be very welcome if the Minister provided that kind of certainty and security to the industry. Films and digital games take time to produce. They are huge productions—they can be small as well—that take years of planning. Ongoing funding is required to ensure that companies and businesspeople feel confident coming to New South Wales to make their blockbusters and their cool digital games.

Specifically, the bill amends the functions of the secretary to ensure that digital games are referenced throughout those secretarial functions. There is a removal of delegation powers, which I hope the Minister will elaborate on or clarify in his reply. The bill replaces a 1988 Act, so there is a sense of renewal that is welcome. We are happy to see this legislation coming into the future. One of the aspects of the bill that has not been legislated for previously is the accreditation system that will be implemented for the relationship between screen production and local councils. It is wonderful that we want to increase the opportunity for productions to occur in local government areas across New South Wales and make that much more accessible and streamlined both for councils and production companies. I understand the Minister has been in touch with Local Government NSW to ensure that is a smooth process. But that must not be an excuse to not invest in this industry and provide capabilities such as the studio production spaces we need. While the changes seem reasonable, we do not want them to be a reason not to fund the more technical aspects required for screen productions and games.

This is a fairly straightforward bill. The Government has come to the Opposition with an open mind around the changes to the advisory committee and regional representation, which is helpful, and I think it will strengthen the bill. The shadow Minister in the other place will speak more to that specific amendment and the importance of telling regional stories and having regional representation on a board or an advisory committee such as this. We look forward to seeing how this goes and holding the Government to account on its ambitious plans for the screen and digital games industry.

**Ms CATE FAEHRMANN (17:09):** As The Greens spokesperson on arts and creative industries, I speak in debate on the Screen and Digital Games Industries Bill 2025. I indicate from the outset that The Greens will support the bill. Let me also say from the outset that I love Australian film. I love it! Some favourites include *Storm Boy*; *The Adventures of Priscilla, Queen of the Desert*; *Strictly Ballroom*; *Muriel's Wedding*; *The Castle*; *Babe*; *Rabbit-Proof Fence*; and *Romper Stomper*. But I think I love even more our television series—our drama and our comedy, particularly those that we produced in the past five or 10 years, including here in Sydney. A few that I have absolutely loved in recent years include *Mr Inbetween*, *Wakefield* and *A Moody Christmas*, all produced by the very creative and funny team at Jungle Entertainment, and, of course, *Colin from Accounts* from the production company Easy Tiger, whose credits also include *Rake* and *Jack Irish*. They are all very watchable, very enjoyable, very funny and very good Aussie TV.

It is good to see the bill before the House today. The object of the bill is to assist, promote and strengthen the screen and digital games industries in New South Wales. Having said that, I am one of what I think was 12 per cent of Australians who are distant from digital games. We are very far away. I think the last video game I played was at university back in 1993, called *Doom*. I got a bit addicted over a couple of weeks and thought, "Get me away from that," because it wasted two weeks of my life. That is digital games and me, but maybe it is not like that for everybody. The Greens wholeheartedly support the bill and appreciate the briefings by the Minister and the head of Screen NSW to talk through what the bill does.

According to the eighth Film, Television and Digital Games Survey, released in June 2023, the New South Wales production, post-production and digital games business employs over 15,000 people and contributes almost \$3½ billion to the State's economy. The survey found that New South Wales is home to about 47 per cent of Australia's production businesses—2,105 out of 4,106 employers—employing nearly 57 per cent of all Australians in that industry. However, it also found that more work needs to be done in the area of digital games in New South Wales, where the digital games industry is falling behind when compared with other States in terms of government

support, funding and growth. The digital games industry is a multibillion-dollar industry, and it is an opportunity for serious growth in New South Wales. After the pandemic, the digital games industry boomed globally from \$240 billion before 2020 to \$294 billion in 2024. I understand that the bill before the House gives some regulatory framework to the NSW Screen and Digital Games Strategy, which the Government released in October last year. The four strategic priorities were creating stories, building sustainable growth, improving capacity and capability, and developing audiences to increase demand.

The bill proposes the introduction of a new Act, along with a new regulation and associated amendments to the Local Government Act 1993. In his second reading speech, the Minister described that the amendments to the Local Government Act, in particular, were based on feedback from local councils, which felt that they were inadequately remunerated for filming requests and that resources were regularly diverted to pursuing applications for fee payment. The new Act will include principles that decision-makers of government sector agencies and local councils must consider when making decisions relating to screen or digital games production. It is good to see that one of those principles is that fees for access to locations, services from government sector agencies or other approvals for screen or digital games production must be kept to a minimum and reflect only the cost of the access, service or approval being provided. These principles align with the principles set out with the Premier's Memorandum *Making NSW Film Friendly*, which was issued by former Premier Gladys Berejiklian, as well as the local government filming protocol, which appears to have last been updated in 2009.

The new Act will allow for local councils to be accredited as "screen production friendly" and for the secretary to keep a register of accredited councils, as well as spaces and other locations accessible for screen production, to be published on the department's website. We hope that that will be a very long list indeed, which will perhaps be more about which councils are not on the register than those that are. The bill also establishes the Screen and Digital Games Industries Advisory Committee, with members appointed by the Minister, which will give advice to the Minister about the screen and digital games industries in New South Wales. This new committee will replace the Film and Television Industry Advisory Committee. The regulations stipulate requirements for the composition of the advisory committee, including that at least one member be an Aboriginal or Torres Strait Islander person and that at least one member must have digital games industry experience.

I note the Minister raised in his second reading speech that a skills matrix will decide on the committee members and will include, among other things, considerations of skills, youth, cultural and linguistic diversity, and location. I urge the Minister to ensure that this skills matrix includes other diverse communities and creatives, such as LGBTQIA+ people, people with a disability and otherwise marginalised people, so that all Australians can see themselves and their communities reflected on their screens, see that storytelling and feel as though they are represented. Over the past few years, the local screen industry has reported a crippling shortage of skilled film crew and a chronic undersupply of sound stages and production spaces in Sydney. This bill is a good step forward in ensuring more support for the screen and digital games industries. We look forward to seeing what this focus on bringing legislation into the modern era and focusing on digital games as well as screen production will, hopefully, bring to New South Wales. That is why The Greens are happy to support the bill.

**The Hon. SCOTT BARRETT (17:17):** While the Screen and Digital Games Industries Bill 2025 does not seem to be much of a game-changing bill, I believe that we need to do what we can to support the screen industry in New South Wales, particularly as it pertains to regional New South Wales. Similar to the previous speaker, I will talk mainly to the part of the bill that deals with television and film, which I am far more familiar with than digital games. I will address two points, in particular, and in doing so give my two bob's worth to the Screen and Digital Games Industries Advisory Committee, from the perspective of someone who absolutely loves Australian screen content and also loves regional New South Wales.

First and foremost, films and TV series tell our stories. Reading through the strategy, I thought that more focus could have been on the need to tell our stories, but I am aware that this is touched on in the bill, so I am happy to see that directly referenced as part of the legislation. As someone from regional New South Wales, I feel that the stories that we see on screen play a big part in creating a bridge over the geographic and knowledge gap between our rural and remote communities and those in more urbanised areas. Obviously I will not suggest that everything that we see on TV shows is factually correct. Mount Thomas, for instance, is a very busy town in terms of crime, even by today's standards. Of course, Wandin Valley saw medical issues that I hope most small communities do not have to deal with on a daily basis. Despite coming pretty close myself, I never met a Russell Coight type of character, but I would love to meet a Jay Swan from *Mystery Road*.

While some aspects of these stories might be exaggerated, obviously for dramatic purposes, they tell important stories. I have no doubt that for many people in our capital cities a lot of what they know—or think they know—about regional towns comes from these shows, which demonstrate a lot of what regional life is like. It is important that we get it right, so we must continue to support this industry. For instance, the stories tell the importance of the local pub as a social hub in town, the strength that the local footy club can give a community

and the significance of local events, a race meet or a gala, in a town. We understand the impact a loss of one of those can have on small, tight-knit rural communities.

We have seen those communities pull together in times of need. Although dramatised, those stories are based on real experiences. It is important to provide a window into lives we are not familiar with. I use the example of a window into regional areas for our metro cities, but other stories have had an impact on me. While I do not remember the details of *Marking Time*, written by John Doyle some years ago, I do recall the impact it had on me as a window that I was not used to looking into. Stories also tell our history. Productions like *The Lighthorsemen*, *Anzacs*, *We of the Never Never* and *A Fortunate Life* have all played a big part in slaking my thirst for knowledge of our history, and they all complemented the books on which they were based. Historical drama films like *The Man from Snowy River*, *Quigley Down Under* and *Australia*, which are dramatised and fictional—

**The Hon. Mark Latham:** *Phar Lap*.

**The Hon. SCOTT BARRETT:** *Phar Lap* is based on a true story. While they are dramatised, those movies give a snapshot of what life was like. Movies like *The Tracker* are incredibly important because they influence our views of history. *Ride Like a Girl* is getting a lot of attention in my house at the moment. It tells the Michelle Payne story. *Fires* is a series about recent events that will go down as an important cultural reflection on what we went through in some of those times. Television and cinema are important mediums to tell these stories. The way we are digesting our entertainment is changing as we shift to more online short-form content. But I do not for one second believe that a clip on Instagram will come anywhere near to having the impact of seeing Claire's car slide down the side of that hill in *McLeod's Daughters*.

I still get goosebumps recalling that or when Denny died in *The Man From Snowy River II*. I apologise for any spoilers, but if members have not seen it by now, they are doing themselves a massive injustice. While I cannot fully remember the images around Molly's death on *A Country Practice*, I do recall the impact that it had on our household and the emotion that it caused. I do not for one second think that will ever be replaced by some clown dropping a basketball off a dam wall. And it is not even about the length of the show—short shows like the seven-minute cricket episode of *Bluey* are strong enough to bring tears. We must continue to support the industry so that it can tell our stories.

Another important aspect is the tourist attractions that they inspire. Places like the Palace Hotel in Broken Hill attract visitors purely so people can see where they filmed *The Adventures of Priscilla, Queen of the Desert*. Out further still is Silverton, which is where a lot of *Mad Max* was filmed, and visitors can stop in at Cobar on the way to see where *Running on Empty* was filmed. We must continue to support that. Those works continue to pay dividends long after the crews have left the town. I wanted to mention so many shows—*Changi* and *The Battlers*, to name a couple. The full impact of those stories on our culture today will long be felt.

It is great to see that one of the objects of the bill is storytelling. We need to make sure that everyone can see themselves in our TV shows. A lot of the stories I have mentioned make me a cliché. I come back to *Marking Time*. Having that window into other people's lives, to hear their stories, is one way we can gain some empathy for others that we might not otherwise be exposed to. We need to do anything we can to support our screen industry in this State because it tells our stories of regional New South Wales and the stories of a range of people. People need to see themselves on screen and see stories they might not otherwise see. I understand some amendments will be moved in the other place to strengthen the regional influence in the bill, which I fully support. I wish those involved in our screen industry all the best and thank them for their work.

**The Hon. CAMERON MURPHY (17:24):** I support the Screen and Digital Games Industries Bill 2025, which is about jobs, innovation and making it easier for our cultural industries to thrive. It is about streamlining approvals for filming, removing barriers for game developers and ensuring that our State remains the engine room of Australia's creative economy. The Hon. Jacqui Munro gave some great statistics. She said 81 per cent of Australians play games. But New South Wales is home to just 22 per cent of Australia's game development studios and only 16 per cent of its full-time employees in the sector. We need to improve and increase that, which the bill will do.

Alongside the bill, we are making it easier for games studios to grow by lowering the minimum expenditure threshold for rebates from \$500,000 to \$350,000 so that emerging developers have a fair shot at success. We are also launching the Digital Games Seed Development Program and Domestic Market Travel Support Program, investing \$1.5 million over three years to help local studios develop and promote their work. We have incredible talent in New South Wales. Games like Not Doppler's real-time multiplayer car battler "Crash of Cars", and the zombie-smashing "Earn to Die" series have generated over 300 million downloads worldwide.

We are going to attract investment. We are going to change the rules so that local councils can be accredited as screen-production friendly, which will attract those sorts of productions to local council areas around

New South Wales. Productions like *The Narrow Road to the Deep North*, which will soon premiere, and the incredibly popular *Return to Paradise*, which was shot around Sydney and in regional New South Wales locations, give us the opportunity to showcase our talented crews, wonderful landscapes and vibrant communities. The bill will make sure that all of those industries, whether it is television, film, screen or games, will thrive and survive. For that reason, I commend the bill to the House.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (17:26):** In reply: I thank members for their contributions to debate on the Screen and Digital Games Industries Bill 2025. Their points about screen convergence are important. That is happening in the real world. The bill now catches up to that change. A lot of the potential in this area is driven by the Federal changes to the production incentives. This State, along with other States, now stands to benefit. I thank members for their comments about the games industry. I encourage them not to get too caught up in the intrastate competition. There is big potential if Australia lifts its standing in the massive international games industry. My view is it will happen in New South Wales, but as a country we have to move up the order.

I thank members for their statements, particularly from the Opposition relating to the studio space challenge. Those comments were spot-on, and that is part of the thinking of the Government. We have been in contact with the industry over the certainty of that funding. I emphasise that in those discussions we have been keen to make it clear that the view in New South Wales is that this funding is important in the long term. On the question of delegations, those powers are shifted from the previous bill, so members should not be alarmed by the inclusion of those.

I thank Ms Cate Faehrmann for her comments on screen board diversity, which we will take into account. I thank the Hon. Scott Barrett for his regional reflections. Regional views are important because they are some of the most unique stories in the world, and the bill encourages those stories. I thank the Opposition in the other place, in particular the shadow Minister. The member for Tamworth made the suggestion of including one person from regional New South Wales as a part of the board. The Government recognises this and will work with the Opposition to make sure that is included in the bill. I thank that member, and all members of this Chamber who have spoken, for the cross-partisan support for the changes.

The Government has been in discussion with Local Government NSW and will continue to work closely with councils and Local Government NSW on the development of the refreshed protocol. I also acknowledge discussions with Local Government NSW about the proposal to change the date for acknowledgement of receipt of a filming permit application from seven days to two. I acknowledge that there are resourcing issues, but the number of days is being reduced, reflecting modern business practices. That can now be done electronically, which makes the change possible. The real opportunity is from the accreditation scheme, which the Government will use to back councils that are backing the screen industry. I thank Emily Crocker from the Office of the 24-Hour Economy Commissioner; Kyas Hepworth, who heads Screen NSW; Ken Dray, Screen NSW content manager; and Clara Klemski from my office. I thank members for their encouraging comments about an industry with huge potential for not just this State but the country.

**The PRESIDENT:** The question is that this bill be now read a second time.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

### Personal Explanation

#### THE HON. MARK LATHAM

**The Hon. MARK LATHAM (17:30):** By leave: I wish to make a personal explanation. Twice during question time, the Leader of the Government said that I was absent from Parliament last week. We do not have a big viewing audience in this place—we are not up there with *The Bold and the Beautiful*—but a few people have contacted me to ask why I took the week off from Parliament. I was here on Thursday. I place on record that on Tuesday and Wednesday I was attending to unavoidable, very important family business. I wish I had been at Parliament last Tuesday and Wednesday, but that business was finalised yesterday. I wanted to correct the record to that extent.

**The PRESIDENT:** I am sure that I speak on behalf of all members in saying that we are with you at this difficult time.

### *Rulings*

#### **COMITY AND NOTICES OF MOTIONS**

**The PRESIDENT (17:31):** At the end of question time, the Leader of the Government took a point of order that the Hon. Mark Latham's notice regarding the Speaker and the response to an order for papers on office holder vehicle and aviation use offended against comity between the Houses. There were two notices given today by the Hon. Mark Latham that raised issues of comity—the notice referred to by the Leader of the Government and the second, more general notice that discusses comity as a concept. I will deal with the more general notice first. I begin by quoting page 36 of the *House of Representatives Practice* (seventh edition), which states:

Each House functions as a distinct and independent unit within the framework of the Parliament. The right inherent in each House to exclusive cognisance of matters arising within it has evolved through centuries of parliamentary history ...

Standing Order 96 (3) of the Legislative Council embodies that, by stating:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

*The Annotated Standing Orders of the New South Wales Legislative Council* discusses the history of the development of this section and states at page 308:

... Presidents' rulings clearly established that it was not in order to say anything that may be offensive to the other House or to any member thereof and that members should be referred to with due respect and not in a derogatory manner. The rule maintains the principle of comity between the Houses and that the business of the Houses are their own concern ...

It is open to the Hon. Mark Latham to seek to debate the concept of comity in the House and for the House to decide whether it wishes to uphold past precedents. However, to do so, the notice must be in compliance with the standing orders. The words "a low-quality, lacklustre, at times brain dead Legislative Assembly" are, in my view, contrary to the Standing Order 96 (3), and I have asked the Clerk to strike out those words, as I am entitled to do under Standing Order 75 (9). The rest of the notice can stand.

I turn to the notice specifically referred to by the Leader of the Government. The same principles and Standing Order 96 (3) need to be applied to that notice. The notice refers to complaints by constituents but qualifies them as "allegations". Allegations can often turn out to be completely untrue. Rulings allow imputations to be debated if by substantive motion, allowing the House to determine its view. The Leader of the Government argues that the notice offends against comity. On reading the notice, I have to accept that the House has previously decided to order the production of documents that relate to the Speaker's car records, notwithstanding the questions around the principle of comity that have been raised in response. The issues raised in the Hon. Mark Latham's notice of motion will ultimately be ones for careful consideration by the House, if it is moved. I will allow the notice to be published on the *Notice Paper* in the form given. I do add, though, that until such time as the House agrees to a motion along the lines set out by the Hon. Mark Latham's general comity motion, the principle of comity continues to apply and is one about which all members should be mindful in considering those matters.

### *Committees*

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

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

**Ms ABIGAIL BOYD:** According to paragraph 8 of the resolution establishing the Public Accountability and Works Committee, I inform the House that on 24 March 2025 the committee resolved to extend the reporting date for its inquiry into Western Sydney Science Park and Aerotropolis developments to 4 April 2025.

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

##### **Reports**

**The Hon. SCOTT FARLOW (17:35):** I speak in debate on the report entitled *Proposal to develop Rosehill Racecourse*. The Select Committee on the Proposal to Develop Rosehill Racecourse was established by this House with the intention to inquire into the effectiveness, process and probity of the so-called unsolicited proposal by the Australian Turf Club [ATC] to the New South Wales Government to redevelop Rosehill racecourse into housing. Proposals to redevelop or enable some residential development at Rosehill have been raised for years. Notably, in August 2023 the Australian Turf Club formally approached the New South Wales Government to explore the full redevelopment of Rosehill racecourse, marking the transition from a partial land-use proposal to a comprehensive urban redevelopment project. At one stage, it was projected that the project could lead to 40,000 dwellings in the precinct.

It is the right of an organisation such as the ATC to come forward with an unsolicited proposal, but in this case it seemed to be a solicited unsolicited proposal in the sense that we had found that the ATC did not come forward with an unsolicited proposal in the beginning but was advised to put forward its proposal in that form. It made most people scratch their heads as to how that process could develop so quickly. The concern is in the involvement of the Premier. The ATC, through its head of corporate affairs, Steve McMahon, met with the planning secretary to discuss the proposal on 26 October 2023. Then, after a call to the Premier's chief of staff, Mr McMahon held what was referred to as a "meet and greet", as this House has already debated, with the Premier four days later. That was despite the Premier and Mr McMahon being friends for 25 years. There is no doubt that it was not a meeting at all.

If the unsolicited proposal had not seen the light of day, we would not have known anything about the meeting apart from it being listed as a "meet and greet". We would not have even known that the meeting was just Mr McMahon with the Premier because it was listed as "Australian Turf Club". The report found that the use of the term "meet and greet" to describe the meeting of Steve McMahon and the Premier on 30 October 2023 is inaccurate, misleading and does not adequately describe the purpose of the meeting. It is inappropriate given the longstanding friendship of Mr McMahon and the Premier and the nature of the matter discussed at the meeting. If we are to look at the timeline, on 25 October 2023 Mr McMahon met with the Department of Planning, Housing and Infrastructure. In that meeting with the secretary, Kiersten Fishburn, it was minuted that there was no sale of the Rosehill and Randwick racecourses as they were seen as being the premier tracks of the ATC. Further, it was mentioned by Ms Fishburn that it was never said that Rosehill or Randwick were sites that the ATC would be developing.

The committee was led to believe that the motivation of the ATC was two conversations: one that happened with the Sydney Metro Review team and one that happened with the planning secretary that gave them the impetus and idea of being able to develop Rosehill racecourse because 25,000 homes or so would substantiate a metro station being developed on the site. The evidence before the committee from both Peter Regan of Sydney Metro and Kiersten Fishburn, the Secretary of the Department of Planning, Housing and Infrastructure, was that did not occur, and it did not occur in any minutes of those meetings either. There were no discussions from the meetings which suggested the proposal would necessitate a redevelopment of Rosehill racecourse.

To that point, it seems to raise some serious questions about the timeline. Mr McMahon told the committee that the key crystallising moment as to why he said there was no sale of Rosehill or Randwick contemplated on the 25th—and then by the 26th, just one day later, Mr McMahon took the idea to sell Rosehill to Mr McGauran and on that same day contacted the Premier's chief of staff Mr James Cullen for a meeting—was that discussion with the secretary for planning, which had crystallised it in his mind. The evidence before the committee was that did not occur at all. We know what went on. By 30 October 2023, the Premier had the meet and greet that was attended by both Mr McMahon and Mr Cullen.

Following that meeting, it was obvious that the Premier thought it was a good idea, and the unsolicited proposal process became a central focus from then on, particularly concerning the role of the Premier, and what was effectively said to the Cabinet Office and the Premier's Department with respect to what was occurring with any proposal to redevelop Rosehill racecourse. The key documentation showed that when it came to the impetus for that idea, Mr Will Murphy had no idea about the proposal, except that he was told by the Premier's chief of staff—or his recollection was that he was told by somebody in the Premier's office and could not recall who, but it was confirmed by the Premier's chief of staff that it was him—that there was a proposal on foot. The Premier's chief of staff indicated at the time that he gave Mr Murphy a fairly comprehensive outline as to what was to occur, that it was an unsolicited proposal and that it was for the redevelopment of Rosehill racecourse.

The evidence that Mr Murphy gave, however, was that there was no information on the proposal and that he would have a discussion with Mr McMahon about the metro station. He was only alive to it being an actual proposal due to Mr McMahon sending through a copy of a very poor-quality map with a couple of boxes on it. Mr Murphy was able to assume from the map that it was a proposal to redevelop Rosehill racecourse. Mr Murphy is an astute reader, which is a view that we were told was the same within the Department of Enterprise, Investment and Trade. From that very simple map emailed by Mr McMahon to Mr Murphy on 2 November 2023, an options analysis was prepared by the Department of Enterprise, Investment and Trade, which looked at an unsolicited proposal and even talked about the risk of such a proposal and the risk of direct dealing. The potential inappropriate nature of that was listed in the options analysis.

The whole point of an unsolicited proposal is that it is at arm's length of political discourse. Instead, the Premier met with the proponents before an application under the unsolicited proposals guide was made. The Government entered into a memorandum of understanding with the Australian Turf Club. The Premier described it as a once-in-a-generation opportunity and lauded his mate's big idea. The Government were cheerleaders from

the very beginning on this proposal rather than keeping that arms-length approach, which one would think would be a fair thing to do when assessing an unsolicited proposal.

One of the challenges is that the proposal has changed significantly to what has been put to the members for a vote, which is coming up next week. It has always been part of the Opposition's contention that the proposal needed to be a real plan that was a live option, otherwise both the Australian Turf Club and the New South Wales Government would be wasting their time. Now that we find that the invitation or the motion put to members is that the Government will be purchasing Rosehill racecourse at a minimum of \$5 billion, it really changes the whole game and in many ways puts our inquiry out of business because it is fundamentally different to what we heard throughout the inquiry, even to the extent that corrections needed to be made on the proposal that was put.

I remember asking Dr Saranne Cooke, the chair of Racing NSW, if it was a sale that was put to that meeting, and Dr Cooke indicated that it was a sale and the Government would purchase the land. The committee received retractions, which it duly published, giving her the benefit of the doubt, that it was not a sale and that that was a misunderstanding. There were some who certainly had the misunderstanding, or what we thought at the time was a misunderstanding, that it was a \$5 billion purchase by the Government. Lo and behold, when we see what has been put before the Australian Turf Club for its consideration, it appears that it is a \$5 billion purchase of Rosehill racecourse by the New South Wales Government. That will no doubt need to be considered by the New South Wales Cabinet, if it has not been already. Paragraph 2.75 of the committee's report states:

According to the *Unsolicited Proposals: Guide for Submission and Assessment*, 'there is need for high levels of accountability and transparency' alongside 'a need for some information to be kept confidential, at least for a specified period of time'. It further states that all 'proposals submitted will be kept confidential at Stage 1 of the assessment process'.

That is what we would anticipate with any unsolicited proposal. Whether that was applied was a point of contention. The whole process was very truncated. We saw that with the proposal being taken to the Premier on 30 October and a draft memorandum of understanding being prepared within two weeks on 15 November 2023. By 20 November, less than three weeks after that meeting, the Cabinet Office had prepared a draft media release with the intention of an announcement by 23 November. Things did not flow too much later than that, with 7 December being the announcement date, but it shows the haste with which the Government green-lighted the proposal through several stages. It was a cheerleader from the very beginning.

The proposal changed with respect to whether it required an additional racecourse or not. Documentation and questioning showed that there were stages. The Australian Turf Club's original intention seemed to be that it would lose a track, which was not supported by Racing NSW. Racing NSW ensured as part of any deal that there be an alternative track. The committee spent quite a bit of time looking at the brick pit as the alternative track at Sydney Olympic Park. I see that is now completely off the agenda, but it seemed a fantasy from the very beginning, particularly in the committee's view. As I understand it, no alternative site for the relocation of Rosehill racecourse has been confirmed.

The inquiry gained quite a lot of attention. The term "colourful racing identity" exists for a reason. A range of witnesses appeared before the inquiry who had mixed feelings on the proposal to redevelop Rosehill racecourse, whether that was Gai Waterhouse, Peter V'landys, Peter McGauran or Chris Waller, as well as high-profile witnesses who had alternative views on the proposal. As I have indicated from the beginning, the proposal getting out of the starting gate or not will be a matter for the members of the Australian Turf Club. The committee's engagement with the Government was very interesting, and it considered how the proposal originated and how it passed through government. The process was referred to the Independent Commission Against Corruption. I note that it deigned not to do anything further on that. But that was very much because there were a lot of unanswered questions in the inquiry and the reality was that the committee would not be able to get to the bottom of them. That came throughout government and is still open. Perhaps there has been more doubt cast over this process with the change in the proposal to be a \$5 billion sale to the New South Wales Government.

I thank all members of the committee for their cooperation in the inquiry. It certainly was a high-profile inquiry that was tense at times. We held many deliberative meetings. I particularly thank the committee secretariat for its wonderful work throughout the process, including Talina Drabsch, Verity Smith and our cameo appearances from Beverly Duffy and Madeleine Foley. The inquiry raised many questions and tested the rule book, so to speak, in terms of the Clerk's advice and the evidence that was given. Those individuals had to deal with not just the public interactions but also the private ones, which, at times, could be quite tense. I thank them on record for their work throughout a difficult inquiry.

**The Hon. MARK LATHAM (17:50):** The matter of the proposal to develop Rosehill racecourse has evolved quickly. Anyone examining the latest unsolicited proposal documents under Standing Order 52 would cast serious doubts on the feasibility of the whole unsolicited proposal process. Out of it, the Australia Turf Club [ATC] has hired and commissioned 19 different consultants and advisers to the Government's six, so 25 consultants have worked on this over the past 12 months. There has been no transparency about it. If it was a

hurdle race, time after time the ATC is hitting the hurdle and coming asunder. The documents show that six different sites have fallen over. The Hon. Scott Farlow mentioned the brick pit, which was always an absurdity. I speak soundly for the Latham's snipe in saying that we are very happy that the next time we fly from Japan there will still be nice wetlands and marshes rather than a racecourse.

Horsley Park has fallen over as a training track option. The ATC examined the Corrective Services land at Emu Plains, which I have always tried to avoid throughout my life. It is so flood prone that it cannot be used for anything like a racecourse. The ATC examined the defence land at Orchard Hills, which I know better, and defence has said that it is not surplus for its purpose. The ATC examined the old Shell oil refinery site under so-called Rosehill 2.0. That must be the most contaminated land site in the entire country. The ATC has looked at a truck terminal nearby which cannot be relocated. There have been six hurdles and the ATC smashed into each and every one of them. There is no alternative site readily available for a racetrack in Sydney to replace Rosehill Gardens. That is a bit of a problem.

**The Hon. Bob Nanva:** Penrith Lakes?

**The Hon. MARK LATHAM:** The Hon. Bob Nanva has been out with his real estate compass to look at sites and reckons he has found one. He should be the chairman of the ATC. I will be the deputy chair and we will be a dynamic team. So far, the ATC has found nothing. Zilch. Absolutely zero. That is a bit of a problem. The amazing thing about the process of a call for papers under Standing Order 52 is that Chris Minns breached the guidelines by announcing in December 2023 that we will have this big process. We heard evidence about that during the committee. Thereafter, Peter McGauran said, "We'll take the ATC membership with us every step of the way." I declare my interest. I am one of those ATC members kept in the dark by our chair. The information has been minimal, mainly for the reason that it kept on hitting those hurdles and nothing has been proven feasible, not the replacement racetrack and not the valuation of the site.

McGauran has always said \$5 billion. He never had a written professional valuation for that, and in late 2023 he reported \$4 billion to the ATC board. We know from the HillPDA report that it has a net present value of \$1.6 billion. I do not know why the New South Wales Government would ever drag money out of the hardworking taxpayers of New South Wales to set up the finances and future of a race club for \$5 billion when the club itself has said—and we heard this evidence from the deputy chair, Tim Hale, who is well known to the Australian Labor Party—that the true value is \$1.6 billion. Why would anyone pay \$5 billion when the true value is one-third of that amount? That raises the question: Where does it go from here? The Minns Government, notwithstanding the efforts of its Cabinet Office, does not have many policies or achievements. We are mid-term. The finance Minister is looking askance in the Chamber. I welcome her into the debate to name the long list of achievements of the Minns Government, well known in Campbelltown, Camden, Penrith, Seven Hills and places like that.

**The Hon. Wes Fang:** List? There's no list.

**The Hon. MARK LATHAM:** Is there a list? I think *The Daily Telegraph*, that record of journalists, said that the Government is good at crisis management—mainly crises it generated itself and had to manage, like the one about the fake antisemitism laws. I digress. There is no great long list, but one would think that Chris Minns, at the next election, would need to prove some strength of leadership and that he got something big through, particularly a vision for Sydney. They call this a once-in-a-generation transformational housing opportunity at Rosehill. Peter McGauran, for racing, is our Escobar. Do members remember the soccer player who scored an own goal and was bumped off? McGauran is our Escobar because the own goal is this.

The ATC went into the whole basis of the unsolicited proposal until the last hurdle, and the final failure was that it was going to be the land developer. In absolute desperation after 12 months of this opaque, non-consultative process failing time after time, venue after venue, financial report after financial report, McGauran said, "We'll just get the Government to pay the \$5 billion that I mentioned in the first place for which I never had an accurate valuation." He opened up the step whereby the State Government can own the land and then Chris Minns said, "Maybe we're comfortable with that. We would pay them over 15 years." What value is that to the ATC to be paid out over 15 years?

It raises the question: Why would the State Government pay \$5 billion for this when, under the compulsory acquisition laws of New South Wales, one could acquire it for about \$300 million or \$400 million? That is so much cheaper for the New South Wales Government. Some people at the racetrack have said to me, "Chris Minns said he wouldn't do compulsory acquisition." I said, "What are you saying here? Peter McGauran has hinged the whole future of our race club on a politician keeping his promise. Who would do that?" Chris Minns said in December 2023 that he would never pay a cent for Rosehill and now he is talking about paying possibly \$5 billion over 15 years.

The truth is that the Minns Government has commissioned a very extensive, and I assume expensive, legal opinion for compulsory acquisition. There are seven heads of authority and legislation by which the site can be acquired. The State Government has never acquired a racetrack, but it has acquired golf courses in the past and the precedence is to say that it acquires at the current use and value of the golf course, which ain't much! It is not zoned for housing; it is a golf course. The value is not much. If that is what is paid in acquiring a golf course, what is the value paid in acquiring a racecourse? It is not a lot. My estimation would be that \$300 million or \$400 million is the replacement value of Rosehill, not for 25,000 dwellings in a housing zone but as a racecourse.

Having opened up that the State Government would own it, Minns is obviously thinking to himself—and I am sure his finance Minister and Treasurer are interested in this analysis—"Why would I pay \$5 billion when there is an existing law in New South Wales which lets us take it over for \$300 million or \$400 million?" That is why I say that McGauran is our Escobar. It is a complete own goal. If it comes to pass that this clown—a failed product of the Victorian National Party, who essentially got ahead in Canberra because of all the donations from pubs in Melbourne, and who is now shoehorned into running the ATC—loses the racetrack for just \$300 million to \$400 million, I fear for his safety. He will end up with the same fate as Escobar with the white-hot anger of the members of the Australia Turf Club. That is the sorry tale of Rosehill. I could write a book about this.

**The Hon. Greg Donnelly:** You can.

**The Hon. MARK LATHAM:** Maybe I will. Good suggestion. I have not written one for a while, so maybe I will. The main thing is you would not feed those unsolicited proposals [USP] processes. They are not worth a cracker. I note all the effort that has gone into them. There have been scores of meetings between the ATC and government bureaucrats, thousands of pages, 25 consultants and a huge administrative expense to go through a 12-month farcical process that has gone nowhere. It has reached the point of the Government needing to own the land and all the risks to the race club that I have mentioned.

Premier Minns is playing McGauran off a break. We will see what happens in the next couple of months. None of us at the racetrack can find anyone who will vote yes on 3 April. I can assure the House that, unless the Sussex Street machine is swept into action to rot the vote, it is going down like a lead zeppelin. If it is a fair ballot, it will lose 80-20 at least, maybe 90-10, but there are all sorts of shady things going on in the background. My recommendation to the House and the Government would be to abandon the unsolicited proposal process because, when you look at it and use this as the major case study—something that happened accidentally in the early days of the O'Farrell Government—we should not have this process at all. Unfortunately, the race club and its Chair have been taken for a ride. He has played into the hands of the New South Wales Government. I fear the worst out of this, not because of the sound judgement of the members in voting no on 3 April but because of the clown, the fool, the moron that runs the club.

**The Hon. EMMA HURST (18:00):** I speak in debate on the report of the Select Committee on the Proposal to Develop Rosehill Racecourse. From the outset of the inquiry, it became very clear that there are many more sinister and pressing issues within the horseracing industry than the sale of a racecourse. From day one of the hearings we heard extraordinary allegations that witnesses had been pressured not to attend the inquiry and give evidence. That developed into concerns that Racing NSW had gone as far as conducting investigations to uncover the identity of confidential witnesses, which ultimately led to it being referred to the Privileges Committee.

Racing NSW was desperately afraid of the scrutiny the inquiry would bring and, given what we uncovered, it is easy to see why. We heard from industry witnesses that Racing NSW operates in a monopolistic, dictatorial manner without any transparency, oversight or accountability, including in relation to its finances and actions as regulator. We heard about a culture of bullying and a toxic environment within Racing NSW. We also heard about major animal welfare issues being ignored. That is just a small snapshot of the public evidence we received about the conduct of Racing NSW. There was so much that we heard in confidential evidence and submissions, and that I heard from whistleblowers who contacted me personally, that I wish I could share—you know the situation is bad when racing industry participants are contacting the Animal Justice Party for help.

Whistleblowers are absolutely terrified to speak out publicly against Racing NSW. That is not surprising when you consider the enormous power wielded by Racing NSW as both the commercial industry body for horseracing and its regulator, with virtually no government oversight. Despite being a body established by this Parliament and receiving millions in taxpayer money via gambling tax rebates and other subsidies, Racing NSW behaves as though it has zero accountability to this Parliament or this Government. Racing NSW refuses to respond to calls for papers under Standing Order 52, it does not come to budget estimates hearings and it is not subject to audits by the Auditor-General.

The insights the committee gained into what is happening behind the scenes within Racing NSW were disturbing. It was for those reasons that the select committee made two notable recommendations: first, that the

Legislative Council establish a standalone inquiry into the operations of Racing NSW so that we can further explore allegations that came up at this inquiry; and, second, that the New South Wales Government conduct a review of the Thoroughbred Racing Act 1996, which I understand the Government has agreed to. The inquiry further recommended that the review of the Thoroughbred Racing Act have regard to the animal welfare issues raised in the inquiry, including the recommendations made in the 2021 report of the Thoroughbred Aftercare Welfare Working Group entitled *The most important participant: A Framework for Thoroughbred Welfare*.

Ensuring that animal welfare is given priority in the review is critically important. Whatever harm Racing NSW may have caused its staff and others associated with the industry, it is nothing compared to the harm the industry causes to animals. The horses are the real victims and the New South Wales Government must acknowledge that. In its response to the inquiry, the Government tried to sidestep the issue by deferring to the need for national action on the recommendations of the Thoroughbred Aftercare Welfare Working Group report. Of course, coordinated national action is always the goal and I hope to see the New South Wales Government advocating for nationwide reform on horse welfare, but at the end of the day animal welfare is a responsibility for the States and, if animals are suffering in New South Wales within the racing industry, then the New South Wales Government has an obligation to step in.

We know horses are being harmed by the racing industry in New South Wales. On average one horse dies on an Australian racetrack every week and that does not include the many horses who are killed off track as wastage or due to injury whose deaths and suffering are never recorded. There was real concern throughout the inquiry from animal protection organisations and industry participants that Racing NSW does not take animal welfare seriously and is holding New South Wales back from necessary animal welfare reforms. In fact, Racing NSW CEO Mr Peter V'landys, who gave evidence at the inquiry under oath, said that whips "do not hurt the horse" and "the horse can hardly feel it". The inquiry also heard plenty of evidence from qualified experts that whips cause localised trauma, tissue damage, mental suffering and pain equivalent to if a human was struck with a whip.

Even beyond our State borders, it is well known that Racing NSW has used its power and influence to hold back national progress on the whip and other horse welfare measures. The inquiry heard disturbing evidence about the welfare impacts of horseracing; the damage caused by whips, spurs and tongue ties; the high injury rates; and the fact that horses are forced to exert themselves to a point where they bleed from their lungs. Then there are the systemic issues, such as the overbreeding in pursuit of finding a winner and a lack of whole-of-life tracing in the industry, which means horses deemed as wastage are continuing to end up being killed at knackeries despite claims from the industry to the contrary.

Stakeholders raised particular concerns about Racing NSW's Equine Welfare Fund, which takes 1.5 per cent of all prize money awarded in New South Wales and is meant to ensure that all horses raced in New South Wales can be rehomed. There was deep suspicion from industry stakeholders about how the fund was being spent, given the total lack of transparency or evidence about the results that the fund is delivering. Anecdotally, many industry participants have reported to me that they have tried to access support from the Equine Welfare Fund and were denied despite claims from Racing NSW that no eligible horse is turned away.

Overall, the inquiry painted a damning picture of the horseracing industry, which has been left unregulated and unsupervised for far too long. The real elephant in the room is why successive governments have failed to take action on this dangerous industry until now and have chosen to turn a blind eye. There was also that one uncomfortable truth: Horseracing kills. If you are gambling on a racehorse, you are gambling on their life. What we always knew before the inquiry is that, when gambling and animals mix, no-one wins. What this inquiry really laid bare is that we must end horseracing and protect those animals from further harm.

**The Hon. BOB NANVA (18:07):** I speak in debate on the report of the Select Committee on the Proposal to Develop Rosehill Racecourse. I will start by acknowledging what I do not doubt are a number of good-faith concerns that have been raised in this report and throughout the inquiry. Over the course of the inquiry—and it was a very long inquiry—we heard from some very strong and forthright personalities within the horseracing industry. The committee heard a variety of allegations, claims and counterclaims between various racing industry stakeholders, many of which I considered—as I submitted during the inquiry—to be on the fringes of the terms of reference. Without passing any judgement on those and while some of those issues may warrant further assessment, there are many more appropriate forums or bodies to undertake those investigations than that committee of Parliament.

I will consider some of the substantive issues that more directly addressed the terms of reference regarding the probity of the process around the proposal to develop Rosehill Gardens. For example, finding 5 of the report states:

The manner in which the Premier and Government announced the proposal to develop Rosehill Racecourse for housing was in breach of the *Unsolicited Proposals: Guide for Submission and Assessment* by failing to maintain impartiality when it championed the proposal and for making the public announcement prior to the end of stage one of the unsolicited proposal process.

I will deal with the second part of that finding first—that the Government was in breach of the guidelines for unsolicited proposals, or USPs, by making it public prior to the end of stage one of the USP process. As was made clear during the hearings, the Australian Turf Club [ATC] needed to take the proposal to thousands of its members for their consideration; therefore keeping it confidential was neither desirable, practical or even possible. If the State Government and ATC had not made the proposal public when they did, and instead kept discussions behind closed doors for many months, imagine the howls of indignation that would have been heard from Moonee Valley if the State Government was exposed for pursuing a secret deal to build a mini-city on Rosehill Gardens. Indeed, the Parliament could have demanded greater and earlier initial disclosure from the USP in this scenario, and that would have been correct.

If a problem does need to be solved, it is with the wording of the guidelines, not the actions of the State Government. The first part of finding 5 goes to the accusation that the State Government failed to maintain impartiality. That requires some clarification because it implies that the USP itself was not impartial, and that was simply not the case. As borne out in witness testimony from experienced public servants, the USP is designed to ensure that proposals that emerge outside of a standard government procurement process are assessed independently. Mr Draper said:

The value of the unsolicited proposal guidelines is it creates a separation of roles. There's an assessment panel, who assesses it for all the merits against the guidelines and procures advice if necessary to do so. That assessment panel makes a report to the steering committee, who also tests that. A report is made to government to consider that. There's a number of steps required, each undertaken by different parties.

That process is robust and well established. In fact, it was the same process that was used by the former Coalition State Government to assess an unsolicited proposal by landowners for the development of the Martin Place metro station.

Finally, I address the assertion in finding 5 that the State Government should have been less enthusiastic about the proposal when it was announced. It will come as no surprise that I respectfully reject that assertion. Indeed, I contend that the Premier, if anything, modestly undersold the significance of the project in his public comments. The Premier described it as a once-in-generation opportunity, but once in a lifetime may be more apt. The site comes with all the flexibility of a greenfield development. There is a limited number of owners to negotiate with—in fact, just four landholders own an entire 90 hectare precinct—there is no major existing residential population and there is the freedom to master plan the location of civic and social infrastructure, roads and open spaces.

What makes this site unique is that it also comes with all the benefits of an urban infill or brownfield development. It is geographically central—in fact, it is right in the geographical heart of the Greater Sydney region—it is close to the employment hub of Parramatta, the sporting hub of Olympic Park and the medical precinct at Westmead; it is close to all major transport infrastructure and will have the new metro line running through it; and there are few heritage or environmental restrictions on what can or cannot be done—that is, beyond the issue of contamination, which can be explored. Added to those factors is the sheer scale of the project, which will make it feasible to include a significant proportion of affordable and key worker housing.

This is a unicorn project. There is simply no other site like it available in Sydney and probably Australia. But that is not all. The proposal can also provide stronger underpinnings for the future of the thoroughbred racing industry. The committee heard that approximately 80 per cent of income for thoroughbred racing comes from wagering. That income is vulnerable to competition from other forms of gambling and regulatory changes intended to reduce gambling-related harm. At the same time, income from other sources, especially from on-track activities, is in decline—if not terminal decline—as punters stay away and major events move to bigger and newer venues. There was unanimous agreement among racing industry stakeholders that thoroughbred racing must diversify its income streams. Racing NSW board member Garry Charny said:

I think if we continue the way we are going, there will be no industry in 50 years time. I think there has to be radical change.

The proposed development of Rosehill and the reinvestment of the windfall from that sale into other investments—be it fit-for-purpose racing and event infrastructure, training facilities or other income-generating assets—is the game changer that thoroughbred racing in New South Wales desperately needs. In the end, the decision to sell Rosehill is ultimately one for members of the ATC to make, and they may well choose to keep the status quo.

While members of Parliament cannot control the decisions of ATC members, we can control what we do and the priorities we focus on in this place. For example, many hours could be spent debating the choice of words used to describe a meeting in the Premier's diary—a choice of words that was not inconsistent with the diary

disclosures of previous governments—or we can focus on finding ways to increase access to affordable housing and build more liveable communities. Instead of searching for reasons to stop projects like the redevelopment of Rosehill, we can work cooperatively and constructively to make sure that projects like this have every chance of becoming a reality.

**The Hon. WES FANG (18:14):** I commend the Government backbenchers who are put on committees to defend the indefensible decisions of Executive Government. I begin my contribution to debate on the report of the Select Committee on the Proposal to Develop Rosehill Racecourse by reflecting on the contribution of the Hon. Bob Nanva, who explained the way the Premier describes meetings in his diary. That subject was the topic of much debate not only in the inquiry but also in this House. The Premier described a meeting with somebody he has known for decades as a "meet and greet". The Premier was not only catching up with a person he has known for a number of years; he was discussing the largest greenfield development site in Sydney with the potential for somewhere between 25,000 and 40,000 homes, depending on who we speak to.

Contributions were made about the way the site was valued and the potential windfall for the Australian Turf Club [ATC], the Government and the people of New South Wales. But all of that was described as a meet and greet. The Government came to power saying that it would increase transparency and accountability. Nobody can justify that meeting being called a meet and greet. I pity the Government members who have to try to defend that. Nobody thinks that a meeting in which a business proposal of that value is discussed between decades-long friends could accurately be described as a meet and greet. That is an example of the way the Government treats the public like mugs. Government members think they can defend describing such a meeting as a meet and greet. During the hearing, the Premier's chief of staff not only called me the wrong name—which I will get over—but also tried to defend that description.

There is no way that any government that talks about transparency and accountability can describe a meeting in which potentially \$5 billion of development is discussed as a meet and greet. That was not the only problem with the inquiry into the proposal to develop Rosehill. The proposal seemed to be rushed, as though it was drawn on the back of a napkin. One only needs to look at the drawings that were put to the Government to understand that this proposal was, at best, sketched on the back of a notepad. The proposal was rushed out the door without having consulted the ATC board or membership, and the membership is likely to vote it down next month. The Government made this announcement because it has done literally nothing about what it said it would do in government, which is deliver housing for the people of New South Wales. This proposal was put on the table, and the Government grabbed it and ran with it without having done the due diligence and proper work around it. It did not bring stakeholders along with it. It did not do the correct analysis.

People from the department gave evidence. Obviously, there were machinery-of-government changes and a transformation period when this proposal was going through, with the Department of Premier and Cabinet under the old regime becoming the Premier's Department and the Cabinet Office. It seems that the advice given by departments to people within the ATC was conflicted or incorrect. Evidence given to the inquiry indicated to us that advice not even given was relied upon to put the proposal together in the first place. This thing had hairs all over it from the start, yet the Government continues to portray it as some sort of solution to the housing crisis in New South Wales. While the Government put all its eggs in this basket, it has done nothing about delivering more houses. New South Wales is tumbling down the list in terms of our delivery of housing for the people of this State, yet this proposal is still being progressed as if it is some sort of solution to the housing crisis. This Government needs to get on with the job. Today marks two years since it came to power.

**The Hon. Stephen Lawrence:** Hear, hear!

**The Hon. WES FANG:** I acknowledge the interjection. Whilst the Hon. Stephen Lawrence is happy to congratulate himself and the Government on their work, how many houses have those opposite actually delivered? There is no answer from those opposite, probably because there is not really an answer they can give. Certainly they have not met their targets. Certainly they have no plan to deliver their targets. This inquiry really highlighted that this Government is all about rhetoric. It just does not do the work. Had it done the work on this proposal, it would have known that it needed to do further analysis before doing the press conference that it did only a month after the actual announcement was made.

This inquiry may well be the first of many current and ongoing inquiries that highlight the issues around transparency and accountability within this Government. There was a hearing yesterday that perfectly highlighted some of the transparency issues that this Government has. I come back to the point that anybody who describes a meeting to discuss \$5 billion worth of potential development between a Premier and somebody he has known for decades as a "meet and greet" in their diary disclosures is not being honest and transparent with the people of New South Wales. If those opposite cannot admit or acknowledge that, it shows that they have not learnt a single lesson out of this sorry tale.

**Debate adjourned.**

## **STANDING COMMITTEE ON SOCIAL ISSUES**

### **Report and Government Response**

**Debate resumed from 15 October 2024.**

**The Hon. Dr SARAH KAINE (18:24):** I take note of Standing Committee on Social Issues report No. 64 entitled *Procurement practices of government agencies in New South Wales and its impact on the social development of the people of New South Wales: Final report* and the Government response. I start by acknowledging the work, particularly, of the committee staff. This was my first inquiry as chair. The committee staff were very patient with me as I worked my way through the processes, which were not that familiar to me. I appreciate their patience and commitment to all of the processes involved with the inquiry. I also acknowledge the engagement of all of the other committee members over the course of the inquiry. Though we did not necessarily always agree, there was a real dedication to understanding the issues and uncovering what we needed to uncover during the inquiry.

The committee held six hearings and received 64 submissions. We split the report into two sections; I spoke to the House about the interim report, which was tabled earlier last year. It had four findings and nine recommendations and was very much about process issues with the procurement system that we inherited coming into government. The final report was tabled in October last year and contained 13 findings and 22 recommendations. In the Government response to that final report, 15 of the recommendations were supported and five were supported in principle, with two noted.

I will not highlight all of the recommendations, though they are all worthy of attention. For those members who are interested, I ask that they please do have a look at them. But I do highlight the recommendations that go to our responsibilities in government to ensure due diligence, particularly when it comes to labour standards in our procurement processes. We have had ongoing discussions in this Chamber and in budget estimates about the types of processes that we should undertake to avoid situations where we might be acquiring products that are not produced in an ethical and appropriate way. It is important that we highlight in this House that almost half of the recommendations contained in the report have some relevance to that aspect of the procurement process. For example, recommendation 3 states:

That the NSW Government mandate the use of modern slavery model tender clauses by procuring government agencies, to ensure the relevant clauses are inserted in all contracts phased in by order of industry risk.

That is important. Concerns have been raised in recent times about the production of bus batteries. One of the suggestions of a way to investigate this is to involve the NSW Anti-slavery Commissioner. That is entirely appropriate, but there also need to be mechanisms put in place pre-tender to ensure those risks are known. The Anti-slavery Commissioner has done a lot of work to identify industries that are at a high risk of modern slavery. Many of us have engaged in this issue over many years and are aware of the types of industries that are particularly likely to have modern slavery risks within them.

Further recommendations of the report included that the New South Wales Government ensures that procuring government agencies engage in due diligence and conduct compliance history checks prior to awarding a contract to a supplier. We have had much toing and froing in this Chamber about due diligence and about compliance by suppliers, as we should, particularly when there are suggestions of products having been acquired as a result of modern slavery. The recommendations in the report and the Government's support for those recommendations show that we are committed to ensuring that we have robust due diligence in this State.

The committee further recommended that compliance history checks should include the supplier's workplace health and safety records and compliance with minimum labour standards, modern slavery standards and other relevant legislation. We went further with recommendation 6. Taking on board evidence we heard about the Cleaning Accountability Framework, we suggested that the New South Wales Government consider adopting industry codes or frameworks that promote supplier compliance with labour standards in industries characterised by vulnerable workers. Cleaning is an industry known to have a great deal of noncompliance with labour regulation, and its workers often have the characteristics of being vulnerable to exploitation. We heard evidence about the Cleaning Accountability Framework, which is an industry code that looks to make sure that contracts are awarded to organisations prepared to tender at a price which ensures that workers are paid their right wages and are given their correct entitlements.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! It being 6.30 p.m., according to sessional order, debate on committee reports and Government responses is interrupted.

*Adjournment Debate***ADJOURNMENT**

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

That this House do now adjourn.

**GOVERNMENT PERFORMANCE**

**The Hon. EMILY SUVAAL (18:31):** It is an honour to give an adjournment speech on the two-year anniversary of the election of the Minns Labor Government. It has been a big two years, filled with many ups and downs. Overall, I think it is important to highlight a number of things at this two-year mark in this place. The first of those is, obviously, that inflation is down. Inflation was 7.8 per cent when we came to government; it is now 2.4 per cent. Our responsible budget has put further pressure on inflation. Wages are also up. When we came to government, the real wages of essential workers, in particular, were going backwards. Wages are now increasing under the responsible measures taken by the Minns Labor Government, including getting rid of the wages cap.

Two years ago on this day I was in the Far North of the State in the Tweed electorate. I had spent the day, as I am sure most members in this place would have done, at a polling booth and handing out how-to-vote cards, as I had done the week prior during pre-polling. I was exhausted, and I was excited. At this in time two years ago I might have still been taking down a booth, but I might have been on my way to an event after the occasion. As I stood at pre-polling centres through the week, and on election day in Tweed, it was not lost on me the impact of the wages cap on that community and on essential workers, particularly on our frontline workers.

I can remember having many conversations during pre-polling at Tweed with nurses who had come back from Queensland, which was in most instances their place of work. They had come back across the border to New South Wales, where they lived. Each one of them said to me, "Yes, we work over in Queensland because of the wages cap, because we get paid so much more." Fast-forward to now, and this Government has gotten rid of the wages cap. We are putting responsible measures in place to ensure that we can deliver responsible and affordable wage increases to our public sector workers. We have given them the largest wage rises in over a decade, and wages are finally increasing under this Government.

It is also important to note that when we came to government, or when we were entrusted by the people of New South Wales to deliver a fresh start for them two years ago, the former Government left us with the biggest debt ever handed from one government to another. It is important to remind the House that in the nine months that preceded the election date in March 2023, the former Treasurer added \$27 billion of new policy measures to the former Government's final budget. We came to government with projected debts of \$180 billion, a \$7 billion black hole and programs that just did not have funding, such as the 1,112 COVID nurses. Out-of-home-care workers were unfunded to the tune of \$250 million across the forwards.

The Minns Labor Government has made substantial inroads in reforming many of the areas in New South Wales that were neglected by the former Government, and this is particularly the case in education. Reforms in the education sector include a 40 per cent reduction in teacher vacancies and teacher resignations are dropping for the first time in 13 years. At the same time, we are investing in new schools, such as the Box Hill Public School, which was much needed for that community and delivered in record time.

**FEAST OF THE ANNUNCIATION**

**The Hon. DAMIEN TUDEHOPE (18:36):** Happy New Year! In England, up until 1752 the new calendar year began on 25 March, which is nine months before 25 December, Christmas Day—the day which marks the birth of Jesus to his mother, Mary, in Bethlehem. We have known for millennia that each human life begins around nine months before birth. This common knowledge is reflected in the Christian calendar, which marks this day, nine months before the birth of Jesus, as the day he began his life as a human being. After speaking with eyewitnesses to the events of Jesus's life, including to Jesus's mother, Mary, a physician called Luke wrote an account of Jesus's life. He reports Mary's recollection of the day an angel appeared to her and said, "Do not be afraid, Mary, for you have found favour with God. You will conceive in your womb and bear a son, and you shall call his name Jesus." Mary replied, "Let it be to me according to your word." For those playing along at home, this is where Paul McCartney's song originates. God's plan for the salvation of the human race depended on the willing "let it be" of Mary of Nazareth.

Jean-Francois Millet's 1859 painting *The Angelus* depicts two peasants standing with bowed heads in their potato field at the end of the work while the village church bells ring, as they did three times a day across Christian Europe for the Angelus. The Angelus recalls the exchange between the angel and Mary, concluding with the ringing words of the gospel of John, "The Word was made flesh and dwelt among us." Christianity is deeply rooted in a sense that God who made everything entered into history, conceived as a human being in the womb of

Mary of Nazareth in the days of Herod, King of Judea. It is also rooted in a deep reverence for the life of every human being, from conception to natural death. This reverence was already evident in the Jewish scriptures. Jesus' ancestor King David writes in Psalm 139:

For it was you who formed my inward parts;  
you knit me together in my mother's womb.  
I praise you, for I am fearfully and wonderfully made.  
Wonderful are your works;  
that I know very well.

This reverence was deepened further by Christian reflection on the life of Jesus that is clearly portrayed as beginning at his conception. Later in his gospel Luke recounts how the newly pregnant Mary travelled 129 kilometres from Nazareth to the village of Ein Kerem to visit her elderly cousin Elizabeth who, after years of barrenness, was then six months pregnant. When Elizabeth heard the greeting of Mary, her baby leaped in her womb "for joy". Elizabeth pronounced Mary as blessed for believing what the angel had said to her and acknowledged her as the "mother of my Lord". On this day, on the Feast of the Annunciation, I join Elizabeth in acknowledging Mary as the mother of my Lord.

### NSW POLICE FORCE

**The Hon. MARK LATHAM (18:40):** In the debate about antisemitism in Sydney perhaps the organised crime mastermind overreacted. There are already huge diversions of New South Wales police resources in place, partly due to government policy and partly due to the police themselves. My colleague the Hon. Rod Roberts has exposed how the police are losing more officers than they can hire, with 3,000 positions likely to become vacant next year. On top of that, police involvement in mental health matters and enforcing the new coercive control laws are a resourcing nightmare.

The vague nebulous nature of Mr Speakman's coercive control laws—investigating the historic inner workings of personal relationships—are a huge challenge for New South Wales police, especially when they are already understaffed. There are accusations no more than serious touching in one case where, incredibly, eight detectives were allocated, conducting more than 300 interviews going back to 1984. People who know the accused—who had been pruning roses in the front garden, I kid you not—had two plain-clothes detectives march up unannounced, demanding an interview. That is an intimidating experience for the average person. The police are making the resource question harder for themselves.

It is widely acknowledged that Commissioner Karen Webb is not up to the job. She is only hanging in there because she is a woman and the Minns Government does not want to be seen to be sacking the first ever female commissioner. In the case with the eight detectives and 300 interviews, the commissioner has been directly involved. Why? Maybe there was a gin bottle in it. In the adverse Law Enforcement Conduct Commission [LECC] report against her, despite her denials to the contrary, she had a conflict of interest with the gin supplier; she knew him as a very close personal friend and had been on overseas holidays with him. At the conclusion of LECC's Operation Askern in August last year, it was found:

Commissioner Webb should have disclosed her association with the supplier when she became aware of the purchase of Commissioner's Gin.

How can she still be in the job? How can gender override integrity? In the case she has personally taken an interest in, some of the complainants are motivated by money gouging. The accused, incredibly, has never been interviewed by police to give his side of the story. It is a massive investigation that is completely lopsided in the collection of evidence. I have no doubt that if the accused had been interviewed, the New South Wales police would have saved themselves a significant misallocation of resources. Take the complaints of Bradley Webster, aka John Redman. I spoke previously in this House about Redman and how he was used by Racing NSW and Ray Hadley to harass Vin Cox because Vin committed the heinous crime of saying that Russell Balding should not get 14 years as the chairman of Racing NSW. In fact, this Chamber agreed very much with Vin Cox.

Redman has been used by Hadley in this other matter. He is a poor pathetic puppet who will say and do anything, apparently, to please Ray Hadley—even contradicting his many statements of affectionate admiration for the person he is now fabricating allegations against. Because the media has been all over this matter—given that the New South Wales police tipped off the media about their arrests and then leaked the charge sheets to *The Sydney Morning Herald*—I believe I have the right as an elected MP to say what I very strongly believe to be the truth: Alan Jones is an innocent man.

### JASMINE SUSSEX

**The Hon. GREG DONNELLY (18:43):** I expect that no member in this House or the other has met Jasmine Sussex. I had the privilege of meeting her at an event here at Parliament House in June 2023 and have remained in contact with her ever since. I have watched over this period with a sense of sorrow, disbelief and,

quite frankly, anger as NGOs, individuals, an independent statutory body and government-funded organisations have sought to silence and shut her up. The reason for this egregious, unwarranted, unfair and unjustified attack on her, to use the well-known saying attributed to Bayard Rustin—a Quaker and prominent figure in the United States civil rights movement—is that Jasmine has and continues to speak truth to power. Jasmine is a Victorian mother of three who is currently being dragged through the Queensland Civil and Administrative Tribunal [QCAT] for labelling attempts by trans women to breastfeed their babies as "experimental" and calling such practices a "dangerous fetish". I will say more on that later.

Jasmine's initial confrontation with power occurred in 2021 when she was sacked by the Australian Breastfeeding Association [ABA] for refusing to use gender-neutral language when it came to talking about and discussing breastfeeding. Put simply, she continued to assert that only biological females could breastfeed babies and refused to stop using the term "mother" in her engagement with mums and her postings on social media. Up to that point Jasmine, a 15-year volunteer of the organisation, not only had an unblemished work record but was also admired and highly regarded by those who knew her, particularly the thousands of mums and babies she visited and supported over all those years. The ABA denied that it sacked Jasmine as a long-term volunteer of the organisation. Interestingly, when it terminated her, the ABA told Jasmine that counsellors like herself are bound by a code of ethics, stating that counsellors will not discriminate on the basis of gender identity. It is also worth noting that the ABA, in a most spiteful and unnecessary act, having seen Jasmine out the door, has cancelled her membership of the organisation.

Fast forward to November 2023 and Jasmine was notified by the Queensland Human Rights Commission that it was investigating a complaint that had been lodged against her. The complainant, Queensland trans woman Jennifer Buckley, commenced the action having taken exception to a series of social media posts made by Jasmine in 2019 labelling attempts by trans women to breastfeed their children as experimental. In the media coverage at the time, she also stated, "Breastfeeding belongs exclusively to mothers and babies. We are the only humans who can make breast milk to nourish our babies."

Extraordinarily, during that same period, the Commonwealth eSafety Commissioner took it upon herself to intervene in the matter and required Jasmine to remove some of the posts. Despite claims to the contrary, the procedure of trans women taking the drug domperidone to increase prolactin in an attempt to produce a secretion that they call breast milk is not only controversial but highly questionable. Specialist medical professionals who are highly qualified have expressed concerns about the nature of the secretion created in male breasts and its impact, both short and long term, on the health of newborn babies.

The fact of the matter is that Jasmine Sussex has raised legitimate and serious concerns about the practice of trans women taking hormones to grow breasts and induce lactation to breastfeed newborn babies. What she did was post on social media information that was factual, scientific and based on her training, experience and expertise in breastfeeding that was accumulated during her 15 years as a supporter and carer for women and their babies. She now finds herself in the situation of being dragged before a tribunal in a State other than her own and made to give account of what she said and her reasons for doing so.

Proceedings in the matter are before QCAT and are progressing slowly. An attempt in February 2024 to resolve the matter through conciliation was unsuccessful. On 24 February 2025 Jasmine participated in a compulsory conference before QCAT. All efforts to settle the matter both throughout and after the compulsory conference have failed. The path forward for Jasmine regarding the matter is unclear. It will remain to be seen how the matter is finally resolved. Jasmine Sussex is a brave and determined woman and deserves all the support and encouragement that the members of this House can provide her.

#### **THE HON. LESLIE WILLIAMS, FORMER MEMBER FOR PORT MACQUARIE**

**The Hon. NATALIE WARD (18:48):** I acknowledge and celebrate the legacy and achievements of the Hon. Leslie Williams, MP. An unwavering woman of outstanding commitment, Leslie served her community of Port Macquarie for 14 strong years. She has fostered a community that has transformed under her leadership. With great empathy and compassion, Leslie has taken every opportunity to volunteer and provide to those less fortunate, to those in her community and to everyone around her. Leslie expressed the importance of building relationships with people from all walks of life. Leslie's career in politics began by getting involved in the community. She never had plans to become a politician; she only focused on volunteering and helping her community. That is the mark of a great public servant.

In her inaugural speech, she mentioned the fact that she had lost at two elections. When people asked, "Will you stand again?", she said she had an easy choice because the people in her electorate believed in her and wanted her to represent them. In her words, they were "the nurses I worked with, the local butcher, the shoppers at the supermarket, the parents at the bus stop, the volunteers I worked beside". We all thank Leslie for that. Over

the 14 years that she spent in Parliament, she accomplished a great deal for her local community. She was too humble to give a final speech, so I would like to.

During her service to the people of Port Macquarie, she made major investments to Lake Cathie Public School, which, thanks to Leslie, I now know how to pronounce; Stingray Creek bridge; the progress of the Harrington-Coopernook overpass; the Ocean Drive Duplication; the new PCYC; courthouse upgrades; Hastings Secondary College; Oxley Vale Lifelong Learning Centre; new and upgraded fire stations and surf clubs; and much more. I stood by her side as we met with domestic violence service Liberty, Kelly Lamb and all the incredible volunteers and workers there.

During her time in Parliament, there was unprecedented investment in Port Macquarie over 12 years of a Liberal-Nationals Government. Leslie was at the forefront of that investment and vision. The people of Port Macquarie thank Leslie for her tireless work, as do we here at Parliament. Leslie contributed greatly to the voluntary assisted dying and decriminalisation of abortion legislation in New South Wales. She never took the easy route when it came to her views, and she stood strongly against opposition. When she spoke about those bills, she said:

We came together from both sides of politics to push for what we believed was the right thing ... It wasn't easy, but it was absolutely worth it.

When I think about all the late nights, the long hours, the committee inquiries and the work that we do—sometimes wishing I was at home—I know that Leslie was absolutely right: Making good legislation is not easy, but it is absolutely worth it. Robert Dwyer of the New South Wales Liberal Party will be the next member for Port Macquarie.

Robert had tremendous support from Leslie. She worked hard to put a focused, capable and caring candidate into her former seat. It was great to stand with the team, with Liberal Party colleagues in Port Macquarie, for the by-election. I thank them all. It is a stunning place. It is no surprise that people love going there. Even though we call Manly "God's country", Leslie calls Port Macquarie "God's country". It is truly beautiful. No matter where I went, someone said to me, "Leslie Williams has done an excellent job. She is an incredible person. I personally know Leslie." It was incredible to see the number of people at pre-poll and polling booths who gave Leslie a hug to say thank you. They said, "We are sad you are going, but we are happy for you." To have made such a great mark on the communities in her electorate is not easy. It takes commitment. One has to be a genuine person to do that, and she is.

I thank Luke Nayna for managing the by-election campaign from Liberal Party headquarters; Todd Lynch for leading it on the ground as campaign manager; all the volunteers and everybody who came out to help; and all my colleagues for making the trip to Port Macquarie. Being in office is not a solo play; it is a team effort. I thank Terry Sara and others in Leslie's office for their tireless work. I know that Leslie appreciates them greatly. We all appreciate Terry. As she looks ahead to her retirement, I thank Leslie for her service to this great State, for her genuine commitment to her community and for being such a good friend to so many across both Houses and all parties. I thank her Port Macquarie community for supporting her and for supporting Rob Dwyer to fill her big boots. I wish her, her beautiful family and her grandchildren the very best.

## TRADE TARIFFS

**The Hon. ROD ROBERTS (18:53):** This evening I speak about something that has wideranging implications for our nation but has its origins firmly in New South Wales: the Trump administration's imposition of trade tariffs. The appointment of Marco Rubio as the United States [US] Secretary of State marked new objectives, as foreign policy is recalibrated to America's national interest. Before any policy is pursued, three questions must be answered: Does it make America safer? Does it make America stronger? Does it make America more prosperous? I understand Trump's position. Perhaps we should consider it here at home. Why would Trump and the United States exempt Australia from tariffs? Australia's treatment of US companies and US investors has not always been fair. In fact, it has been the complete opposite in some cases.

Successive New South Wales governments have treated the free trade agreement with the US with utter contempt. We know that US investors in Australia, in particular in New South Wales, have been stripped of assets worth tens of millions of dollars and, even worse, denied due process and compensation. That is despite them being key pillars of the Australia-United States Free Trade Agreement. I am referring to the 2014 decision of the then Liberal Government and the financial impact it had on American interests when it stripped NuCoal Resources of its main asset: a coal exploration licence. American investors held 30 per cent of NuCoal Resources, then valued at \$400 million. The then Government not only took the asset but denied compensation and passed legislation to that effect. That denied investors the opportunity to seek a judicial review. As Chris Merritt wrote in *The Australian*:

This destroyed their faith that US investments are protected in this country not just by rule of law but by treaty obligations put in place to prevent arbitrary seizure of American assets.

NuCoal's licence was cancelled not because it had done anything wrong but because former Labor Minister Ian Macdonald had issued the licence corruptly to another company, which then onsold it to an innocent NuCoal. After years inside the justice system, it was determined that the only wrongdoing was inside the former New South Wales Labor Government. It was not NuCoal or the original licence holder. The impact of the decision was transferred to innocent shareholders. Australian investors, including mums and dads, along with American investors, were left with a worthless asset. Article 11.7 of the treaty is clear: Neither party may expropriate an investment unless it is followed by payment of prompt, adequate and effective compensation and done in accordance with due process of the law.

The Office of the United States Trade Representative, which is the equivalent of our trade Minister, is very aware of that abuse of the law. The office produces an annual report called the trade barriers report—in other words, what barriers are there to free trade between the two countries. That report first mentioned the cancellation of foreign investment projects in Australia as far back as 2017, noting that "cancelling foreign investment projects has prompted some concern about increased risks facing foreign investors in Australia". However, since 2021 it is starkly on the agenda, with the reports focused clearly on New South Wales cancelling a mining project and denying US investors the right to a meaningful judicial review.

The same circumstance applies to Cascade Coal, which also had investors from major trading partners such as the US and Japan. Cascade was stripped of its licence and also denied compensation. Nobody associated with Cascade has been convicted of anything. Taking all of that into consideration, why wouldn't Trump hold the belief that the rest of the world is taking advantage of the US? If the current New South Wales Government is reluctant and continues to refuse to redress that terrible wrong, whoever forms the next Federal Government must insist that New South Wales abides by the terms of the US-Australia treaty and ensure fair treatment of NuCoal's US investors. How else could we sit at the trade negotiation table with a straight face and insist that we are friends of America?

### MIGRANT INFORMATION DAY

**The Hon. MARK BUTTIGIEG (18:57):** Last October, I was honoured to represent the Premier, Chris Minns, MP, at the Migrant Information Day held at Rockdale Town Hall. The free event involved stalls from 37 local service providers, who provided advice about the settlement services on offer to recent migrants and refugees, including in the areas of health, employment, housing and education. Bilingual staff members worked at the event to help translate for attendees in languages such as Nepali, Arabic, simplified Chinese, Bengali and Ukrainian. At the opening of the event, Aunty Barbara Simms gave an acknowledgement of country. I was honoured to make a speech, along with Matt Thistlethwaite, MP, and Mark Coure, MP. A video message from the Premier was also played.

Over the day, there were fantastic performances from the South Sydney Chinese Senior Troupe and the Kalymnian Dance Troupe, as well as a barbeque, healthy food demonstration, Bike n' Blend stall and a henna station. The event was made possible by the St George Multicultural Network and Advance Diversity Services, with many supporters, including Bayside Council, Georges River Council, Carer Gateway, the Benevolent Society, South Eastern Sydney Local Health District and Return and Earn. I congratulate the organisers on the fantastic initiative of Migrant Information Day, which I note has been running for over 20 years.

Events like Migrant Information Day are extremely important because they allow migrants to integrate into society, which strengthens and deepens our commitment to multiculturalism. Contrary to the speech that we heard earlier today by another member, it is good to encourage people to come to this country, regardless of their race, religion or lack of English skills, provide the resources to them to learn English and encourage them to keep their culture, religion, beliefs, practices and their own language as well. That makes us a greater organic whole and a more diverse society. As the Parliamentary Secretary for Multiculturalism and someone who fervently believes in the concept of multiculturalism, I think we should resource it as much as we possibly can because it makes us a greater nation.

I would like to see a policy in the future of taking multiculturalism to the next level and introducing multilingualism, where every person growing up in Australia learns at least one other language. Multiculturalism makes our society great. It makes us more progressive, more open-minded, allows us to converse with other people and gives us more empathy as human beings. Multiculturalism is a great thing, and days like Migrant Information Day can only further strengthen our belief in it.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 19:00 until Wednesday 26 March 2025 at 10:00.**