

LEGISLATIVE COUNCIL

Wednesday 26 March 2025

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

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

Announcements

LUNCHTIME CONCERT SERIES

The PRESIDENT (10:01): I remind members that today, from 12.45 p.m. to 1.30 p.m., a talented quartet from Sydney Youth Orchestras will be performing in the Fountain Court as part of our lunchtime concert series. The string quartet will play a selection from Vivaldi's *Four Seasons* as well as Mendelssohn's *String Quartet No. 4*. Members and staff are invited to join visitors to New South Wales Parliament for a moment of respite and reflection during a busy sitting day as we all enjoy this performance by some of New South Wales's finest young musicians. I look forward to seeing members there.

Visitors

VISITORS

The PRESIDENT: I extend a very special welcome to Pax Staley-Lobo, a year 7 student who absolutely loves politics. Today I asked him why he loves politics and he said, "It's the only thing that can make the world a better place." I encourage all honourable members to remember that in question time today.

Motions

CLOSE THE GAP DAY

The Hon. AILEEN MacDONALD (10:03): I move:

- (1) That this House recognises Close the Gap Day on 20 March 2025 as an opportunity to reflect on the ongoing work to improve life outcomes for Aboriginal and Torres Strait Islander people through genuine partnership and shared decision-making.
- (2) That this acknowledges the National Agreement on Closing the Gap signed in July 2020, which established 17 socio-economic targets and four priority reforms to drive systemic change and improve services for Aboriginal and Torres Strait Islander communities.
- (3) That this commends the role of the Coalition of Peaks, representing over 50 Aboriginal and Torres Strait Islander community controlled organisations, in advocating for policies that empower communities and ensure self-determined service delivery.
- (4) That this House further recognises the four priority reforms designed to transform how governments engage with Aboriginal and Torres Strait Islander communities by:
 - (a) strengthening formal partnerships and shared decision-making;
 - (b) supporting the growth of community controlled organisations;
 - (c) reforming government institutions to deliver culturally appropriate services; and
 - (d) ensuring shared access to data to enable informed decision-making at a local level.
- (5) That this House calls on the Government to remain accountable for progress on Closing the Gap by continuing to work in genuine partnership with Aboriginal and Torres Strait Islander organisations and ensuring that Government policies deliver real and measurable improvements in health, education, economic participation and social outcomes.
- (6) That this House affirms the importance of respecting and strengthening Aboriginal and Torres Strait Islander cultures as central to Closing the Gap and building a more inclusive and prosperous future for all Australians.

Motion agreed to.

YOUTH JUSTICE SYSTEM

The Hon. AILEEN MacDONALD (10:03): I move:

- (1) That this House acknowledges the recent meeting of the Parliamentary Friends of Youth Justice Reform, bringing together members of Parliament, experts and advocates to discuss meaningful reform in child justice.
- (2) That this House recognises the critical work of Anne Hollonds, National Children's Commissioner, in leading efforts to improve outcomes for children and young people at risk of or in contact with the justice system.

- (3) That this House welcomes the release of the commissioner's report 'Help way earlier!' which outlines a national vision for reform, advocating for early intervention, investment in prevention, and a child rights based approach to youth justice.
- (4) That this House notes with concern that children as young as 10 continue to be incarcerated across Australia, despite overwhelming evidence that punitive responses are ineffective and cause further harm.
- (5) That this House supports the report's key recommendations, including:
 - (a) establishing a national taskforce for child justice system reform;
 - (b) appointing a Cabinet Minister for children to drive national coordination; and
 - (c) prioritising community based, culturally appropriate supports, particularly for First Nations children who remain disproportionately impacted.
- (6) That this House calls on the Government to work collaboratively across jurisdictions to implement evidence-based, long-term reforms that prioritise the safety, wellbeing and future opportunities of all children in Australia.

Motion agreed to.

DOMESTIC VIOLENCE FINANCIAL IMPACTS

Ms ABIGAIL BOYD (10:04): I move:

- (1) That this House notes that:
 - (a) Professor of domestic and family violence at the University of Technology Sydney Business School, Anne Summers, recently released a report revealing for the first time the financial impact of domestic violence on Australian women;
 - (b) in the report, Professor Summers discusses how, although there has been a significant increase in women's employment in recent decades, domestic violence continues to have a large and ongoing negative impact on the ability of women to participate in the workplace;
 - (c) Professor Summers points out how women who experience domestic violence are more likely to take time off from work as a result and numbers are as high as two-thirds of women if violence occurs frequently;
 - (d) forty-four per cent of women who experienced physical or sexual violence had cash flow issues, and women who have fewer financial resources are less likely to be able to escape from an abusive relationship;
 - (e) overall, the cost of domestic violence in Australia is between \$22 billion and \$26 billion, not including the personal costs and suffering of women themselves;
 - (f) the Federal Government passed a paid domestic violence leave program in 2022, but awareness of this program is not widely understood, with only 13 per cent of victim-survivors using the paid leave entitlement, even though 35 per cent took time off from work as a result of violence;
 - (g) in 2023 the Federal Government rolled out a program wherein payments were given to victim-survivors to provide them the means to leave abusive relationships; however, much of the payment was offered in the paternalistic form of vouchers for goods and services, and after a trial run it was found that the decentralised nature of the payment system made it hard for victim-survivors to receive information;
 - (h) services to help women re-enter the workforce following domestic violence receive a small level of funding, which creates a disrupted and unpredictable timeline for women seeking new employment; and
 - (i) universities in Australia do not provide programs to stop domestic violence to students nearly to the same degree that they offer those to stop sexual assault and harassment, and while paid leave is offered to staff, no programs are geared towards helping students who are victims of domestic violence.
- (2) That this House commits to:
 - (a) accelerating work on gender equality efforts, including closing the pay gap and making child care more affordable;
 - (b) spreading more awareness of the paid domestic violence leave program outlined by the Federal Government and supporting the reorganisation of the Federal payment system to ensure that victim-survivors have sufficient access to resources to escape abusive relationships;
 - (c) implementing more effective programs and adequate funding for programs that help victims of domestic violence re-enter the workforce; and
 - (d) pushing universities in Australia to offer services to support students who are victims of domestic violence.

Motion agreed to.

Documents

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Tabling of Report of Independent Legal Arbiter

Ms ABIGAIL BOYD (10:04): I move:

- (1) That the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Early Childhood education and care sector*, dated Thursday 20 March 2025, together with submissions, be laid upon the table by the Clerk.

- (2) That, on tabling, the report and submissions are authorised to be published.

Motion agreed to.

Motions

BANGLADESH INDEPENDENCE DAY

Ms ABIGAIL BOYD (10:05): I move:

- (1) That this House notes that:
- (a) 26 March 2025 is the fifty-fifth Bangladesh Independence Day, which marks 55 years of Bangladesh being an independent sovereign nation and commemorates the day that Bangladesh declared independence from Pakistan in 1971;
 - (b) Bangladesh Independence Day celebrates the Bangladeshi people's strength and resilience in fighting for national sovereignty, democracy, liberation, justice, unity, equity and a fair future for generations to come;
 - (c) on Sunday 23 March 2025, the Bangladesh Community Council hosted an event at Lakemba library hall to celebrate Bangladesh Independence Day as well as Ramadan iftar dinner, and the event was attended by many community members and guests, who gathered to celebrate Independence Day as an eternal source of pride for the Bangladeshi people in Bangladesh and across the world, including the Bangladeshi Australian community; and
 - (d) the people of Bangladesh continue to face serious challenges, corruption, threats and instability following the collapse of the former regime led by former Prime Minister Sheikh Hasina and it is vital that the international community stands with the people of Bangladesh during this critical juncture, as the nation faces the renewed challenge of restructuring and rebuilding its democratic system and public institutions, systematically dismantling corruption and restoring public trust in democratic governance, and holding those responsible for human rights abuses to account.
- (2) That this House affirms its solidarity with the Bangladeshi people's ongoing fight for democracy, justice, national sovereignty and stability.
- (3) That this House calls on the Australian Government to stand with the people of Bangladesh and advocate for a fair and free democratic transition and electoral road map to be put in place urgently and with electoral integrity, accountability and strong anti-corruption measures.

Motion agreed to.

TRIBUTE TO PATRICK "PAT" EDGERTON

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

- (1) That this House notes with sadness the passing of Patrick "Pat" Edgerton, a devoted unionist and honorary life member of the Communication Workers Union.
- (2) That this House further notes that:
- (a) Pat was a member of the Communication Workers Union for 27 years and worked at the Sydney Transport Facility of Australia Post;
 - (b) Pat put his hand up for many official positions in the union, committed to standing up for the rights of his colleagues and, just before Pat's retirement, he was the lead coordinating delegate for the Sydney transport authorised union representative network;
 - (c) as well as being awarded life membership upon his retirement, Pat also received the Jalal Natour Memorial Service to the Union Award in 2017 and the Jim Metcher Delegate of the Year Award in 2019, a testament to his deep impact on the union and his colleagues; and
 - (d) Pat is remembered as a passionate and dedicated unionist and a kind person who will be very missed by his colleagues, fellow unionists and, of course, his family.
- (3) Vale, Patrick "Pat" Edgerton.

Motion agreed to.

WORLD DAY OF PRAYER

The Hon. RACHEL MERTON (10:06): I move:

- (1) That this House recognises the World Day of Prayer is a global ecumenical movement led by Christian women who join in prayer for peace and justice.
- (2) That this House acknowledges that the Dural Salvation Army hosted a World Day of Prayer meeting occasion led by Talitha Evans, Norwest Corp Leader, on Friday 7 March 2025 at the Dural Salvation Army hall, in recognition of the Cook Islands.
- (3) That this House notes the attendance of parishioners from churches including the Seventh Day Adventist Galston, Galston Uniting Church, Glenorie Mission Church, Dural Baptist Church, St Benedict's Arcadia, St Madeleine's Kenthurst, St Jude's Anglican Church, and of the Hon. Rachel Merton, MLC.

- (4) That this House commends the organisers and volunteers for the World Day of Prayer occasion, including Olwyn Merton, Dorris French, Daniel Evans, Karo Haltmeier, Stella Zaloudek, Jill Brochie, Jane Son, Glennis Saunders, Vivienne Heasman and Jill Vander Klauw.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW

Reports

The Hon. MARK BANASIAK: I table report No. 60 of Portfolio Committee No. 4 – Regional NSW entitled *Impact of the phase-out of Australian live sheep exports by sea on New South Wales*, dated March 2025, together with transcripts of evidence, tabled documents, submissions, correspondence, pro formas, responses and summary report to the online questionnaire, and answers to questions taken on notice and supplementary questions.

The Hon. MARK BANASIAK (10:08): I move:

That the House take note of the report.

Debate adjourned.

Documents

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Report of Independent Legal Arbiter

The CLERK: According to the resolution of this day, I table the report of the Independent Legal Arbiter, entitled *Disputed Claim of Privilege – Early Childhood education and care sector*, dated Thursday 20 March 2025, together with submissions.

Bills

CIVIL LIABILITY AMENDMENT (ORGANISATIONAL CHILD ABUSE LIABILITY) BILL 2025

First Reading

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

Second Reading Speech

The Hon. JEREMY BUCKINGHAM (10:26): I move:

That this bill be now read a second time.

DP was sexually abused in 1971 at the age of five by Father Bryan Coffey, an assistant parish priest. On 13 November 2024 in *Bishop Paul Bernard Bird v DP* [2024] HCA 41, the High Court found that Father Coffey's appointment as an assistant parish priest was encapsulated in canon law. The High Court held that the Roman Catholic Diocese of Ballarat could not be held vicariously liable for the historical child sexual abuse because Father Coffey was not an employee. For many survivors of historical child sexual abuse committed by the church or in other non-employment settings, like foster care and Scouts, that decision limits victim-survivors' access to equal and proper justice simply because their perpetrator was technically not an employee.

The High Court observed that the reformulation of the law of vicarious liability is a matter for the Legislature. It is a matter for this House. Legislation can and must reverse the High Court decision by retrospectively expanding vicarious liability to ensure institutions can be held accountable for the actions of priests, religious clergy and volunteers acting under the authority of the religious institution regardless of prior knowledge. Such legislation is urgent. Last year this House agreed to consider any amendments that could be made to the law to enable survivors of historical child sexual abuse to successfully bring claims against institutions. In answer to my question on 11 February 2025 to the Treasurer, representing the Attorney General, about what action our Legislature is taking, the Treasurer advised:

The New South Wales Government is considering the implications of the High Court's decision in the context of the findings and recommendations of the royal commission. That consideration also includes weighing the implications of any potential reform as well as closely monitoring any legislative developments in other jurisdictions.

A further response said:

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

Those reform options are now on the table in this House.

I am introducing the Civil Liability Amendment (Organisational Child Abuse Liability) Bill 2025 because there is an urgency for action. In the four months since that High Court decision, survivors of historical child sexual abuse have lost their cases based on the loophole presented by the legal fiction that clergy are not employees, despite the court finding that abuse occurred. On 20 December 2024 the New South Wales Supreme Court gave verdict and judgement for the defendant in *MC v Casa Generalizia Della Societa Dei Missionari D'Africa Detti Padri Bianchi (White Fathers)* [2024] NSWSC 1658. In that case, the plaintiff was sexually abused at the hands of a priest, Father Dufort, from 1973 to 1975 at Saint Mary's Catholic Church in Erskineville. The claim was initially argued on the basis of vicarious liability until after the delivery of *Bishop Paul Bernard Bird v DP*, when the plaintiff abandoned that claim, which the court noted was "appropriate".

Notwithstanding the court accepting that the abuse occurred as alleged, there was insufficient evidence to find liability in negligence and, accordingly, there was a verdict and judgement for the defendant. On 20 December 2024 the Supreme Court of Victoria gave verdict and judgement for the defendant in *Clifford v Missionaries of the Sacred Heart* [2024] VSC 81. In that case, the plaintiff was sexually abused from 1975 to 1977 in the form of sexualised bullying and other incidents by five students and in the form of abuse by a member of a religious brother who worked at the boarding school. The defendant denied the abuse and that the religious members were employees. At trial, the judge accepted that the abuse by students and one of the religious members occurred. The plaintiff lost. The court found that:

There is no basis for me to find that Mr Mamo was an employee of the defendant. I do not consider Mr Mamo's name being listed as staff in the College annuals as indicative of an intention by the defendant to create an employment relationship with him. The evidence does not support a conclusion that the relationship between Mr Mamo and the defendant involved an intention that the rights, duties and obligations associated with this relationship would be legally enforceable and subject to adjudication of the courts.

There are New South Wales cases where the survivors succeeded at first instance in their case against religious organisations for child sexual abuse but which are now likely to be overturned on appeal because of the decision in *Bishop Paul Bernard Bird v DP*. In September 2024, in *AA v Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle* [2024] NSWSC 1632, the court found the diocese vicariously liable for the sexual abuse of the plaintiff, who was a terminally ill disability pensioner. Following the decision in *Bishop Paul Bernard Bird v DP*, the defendant sought a stay of the execution of the judgement debt. The stay was granted.

On 1 August 2024, in *TT v The Diocese of Saint Maron, Sydney & SS (No 3)* [2024] NSWSC 943, the court found the plaintiff had been sexually abused by a clergy member of the defendant. The court found vicarious liability based on the principles in the Victorian Court of Appeal of "akin to employment" but noted that if the decision was overturned, the liability decision would be wrong. On 28 August 2024 a stay of judgement was subsequently ordered, pending an appeal. It is presumed the case will be overturned by the Court of Appeal when it is heard.

In *Hartnett v Trustees of the Roman Catholic Church for the Diocese of Wilcannia Forbes & Ors (No 6)* [2024] NSWSC 1609, at the hearing of the substantive trial in February 2024, the Catholic Diocese of Wilcannia-Forbes admitted that it would be vicariously liable for the alleged abuse by a religious sister at its school if the court found the abuse had occurred. The decision was reserved when *Bishop Paul Bernard Bird v DP* was delivered in November 2024. As a result, the diocese applied to the court to withdraw its admission of vicarious liability based on the decision in *Bishop Paul Bernard Bird v DP* and denied it employed the religious sister. The substantive decision is currently reserved. There are a number of cases listed for hearing in 2025 that will either lose or be settled on a walkaway basis based on the current holding in *Bishop Paul Bernard Bird v DP*. Reforms must be done urgently. To do otherwise is to further victimise survivors. In answer to a recent question without notice, I was advised that:

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

The decision in *Bishop Paul Bernard Bird v DP* is at odds with the rest of the common-law world. In 1999 Canada's Supreme Court expanded the common law to include non-employees for the purposes of vicarious liability, and the United Kingdom followed suit in 2012. One can assume that relevant insurers dealing in the Australian market have priced in the risk that churches and NGOs will be held vicariously liable in Australia since at least then. Also, the protection of church assets should not be a consideration when considering the needs of children and other survivors who were sexually assaulted. Religious organisations, especially the Catholic Church,

comprise the largest offending population, as found by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Practically, the reforms following the royal commission have largely been in response to the responses by the institutions to child sexual abuse survivors, especially in relying on their privileged legal status as a means to thwart proper civil law redress to survivors. Why should religious organisations be effectively exempt from such liabilities when the State and other organisations are not? The State Government would be liable for its employed teachers. Why should religious schools not be liable because their teaching staff are comprised of religious personnel? The same applies to orphanages and hospitals, which are also staffed by religious personnel. The State of New South Wales issued licences to those religious organisations, allowing them to run their schools and orphanages.

If *Bishop Paul Bernard Bird v DP* remains, the State of New South Wales may be joined in cases involving religious schools and orphanages on the basis that it negligently issued licences to organisations that operated those institutions by persons they did not employ, nor had sufficient control and supervision over. Taxpayers should not have to potentially shoulder that burden; it ought to be borne by the religious organisations. The Catholic Church insists its members are not employed—unless, of course, it suits them. During the pandemic, the Catholic Church successfully lobbied the Government to amend the JobKeeper legislation to include members of religious organisations. JobKeeper payments were for "employees" who had lost their jobs due to lockdown. In all, \$627 million in JobKeeper payments were made to about 3,500 religious entities. Churches confirmed that that money was paid to priests.

If the amount of retrospective liability by religious organisations and NGO institutions is so large as to threaten their financial viability, why should they have the social licence to continue to exist? The weight of their past harms must call into doubt their supposed social utility and benefit. The sexual abuse of children was always criminal. The notion that churches intentionally arranged their affairs on the basis that they would not be vicariously liable for such abuse is offensive and, if true, should not prevent retrospectivity. As to the floodgates argument, in *Armes v Nottinghamshire County Council*, dealing with the floodgates argument when it imposed vicarious liability on the child welfare department for abuse of its foster carers, it was said:

If, on the other hand, there is substance in the floodgates arguments advanced on behalf of the local authority—if, in other words, there has been such a widespread problem of child abuse by foster parents that the imposition of vicarious liability would have major financial and other consequences—then there is every reason why the law should expose how this has occurred. It may be—although this again is empirically untested—that such exposure, and the risk of liability, might encourage more adequate vetting and supervision. It is all very well to point to the cost of such precautions, and to the cost of compensating the victims, and to complain that this will divert the resources of local authorities from other channels. That is a point which might be made in relation to many claims against public bodies, including claims against local authorities arising from the abuse of children in residential homes.

In 2018 the New South Wales Government amended the Civil Liability Act 2002 to prospectively extend the common law of vicarious liability so that it applies not only to employees but also to those akin to employees, such as priests and volunteers. The reforms further introduced a statutory duty on certain organisations to take reasonable steps to prevent child abuse, with a reverse onus of proof. There is now a distinct two-tiered system of justice impacting victims of child and sexual abuse by non-employees, depending on whether they were sexually abused before or after 2018. This bill extends the duty of care and vicarious liability to organisations for child abuse perpetrated before 26 October 2018.

We are the only significant common-law country not to hold that "akin to employment" should give the same rights as employment. In *Bird*, the High Court accepted that the abusive priest perpetrated abuse in the course of his diocese duties and the bishop had at least as much authority over him as an employer would have. Calling pay a stipend or using a volunteer should not see an organisation evade responsibility. The injustice is clear, and the high courts in Canada, the United Kingdom, Ireland and New Zealand have held that "akin to employment" should give rise to the same rights as employment for victims. The problem has been fixed prospectively in New South Wales, but the Act preserves the common law at section 6H (3) because it was assumed that our superior courts would do the same. Every State and Territory court of appeal followed the international common-law thinking; only our High Court has now made a different decision which requires legislation for the substantial number of victims without a remedy.

At this point I thank Mr Craig Ellis, national secretary of the Legalise Cannabis Party; Mr James Masur, barrister; Professor Patrick Keyzer, lawyer; Mr John Ellis, solicitor; Dr Andrew Morrison, SC, KC; and Ms Elenore Levi of the Australian Lawyers Alliance for their assistance in preparing this bill. I also thank my staffer Louise Callaway.

Debate adjourned.

MUSIC AND DRAMA SYLLABUSES

The Hon. JACQUI MUNRO (10:43): I move:

- (1) That this House affirms findings 6 and 7 of the Joint Select Committee on Arts and Music Education and Training in New South Wales which state that the draft stage 6 Drama and Music syllabuses do not meet community expectations and require extensive revision.
- (2) That this House notes information gathered about the stage 6 Creative Arts syllabus drafting process under Standing Order 52, including that:
 - (a) two members of the technical advisory groups [TAGs] on music emailed direct feedback to the New South Wales Education Standards Authority [NESA] following a targeted assessment consultation meeting in late September 2024 with concerns about NESA's consultation process, stating:
 - (i) "Of greater concern to me ... is the direction the whole syllabus has taken.";
 - (ii) "I feel there is still hope for a change in direction before this goes out for a complete slaughtering.";
 - (iii) "I am concerned ... that the consultation process may not lead to meaningful changes, based on the feedback provided during the session, and the fairly firm position expressed by those involved in development the new syllabus and the related assessment plans. I sincerely hope that this perception is proven wrong."; and
 - (iv) "I also hope your team will take on board the feedback from music education experts in the spirit in which it has been offered, ensuring the final syllabuses and assessments reflect best practice in music education rather than being driven by a purely statistical rationale.".
 - (b) a further member reached out to NESA the week before to say:
 - (i) "My recollection of my own feedback on the issues being discussed was at odds with the summary presented, which had no detail and simply confirmed that the consultation had occurred, and by inference, agreed with the issues being discussed.";
 - (ii) "I wonder if being on the TAG has any meaning if the consultation is not going to be referred to when an opportunity arises? It comes across as an exercise in rubberstamping decisions that have already been made."; and
 - (iii) "raises serious questions in my mind regarding future feedback".
 - (c) there was apparent consensus amongst TAG music representatives on 29 August 2024 that repertoire requirements in Music 1 and Music 2 were "a dangerous idea", but they were included in the draft syllabus regardless;
 - (d) issues raised through the Curriculum and Credentials Committee music syllabus meeting on 20 May 2024 included the very same list of concerns that were raised in subsequent TAG meetings in 2024 and through the Have Your Say period, without the syllabus being changed, including concerns about the compressed timeline which were recorded in minutes as stating:
 - (i) "... the expedited timeline is concerning given the complexity involved in differentiating and aligning the multiple Stage 6 Music syllabuses"; and
 - (ii) "The department anticipates that this pressure will increase as complex issues and risks are likely to emerge during the public consultation phase of the syllabus developed from this concept paper.".
 - (e) minutes of TAG meetings and feedback on drafts reflect ongoing concern about the removal of externally marked group performances and the risk of mandating solo performances, including feedback that mandating a scripted solo performance to an audience "could lead to a large drop in enrolments – considering many students who would not do drama now if they were made to perform individually".
- (3) That this House further notes that:
 - (a) submissions to the Joint Select Committee on Arts and Music Education and Training in New South Wales regarding the NESA stage 6 music and drama syllabuses "Have your say" consultation in 2024 overwhelmingly expressed that NESA's proposed changes fall well short of best practice and teacher expectations, from consultation to content to assessment;
 - (b) the Government is not supporting recommendation 18 of the Joint Select Committee on Arts and Music Education and Training in New South Wales, which states, "That during curriculum reviews and reforms, the NSW Education Standards Authority publish all public submissions and provide detailed reasoning when releasing second drafts for consultation."; and
 - (c) the Chief Executive Officer of NESA, Mr Paul Martin, indicated during budget estimates in February 2025 that there would not be further public consultation on the draft stage 6 music and drama syllabuses.
- (4) That this House asserts that the Government and NESA's proposed stage 6 music and drama syllabuses changes are for statisticians, not students.
- (5) That this House calls on the Minns Labor Government and Minister for Education, the Hon. Prue Car, MP, to instruct NESA to conduct a second public consultation on the stage 6 music and drama syllabuses, including a month-long Have Your Say period.

The changes proposed to the HSC music and drama syllabuses by the NSW Education Standards Authority are for statisticians, not students. The education Minister is watching on as the future of our creative artists is lost in

Excel spreadsheets. This Government and the education Minister have a responsibility to intervene in the process, which has resulted in a parliamentary petition signed by 8½ thousand people across the State led by Dr Thomas Fienberg, a music teacher, syllabus assessor and academic; a music education expert speaking out to protest the bastardisation of their own work to justify these syllabus changes; and Tim Minchin feeling compelled to make a video, shared with his 350,000 Instagram followers, calling on the Minister to act. It has resulted in unprecedented unity amongst the drama and music community, led by teachers organising against the proposed changes. It is ongoing.

The proposed syllabus changes are a show stopper in all the wrong ways for students across New South Wales who want to develop their creative craft as performers, composers, thespians, producers and set designers. They restrict choice, limit creative expression and are contrary to decades of pedagogical research. How fortunate we are to have young people who want to pursue lives of creative expression despite the challenges, the insecurity and the competition, and who are so passionate about sharing the gifts of music, stories and art that they want to study their craft and work towards their dreams.

This Labor Government, and particularly the Minister for the Arts, and Minister for Music and the Night-time Economy, have hung their hats on the idea of being pro creative industries, but the failure to acknowledge the serious and long-lasting impact of this change to high school music and drama education in New South Wales is shocking. Without going back to the drawing board on the syllabuses, the pipeline of our up-and-coming creative talent will be squeezed into a bureaucratic box that prioritises easy numbers over necessary nuance.

The draft syllabuses are a travesty. In his submission to NESA's "Have your say" process, a professor of music education who works at the Sydney Conservatorium of Music, James Humberstone, wrote:

... these drafts are so weak that it would be better to start afresh with proper research and consultation into what happens in tertiary education and in the music industry, because these documents are a far cry from preparing students for entry into institutions like mine, and for the musical activities that young creative musicians undertake.

Another academic, Professor Michael Anderson, was engaged by NESA to consult on the curriculum through the technical advisory group. Upon seeing the draft drama syllabus, he quit his role so he could freely and publicly condemn the syllabus content. His resignation letter stated, "This is profoundly disappointing and undermines my faith in NESA's process." Drama NSW has written to the education Minister, calling on her to instruct NESA to write a new draft syllabus that maintains the rigour and quality of the existing syllabus, aligns with international evidence-based practices and reflects the voices of teachers, students and researchers, particularly recognising the value of practical and collaborative outputs over an overemphasis on written work.

These concerns have to be spelt out because of the deep dissatisfaction that the current draft does not achieve these aims. Music 1 would mandate subjects; before, it had given students choice. Music subjects would see a doubling in written exam time and a halving of performance opportunities, and drama would mandate individual solo performances, which would, according to Drama NSW, see students drop out or not even choose this course because they are there for set design, production or directing. They are not there necessarily to stand up in front of an audience. Fundamentally, students would have fewer practical assessments, more written exams and be restricted in their choice of elective streams like composition and performance, repertoire and content.

NESA must undertake a second public consultation period and the Minister should instruct it to do so immediately. That would go some way to restoring public faith that this Government is serious about delivering world-class education for creative arts students. It would give all interested stakeholders the opportunity to develop, in partnership with NESA and the Government, syllabuses that will retain the world-class education system that we already have, not tear it down. The Government and NESA have so far rejected these calls. It was a deeply alarming revelation that the Government's response to the arts and music education inquiry suggested that it was more important to maintain the NSW Curriculum Reform timeline than to undertake the necessary consultation to improve these syllabuses for the students of New South Wales.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (10:48): I lead for the Government in debate on this motion, although I anticipate that the Minister for the Arts and all creative fun stuff will probably make a contribution as well. I move:

That the question be amended in paragraph (5) by:

- (1) Omitting "second public" and inserting instead "further".
- (2) Omitting "including a month-long Have Your Say period".

I indicate that if the House supports these reasonable amendments, the Government will not oppose the motion. I welcome the enthusiasm of the Hon. Jacqui Munro. I would perhaps encourage her to be slightly more

constructive in her approach regarding feedback. This House has long been interested in the improvement of our schools across New South Wales. I take the opportunity to commend the Deputy Premier for the large reform program that I speak about in this place and that many Government members speak about publicly. The Deputy Premier inherited a system that was a basket case. Whether it is addressing teacher vacancies, building much-needed schools or improving the curriculum through a broad program of required reform, the Deputy Premier, and Minister for Education and Early Learning, is leading the Government's work.

The Government moves this amendment, with words of caution for the member, because this Parliament should absolutely have its say in setting that framework for curriculum reform. Indeed, this House has previously made recommendations such as explicit teaching, which is now being implemented by the Government. But once we start delving into specifics in relation to syllabuses, I caution the member to tread carefully. The NSW Education Standards Authority—NESA—is the body that has been charged by successive governments to engage with teachers and consult with experts and draft the syllabus. Indeed, the broad range of curriculum—I think 111 new syllabuses have been delivered to New South Wales teachers—reflect a strong evidence base. We do not oppose feedback, and we do not oppose more consultation. However, we oppose being overly prescriptive about the writing and content of syllabuses, and of the consultation process that should be undertaken. We have an important program of reform to rebuild the education system in this State, and we are proud of that process.

Ms ABIGAIL BOYD (10:51): On behalf of The Greens, I speak in support of the motion. The Greens back teachers as the experts and stakeholders when it comes to designing curriculum. The draft changes to the HSC music, drama, and dance syllabi put forward by the NSW Education Standards Authority [NESA] appeared to be all about cutting costs and very little to do with student outcomes. The 2024 inquiry of the Joint Select Committee on Arts and Music Education and Training in New South Wales clearly presented an overwhelming argument for greater focus on group and practical performance opportunities for students enrolled in performing arts courses. Finding 6 and finding 7 of the committee's report found that the draft Stage 6 Drama and Stage 6 Music 1 and Music 2 and Extension Music syllabuses do not meet community expectations and need extensive revision. I was pleased that the inquiry, which I was a part of, made the following recommendation:

That the NSW Government and the NSW Education Standards Authority ensures the Stage 6 Drama and Music syllabuses are reflective of community expectations and incorporates the feedback provided by community members of the Technical Advisory Groups, Targeted Assessment Consultations and the wider public through the Have Your Say period.

This recommendation was supported by the Government in its response to the inquiry report. I am informed by the Government that, in light of the strength of feeling about this issue, further consultation will be undertaken based on the feedback received in the Have Your Say survey, which ended on 20 December last year. Teachers are experts in teaching and deserve to have their professionalism and expertise reflected. A genuine co-design of the syllabus is best not only for teachers but also for student outcomes and wellbeing.

This Government—and the previous Government did this as well—often talks about consultation as, "We showed it to some people, they said some things and we are now presenting the final version". That does not mean that the final outcome reflects what was contributed during that consultation, and we can end up with consultation being a tick-a-box exercise, not a genuine "listen and co-design" process. Co-design is talked about a lot when we talk about what genuine consultation should look like. It is worth reflecting particularly on the terms of this motion—that people felt that they were not listened to in that process. It is not enough to just consult. We have to listen, and the changes from the draft to the final outcome should reflect that. With those words, we support the motion.

The Hon. AILEEN MacDONALD (10:54): Music and drama are not just subjects; they are tools for life. They teach confidence, communication, creativity and empathy. They help young people understand the world around them and express the world within. I have seen it firsthand, as my own children studied drama. They did not pursue it professionally, but what they gained has stayed with them. The ability to read a room, to think critically and to express themselves clearly are life skills. Even Shakespeare, hundreds of years on, still teaches us about power, love, jealousy and justice—things as relevant today as they were then. Drama brings that to life in a way no textbook can. And music? Music is connection, collaboration, discipline and expression. That is why the proposed changes to the Stage 6 music and drama syllabuses have struck such a nerve in the community. Removing composition, limiting elective choices, downgrading ensemble performance and doubling written exams are changes that move us away from creative learning and towards a rigid, one-size-fits-all model.

Educators, students, academics and some of our country's most respected artists have said, loud and clear, that this is not the way forward. As they stand, the syllabuses do not reflect best practice. They do not meet community expectations. Let us be honest: These are changes designed for statisticians, not students. I commend the Hon. Jacqui Munro for bringing this motion forward and standing up for the creative future of students in New South Wales. The Government must recall the drafts, reopen the consultation and get this right, because we

cannot afford to lose what makes our education system a leader in the arts, and we cannot afford to lose what makes our students better thinkers, communicators and citizens.

The Hon. SARAH MITCHELL (10:57): I speak in support of the motion moved by my colleague the Hon. Jacqui Munro and thank her for her work in this space. As the shadow Minister for Education and Early Learning, I have been happy to work alongside her and meet with a number of teachers and professional groups who have real concerns about the direction that these syllabus documents are heading. It is very telling when a call for papers finds specific examples from teachers and people who were members, or who remain members, of technical advisory groups. These expert teachers, many of whom have been HSC examiners for years and know their subject and core content inside out, are saying that there are problems. The necessary issues are not being addressed, and concerns remain about where this is up to.

As a former education Minister, I worked closely with the NSW Education Standards Authority. Some very good people work at NESA, and this is not in any way a reflection on it as an organisation. However, clearly, the teaching profession has significant concerns about what is and is not in these syllabuses. That is the point. There has been consultation already, but we are still getting emails and we are still having correspondence with some of the peak groups and teaching bodies like Drama NSW, whom I am catching up with soon, saying it is still not quite right. They have concerns about what is going on and the communications, and we are concerned that there will not be any more public consultation.

It is all very well and good for the Government to say, "Of course we will keep talking to teachers about this," but that needs to be public and transparent. That is the whole point. It is basically a once-in-a-lifetime review of the curriculum, across a range of subject areas—in fact, all subjects areas—which was started under our Government and is continuing under this Government. It is a chance to get it right. During my time as Minister, many syllabus documents were worked on and some began to be rolled out, particularly for kindergarten, year 1 and year 2 in English and maths. If the Government was getting the kind of pushback that it is getting from a profession in any other area, it would take a step back and say, "We need to take this back to the drawing board and get it right."

As I said, these people are passionate. They have worked in this space for years and they know their subject areas. That is not to mention all the performing artists who have come forward and said, "If you do not get this right, it could potentially stymie future actors, singers, musicians and dancers in our community." It is particularly critical for stage 6. I completely support this motion, as I said. I congratulate the member on the hard work that she is putting into this area, which she is passionate about. It is appreciated. The Government can go back to the drawing board, work with what it has and take its time to get it right. It can take the profession along so that everyone can be excited about the new syllabus documents, rather than being concerned and upset about them. Teachers themselves are saying that it is not good enough.

The PRESIDENT: Order! According to sessional order, business is now interrupted for questions.

Visitors

VISITORS

The PRESIDENT: I welcome two interns in the gallery today. The first is William Elliott, who is interning in the office of the Hon. Scott Farlow. The second is James Curren from the University of Sydney, who is interning in the office of the Hon. Tara Moriarty. Both are very welcome indeed.

Questions Without Notice

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. DAMIEN TUDEHOPE (11:00): As surprised as he might be, my question is directed to the Treasurer. In 2024 the Premier said that the proposal to develop Rosehill would not cost the taxpayer a single cent. Did the Premier consult the Treasurer before declaring that the Government was open to spending \$5 billion, or more, of taxpayer money to buy Rosehill Gardens to redevelop the land itself?

The Hon. DANIEL MOOKHEY (Treasurer) (11:01): I am delighted to have a question from the shadow Treasurer and I thank him very much. He is inviting me to update the House on conversations that I had with the Premier, which obviously I am not going to do. When it comes to the proposition regarding Rosehill, the Premier and I are in regular discussion about it. As I said to the House last week, the matter of whether Rosehill is to be used for housing must first be decided by members of the Australian Turf Club [ATC]. I also pointed out last week that the proposition to acquire it is a matter that the ATC is putting to its members. It would be appropriate, of course—as the Government has said consistently in 2023, 2024 and 2025—for ATC members to deliberate on the matter first. If they decide that the proposal will be forthcoming, only then will we, firstly, see what the proposal specifically is and then, secondly, react and engage with the specific proposal that is put to us.

It remains a once-in-a-generation opportunity to make a meaningful impact on the housing crisis. The point that the Premier has repeatedly made—as has, frankly, the Government—is that it is deeply worrying to be dealing with a housing crisis of this magnitude. For more than eight years, since 2015, the number of new builds has fallen year after year with no action from the Government that preceded us. We have to respond, and the Rosehill proposal is one component of that response.

The other parts of the Government's response, which I discuss regularly with the Premier, is what we can do to make our planning system better and, equally, what we can do to build more housing near public transport. I also discuss with him our record investment in social housing and essential worker housing, as well as affordable housing. While I am glad that the shadow Treasurer asked the question, it is important to point out that Rosehill is one component of this Government's comprehensive response to the housing crisis that we inherited from him and those opposite. We have a lot of work to do to ensure people can afford to live in our State. We will continue to engage in good faith, with good faith actors who want to help us solve the housing crisis.

The Hon. DAMIEN TUDEHOPE (11:04): I ask a supplementary question. Given that the Treasurer will not disclose the private conversations that he has had with the Premier, has he asked Treasury to do any modelling of the impact on the budget of a \$5 billion asset purchase?

The Hon. DANIEL MOOKHEY (Treasurer) (11:04): I thank the shadow Treasurer for the supplementary question. I just point out that modelling is not needed if there is a proposition to spend \$5 billion on an acquisition. That would generally just be reflected in the budget. Perhaps the broader question being asked is on the wider dynamics of the proposal. I simply say that Treasury is engaged in the process in accordance with the unsolicited proposals policy; it is following the same policy that was left to us by the previous Government. There has been no change in that respect. Treasury's engagement in that proposition is via that mechanism.

The Hon. MARK LATHAM (11:05): I ask a second supplementary question. Will the Treasurer elaborate on the wider dynamics of the proposition and the work that he has done on it in conversations with or without the Premier? In particular, after 12 months of consideration of the unsolicited proposal, what value does the Government identify at Rosehill? What is the valuation that the Government has arrived at? The Treasurer is a wonderful advocate of transparency in government. Will he tell the House the valuation of it, on behalf of the taxpayers of New South Wales?

The Hon. DANIEL MOOKHEY (Treasurer) (11:06): I thank the member for the second supplementary question. The member is inviting me to explain to the Parliament and to the public at large matters that are obviously highly commercial in confidence. While I relish the chance to tell everybody what we think about it and the precise detail that they could then use in a negotiation that is coming up—

The Hon. Damien Tudehope: Is it coming up?

The Hon. DANIEL MOOKHEY: —or may not be coming up—wouldn't members love to ask a third supplementary on that! As much as I appreciate the invitation to breach my duty to ensure that the public is always getting full value for its expenditure, and as much as I would relish the chance to seriously jeopardise the capacity of taxpayers to engage in a matter that is consistent with the public interest, I am not going to do that. I will simply say that in order for a proposition to be valued, it has to be made. It is a bit premature to ask how we are assessing valuation of a proposal that at this point has not even been progressed through the first stage by the actual organisation that may be the proponent of the scheme.

The Hon. Scott Farlow: What have you been doing for 18 months?

The Hon. DANIEL MOOKHEY: I am invited to say what I have been doing for the past 18 months. Cleaning up the Opposition's mess when it comes to the housing crisis is generally what we have been doing. Last year the shadow planning Minister was in this Chamber trying to block action on the housing crisis. This year he is running around as the biggest champion of it. Unlike those opposite, the Government has been consistent about engaging with the proposition for Rosehill and about dealing with the housing crisis. We do not flip-flop just because our first tactic failed and blew up in our own party's face. We do not then change directions. That is the adult government we are delivering.

FEDERAL BUDGET

The Hon. GREG DONNELLY (11:08): My question without notice is addressed to the Treasurer. Will he update the House on relevant announcements from last night's Federal budget?

The Hon. DANIEL MOOKHEY (Treasurer) (11:08): I will! I thank the member for his question and his persistent questioning of me in this place on behalf of the people of New South Wales. Last night's Federal budget was a solid one for New South Wales. Equally, it was particularly helpful to see the Federal Government's investment in Medicare. Apart from the universal good that comes from free and accessible primary health care

at the point of use, particularly for New South Wales, it is incredibly helpful in complementing our initiatives to take pressure off our emergency departments. As the health Minister and the finance Minister have pointed out, every additional one point raise in the bulk-billing rate leads to materially fewer presentations in our emergency departments.

The Hon. Courtney Houssos: It's 3,000.

The Hon. DANIEL MOOKHEY: Yes, 3,000 fewer presentations. The fact that we are seeing a once-in-a-generation investment in Medicare—the biggest investment in Medicare since it was created—to reverse the declines in bulk-billing rates under the previous Federal Government is good news for Australia. It is especially good news for New South Wales and New South Wales families. Anyone who has been paying attention to household budgets knows full well that more of the household budget is going to health care than previously. That is not a good thing. We do not want American-style health care in this country. We are proud of what we have built. Secondly, the top-up tax cuts that were announced last night are most welcome. Real wage growth is going up. In last night's Federal budget projections, real wage growth is going to go up again. That is helpful in rebuilding the purchasing power of households after the biggest spike in inflation since the 1970s.

In terms of the infrastructure spend, New South Wales has \$2.8 billion more from the Federal Government than it did yesterday. That is very good, particularly for people living in places like Leppington and Schofields, who were promised, budget after budget, investment for the housing that they had already bought. It is great that real money is being put aside in the Federal budget to help us build things like Fifteenth Avenue, Bandon Road and Garfield Road East. That is welcome Commonwealth investment. Tomorrow night the Federal Opposition will reply. I look forward to the alternative Prime Minister's pitch. We welcome any additional investment in New South Wales. We want both sides of Federal politics to engage with the people of New South Wales to make sure that Federal money is being well spent.

DUBBO REGIONAL SPORTS HUB

The Hon. SARAH MITCHELL (11:11): My question is directed to the Minister for Regional New South Wales. On 13 February 2025 the Minister told the House that she had received "independent probity advice" in relation to the Dubbo sports hub. Who gave the Minister that independent advice? On what date did she receive it?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:12): I thank the member for the question. As I have indicated many times in this place, I am delighted to answer questions about the phantom Dubbo sports hub project. It is a real shame for the people of Dubbo. I am on their side. They should not be in this situation. It is a real shame that they were misled by the previous Government for seven years. They were misled by the local member. They were misled by the previous local member. They were misled by the council.

The Hon. Damien Tudehope: Point of order: The question was specifically about the probity advice that was provided to the Minister and the date on which it was provided. It is not an opportunity—

The PRESIDENT: Order! Yesterday I ruled that members would not interject during points of order. I call the Hon. Sarah Mitchell to order for the first time.

The Hon. Damien Tudehope: It is not an opportunity to reflect on the timing of the delivery of the project; it is specifically about the probity advice that the Minister received.

The PRESIDENT: I am sure the Minister is coming to the question at hand. The Minister has the call.

The Hon. TARA MORIARTY: There is a range of information about the farce that was this project that was promised and promised and promised. There was never a location. There was never enough funding. There are plenty of documents dating back to 2018 that have come through under Standing Order 52, which I encourage members to go through. They reflect the fact that the then local member inappropriately involved himself in a whole bunch of committees—

The Hon. Sarah Mitchell: Point of order: I take two points of order. The first is that the Minister reflected on a member of the other place and said that they had been inappropriate. That is not allowed. The second point is about relevance. It was fair to call me to order. I have been trying to listen.

The Hon. Taylor Martin: Give her another one.

The Hon. Sarah Mitchell: We will stop at one. The question was specifically about independent probity advice. It was about when the Minister received it and who gave it to her. I did not ask about the general documents. It is a fairly detailed and contained question. I put to you that the Minister is not being relevant.

The PRESIDENT: In terms of the first point of order, I did not hear the specific words that were used by the Minister. I trust the Deputy Leader of the Opposition. Perhaps it would be helpful for the House if the Minister could withdraw anything that was inappropriate. To the second point of order, the member is quite right. The question has a very narrow scope. I understand that the Minister has made some important contextual remarks; they are appreciated. Members would now love to hear the answer about who gave the Minister that independent advice and on what date she received it. The question is very narrow. The Minister has the call.

The Hon. TARA MORIARTY: I am happy to talk about the advice that I received. I have talked about it before. There are documents somewhere in the building that members can look at. The advice that I received from my department is that the Office of Sport formed the view that it was a new proposition because the previous project did not exist. There was no location for it. There is a history of the previous Government knowing that and going into the community, pretending there was money available, pretending there was a location, pretending to dig holes in the ground and saying that it was going to be built. That was never true. That is not fair to the community of Dubbo. There have been various proponents. The council pulled out. It had \$1 million invested in it. It got that money refunded. The university was involved at some point. It pulled out because it could not understand why the issue could not be resolved.

The advice that I relied upon was that the PCYC had put forward a new proposal. The PCYC is welcome to do that. I understand that since the decision was made and announced by the Government in December of last year, the PCYC purchased a building in January. I do not have evidence of that, but I have read about it. If the PCYC has an idea for a new project, it is welcome to make submissions to the Government. We are going through the budget process now. The PCYC is welcome, like any other organisation in New South Wales, to seek support from the Government. The advice that I got, which I have been asked about, is that it was a new proposition. As a new proposition, I accepted the advice. The PCYC is entitled to go through a process for a new proposition.

The Hon. SARAH MITCHELL (11:17): I ask a supplementary question. Will the Minister elucidate the part of her answer where she said that she got advice from her department and the Office of Sport? How can that be classed as "independent probity advice", as the Minister said in February? If it came from within government, how is it independent probity advice?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:17): Again, I encourage members to go through the documents. There is a heap of information about the history of the project, which never existed. I received a range of advice. I accepted advice from my department. There is advice in the documents from the Office of Sport through their processes, which I have seen. My department advised me that it was a new proposition and, therefore, it did not fit within the grants guidelines and rules for allocating money, which I take seriously. This Government has changed the rules because the previous Government did exactly what happened with this project: It pretended to splash cash but did not have money in the budget. That is in the documents. It started at \$4 million. It ended at \$48 million. There was still no location. When the new proposal was being considered, I got advice that it was going to be up to \$70 million. There was still no location.

The Hon. Sarah Mitchell: It's murkier and murkier.

The Hon. TARA MORIARTY: It is very murky. I encourage members to go through the papers. It is absolutely murky.

The PRESIDENT: Order! The Hon. Wes Fang will cease interjecting.

The Hon. TARA MORIARTY: It is absolutely murky. For four years the people of Dubbo have missed out. The people of Dubbo were misled. The people of Dubbo saw newspaper articles with the local member pretending to dig holes in the ground for a location that did not exist. It was not approved; it did not exist. We have grants guidelines in place. We changed the law to make sure that taxpayers' money could be spent in an appropriate way, because the previous Government rorted it, and this is a good example. The people who miss out are the people of Dubbo, who should be playing basketball in a stadium that should have been built in 2018, but it was not. I received advice that just continuing on would not be in line with the grants guidelines. I have made clear that I am very careful and considered about spending taxpayers' dollars— *[Time expired.]*

The Hon. MARK LATHAM (11:19): I ask a second supplementary question. Will the Minister elaborate on her allegations of rorting in Dubbo and, in particular, the process of grant allocation? Is she aware of my accurate research showing that, in the last term of Parliament, Dubbo received 73 grants from the pork-barrelling of the National Party, while the needy electorate of Fairfield, at the same time, received two? Is the Minister of the opinion that Dubbo can take the leftovers of all those grants and build its own sports centre?

The Hon. Chris Rath: Point of order: This supplementary question in no way seeks an elucidation, and I ask you to rule it out of order.

The Hon. Courtney Houssos: To the point of order: The Minister clearly outlined the routing of grants in her answer. This question is seeking an elucidation of that part of her answer. Perhaps the Hon. Mark Latham did not explicitly outline that as he displayed his broader knowledge. However—

The PRESIDENT: Order! I call the Hon. Wes Fang to order for the first time, for the same reason the Hon. Sarah Mitchell was called to order.

The Hon. Courtney Houssos: However, the question is in accordance with your ruling, in that it does relate to the answer the Minister provided and is seeking additional information.

The Hon. Damien Tudehope: To the point of order: A secondary issue is that the Hon. Mark Latham seeks the Minister's opinion about grants made in Fairfield and whether they could be otherwise allocated. That part of the question should be ruled out of order.

The Hon. Daniel Mookhey: To the point of order: In response to the contribution of the shadow Treasurer, firstly, I think that, to the extent to which that final part calls for an opinion, the question is still capable of answer, regardless. The second point is that, even to the extent to which the member invited the expression of an opinion, in essence he was asking the Minister to elucidate. He could have chosen a better verb, dare I say, but nevertheless the point is the same.

The PRESIDENT: As members know, I allow quite a lot of latitude for supplementary questions and always have. This has been to the advantage of the Opposition on many an occasion. I will continue to be consistent and will allow latitude on this occasion. I will allow the Minister to answer the question. 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) (11:22): I thank the honourable member for this important question. He is absolutely spot-on. The reason why we, and I in particular, in the part of government I inherited, have had to spend so much of the first part of our term in government is that there were so many rorts. The people who miss out and are ripped off as a consequence of the National Party just using slush funds to look after its mates are the people of regional New South Wales. Yes, there were that many projects offered to a particular seat.

We have changed the game in New South Wales. We were elected on the back of changing the game in New South Wales, to make sure that taxpayers' dollars are spent where and when they are needed by communities across the State. We have a whole new process in place—for example, with the Regional Development Trust—where we are properly engaging with communities about their needs so that money is allocated fairly across regional New South Wales and across all of New South Wales, which is not what happened under the previous Government. The community spoke and had had enough of that. The community was not interested in the pork-barrelling and voted these people out and asked us to clean up this mess, and that is exactly what I am a part of doing. I do not resile from that.

This particular project I am being asked about had no competitive process. It was not an open tender process. People were not asked to submit consideration or tenders for building any kind of sports facility in Dubbo. It just appeared because the local member might have been worried about the mayor at the time. I do not know. But they just decided to allocate money and then allocate money again and then allocate money again, for a project that did not exist. That money could have been spent in regional communities that desperately need it. I will not leave \$48 million or the \$38 million that was my portion of it sitting on the books and not being spent in communities that need it.

ENERGY SECURITY CORPORATION

The Hon. TAYLOR MARTIN (11:24): My question is directed to the Leader of the Government, the Minister for Energy. Last month one of the Minister's media releases claimed that the Energy Security Corporation [ESC] will co-invest with the private sector on energy storage projects such as community batteries. In the ESC investment mandate, the minimum amount of an individual investment is \$25 million. Does the Minister believe that this excludes investment in individual community batteries? Or does the Government envision large-scale investment in community batteries with a large number of suburbs covered in large projects that have a \$25 million minimum investment?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:25): I thank the member for his very good question and acknowledge that the \$25 million minimum is part of the investment mandate of the Energy Security Corporation. I think that the way in which that will be delivered in terms of community batteries is yet to be seen, because it depends on the programs that come forward. I know there is a lot of interest in community batteries. Of course, they are of various sizes and therefore of various costs. But my view is that we need to see the programs that are

seeking to roll out community batteries in their areas. Obviously, it is an independent process, which is very important. I refer to previous discussion about who used to make choices around some of these matters.

"Not necessarily", I think, is really the short answer. It depends on what comes forward and on the flexibility. Obviously, it is a separate process, at arm's length from me and the Treasurer. But the intention is clear. The need and desire for community batteries is strong. I can hardly go to a community where there is not a little group working hard on what a battery can mean for the community. There are differing views about how big those should be. There is no doubt about that. But I think we just need to see what is coming through.

What is clear is that the idea of the Energy Security Corporation is to get co-investment, to get the projects that will help us with storage over the line, storage being an essential part of renewable energy generation, being able to store energy and use it in times when renewable generation is not possible. It is all part of the mix. I think we need to wait and see, but the desire in communities to work with community batteries is something the Government shares. We are interested in some of the innovation going on. I have seen some great community battery work. Look at Bawley Point for example. After the fires, there was some great work done there. There is some really good work—

The Hon. Mark Latham: Chris Bowen is there, and old Cassidy.

The Hon. PENNY SHARPE: Is the member talking about Bawley Point?

The Hon. Mark Latham: Of course they have a community battery there.

The PRESIDENT: Let us get back to the question.

The Hon. PENNY SHARPE: Yes. It is a good question from the Hon. Taylor Martin. It is a serious matter. Community batteries are important. Energy Security Corporation will work through that, and we will see what comes forward.

FEDERAL BUDGET

The Hon. CAMERON MURPHY (11:27): My question is addressed to the Minister for Finance. Will the Minister update the House on the Government's efforts to repair the budget and deliver essential services to families and households?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:28): At the outset, I echo the welcome to Pax Staley-Lobo, who said that politics is the solution to all the problems. I completely agree with him. When I was not much older than him, that was why I wanted to get involved in politics. Government is where it is at. The array of questions, though perhaps not all of the antics we are displaying today, shows the big challenges we are addressing. I would say, with fairness to the Opposition and perhaps the crossbench as well, that is what we are here to address.

Yesterday a number of Ministers reflected that it was two years since the election of this Government, and we have spoken many times about the challenges we inherited from those opposite. Today I am delighted to provide a bit of an update about some of the key challenges we inherited and how we are progressing in delivering against those challenges. We have spoken many times about how we inherited the largest debt ever for a new government, with gross debt projected to hit more than \$200 billion when we took office. That is why we undertook a comprehensive expenditure review. I have spoken here many times about that and the \$13 billion in budget improvement and reprioritisation measures. We undertook those savings measures to redirect the Government's spending towards the priorities to build and to improve essential services for families and households.

I am delighted to update the House that we have already completed more than half of those measures—more than \$6.5 billion of those measures, up from the \$5.6 billion that was reported in last year's budget—at the same time as reducing expense growth from 9.7 per cent under the previous Government to 1.8 per cent and delivering to our frontline workers the first real wages increase in more than a decade. Those opposite will remember that they splashed around more than a billion dollars on consultants, and that the Auditor-General said that money was spent without proper procurement and management processes in place. On average, in their last five years in office, they issued one contract every hour for a consultant.

We have been clear about our expectations. We are bringing core work in-house. We are not going to outsource to unnecessary consultants. We have been clear that we need to spend our money smarter and spend more money on essential services. In our first year in government, we delivered a reduction in spending on contingent labour and consultants of more than \$450 million. That is a huge amount. I note the Federal finance Minister Katy Gallagher has talked about the savings that the Federal Government has delivered, including an

additional \$718 million announced in the budget last night. I will not have time to outline in great detail the bulk-billing support initiative. That is yet another problem that we inherited from those opposite, that they failed to fix and that we are delivering on for the people of New South Wales. There is more work to do, but we certainly have a lot of progress to report.

AUSTRALIA-UNITED STATES FREE TRADE AGREEMENT

The Hon. ROD ROBERTS (11:31): My question is directed to the Treasurer. The United States-Australia Free Trade Agreement states at article 11.7.1:

Neither Party may expropriate or nationalise a covered investment either directly or indirectly through measures equivalent to expropriation or nationalisation, except:

- (a) for a public purpose;
- (b) in a non-discriminatory manner;
- (c) on payment of prompt, adequate, and effective compensation; and
- (d) in accordance with due process of law

Given that American investors held investment in NuCoal Resources to the tune of over \$100 million and that those investors were not reimbursed when a former Government stripped NuCoal of its main asset—a coal exploration licence—rendering their investment almost worthless, is the New South Wales Government currently in breach of the United States-Australia Free Trade Agreement and will this harm the ongoing deliberations on United States tariffs?

The Hon. DANIEL MOOKHEY (Treasurer) (11:32): I thank the member for his excellent question. It is a very timely question. I am aware of recent reporting that suggests that there has been dialogue between the Trump administration and the Federal Government that has involved the NuCoal matter. It is important, by way of background, for the House to appreciate that the former New South Wales Coalition Government legislated against compensation for NuCoal shareholders, in essence, when it made a decision to extinguish the licence. I also make the point that that was supported by the Opposition. It followed the revelation of some appalling corruption involving that particular lease.

The member asked whether that places us in breach of the United States-Australia Free Trade Agreement. I note that the member was not inviting me to express a legal opinion on that matter. I simply say that the advice that I have suggests that the matter was subjected to arbitration under the free trade agreement in the last decade. From memory—and I will double-check the detail because I do not want to mislead the House—I believe it was subject to an arbitration proceeding brought under the free trade agreement somewhere between 2013 and 2015. It was found, as a result of that arbitration, that the decision did not breach the free trade agreement. That did not necessarily lead to the satisfaction of NuCoal shareholders, both domestic and foreign, including those from America. Hence, I believe it has been revived as a matter of conversation between the Trump administration and the Federal Government. I do not have any information that would suggest that the arbitration was incorrect or that it is being reversed.

The member asked, towards the end of his question, whether the New South Wales Government is further examining the matter. It is fair to say that this Government is not establishing a compensation scheme for people claiming to have suffered. We agree with the judgement of the previous Government, in that finality in the matter has arrived. I well and truly appreciate that this will lead to further debate and conversation, and I am aware that other members have put in place and suggested legislation to reverse such a position. I will not get ahead of the House's deliberations on those matters. I will, as a matter of caution and respect, take the question on notice to see if there is any further information I can provide to the member about the interaction with the fair trade agreement.

WESTERN SYDNEY AIRPORT RAIL CORRIDORS

The Hon. NATALIE WARD (11:35): My question is directed to the Minister for Transport. In last night's Federal budget, the Federal Government provided funding for corridor preservation for extending the Western Sydney Airport metro over a 10-year period. When was the last time affected landowners were contacted by Transport for NSW and when does the New South Wales Government expect the acquisition of affected properties to occur?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:35): I thank the shadow Minister for her question. She is right; last night, in the Federal budget, billions of dollars were allocated for New South Wales—all of it welcome—including funding for the rail corridor in the south-west of Sydney. Those extra billions of dollars—\$2.8 billion in total—have lifted New South Wales' share of the roughly \$120 billion national infrastructure pipeline. That is welcome because the share we inherited was very low. It was a percentage in the low 20s. We

have now lifted it, and last night the New South Wales share of that infrastructure pipeline was lifted further. That is very important for New South Wales. This specific investment—around a billion dollars—is focused on corridor preservation—

The Hon. Natalie Ward: Point of order: About a third of the time has gone. I am aware of the funding, which is why I raised it and acknowledged it. My question was specifically about the last time affected landowners were contacted by Transport for NSW. I appreciate the context. I am across it and I think the House is across it. I ask that, in the time remaining, the Minister be drawn back to the specific question about when those landowners were contacted to progress the acquisition.

The PRESIDENT: That was the first part of the question. The second part of the question was "when does the New South Wales Government expect the acquisition of affected properties to occur?" There were two parts. I expect that the Minister is now coming to that question. The Minister has the call.

The Hon. JOHN GRAHAM: The money was allocated to this corridor and is focused on corridor preservation. That is very important because sometimes in the past that preservation has not happened adequately and planning has not been done. As a result, the State has paid—the public has paid; taxpayers have paid—a far higher amount. The announcement having been made—it was made public ahead of the budget—Transport is now beginning that planning. The member asks a very specific question about consultation and I would be happy to take that part of the question on notice. As to the last time people were contacted in some sort of formal consultation process, I am happy to take that on notice. We will work through the process. The allocation of Federal money is welcome. We welcome being able to begin the corridor preservation work once that money flows. It will leave taxpayers paying less than they otherwise would if the work was not done.

We are now working very closely with the Federal Government. Members will recall that there was a moment when this Government was quite critical of our State's share of the national infrastructure funding. We were not afraid to stand up for New South Wales. As a result of the Treasurer, the finance Minister and senior members of the Government, including the Premier, being very direct about what New South Wales needed, we have billions of dollars more, including a billion dollars for this corridor. We will continue work. It is fair to ask what the next steps are. I can assure members of the House that we are working very closely with the Commonwealth Government and we welcome this funding.

The Hon. NATALIE WARD (11:39): I ask a supplementary question. I thank the Minister for his answer and I note that he indicated to the House that he is working closely with the Federal Government and is not afraid to stand up to it. Will he elaborate on that by informing the House what steps he took to attempt to secure additional funding for any metro extension?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:39): I will not detail the direct discussions with the Federal Government or the Federal Minister, but the Government is clear in advocating for Commonwealth funding. The Premier and the Treasurer could not have been clearer in saying that we expected more money for New South Wales for transport projects. That is true of road projects but it is also true of public transport. One of the differences with this Federal Government is that it has been prepared to invest in public transport projects in New South Wales and elsewhere. That is not the history of Commonwealth funding, but it is the history of this Government. That is why we have seen, for example, investment into the rail corridor. The business case being conducted for that particular investment is mode neutral. That is, it is looking at either—

The Hon. Natalie Ward: Point of order: I thank the Minister for the context, but the question was specific. He opened the door by offering to the House the information that he had been working closely with this Federal Government. I was not asking about the Treasurer or anybody else; I was asking about his specific consultations with and advocacy to the Federal Government after saying that he is not afraid to stand up or work closely with it. The question was specifically about what he did to secure Federal funding for any metro extension, given that he said he is not afraid to ask. I ask that you draw him back to that part of the question. I am not concerned about mode neutral or other extraneous issues. He opened the door by saying that he advocated for the metro extension. I ask that you draw him back to elaborate on that.

The PRESIDENT: There is no point of order. The Minister is being directly relevant. The Minister has the call.

The Hon. JOHN GRAHAM: A billion dollars is being invested into the corridor and the Government is examining the business case to determine whether it should be a metro line or a heavy rail line. The work is being done to determine that.

The Hon. Natalie Ward: But you won't do metro.

The Hon. JOHN GRAHAM: The shadow Minister, with that interjection, is totally wrong. This is a mode neutral examination of this corridor to look at the best fit, assisted greatly by this billion dollars to preserve the corridor. That is exactly as the process should work. Government members have been clear in standing up for the general principle that we need more money for infrastructure. But the specific results are clear. We are \$2.8 billion better off after last night's budget. It was a good time at 7.30 p.m. for New South Wales. [*Time expired.*]

The PRESIDENT: I welcome to the Parliament students from two schools, Hurlstone Agricultural High School and Casimir Catholic College, who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education team. I welcome them to the Legislative Council and the oldest Parliament in the country.

HOUSING SUPPLY

The Hon. Dr SARAH KAINE (11:43): My question without notice is addressed to the Minister for Housing. Will the Minister update the House on how the Labor Government is supporting our most vulnerable community members with secure, safe and stable housing?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:43): I am happy to do that. I also welcome the students in the gallery. My nephew goes to Casimir Catholic College. I will not embarrass him by naming him, but he is a very bright and enthusiastic year 10 student. Welcome to all of the students. I am happy to talk about what the Government is doing two years into its term to support access to housing for the most vulnerable. Often during discussions about housing in this Chamber there are rightly questions like "What have you done? How many houses have you built? What does the progress look like?" I am happy to provide information to the House because we have looked at the number of public houses that have been delivered, year on year, over the past decade.

The context is important as well. Under the previous Government, the policy was to sell public housing—over \$3.6 billion was sold. But if we look at the year 2014-15, a decade ago, the number of completed homes was 519. To be honest, it hovers around the 500 or 600 mark and then drops down shockingly to only 194 homes delivered in 2019-20. That is the record of members opposite. I am happy to report to the House that in 2023-24, the first year of this Government, we completed 849 new homes. That is the largest number of homes delivered over the past decade. This year we are on track to match that and then continue to grow that number over the years to come. Those are the facts and the number. A record number of houses were delivered in our first year of government, and that number will keep going up.

Another fact that might be useful for the House is that when dealing with public housing we also deal with vacant homes and the turnaround time when someone moves out or a property is damaged. We want to get that home back onto the public housing stock as quickly as we can. In 2022-23, when we inherited the system, the turnaround time for vacant homes was 34.7 days. That is over a month. We already have managed to get that down to 27.6 days. New South Wales now has the fastest turnaround time for vacant homes in the country. That is a deliberate result of our investment. I give a shout-out to the Commonwealth. That particular statistic is underpinned by the commitment made in the Social Housing Accelerator, money that we put into turning around vacant homes. It is important to put those two statistics on record. They are real figures that demonstrate real progress. Of course, there is more to do. We still face a real housing crisis in this State. But, as members can see, two years into this Government, there are green shoots. We are direct about the challenges we continue to face, but progress has been made. [*Time expired.*]

TAX BRACKETS

The Hon. JOHN RUDDICK (11:46): My question is directed to the Treasurer. The Federal Government benefits from a hidden tax increase every year in the form of bracket creep around income tax. That tax hike occurs without public debate or new legislation. Less well known is that the same thing occurs at a State level with payroll tax and land tax. Every year inflation will push more businesses above the payroll tax threshold and more property owners above the land tax threshold, triggering higher taxes. Governments of all persuasions are addicted to hidden tax windfalls. Will the Treasurer commit to improving transparency by reporting on the size of annual bracket creep in the New South Wales budget papers and outline what the Government has done with that tax windfall each year?

The Hon. DANIEL MOOKHEY (Treasurer) (11:47): I thank the member for his question, which invites me to comment on Federal budget bracket creep and tell the House this little known story about the three years in which the Federal Government did have automatic indexation of income tax brackets. It was introduced in 1976 by then Treasurer Phillip Lynch.

[Interruption]

That snoring by the Hon. Wes Fang is exactly the reaction I had, too. The point of the story is that it was removed in 1981 by then radical left-wing Treasurer John Howard. He axed the automatic indexation of bracket creep and it has not been reinstated at a Commonwealth level since. I will happily turn to the rest of the question. The member asked me about the concept of automatic indexation and whether or not we will publish. I simply say that the choice about tax thresholds is a matter for Parliament. I prefer Parliament making active choices around those matters, rather than the alternative. That is why we have budgets, elections and parliaments—to make decisions about tax settings. That is the first point.

The second point I make is that, when it comes to the part of the member's question on payroll tax and land tax, New South Wales land tax thresholds on payroll tax are the most competitive in the country. Therefore, it is not necessarily right to suggest this idea of a hidden tax windfall coming from payroll tax or land tax, for that matter. The third part of the member's question was on budget papers and budget transparency. In each budget and half-year review we publish changes in forecasts. More and more, we have also been publishing more analysis about the distributional effects of the revenue base, which, incidentally, is something I support as a matter of tax transparency—providing more information about who is paying what and how. Whether the budget papers are the right way to do that is an open question, but I maintain that our budget papers have been pretty transparent on those questions. Of course, I look forward to handing down a budget in a couple of months and I am sure we can pick up the conversation then.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. SCOTT FARLOW (11:50): My question is directed to the Minister for Housing. The proposal being put to members of the Australian Turf Club for the sale of Rosehill states that the sale for "no less than \$5 billion" has the benefit of "eliminating development risk" for the organisation. Why is the Government ready to take on the risk that the current owners of the land are unwilling to take on?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:51): I thank the honourable member for the question. I have absolutely no idea about the proposal that the Australian Turf Club [ATC] is putting to its members. For full disclosure, I am not a member. I know some members of the House are. I have never been to a horserace there. It is not my thing. It is not my particular sport of choice. I do not know the detail of why the ATC is putting together the proposal that it is. I do not have any insight into that. I have not met with it, ever. I obviously was not consulted on the development of the proposal or the reasons it was put together in that way. That is a matter for the ATC. If the member wanted to know the answer to his question, he should have asked the ATC representatives when they turned up at the parliamentary inquiry. I remind the member that, as has been said many times, the Government is considering an unsolicited proposal in relation to this. It is going through that process. I am not involved in that process. None of us are involved in that process. It is being run by the unsolicited proposals team. We await the outcome.

I will also add—and the member has spent time in government, albeit as a Parliamentary Secretary to the former Treasurer, as I recall—that the division within the portfolio responsibilities has the Minister for Housing, despite the title being "Housing", responsible for the provision of public, social and affordable housing. That is why I talk about public and social housing in the Chamber all the time. I do not have any involvement in unsolicited proposals to develop Rosehill racecourse. Sure, there is housing and a metro involved. There is lots of stuff involved. That is not something that falls within my area of portfolio responsibilities. Like others, I am enthusiastic about opportunities that present themselves to confront the housing crisis. I await the outcomes of the unsolicited proposals process and the ATC process, and I hope that they can form part of our efforts to confront the housing crisis. But I have never met with anyone about it. It is not within my areas of responsibility, so I am not able to provide a detailed answer to the member.

The Hon. SCOTT FARLOW (11:53): I ask a supplementary question. The Minister said she is enthusiastic about this proposal. Given that, has Homes NSW had any discussions with respect to delivering homes on that site?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:53): Not that I am aware of. I do not think that it is at the stage where that would be necessary. I am not aware of any of those discussions, if they have happened.

RED IMPORTED FIRE ANTS

The Hon. STEPHEN LAWRENCE (11:54): My question without notice is addressed to the Minister for Agriculture. Will the Minister update the House on how the New South Wales Government is taking a more proactive approach to fire ants?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:54): I thank the member and welcome this really important question. This issue is a significant threat to New South Wales and it is something that our Government is taking incredibly seriously. Unlike those opposite, we have put proper resources and money into dealing with this issue.

[Opposition members interjected.]

I remind members that, despite the sensitivities now being raised by those opposite, the previous Government had \$15 million on the table. In our very first budget, we upped that by \$80 million, bringing the total to \$95 million to properly resource addressing this threat to New South Wales. We are remaining vigilant to stop the ants from coming across the border, which is particularly important following Ex-Tropical Cyclone Alfred, the weather event that occurred in the north of the State and in Queensland, because it has increased the threat of ants being carried into New South Wales either through water or product movement. There were reports that, as a result of the ex-tropical cyclone, ants were moving into areas of Queensland, particularly south-east Queensland, where they had not been seen before, which, again, increases the risk to New South Wales, particularly our agricultural industries, as well as the whole community in the north of the State.

In addition to the significant resources that we have put in place to reduce the risk and tackle this issue, people would be aware, and I have reported to the House before, that we have put serious restrictions in place for product movement across the border into New South Wales. There are still operations in place for checking materials. People still need permission. But we have also put additional instructions and biosecurity orders in place, following the weather event in Queensland, to totally ban the movement of hay into New South Wales for a month because of the significant risk. That was effective immediately. The order is in place.

As I have outlined to the House before, we made sure that there is enough fodder available for animals should they need it, but we did not want to risk the State's biosecurity and our agricultural industries in the north. Taking that very decisive action has continued our important and vigilant work protecting the State. We also have put in place an indefinite ban on turf movements from Queensland to protect the State. The ban on hay will be in place for another couple of weeks, which will give the experts in the department the ability to research and take stock of the movement of the ants to further protect New South Wales.

BAIL LAWS

The Hon. MARK BANASIAK (11:57): My question without notice is directed to the Treasurer, representing the Attorney General in the other place. Last week Magistrate Julie Soars released convicted man Brandon Darren Kelly on bail—a man with a long history of violence offences, including aggravated break and enter, assaulting a female prison officer and escaping from custody, which triggered a school lockdown. Despite all that, she granted him bail to attend rehabilitation. He never showed and he is now on the run. That individual is not only a danger to women; he is a walking threat to the wider community. Magistrate Soars' decision has failed the people of Tamworth. It has undermined the work of police, endangered the public and shaken confidence in our legal system. What action is the Attorney General taking to ensure that magistrates like Julie Soars make decisions that align with community expectations, especially when it comes to protecting victims of domestic violence and broader community safety?

The Hon. DANIEL MOOKHEY (Treasurer) (11:58): I thank the member for his very serious question. He is quite right to point out that the events that he has described have created great anxiety in Tamworth and surrounding regions. He is also quite right to point out that, certainly from the perspective of the people of Tamworth, their expectations are that that particular individual would remain under State supervision by the corrections authority. I have not personally been briefed on the matter, but I will take that part of the question on notice and check whether the Attorney General has been briefed. The member asked about the broad actions the Government is taking with regard to magistrates. It is important to point out that the judiciary is of course independent, and we respect its independence. But the broad actions that we are taking, in line with community expectations, are just as important.

While it is of course the responsibility of our judiciary to independently administer the justice system and reach determinations, particularly over criminal matters, it is the prerogative of the Parliament to determine the laws that should apply, particularly when it comes to domestic violence and the factors that must be taken into consideration by magistrates when making such decisions. That is undoubtedly the case, particularly in the wake of the terrible Molly Ticehurst matter and other matters about which the Government and Parliament acted to ensure that our laws aligned with community expectations, including the communities in Tamworth, the Central West, Moree and others. We have made it clear to magistrates that when they make decisions independent of government in determining bail and other matters, particularly for domestic violence offences, there must be a high standard.

Equally, the Government has taken steps to not only complement that change in law but also ensure that we increase the resources available to magistrates making those deliberations. An interesting point that surfaced and that members are well acquainted with is that making bail determinations on weekends in regional New South Wales is not as practical as it is elsewhere in the State. That is why the Government increased funding—to ensure more availability of videoconferencing and other such facilities, in line with community expectations. I cannot speak to the specifics of this particular matter, but I will take the balance of the question on notice and see if I can get further information from the Attorney General to assist the member and the House.

The Hon. MARK BANASIAK (12:01): I ask a supplementary question. I thank the Treasurer for his answer. The Treasurer spoke about high expectations and standards. Is it the position of the Attorney General that violent offenders walking free under the guise of fifth, sixth and seventh chances meet those high standards and expectations?

The Hon. DANIEL MOOKHEY (Treasurer) (12:01): The member asked about the expectations of the Attorney General. I will take the question on notice to allow the Attorney General to respond directly to the question. It is fair to say that both the Attorney General and the Government absolutely think violent offenders should not at any point be a risk to the public in any scenario. Of course that is our expectation and, to be fair, that is the expectation of all members of this House. The Government has taken action, particularly regarding domestic violence offences, to ensure that violent offenders are treated in a way that reduces and eliminates risk to the public. But there is a lot more work to do on that.

I am not suggesting for a second that that is all that must be done. I simply say, as I said at the outset, that the Government and the Attorney General are absolutely of the view that the people of Tamworth deserve answers to those particular questions. Equally, as we have said, the determinations are a matter for the judiciary, and we must balance the facts while respecting the independence of the judiciary.

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

AUSTRALIA-UNITED STATES FREE TRADE AGREEMENT

The Hon. DANIEL MOOKHEY (Treasurer) (12:03): Earlier in question time I was asked questions about the NuCoal free trade agreement matter. I made the point that I believed the matter was subject to arbitration in 2013-15.

The Hon. Rod Roberts: I do not think it was.

The Hon. DANIEL MOOKHEY: That is why I am here. My answer was correct-ish but incomplete. I said I would take the question on notice and provide further context to the House on that particular point. It was perhaps not correct to say that it was subject to arbitration, but it was certainly subject to a determination as to whether it could be arbitrated. I confused the two. Further, I have been advised that in 2018 the United States Trade Representative commenced without prejudice discussions with the Department of Foreign Affairs and Trade seeking that Australia allow NuCoal's United States investors to bring an investor-state dispute resolution claim, otherwise known as an ISDS claim, under the Australia-United States Free Trade Agreement, while acknowledging that the AUSFTA did not oblige Australia to do so.

The decision of the then Federal Coalition Government was to not allow an ISDS case. It remains the position of the Commonwealth Government, to the best of my knowledge and the advice that was given to me, that Australia maintains that American investors in NuCoal Resources Ltd do not have a right under the Australia-United States Free Trade Agreement to bring an investment arbitration claim against Australia.

Supplementary Questions for Written Answers

DUBBO REGIONAL SPORTS HUB

The Hon. SARAH MITCHELL (12:05): My supplementary question for written answer is directed to the Minister for Regional New South Wales. Did the Minister receive independent probity advice saying that the Dubbo sports hub project should not go ahead?

WESTERN SYDNEY AIRPORT RAIL CORRIDORS

The Hon. NATALIE WARD (12:05): My supplementary question for written answer is directed to the Minister for Transport. In relation to the New South Wales government acquisition of properties affected by Federal Government funding for the corridor preservation to extend the Sydney Metro Western Sydney Airport, will those acquisitions be compulsory or by negotiation?

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

The Hon. DAMIEN TUDEHOPE: I move:

That the House take note of answers to questions.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. DAMIEN TUDEHOPE (12:06): I take note of answers given by the Treasurer to questions relating to the involvement of the Treasurer and the Government in a proposal that will go to members of the Australian Turf Club [ATC] next week. It is extraordinary that a new proposal will be put to members of the ATC when, prior to that proposal being put, no discussions have been had with the Government about whether it would consider an offer to develop the site for \$5 billion. That was a simple proposition. This is a completely new proposal. The proposal that was initially sought to be approved by members of the ATC was that the site be developed. This new proposal is that ATC members agree to sell Rosehill racecourse to the Government for it to develop.

In circumstances where a new proposal has been put to members, it is hard to believe that since that proposal was announced no modelling was done on its impact on the New South Wales budget. The Government has said that ATC members will make an offer to sell the racecourse for the Government to develop, but there has been no modelling in relation to that proposal, so what on earth will ATC members vote on? If there is no prospect that the Government would ever agree to that, members must be duty-bound to say, "We have had discussions with the Government but it has told us, 'You've got to be dreaming,'" or alternatively, "We've discussed this with the Government and they're very interested in pursuing this exact same proposal." It defies belief that Government members would say they have had no discussions with the ATC and they have done no modelling. The proposal that will be put to members next week will be misleading.

AUSTRALIA-UNITED STATES FREE TRADE AGREEMENT**TAX BRACKETS**

The Hon. JOHN RUDDICK (12:09): I take note of the Treasurer's answer to the question from the Hon. Rob Roberts about NuCoal Resources. A solemn pall fell over this Chamber when NuCoal was raised, in light of a report in the Financial Review yesterday that the Trump administration is taking a very careful interest in this matter. The Hon. Mark Latham, the Hon. Rob Roberts and, more recently, I have repeatedly raised this issue. I have been stunned by the facts of the matter, which is clearly a case of parliamentary theft—but there has been zero interest on either side of politics. However, there is a new sheriff in town, and I believe Trump will absolutely insist that justice be done in this case. I thank the Hon. Rod Roberts for his question this morning.

I also take note of what the Treasurer had to say in relation to my question about bracket creep. Bracket creep is an insidious hidden tax that hits taxpayers every year without public debate or new legislation. In fact, the first time I heard of the concept of bracket creep was when I read the Hon. Mark Latham's first book about the third way. What was it called?

The Hon. Mark Latham: It was a bestseller.

The Hon. JOHN RUDDICK: Yes, it was a bestseller. Bracket creep is perhaps most obvious with income tax, where inflation pushes people into higher tax brackets, causing workers to pay ever higher tax rates on income even if their real income has not increased. But bracket creep is not limited to Federal income tax. State-based payroll and land taxes also suffer bracket creep, where inflation pushes taxpayers into higher tax brackets, causing them to pay ever higher taxes even if their underlying situation has remained the same. I have known lots of people who have started businesses and worked their guts out over long hours. They ring me and say, "John, what's this payroll tax?" They have 20 staff and then get this massive bill out of the blue—they do not even know it is coming. More and more businesses are falling into this.

The most honest, transparent and efficient solution would be to index tax brackets, which is the position of the Libertarian Party. I was interested to hear that in 1981 John Howard reversed that policy; his economic record is not as stellar as everyone thinks. Unfortunately, governments on both sides of politics at both State and Federal levels have shied away from the solution. The Government benefits from the hidden tax hike every year and politicians have become addicted to ever more taxpayer money. If the Government refuses to fix bracket creep, the Libertarian Party calls on it to at least improve transparency by reporting on the effects of bracket creep each year in New South Wales budget documents. There is no legitimate reason to avoid this transparency measure. It would be a relatively simple task for Treasury bureaucrats to estimate the expected bracket creep for payroll tax and land tax over the forward estimates and publish those numbers in a budget table.

ROSEHILL RACECOURSE HOUSING DEVELOPMENT

The Hon. SCOTT FARLOW (12:12): I take note of the Treasurer's answer today to the question asked by the Leader of the Opposition but also of the correction the Treasurer gave at the end of question time, when he said he was "correct-ish", which I think is otherwise known as wrong. He was also wrong in his answer when he talked about what had happened previously and the 18 months of fixing the apparent mess that he inherited. He said that housing completions had fallen steadily since 2015. I will right the record, because that statement is what the Treasurer may refer to as correct-ish—otherwise known as wrong. Members do not need to take my word for it. If they look at Australian Bureau of Statistics building activity statements, in 2014-15 there were 47,684 dwellings completed in New South Wales; in 2015-16, 53,478; in 2016-17, 63,463; in 2017-18, 65,063; and in 2018-19, 74,683. The Government would be looking at those numbers with eager eyes, having in the last financial year delivered 46,590 dwellings. It would love to replicate those figures. In 2019-20 we were interrupted by COVID and it went off the boil a bit, at 59,935 dwellings.

If the Treasurer had decided to take the years from COVID onwards, I might have given him some due credit and said, "Yes, you might be right that things did drop off." Of course, we were facing a once-in-a-generation pandemic. But the Treasurer fails to look at what actually happened. He fails to look at what was happening with population growth during that time. The population change during our term in Government, from 2011 to 2023, was 1,097,119 people in New South Wales. During that time there were 605,693 dwellings completed, or one dwelling for every 1.81 people. Since this Government came to power, the population has increased by 209,295 in New South Wales, yet only 69,561 dwellings have been completed, or one dwelling for every three people. We are in a housing crisis because as dwelling completions have dropped off under this Government, our population has increased substantially as well. That is the issue that the Treasurer should be concerning himself with, rather than trying to put correct-ish figures before the House.

DUBBO REGIONAL SPORTS HUB

The Hon. STEPHEN LAWRENCE (12:15): I participate in the take-note debate in relation to the answers given by the Minister for Regional New South Wales to questions about the Dubbo sports hub. It is a terribly important project, and it is a bit of a shame to see the political mess and dispute it has devolved into. Obviously, it is of central importance to the people of Dubbo, but it is also of critical importance to western New South Wales more generally. That was well evidenced when the regional council held an extraordinary council meeting after the decision was made not to allow the variation to the grant and to withdraw the funding. The people who attended that meeting included not just sporting representatives and community members from Dubbo but also people from across western New South Wales, because the facilities that are potentially on offer will be of benefit to the children of a very vast area of that region. There were mayors and general managers from places as far-flung as Bourke and places a lot closer to Dubbo. This project is of central significance to the people of western New South Wales.

I also take note of the Minister's answer to the supplementary question from the Hon. Mark Latham. I noted that the Minister was very careful in her answer and did not embrace the proposition put in the question that Dubbo had supposedly received excess grant moneys and therefore should not receive any more. It is obviously a bad thing if grant moneys are deployed in a political way for pork-barrelling purposes. But it really would be just as bad if some kind of mathematical approach over a certain period was taken—"You've had \$300 million in this period; therefore, you shouldn't receive any more."

Surely grant moneys ought to be determined by the relevant considerations that underpin the grant program. Those might include, for example, what area the particular location services, the needs of that particular location or the social demography of the area. Frankly, Dubbo is needy and wanting in so many areas. It serves a massive area. It has the biggest Aboriginal population, I think, in New South Wales and, frankly, we have not had investment over the years. To take a particular time period, whether it is two or four years, and say, "You've received X percentage or X total number of grants, and you shouldn't get any more", is a facile and highly superficial approach. I was very glad to hear the Minister not endorse it.

AUSTRALIA-UNITED STATES FREE TRADE AGREEMENT

The Hon. ROD ROBERTS (12:18): I take note of the answer provided by the Treasurer to my question today. I canvassed this particular issue extensively in my adjournment debate speech last night. I will speak about the lack of compensation for shareholders in NuCoal, particularly in the United States, and what effect that is starting to have right now. This has been swept under the carpet for a number of years, but it has raised its ugly head at this time. As we know, these coal exploration licences were extinguished some time ago by the then Liberal-Nationals Coalition Government, with no compensation to investors. That meant that American investors in NuCoal and also Cascade Coal were left out of pocket, with no compensation.

On 27 February 2025 Ambassador Jamieson Greer, who is a key member of President Trump's Cabinet, was confirmed by the United States Senate as the twentieth United States Trade Representative. John Kehoe has reported in *The Australian Financial Review* that Jamieson Greer has reached out to Federal trade Minister Don Farrell to raise the issue of the failure to pay compensation to American investors. This is clearly a fly in the ointment and a long-running irritant in the trade relationship between the two countries, and, as I explained last night, it is mentioned in the United States trade barriers reports each and every year. It has come to a situation now where there it will have and is having an impact on our trade tariff negotiations with the United States.

Quite clearly, as a Cabinet member of Trump's administration, Jamieson Greer would be pointing out to President Trump that there is precedence for the New South Wales Government compensating coal companies for cancelled mining licences. In 2016 New South Wales paid BHP \$220 million to buy back the licence for the Liverpool Plains proposal. More annoying to the United States is that in 2021 the previous Government paid over \$100 million to Shenhua. Shenhua was a Chinese State owned company; it was owned by the Chinese Communist Party. New South Wales paid \$100 million to that company but nothing to American investors. Members can imagine why this is a terrible irritant to any negotiations going forward. It is incumbent upon the New South Wales Government to rectify this so we can go to the negotiating table with the United States with clean hands and clear intentions.

BAIL LAWS

The Hon. SUSAN CARTER (12:21): I take note of answers given by the Treasurer today to questions from the Hon. Mark Banasiak. The Treasurer outlined the steps that this Government is taking to implement changes to the bail program. I acknowledge that money has been spent on additional audiovisual links [AVLs]. But we must also acknowledge the very real and continuing problems with the rollout of changes to the bail processes. We know that more people are now on remand, but the work is simply not being done to ensure the smooth transition of those prisoners to appropriate remand facilities. There are significant ongoing delays. The remand centres simply were not ready for the increased demand that would be caused by the changes to the legislation.

This is having a significant impact on policing, because where are those prisoners kept before they can be transferred to appropriate places of remand? They are kept in police cells, which is a drain on police resources, because somebody has to take care of those prisoners for what we know to be extended periods of time—sometimes 30 hours or, on some occasions, 60 hours. When those prisoners are transferred to appropriate places, they are often being transferred by police, who are being used as a taxi service. We have reports in small regional centres of certain elements watching the only police officer leave, timing how long it takes to get to the remand centre and back, and knowing that they can do whatever they like for a couple of hours—sometimes longer—untroubled by the police. This raises real issues of safety in our regional communities, and they are simply not being addressed.

Other issues that go to the use of AVL without digitisation also do not yet appear to be properly addressed. Simply put, it is a sensible approach to have bail proceedings heard via AVL, but the solicitor representing the person being charged needs the appropriate paperwork. The magistrate needs the appropriate paperwork. At the moment, that paperwork is being faxed. It takes hours, which means delays. It also means that unless and until one gets on the list at a certain time, their bail matter simply is not heard. We have the reported example of one person being retained in police custody for 63 hours before a bail hearing could proceed and then being given bail. There are real issues with this process that need to be addressed by this Government.

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. MARK LATHAM (12:24): I take note of the answer given by the Premier to question on notice No. 2003, regarding his Government's improvements to ICAC. The best improvement we can make to ICAC is to recognise that the Chief Commissioner's position is untenable. One would have thought that, coming into the position as a former Labor Cabinet Minister, Mr Hatzistergos would have immediately abstained from political activity and any form of social media. Instead, he doubled down. On his LinkedIn account, he has liked and endorsed a range of Labor politicians and left-of-centre political causes, including a yes vote for the highly contentious Voice referendum, which was overwhelmingly defeated by the Australian people, and criticising jurors who take an oath of religious faith. Some of the material, quite frankly, is very strange.

Anyone wanting to send Israel to the world court is providing de facto endorsement of Hamas in that conflict. The world court has found that the Netanyahu Government is practising apartheid—an absurd finding. The item on Hatzistergos's LinkedIn feed about the United States and Ukraine is pure Trump derangement syndrome. How can anyone who is publicly known to be a supporter of Trump, Israel, Netanyahu, religious faith or a non-Labor political party expect to receive fair treatment from ICAC under John Hatzistergos?

The Chief Commissioner's apologist might say, "He has made a mistake. He will not do it again." But the damage is already done. As the name suggests, the Independent Commission Against Corruption needs to be impeccably independent of all forms of politics and of any suggestion of bias, real or perceived. This is not Hatzistergos's first ethical breach. He misled the inspector of ICAC by saying he lost interest in Labor politics in 2014, when, in fact, he only left the Labor Party because of his appointment as a judge of the District Court. He further told the ultra-woke Gail Furness that he holds no enmity towards me. Anyone who watched Portfolio Committee No. 1's budget estimates hearings would know that Hatzistergos is not only a political partisan and someone who has undermined trust and confidence in the impartiality of ICAC, but also a very arrogant person who is loose with the truth.

WESTERN SYDNEY AIRPORT RAIL CORRIDORS

The Hon. RACHEL MERTON (12:27): I take note of remarks by the Minister for Transport concerning the aerotropolis and related transport. We are in agreement that fostering a culture of public transport is important, particularly on sites of new, profound housing development and transport infrastructure such as what the aerotropolis presents. I reflect on the previous Liberal-Nationals Government's record on transport and infrastructure. Mention was made again this morning of the north-west metro to Tallawong and the success of that infrastructure. It was opened ahead of schedule and under budget. At the same time, we were also confronted with the delays relating to the south-west metro. Commuters have been told of further delays to the south-west metro, on the grounds of industrial action. The delays mean that its opening will not be until 2026. The industrial action is limiting access to the worksite, restricting provision of crucial works. The commercial cost remains unknown, and we are awaiting further details from the Minister and the department following budget estimates as to the cost of the delay due to industrial action on the south-west metro.

In terms of the aerotropolis and its significance and the critical transport that is required, the airport will be Sydney's first curfew-free airport, offering 24/7 operations. It will be the first serviced airport catering to international, domestic and freight services. We have heard, and the Government has spoken about, the expectation that the site will create thousands of job opportunities that will boost the economy of Western Sydney.

In the House today the Deputy Leader of the Liberal Party asked the transport Minister about community consultation on the acquisition of land and whether it will be compulsory or voluntary, whether the community is informed and a part of this, and whether it is important to get that right to allow delivery and the commercial realisation of such an investment. I note that this morning Liberal leader Mark Speakman asked, "Is Minns repeating Bob Carr's mistakes here?" That was in terms of being a media performer at press conferences, talking about big ideas with careful grabs. But when he was asked for the details, they are missing.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:30): With the indulgence of the House, I note a statement of the Premier on the death of Nick Lalich, former member for Cabramatta and a longstanding member of this Parliament. I acknowledge that and pay my respects to his family. I am sure the Chamber will be formally noting it but he was ill for a long time and I want to acknowledge that. In taking note of answers in question time today, let us talk about Dubbo sports hub. I am happy to continue to answer questions about it. I recommend members go through the documents. This was well ventilated today and many times previously in this place.

I again reiterate the answer that I gave during question time today. The people in the Dubbo community are the ones who are missing out. It is a real shame that this project did not get off the ground when it was originally promised in 2018 or in the years that followed. As I have said many times, I received advice that there was a new submission. Under the grants guideline, as I have pointed out, we have had to change that so that taxpayer dollars are spent appropriately and not being rorted like they were under the previous Government; we had to put an end to it. That is not fair and it is disappointing for the community, who were misled for a long time. I do not resile from making sure that taxpayer dollars are spent appropriately.

I indicated yesterday that I am a strong advocate for making sure that there are better processes in place for how these kinds of decisions are made, particularly in the area of government that I am responsible for. When I consider projects like this one and the advice in relation to this project, I think about all of the communities across western New South Wales and regional New South Wales who desperately need assistance, support and investment from the Government. They will all be factored in. Everyone gets a fair go under this Government when it comes to spending taxpayers' dollars, which is not what happened in the past.

Again, it is a real shame for the people of Dubbo, who should have had the project that was long promised to them but never delivered because it was a ghost—a phantom—project. That will not happen on my watch. I do not resile from that in any way, shape or form. We had more questions about that today. We can have more

questions about it tomorrow. I will keep talking about it until there are no more questions on it. Again, if groups in regional New South Wales have ideas to support their communities, I encourage them to work through the proper processes of government. That is exactly what taxpayers expect, particularly in regional New South Wales.

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

Motion agreed to.

Written Answers to Supplementary Questions

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

In reply to **the Hon. SARAH MITCHELL** (25 March 2025).

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

The Minister communicates regularly with senior employees of the Department of Primary Industries and Regional Development.

PUBLIC SECTOR WORKPLACE PRESENCE

In reply to **the Hon. MARK LATHAM** (25 March 2025).

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

I am advised:

Most of the over 450,000 people who work for the NSW Public Service are paramedics, police officers, teachers, nurses and firefighters. Working from home is not an option for them.

The Secretary of the Premier's Department is the head of the Public Service and has issued a circular, specifying that New South Wales Government Sector employees should principally work in an approved office, workplace, or related work site.

This accommodates the variables in work and work types across the public sector, including employees working at various office locations, undertaking off-site work, training, leave and so on.

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

Private Members' Statements

CRIME RATES

The Hon. STEPHEN LAWRENCE (14:00): It sometimes feels like the political class and the media are in a conspiracy to deny from the public the truth about the link between amendments to bail and sentencing laws and crime rates in the community. If it bleeds, it leads, and so does the "tough on crime" response of the politician. It is not a critique of one side or of recent events; it is a general commentary about the state of law and policymaking on criminal justice. We are told time and time again, in response to a terrible event or a perceived increase in crime rates, that a predictable path is the solution. There are general statements that the solution is a more restrictive or punitive approach to bail or sentencing. That is underpinned by a general assumption that there is a logic to that, with the logic being that a more punitive approach reduces the incidence of crime.

The truth is that the emperor has no clothes. I am not aware of any evidence that incremental changes to bail or sentencing laws impact crime rates. That is not the same as saying that incarceration has no impact on crime. Jail as a last resort penalty is a structural assumption of our system and society. I have no doubt that without it, the prevalence of certain offences would jump. Changes to bail and sentencing laws are a regular feature of State politics. That does not mean that such changes are never appropriate. There are many reasons why one might, and should, amend the criminal law, but seeking and expecting an impact on the prevalence of certain harmful conduct is almost always not one of them.

Why is it that changes to bail and sentencing seem to have no impact on crime rates? I do not pretend to have all the answers, but I suspect that one reason is that most offences are not detected. No-one is ever charged. How, then, can such laws impact crime rates in a meaningful way for the offences to which they apply? For example, the Bureau of Crime Statistics and Research tells us that from October 2023 to September 2024, only 14.2 per cent of break and enter of a dwelling offences were cleared up. The clear-up rate for motor vehicle theft offences in the same period was 12.6 per cent inside of 90 days, and the clear-up rate of damage to property offences was 26.2 per cent.

There are other reasons, including that eventually people get out, whether from bail or sentence. In the criminal lifespan of an offender, even a prolific one, incarceration will not be able to interrupt much offending, unless we embark on a system of mass incarceration that would change our society in a fundamental way. Also, incarceration breeds crime. It makes people and communities more likely to offend. That offsets any incapacitation impact. It is time to get real on crime and be honest, as MPs and government, about what works. The most important thing that we can do is what we are doing: rebuilding the NSW Police Force, agreeing on a record pay deal— [*Time expired.*]

PINE STREET, NORTH LISMORE

Ms SUE HIGGINSON (14:03): The occupiers of empty homes in Pine Street, North Lismore, are facing their inevitable eviction as the State Government pursues writs of possession in the Supreme Court. For all of the false claims out there that the people of Pine Street are criminals, the case confirms the truth and legal reality that they are not. They are occupiers, not trespassers. They are human beings who have rights recognised under our laws. I commend the Reconstruction Authority for taking steps and respecting the rule of law and the dignity and humanity of people. The occupiers have always maintained that they are simply occupying empty publicly owned homes until they are relocated, as they were promised they would be. Now that the promise appears changed, the court is the right institution to reach finality of competing property claims. I quote an account of an actual neighbour:

As a north Lismore resident it's been a long journey since we all had to rescue and recover each other in the super flood of 2022.

It's been a long road of awkward government intervention since then, well meaning but always generating complex side effects.

I don't massively blame anyone for that, could have been much better, still can be much better. It takes political will.

But 9 or so months ago some new neighbours arrived in Pine St. At first some homeless young local people then some itinerant workers.

They occupied some houses, shared meals, built gardens, did some landcare and played music.

As a neighbour I went to meet them. They were a lovely peaceful group with great ethics.

They got the ok to occupy from the former owners of the homes.

This group neither hid nor advertised themselves they just set up a little temporary community and when asked - said they would only occupy the homes till they were relocated.

Then the attacks started. The lies, the dog whistling, calling them criminals and nasty nasty things on facebook.

The cruelest part of society's attitude to homelessness is the expectation that the homeless must hide, must remain invisible and must feel ashamed.

The bullies of lismore have become enraged because this group has dared to not hide, has dared to be positive and has dared to be proud and talk about climate change.

The bullies can't stand that.

The squatters have hurt no one, the rage people feel comes from inside of themselves.

I welcome the Reconstruction Authority's court action. It was always the proper channel for government to resolve its dispute with the Pine Street squatters once the Government chose to reject the option of either licensing or, at least, ignoring it and tolerating the community until relocation. There are some who must be called out for bullying, lying, dog whistling, their indifference to the rule of law and, most heinous, their vigilantism and reckless indifference to life. There are leaders who did not keep their cool. There are leaders who weighed in and punched down. They know who they are. We all deserve much better. Our humanity is what we have. Homelessness is homelessness. The climate crisis is the climate crisis. There is a cost-of-living crisis. Shine on, North Lismore.

GOVERNMENT PERFORMANCE

The Hon. NATASHA MACLAREN-JONES (14:07): It has been two years under Labor, and all we have is chaos and crisis. The Minns Labor Government made promises to the people of New South Wales, but we have seen anything but. Instead of progress, we are witnessing delays, reviews and empty promises. Our hospitals are struggling, and patients are facing prolonged delays, with emergency departments overwhelmed and unable to meet demand. Elective surgeries are being postponed, leaving individuals in pain and uncertain for extended periods. The crisis reflects issues in healthcare funding, staffing and infrastructure.

Since June 2022 foster carer numbers in New South Wales have fallen by 2,399 to 15,561. The lack of foster carers highlights failures of this Government in recruitment, support and retention, with many potential carers deterred by inadequate resources, training and support. Department of Communities and Justice child protection caseworker vacancy rates are now at 9 per cent and have continued to rise under Labor, as have risk of significant harm reports, up to 116,275, with approximately only 20 per cent of reports being seen by a caseworker.

Vulnerable children deserve better. They deserve a safe and stable environment where they can thrive. We do not need more reviews; the need for action has never been more urgent.

The housing crisis in New South Wales has reached critical levels, with families across the State struggling to secure affordable and stable housing. Under the Minns Labor Government, the situation continues to deteriorate, leaving countless individuals and families without tangible relief or hope for improvement. Rising rents and skyrocketing property prices have placed financial pressure on households, making it increasingly difficult for people to find a place to call home. Critical infrastructure projects and housing developments remain delayed and unfunded, exacerbating the crisis. The lack of affordable housing options has left essential workers—such as teachers, healthcare professionals and hospitality staff—unable to live near their workplaces, further straining communities and services. Families are being forced to make tough choices between essentials, like food and medicine, or paying rent, with many pushed to the brink of homelessness or compelled to move far away from their support networks in search of affordable options.

The Government's inability to implement effective policies and provide adequate funding for housing initiatives has left residents of New South Wales feeling abandoned and frustrated. Meanwhile, union chaos continues to disrupt transport systems, leaving commuters frustrated and stranded. Labor's track record is clear: big promises, flashy press conferences and announcements of reviews but, when it comes to delivery, there is nothing to show. The Liberal-Nationals Government left behind a legacy of roads, hospitals, schools and metros that got New South Wales moving. Labor, on the other hand, has brought progress to a grinding halt. The people of New South Wales deserve better. They deserve a government that delivers on its promises, invests in critical infrastructure and provides real cost-of-living relief. Under the Minns Labor Government, New South Wales is not moving forward; it is standing still. It is time for action, not excuses. The people of New South Wales are watching, and they will not settle for less.

FROM NOW PROGRAM

The Hon. Dr SARAH KAINE (14:10): The overall number of women jailed over the past decade has increased at a faster rate than the number of men. More than half of the women in Australian prisons have at least one dependent child, and around 10 per cent of all female prisoners are pregnant. Today I recognise the work done by the Women's and Girls' Emergency Centre to ensure that women exiting prison, and their children, can build a brighter, safer future together, through their From Now program. From Now provides vulnerable women, many of whom have experienced domestic violence, homelessness and systemic disadvantage, with safe, stable housing and a pathway to reintegration. Traditional housing services often exclude women with criminal records, apprehended violence orders or complex trauma histories, leaving them with no safe options. From Now fills this critical gap by providing transitional housing, culturally safe case management and pathways to long-term stability.

Program outcomes from From Now's first year are strong, with 93 per cent of women engaging in case management, 80 per cent participating in activities supporting independent living and 90 per cent joining parenting programs, reinforcing the program's impact on independence and family reunification. The program offers three to six months of intensive, supported housing, followed by structured pathways into longer-term accommodation and ongoing outreach support. A major barrier for women leaving prison is the lack of transitional support to move beyond short-term crisis stays. From Now directly addresses this by holding space for women who would otherwise remain incarcerated due to lack of housing, preventing unnecessary time in custody; ensuring a stable transition into medium-term housing, working closely with housing providers, parole services and case managers to move women into permanent accommodation; and expanding tenancy coaching and case management, allowing women to secure independent housing sooner and reduce crisis accommodation demand.

For mothers, housing is essential for family reunification. Without a fixed address, women often lose custody of their children, perpetuating intergenerational trauma. Ninety-one per cent of From Now's participants engage in parenting programs, which equips them to restore relationships and prevent children from entering out-of-home care. By optimising existing resources, maintaining a specialised housing model, and ensuring stable transitions, From Now increases access to long-term housing while reducing reliance on crisis services. Aside from the impacts this has for the more than 147 women who have been supported by From Now in its first year, the program delivers a strong social return on investment by reducing incarceration rates, preventing homelessness and keeping families together, ultimately lessening financial strain on justice and welfare systems. Every dollar invested in From Now translates into long-term savings, reducing recidivism and improving social outcomes. By prioritising early intervention and tailored support, the program is a cost-effective, transformative community investment.

MUDGEROO WOMBAT AND WILDLIFE REFUGE

The Hon. EMMA HURST (14:12): Mudgeroo Wombat and Wildlife Refuge, in the Shoalhaven, is at risk of closure. As one of the only facilities of its kind on the South Coast, closure would leave local wildlife rescuers with seriously limited options for orphaned and injured wombats, kangaroos, snakes, seabirds and sea turtles. The property, which was previously an emu farm, was purchased and converted into an animal refuge in 2014. The entire flock of emus was rescued and is now living out peaceful lives on the property. In the 10 years since, the property has become a permanent home to other rescued farmed animals and has also been a critical refuge for the treatment and rehabilitation of injured and orphaned wildlife.

These frontline public services are carried out under the capable watch of Belinda and Phil Donovan, who are a wildlife veterinary nurse and a qualified wildlife carer who have dedicated their lives to rescuing and rehabilitating animals. Belinda is also a qualified marine reptile carer, which means that Mudgeroo is the only facility on the South Coast able to look after sea turtles. Phil has even learnt how to heal and restore turtles' shells. Belinda and Phil currently have 20 wombats in their care. I am told they are mostly juveniles rescued from deceased mothers and can require care for up to two years before being released. I am told also that, in just one month in the Shoalhaven region, at least 50 wombats were killed on the roads. That, combined with the threats of climate change, loss of habitat and mange outbreaks, means that wombats are in desperate need of protection.

The recurring issue is that individual wildlife carers receive no government support and often personally fund their services and rely on the goodwill of volunteers. Caring for wildlife is difficult, expensive and specialised and requires constant work, often leaving wildlife carers in severe and unsustainable financial distress. Caring for our wildlife is an essential public service and one that desperately needs government responsibility and support. There is an obvious role for the Government in supporting wildlife rescuers, carers and veterinary services who seek to treat and protect our precious wild animals. Belinda and Phil dream of using Mudgeroo to provide a location for a wildlife vet hospital, which is urgently needed on the South Coast. If funding could be secured, a wildlife hospital would provide essential medical care for a wide area, provide emergency response facilities during natural disasters and offer immense support for people and animals alike. I call on the Government to help make this a reality, to support wildlife carers and to take responsibility for protecting our wildlife.

SEAN GLEESON

The Hon. WES FANG (14:15): I acknowledge Sean Gleeson, who was The Nationals' hardworking candidate for the Port Macquarie by-election. Sean is a true member of The Nationals in every sense of the word. Sean acquitted himself in such a way that he probably should have been our candidate from the very start of the campaign. But, being the sort of humble person he is, he was prepared to assist somebody else who wanted to run in that campaign. Ultimately, when things were difficult, Sean stood up and took on an almighty challenge and acquitted himself magnificently in the role. You only had to meet Sean to understand his genuine selflessness in wanting to help his community and make it better, and that is because Sean was looking to do it for all the right reasons. I think that many of those reasons were his family, including his wife, Jody, and his children, Taren and Ben.

In what was a particularly short campaign, Sean doorknocked and talked to businesses. If you had not already met Sean, who seemed to know so many people in the Port Macquarie region, you soon got to meet him and like him. I was fortunate to be appointed as The Nationals' duty MLC for Port Macquarie shortly before the by-election was announced, and I can honestly say I could not have wished to work with a better candidate than Sean. He was absolutely phenomenal. I cannot express enough how much I enjoyed my time with him. I am particularly glad he was able to advocate for and commit to things such as the ambulance station at Harrington and address issues such as the Wrights Road roundabout. Sean and I will continue to work to make sure those things are delivered by this Government. I again place on the record my thanks to Sean but also particularly to Jodie, Taren and Ben, who had to give up their important time with him so that he could campaign. We have turned what was an electorate with a pretty large margin into a very marginal electorate, and I am sure that Sean will return in 2027.

INSULIN PUMP TECHNOLOGY

The Hon. EMILY SUVAAL (14:18): Three weeks ago, my six-year-old insulin pump died—just packed it in and stopped working. As it was out of warranty, I was left with no option but to go back to multiple daily injections, which I had not done for some time. My blood sugar levels have reduced from 70 to 80 per cent within range over time to 30 to 40 per cent within range. I am a walking experiment in how insulin pump technology works and is important for blood sugar level control.

This morning I got my new insulin pump, which is on my arm. It is not a prop because it is a prosthesis. It is an Omnipod 5. I am really pleased to have joined the Omnipod community, or "podder" community, as they

say. It is waterproof and it lasts for three days. I then refill it and put a new one on. I look forward to the Therapeutic Goods Administration approving the app so I can administer everything through my phone. At the moment I am carrying around another device. But it is amazing technology. I look forward to no longer getting caught on door handles; my insulin pump cabling always used to get yanked out as it got stuck on a door.

This technology has improved so much in the time that I have had an insulin pump. I have had a pump for more than 10 years now and the algorithm that is behind the technology has improved continuously over time. I am told that the pod, which was installed this morning, will get to know me over time and work out how my blood sugar levels go up and down. It will eventually start working in an automatic mode and in a much more effective fashion.

Insulin pumps are wonderful; however, they are still not as accessible as they ought to be. Continuous glucose monitoring, which this device continually talks to via bluetooth, is now universally accessible for type 1 diabetics. We need to make sure that pumps with access are also available for all type 1 diabetics. A Federal inquiry, chaired by my wonderful friend and colleague Dr Mike Freeland, recommended that the Federal Government but also the State Government looks into that. We have an insulin pump program. It is far too limited, including in terms of the device that it enables access to. There is a really unequivocal evidence base that supports the use of this technology. It is cost-effective over the long term. It reduces the risk of complications. Going from 80 per cent of the time in range, which my blood sugar level was, to 30 to 40 per cent has a massive impact on a person's cognitive capacity and their life. I stand here before you today with my brand new pod to advocate for universal access to insulin pump technology.

DAY OF THE UNBORN CHILD

The Hon. SUSAN CARTER (14:22): We hear often in this House of the many good things which come from Argentina. One of those is the Day of the Unborn Child, which originated in Argentina in 1998 when President Carlos Menem declared 25 March as the Day of the Unborn Child. This aligns with the feast of the Annunciation, exactly nine months before Christmas. I am sure members can all do the maths and I do not have to explain this feast any further.

The Day of the Unborn Child is now celebrated all over the world. Last Sunday, I was pleased to gather with thousands of other Sydneysiders in the forecourt of St Mary's Cathedral. Despite the rain, we walked in procession down Macquarie Street, pausing outside this Parliament House to hear an address by Australia's only cardinal, Cardinal Mykol Bychok, head of the Ukrainian Greek Catholic eparchy. Standing immediately outside this building, Cardinal Bychok observed:

Hope is what brings us here today. Hope is what has led millions across the world to stand up for life. Hope is what will inspire the next generation to defend the unborn with even greater courage.

And it was that same hope which led 5,000 people to gather outside this same Parliament House a week ago today, to raise their voices for the unborn and protest the Abortion Law Reform Amendment (Health Care Access) Bill. I was pleased to be able to address that crowd because I share the same hope that we will all be inspired to stand up for life. Cardinal Bychok observed that official abortion statistics are difficult to obtain. Indeed, among the most reliable we have in New South Wales are the government figures for abortions at 22 weeks or more gestation. These average about three a week and are most commonly performed by a potassium chloride injection into the fetal heart.

Potassium chloride is, of course, the same drug used in 10 States of the United States for the death penalty, but always as part of a three-drug protocol and only administered following a barbiturate to sedate the prisoner. The sedation is important—and kind—because it calms the prisoner and provides pain management for the lethal injection which is to follow. Pain is a subjective measure. Unless a person can vocalise, we can never be sure if pain is present. But we know that pain is conveyed by nerves and so, when a neural tube is developed and nerve endings are in place, a person physiologically is able to experience pain, whether they can tell us that or not. Fetal nerve cell development begins around the third week of gestation, with nerve cell proliferation peaking around 15 weeks. Physiologically, a fetus can experience pain at 22 weeks. We are actively considering our abortion practice in this State. Perhaps one of the reforms we should be considering is barbiturate pain relief for the fetus before the administration of potassium chloride. It is thought inhumane to inject prisoners in America without this pain management. It is inhumane in New South Wales as well.

Motions

MUSIC AND DRAMA SYLLABUSES

Debate resumed from an earlier hour.

The Hon. SUSAN CARTER (14:25): I speak in support of the motion, and I thank the Hon. Jacqui Munro for bringing it to the attention of the House. I speak not as an educator, nor as a curriculum expert, but as a parent who has had significant experience of the current New South Wales curriculum on music and drama—my neighbours perhaps, at times, would have suggested too much experience of the music curriculum. Still, I feel I am qualified to comment on the curriculum as it stands.

I remember vividly a particular concert as part of the assessment process for music, where a group of year 10 schoolboys in their school uniforms, playing as a rock ensemble, treated us to what I have to say was a life-changing experience. As they explained, they were playing Jimi Hendrix, and we were treated to what was described as a shredding Jimi Hendrix solo on the bagpipes. I recount that incident because one of the great strengths of the current curriculum is that it allows choice, it allows flexibility and it is student-centred. One of the risks of the curriculum that has been developed by the very flawed process which my colleagues have outlined is that it removes that choice. It concentrates students. It requires that certain standard pieces are played. I, for one, do not even want to contemplate what *Eine Kleine Nachtmusik* might sound like on the bagpipes.

There was another occasion in which a different budding musician—a year 11 boy at that stage—treated us to a vocal piece, "Music hall in the style of falsetto". I cannot imagine that that would be on any standardised curriculum that is coming out of the NSW Education Standards Authority, yet what this music curriculum did was to allow students to explore creativity. It allowed them to explore music. It allowed them to build a really strong relationship with the music that they were exploring.

The fruits of this curriculum are really clear. The fruits are not just the standard of professional musicians achieved; they are the numbers of our students who are choosing to do elective music, especially by comparison with those of other States. We have the highest number of year 10 music enrolments in New South Wales, at 7 per cent. This is a marvellous thing for those of us who believe that education is more than an ATAR. Education is more than being able to read or write at certain levels. It is educating a whole person, and music education is part of that.

The Hon. NATALIE WARD: I support and thank the Hon. Jacqui Munro for bringing this important motion to this House and for following back through the process. Once we have had inquiries and made recommendations, it is important for the Government to be held to account on its response to those recommendations. As the member said, the concern was expressed overwhelmingly that NESA's proposed changes fall short of best practice and teacher expectations. The member is right to raise that in the House. My personal experience is that *Hot Cross Buns*, played by my children on the recorder, was lovingly and adoringly watched and enjoyed. I am not quite sure if it was that song or something else, but I loved them all. We had the great experience of the Music Bus coming to school, which gave every child an opportunity to participate. They say that you do not choose the instrument; the instrument chooses you. I am glad it was not a larger instrument. It could be taken on the school bus and enjoyed.

There have been comprehensive studies into the benefits of music and creative industries for health and wellbeing across all types of music. As the parent of a son formerly at the Scots College—Scots to the fore!—the bagpipes can be an absolute pleasure or they can sound like a cow in excruciating pain. When I visited the school, it was a delight to see the boys practising the bagpipes on the hill, though I am sorry for the nearby residents of Bellevue Hill. Those boys are able to express themselves through music. They have the opportunity to go to Edinburgh to participate in music for the rest of their lives, and they have to earn their kilts.

All of this flows into the importance of a music syllabus that, quite rightly, the Hon. Jacqui Munro raises. It is important to listen to teachers and give the community the opportunity to make submissions through a thorough and proper consultative process. If the curriculum is subpar or not up to expectations, the Government should hear that and listen to those concerns. Australia has some of the greatest musicians in the world. Sadly, my passion for the piano did not result in performance excellence, but it is a great pleasure to play. We must encourage everything we possibly can to ensure that this curriculum meets the expectations of those who took the time to make submissions and express concerns. I thank the member for the opportunity to air those concerns in this place. I commend the motion 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) (14:31): I thank the Hon. Jacqui Munro for moving the motion. I contribute to debate mainly on the music part of the motion. I confine my remarks to that topic, as the State's Minister for Music and the Night-time Economy. Firstly, I thank the NSW Education and Standards Authority for its work. We are lucky to have NESA operating in the way that it operates. We are lucky to have the curriculum tradition in New South Wales, which is a real strength of our education system. That has been true across multiple governments. Other States would wish to have the curriculum strengths and rigour that we have in New South Wales, and we have to protect it. I again thank NESA for its work.

We do not want politics and culture wars brought into our curriculum. I immediately state that the concerns are not in that category. I understand that genuine concerns are being raised about the curriculum. That is why NESA goes through the draft process, consulting with the sectors as the syllabuses are drafted. I recognise the change that has already occurred since those first concerns were raised. It is important that NESA has now signalled a move to keep externally examined, practical elements. I recognise that it has signalled that move, which is welcome and speaks directly to the concerns raised.

Secondly, I am broadly supportive of being as explicit as possible about what students should be taught across the board. That is one traditional strength. It makes sure that students are taught equally across the State and it is part of the way that NESA has worked in the past. That is an important part of the tradition. But this is a draft approach at the moment. I encourage NESA to continue to work with the community and take into account the concerns that have been raised. It is important to work through those. NESA is currently undertaking targeted consultation and looking at the feedback that has been received. It has taken that feedback into account in the past, and I expect that it will take it into account in this instance. I thank NESA for the changes it has already signalled, and I look forward to the issues being resolved, because they have caused concern in the community.

The Hon. SCOTT FARLOW (14:34): I contribute to debate on the motion moved by the Hon. Jacqui Munro and commend her for her advocacy in this area. It may not be seen as a cohort that the Liberal Party and The Nationals are traditionally aligned with, but it is indeed an important cohort.

The Hon. Wes Fang: Speak for yourself!

The Hon. SCOTT FARLOW: The Hon. Wes Fang is a well-known thespian and his musical accompaniment is second to none. I contribute to debate more from the drama perspective because a music perspective has been put. HSC drama was one of my favourite subjects. I performed on stage at Newtown performing arts. It became quite evident to me that maybe it was not my forte or my career when I was in the dressing-room reading Jeff Kennett's biography and everyone else was reading *Green Left Weekly*. That being said, some changes to the drama syllabus are of concern. I implore the Government to heed those concerns from people as esteemed as Tim Minchin and the like. Another Minchin is associated with conservative politics—Nick Minchin is Tim's cousin, but Tim may not share the same ideals as Nick. In fact, I know that he does not.

Significant syllabus changes have been contemplated, particularly around the solo performance. That was not every drama student's cup of tea. The group performance was and remains an assessment requirement for the HSC. But many people pursue drama for a range of reasons. My major work was drama history and theory and the work of Stanislavski *My Life in Art*. Others followed different interests, like videography. Someone in the adviser's area of the Chamber now might have made a successful career out of that line of work. There is a diverse range of reasons for taking up drama in year 11 and year 12. We must encourage everyone to realise their forte and their talents, and to put those on display. Confining those talents to a solo performance will rob drama of diversity. The Government should heed that feedback. I commend the Hon. Jacqui Munro for her motion and I implore the Government to listen to the community.

The Hon. JACQUI MUNRO (14:37): In reply: I thank all members who contributed to debate: the Minister for Finance, representing the Minister for Education and Early Learning; Ms Abigail Boyd; the Hon. Aileen MacDonald; the Hon. Sarah Mitchell; the Hon. Natalie Ward; the Hon. John Graham, the Minister for the Arts and Minister for Music and the Night-time Economy; the Hon. Scott Farlow; and the Hon. Susan Carter. Their contributions demonstrated that there is such a personal relationship with music and drama and learning as well as the creativity and skills that those subjects can offer, both in careers related to the creative arts and well beyond.

The Minister for Finance said that I should try to be more constructive and cautious in my approach to this issue. All members will agree that passion in this place is valuable. This is not at all about me. I am representing the community, the teachers, the students, the academics and the experts who are trying to get in touch with the Minister for Education and Early Learning. They have written to the Minister and appeared in our committees. They have spoken to us and continue to email us. They have spoken out in the media and even risked their own careers and jobs because a syllabus that they want to teach and that they believe in is more important than worrying about being polite.

They have tried to be polite. They have tried to engage with the processes that the Government has provided. But the reality is that the Government is not listening. That is the problem with continuing to try to work with the Government. The Minister for the Arts said that we have to protect the curriculum as it is. I could not agree more. He said that being explicit is one of the strengths of the syllabus. That could not be further from the truth. What academic experts are actually saying is that at the moment there is the ability for students to inhabit and create their own forms of expression. I will quote some of the feedback that the arts and music education

committee received from some of the experts who were cited because their research was relevant to the development of the curriculum. Dr Rachel White said:

There are various aspects of the proposed syllabuses that present confusing or contradictory representations of content or learning.

Dr Gardiner said:

... the academic research (including my own) referenced in the draft to explain and validate the document does not support the details of the syllabus, suggesting a disconnect in the process.

Dr Hatton said:

The evidence that they have used is actually not evidence at all. They've got some of my work there, and I do not support the changes.

Dr Fienberg said:

In music, similarly, we had 31 academics sign a letter. Many of those are cited in the evidence base. If the evidence base is disputing their citation in the documents themselves, then we've got a problem.

The Government and the Minister must go beyond their numbers and present to the public a second public consultation for the draft.

The PRESIDENT: The Hon. Jacqui Munro has moved a motion, to which the Hon. Courtney Houssos has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes 19
Noes 18
Majority..... 1

AYES

| | | |
|------------|----------|-----------------|
| Buckingham | Jackson | Moriarty |
| Buttigieg | Kaine | Murphy (teller) |
| D'Adam | Latham | Nanva (teller) |
| Donnelly | Lawrence | Primrose |
| Graham | Mihailuk | Sharpe |
| Houssos | Mookhey | Suvaal |
| Hurst | | |

NOES

| | | |
|---------------|-----------|---------------|
| Barrett | Farlow | Munro |
| Boyd | Higginson | Overall |
| Carter | MacDonald | Rath (teller) |
| Cohn | Martin | Roberts |
| Faehrmann | Merton | Tudehope |
| Fang (teller) | Mitchell | Ward |

Amendment agreed to.

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

Motion as amended agreed to.

Documents

FOOTBALL IN SCHOOLS PROGRAM

Production of Documents: Order

The Hon. TANIA MIHAILUK (14:49): I seek leave to amend private members' business item No. 1779 for today of which I have given notice by:

- (1) Omitting "Minister for Sport" and inserting instead "Minister for Lands and Property, Minister for Multiculturalism, Minister for Sport, and Minister for Jobs and Tourism".
- (2) Omitting "Minister for Education" and inserting instead "Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney".
- (3) Omitting "Department of Premier and Cabinet" and inserting instead "Premier's Department or the Cabinet Office" wherever occurring.

- (4) Inserting after paragraph (k):
 - (l) all documents relating to monitoring, or control or reporting, including any fortnightly reporting, final annual reporting, or reporting made by funding recipients on an ad hoc basis, regarding grant deliverables; and
 - (m) all documents relating to any evaluations conducted to date regarding grant expenditure or deliverables.

Leave granted.

The Hon. TANIA MIHAILUK: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Premier's Department, the Minister for Lands and Property, Minister for Multiculturalism, Minister for Sport, and Minister for Jobs and Tourism, the Office of Sport, the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney, or the Department of Education relating to the Football in Schools grant:

- (a) all documents relating to the eligibility criteria or official guidelines for each round of the grant;
- (b) all documents concerning the assessment and approval process for determining funding allocations, including:
 - (i) any record which discloses who was responsible for final approval;
 - (ii) all probity plans, probity advice and probity reports;
 - (iii) all documents relating to the program alignment panel and steering committee processes; and
 - (iv) all documents relating to the implementation of an \$8 million 2023 election commitment by NSW Labor for Macarthur FC.
- (c) all documents relating to the engagement of members of Parliament and feedback provided by members of Parliament as a part of the application, assessment and approval process;
- (d) all briefings to Ministers and department executives on the design of the program, including Cabinet submissions and supporting documents;
- (e) all agendas and minutes from meetings between Ministers or the Premier and representatives of the Premier's Department or the Cabinet Office, Department of Education or Office of Sport;
- (f) all agendas and minutes from meetings between Macarthur FC and Ministers or the Premier and representatives of the Premier's Department or the Cabinet Office, Department of Education or Office of Sport;
- (g) all agendas and minutes from meetings between Western Sydney Wanderers FC and Ministers or the Premier and representatives of the Premier's Department or the Cabinet Office, Department of Education or Office of Sport;
- (h) all communications relating to the origin and design of the program which contains information not documented in briefings, meeting agendas or minutes, as identified in paragraphs (d) to (g) of this resolution;
- (i) all material used for consultation with potential applicants;
- (j) all applications submitted by funding recipients or other applicants;
- (k) all documents concerning conflict of interest declarations;
- (l) all documents relating to monitoring, control or reporting, including any fortnightly reporting, final annual reporting or reporting made by funding recipients on an ad hoc basis, regarding grant deliverables;
- (m) all documents relating to any evaluations conducted to date regarding grant expenditure or deliverables; and
- (n) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Today I call on the Government to support my motion. I understand it has indicated it will. I think it is really important that we remember the words of Premier Minns as he launched the Labor Party State election in 2023 in Penrith. He said he wanted to restore integrity to grants. That is what I want to do today and every day in Parliament. It is important that we take those words and restore integrity to grants. The reason for this application and call for papers is about the fact that as I went into budget estimates hearings it was brought to my attention that there was a \$14.5 million grant allocated to the Macarthur Football Club and the Western Sydney Wanderers in September 2023. At the same time, it became very clear to me, as I went through the Labor Party's reportable donations, that a significant amount of money was donated by Macarthur Football Club to Sussex Street directly. Over \$4,660 was donated.

The part owner or co-owner of that club—at the time I did not realise that this was not a not-for-profit club; it is actually a privately owned club—is also a significant member of the Southern Districts Soccer Football Association. That association has also donated a significant amount, \$5,720, to NSW Labor, Sussex Street, and it also donated money to a number of candidates in the Macarthur region, including in Leppington and Liverpool, at the time. I raised the questions with the Minister for Sport because I thought it was concerning that these clubs, which take money from parents—every parent who puts their child into local football has to pay dues or a levy in

the order of \$400 or \$450 a year to ensure that their child is part of a club and can compete—would donate that kind of money to both Sussex Street and candidates for an election. That is why I wanted to look further into it.

As I saw, they then received this grant of \$14.5 million, which was originally organised by the Labor Party when they were in opposition. It was announced as an election commitment of \$8 million to Macarthur. Subsequently, at some point the Western Sydney Wanderers were roped into this, and it was transferred from the Office of Sport to the Department of Education, where it became the Football in Schools grant. I cannot find any information about that, although I know Ms Abigail Boyd has also asked supplementary questions. I read her excellent questions to the education Minister. I asked the education Minister and the Minister for Sport to elaborate on and provide more detail about how the grant is being managed and monitored. What processes are in place? Who signed off on those documents?

In the end, Macarthur is receiving \$2 million a year. To date, since the start of the project in September 2023, it has visited 62 schools. If we take away the school holidays, it visits one school per week. That works out to be in the order of \$40,000 or \$50,000 that is given to Macarthur to visit one school per week. We are talking about, if we are lucky, a visit of an hour or two, where a junior player chats with some kids and at the end of it hands out some cowbells, keyrings and stickers and says, "Hey, when you have a chance, get involved in football." I want to understand how that club is receiving a grant of this scale and why it was given this level of money. Is there any connection to the fact that it is also a political donor? Is there value for money?

Let us get the documents and let us get the paperwork. If there is nothing to see, I can only imagine I will have the full support of the Government to make sure that my motion under Standing Order 52 is supported. I would like to see the documents. I would like to see why the project is being administered by Macarthur and not, for example, Football NSW. I asked both Ministers why Football NSW was not offered this and why it was not consulted but I received no answer from either Minister. In fact, when we look at the answers—I encourage members to look at the answers—they blame each other. They refer to each other—"Ask the Minister for education," "Ask the Minister for Sport," "Talk to the Department of Education." The answers were absolutely woeful, and more needs to be said about that. I ask the House to support my motion.

The Hon. Dr SARAH KAINE (14:55): The Government does not oppose the motion. However, before the substantive motion under Standing Order 52 is considered, I provide the House with information about the Football in Schools program such as what it does and how it came about. A proper understanding of the program's origins will be important when members examine documents returned under the order, so let us start with what the Football in Schools program is. The Football in Schools program is administered by the Department of Education and seeks to ensure that football and physical activity are available to students in west and south-west Sydney. The Football in Schools program aims to engage more students in physical activities, fostering the talents of future sports stars. It also provides vital financial relief to families who otherwise could not afford additional sports opportunities for their children.

The program aims to feature a wide range of initiatives to involve more students in sports from across west and south-west Sydney. The New South Wales Government is proud to say that this includes targeted female, multicultural and all-abilities programs. The program came about as an election commitment of the Minns Labor Government. The election commitment reflects a promise made to communities in west and south-west Sydney to provide student access to sport through football and physical activity. The election commitment provides \$14.5 million over four years in partnership with the Macarthur "Bulls" Football Club and the Western Sydney Wanderers Football Club. The Department of Education is implementing the election commitment and has put in place a framework to administer the program. The delivery of the program is based on school catchment areas within west and south-west Sydney.

Pleasingly, I inform the House that the program commenced in earnest in term 3, 2023. A significant number of schools have already been involved. In administering the program, I advise the House that the Department of Education is complying with the *Grants Administration Guide*. I assure the House also that the Football in Schools program will be subject to ongoing monitoring and review to ensure that its objectives are being met and its deliverables benefit students in west and south-west Sydney. As I outlined at the commencement of my contribution, members must reflect upon the origins of the program as an election commitment and upon the rightful and important role those commitments play in the democratic process. I flag also that elements of the motion are problematic, such as the call for Cabinet submissions. As members know, that would not fall within the ambit of the standing order. However, in principle, the Government does not oppose the motion and will comply with it to the extent it properly can and should.

The Hon. CHRIS RATH (14:57): I lead for the Opposition to indicate that we support the motion under Standing Order 52. The Hon. Tania Mihailuk has legitimate questions about the program and, after talking to her about it yesterday, it does seem a bit fishy. There is no harm in bringing those papers before the Parliament so members can look at them. The Hon. Dr Sarah Kaine made the point that election commitments must be good and

should be adhered to by the Parliament or the Government. But just because it is an election commitment, that does not make it right. This Chamber in particular, as the house of review, has a role to play in terms of that accountability and transparency mechanism, as we saw with the Local Small Commitments Allocation. Of course it is right for the Government to deliver on its election commitments, but it is also right for the house of review to examine those election commitments under the microscope. The member has moved a good motion. Let us see what comes from those documents.

The Hon. MARK LATHAM (14:59): I know the Macarthur Bulls a bit, but I know the Southern Districts Soccer Football Association much more. In my time in south-west Sydney I have not known of a local sporting club donating to a political party. It normally runs the other way: The political party provides the promise of a donation if you vote for it. That is democracy, so-called. The Macarthur Bulls are showing a flexibility and dexterity that is quite remarkable. In the past couple of weeks the Liberal Party, on the rampage in Macarthur and Werriwa, has pledged a donation to the Macarthur Bulls to build its centre of excellence at the corner of Burragorang and Cawdor roads in Camden, the site made famous by the enormous protests about putting an Islamic school there. They had the pitchforks out in Camden for the Islamic school in 2007, but the Macarthur Bulls centre of excellence is deemed to be more acceptable to the local community.

Maybe there is a circular money pattern here. The Liberal Party is going to donate to the Macarthur Bulls in the Federal election. If it is in government after the Federal election, what do the Macarthur Bulls do with that money—donate it to the Labor Party? It is a bit *Ted Lasso*, is it not, what has gone on? You could do a TV show about it. Someone is wheeling and dealing in fine style, but in my experience it is exceptionally unusual that a local sporting body would donate to any political party. Maybe back in the day a few of our council candidates in Liverpool might have dropped the odd hint and been rebuffed, and rightly so. No club should identify itself so clearly with one side of politics. It has not hurt the Macarthur Bulls in terms of its relationship with the Liberal Party, but it is not wise practice on its part. No-one blames the political party for taking what money it can get legally. The Hon. Tania Mihailuk is entitled to look at these documents to see what went on, solely on the basis of how unusual it is. I will be having a good look at the circular money pattern—the roundabout, the merry-go-round—that is in place. Perhaps members of the crossbench should be saying, "Where's our slice?"

The Hon. TANIA MIHAILUK (15:01): In reply: I thank all members who contributed to debate. Particularly, I thank the Hon. Mark Latham for his support. We were both at budget estimates and had a discussion as I was asking the Minister for Sport these questions. The Hon. Mark Latham indicated to me how unusual it was that a local sporting association, which are often in dire need of donations and support, was suddenly donating to Sussex Street and wheeling and dealing in State politics.

I correct a couple of things stated in the contribution of the Hon. Dr Sarah Kaine. Labor made an \$8 million commitment to Macarthur Bulls prior to the election. I have in my hand a wonderful article with a photo featuring Gino Marra, Nathan Hagarty, Charishma Kaliyanda, Greg Warren, then shadow Minister Julia Finn and others—they all turned up. This is clearly something that the Labor Party was discussing with Macarthur at the time. Obviously it needed the support of this club. It is important that we lay on the table all these documents. We owe it to the community. We owe it to the parents who have been paying their fees and dues to the Southern Districts Soccer Football Association or to Macarthur, for those who register as part of the National Premier Leagues program.

I have no issue with the idea that a football club goes to a school and tries to encourage children to participate in that particular sport. What I want to understand is why Macarthur is being paid \$2 million a year to do so. We owe it to taxpayers to explain what is involved in this project. Why has Macarthur specifically been given this grant ahead of any other club? Why did this not go to tender? Why was this straight-out drawn up for Macarthur Bulls? We need to specifically look at the arrangement between the then Office of Sport, the Minister and, at some point, the Department of Education. The department was not involved in the initial announcement, but down the track it was. It is important to understand what has motivated the Minister and, indeed, the department to be part of this project. What is the value for money for the community and young people? What are they actually getting out of the \$2 million a year that Macarthur is pocketing as a result of this particular grant?

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

Motion agreed to.

WILLYAMA HIGH SCHOOL

Production of Documents: Order

The Hon. SARAH MITCHELL (15:05): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 25 March 2023 in the possession, custody or control of the Deputy Premier, Minister for Education and Early Learning and Minister for Western Sydney, the Department of Education, the Minister for Industrial Relations and Minister for Work Health and Safety, the Department of Customer Service or Insurance and Care NSW (icare) relating to Willyama High School:

- (a) all documents relating to mould found at the school, including hygienist reports and any advice provided regarding remediation;
- (b) all documents relating to insurance claims for the rebuild of the school, including any advice provided by icare;
- (c) all documents relating to the proposed rebuild of the school, including plans, budgets and scope of the project; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I do not intend to speak for too long. This is a fairly straightforward call for papers in relation to what is happening out at Willyama High School in Broken Hill. Members will be aware that just over a year ago issues with mould were identified at that school, which unfortunately means the students and staff have not been able to remain on campus. They are now learning at a pop-up site at Broken Hill High School and the Government has committed to a rebuild of the school on the existing site, which the Opposition supports. This order for papers is about getting further information about where that process is up to. We asked the Minister and representatives from the Department of Education and School Infrastructure about it in the recent estimates hearing. It has now been just over a year and there has not been a lot of movement to demolish the old school. The plans have just been released to the community, based on some conversations I have had with people out there in the past couple of weeks.

This call for papers is about trying to understand what documentation was provided in relation to the mould outbreak, what the independent hygienists were saying and how the insurance discussion is going with icare. During estimates we heard from the secretary that those discussions are ongoing. We are keen to know how that has been progressing and where the money will come from to rebuild the school. Paragraph (c) concerns all documents relating to the proposed rebuild, including the plans, the budgets and the scope of the project. That specifically was raised with me last week. There is a Broken Hill education working group run by the mayor that includes parents, teachers and members of the community. I am involved in that, as are local member Roy Butler and his office and the Federal member. It is very much a bipartisan group looking at the general issues around education, but specifically at what is going on at Willyama.

Some parents had questions about a few issues they would like some clarity and information on, such as why the school rebuild is only going to be classed as extra small and why there is only one science lab. That is the genesis for this call for papers. I understand the Government will move an amendment. I will support parts of that amendment but not others, but I will let the Minister move the amendment and will speak to it during my reply. There has been an impact from mould—that happens from time to time—but this order is about obtaining some information for the community about what is happening with Willyama and what work has been done so far.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (15:07): I move:

That the question be amended by:

- (1) Omitting "14 days" and inserting instead "21 days".
- (2) Omitting "created since 25 March 2023" and inserting instead "created since 25 March 2019".
- (3) In the opening paragraph inserting "and Wee Waa High School" after "Willyama High School".
- (4) Omitting "the school" and inserting instead "Willyama High School" wherever occurring.
- (5) Inserting after paragraph (c):
 - (d) all documents, including correspondence, emails, messages, or advice, sent to and from the former Minister for Education and Early Learning or former Minister for Education and Early Childhood Learning, relating to mould at Wee Waa High School.

I request that the question be put on paragraphs (1) and (4) and paragraphs (2), (3) and (5) separately. From the outset, I indicate that the Government does not oppose the Standing Order 52 motion. We have nothing to hide; we have been transparent the entire way through. Indeed, the Government's amendment seeks to broaden the scope of the motion to encapsulate Wee Waa High School, which the then Labor Opposition asked the Hon. Sarah Mitchell a number of questions about when she was the education Minister. I will be clear and specifically address some of the concerns that the member raises in the motion. The motion seeks the hygienist's report relating to Willyama High School. We released and published the hygienist's report in March last year when we announced we would rebuild Willyama High School. It is on the Department of Education's website right now. We assure

the community that this Government is absolutely committed rebuilding Willyama High School as promised. It will be rebuilt, it will be funded, and contracts are to be awarded this year.

A significant amount of planning and site consultations have been underway. I am advised that work has been undertaken to remove contaminated material ahead of demolition and that the contractor will be appointed mid this year, with construction underway by next year. Indeed, yesterday I came across a Government press release issued in the name of the Deputy Premier, and Minister for Education and Early Learning, and the Minister for Regional New South Wales, which talked about releasing the proposed plans for the new Willyama High School. I am told that a large amount of consultation has been going on locally, face to face, with 280 students, staff, parents and community members through 128 separate consultation sessions. This is the Government engaging extensively with the local community.

I accept that the members want to run a bit of a scare campaign. I will just be very clear about the amount of information being provided to the community and the way in which the Government is working with the community. I also reassure the community that the demolition of the existing high school has no bearing on the rebuild because it is being built on a different part of the school site. The rebuild and the demolition are essentially two different projects, and I inform the House that the demolition contractor has been engaged. I acknowledge the leadership of the member for Barwon, Roy Butler, who has been advocating and standing up for his community. I can say from my experience within my own portfolio that he works constructively with the Government, and he has certainly done so with the Deputy Premier and the Minister on this issue.

The Hon. SARAH MITCHELL (15:11): In reply: I thank the Minister for her contribution. Obviously, everyone is interested in Broken Hill, with everyone jumping to their feet to speak on this motion! The Opposition is happy to support paragraphs (1) and (4) of the Government's amendment. We have no issue with giving an extra seven days and inserting "Willyama High School" instead of "the school" in the substance of the motion so it is clear that it is about only that one specific school project. However, I do not support paragraphs (2), (3) and (5) of the Government's amendment to try to extend the scope of the motion to 2019 and Wee Waa High School. In her contribution, the Minister made the point that she asked me several questions about that in 2021, when I was Minister, and I answered those questions.

The then Opposition could have moved its own motion under Standing Order 52 to look into these issues, but it did not do so. Trying to retrofit that into a motion about a specific school and community and say, "Let us go back to 2019 and look at an entirely different school in an entirely different part of the State," in some kind of tit for tat is not what this motion is, or should be, about. The reality is we were open and transparent about what happened at Wee Waa, and I expect that the Government is and will be transparent about Willyama High School. With 2,200 public schools, mould events, floods and bushfires can happen. This is not about petty politics. It is about asking, "What is happening in that community now? Let us get that information."

Another reason we do not support the paragraphs that seek to extend the scope and time frame of the motion is a fear of a slippery slope. There is a pattern of Government members doing this with Standing Order 52 motions. The previous call for papers I moved was for the Minister for Regional New South Wales on Dubbo sports hub, which was amended to be extended back to our time in government. In fairness, it was at least the same project, so there was some relevance. But I then got a letter asking for a variation. The department could not meet the new due date with the large volume of documents because the scope was too wide. It was actually the Government that had added two-thirds of the documents, which I had not asked for originally.

We need to draw a bit of a line in the sand against the idea of amending a Standing Order 52 motion to expand the scope by several years and to add new projects every time the Opposition calls for papers. That is not what this standing order is about. If members opposite want to move a call for papers about anything during our time in government, they can go for it. No-one is stopping them from doing so on private members' business day. But this pattern of trying to hijack Opposition motions on relevant, current and real issues is poor practice. So I do not support paragraphs (2), (3) and (5) of the Government's amendment. Like I said, this is about clarity for those who live out in Broken Hill. The teachers, students and parents at Willyama High School genuinely want to know what is going on and get more information about it, and I hope the House can support the motion as it is written.

The PRESIDENT: The Hon. Sarah Mitchell has moved a motion, to which the Hon. Courtney Houssos has moved an amendment. I will deal with paragraphs (1) and (4) separately to paragraphs (2), (3) and (5). The question is that paragraphs (1) and (4) of the amendment of the Hon. Courtney Houssos be agreed to.

Paragraphs (1) and (4) of the amendment of the Hon. Courtney Houssos agreed to.

The PRESIDENT: The question now is that paragraphs (2), (3) and (5) of the amendment of the Hon. Courtney Houssos be agreed to.

The House divided.

Ayes15
 Noes22
 Majority.....7

AYES

| | | |
|-----------|----------|-----------------|
| Buttigieg | Jackson | Murphy (teller) |
| D'Adam | Kaine | Nanva (teller) |
| Donnelly | Lawrence | Primrose |
| Graham | Mookhey | Sharpe |
| Houssos | Moriarty | Suvaal |

NOES

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

Paragraphs (2), (3) and (5) of the amendment of the Hon. Courtney Houssos negatived.

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

Motion as amended agreed to.

Motions

CRIMES LEGISLATION STATUTORY REVIEW

The Hon. SUSAN CARTER (15:23): I move:

- (1) That this House notes that
 - (a) the Crimes Amendment (Prosecution of Certain Offences) Act 2023 commenced on 1 January 2024 and introduced changes to section 93Z of the Crimes Act. Schedule 1 [3] of the Crimes Amendment (Prosecution of Certain Offences) Act 2023 required the Attorney General to review the effect of the changes introduced by that Act, and table a report in Parliament by 1 January 2025;
 - (b) the requirement for the review was an amendment introduced by the Attorney General himself, who said of this requirement, "The amendments will make it clear that we are keeping a close eye on the effect of the amendment made by the bill and the Parliament will be kept apprised of its effect within 12 months of commencement of the Act.";
 - (c) the Attorney General has failed to comply with this statutory obligation and provide the required report to this Parliament;
 - (d) the Attorney General answered a question about the late provision of this statutory review at a budget estimates hearing on 28 February 2025 by stating, "It will be done when the Government has finished considering it."; and
 - (e) a fundamental principle of the rule of law, which protects us all, is that we are all bound equally to observe the law.
- (2) That this House expresses its concern:
 - (a) that this statutory review was not available to inform members of this Parliament when deliberating on the most recent changes made to section 93Z of the Crimes Act, a matter of significant public interest and importance; and
 - (b) that the Attorney General appears to believe that he and his Government stand above the law and are not bound to observe the laws made by this Parliament and meet statutory obligations and timetables.
- (3) That this House calls on the Attorney General to furnish the required statutory review as a matter of urgency.

This motion is about accountability and about the relationship between the Executive and this Parliament. In recent weeks we have spoken frequently in this place about transparency and accountability because it has been seen to be lacking in this Government. Section 93Z of the Crimes Act criminalises what is commonly called hate speech. That section and its effectiveness has been a particular focus of the Parliament because, sadly, we are living in a time that many of us had hoped we would never see, a time when some in our community believe it is perfectly acceptable to attack members of our Jewish community and their houses, cars, and places of education and worship. It is not acceptable. It is never acceptable, and section 93Z is one of the main criminal sanctions against that unacceptable behaviour.

But there have been disappointingly few prosecutions under section 93Z. We all witnessed the shameful events at the Opera House on 9 October 2023. Those scenes of racist and antisemitic chants, which filled the air at one of our major cultural icons, were splashed around the world. There has not been one single prosecution under section 93Z for the hateful speech we all heard on that occasion. In November of that year the Government introduced the Crimes Amendment (Prosecution of Certain Offences) Bill seeking to expand the categories of persons who could bring a prosecution under section 93Z. That was one answer to the issues raised by the incident at the Opera House, but it was not the only answer. The Opposition argued for a committee to consider changes more broadly. This is an issue of great public importance, and we wanted to ensure that the section was fit for purpose. The Government opposed that reference. In his speech in reply in the second reading debate on the bill, the Hon. Mark Buttigieg noted:

... the bill contains a statutory-review provision, which ensures that a report on the outcome of a review of the effects of the bill's amendments is tabled within 12 months of its commencement. That will ensure that a close eye is kept on the effect of those amendments.

A statutory review was required under the amendments. The Attorney General himself said of that requirement:

The amendments will make it clear that we are keeping a close eye on the effect of the amendment made by the bill and the Parliament will be kept apprised of its effect within 12 months of commencement of the Act.

Three weeks ago this House was asked to consider extensive changes to section 93Z because, despite the earlier changes, hateful and antisemitic speech and actions were continuing, to our collective shame. We are committed to doing everything that we can to guarantee a respectful society where no group feels terrorised and unwelcome. But we want to do it well. This is not an issue that should be approached in a piecemeal or haphazard "see if this will work" fashion. It is too important for such a casual approach.

Yet that appears to be how this area of law reform is being approached by the Attorney General. Instead of an iterative process where the effects of changes could be carefully considered by the Parliament and considered in the shaping of future legislation, members have been kept in the dark. We are asked to pass legislation without full information—frankly, without any information. We have not been kept apprised of the effect of the amendments to section 93Z, as we were promised. We have not yet received the statutory review, three months after its due date. Members have seen the review of section 93Z that was conducted by the NSW Law Reform Commission at the request of this Government; they have also seen its recommendations largely ignored.

This Government pays lip-service to the need for transparency and accountability, but its actions tell a different story. In his second reading speech introducing the most recent changes to section 93Z, the Attorney General flagged yet another statutory review as well as a six-month review. But those inquiries are useless unless their fruits are shared with the Parliament and their recommendations have the opportunity to become part of a careful and effective process of policy development.

The Government has had three goes, so far, at getting section 93Z right and has not ruled out future changes, demonstrating its own lack of confidence in the fruits of its flawed process. We live in a system of parliamentary democracy, where the Executive is answerable to the people through the Parliament. The Government has demonstrably not provided the Parliament with the information members need to exercise their responsibilities as legislators. The attitude of Government members has been "We are from the Government; trust us and do what we tell you." In other words, the Government has been treating the members of this House as mushrooms. This motion calls on it to stop shovelling the compost.

The Hon. MARK BUTTIGIEG (15:28): The Government opposes the motion. The legislation that the New South Wales Government introduced earlier this year was a targeted legislative response to a spate of abhorrent conduct. In a context where hundreds of antisemitic attacks were taking place across Sydney, the New South Wales Government saw the need to act swiftly and decisively to crack down on that behaviour. That was crucial to ensure immediate community safety and long-term social cohesion. It was a matter of grave urgency. The Government could not sit on its hands and wait for months of consultation and reviews before amending the laws. Every incident of vile graffiti, every car set on fire, was one too many. Antisemitism and the violence that we were seeing, particularly in Sydney, had to be acted on quickly.

The New South Wales Government is considering the statutory review of section 93Z and will finish it as soon as possible. The Government recognises the importance of statutory reviews. In this circumstance, the Government's paramount concern is ensuring community safety and social cohesion. In the context of the debate, it is worth reflecting on the Coalition's record of tabling statutory reviews. It is fair to say that this Government is now playing catch-up to finish and table some of the reviews that the former Government never completed. A report on the statutory review of the Coroners Act 2009 was due for tabling in June 2015. It was not until 14 February 2024 that the new Labor Government tabled the review, after the Coalition had sat on it for eight years.

A statutory review of the Graffiti Control Act 2008 was due to be tabled in December 2016. The Coalition failed to comply with the statutory obligation to table that review as well. The New South Wales Government is considering the review and will table it at the appropriate time. The Government refuses to play politics on the issue of statutory reviews with an opposition that had such a dreadful record on tabling reviews during its term of government. This Government is focused on delivering the best policy outcomes for the safety and wellbeing of the people of New South Wales.

The Hon. TANIA MIHAILUK (15:30): I speak in support of the Hon. Susan Carter's motion. I have a lot of time for the Hon. Mark Buttigieg but defending the Government's position by using graffiti laws from 2016 is clutching at straws. I am sad for him that he was given that note and had to read that out. I was at budget estimates hearings when the Hon. Susan Carter asked questions of the Attorney General. I thought the Attorney General's answers were poor form and of a poor standard. I would have expected him to take the issue seriously. The statutory review was due on 1 January 2025. I am astounded. It is a simple motion. It asks that the Attorney General furnish the required statutory review, and the Government does not want to do that.

I would have thought the Government would at least move an amendment to give the Attorney General more time. The Government is required to do it. Laws were passed by this House on the understanding that there would be a statutory review. The Government has failed to comply with that. I would have thought that the Attorney General would have made it a matter of urgency for his department and ensured that the review would be completed since budget estimates. I would have thought that would be enough of a warning bell, but clearly it is not. It is disappointing. It is an issue that is dear to many members of this place, given the very recent laws and the inquiry that will be considering those laws, which were passed at such a fast rate that you blink and you miss it.

People are well within their rights to question what is occurring with the Attorney General's department. The Hon. Susan Carter is well within her rights to move a motion to seek for the review to be furnished. I would have expected Labor to do that, given that during its time in opposition, members opposite called the Coalition out, always demanding proper transparency and accountability. They have clearly learnt nothing from those years of calling for documentation, papers and reviews to be furnished. The Government is now hiding. I do not know if the Government has the numbers, but I hope it does not, because it is important that the statutory review is made public and that the Attorney General does his job.

Ms SUE HIGGINSON (15:34): I thank the Hon. Susan Carter for moving the motion. I indicate that The Greens will support it. We are all bound by the rules and laws of the Parliament. Being voted into government and being a member of the Executive does not give a member a free pass to disregard the rules. As a reminder to all, the adherence to and respect of the rule of law is more than fundamental; it is about life and death. The rule of law is essential for a stable, just and legitimate society, for fostering trust in the legal system and for protecting fundamental rights. I commend the member for bringing the motion to the House and for her advocacy in pursuing the Attorney General through one of the most important aspects of our job in the upper House: holding government to account.

A report was required to be tabled in Parliament by 1 January 2025, and it has not been. During budget estimates hearings, the Attorney General seemed to not care that he has not done what is required under the law of the State. As the motion indicates, the Parliament has now made laws without the benefit of that review, which it should have had. There is a concerning pattern of the current Government that is illuminated by the delay of the review. Last year one of the many draconian anti-protest laws that have been passed in New South Wales was also supposed to be reviewed by the Attorney General. The Roads and Crimes Legislation Amendment Act 2022 made it expressly clear that a review must be tabled within 18 months of the commencement of the Act. However, both reports were tabled over one month late. The contents of those reports were quite concerning as well. The review detailed the high number of submissions regarding the bill's infringement on protest rights. Those submissions and the effect on protesting were barely discussed. Based on the outcome of the reviews, I would want to put off tabling it too.

Without a critical review of the submissions provided, how can we conclude that the reviews can be trusted? The disregard for the deadline is not a surprise, since the Government seems to pay little regard for the contents of them anyway. The review of section 93Z of the Crimes Act 1900 stated that there was no need to amend the section, but the Government did it anyway and went ahead with the now called into question inciting racial hatred bill. The review did not recommend any reform to section 93Z and, in fact, noted that some communities cautioned against such reform. The Government has repeatedly disregarded stakeholder submissions, official reviews and the rules of this House. It is lazy and reinforces the need to review integrity. There is now a genuine question about the repeal of the draconian, unscrutinised and unconsidered racial hate laws, as they were forced upon us. That conduct should not have been tolerated once. It baffles me that we are

allowing the Government to repeatedly disregard the legal rules that should bind us all. On that basis, The Greens support the motion.

The Hon. SUSAN CARTER (15:37): In reply: I thank the Hon. Mark Buttigieg, the Hon. Tania Mihailuk and Ms Sue Higginson for their contributions to the debate. I particularly thank Ms Sue Higginson for the examples that reinforce the central point of the motion: Members in this place need adequate information to do their jobs, and the Government does not feel an obligation to provide members with that information. The Hon. Mark Buttigieg's speech made the point for me. He said that we will get it when the Government is ready. That is not an appropriate relationship between the Executive and this Parliament. This Parliament set a deadline for when the review should have been provided.

The graffiti and Coroner examples that the Hon. Mark Buttigieg dredged up—because, apparently, if somebody else did it, it makes it okay for this Government to do it—were not questions that were under active consideration. Section 93Z has been under active consideration by all members of this Parliament. We want to get it right. We want to do our job. We need the Government to provide the information that it is legislatively bound to provide. I call on all members to support the motion. In essence, it is a simple motion. It is asking for the statutory review that this Parliament said was due three months ago. It is no more than that. It is asking the Government to think about the way that it conducts the business of government and whether it takes its responsibility of accountability of the Executive to this Parliament seriously. We take it seriously, and we will stand here and call the Government to account every time we need to if we do not see the culture change that is necessary for our parliamentary democracy to work.

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

Motion agreed to.

INTERNATIONAL DAY TO COMBAT ISLAMOPHOBIA

The Hon. MARK BUTTIGIEG (15:40): I seek leave to amend private members' business item No. 1771 for today of which I have given notice by inserting after paragraph (1) (b):

- (c) there have been multiple obscene and reprehensible threats made against a number of Sydney mosques during this holy month of Ramadan; and
- (d) the threats targeted the Australian Islamic House Masjid in Edmondson Park, the Imam Ali bin Abi Taleb Mosque in Lakemba and the United Muslims of Australia Centre in Padstow.

Leave granted.

The Hon. MARK BUTTIGIEG: Accordingly, I move:

- (1) That this House notes that:
 - (a) 15 March 2025 marked the International Day to Combat Islamophobia, which was established by the United Nations in 2022 and coincides with the anniversary of the abhorrent terrorist attacks on two mosques in Christchurch, New Zealand in 2019; and
 - (b) the recent *Islamophobia in Australia Report V 2023-2024* by the Islamophobia Register Australia together with Monash University found that Islamophobic incidents rose in the year of reporting by over double that of previous years;
 - (c) there have been multiple obscene and reprehensible threats made against a number of Sydney mosques during this holy month of Ramadan; and
 - (d) the threats targeted the Australian Islamic House Masjid in Edmondson Park, the Imam Ali bin Abi Taleb Mosque in Lakemba and the United Muslims of Australia Centre in Padstow.
- (2) That this House condemns the prevalence and increasing levels of Islamophobia in New South Wales.
- (3) That this House reaffirms its condemnation of all forms of discrimination and hatred based on religious beliefs.

This year 15 March was the sixth anniversary of the horrific terrorist attacks on two mosques in Christchurch, New Zealand, which took place on 15 March 2019. These attacks have had long-lasting effects on the Muslim community internationally, as recognised with the United Nations' establishment of 15 March as the International Day to Combat Islamophobia. This year the international day has fallen during the holy month of Ramadan.

Earlier this month, to coincide with the international day, the Islamophobia Register, together with Monash University, released its fifth report on Islamophobia in Australia. In the history of the Islamophobia Register's reporting, this year of reporting, covering from January 2023 to the end of November 2024, had the highest ever number of in-person and online incidents of Islamophobia. They include verbal and physical assaults as well as property destruction. The most common victims of Islamophobic attacks were found to be women and girls. New South Wales had the highest number of in-person incidents across Australia, with New South Wales also having

the largest Muslim community in the country. Incidents have had long-term impacts on many of the victims, with testimonies including:

My children were hurt and upset. We are traumatised and worried about being in public places.

Another is:

The incident occurred one week ago. I feel traumatized and extremely anxious. I have had panic attacks and nightmares. I have also been unable to work.

The additional subparagraphs that I added to my motion acknowledge the disturbing number of recent threats to mosques around Sydney, including to the Australian Islamic House Masjid in Edmondson Park, the Imam Ali bin Abi Taleb Mosque in Lakemba and the United Muslims of Australia Centre in Padstow. These acts must be called out strongly for what they are: Islamophobic and hateful. There is no place for prejudice in New South Wales. People have the right to go to their places of worship without fear. I note that the threats are being investigated as a matter of great urgency by the NSW Police Force and that a Western Australian teenager has been arrested in relation to the threats to the Australian Islamic House Masjid in Edmondson Park.

I thank the Islamophobia Register for the important advocacy work it does, noting that it also offers support services to the victims of Islamophobia who contact the register. I note that the Federal Government will soon receive recommendations from the special envoy to combat Islamophobia, Aftab Malik, on how it can be better addressed. I acknowledge the advocacy of the Australian National Imams Council, particularly its president, Imam Shady Alsuleiman, who raised with me the importance of recognising the International Day to Combat Islamophobia. The NSW Faith Affairs Council said it best in its statement acknowledging the International Day to Combat Islamophobia:

In commemorating this day, we call on people of all faiths and none to respect the diversity of beliefs in our state. Each of us has a responsibility to build trust within our multicultural and multifaith communities.

The United Nations defines Islamophobia as:

a fear, prejudice and hatred of Muslims that leads to provocation, hostility and intolerance by means of threatening, harassment, abuse, incitement and intimidation of Muslims and non-Muslims, both in the online and offline world. Motivated by institutional, ideological, political and religious hostility that transcends into structural and cultural racism, it targets the symbols and markers of being a Muslim.

I commend the motion to the House.

Ms CATE FAEHRMANN (15:45): I support the amended motion and indicate that The Greens will support it. In the past 18 months there has been a significant increase in the number of Islamophobic attacks being reported across this country. The motion refers to the report by the Islamophobia Register of Australia, compiled by researchers from Monash and Deakin universities, which found that Islamophobic attacks have more than doubled from January 2023 to November 2024. Released on 13 March, the report consists of data from hundreds of reports made to the Islamophobia Register of Australia, as well as an examination of 18,000 social media posts shared on X. The findings are shocking. Like previous reports, gender was a prominent feature of Islamophobic attacks.

Women accounted for 75 per cent of all incidents. Muslim women and girls were 95 per cent of the victims of reported incidents on public transport; 83 per cent of reported incidents on the street, parking or driving; and 100 per cent of spitting incidents. These statistics are confronting, and the stories shared by members of the Muslim community are abhorrent. But the report's authors believe that these statistics are an underestimation of the true extent of Islamophobia in Australia because, of course, of under-reporting. On 4 March Sydney's newest mosque, the Australian Islamic House Masjid Al-Bayt Al-Islami in Edmondson Park, reported an online threat made against it on a social media platform, with a user commenting, "I'm about to christ church 2.0 this joint", referring to the 2019 Christchurch terror attack. In December last year Mr Ehab Elhila was flying a Palestinian flag on his truck, and it was set on fire outside his home.

From actively discouraging vigils in solidarity with Gaza, to rushing hate speech laws after the Dural caravan incident, the political response to the war, much of it at the insistence of powerful Zionist lobby groups, has only served to further fuel division and turn a blind eye to the extent of attacks on people and institutions of the Muslim faith, which are happening every day in this country. The Zionist lobby wants to bring down anyone who dares stand up for the rights of Palestinian people, who dares call what the Israeli Government is doing in Gaza genocide and call Benjamin Netanyahu and his cronies in power war criminals. It is disgraceful. This motion condemning Islamophobia is so important in this climate.

The Hon. AILEEN MacDONALD (15:49): Islamophobia is not just fear or misunderstanding; it is a form of racism. It targets individuals because of their religion or appearance, and it can manifest as abuse on the street, online hatred, discrimination at work or in education, and even violent threats. And it is rising. Saturday

15 March 2025 marked the International Day to Combat Islamophobia—a day that coincides with the anniversary of the tragic Christchurch attacks where 51 Muslims were murdered while at prayer. It is a day not only of remembrance but of resolve, to reaffirm that every person in New South Wales, regardless of their faith, has the right to live free from fear and hatred. Islamophobia—and racism, more broadly—are persistent and destructive forces in our society. As the Leader of the Opposition, the Hon. Mark Speakman, SC, MP, said in recent correspondence:

We must stand together to stamp out hate.

New South Wales is home to some of the most vibrant and diverse communities anywhere in the world, and that is something we must cherish, not fear. That is why the recent obscene and reprehensible threats made against mosques in Edmondson Park, Lakemba, and Padstow are so deeply disturbing—especially during the holy month of Ramadan, a time of prayer, peace and reflection for Muslims. Using the memory of Christchurch as a threat is not just hateful; it is dangerous, and it must be condemned.

In the face of hate we have also seen great strength—communities rallying together, interfaith leaders standing side by side and everyday Australians speaking up for respect and unity. During the Second World War there is a lesser-known story that speaks to this spirit of solidarity. In Albania, a Muslim-majority country, hundreds of Jewish people fleeing Nazi persecution were protected by Muslim families, at great personal risk. They were sheltered, hidden, fed and kept safe. The reason for that was a deep cultural code called Besa, meaning to keep a promise. These families believed it was their moral and religious duty to protect those in danger, no matter their faith.

That story reminds us that the antidote to hate is not just tolerance but friendship. It is standing up for one another. It is saying, "Your safety, your dignity, your freedom to worship matter to me." That is what we need now. We need to listen to the lived experiences of Muslim Australians, particularly women and young people; educate in our schools, workplaces and communities to break down stereotypes; and lead by standing up against racism and Islamophobia, whether it is subtle or not. I support the motion and stand with our Muslim communities, not just today but every day.

The Hon. ANTHONY D'ADAM (15:52): I contribute to the debate and thank the mover for bringing it forward today. We all recall with horror 15 March 2019 when 51 people were murdered and 89 people were injured in Christchurch. It was a horrific event and one that has left an indelible scar on Muslims across the world. I convey my condolences to all those who lost family and friends in Christchurch and to the Muslim community for their loss. We need to remember that, while the event occurred in New Zealand, the perpetrator was a product of Australia. Something dark is festering in the Australian culture and the media debate around the place of Muslims in this country. I am very disturbed by a statistic from the research of the Scanlon institute into social cohesion that found that one in three Australians express negative attitudes towards Muslims more than any other religious group.

Let us just pause to consider why that might be. I think there is something about the public discourse around the role of Islam in our society that is engendering this type of hatred. Islamophobia is real. Despite the fact that some people want to deny its existence, it is unfortunately part of the lived experience of Australian Muslims. I commend the work of the Islamophobia Register. It does critical work in terms of documenting incidents, even though we know many incidents go unreported. We have seen a 250 per cent increase in online incidents of Islamophobia and a 150 per cent increase in in-person incidents reported in the most recent Islamophobia Register report released just last week. That is very disturbing.

The other thing that is also of great concern is the gender-based nature of many incidents, with 75 per cent of victims being women and girls. Obviously, there is a physical marker in terms of women wearing a hijab that presents a target for those who have malicious intent and clearly, as documented by Islamophobia Register, this is providing a target and I think we should recognise that we need to combat Islamophobia wherever it rears its head in every instance. We all have a duty to make sure that in our comments in public we are very careful not to engender hatred towards Muslims.

Dr AMANDA COHN (15:55): I add my support to the motion that we recognise the International Day to Combat Islamophobia. The anniversary of the terrorist attack committed by an Australian white supremacist in Christchurch, murdering 51 people, is 15 March. The recently released report from the Islamophobia Register Australia and Monash University is an alarming read, and I encourage my colleagues to read it if they have not already. Islamophobia in Australia is on the rise. In particular, it is worth noting the 510 per cent increase in Islamophobic incidents reported since 7 October 2023. The report describes statistics and chilling examples of physical and verbal assault against Muslim Australians and, as my colleague Cate Faehrmann has described, a disproportionate impact on Muslim women and girls.

Mosques are being threatened with violence, racist graffiti is an increasingly common occurrence, and Muslim Australians have lost their jobs or been demonised in the media for holding legitimate political views opposing the actions of Israel in Gaza. About half of the reported incidents in this national report occurred in New South Wales. Our State is home to the largest population of Muslim Australians. This has not been responded to with the urgency it deserves from the New South Wales Government or the Federal Government. We in the New South Wales Parliament are absolutely part of the problem and I have heard disturbing Islamophobia expressed in debate here in the two years since I was elected. Similarly, allowing rhetoric that blames migrants and communities of colour for a housing and cost-of-living crisis, which successive governments have failed to address, allows racism in the community to flourish.

Yesterday the Federal Government handed down its budget. It has a blueprint for how to address racism in this country in the National Anti-Racism Framework from the Australian Human Rights Commission. The framework contains 63 recommendations for a whole-of-society approach to eliminating racism, with proposed reforms across Australia's legal, justice, health, education, media and arts sectors, as well as workplaces and data collection. This budget was an opportunity to show that the Government is serious about addressing this, but there was no mention of it in the Treasurer's budget speech and no additional funding for the implementation of the framework. I know that the Parliamentary Secretary for Multiculturalism takes his role very seriously. This motion is extremely welcome, and it must be the start—not the end—of the action this Government takes to address Islamophobia in New South Wales.

The Hon. MARK LATHAM (15:57): There is a sameness about this debate. We have these debates on a regular basis and I always wonder how successful is a parliament or a government in telling people, "You're naughty" or "Don't do something", whether it is gambling, racism or some other form of social attitude. We do not seem to have a lot of success because the reputation of government is not strong. Our agencies, like Multiculturalism NSW, tend to be part of that. They tend to have some outreach programs that do not actually reach very far or have much of a result.

I think, on the question of relations with people of Islamic faith, it might be wise for the agencies and the Government to try a different approach. People get most of their values and views from lived experience, not the finger wagging of a government or a parliament. On the local scene, there is not a huge amount of contact between people of an Anglo background born in Australia and Islamic people. There is a bit, but it is not a big feature of our society.

Probably the things that shape values the most are perceptions about the Middle East and, of course, what is happening now in Gaza and the controversies around Israel. Whichever side of that debate the average Australian is on, they do not look at it very favourably. A long time ago, my father—may he rest in peace—used to say, "All these problems overseas—why not put them in a big paddock and let them fight it out?" Unfortunately, that is kind of what is happening now in Gaza, and that is still a bit of an Australian attitude.

I would like to see an effort by the Government, through the agencies that do what I think of as do-gooder programs, to take a different approach—that is, to promote the idea that the Middle East is no longer desert, sand and oil. In fact, there is an argument now to say that, in the Middle East, the dynamic city economies of Doha, Riyadh, Dubai and Abu Dhabi are more advanced than ours. Those city-states are dynamic, effective and productive economies. It is phenomenal how quickly they have been developed and built. There is an argument to be made to Australian people that we historically have an attitude—and I do not want to express it too crudely—of "We are superior to them. They are out there in the desert. All they live off is oil. That is their only source of revenue." That perception is wrong and we should change it by promoting the idea that those four city-states in particular are more effective and dynamic than our economy.

We can no longer regard people from the Middle East as somehow inferior to the Australian way of life and our wealth and standards of living. How about we give that a try, rather than finger wagging? Back in the '90s we used to talk about the four Asian tigers of Singapore, South Korea, Hong Kong and Taiwan. We should be talking about the four Middle Eastern dynamic city-states that are way ahead of us. Perhaps that is our hope for changing some of these unfortunate perceptions.

The Hon. CAMERON MURPHY (16:01): I, too, speak in support of the motion. To pick up something that the previous speaker said, it is inherently obvious and important that part of the process to stop Islamophobia, which is growing at an alarming rate, is education. That has to be central to this debate. Rather than finger wagging, as it was put, it is about educating people. The first step, though, is recognising that there is a problem, and there is clearly a problem. The *Islamophobia in Australia Report V 2023 - 2024* sets out the problem with staggering clarity when it outlines the massive increases in the numbers of reported Islamophobic incidents. There has been a 250 per cent increase in online incidents and a 150 per cent increase in in-person incidents year on year since the first report was published.

The types of Islamophobic incidents reported are mostly incidents against women. The reason for that is pretty obvious: Women are probably the people most easily identifiable as Muslims in public. Someone wearing what is clearly Islamic dress, sitting on a bus or a train, then becomes the target of some pretty awful, vulgar commentary. The report highlights that women are disproportionately targeted, accounting for 75 per cent of the victims, including 79 per cent of verbal abuse cases and 60 per cent of physical assault cases. The incidents also occur for people in the community who are simply expressing their right to protest.

One of the most alarming incidents to me is one where a man was simply flying a Palestinian flag on his property when an unknown individual left an improvised petrol bomb on the windshield of his car. People are being singled out because they are Muslim, or somebody perceives them to be Muslim, and then they are targeted in a way that demonstrates an underlying hate for that person's culture. We have to stamp this out. We need more police investigation, as well as education and awareness. The first step is recognising the significance of the problem, which is only growing, and also making sure that we, as members of Parliament and public officials, do what we can to stop it. We must stamp out Islamophobia in Australia. I commend the motion to the House.

Ms SUE HIGGINSON (16:04): I contribute to debate on the motion and draw attention to a deeply disturbing incident involving off-duty police officers and the failure of the NSW Police Force to appropriately investigate clear allegations of Islamophobia and hate speech. The incident, which now has been reported by *The Guardian*, involved off-duty police officers gathered at the home of a serving police officer in Glenmore Park. What began as a dispute about pool water flowing into a neighbour's property escalated into what the complainant has described in their own words as "hate crime, harassment and trying to intimidate us". The complainant details that, after asking the officers to stop flooding their property:

They started yelling Allahu Akbar at different times. On one occasion one person said 'Allahu Akbar Boom', then another time many people were yelling together very loudly 'Allahu Akbar' and mentioning Hezbollah.

That was not a random outburst. That was in front of serving New South Wales police officers who were guests at a party. The complainant rightly asks:

Are the police allowed to promote a terrorist organisation when they are off duty? Did Officer S and his police officer mates breach their conduct by yelling?

These are serious questions. Those words were not innocuous. They were a deliberate invocation of racist, Islamophobic tropes. The neighbour and their family were labelled, targeted and threatened based on their religion.

The complaint was made, the footage was provided and the police response was dismissive. The investigator's conclusion was "The chanting you heard was not directed at you in any way. It was banter between friends." Since when is invoking racist and Islamophobic tropes in front of your Muslim neighbour considered banter? The complainant is right to say:

If I was the person who said to them what they said to me... we would be arrested and it would be a big headline in the media: a terrorist threat.

But because they are police, it is waved away as harmless. This is Islamophobia and it is deeply embedded. The family asked for the matter to be referred to the police commissioner and the officer responded that it would go instead to her assistant manager because the commissioner is a very busy lady. The commissioner, the Premier and the Minister spend plenty of time in front of cameras telling the public that they do not tolerate hate crimes, but when it happens within the force itself, it is ignored. This family deserves answers, safety and accountability. We cannot turn a blind eye to Islamophobia, especially from those who wear the uniform.

The Hon. STEPHEN LAWRENCE (16:07): I contribute to debate and commend the mover of the motion. It is important. Of late I have heard a bit of commentary in the right-wing media, particularly on Sky News, about whether Islamophobia is real. I certainly think that it is real. I remember going with other councillors to my local mosque after the Christchurch massacre, and it was harrowing indeed to hear the stories we were told. I remember distinctly being told by a number of men that their women had been harassed in shops in Dubbo. Those were people speaking in front of their own community. I have absolutely no doubt that it was true. I was shocked to hear it. This is a real thing.

It is worth thinking about the causes and origins of Islamophobia. Most Muslim people are people of colour, so I think racism bleeds into this. I think also that perceptions about Islamic extremism or fundamentalism have an impact. But the reality is that all religions have their extremists. There are Christian extremists, Hindu extremists and even Buddhist extremists. I remember reading about the civil war in Sri Lanka and about Buddhist extremists in that country. We can go through the text of any religion, particular the ancient ones, and find things that can be lent to an extremist purpose and interpreted in a particular way. That is not unique to Islam.

What is particular to Islam, in a sense, is the incredible social, political and economic changes that have taken place in the Middle East over the past 100 years. I do not know that any part of the world has had the

transformation that it has had. That, in a way, has generated a lot of extremism and fundamentalism because people always seek to use religion as part of politics. It is hard to separate the two and, in countries where there are extreme shifts and political contests happening, religions are much more likely to be manipulated and taken to extreme degrees.

I do not think Islamophobia is talked about enough. I do not think the Muslim community in Australia has the political power and clout that other communities have. I do not think it suits certain people's agendas and political narratives and geostrategic interpretations of issues to talk about Islamophobia as much as they do about certain other things. That is why I commend the Hon. Mark Buttigieg for moving this important motion at a really important time.

The Hon. MARK BUTTIGIEG (16:10): In reply: I thank all members who have spoken for their very thoughtful contributions to what has been a good debate: Ms Cate Faehrmann, the Hon. Aileen MacDonald, the Hon. Anthony D'Adam, Dr Amanda Cohn, the Hon. Mark Latham, the Hon. Cameron Murphy, Ms Sue Higginson and the Hon. Stephen Lawrence. What came out of the debate, which was very positive and had good contributions from all members who spoke, is that, if we do not take these things seriously—in this case, Islamophobia on the commemoration of the International Day to Combat Islamophobia—we run the risk of our nation or State giving cultural licence to people who do not necessarily subscribe to the idea of multiculturalism and tolerance that we value so much, and who undermine it and create disharmony in society. Unless we are vigilant, both as a government and as a people, in stamping that out whenever we see it—and that is what this motion is about and what previous motions for other groups have been about—then we run the risk of it happening.

I hope this issue is not used either tangentially or centrally in the lead-up to the Federal election, in either of the campaigns, because it does have a tendency to be used for political opportunism from time to time. In a lot of ways these things are not new. I remember, when I was growing up, the stigma that so-called wogs would have to put up with at school. Having lived through that, and remembering the humiliation felt when those sorts of things were perpetrated, I can only imagine what people are feeling because of the disgusting and vile incidents that are in the report mentioned during the debate.

The Hon. Mark Latham made a good point about lived experience, racism and looking down our noses at other countries from time to time, thinking that we are superior. That is a big part of it. A lot of it is about understanding that people come from different perspectives too. It is all right for us as Australians to say, "Leave your troubles where they are", but the fact is that people come to this country from a number of different experiences and perspectives, including oppression, famine and war. We have to respect that, know that they bring those experiences to us and empathise with them because we are stronger as a whole when we can put ourselves in other people's shoes. I commend all the contributions to the debate. I am gratified that it looks like the motion will be supported. I commend the motion to the House. Once again, I thank the report authors and Sheikh Shadi for bringing the issue to my attention

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

Motion agreed to.

Bills

CLAIM FARMING PRACTICES PROHIBITION BILL 2025

First Reading

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

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

Statement of public interest tabled.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

*Documents***RACING NSW****Production of Documents: Further Order**

The Hon. MARK LATHAM (16:14): With a strong sense of déjà vu, I move:

- (1) That this House notes that:
 - (a) on Wednesday 25 September 2024, Thursday 24 October 2024 and Thursday 14 November 2024 the House has rejected the view of Racing NSW that it was not subject to the powers of the House under Standing Order 52, asserted its power to order the production of documents directly from entities not subject to ministerial direction or control, and reiterated orders for the production of documents from Racing NSW;
 - (b) on Thursday 24 October 2024, following receipt on Wednesday 16 October 2024 of a return from Racing NSW and correspondence stating that the documents were provided "voluntarily", this House:
 - (i) noted that the only established mechanism by which entities may lodge documents with the Clerk directly is under Standing Order 52;
 - (ii) rejected the statement by Racing NSW that the documents were provided voluntarily, and the views expressed in the legal advice provided by Racing NSW; and
 - (iii) noted receipt of the return from Racing NSW under Standing Order 52.
 - (c) on Tuesday 5 November 2024 a return was received from Racing NSW to the orders of the House of Tuesday 15 October 2024 relating to correspondence regarding animal welfare and Wednesday 23 October 2024 relating to Racing NSW, stating that:
 - (i) "...whilst Racing NSW gave careful consideration to producing documents voluntarily out of respect for the House and in the interests of cooperation, the resolution of the House on 24 October 2024 effectively removes that as an option"; and
 - (ii) "Racing NSW has been left with no option but to not answer the Orders for Papers dated 15 October 2024 and 23 October 2024".
 - (d) on Thursday 14 November 2024 this House reiterated the order of Wednesday 23 October 2024 for the production of documents from Racing NSW relating to Racing NSW;
 - (e) on Monday 18 November 2024, Racing NSW requested to vary the due date of the further order for papers relating to Racing NSW, however as no agreement was reached with the member who moved the motion, the original due date of Tuesday 19 November 2024 was not varied; and
 - (f) on Tuesday 19 November 2024, a return was received from Racing NSW that:
 - (i) stated that Racing NSW is not subject to orders for the production of documents made by the House under Standing Order 52, but "remains willing to assist the House in its inquiries, provided they are kept within their proper bounds", and that it is "subject to the time constraints" as no agreement was reached to vary the due date of the order;
 - (ii) discussed the scope of the order and provided information in response to each paragraph of the order; and
 - (iii) stated that no documents that are covered by paragraphs (4) (c), (d), (e) or (f) of the resolution are held.
- (2) That this House:
 - (a) notes the failure of Racing NSW to produce documents in response to the order of the House of Thursday 14 November 2024,
 - (b) notes that, in relation to paragraphs (4) (a) and (b) of the order:
 - (i) the Select Committee on the Proposal to Develop Rosehill Racecourse received the Racing NSW Policy on Monitoring the Use of IT Resources, dated August 2016; and
 - (ii) the return received on Tuesday 19 November 2024 indicated that it has documents concerning staff notification of monitoring and surveillance, office signage, and "technical documents and the like relating to how IT systems operate".
 - (c) notes that, in relation to paragraphs (4) (c) and (d) of the order:
 - (i) Racing NSW has said that it has recording devices in its boardroom;
 - (ii) the CEO of Racing NSW has said he has delegation from the board for the conduct of all stewards' inquiries;
 - (iii) Racing NSW has said that recording devices are used for stewards' inquiries, clearly for the purposes of transcripts; and
 - (iv) the CEO conducts a large number of meetings in the boardroom rather than in his personal office, the boardroom is also used as a waiting room for those appearing at stewards' inquiries, accompanied by their legal representatives, and recording or listening devices have been installed.

- (d) notes that, in relation to paragraphs (4) (f) of the order some trainers in New South Wales apply for financial relief from swab fines, and on other occasions Racing NSW officials grant financial relief from their own initiative; and
 - (e) is of the opinion that the call for papers is important and justified, that documents exist that fall within the scope of the order for papers and that the return provided on Tuesday 19 November 2024 is not in compliance with the order of the House.
- (3) That this House reiterates the views expressed in the resolutions of the House of Wednesday 25 September 2024, Thursday 24 October 2024 and Thursday 14 November 2024, that:
- (a) rejects the views expressed in the legal position provided by Racing NSW, noting in particular:
 - (i) in 1996, in *Egan v Willis & Cahill*, Priestly JA gave guidance, which was cited with approval by the majority in 1998 in *Egan v Willis*, which stated that "...it is well within the boundaries of reasonable necessity that the Legislative Council have power to inform itself of any matter relevant to a subject on which the legislature has power to make laws";
 - (ii) the majority in 1998 in *Egan v Willis* also cited with approval the 1997 judgment in *Lange v Australian Broadcasting Corporation* that "... the conduct of the executive branch is not confined to Ministers and the public service. It includes the affairs of statutory authorities and public utilities which are obliged to report to the legislature or to a Minister ...";
 - (iii) the advice of Mr Bret Walker, KC, tabled on 18 November 2015, which stated that "... It would be perverse to suppose that Parliament has enacted the existence and nature of such [independent] authorities in order to remove the public affairs for which they are responsible from Parliament's own scrutiny"; and
 - (iv) the advice of the Crown Solicitor, dated 27 September 2024, received from the Independent Planning Commission on 11 October 2024, which stated "I proceed on the basis that the House has power to compel an entity such as the Commission, not relevantly subject to ministerial direction or control, to produce documents under Standing Order 52 ...".
 - (b) notes that notwithstanding variations in governing legislation, in accordance with the common law power of the House to order the production of documents under Standing Order 52, this House continues to receive returns of documents directly from entities which are not subject to ministerial direction or control.
- (4) That this House, accordingly:
- (a) reasserts its common-law power to order the production of documents in the possession, custody or control of Racing NSW, which is obliged to comply with orders made by the House under Standing Order 52; and
 - (b) rejects the view of Racing NSW that it is not subject to orders for the production of documents made by the House under Standing Order 52.
- (5) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of Racing NSW relating to Racing NSW:
- (a) all documents relating to the monitoring and auditing of web traffic and emails of Racing NSW employees, including documents relating to the use of information and data captured;
 - (b) all documents relating to the use of closed circuit television footage from the Racing NSW Druitt Street, Sydney, office;
 - (c) all documents relating to the installation and maintenance of listening or recording devices in the Racing NSW boardroom, Druitt Street, Sydney office;
 - (d) all transcripts or recordings, partial or full, from listening or recording devices in the Racing NSW boardroom, Druitt Street, Sydney office;
 - (e) all communication between the chief executive, Peter V'landys, and Racing NSW chief stewards over the past five years concerning stewards' inquiry findings and recommendations, where Mr V'landys has been involved in, or commented on, decision-making, either:
 - (i) before a stewards' inquiry;
 - (ii) during a stewards' inquiry; and
 - (iii) after a stewards' inquiry.
 - (f) all documents relating to the payment and non-payment of positive swab fines for all New South Wales tracks and trainers over the past 10 years, including all documents relating to waiving fines; and
 - (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (6) That this House expects adequate searches are undertaken to ensure full compliance with orders made under Standing Order 52, and should Racing NSW fail to table the documents in compliance with this resolution a further time, it will be a matter for the House to take necessary actions and further steps to address the issue of non-compliance, including calling representatives of Racing NSW to attend at the Bar of the House.

Again, this motion asserts the powers of the House to call for papers relating to Racing NSW. The matter has been canvassed extensively. The motion starts by recalling the assertion of our powers in September, October and November of last year. We had a brief respite over the Christmas break and then a few other matters in the first sitting fortnight of this year, but this matter is back. The motion, quite simply, ensures that this House—as it has

done with Greyhound Racing NSW, which complies—asserts our Standing Order 52 powers over Racing NSW, the rogue regulator that had a litany of allegations made against it, a lot of them credible, at the Rosehill inquiry, which obviously was not for that specific purpose, but it was an inevitable consequence of looking at aspects of racing in this State.

The matters have been well canvassed in the House. The material that this long motion is calling for is important—I would have thought particularly important for the Labor Party, with the allegations of unlawful surveillance of staff at the Drutt Street office of Racing NSW. A party of the workers should always want to ensure that the statute for workplace surveillance is being followed and workers have due notice. There was credible evidence before the Rosehill inquiry that that has not been the case. Importantly, the racing Minister has announced an impending review of the Thoroughbred Racing Act, which is the statute that governs the administration of Racing NSW. How are we as a House to know what alterations might be required out of recommendations from that review? How can we make an assessment of the future framework and detail of the Thoroughbred Racing Act if we do not have documents from Racing NSW about its strengths and weaknesses?

To legislate effectively as parliamentarians, we need this call for papers under the Standing Order 52 power. I am delighted to see on the other side of the Chamber two of the great champions of calling for papers in this place. The first is the Hon. Daniel Mookhey, after whom we have actually named a library. I will probably want to rename it because he is starting to fade in his determination in this regard. Naming rights are only relevant to your last race, and our weight-for-age champion and Cox Plate winner could barely win a Gulargambone maiden at the moment with his record on calls for papers. The naming rights might be revoked. His offside, trainer, steward, mentor and farrier, the Hon. John Graham, is not doing much better either. He has drawn the short straw. He will give the arguments we always hear about the protection racket around Racing NSW, call for a division and lose.

I invite everyone to come to the Jubilee Room this evening, where, as part of its charm offensive around the building, Racing NSW is hosting a function. The word on the street is that the great man himself, Peter V'landys, is going to be present. Certainly, Saranne Cooke will be, which is critically important for the Government. That is the solution to the housing affordability crisis. You do not need to sell or even buy Rosehill; you just get Saranne Cooke to hand out \$1 houses all over New South Wales and problem solved. There is a lot to be gained from attending. Of course, I will be there with bells on. I invite, on behalf of the parliamentary friends of racing, all MPs. They have heard so much about racing. Earlier today the Hon. Rose Jackson said she has no culture and no values; she has never been to a racetrack.

The Hon. Courtney Houssos: No, she said she has never been to Rosehill.

The Hon. Daniel Mookhey: Or the Australian Turf Club.

The Hon. MARK LATHAM: Well, we have the four tracks in Sydney, so it sounds like she has not been at all. She has a pretty good list of gifts, including going to the World Cup soccer from the Hon. John Graham and Venues NSW.

As we say at the track, people need to get their backside trackside and get a bit of culture about them, in the great working-class tradition of people like Bill McKell, former Labor Premier, Governor General and also founding chair of the Sydney Turf Club [STC], which was swallowed up by the Australian Turf Club [ATC]. If Bill McKell were still in charge of the STC, the Rosehill proposition would not have come forward. Racing is a great Labor and working-class tradition. I could read out the list of Labor luminaries who loved the track, like John Brown and Bob Hawke. Of course, they would all support the powers of this House to call for papers. I hope the Government comes on board and supports the motion. I hope our great weight-for-age champion votes in favour of the powers of the Chamber and his trainer, Labor's answer to Bart Cummins, also comes on board and does the right thing, otherwise all the Government's rhetoric in the last term of Parliament will count for nothing.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (16:20): I agree with the Hon. Mark Latham that racing in New South Wales is a great Labor and working-class tradition. That is very true. It began with McKell, or perhaps it began before that. The member named many other more recent fans of the track, although he did miss a couple. But he did very well to name them. I make the qualification that it is a great NSW Labor working-class tradition. It does not quite extend as far as South Australia. There is a different attitude around the track in Adelaide, but it is okay in Victoria. There is a strong crossover in New South Wales, as should be the case.

The member was right to draw attention to the long history of this motion. The House took action on this matter on 25 September, 24 October and 14 November 2024. The Government's position over that time has not changed. I refer members to the contributions the Government made in those debates. It went to some lengths to talk to the legal issues sitting behind that position. For those reasons, the Government does not support the motion.

The Government does not view the matter as a dispute between the House and the Government but between the House and an independent entity, Racing NSW. I reiterate the reason that is the case is Racing NSW is established under section 4 of the Thoroughbred Racing Act 1996. It is not a government entity; it is an independent body. Those are the reasons the Government has set out in taking this position.

When an order for papers names an entity that is not subject to ministerial direction or control, the usual practice of the Executive is to authorise the Clerk to liaise directly with the entity in relation to the order for papers and its response. That was the practice in response to previous motions, and it will be the practice if the motion is passed by the House. The question about whether a statutory body is required to respond to an order for papers will depend on the terms of its relevant constitutive statute. It is up to Racing NSW to respond as appropriate. The Government does not dispute the fact that members are entitled to move motions such as the one before the House. However, as I indicated, the Government does not support the motion.

The Hon. CHRIS RATH (16:22): The Opposition supports the order for papers under Standing Order 52. This is the third time the Hon. Mark Latham has moved this motion.

The Hon. Mark Latham: Fourth.

The Hon. CHRIS RATH: It is the fourth time. In line with previous contributions on the same topic, in the interests of transparency, accountability and integrity, the Opposition supports the motion.

Ms CATE FAEHRMANN (16:23): The Greens support the motion, as we supported the earlier motions moved by the member in an attempt to get information from Racing NSW. I did not hear the member put forward any arguments about why the House should support the motion or why Racing NSW should give the House the information that it has been ordered to provide for many months. The member's contribution to his motion was very interesting, but there are serious issues and unanswered questions behind the call for papers. As I have said repeatedly, Racing NSW was established under the Act and it does have responsibilities. It is not good enough for Racing NSW to blatantly refuse to produce documents that the House has repeatedly ordered it to produce.

I certainly hope it sees sense and produces documents so the member does not move this motion for the fifth or sixth time this year. We must look at what the motion should state so that Racing NSW agrees to produce documents to this House. It is untenable to continue to debate the matter. The House does have powers and Racing NSW must stop acting as though it is a regime that is not answerable to the Government or Parliament of New South Wales.

The Hon. MARK LATHAM (16:25): In reply: I did put forward arguments. The main argument was that it is absurd to think that a body created by this Parliament is not responsible for responding to a call for papers by this Chamber, for the logical reason that, as legislators, we cannot know what to do with the Thoroughbred Racing Act if we do not have access to the documents that may guide us in the appropriate direction. That was a finding of the court; I put that argument. Members will find in the court judgements on the Standing Order 52 order for papers a learned statement that legislators have the right to call for papers to know what legislation might be needed in the future. For us to inform ourselves—that is one of the most basic functions of the Parliament. The Government's position on the motion is absurd, and Racing NSW is being treated differently. These are all voluntary. This is my third attempt to draw documents from Racing NSW. Paragraph (6) states:

... should Racing NSW fail to table the documents in compliance with this resolution a further time, it will be a matter for the House to take necessary actions and further steps to address the issue of noncompliance, including calling representatives of Racing NSW to attend at the bar of the House.

As my motion states, instead of celebrating in the Jubilee Room this evening, as it is doing, Racing NSW will be made to come to the bar of the House to explain why, as a body created by this Parliament, it feels no responsibility or accountability to this Parliament. There is not much point in us being legislators if we do not know what we are legislating about. That is the whole point of dragging Racing NSW to the Parliament. It is a rogue regulator and its CEO has the media outlets in his pockets. He wields other power too. He seems to have a lot of influence with the Executive Government in the other place. I am not expressing comedy. The Executive Government does not support the motion before the House to order Racing NSW to produce documents. This House is very often the last line of defence for integrity in New South Wales. It must exert its powers and do all that is needed to bring this rogue regulator to account, including drawing it to the bar of the House.

The House made that threat on a previous occasion and Racing NSW produced documents. It did not produce documents because it felt a compulsion or respect for the powers of our Chamber, although it did say that those documents were produced voluntarily. That threat was the one thing that worked in the past, so it must work again. Minister Harris has announced a review of the Thoroughbred Racing Act. Two things should be included the Act: Racing NSW, having been created by the Parliament, is responsible and must be included in orders for papers; and orders for the production of documents are not voluntary but compulsory. Whether it is a ministerial direction or a paragraph in an order for papers under Standing Order 52, those powers are vital.

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

The House divided.

Ayes23
Noes16
Majority.....7

AYES

Barrett
Boyd
Carter
Cohn
Faehrmann
Fang
Farlow
Higginson

Hurst
Latham (teller)
MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Mitchell

Munro
Overall
Rath (teller)
Roberts
Ruddick
Tudehope
Ward

NOES

Buckingham
Buttigieg
D'Adam
Donnelly
Graham
Houssos

Jackson
Kaine
Lawrence
Mookhey
Moriarty

Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

Motion agreed to.

Motions

ENDOMETRIOSIS AWARENESS MONTH

The Hon. EMMA HURST (16:36): I move:

- (1) That this House notes that:
 - (a) March is Endometriosis Awareness Month;
 - (b) endometriosis is a chronic and progressive condition that can severely impact a person's quality of life and the ability to fully participate in school and work, and yet remains widely misunderstood and underdiagnosed;
 - (c) the Periods, Pain and Endometriosis Program, also known as the "PPEP Talk" is an education program run by the Pelvic Pain Foundation of Australia which delivers medically accurate and age-appropriate information to teenagers;
 - (d) PPEP Talk empowers young people to manage period pain, recognise when period pain is not normal and identify signs of potential endometriosis, facilitating earlier diagnosis and treatment;
 - (e) the Pelvic Pain Foundation has delivered their "PPEP Talk" to almost 100,000 students and staff around Australia in the past five years, with consistently positive reviews;
 - (f) the Pelvic Pain Foundation has funding from the Federal Government which allows them to deliver the program in private schools across Australia, including in New South Wales;
 - (g) there is no funding provided by the Government in New South Wales for the Pelvic Pain Foundation or any other organisation to deliver the same program in public schools despite State governments providing funding in every other State across Australia, meaning New South Wales public school students are currently the only students across the country missing out on this vital education;
 - (h) the Pelvic Pain Foundation is currently seeking support from the Government to expand their program into New South Wales public schools, which will cost a modest \$200,000 per annum to deliver 125 sessions across 90 schools each year, including in metropolitan, regional and rural areas, and will ensure public school students in New South Wales have the same opportunity as public school students in other States;
 - (i) the Pelvic Pain Foundation recently released a report that found that 53 per cent of teenagers experienced regular severe period pain over the last six months; and
 - (j) given it takes an average of 6.5 years to receive a diagnosis of endometriosis, we need to ensure that students in New South Wales are given the necessary information and support to ensure they receive early diagnosis and treatment for this debilitating chronic illnesses.
- (2) That this House recognises Endometriosis Awareness Month 2025 and the calls to raise awareness and support for the almost one million people in Australia affected by endometriosis.

- (3) That this House calls on the Government to provide the necessary funding to enable public school students to also have access to specific educational programs on endometriosis such as the PPEP Talk program.

March is Endometriosis Awareness Month, a time to shine a light on this chronic and progressive condition that profoundly impacts the lives of almost one million Australians, particularly women and girls. Despite its prevalence, endometriosis remains widely misunderstood, underdiagnosed and underfunded in this country. Endometriosis is a complex disease where tissue similar to the lining of the uterus grows outside the uterus, causing inflammation, scarring and intense pain. The symptoms can be debilitating, affecting not only reproductive health but also bowel, bladder and musculoskeletal functions. Alarming, in 2025 it still takes an average of 6½ years for a person to receive a diagnosis for endometriosis.

As many members know, I have been diagnosed with stage 3 endometriosis and its evil cousin, adenomyosis. I have undergone two surgeries to deal with the pain of both of these conditions. On a late sitting night in one of my first years in Parliament I remember lying down in my office unable to move while a Minister I will not name knocked on my door and called out to me that he knew I was in there. What I have discovered during this whole process is how messed up the system is and the lack of support for women's health issues. New South Wales is really falling behind other States and Territories in Australia. In fact, we are the only State in the country that does not have dedicated funding for specific education programs in public schools about endometriosis.

That is despite the Pelvic Pain Foundation of Australia recently finding that 53 per cent of teens experienced regular severe period pain over the last six months. We need the same funding in New South Wales as every other State to support teens here. I know that if I had received information about endometriosis when I was at school, I would not have waited so long before taking action. I would have known that the pain I was experiencing was not normal. I recall being at the sick bay and being told I could not go home, even though I was in so much pain I could not walk.

The Periods, Pain and Endometriosis Program, known as the PPEP Talk, is an evidence-based educational program run by the team at the Pelvic Pain Foundation of Australia. This initiative provides medically accurate and age-appropriate information to teenagers, empowering them to recognise when period pain is not normal and to seek early diagnosis and treatment for potential endometriosis. The PPEP Talk has been delivered to nearly 100,000 students and staff across Australia, with overwhelmingly positive feedback. However, my concern is that specific education on endometriosis, like that offered in the PPEP Talk, is not currently being funded or made available to New South Wales public school students in the same way as other States.

The Pelvic Pain Foundation has managed to secure Federal funding to deliver the PPEP Talk in private schools across Australia, and in every other State, the Government has stepped up to provide funding for this program or a similar program in their public schools, except in New South Wales. That means public school students in New South Wales are missing out. For many teens, severe period pain is dismissed as "normal", leading to years of undiagnosed suffering. When young people are equipped with knowledge, they are empowered to advocate for their health and seek medical advice sooner. We want all young people in New South Wales to have access to this critical information.

The cost of expanding the PPEP Talk program into New South Wales public schools would be modest—just \$200,000 per year as an initial investment. It would enable 125 sessions of the PPEP Talk to be delivered in 90 schools annually, reaching students across metropolitan, regional and rural areas. Today, in recognition of Endometriosis Awareness Month, I call on the New South Wales Government to commit to provide the necessary funding to ensure that all public school students have access to critical education programs, like the PPEP Talk, about endometriosis. No student in New South Wales should miss out on the opportunity for early diagnosis and better health outcomes simply because they attend a public school. I commend the motion to the House.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:40): I lead for the Government in debate on this motion. I move:

That the question be amended by:

- (1) Omitting paragraph (1) (c) and inserting instead:
 - (c) educational programs which deliver medically accurate and age-appropriate information to teenagers about periods, pain and endometriosis are an important adjunct to the mandatory elements of the curriculum that cover more generic matters such as the anatomy and function of the reproductive health system, life changes and strategies to manage these personal care procedures;
- (2) In paragraph (1) (d) omitting "PPEP Talk empowers" and inserting instead "these talks empower".
- (3) Omitting paragraph (1) (g) and inserting instead:

- (g) unlike in other States, however, there is no equivalent dedicated funding for endometriosis education to be delivered to public school students in New South Wales, meaning New South Wales public school students are missing out on this vital education.
- (4) Omitting paragraph (1) (h).
- (5) In paragraph (3):
 - (a) inserting "through appropriate procurement to enable them" after "to enable public school students"; and
 - (b) omitting "such as the PPEP Talk program".

I indicate that the Government's amendments were drafted in consultation with the Hon. Emma Hurst, and it is my understanding that she finds the amendments acceptable. I also indicate that the Government will support the motion as amended. I thank the Hon. Emma Hurst for her advocacy on this important issue over a long-running period, being very frank and honest in sharing her own personal experiences. In public policy, the story is always so important, but having the courage to share your own personal story is very powerful, and I commend the member for doing that.

I am sure we have all read the statistics. There is no doubt that endometriosis is an extraordinarily painful condition experienced by so many women, but the condition is brought to life by the powerful stories such as that shared by the Hon. Emma Hurst. In her remarks she spoke about the importance of early diagnosis, and the Government certainly appreciates that. The department offers content on the female reproductive system and equips teachers to cover health issues, such as endometriosis and polycystic ovarian syndrome in an age-appropriate way. Schools can engage external providers, such as the Pelvic Pain Foundation of Australia, to deliver specific programs to complement their current personal development, health and physical education curriculum programs. We appreciate the opportunity to amend the motion to make it even better, and we look forward to supporting the motion and the member's campaign.

The Hon. SARAH MITCHELL (16:43): On behalf of the Opposition, I indicate that we support the motion moved by the Hon. Emma Hurst and thank her for doing so. I understand that she supports the Government's amendments. As the mover of the motion, we are happy to take her lead on those specifics. It is important that we continue to take the opportunity to discuss private members' business on Wednesdays so that we can raise real issues that affect so many people.

Two close friends of mine—whom I will not name because I have not told them that I will talk about them—suffer from quite debilitating endometriosis. I used to work with one of them, and, not dissimilar to the story shared by the Hon. Emma Hurst, she would literally be fine at work before needing to lie on the office floor in crippling pain. She could not always pick when it was going to occur, but it was very disruptive and painful. Luckily she was in an understanding work environment where she could go home when she needed to, but it was very challenging, and it gave me a lot of insight into what it is like for people who suffer from endometriosis.

Another good friend of mine was having issues falling pregnant. Upon investigation, she discovered that she had very serious endometriosis that needed surgery. Luckily that was successful, and she is now the mother of a beautiful baby boy. But I remember her telling me that the doctors said to her, "Weren't you in pain when you had your period?" She said, "I just thought periods were painful. I didn't realise it wasn't normal to not be able to get out of bed or to function and or completely feeling like I'd been hit by a Mack truck whenever it occurred." They are two small examples from strong women that I know. But that is the reality and the lived experience of thousands of people who suffer from this terrible ailment.

I acknowledge the work of the Pelvic Pain Foundation and the PPEP Talk, whom I met with in Parliament towards the end of last year. When I was the education Minister, we rolled out menstrual hygiene products in schools. At the same time, we looked at funding partnerships with the Federal Government to trial the program in schools. That happened just before our term finished. It was towards the end of January when I met with representatives from that program. For various reasons, the trial did not go ahead, but there were moves to look at whether we could expand on the information about the effects of this medical condition and to provide that to students so they could understand it.

I support more opportunities for young people to be able to identify what it is like to live with something like endometriosis. Pelvic pain education should be made available more broadly. We are very happy to support the motion. It is important to talk about this issue, which impacts thousands of women every day and the Parliament is a place where we should be advocating on behalf of them when we have the opportunity to do so.

Dr AMANDA COHN (16:47): I indicate that The Greens support the motion and also support the Government's amendments. I thank the Hon. Emma Hurst for the opportunity to discuss this important issue today. In my experience as a GP, I had an insight into the lives of so many people who have to deal with endometriosis, which can have a profound impact on people's ability to function. It impacts education. It can impact people's

ability to engage in the workplace. It can impact their ability to go out and socialise and their relationships. Endometriosis is treatable. Whether they are simple things like an appropriate pain relief regime, medication like an oral contraceptive pill or a more serious treatment like surgery, treatment can dramatically improve people's quality of life.

People need to be able to recognise what is a normal period experience and when they need to seek medical help. Staggeringly, that is something people know very little know about. I ask members to have a think about whether they know what a normal period is—how many days, how much blood loss is normal or how much pain is normal. I think most people do not know, and we absolutely need to improve that level of knowledge to help people get to a diagnosis. There are shortcomings in the health system as well, which I will not speak to today because the motion is about education. Schools are not the only place to provide people with important information, but they are absolutely part of the solution. I commend the motion in terms of using schools as an opportunity to teach people about their bodies. It is an important part of basic sexual and reproductive education. It will make a profound impact on people's lives to hopefully get them that diagnosis and treatment earlier, which will make a huge difference.

The Hon. JACQUI MUNRO (16:49): I thank the Hon. Emma Hurst for bringing this important motion to the House and for giving us the opportunity to speak about something that affects one in seven women by the age of 49. I have not experienced endometriosis personally, but just last week I got a phone call from someone quite close to me. I was the first person she told that she had just been diagnosed with the condition and it was quite a shock to her. She was not expecting that response from her doctor. Similar to the stories other members have shared, she thought that the pain she was experiencing during her periods was relatively normal. She told me that once or twice a month she was actually having to take days off work because she could not concentrate and focus on her work due to the pain.

She also said that she had not been suffering consistently throughout her life. She experienced some pain when she was younger. Then it was not so common an experience when she was in her twenties. Because of the media coverage and conversations around endometriosis becoming more common, it was in her mind as a possibility when she went to the doctor. But she was surprised that her doctor diagnosed it so quickly. That is one of the things that has changed over the past decade or so: The way that doctors, as I understand it, can actually diagnose endometriosis. Formerly, it required keyhole surgery, which was reasonably invasive. There are now methods to more gently diagnose in a staged approach. Stages one to four of endometriosis relate to the seriousness, but not always the type, of pain that people experience.

Members should know that the Royal Australian and New Zealand College of Obstetricians and Gynaecologists has released the Raising Awareness Tool for Endometriosis, or RATE, which is online. It is basically an electronic resource for health professionals and their patients that helps them identify and assess endometriosis and associated symptoms, to reach a faster diagnosis and achieve more effective management of symptoms. It is important to make people aware of the tool so they will see their doctors and take further action. It had previously taken up to eight years for the condition to be diagnosed. We need to ensure women are aware of how they can inform themselves. School-based programs are important for that.

The Hon. EMILY SUVAAL (16:52): I speak in favour of the amendment moved by the Government. I thank the Hon. Emma Hurst for bringing this motion to the House and recognising that March is Endometriosis Awareness Month. As the Hon. Sarah Mitchell said, an event was held in Parliament last year. I believe the Hon. Emma Hurst was also there, along with many of my colleagues, to attend the Periods, Pain and Endometriosis Program, or PPEP Talk, presentation. We heard from wonderful educators about the important work they do in raising awareness and educating our young people in schools across the country and also in New South Wales. I particularly highlight a really shocking statistic: It still takes 6½ years, on average, to receive a diagnosis of endometriosis.

As Dr Amanda Cohn said, it is a treatable condition. Treatments vary in terms of what is needed and their level of intervention, from painkillers to hormonal treatment to surgery. But that statistic really shows that we need to do more to raise awareness of the condition. That starts, obviously, with education. The PPEP Talk in Parliament last October was informative and educative for me. I encourage all members to make themselves more aware of the impacts of endometriosis and the steps that we can take to support people living with it in society. Obviously, it is good that we are talking about it in Endometriosis Awareness Month. I have noticed more and more awareness, recognition and acknowledgement of this condition.

Some members may have watched a recent Netflix series called *Irreverent*. I believe that Matchbox Pictures, which was involved in the direction of the show, is a Sydney-based company. I encourage members to watch it. It is a great show and very binge-worthy. One of the young characters is a teen with endometriosis. *Irreverent* is compelling and quite striking because it is set in regional Queensland. It stayed with me. That we are

now seeing shows like that is thanks to things like Endometriosis Awareness Month, and I give a shout-out to Matchbox Pictures for raising awareness as well.

The Hon. EMMA HURST (16:55): In reply: I thank all members for their contributions: Minister Houssos, the Hon. Sarah Mitchell, Dr Amanda Cohn, the Hon. Jacqui Munro and the Hon. Emily Suvaal. I also thank Dr Joe McGirr and Mrs Helen Dalton in the other place who have both been pushing this issue as well. Recently I met again with the Treasurer about the programs to make sure they are expanded to State schools in New South Wales. I thank the Treasurer for that productive and positive meeting. As I said, Dr Joe McGirr and Mrs Helen Dalton have also been putting pressure on the Treasurer on these issues, so I thank them for advocating in that space.

One in seven people who are assigned female at birth live with endometriosis. So if members know seven individuals who were assigned female at birth, then they know someone with endometriosis, which is why we have heard similar stories today. I thank members for sharing their personal experiences and those of their friends who live with this condition. It highlights the importance of getting education into schools, particularly public schools, because they are the ones that are specifically missing out. I am glad that the Government supports this motion, which calls on it to make funding available so that access to education can be realised.

Evaluations of the Periods, Pain and Endometriosis Program, or PPEP Talk, have proven that it works. Nationally, the proportion of students who knew what endometriosis was rose from 47.8 per cent pre-PPEP Talk to 95.5 per cent post-PPEP Talk. On top of that, 100 per cent of students who received the PPEP Talk wanted it to return. As we say, this is an educational tool. It is about ensuring that students understand what endometriosis is. They can then get health care earlier rather than being told that the pain they are experiencing is normal. If people are in excruciating pain, it is not normal. As Dr Amanda Cohn rightly pointed out, there are treatments available that will significantly improve people's quality of life. I thank all members for their support of this motion.

The PRESIDENT: The Hon. Emma Hurst has moved a motion, to which the Hon. Courtney Houssos has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Bills

ABORTION LAW REFORM AMENDMENT (HEALTH CARE ACCESS) BILL 2025

Second Reading Debate

Debate resumed from 19 February 2025.

The PRESIDENT: Before I call speakers, I make a couple of comments. First, as I have mentioned previously, I am maintaining speaking lists for the debate. The Government Whip and Opposition Whip are providing me with information about the order of Government and Opposition speakers. Crossbench members will advise me of when they wish to speak. For the benefit of members, unless there are no speakers in a particular coterie, the order will be Government, Opposition and then crossbench. Secondly, those in the gallery are most welcome to be here. It is an important debate. I remind them that members of the gallery are not to take part in proceedings in any way. They are not to talk, shout out or applaud. Babies are fine. As I say, they are most welcome.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:00): I speak in debate on the Abortion Law Reform Amendment (Health Care Access) Bill 2025. I thank Dr Amanda Cohn for bringing this private member's bill to the House. Under the rules of my party regarding matters of abortion law reform, as members of this place know, Government members are not bound to any position on the bill and are able to vote according to their conscience. Members well know what my conscience says about abortion law reform. It is fundamental. It is health care. It is fundamental to the lives of women and others who require to be able to make choices in the best interests of their lives.

In September it will have been six years since I proudly joined with 14 of my colleagues across the Parliament, including Mr Alex Greenwich, Labor members, Liberal members, Nationals members and other crossbench members, to co-sponsor the Reproductive Health Care Reform Bill 2019 that passed to later become the Abortion Law Reform Act 2019. After decades of campaigning by women's groups, that historic bill took women's reproductive health care in New South Wales out of criminal laws and put it within our health laws,

bringing a person's decision about terminating a pregnancy to be between them and their doctor instead of the person and the State.

The Abortion Law Reform Act was recently subject to a statutory review. In September last year the report by NSW Health was tabled in both Houses. Minister Park provided approval for the Ministry of Health to conduct the review in November 2023. The review considered the operation of the Act since its commencement, particularly eligibility and requirements of health practitioners to provide terminations, including who can perform a termination; requirements to provide information about counselling; requirements related to conscientious objection; and notification requirements by health practitioners as outlined in section 15 of the Act. Written submissions were provided to the review by key stakeholders, including organisations directly involved in the operation of the Act and those who support and represent health practitioners. Expert advice for the review also came from the NSW Health Safe Access to Abortion Care Working Group.

Overall, the review found that the Act is operating well in treating abortion as a health issue. Respondents to the review said the change in law has resulted in a more supportive environment for women to access abortion care and for clinicians to provide abortion care without worrying about criminal prosecution. However, the review found that there are still significant barriers for many in New South Wales that prevent them from accessing the care they need. One primary issue identified is that the Act currently only allows doctors to perform a termination, including medical terminations that are performed using a two-step medication under the Therapeutic Goods Administration guidelines for up to nine weeks gestation.

The statutory review found that by allowing other types of qualified health practitioners, like nurse practitioners and endorsed midwives, to perform medical terminations, access to abortion care could be significantly improved, especially in rural and regional areas of New South Wales, where access barriers have been particularly problematic. Given that nurse practitioners and endorsed midwives can prescribe scheduled medicines and request diagnostic investigations like ultrasounds, the review found that the performance of medical terminations could appropriately be included in the scope of practice for those types of medical professionals. In finding that, the statutory review made its only recommendation for a legislative amendment to the Act: to consider changing the law to allow nurse practitioners, endorsed midwives and other prescribed registered health practitioners to perform medical terminations.

In August 2023 the Therapeutic Goods Administration and Pharmaceutical Benefits Scheme amended the prescribing and dispensing restrictions of the medication used for medical terminations. Alongside other adjustments, under the changes, medical professionals with appropriate qualifications, training and lawful authority, like nurse practitioners and endorsed midwives, are now allowed to prescribe the two-part medical abortion medication up to nine weeks gestation, subject to State and Territory requirements. Following the change, Victoria, Queensland, South Australia, Western Australia and the Australian Capital Territory all now allow nurse practitioners and endorsed midwives to prescribe medical termination medications. New South Wales is one of the few remaining jurisdictions that has not yet taken that step. I strongly support that change in the bill.

The other two recommendations coming out of the statutory review of the Act seek to improve two main things: to increase understanding and awareness of the operation of the Act when it comes to conscientious objection and to review the data notification requirements to ensure that data is consistently reported and of sufficient quality. Neither of those recommendations sought legislative change. Instead, they recommended that NSW Health examine its policies, procedures, training and approaches to abortion care in New South Wales to improve those issues.

The Abortion Law Reform Amendment (Health Care Access) Bill 2025 would do four things. Firstly, the bill would require the Minister for Health to ensure that abortion services are provided throughout the State within a reasonable distance of residents' homes. That initiative was not a recommendation of the statutory review of the Abortion Law Reform Act, and it is unclear how it could be reasonably achieved in practice. There is no other aspect of health care that we try to place in legislation. I understand what Dr Amanda Cohn is trying to do to deal with access issues, but it is not the way that I support doing it. It is not an aspect of the bill that I support at this point. We also need to be honest about the way in which abortion care is provided in New South Wales by non-government and private providers. That is outside of the Minister's control. It is unclear how the provision could achieve its stated objective.

Secondly, the bill would allow endorsed midwives, nurse practitioners and other health practitioners prescribed in the regulations to prescribe abortion medications. Beyond endorsed midwives and nurse practitioners, at this point I do not support having a regulation-making power that would extend the ability to prescribe. However, I strongly support endorsed midwives and nurse practitioners being able to provide medical terminations for those who seek them. That is consistent with the recommendations from the statutory review. Most importantly, it is a change that would make it easier for those seeking terminations to be able to access them, particularly those in rural and regional areas, where we know there remains an access problem.

Thirdly, the bill would require health practitioners who have a conscientious objection to abortion to transfer the care of a woman to a practitioner without a conscientious objection. That is also not consistent with the recommendations of the statutory review of the Act. The current provisions require that a practitioner must either give information about how the woman can locate a practitioner who provides terminations or transfer care directly. It is an issue that was heavily canvassed when dealing with the Abortion Law Reform Act in 2019. We paid close attention to trying to strike the right balance between people having access to the care that they need but also practitioners who have a conscientious objection being able to manage that properly. It was part of a lengthy debate on the matters. Ultimately, we got the balance right.

We need to pay attention to what the statutory review said. It found that we have to improve the process and recommended work to improve the understanding of the operation of the Act. At this point I do not support the legislative change before us. I understand that NSW Health is doing other work in this space. It is currently conducting a review of all maternity and early pregnancy policy documents this year to ensure that there are clear and transparent referral pathways. That is in addition to exploring statewide training for staff and primary care providers about the operation of abortion services, including the way that conscientious objection works under the Act. For that reason, I do not support that part of the bill.

Finally, the bill would remove the current requirement for medical practitioners to provide information to the health secretary within 28 days of providing an abortion. That is also not consistent with the recommendations of the statutory review. While the review identified issues with the way that reporting of information is working, it recommended improving that process to ensure that better quality information is flowing into the department. I am concerned that the amendment would ultimately rob the Ministry of Health of essential data to improve service delivery and reduce barriers to care. NSW Health has committed to a review of the data notification and reporting process, including the current online notification form for this year. That is a more appropriate way of dealing with it than the way suggested by Dr Amanda Cohn in the current drafting of the bill. I do not believe that there is malicious intent; there is just a difference of opinion about the best way to achieve that.

I will support the bill to progress to the Committee stage. If the bill does progress, I will look at the amendments that come through and support amendments to ensure it stays in line with the recommendations of the statutory review. If the bill cannot be amended to be consistent with the recommendations of the statutory review, I will review my position. To be clear, there is some good intent in the bill. I believe it is important that nurse practitioners be able to prescribe. That is a really important part of the bill. I disagree with the other elements of the bill, partly because I understand how difficult it was to get the balance right in 2019, partly because I have a different view of how to achieve what the member is trying to achieve, in that I do not believe that legislating it necessarily fixes the problem.

The 2009 bill passed after almost 60 hours of debate—some members were members of this place at the time and would remember that—consideration of hundreds of amendments and also parliamentary inquiries. The series of amendments was accepted by both Houses in an attempt to achieve this historic and important law reform while also seeking to achieve community consensus and, most importantly, putting women at the centre of their own health care and the decisions they make about their lives. I believe that the 2009 bill, as passed, delivered that and struck an important balance.

It is now important that, while access to abortion care is equitably and effectively improved across New South Wales, the law responds to and is consistent with the health advice we have. I thank Dr Amanda Cohn for her consultative approach to working on the bill. I understand and share her support for effective and equitable access to abortion care throughout New South Wales. We definitely have different ideas about how to get there, but I believe the objective is sound. Everyone should be able to access the abortion care they need, regardless of where they live or how much money they have. Abortion care is health care. This bill is another contribution to that debate and to the evolution of a system that works for everyone in New South Wales.

The Hon. RACHEL MERTON (17:11): I oppose one of the most concerning and egregious pieces of legislation I have had before me since my election to this place two years ago, that being the Abortion Law Reform Amendment (Health Care Access) Bill 2025. The malign consequences of the bill are as enormous as they are sweeping. The bill represents a direct and malicious attack on some of the freedoms and liberties that we as Australians hold dear, those being freedom of religion and freedom of conscience. The bill is a direct attack on the independence and, indeed, the future viability of our wonderful faith-based hospitals and public health organisations that have served this State for so long.

The bill takes much further the, quite frankly, extreme abortion laws that came about in New South Wales in 2019 through the deeply regrettable passage of the Abortion Law Reform Act. This bill has significant adverse public safety consequences for women. It throws the doors open for a wide range of people and professions who will be lawfully permitted to undertake abortions. The people of New South Wales are entitled to look at the bill

and ask where it all ends with the ideological legislative agenda being pushed by left-wing parliamentarians in this State.

In the two years I have been here, the Equality Legislation Amendment (LGBTIQA+) Bill has passed, which undermined the rights of women and girls through self-identification of sex, as well as the Conversion Practices Ban Bill. Now this bill not only supercharges the 2019 abortion laws but may also force much-needed doctors and medical professionals to either violate their personally held beliefs or to leave the profession. Religious freedom, individual liberty, parental rights and the rights of women and girls have all come second as each of these bills has been brought before the Parliament, all focused on prioritising ideology over the real issues impacting the people of New South Wales and on sweeping away a society that was built successfully on the concept of mutual respect.

The bill before us today represents a monstrous attack on freedom of religion and freedom of conscience. Government intervention to, essentially, compel a medical professional to be involved in an abortion is abhorrent and would have been considered unconscionable not that long ago. The bill will limit the conscientious objector provisions included in the 2019 Act by forcing a doctor or a health worker to actively refer a woman seeking an abortion to another practitioner who will perform such a service. The medical professional must actively "transfer the person's care" to someone who, in the medical practitioner's "reasonable belief", will perform the abortion. That goes far beyond the existing requirement to simply make a referral to a service line that provides more general information.

Quite simply, the bill forces a doctor or health worker to play an active role in the abortion, even if it directly conflicts with their beliefs. It is, dare I say, not an unreasonable argument to make that the deliberate ending of a baby's life may conflict with a medical professional's individual conscience. The reasons a health professional may be opposed to abortion might be religious, ethical or medical. Whatever it is, the bill will use the force of law to compel a medical professional to be directly involved in ensuring an individual has access to abortion for any reason whatsoever. Of course, some doctors and health professionals who object to performing an abortion will simply walk away rather than be forced to comply.

That is where democracy, liberty and freedom of conscience stand with The Greens in 2025. Quite simply, it is shameful. Freedom of conscience and freedom of religion are steamrolled by this bill. Is it any wonder that Catholics, Anglicans, Muslims and Maronites have united to oppose this bill? Of course, NSW Health, when it reviewed these issues in September 2024, recommended no legislative amendment or change to the existing protections for those medical professionals who conscientiously objected to providing abortion services. Similarly, the Australian Medical Association has rejected any change. Such objections are, of course, swept aside when The Greens are on yet another ideological, authoritarian crusade.

The blunt legislative force in the bill extends to our world-class faith-based hospitals. In my maiden speech, in June 2023, I discussed the disgraceful move by the socialist Australian Capital Territory [ACT] Labor Government to compulsorily acquire the faith-based Calvary Hospital in Bruce, despite the lease having a further 76 years to run. That happened after an ACT Legislative Assembly committee tabled a report criticising Calvary Health Care's "overriding religious ethos". I subsequently moved a motion in this place, affirming this place's support for both public and private faith-based hospitals in New South Wales. Quoting oneself is always a danger, but I will. I stated at the time that "this was an attack on an institution due to its faith and values". The Labor Party ultimately supported my motion supporting faith-based hospitals. It will be interesting to see how Labor and the Premier respond this time.

The fact is we have a myriad of faith-based hospitals in New South Wales. St Vincent's Health runs two public hospitals in New South Wales: St Vincent's in Darlinghurst and St Joseph's in Auburn. Calvary Health Care runs two public hospitals, in the Premier's own electorate of Kogarah and in Newcastle. There is also the Sydney Adventist Hospital, or the San. Catholic Health Australia provides about 15 per cent of hospital-based health care in Australia today.

The bill states that it aims to ensure that abortion is available across New South Wales within a "reasonable distance" of where people live. Where is the genuine empirical evidence that access to abortion is an issue? Furthermore, no explanation has been provided by the mover of this motion as to why the availability of abortion services is prioritised above all forms of care. Not all hospitals have emergency departments. No explanation is given why these supposed lack of abortion services must mean doctors and health professionals should be coerced and compelled to surrender their freedom of religion and freedom of conscience.

To enable this wider availability of abortion services, the bill as drafted would give the health Minister the power to force public health organisations, including Catholic and other faith-based hospitals, to provide and perform abortions. This heavy-handed reform marks a significant widening of Executive power in this State. What will the end result be? Some hospitals and other health organisations that object to providing abortion services

will potentially close their doors and stop providing health care. Some doctors and health professionals will certainly walk away. What a win for the people of New South Wales! The New South Wales health system is already under extreme pressure. Just look at the emergency department waitlists and the concerning stories from patients. Let's have more hospitals close! How will the Labor Government explain this outcome?

Another flaw in this shocking bill is the huge widening of the scope as to who can perform an abortion. The 2019 Act, as we know, had a specific and clear requirement that for an abortion to be lawful it was to be performed by a medical practitioner. This bill, however, removes the assurance a woman had that an abortion would be performed by a fully qualified medical practitioner. It instead widens the net as to who can lawfully perform abortions—whether surgical or medical—under 22 weeks gestation to include nurse practitioners and even endorsed midwives. The bill removes from the Crimes Act the existing prohibitions on nurses performing abortions up to 22 weeks.

The increased dangers women will face by deleting the requirement that a qualified medical practitioner performs an abortion are obvious. Increased medical complications, especially when performed by underqualified health professionals and in remote areas, as envisaged by the bill, are a real danger if this bill becomes law. Why are we putting the lives of women at risk? Are we entitled to know why the bill removes requirements for records to be kept on abortion in New South Wales? What is the big secret? The reporting requirement for medical practitioners involves just four questions. It is hardly a barrier to access.

There is so much more I could say in opposition to this loathsome but far-reaching and incredibly damaging bill, but time is pressing. The reality is that this bill will not leave women better off. Instead, it will leave women increasingly unsafe with underqualified health workers, and no records being kept, taking charge of the provision of abortion. This bill will undermine our faith-based hospitals and intimidate hospital leadership into either ignoring their principles or withdrawing their service and shutting their doors. This bill will undermine and remove our rights to freedom of religion and freedom of conscience that have been part of our great Australian liberal democratic principles for many years. The bill is concerning. It is dangerous and it is divisive. The House should send a firm message that it is at odds with the best interests of the people of New South Wales. I urge all members to oppose the bill.

The Hon. ROD ROBERTS (17:23): I make a short contribution to debate on the Abortion Law Reform Amendment (Health Care Access) Bill 2025. I show my hand very early and say that I cannot support the bill in its current form because it contains a number of major flaws. I address two of those this evening. The first is in schedule 1 where the bill aims to ensure that abortion services are provided throughout the State within a reasonable distance of residents' homes. The bill states the Minister for Health may give directions to the Secretary of the Ministry of Health or a public health organisation, and the secretary or a public health organisation must comply with a direction under the proposed section. Placing aside the issue that "reasonable distance" is not appropriately defined, I raise the serious matter regarding the Minister being given powers to compel a public health organisation to provide abortion services. A public health organisation is defined under the Health Services Act 1997 as:

- (a) a local health district, or
- (b) a statutory health corporation, or
- (c) an affiliated health organisation in respect of its recognised establishments and recognised services.

The Act lists affiliated health organisations to include Calvary Health Care, Mercy hospitals, St Vincent's hospitals, and Uniting Care Waverley hospital as examples—that is, hospitals run by religious organisations that will fall under the power of the Minister and will be compelled to provide abortion services, even if it is against the core belief of their religion. That is nothing short of coercion. Given The Greens' public position on coercive control, that is rather surprising. In November 2022, during debate on the Crimes Legislation Amendment (Coercive Control) Bill 2022, The Greens spokesperson Ms Boyd said:

Perpetrators of coercive control, also aptly named "intimate terrorism", seek to control their victims with actual or threatened harm through a course of behaviour. Whether it is demanding that partners cut contact with their friends or family, restricting their access to money, monitoring their calls and messages or directing their day-to-day activities, these patterns of controlling behaviour are perpetrated to control another person, to remove their liberty and agency, with the intent to cause harm or regardless of the harm that it causes to that person.

Note that the definition of controlling behaviour includes acts such as directing their day-to-day activities. What The Greens wished rightly to prohibit in personal relationships—and I supported that particular bill—they now wish to legislate in Government power over religious institutions and individuals. Remember, too, The Greens' position regarding freedom of speech and their desire to relax protest laws. In one breath they argue that people should be free to speak and act according to their conscience. In their next breath, as in this bill, they wish to compel those they disagree with—and in this case that is pro-life medical professionals—to speak and act against

their consciences. That is a glaring inconsistency in The Greens' ideological world view. It is wrong, and a major flaw in the bill.

My second concern is also found in schedule 1 to the bill and relates to the removal of the provision that a medical practitioner who performs a termination must, within 28 days, give the Secretary of the Ministry of Health certain information about the termination. This is the second major inconsistency in the bill. The mover has argued that the bill is required due to an alleged inadequacy in the provision of abortion services across the State. How would Dr Cohn know this? One would assume that this claim is based on research and statistics, and Dr Cohn's second reading speech seems to suggest so. If that is the case, why remove a provision within the Act to require medical practitioners to report on terminations? Surely this information is required to determine whether changes to the legislation are successful in providing required health services and outcomes. We cannot manage something we refuse to measure. For those reasons, I cannot support the bill. I ask that members join me in rejecting the current bill.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (17:28): I speak in debate on the Abortion Law Reform Amendment (Health Care Access) Bill 2025. In 2019 I started my speech in debate on the Reproductive Health Care Reform Bill by saying, "I am not enthusiastic to speak in this debate." That remains my position. I find open parliamentary debate on these deeply personal matters involving very private healthcare decisions exceedingly uncomfortable. The cold and unflinching eye of *Hansard* notes every utterance and every painfully shared personal story for posterity. The one comfort I take from that is the reminder that what I say and how I vote will be there for future generations to review. Will I prove myself worthy of their judgement? I believe that, despite those discomforts, I should make a few remarks to take up the space that has been given to me as a female legislator to speak the truth of millions of women in New South Wales who are not in this Chamber but who unequivocally support the rights of women to access abortion as health care.

Like them—a group that is, on every available measure of public opinion, a majority of people in this State—I believe access to this health treatment should be as straightforward as access to other health procedures: a matter between patients and doctors. We do not need to make laws in Parliament about whether or where our community can and should access cancer treatment or knee replacements. In an ideal world, we would not need special laws in Parliament affirming women's access to abortion. But we do not live in an ideal world; we live in the real world. The real world is a messy and complicated and challenging place, and such laws are necessary. I believe it is incumbent on lawmakers such as myself to support them.

I want to be clear: The bill is not Government legislation and does not represent Government policy. As is well known, on most matters before the Parliament Labor members vote together as a group, not as identically minded lemmings but as colleagues bound in common cause by the values of our party—values that have been grounded since day one on the principles of solidarity and collective power, meaning we discuss and debate matters together in our caucus and then present a united view to the Parliament and the people based on the outcome of that collective wisdom. As is also well known, matters such as access to abortion are decided differently. It has been agreed that a binding process is not possible where deeply held views are such that the idea you could make way for the majority opinion if it did not accord with your personal beliefs is utterly impossible. As such, we are free to vote in this debate in whatever way we think is best. And that is what I intend to do, based on the piece of legislation placed in front of me.

At its most basic level, that is how democracy works. Proposals are put forward and legislators vote on them. That is not a radical or challenging proposition. It is not always an accurate description of how the sausage gets made in Parliament, but I have taken the view that I will approach the bill without fanfare or politicking or game playing or point making, but simply as it sits on the table before me. At this stage, I do not intend to speak in detail on each of the clauses of the bill and debate their merits. If I have things to say on those, which I flag now that I probably will not, I will make those contributions in the Committee stage. On behalf of the overwhelming majority of people in New South Wales who support a woman's right to access abortion as health care, I intend to vote in favour of the bill at the second read and then support some but not all of the provisions as amendments are moved. There are provisions in the bill that I do not support, and elements of it that I think are utterly reasonable.

I will keep my comments at this stage to the reasons I am supporting the principle of the bill and the vote that consideration of it should proceed. I support the bill because it seeks to expand access to abortion in New South Wales. I am of the personal view that that is necessary because there are barriers that presently exist, particularly for rural and regional women and particularly for poor women, and that unequal access to health care is problematic and should be rectified where possible.

The fact is that women will always find ways to manage our own health and reproduction. You cannot stop us. Rich women have no problem accessing abortion in New South Wales. We can find providers relatively easily,

pay to travel to them if necessary, afford the hundreds of dollars it costs, and seek mental and physical support afterwards if necessary. It is poor women and women who live a long way from health services that bills like this target, and that is why it has my support. Those women also will always try to find ways to access reproductive health care. If they cannot access or afford abortion services near them, they will buy pills online from disreputable and unregulated providers and take them in their homes, hoping they do not bleed out on their bathroom floors, endangering their own lives to have the agency and control privileged women can take for granted.

Descriptions of the risks women face when they cannot access abortion need not be hysterical or theoretical descriptions of some fictional Republic of Gilead. We can simply state facts from across the Atlantic being experienced by real women in America right now: increases in infant mortality, increases in women experiencing sepsis, women experiencing uncontrolled bleeding and being denied medical assistance, and, yes, even a few preventable deaths of women as a direct result of being denied this form of health care. We are a long way from the legislative and healthcare systems of the United States of America. But it goes without saying that I do not want those outcomes for New South Wales, and I believe this bill has some sensible provisions that might help to avert them.

We do not need to have vicious, nasty debates in the Chamber. I completely understand and support the right of some of my colleagues to take a different view on abortion and support them in doing so. To them I simply say this: Your decision to consider abortion a decision you could never make and would encourage others not to make is very valid, but, ultimately, as I support your right to make that choice, I ask you to offer me the same courtesy of respecting my capacity to make a different choice. It does not need to be anything more or anything less than that.

I intend to leave my remarks there. I have as one of my goals to avoid being drawn into every sideshow and circus presented in this House on wacky Wednesday. I do not intend to characterise this bill in that way—as I said, I am supportive of it—except to say that the way this issue is sometimes debated, fundamentally divorced from the actual substance of what is being proposed, which even on the most excitable reading is extremely mundane and sensible, holds no interest for me. I am focused on what I consider to be my main priorities as a member of the Government: to increase access to and quality of public housing, to reduce the prevalence of homelessness, to improve mental health services, and to ensure our water is clean and flows freely and is affordable. Despite best intentions, there is no doubt that bills such as this have the potential to be a distraction. I do not intend to facilitate that. I support increasing access to reproductive healthcare services for women without a lot of money and women living in regional New South Wales. As that is the substance of the bill, I will support it at the second reading vote and consider amendments on their merits as they are presented.

The Hon. JOHN RUDDICK (17:36): The Libertarian Party opposes the Abortion Law Reform Amendment (Health Care Access) Bill 2025. I will explain why we oppose the specifics of the bill, but first I will clear up some misconceptions around libertarianism and abortion. The Libertarian Party position on abortion is that we do not have a position. I am no fan of Wikipedia, but it does have an instructive page on libertarians and abortion, which details about eight different positions. That is not dissimilar to most political parties. Libertarianism does not seek to answer every contentious question. Libertarianism is a political philosophy narrowly focused on what the limit of the state should be. The question of abortion is outside the remit of libertarian philosophy because it is a question of moral philosophy: When does life begin?

Some libertarians, such as Javier Milei, Ron Paul and Tom Woods, argue that life starts at conception and are therefore opposed to abortion, while some, like Ayn Rand, believe that life starts at birth, and others fall somewhere in between. As a result, libertarians hold a diverse range of opinions on abortion. We all agree that murder should be illegal, but we have diverging views on what constitutes life and therefore what constitutes murder, so our party, like the Labor Party, allows a conscience vote on this issue. In fact, we allow a conscience vote on everything.

I have found the most compelling arguments for the pro-life position—that life begins at conception—to be made by pro-life libertarians. A pro-life libertarian does not rely on the Bible to tell us that abortion is wrong. I like the Bible and I like to think I have a good understanding of it, but when I read it I do not see any reference to abortion. While the early Christian writers did campaign against abortion, I do not see it referenced in the actual Scriptures. I suspect the biblical writers were silent on this subject because abortion was probably an unknown concept to the ancient Hebrews. The Hippocratic Oath of the Greeks, the gold standard in health care since the fourth century BC, does explicitly have doctors pledge, "I will not give to a woman a pessary to cause abortion."

I had been of the view that life did not commence until the fetus had developed brain waves, which is six to eight weeks into the pregnancy. My view had been that the fetus could not feel pain until that point, but pro-life libertarians challenged that approach via an appeal to reason. They asked, "If a law says it's fine to abort a fetus prior to the formation of brain waves, then is it fine to kill the fetus five minutes before the brain waves form?" A law cannot decide at what moment brain waves form because it will be sooner in some fetuses and later in others.

But, more significantly, the fetus is going to resemble something extremely similar right before or after any arbitrary line in the sand that a law decides is the moment a fetus can or cannot be aborted.

The formula of asking "Well, what about five minutes before your legal definition? What about five minutes before brainwaves or five minutes before a heartbeat or five minutes before a trimester or five minutes before birth?" et cetera can be applied at every step of the pregnancy except for the moment of conception. If people oppose the idea of five minutes before, what about five days or five weeks before? Conception is the moment of extraordinary and unique transformation. It is the moment when something radically different appears from what was moments before. Conception is the transformative moment that begins everyone's life journey. That is when we all begin to exist.

But even pro-choice libertarians would oppose the bill. Regardless of anyone's view on abortion itself, the bill is government overreach that tramples on freedom of association and freedom of conscience. The bill uses the force of the State to take abortion from something that is merely legal to a positive right—an entitlement that must be provided to everyone in a manner and location convenient to them at a cost to taxpayers and potentially with the involvement of people and institutions who think it is morally repugnant. Items [6] to [8] of schedule 1 and schedule 2 to the bill would force pro-life conscientious objectors to refer pregnant women on to other doctors for a procedure they believe is murdering an innocent child. That cannot be reconciled with any form of libertarianism. Schedule 1 to the bill also engages in the centralisation of power, removing the right for local hospital boards and public health organisations to determine which services they provide. It allows the State Government to force organisations that offer health services to perform procedures their community may not have a demand for or simply may not find morally acceptable.

An unintended consequence of the bill is that it would empower the Minister to direct public health organisations and other faith-based healthcare services to provide abortions, which, if the bill is enacted, would happen. The unintended consequence would be those services exiting New South Wales. This week I have received correspondence from faith-based healthcare services saying just that. Some health professionals feel so strongly about the issue that they would depart the State. It would mean communities around New South Wales would have fewer health services and fewer health practitioners and more unaddressed health issues. Heavy-handed government dictates so often are counterproductive.

Many of our finest hospitals were built by a Christian church and continue to be owned and operated by a Christian church and have caring Christian values. Shouldn't we acknowledge and have some reverence for their efforts to help the sick and not want to impose values on them that they do not share? Abortion is not an entitlement and certainly not one that should ever override freedom of association or freedom of conscience in any way. I oppose the bill. I also acknowledge that Dr Joanna Howe is in the gallery. I applaud her public activism in opposing the bill.

Ms ABIGAIL BOYD (17:42): I support the Abortion Law Reform Amendment (Health Care Access) Bill 2025. As one of the co-sponsors of the Abortion Law Reform Act 2019, I am very pleased that we have reached the point of having it well recognised that abortion is legal in New South Wales. Some of the, frankly, hysterical responses from public figures and others saying that this bill is somehow a significant step forward for New South Wales really miss the point of what happened in 2019. In 2019 many people thought abortion was already legal—I grew up thinking that—because in practice it had been. At least for those of us in wealthy enough circumstances and in metro areas, where we were able to see sensible doctors, it was seen as widely available. To be honest, it came as quite a shock to me in 2019 to discover that the law had not actually kept up with the practice and we were all relying on a piece of case law that may not be immune from political interference.

So it was that the abortion law reform Act was progressed across different parties and came to this place. As a Greens member I find the idea of conscience votes quite interesting. The Greens are pro-choice. I do not really understand other parties. I understand that The Nationals also have a similar view when it comes to abortion—or at least they did in 2019. The Greens policy is decided by our members on the basis of evidence and listening carefully to the science and with careful regard to the principles and basis on which our party was founded, particularly, in this case, when it comes to social justice. To us it is obvious. Every Greens MP in every State and Territory and in Canberra will vote for reproductive health rights for women every time.

Back then we did not have Dr Amanda Cohn in the Chamber. It is such a delight to have her. Dr Amanda Cohn is a doctor of medicine. She has firsthand understanding of what it is to be a patient in a border town not close to a city needing medical assistance. She has brought that expertise in introducing this very sensible, largely administrative bill. It does not seek to make abortion legal because it is already legal in New South Wales. Instead, it is trying to correct how that law has been implemented throughout the State by making sure that that service is free and accessible.

It is worth noting that "free" aspect. When we say "accessible", it is obvious. If you are living in a regional town and there is not somebody there to provide reproductive health services, you have to travel long distances to get it somewhere else. That service is not equally accessible across New South Wales. But there is also a cost aspect. If you are living somewhere in the middle of, say, central New South Wales and you have to travel to a city in order to get the health care that you require, you may have to put your children into some sort of babysitting arrangement and you may have to fly or drive or whatever it is and then stay over at a place. There is a huge financial cost involved for something that might be free to somebody who lives in a city. Free and accessible access is important.

Ultimately, it comes down to equity. In New South Wales we do not typically make laws that only apply to certain people. After at times a really quite excruciating debate in 2019, which put us all through quite a lot, we decided as a Parliament to pass a law, but that law is effectively being applied to different people in different ways. Although it is great for wealthy women who are living in areas where reproductive health care is readily accessible, that is simply not the case for people living in regional areas. I will not relitigate all of the reasons we gave in 2019 for why it was so important, particularly for women in regional areas, to be able to access abortion. Unfortunately, the review showed us that after five years, although the majority of the provisions have held up, some aspects need reform in order to complete the picture and allow it to be the equitable reform it was supposed to be.

I touch on an aspect that the Hon. Rod Roberts raised in relation the idea that we are somehow coercing people to provide an abortion to a patient. It is very clear that the bill does not do that, but I understand how that impression might be drawn for those who just read the bill and no other legislation. The bill proposes a duty on the Minister for Health to ensure that abortion services are available throughout the State within a reasonable distance from where people live. As my colleague explained in her second reading speech, that duty is deliberately broad and does not apply to all hospitals and health services, so it would not be reasonable to suggest that specialty hospitals such as psychiatric hospitals would be required to provide an abortion, nor would it be reasonable that very small rural hospitals without the capability to provide abortion services would be required to do so.

The mechanism proposed for the Minister to carry out the duty—that abortion services are available throughout the State a reasonable distance from where people live—is through direction to public health organisations as defined by the Health Services Act 1977. That includes local health districts, statutory health corporations or affiliated health organisations but not private hospitals and health services. So it is not true that private hospitals will be required to offer reproductive health services under the Act. The bill does not propose any penalty mechanism for practitioners or health services that do not provide abortion services. Concerns were raised about the potential impact on faith-based hospitals. That seems to stem from a theoretical impact to faith-based affiliated health organisations that are part of the New South Wales public health system.

The requirement to ensure abortion services are available a reasonable distance from where people live means an affiliated health organisation could not be required to provide abortion services in areas where services are already available. Under the Health Services Act 1997, affiliated health organisations are required to carry out such functions as conferred or imposed on them under any Act or as may be prescribed by the regulations. The bill does not impose any functions on affiliated health organisations, but the Minister already has the power to impose functions on affiliated health organisations through regulation. As per section 65 of the Health Services Act 1997, the Minister may, from time to time, determine the role, functions and activities of any recognised establishment or recognised service of an affiliated health organisation and, for that purpose, give the organisation any necessary directions.

Before making a determination, the Minister is to consult with the affiliated health organisation concerned, having regard to the healthcare philosophy of the organisation. That is a very long way of saying that when we view the bill in the context of existing legislation, it is incredibly clear that there is no coercion. The bill does not operate in a way that would force all hospitals, including affiliated and private hospitals, to provide abortion services. Unfortunately that story was picked up by a lot of people looking for reasons to oppose the bill as being something that it is not, so that must be knocked on its head. I understand the Hon. Rod Roberts may have that impression. I hope he has heard my explanation and read the frequently asked questions document that was sent out by my colleague to explain exactly how the bill works.

A previous contributor to debate mentioned that this is a divisive bill. I do not think it is divisive to unite regional and rural women with their city peers. That is effectively all the bill does. The bill does not create any change to the legality of abortion in this State. Proudly, because of the work that was done across party lines in 2019, abortion is legal in New South Wales. The bill makes sure that the benefit of that can be shared by everybody across the State, no matter their postcode or bank balance. That was the original intention, as was passed by an overwhelming majority of members in this Parliament. That is all the bill does. If there is divisiveness, it is because people have chosen to make the bill about something that it is not.

I finish by praising the work of my colleague Dr Amanda Cohn. She is a Doctor of Medicine. Her approach to treating this matter as a healthcare issue about healthcare accessibility for everybody in this State is consistent with everything she does in the health portfolio and as a doctor. Her work is to be commended. It is unfortunate that silliness has surrounded debate on what is an incredibly reasonable administrative bill. I am very proud to be associated with this Greens bill and hope we see very sensible changes when members return to debate it on the next sitting day.

Debate adjourned.

Documents

LIVERPOOL CITY COUNCIL

Production of Documents: Order

The Hon. CHRIS RATH (17:55): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Local Government or the Department of Planning, Housing and Infrastructure (including the Office of Local Government) relating to Liverpool City Council:

- (a) all correspondence, sent within the Office of Local Government between 27 March 2023 and 7 May 2024, relating to Liverpool City Council;
- (b) all documents relating to the public inquiry into Liverpool City Council;
- (c) all documents relating to the section 430 investigation, or the interim report of the section 430 investigation, into Liverpool City Council;
- (d) all documents relating to Holding Redlich being appointed as counsel assisting the commissioner for the public inquiry into Liverpool City Council;
- (e) all documents relating to Liverpool City Council sent from:
 - (i) the Minister for Local Government;
 - (ii) the Office of Local Government; and
 - (iii) Ross Glover.
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This request for documents is as reasonable as they come. Members of this place seek to understand the decision-making involved in the exercise of the numerous powers under the Local Government Act. The context also presents a crucial opportunity to scrutinise the integrity of the Office of Local Government. In three questions the motion seeks to answer the following: First, was due process followed in the later reversed decision of the Minister to suspend Liverpool City Council? Second, is the rightly independent Office of Local Government potentially subject to partisan political influence or pressure from the Labor Government? And third, were there any probity issues in the appointment by the Office of Local Government of the Labor-aligned law firm Holding Redlich to act as solicitors assisting the public inquiry—recalling that it was described by *The Australian Financial Review* as "the biggest law firm political donor", contributing hundreds of thousands of dollars to the Labor Party?

The motion will allow the Legislative Council to examine the process behind the unprecedented decision to apply both a section 430 investigation and a section 438U public inquiry into Liverpool City Council concurrently. In April 2024 the Minister for Local Government announced a section 430 investigation into Liverpool City Council, and an interim report was published on 18 July 2024. That report was used by the Minister to attempt to suspend Liverpool City Council, including taking away the right of voters in Liverpool to have a say over the future of their local government area. On that basis alone, the motion should be supported. Any instance where democracy and enfranchisement are taken from the people by the Executive should always be subject to a healthy level of scrutiny. However, the matter is much murkier.

In the council's legal case appealing against the Minister's suspension, Judge Robson found that the Office of Local Government's deputy secretary "failed to observe the requirements of procedural fairness". During the proceedings it was discovered that the deputy secretary, Brett Whitworth, apparently changed his mind on his recommendation to suspend Liverpool City Council. I understand that between 11.27 a.m. and 5.17 p.m. on 10 July, Mr Whitworth had an apparent change of heart from recommending that the council is not suspended to recommending that it is suspended. Was the Minister involved in that change of heart? Perhaps the deputy secretary received advice from another public servant. Rather than speculating, the approach of this House is to let the truth set the Government free. Sunlight is the best disinfectant, after all.

The Office of Local Government also seemingly expunged the published interim report from its website. That report contained damaging allegations against staff and elected officials at Liverpool City Council. Members should know that, critically, those allegations were published before the accused were made aware that the claims even existed and before they had a chance to respond. To back up the interim report bungle, the Minister announced a public inquiry into Liverpool City Council under section 438U. However, the section 430 investigation had not yet been completed. That is an atypical process. To my knowledge, there is not another example where this kind of concurrent investigation-inquiry has occurred. Is the Minister perhaps worried about the credibility of the original investigation? My concern is that the public inquiry might be being used to retrospectively justify the investigation in the first instance and cover over its numerous flaws. If true, which this Standing Order 52 motion hopes to get to the bottom of, such an approach would be a terrible distortion of due process and an extreme overreach of Executive power.

This is not a motion interested in the political colour or loyalties of any of the councillors or staff involved. It is simply a request for transparency and an opportunity for reasonable scrutiny of this Government making a controversial decision through several atypical processes. I quote the then Leader of the Opposition, Chris Minns, in 2022:

From hard experience, Labor has learned that the pursuit of integrity is not a burden we absolve ourselves of, but an unwavering commitment to always be probing ourselves, and others, to ensure there is integrity in public life in NSW.

Members ought to take it from Chris Minns. I urge members to support the probing of these Government decisions in order to maintain the pursuit of integrity in public life in New South Wales. I commend the motion to the House.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:00): In the Government's view, this call for papers should not be supported, particularly in its current form, as it has the serious possibility of compromising a lawfully constituted inquiry that is being conducted at arm's length from the Government. Releasing documents at this time will unduly expose the public interest disclosures of people with legitimate questions about their employer, and we cannot exclude the possibility that the individuals who made the complaints will have their identities revealed. I move:

That the question be amended by:

- (1) Omitting "21 days of the date of passing of this resolution" and inserting instead "56 days of the date of the final report into the *Liverpool City Council Public Inquiry*".
- (2) In paragraph (a) omitting all words after "all correspondence, sent" and inserting instead "by the Office of Local Government between 1 November 2022 and 7 May 2024 to Liverpool City Council in relation to requests for information under section 430 or 734A of the Local Government Act".
- (3) In paragraph (b) omitting all words after "all documents" and inserting instead "relating to the establishment of the public inquiry into Liverpool City Council, including the appointment of the Commissioner".
- (4) In paragraph (c) inserting "provided by the Office of Local Government to the public inquiry" after "all documents".
- (5) In paragraph (d) omitting "Holding Redlich being appointed as counsel" and inserting instead "the appointment of the external instructing solicitors and counsel".
- (6) Omitting paragraph (e).
- (7) Inserting at the end:
 - (2) That:
 - (a) this order of the House does not require the production of documents relating to witness testimony, including supporting documents, public interest disclosures, interview transcripts or investigation notes, and documents returned to this order of the House be redacted of names and other identifying information of whistleblowers, including job titles.

While the Government does not support this call for papers for the reasons I have outlined, I move this amendment to propose a bare minimum of protection of the independent process of the inquiry and witnesses who have come forward.

The Hon. MARK LATHAM (18:03): I urge the Chamber to support the SO 52 call for papers moved by the Hon. Chris Rath because it is consistent with the will of the people. It was a major local government controversy involving one of our former Presidents in this place, appointed as the general manager, up against the mayor. Allegations were made, yet when the people voted last year the result that Mayor Ned Mannoun achieved was phenomenal. It was from outer space! He won every single booth in Green Valley. I am showing my age, but I remember standing on the Ashcroft public booth when Labor would get an 80 per cent primary vote. The Ferguson machine, very effective at getting the numbers inside the Labor Party but hopeless campaigning among the people, has got it down to 30 per cent. It has dropped one in two voters in the space of a generation and a half. Mannoun is doing something out there. From time to time you see Teflon-coated politicians. I suppose

Neville Wran, once in this place, is an example, while Bob Carr to some extent was another. But this Mannoun character out there is doing something that the people support down the line. It is phenomenal.

The allegation made in this Chamber by the Hon. Chris Rath is that between the times of 11.27 a.m. and 5.17 p.m. on 10 July—the times are so precise it is like a crime thriller—Mr Whitworth, the head of the Office of Local Government, had an apparent change of heart from recommending that the council not be suspended to recommending that it be suspended. What happened there? I do not think it matters too much that there is an inquiry underway. This Council, with the ability to call for papers under its transparency and accountability powers, should be able to scrutinise these things. Documents can be privileged, as is often the case, to protect the integrity of the inquiry. But given the will of the people of Liverpool to support Mayor Mannoun in the face of the allegations made against him by the union and the former general manager, as well as the media and the controversy, something has gone on out there that requires this House to inspect the papers and make its own judgement consistent with the greatest power of all in a democracy: the will of the people.

Dr AMANDA COHN (18:05): I indicate that The Greens will be supporting the motion and also supporting several paragraphs of the amendment moved by the Government. The allegations made by the Opposition in terms of Executive overreach into local government are very serious. The Greens take them seriously, particularly given the important role of this House in terms of transparency, accountability and oversight, which we all agree on. We have a responsibility to take those concerns seriously and look into them.

It is also my view that some of the concerns the Government has raised in terms of potentially compromising the integrity of the public inquiry yet to take place are valid and serious, as are the concerns around the protection of whistleblowers, particularly people who have made public interest disclosures. To that end, a number of paragraphs of the Government amendment are commendable and worth supporting. While I generally do not love to get involved what seems like quite a partisan dispute about a local government area, obviously, in the context of a call for papers, we need to be engaged in that process.

The Hon. BOB NANVA (18:06): I oppose the call for papers moved by the Hon. Chris Rath and support the Government amendment to redefine its scope. The proposed order is inappropriate, as it seeks to compel the production of documents that are being prepared to support a public inquiry under the Local Government Act. The public inquiry into Liverpool City Council follows investigations and legal action around well-founded concerns about the staffing, governance and functioning of the council. Seeking those documents may prejudice the functioning of that inquiry.

A more pessimistic view would be that the Opposition is seeking to stymie the effective functioning of the inquiry, because the order also seeks documents that relate to open investigations and inquiries being undertaken by the Office of Local Government. The tabling of documents, even if captured by privilege, has the potential to prejudice actions underway or actions that are being contemplated. There are good public policy reasons why investigation documents should not be produced. Those documents overlap with the documents that the Office of Local Government has already provided to the public inquiry and may prejudice the work of the inquiry by revealing information outside of the formal inquiry process.

Finally, the resources that are required to respond to this order are significant, particularly given the sensitive nature of the documents and the volume of documents, even if the scope of subparagraphs (a) and (e) is limited. The advice of the Office of Local Government is that its investigations team and legal team alone would be taken offline completely for at least one month to review those documents, which also slows down the Liverpool public inquiry. It would also prejudice other investigations and interventions that have been called for by the Opposition in this House—for example, the consideration of the behaviour of councillors in Snowy Monaro. I do not support the order for papers, and I am disappointed that there are some who are wilfully looking to prejudice an ongoing inquiry. I am concerned that the Opposition is looking to protect a mayor who has, potentially, fought against accountability from the start. I urge this House to consider the implications of such an order.

The Hon. PETER PRIMROSE (18:09): In my contribution to debate on the motion, I refer to the history associated with this matter. Quite clearly, anyone who has followed the matter would be aware of the cloud that hung over Liverpool City Council well before the previous State election when Labor came to government. The first complaint about Liverpool was received by the former Minister for Local Government and the Office of Local Government [OLG] in December 2022. The Office of Local Government took action to ask for more information through preliminary inquiries to council in March 2023, while the former Government was still in office. While the initial concerns were around the non-merit-based appointment of staff on a political basis, OLG investigations uncovered far deeper concerns.

Amongst the documents provided by OLG to the public inquiry are complaints, public interest disclosures, interview transcripts and investigation notes. These relate to many differing types of allegations, including

bullying and sexual harassment; interference by elected officials in development assessment processes; breaches of the Work Health and Safety Act; wasting of public money; destruction of records; sexual discrimination; bypassing of procurement processes; and pressure to determine development applications, resulting in refusal of developmental applications that may otherwise have been approved. I think members would agree that those are serious allegations that deserve proper scrutiny through an arms-length investigation.

Despite the mayor welcoming the public inquiry, Liverpool council initiated legal proceedings in the Land and Environment Court against the Minister and the department, which were unsuccessful. The ability and reasoning for the Minister to initiate the public inquiry was upheld by Robson. The public inquiry has been initiated. Commissioner Ross Glover was appointed at the recommendation of the Office of Local Government, having been appointed to conduct a previous inquiry under the former Government into Wingecarribee. Independent instructing solicitors and counsels assisting have all been appointed by either the department or the commissioner, independent of Executive Government.

This call for papers risks making accusations, provided under conditions of secrecy, available to political allies of the person accused of wrongdoing. The Government is firmly against allowing that possibility. One would have to question the motives of the Opposition for bringing this motion forward when a statutory process is underway. The Government's amendment, as moved by the Minister, goes some way to protecting the process and those who have bravely come forward. Should the House determine that the motion proceed, I strongly commend the amendment to the House.

The Hon. CHRIS RATH (18:12): I move:

That paragraph (1) of the amendment of the Hon. Tara Moriarty be amended by omitting "56 days" and inserting instead "1 day".

The amendment seeks to change "56 days" to "1 day". It is absurd to suggest that, after the investigation has been completed and the final report handed down, the people of Liverpool would then need to wait a further 56 days for the documents.

Dr AMANDA COHN (18:13): I indicate that The Greens will support the amendment of the Hon. Chris Rath to the Government amendment for the reasons outlined by the member. Given the argument is to defer the provision of these documents in order to not prejudice the inquiry, once the inquiry is completed, it is reasonable that those documents be available immediately, and the department has a significant amount of time, starting now, to prepare them.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:14): The Government does not oppose the amendment of the Hon. Chris Rath to the Government amendment.

The Hon. CHRIS RATH (18:14): In reply: With a bit of a kumbaya, if we come to an agreement, we may not even need to go to a division on this particular motion. This is how the sausage is made, for those thousands of people tuning in and watching the upper House just before a dinner break on a Wednesday. I thank members who contributed to debate. If the Government is worried about personal or sensitive information contained in the documents, by all means, redact that information and place the documents in the privileged box for only members of this Chamber to view. It can always be up to the arbiter as a matter for dispute of privilege. It is not a fair and reasonable excuse to say, "Because the documents include sensitive information, we will therefore oppose or water down the Standing Order 52." That is why the privileged position exists and why the documents can be made confidential for members of this House only. Apart from that, I think we have reached a middle ground or a compromise. I commend the motion to the House.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): The Hon. Chris Rath has moved a motion, to which the Hon. Tara Moriarty has moved an amendment, to which the Hon. Chris Rath has moved a further amendment. The question is that the amendment of the Hon. Chris Rath to the amendment of the Hon. Tara Moriarty be agreed to.

Amendment of the Hon. Chris Rath to the amendment of the Hon. Tara Moriarty agreed to.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): The question now is that the amendment of the Hon. Tara Moriarty as amended by the Hon. Chris Rath be agreed to.

Amendment of the Hon. Tara Moriarty as amended by the Hon. Chris Rath agreed to.

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

The House divided.

Ayes20
Noes15

Majority.....5

AYES

Barrett
Boyd
Carter
Cohn
Faehrmann
Fang (teller)
Farlow

Higginson
Hurst
Latham
MacDonald
Maclaren-Jones
Martin
Merton

Mitchell
Munro
Overall
Rath (teller)
Roberts
Ruddick

NOES

Banasiak
Borsak
Buttigieg
D'Adam
Donnelly

Houssos
Jackson
Kaine
Lawrence
Moriarty

Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

PAIRS

Tudehope
Ward

Mookhey
Graham

Motion as amended agreed to.

Bills

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2025

First Reading

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

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

Statement of public interest tabled.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

Documents

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Return to Order

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

- (a) a return received on Wednesday 26 March 2025 from the Cabinet Office, together with an indexed list of documents; and
- (b) a return received on Wednesday 26 March 2025 from the Cabinet Office of documents subject to a claim of personal information.

KOALA POPULATION DATA

Return to Order

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

- (a) a return received on Wednesday 26 March 2025 from the Cabinet Office, together with an indexed list of documents;

- (b) a return received on Wednesday 26 March 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 26 March 2025 from the Cabinet Office of documents subject to a claim of personal information.

MOORE PARK GOLF COURSE

Return to Order

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

- (a) a return received on Wednesday 26 March 2025 from the Cabinet Office, together with an indexed list of documents; and
- (b) a return received on Wednesday 26 March 2025 from the Cabinet Office of documents subject to a claim of privilege.

Motions

BUSH BABIES MATTER CAMPAIGN

The Hon. SARAH MITCHELL (18:25): I move:

- (1) That this House acknowledges the critical issues facing maternity services in rural, regional and remote areas in New South Wales, including the service reduction at multiple hospitals.
- (2) That this House recognises the "Bush Babies Matter" campaign, which is advocating for improved funding and investment in rural maternity services to ensure that families in rural areas have equal access to quality primary health care during pregnancy and childbirth.
- (3) That this House calls on the Government to:
 - (a) support the Bush Babies Matter campaign to bring attention to this critical issue affecting rural communities; and
 - (b) prioritise the accessibility, quality and equity of maternity care across rural, regional and remote New South Wales.

I thank and congratulate those involved in the Bush Babies Matter campaign. It is obviously a matter close to my heart, living in a regional community and having given birth to two daughters in a regional town. On this side of the House—and I acknowledge my colleagues in the Chamber—The Nationals particularly want to ensure we have equity of access to quality primary health care during both pregnancy and childbirth in rural, regional and remote areas.

This week we have been fortunate enough to have Jen Laurie, who works on the campaign and who I have spoken about previously, here from Armidale. She met, or is meeting, with members—I think she is catching up with the health Minister on Friday—to talk about the campaign and the work being done. Jen runs Her Herd, which offers services ranging from perinatal and postpartum support to fertility, IVF support and pregnancy loss support. She also does some work with children as well. As a woman and a mum from a regional area, she knows it is important to have access to quality health care.

Unfortunately, we are seeing a diminishing of those services. Sadly, more and more women are sharing stories of horrific birthing experiences. I note that there was an inquiry into birth trauma that was instigated and chaired by the Hon. Emma Hurst, who is in the chair. During the inquiry we heard a number of concerning delivery and postpartum care stories. The work of the Bush Babies Matter campaign has uncovered that these issues are occurring more and more. We need to not only raise awareness of that but also work in a bipartisan way with the Government to have better services for women and families living in rural and regional areas.

The members who have met Jen, or are meeting with her, will be provided with a document that lists a number of lived experiences of women and also some examples from people in the medical fraternity about what they are seeing in their communities. I will share with the House a couple of examples that the program has received within the past 18 months. Chloe from Muswellbrook recently gave birth to her fourth child in the public toilet of the Muswellbrook Hospital emergency department. The hospital's maternity service had closed, and Chloe did not have time to drive the extra 40 minutes to Singleton. When she arrived at the hospital, Chloe was in labour and bleeding profusely. She was directed to the bathroom where she gave birth just minutes later, with her husband catching the baby. I will also share the story of Leah from Narrabri. Leah said:

I went into labor at 1am and drove myself to the hospital, only 10 minutes away. They were on bypass, with only one midwife on duty. She examined me and decided to call an ambulance, despite my offer for my husband to drive. I was only 2cm dilated at the time and it took an hour for the ambulance to arrive, despite two calls from the hospital. My husband packed our son and headed out, while I finally left in the ambulance, accompanied by a wonderful midwife. About 10 minutes into the trip my waters broke and things escalated quickly. I labored the entire way strapped on my back as the ambulance sped to keep up. I made it by 9 minutes, but my husband missed the birth of our son. My husband, unable to catch up, had no idea how far along I was or what was happening.

The last story I want to share is from Hannah from Gunnedah, where I live. Hannah said:

I am apparently part of the 1% of women who labor extremely fast. When I presented to the hospital for a check after 1.5-2 hours, I was already 7-8cm dilated, making it impossible to transfer me to Tamworth. Due to significant blood loss and the fact that my baby was not yet in my pelvis, an emergency caesarean was required. The reality is, I wouldn't have made it to Tamworth in time. This resulted in the on-call doctor being urgently brought from Tamworth, traveling in the back of a highway patrol car with lights and sirens at 150km/h while we waited for the anaesthetist to drive from Tamworth to Gunnedah. This experience highlights the challenges of centralized care, where everything is routed through Tamworth and the lack of local resources, such as available doctors, in smaller towns.

There are many other stories that I could share. Some of my colleagues will speak about it as well. The reality is that there are real issues with maternity services in regional communities at the moment. Unfortunately, it feels like a self-fulfilling prophecy. Things seem to be getting worse. We want women to know that they can live in the regions. We want them to know they can have good health care, particularly regarding their pregnancy. There are real struggles that we need help with. I acknowledge that the Minister for Health is open to discussing it. He is good to work with. There are real problems. It is real lived experience. It is critical that the Government steps in and prioritises those services in rural and regional communities.

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

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (20:01): The Government supports the motion and acknowledges and thanks the Bush Babies Matter campaign for its advocacy to bring attention to the issues affecting rural and regional communities. I echo the words of the mover of the motion and also commend the Minister for Health, and Minister for Regional Health, Ryan Park, for his tireless work to improve health services across our State. No doubt that is a huge challenge, and he faces it with enthusiasm and gusto every day. He is certainly taking on board the feedback that he is receiving from the petitioners and the range of stakeholders that he engages with.

I will be clear: The Government's vision is that all women in New South Wales receive respectful, evidence-based and equitable maternity care that improves experiences and health and wellbeing outcomes, including for women who live and birth in rural and regional New South Wales. The issues are complex and challenging. I am advised maternity services in New South Wales are networked, ensuring that women and their babies receive the safest care at the most appropriate facility. At times women may require a transfer to an alternate facility for specialised, higher level maternity care as part of the usual network structure. The global shortage of specialised maternity clinicians such as midwives and obstetricians poses a significant challenge, particularly in rural and regional areas. The shortage of specialised staff can impact on the provision of maternity care and at times women might need to be transferred to ensure the provision of safe maternity care.

The global challenge of the shortage of specialised maternity clinicians has been exacerbated in New South Wales by the decisions of the previous Government to suppress wages over an extended period. We are absolutely committed to rebuilding our health services. It is worthwhile noting that no regional maternity services have closed over the past two years that we have been in government. We are working hard to fill those gaps. I was born in Forster. It no longer has facilities where babies can be born. I accept the challenges we are facing across the State; we want all women to have the opportunity to access excellent local care in the best way possible.

The Hon. NICHOLE OVERALL (20:04): The increasing decline of maternity services in rural New South Wales is incredibly concerning, as is the fact we are having to fight to save them. Women who give birth before arriving at hospital, including on the roadside, account for 0.7 per cent of births statewide, but in rural and remote areas, the figure jumps to 5 per cent or one in every 20 babies. I had the pleasure—as much as it is the worst physical pain in your life, childbirth can be a pleasure—of having my sons delivered in the incredible Queanbeyan maternity unit, which is routinely top of the State for maternity services, so much so that Canberra women come over the border to have their babies. The unit, though, is minutes away for them. But in areas like the Upper Hunter, women have to travel for over two hours to access care after hours or for any high-risk pregnancy.

Perinatal and paediatric mental health clinician Jen Laurie established Her Herd to provide specialist services via telehealth. Shockingly, Jen says more than 140 rural maternity services nationwide have closed in the past 20 years, and far too many women are suffering high levels of anxiety, depression and social isolation when it comes to fertility struggles. Jen has spoken with over 70 women who have shared stories that demonstrate not only extraordinary resilience and courage but also serious concerns. A woman from Griffith, after giving birth prematurely at 35 weeks on the side of the road, planned a free birth at home because the severe lack of maternity care options, the absence of continuity and the ongoing unpredictability of services left her with no confidence in the local hospital. No woman should have to choose between inadequate care and birthing alone but, for many in rural and remote areas, that is the reality. Another mum from Bibbenluke had to receive most of her maternity

care in Canberra, a two-hour drive away, and had to stay there for 15 weeks while her premature baby was in the hospital, separated from her toddler. She said:

The emotional and logistical strain of being so far from home and family during such critical times was overwhelming.

Chloe from Gunnedah is part of the 1 per cent of women who labour extremely fast. That prevented her from getting to Tamworth and she required a doctor to urgently be brought to her in the back of a highway patrol car. Having given birth to my second child in two hours, I did not even know that that was such a low statistic, but I fully appreciate the anxiety and potential issues of not having the comfort of knowing fully operational maternity services are only minutes away. The Minister for Health has said the Government is working on an action plan for maternity care that would be in place by the end of the year. The Minister and the Labor Government must prioritise this situation, give it the full and immediate attention it deserves, and provide certainty and solutions for better maternity care for rural New South Wales. The need is great and the time is now.

Dr AMANDA COHN (20:07): The Greens also support the motion and I thank the mover for the opportunity to discuss this important issue. As a member of the Select Committee on Birth Trauma last year, I was one of several members who heard chilling and harrowing stories about people's experiences of childbirth in this State. Some of those stories were a result of frank medical malpractice but a lot of them arose because of a public health system that is severely under-resourced and health workers who are under an unacceptable amount of pressure and forced to make really difficult decisions that they should not have to.

When we interrogate the Government about the state of maternity services in New South Wales, which I have as a member of the birth trauma committee and as a member of Portfolio Committee No. 2 at budget estimates hearings, the inevitable excuse that is given is about workforce. It says, "We don't have the workforce. We need to staff services adequately." That is because in New South Wales we do not pay midwives what they would earn in other States. The Nurses and Midwives' Association has campaigned for many years for pay parity with other States. As a resident of a cross-border community, it is not okay that we are losing our skilled staff to Victoria.

We also have a decline of GP obstetricians. Particularly in small rural towns, having the regular GP who looks after the whole family also provide antenatal care, postnatal care and birthing care is a tremendous asset. With the shift towards more specialised health care, where that work is increasingly centralised and done only by obstetrician gynaecologists, smaller communities are left without the option of specialised care close to home. The single employer model from NSW Health to support rural generalists is absolutely a step in the right direction, but, with the number of registrars participating in that program in the teens, it will not fix the problem as quickly as it needs to be fixed.

I talked about midwifery wages already, but there are particular issues with safe staffing levels for midwives as well. I note also the Nurses and Midwives' Association campaign, "Mums Matter, Babies Count". The NMA has campaigned for a long time to have safe staffing levels on maternity wards. All members know that I am a very fierce advocate for choice when it comes to reproductive rights. That includes the choice to carry a pregnancy to term, that includes the choice to access maternity care close to home, that includes the choice of model of care throughout your pregnancy, and that includes the choice to give birth the way you want to. I express my enthusiastic support for the motion and the campaign.

The Hon. EMILY SUVAAL (20:10): I support the motion. As a member of the Select Committee on Birth Trauma, access to care came up in that inquiry and, sadly, it is not a new issue in New South Wales. The tyranny of distance in regional areas means that health outcomes are not the same as metro areas. We still face that harsh reality in regional New South Wales. I commend the campaign and advocacy efforts of the community in bringing attention to the issue and thank the member for introducing the motion. It is an important issue, but it is not new. The Hon. Courtney Houssos talked about Forster Hospital. We have Cessnock Hospital in my local community, which is over 70 years old. It did have maternity services. In fact, a number of great individuals were born at Cessnock Hospital, including Andrew Johns and Chad Griffith. But that is no longer. Maternity services have not been there for some time, and we are a growing community. Cessnock is the second fastest growing regional local government area. The town has over 60,000 people, and we do not have maternity services.

The closest service is at Maitland, which is about 40 minutes away. It is part of the networked hospitals that were mentioned. The wonderful John Hunter Hospital is close to an hour away. Dr Amanda Cohn mentioned the importance of GP obstetricians. The lack of GP obstetricians led to Cessnock Hospital no longer offering maternity services. That is the sad reality for many regional hospitals. The pressure on local GPs is immense at times. Further up the valley in Scone, a wonderful GP obstetrician assists with the midwifery unit. It is a lot for one or two people in the community to service the area. I put on record my thanks in particular to GP obstetricians working in regional communities and towns. The Hon. Sarah Mitchell talked about the wonderful GP obstetricians

in Gunnedah. Those people give so much to the community. I support the motion and thank the Hon. Sarah Mitchell for moving it.

The Hon. WES FANG (20:13): I congratulate my colleague and good friend the Hon. Sarah Mitchell for introducing the motion. Members have spoken about their experience serving on the Select Committee on Birth Trauma. I will speak about my experience serving on the inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales. I congratulate the Hon. Greg Donnelly, who is in the Chamber, for the excellent bipartisan work the committee did to ensure continued and excellent health care in the regions. I note the difference in rhetoric between members on one side of the Chamber and members on the other. When the Coalition was in government and Labor was in opposition, Labor members made a number of statements about the provision of health care, particularly maternity services, in rural and regional communities.

In her contribution to debate on the motion, the Minister progressed a different kind of rhetoric from the rhetoric used by Government members during the inquiry. In particular, the Minister sought congratulations about the fact that no maternity services have closed in rural and regional communities. But that particular inquiry highlighted that growing communities like Cessnock, which the Hon. Emily Suvaal mentioned, need better and improved maternity services. But we have not seen that from the Government. We have not seen the Government deliver any of the commitments it made during the inquiry and in the lead-up to the last election. Government members always have an excuse about why they cannot deliver those commitments. Rural and regional communities have had enough of excuses. They want better services.

The Hon. Emily Suvaal said that the communities we represent and live in deserve those services. When the Coalition was in government, we had a Minister for Rural Health, and before that we had a Parliamentary Secretary for Regional Health. I am not sure about this Government's machinery-of-government changes, but when we were in government, members knew not to get in the way of the Hon. Bronnie Taylor. Members of this House would know that. We need an advocate—one as strong as the Hon. Bronnie Taylor was and as strong as the Hon. Sarah Mitchell is—fighting for rural and regional maternity services.

The Hon. SCOTT BARRETT (20:16): I do not have the same knowledge of childbirth as other members in the Chamber, but I had one very lucky experience and now have a gorgeous boy as a result. I am all too aware about how easily and quickly things can go wrong, and the risk of that happening is increased in regional, rural and remote areas, given the additional distances, lack of connectivity and general disparity in services. It is because of those issues that the Hon. Sarah Mitchell introduced the motion, which I commend, as well as the Bush Babies Matter campaign, which I also commend. It is great to be able to speak to those topics. As the motion states, we cannot argue about the need to prioritise the accessibility, quality and equity of maternity care across rural, regional and remote New South Wales. Of course we should do that. We should also promote safety in maternity care across regional New South Wales, especially considering the increased risks I mentioned earlier.

The Government has several levers that it may use to solve this problem, and I urge it to swing as hard as it can off every single lever. One issue is that we need more midwives and obstetricians in our area, and it takes more than an ad in the paper to get them there. To anyone who might be switched onto the broadcast and entertaining the idea of taking up one of those important career paths, or to others who might be in the field, I urge them to strongly consider moving to regional New South Wales. I will personally guarantee that their quality of life will be far better living in regional parts of the State than in our larger cities. While I talk quite regularly about how good it is to live in regional New South Wales, that does not mean we cannot do better. Again, I implore the Government to swing as hard on those levers as it can to make regional New South Wales an even better place to live, work and raise a family.

We need to look at this holistically. We want to attract people to the regions, which will subsequently attract more people to the regions. If we can increase the vibrancy and liveability of regional towns, it will make it easier to attract midwives and obstetricians to those areas. That includes getting things like child care sorted out, getting our schools humming, getting our attractions right and providing the social opportunities and connections that regional communities are so famous for and so good at providing. We need to look at the bigger picture on this one. Let us get the message out there that regional New South Wales is the place to live for whatever career you have, but particularly to our midwives and obstetricians. If they come out to the regions, they will have the time of their lives. Let us see our maternity care improve right across the State.

The Hon. SARAH MITCHELL (20:19): In reply: I thank all members for their contributions and the House for its support of this motion. It will be of great joy for those working on the Bush Babies Matter campaign to know that it was supported across the Chamber and across party lines. I make a couple of comments in relation to some of the things said during the debate, particularly in response to Minister Houssos. I am not pretending it is not challenging to get people to come live and work in rural and regional areas, particularly in health services. We understand that can be hard, and I am not saying it was always perfect under our Government. But the concern

I see through the work being done on the Bush Babies Matter campaign is that it does feel like it is getting worse. The Minister says, "It's okay; none have closed", but that is not the lived experience of a lot of women and families.

People are feeling the bypass impacts of some of those hospitals no longer being able to have women deliver. I again use the example of my home town of Gunnedah. I had both my girls there; they are seven and 11. My sister-in-law had all three of her children there, and her youngest is 2½ years old. You cannot have a routine labour in Gunnedah anymore—it just does not happen. Tamworth used to be our back-up hospital, but for many women now it is their first port of call for their labour and birthing. If Tamworth is on bypass, which it often is, sometimes women will go to Armidale and Inverell. That was not happening 2½ years ago—with respect to the Government. People feel frightened about the experience of giving birth. They are unsure where they will be delivering. They may have other children to worry about, as well as their partners. It is adding to the overall anxiety of what should be one of the most beautiful experiences of their life. That is why I feel particularly strongly about this.

I do acknowledge the work that Minister Park does. He is a decent human being. We get that this is hard, but it has to be front of mind. I ask members to imagine saying to anyone living in Sydney in 2025, "You may find yourself driving four hours in labour on your own—maybe with your partner, if you're lucky to have one who can drive you—desperately hoping you don't have your baby on the side of the road." That is not okay. We have to work collectively to stop that happening in our regions. We need to fix these issues. We have to do what we can to support the workforce, and we have to get them out to the regions. You cannot have women and families dealing with this and being frightened about an experience which should be one of the most beautiful of their lives.

It is all very well and good to talk about wage suppression in this Chamber, as the Government often does, but no deal has been landed with the nurses and midwives yet. If increasing wages is the most important thing, why have those opposite not done that? Why have they not funded it? That will be the solution to getting better care. People in the bush do not care about politics. They do not care about what members say in this place. They want to be able to go to their local hospital to have a baby and feel safe and cared for. That is what we should make sure happens.

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

Motion agreed to.

Bills

INDUSTRIAL RELATIONS AMENDMENT (TRANSPORT SECTOR GIG WORKERS AND OTHERS) BILL 2025

First Reading

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

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

Statement of public interest tabled.

The Hon. COURTNEY HOUSSOS: I move:

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

Motion agreed to.

The Hon. COURTNEY HOUSSOS: I move:

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

Motion agreed to.

Motions

STEEL AND ALUMINIUM EXPORTS

The Hon. EMILY SUVAAL (20:24): I move:

(1) That this House notes:

(a) its concern at the tariffs recently imposed on Australian steel and aluminium by the Trump administration in the United States;

- (b) the importance of New South Wales steel and aluminium producers to employment, skills and our economy, and their competitiveness in an open trade environment;
 - (c) the detrimental effects of tariffs on the cost of goods for consumers and ability of companies to trade and compete fairly at a global level; and
 - (d) the importance of trade for the continued growth and prosperity of New South Wales.
- (2) That this House commends the united front presented by the Australian Government, State governments and business groups on this issue.
 - (3) That this House recommends that all Australian leaders continue a direct and bipartisan approach to defending the interests of New South Wales and Australia.
 - (4) That this House encourages all Australian leaders to stay the course of maintaining our status as a fair and open trading nation.

Today I express concern about the tariffs that have recently been imposed by the Trump administration on Australian aluminium and steel. Those two industries are foundational to the New South Wales economy. They provide good jobs and produce highly skilled workforces. They are also important for the growth and prosperity of our local communities, including those in the regions. Australia succeeds as a trading nation, and New South Wales succeeds more than any other State within our Federation. We are 0.34 per cent of the world's population but our economic contribution is 0.97 per cent. Exports make up 15 per cent of New South Wales gross State product. We thrive on the basis of the skills, talents and ability of our people.

The United States has been a great ally to us here in New South Wales. It has also been a great trading partner. It is a positive relationship for the United States because it has a trade surplus with our State. We import far more from the United States than we export. Thanks to our large and growing pool of superannuation, we are also rising as a source of foreign direct investment in the United States. Together, the Australian funds invest \$631.6 billion in the United States economy. The US needs this form of direct investment in areas like infrastructure.

Free trade has been the source of great prosperity for us here in New South Wales—aluminium at Tomago in the Hunter Valley, near where I live; steel in the Illawarra; and quality food and beverage produce in our regions, among many other exports. Our steel and aluminium exports, along with so many other exports, complement the United States supply chains. The US imported \$638 million worth of steel from Australia in 2024. We are their twenty-sixth biggest importer. Australia's aluminium exports to the United States in 2023 were around \$500 million, or US \$316.92 million, which is about 10 per cent of our total aluminium output of \$5 billion.

Open trade fosters economic growth, innovation and also consumer benefits by allowing goods and services to flow efficiently across borders. Countries like Australia that embrace open and fair trade tend to experience greater productivity and economic dynamism as competition drives efficiency and lowers costs. In New South Wales we have long benefited from open markets, giving our businesses access to global supply chains and our consumers access to more affordable goods. Tariffs increase costs for consumers and businesses that rely on imported materials. They raise prices across the economy. Tariffs often delay necessary innovation and adaptation, leaving businesses less competitive in the long run.

In New South Wales we will continue to support workers and industries through policies that enhance competitiveness, such as investment in skills, technology and infrastructure, rather than relying on protectionist measures that risk doing more harm than good. Businesses, workers and economies around the world benefit from open, free and fair trade. Those are the values that underpin our economic and trade policies and which we will continue to promote. The New South Wales Government supports the Federal Government continuing to engage with the United States administration on this matter. The Minns Labor Government will continue to support local jobs and local industries, including through our "if not, why not" initiative and a newly released industry policy, while reinforcing the commitment of New South Wales to free trade. With that, I commend the motion to the House.

The Hon. CHRIS RATH (20:29): On behalf of the Opposition, I indicate that we support this very good motion moved by the Hon. Emily Suvaal. Last week I gave a private member's statement extolling the virtues of free trade and denouncing Trump and the tariffs that he has imposed on Australian steel and aluminium. I am happy to regurgitate some of the points that I made a week ago. Free trade is objectively good for Australian producers who can sell our products on the world market to a greater number of buyers, beyond the domestic Australian market. It is also good for Australian consumers, as the Hon. Emily Suvaal said. We always talk about the benefits to our producers. We can sell iron ore, coal, wheat, wool, wine, lobster or whatever to the world market, but free trade is also good for Australian consumers because we can buy cheaper goods of a greater variety on the world market at lower costs.

In fact, if we can go somewhere and buy a product at a lower cost, it is one of the main drivers of reducing inflation. We can now buy things like television sets and electronics, textiles, clothing and footwear, toys and all sorts of goods at a cheaper price, and that has had a deflationary effect on the Australian economy when compared with whether they had been produced domestically. That is because of the concept of comparative advantage that the great economist David Ricardo invented, rightly, all those years ago. Free trade is also good for poverty alleviation. Why is it that 800 million Chinese have been lifted out of poverty since 1979? It is only because China opened its borders to free trade and global capitalism that it was able to do that.

Free trade is also good for world peace. Nations that trade together do not go to war with each other. Nations that have free trade agreements do not go to war. It is concerning to see this populist, nationalist and reactionary movement seeping in on the hard right. I remember as a kid that protesters against globalisation, global capitalism and free trade were all from the left. They were the ones who protested in front of the World Economic Forum and World Bank; it was not the hard right. People on the right used to be pro-free trade. Unfortunately, under the Trump Administration and the global reactionary populist right, we are seeing a movement towards greater protectionism, and I think it is a bad thing. I congratulate the Hon. Emily Suvaal on bringing this motion to the House.

Ms ABIGAIL BOYD (20:32): On behalf of The Greens, I contribute to debate on this motion. There is a lot to quibble with in this motion. I quite enjoyed seeing the Treasurer on *Q+A*. As I sat in my hotel room, playing some silly game on my phone, I listened to the Treasurer while he was on *Q+A*.

The Hon. Mark Latham: Mookhey was on *Q+A*?

Ms ABIGAIL BOYD: Yes, he was. He was asked a question about the tariffs. I found that his response and the tone of his response was actually good, as he talked about the genuine anxiety felt by steel producers and steel communities in Australia, but then also focusing on the importance of building and buying locally. We have spent a lot of time in this House talking about local manufacturing, and The Greens are certainly on record supporting local manufacturing for economic and environmental reasons. I will truncate my response by moving an amendment, which probably puts it better than me talking off the cuff. I move:

That the question be amended by omitting all words after "That this House notes:" and inserting instead:

- (a) Trump's tariffs show just what an unpredictable so-called ally the United States has become under Trump;
 - (b) this turbulence demonstrates clearly the need for Australia to chart our own path and develop an independent foreign policy that supports our interests, not Trump's interests; and
 - (c) that by taking an independent foreign policy we can make sure we have the broadest possible trading horizons and make sure our mineral and value-added exports can find the best markets across the world.
- (2) That this House further notes that:
- (a) Australia and New South Wales's sovereign manufacturing capability is important to preserve and support;
 - (b) we need to continue the shift to green steel and green aluminium as crucial elements for our economy and critical for the climate, as we seek to decarbonise our society; and
 - (c) importing cheaper overseas steel and aluminium is a false economy, with locally fabricated steelwork able to take advantage of road, rail or local sea transportation, maximising flexibility and economy while also supporting high quality local jobs with high standards.

The Hon. MARK LATHAM (20:35): This is a very good motion in terms of its economic approach. The whole Australian experience with tariffs imposed by the National Party, predominantly in the '50s and '60s, was that it made our industries less competitive. If businesses are not forced to compete, why would they upgrade their capital, their machinery, their productivity and their labour skills? The experience was that the more we protected our industries, the more they went backwards in their competitiveness. The genius of the Hawke Government was to recognise that and bring down the tariff walls to force Australian industry to compete. Paul Keating always took the view, "Why is Labor in the business of protecting capital? Labor is in the business of growing workers with productivity and good real wages." The answer to that is economic competitiveness, and tariffs are the antithesis of that.

The motion is good. As for The Greens amendment, I admire the loyalty of Ms Abigail Boyd because none other than Senator David Shoebridge has released The Greens' first ever domestic defence policy. Undoubtedly, he is listening to debate on the amendment, "We will fight them on the beaches. We will fight them on the landing grounds. We will fight them with green steel. We will fight them with green aluminium"—which does not exist. I congratulate The Greens on that policy, and Shoebridge is well hooked into the security establishment in Canberra. I am sure he thought long and hard about the policy, but it does not make it right. When it comes to national security, I do not think that Australia has a choice other than to be sensible about the American alliance. I am no rusted-on fan of it, for a range of reasons—mainly the foolhardiness of going into Vietnam and Iraq—but

so long as we avoid foreign adventurism and wars that make no sense for Australia's interests, we can be an ally of the United States without being slavish to it. That is the balance in our foreign policy.

The amendment also goes to competitiveness in Australia. We are doing the right thing by not reciprocating with tariffs, but our competitiveness—and lack of it—mainly hinges now on energy costs. The truth at Tomago with aluminium smelting is that when its current coal-based contract comes off, it will probably double its energy costs. That is a huge blow to its competitiveness, and the company is talking about whether or not it can survive. As for BlueScope at Port Kembla, it has shifted so many plants and jobs to the United States, where energy costs are 50 per cent of the cost in Australia. As the Australian Energy Regulator pointed out, when there is a wind drought on a rainy or overcast day, we do not have the renewables to bring down energy prices, and that is one of our problems. I congratulate the Hon. Emily Suvaal on moving this motion, but I wish we could focus on the competitiveness of our industry vis-a-vis energy costs.

The Hon. WES FANG (20:38): I jumped for the call to speak before the Hon. Cameron Murphy because I wanted to get in before him and say that I actually was not going to speak until I heard some of the previous contributions and felt compelled to make a contribution. I am sure that the same contributions that compelled me also compelled the Hon. Cameron Murphy. I am sure if he were to follow my contribution, he will reiterate and support all of the points that I am about to make.

In particular, my comments relate to the amendment of Ms Abigail Boyd. While I respect her and some—few—intellectual points that she brings to the Chamber from time to time, I do not quite understand the idea behind the amendment. She speaks about green steel and green aluminium. I do not quite understand how she could seek to produce green steel and green aluminium other than to produce more wind turbines and more solar panels—which would cover more prime agricultural land with renewable projects that are intermittent and unreliable as a baseload power—so that there is enough power to produce the green steel and green aluminium. Certainly green steel and green aluminium requires a great deal of energy.

The member also speaks about the cheaper steel and aluminium that can be imported from overseas. That is because we sell our beautiful black coal that can produce cheap, reliable baseload power overseas for people to then produce steel and aluminium at a much lower cost than whatever green steel or green aluminium Ms Abigail Boyd wants to be made here. They are able to use energy at a much lower cost. Ultimately, if we support Ms Abigail Boyd's amendment, we are agreeing to the loss of thousands upon thousands of acres of prime agricultural land to produce more wind turbines or more solar factory farms. That is acres of land that could produce food and fibre for New South Wales—again impacting exports—so that we can have this Greens' utopia. I do not understand how that is going to work. It is a great theory to bring to the Chamber but, ultimately, the people of rural and regional New South Wales will be the ones to pay.

The Hon. CAMERON MURPHY (20:41): I am happy to speak following the Hon. Wes Fang—though I will not follow him in what he had to say other than reflecting on a few of his remarks generally in the debate. The contribution of the Hon. Chris Rath brought back memories. I have been to many protests over the years. I think it is a little misunderstood. I, like many of the people at those protests, was not protesting free trade; we just wanted fair trade. I think we can have free trade that is fair, but in many of those forums, it simply was not the case.

In terms of the reflection of the Hon. Chris Rath, the situation is quite extraordinary where we have the United States—a nation that people in this Chamber, including many of those opposite, have always looked up to as the bastion of freedom around the world—launching incredible attacks on its friends Canada, Australia and European nations. It is ripping the heart out of the philosophy around fair trade and free trade. And the extremism of the Libertarian Party saying that is the way to go—it says it is a party about freedom, but then it backs in Donald Trump. Look at what Trump is doing. It is extraordinary. The point I make is that leaves us in this awkward position in Australia where what Trump is doing—attacking his friends, destroying the international rules-based order—leaves us left high and dry. That is while we continue to engage in this notion that our defence, security and trade are all completely reliant on that one nation: the United States.

Picking up on something that the Hon. Mark Latham said, I think now, if ever, is the time for us to rethink that whole equation and say, "Sure, we can deal with the United States, but we have to deal with them firmly." In the future we can no longer be in a position where we are simply totally reliant on one nation for our defence and other relationships. It has got to be much broader than that because of the very risk that is being posed right now by someone like Trump. We should rethink AUKUS. We should form new trade relationships with others around the world outside that network so that we can save industries, like aluminium, steel and others, and improve them.

The Hon. MARK BUTTIGIEG (20:44): I make a brief contribution. It is a very important motion. Members in their contributions are correct. The advantages of free and open trade are almost undisputed in the economics profession. I say "almost" because there are certain circumstances in which the sort of economic

rationale to the Trump edicts on tariffs can prevail. It can happen if a country can theoretically build up its domestic industry by protectionism in the first instance, in the event that it becomes competitive. But the United States is a well-developed economy that has gone through all the various phases, from agrarianism to industrialisation to the modern information age. As our colleague the Hon. Chris Rath pointed out, if a nation does not have a comparative advantage in something, it should not artificially protect it with tariffs. All that does is it puts up the cost of the goods and services that it is trying to export at the expense of competitiveness.

In the interwar period between 1918 and 1939 a massive trade war occurred. We are currently seeing that play out—albeit on a much smaller scale now, but it could conceivably descend into that. What arose from that trade war were trade tariff retaliations, countries looking inward, resources becoming more scarce and the global output dropping dramatically, which eventually led to the calamity that was the Second World War. So it is a silly policy. It does not work. When economic output drops, unemployment rises. It should be opposed.

If the United States want to go down this path for what will hopefully be a brief interlude with protectionism again, well, good luck to them. That is its right to do that, and that is what Trump is doing. But we should definitely not retaliate. Hopefully—and unfortunately, for the American people—when it does experience that loss of competitiveness and unemployment rises and it gets a new administration in 3¾ years, then it will revert back to the open trading nation it was and the world can get on with it. The situation is very worrying because that nation accounts for some, I think, 20 per cent to 25 per cent of world GDP. It is going to have a significant effect. But the essence of the motion, which is that all leaders should get together and unite—which, to its credit, the Liberal Party is doing—and be vocal about Australia's sovereignty and stand up to what is, indeed, a bully-boy tactic. It will not work.

The Hon. SCOTT FARLOW (20:47): I support the motion of the Hon. Emily Suvaal and congratulate her on bringing the motion to this House. I would like to invoke the words of a good Republican President when it comes to free trade and tariffs. I quote President Reagan, who said:

We're in the same boat with our trading partners. If one partner shoots a hole in the boat, does it make sense for the other one to shoot another hole in the boat? Some say, yes, and call that getting tough. Well, I call it stupid.

That is effectively what Australia would be doing if it sought that reciprocity. Of course the United States has made its own decisions with respect to tariffs in its own industrial policy. I fear for the US that it will cruel its economy more. It will be folly for Australia to seek to follow suit and inflict that same damage on our own economy. We have been taught over many years that we need to diversify our trading partners. Steel is very important. As we know and are often reminded, Australia has a trade deficit with the United States. It is not one of our key trading partners or key export markets, but Australia has had a comparative advantage in exporting steel to the United States. The Hon. Wes Fang outlined why that is. In saying that, there are many other markets throughout the world for us to look at.

In these times, we need to stand with the steel industry and steel workers. Steel is important to New South Wales' economy, and particularly to areas like Port Kembla. There is a reason the rugby league team was called the Illawarra Steelers. Areas like Newcastle have transitioned. We hope to see a viable steel industry. BlueScope Steel is an amazing Australian company and is the reason that we have exports to the world. We are talking about exports to the United States because of that advantage and the great steel-making industry that we have. Manufacturing is incredibly important for our economy. All members would like to see Australia grow in that, but it would be folly of us to take retaliatory action that would hurt Australia. That may be the United States' approach. We should all stand up for Australian industry against the imposed tariffs not just because we love Australian steel but because we love the American people. They have been our brothers in arms on many occasions. It would be right to call out their folly, as we do in this House tonight.

The Hon. EMILY SUVAAL (20:51): In reply: I thank all honourable members for their contributions to the debate. At the outset, I say that whilst I welcome Ms Abigail Boyd marking my homework, the Government will not support an entire rewrite of the motion. I encourage the member to move her motion in the next sitting week to debate that. I welcome that. As all members have said, free trade is objectively good for us in New South Wales and Australia and for those across the world. I thank the Hon. Chris Rath for pointing out the benefits of free trade for not just our trading partners but also consumers, for the people of New South Wales. Our State has amazing assets. It has critical minerals, agriculture and skills, like research and development. New South Wales has strong capabilities that can assist other countries in that free trade fashion.

I thank the Hon. Mark Latham for his contribution. He talked about ensuring that we maintain and further our economic competitiveness. That is important for us to consider, particularly, as the Hon. Mark Latham said, with the spectre of rising energy costs. We know about the issues facing Tomago and the uncertainty in the local steel and aluminium manufacturing sectors. We need to protect our local manufacturing industries and make sure we maintain that capacity. The Minister for Domestic Manufacturing and Government Procurement is working

hard to ensure that we look after the amazing industries in New South Wales. The Federal Government has done the right thing in not retaliating. Most members pointed that out in their contributions. To react in that way would be the wrong thing to do. Free trade needs to be fair, as the Hon. Cameron Murphy pointed out. The United States has made its decision. As a country and as a State, we need to stand united in a bipartisan way to make sure we look after our own interests but also continue to forward our own economy and the wonderful benefits that New South Wales has to offer the world.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The Hon. Emily Suvaal has moved a motion, to which Ms Abigail Boyd moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. CHRIS RATH: I move:

That private member's business item No. 1761 be postponed until a later hour of the sitting.

Motion agreed to.

Motions

AUSTRALIAN TURF CLUB BOARD

The Hon. MARK LATHAM (20:55): I move:

- (1) That this House notes that:
 - (a) the public advertisement and advice of the Government in 2022 was that "section 10 of the Australian Jockey and Sydney Turf Clubs Merger Act 2010 requires the Minister (for Racing) to constitute a selection panel to recommend a person for appointment as an independent director" to the board of the Australian Turf Club [ATC];
 - (b) nowhere in the Australian Jockey and Sydney Turf Clubs Merger Act 2010 ("merger Act") is there a provision for the reappointment of an existing independent director by the Minister;
 - (c) Minister David Harris reappointed David McGrath as an ATC director for a four-year term commencing on 14 February 2025 without constituting a selection panel;
 - (d) when asked in question on notice number 3378 to identify the section of the merger Act which authorises the Minister "to appoint or reappoint an independent director without the involvement of a selection panel", the Minister was unable to do so, and when asked what legal advice he took on this matter, the Minister failed to answer; and
 - (e) the bizarre and unacceptable nature of the Minister's explanation for his actions, which was a circular, semantic argument that a selection panel is only required if a vacancy occurs and, as the Minister reappointed Mr McGrath before his term had fully expired, no vacancy had occurred—that is, the Minister, with no power of reappointment, broke the law to justify his decision not to follow the merger Act 2010 and constitute a selection panel.
- (2) That this House calls on the following entities to investigate this matter and report back to the Legislative Council, given the seriousness of this matter and the longstanding convention that a Minister who breaks the law, especially in their portfolio area, must resign:
 - (a) Premier's Department; and
 - (b) Racing NSW, as the thoroughbred racing regulator which licenses the ATC.

I note the importance of Ministers following the law and exercising powers in their portfolio that actually exist. The first part of the motion is important. It mentions the public advertisement and advice of the former Government—a precedent for a director seeking reappointment to the board of the Australian Turf Club [ATC]. The public advertisement and advice of the Government in 2022 was that "section 10 of the Australian Jockey and Sydney Turf Clubs Merger Act 2010 requires the Minister to constitute a selection panel to recommend a person for appointment as an independent director" to the board of the ATC. Three years ago, Minister Kevin Anderson did just that, undoubtedly acting on advice from his department. He constituted a selection panel when Matt McGrath, the then chairman of the ATC, was seeking a further term in his appointment. He followed the statute and ultimately made a decision on the recommendation of the selection panel to give Matt McGrath a second term. The law was followed.

We then come to what happened in identical circumstances on 14 February, when Minister David Harris inexplicably, without any public explanation as to why he did not follow the clear legal precedent, decided to reappoint David McGrath as an ATC director for another four years without constituting a selection panel. The

Minister's argument is interesting. I find it rather bizarre. It is a circular, semantic argument that a selection panel is only required if a vacancy occurs and that, as the Minister reappointed Mr McGrath before his term had expired, no vacancy had occurred—that is, the Minister, with no power of reappointment, broke the law to justify his decision to not follow the merger Act. It is like something out of the Mad Hatter's tea party that a Minister is able to say they are acting consistent with a provision in the Act without any clear legal power in the Act for what they have just done. It is a bizarre decision as to why the statute has not been followed.

Those things are serious. The motivation must be to do with Mr McGrath on the ATC board supporting the sale of Rosehill racecourse and the Minister wanting someone on the board to support Government policy. It is not an independent decision when the selection panel has been bypassed. It has got spiders on it. It is dodgy for the Minister to do that. I understand that the Opposition will move an amendment to change the wording in paragraph (2) and add a paragraph (3) and (4). I support that amendment and welcome the Opposition's support so that there is an investigation and a report back from the Premier's Department as to why the precedent in 2022 and the merger Act has not been followed by Minister Harris.

If Minister Harris is cutting corners and doing something outside the statute because the Government has an agenda at Rosehill, that is plain wrong. The Minister has an obligation to follow the statute and the recommendation of the selection panel once convened. There is something Machiavellian going on. The selection panel consisted of a representative of the chair of Racing NSW, an independent director of the ATC and a non-independent director, likely Peter McGauran and Tim Hale. So it is going to be Saranne Cooke or one of her acolytes, McGauran, and Hale. I do not know what has gone on in the relationship between Peter McGauran and Peter V'landys, but there is a lot of speculation in the racing industry that the bromance has ended and the godfather relationship is in tatters. Something Machiavellian has gone on here as to why the selection panel was not convened.

In any case, the role of this House, with due accountability, is to ensure that the law is enforced. We are here to ensure that statutes are followed by Ministers and that they do not take short cuts because of a separate agenda about housing and the sale of Rosehill. The numbers on the ATC board on this, I am reliably informed, are finely balanced, with four in favour, including David McGrath, and three against. If they lost McGrath and his position flipped to someone opposed to the sale, the board would have withdrawn the unsolicited proposal, and the whole thing falls apart. So I think the Minister, maybe under pressure from an external force, has done the wrong thing. It should be investigated by the Premier's Department, and this House with its accountability and scrutiny role should always have a guarantee that Ministers are acting according to the statutes for which they are responsible.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (21:00): The member has raised these issues directly with the Minister for Gaming and Racing, and I am in a position to respond on behalf of the Government and place the advice from the Minister's office on the record. The Australian Turf Club [ATC] was established following the commencement of relevant provisions of the Australian Jockey and Sydney Turf Clubs Merger Act 2010. That is the Act to which the member referred. The ATC is a body corporate and is governed by its constitution. The Act provides for the appointment of independent directors to the ATC board by the Minister. Clause 7 of schedule 1 to the Act sets out the circumstances in which the office of a director becomes vacant.

That is where the disagreement is. In the view of the Government and the Minister, relevantly, a vacancy occurs when a director's term of office expires and the director is not reappointed to the office. It follows from the above, in the view of the Minister, that a vacancy arises only if the director is not reappointed. In this instance, an appointments selection panel was not established under section 10 of the Act, as there was no vacancy in the office of an independent director, due to the reappointment. Mr McGrath did not vacate the office. I take the point that the member is making, that this may have been dealt with differently in previous situations. He has placed that on the record.

Section 10 (3) of that Act provides that the Minister is specifically authorised, on the recommendation of an appointments selection panel, to appoint a person to replace an independent director whenever the office of an independent director becomes vacant. Clause 5 (6) of schedule 1 to the Act provides that an independent director who vacates office is to be replaced by a person appointed by the Minister under section 10 of the Act. The ATC's constitution, including clauses 10.13 and 10.23, also supports the fact that the appointments selection panel is engaged only when the office of an independent director becomes vacant—that is, in order to replace the independent director—and that vacation of office does not occur if the director is reappointed, in the view of the Government and the Minister.

The Hon. Mark Latham, in putting forward his previous question on notice on this matter, invited some of these legal questions. The Minister responded and referred to the relevant provisions of the Act under which he acted in relation to the reappointment. I note that the Hon. Mark Latham has asked to see legal advice on the

matter. The Government's view is that this would risk waiving legal professional privilege. The honourable member and the Opposition will move that the House call on the Premier's Department to conduct an investigation. The Government will not support that, although I indicate that, should the resolution be passed and the House call for that, of course the Government will cooperate with such an inquiry.

The Hon. SCOTT FARLOW (21:03): I support what the Opposition hopes will be the amended motion of the Hon. Mark Latham. This matter, of course, has caused concern. The Minister has outlined the Government's position with respect to the reappointment and the question of the vacancy. This is not a novel issue. This is not the first time it has been looked at since the merger of the Sydney Turf Club and the Australian Jockey Club, creating the Australian Turf Club. But there is precedent, as the Hon. Mark Latham indicated, in the case of another McGrath—Mr Matthew McGrath, the former director and chair of the ATC—when it came time for his reappointment. I refer to a press release of 1 February 2021:

Australian Turf Club Chairman and Independent Director Matthew McGrath has been reappointed to the ATC Board for a further two years.

Minister for Better Regulation and Innovation the Honourable Kevin Anderson—

The Hon. Wes Fang: Great Minister.

The Hon. SCOTT FARLOW: I note the interjection—

made the appointment following the recommendation of a selection panel as part of section 10 of the Australian Jockey and Sydney Turf Clubs Merger Act 2010.

Mr McGrath's new term commences on 1 February 2021, and concludes on 31 January 2023.

As we can see, that was a process, as outlined by the Hon. Mark Latham, which has been followed before. It would have been a fairly simple process to be constituted again by this Minister. No doubt, it most likely would have seen the reappointment of this Mr McGrath to the board, but he could have done the process properly. I do not know whether I necessarily subscribe to all of the theories with respect to this, but we in the Opposition are prepared to give Minister Harris a bit of the benefit of the doubt and believe that this was perhaps an oversight. That being the case, I move:

That the question be amended by:

- (1) Omitting paragraph (2) and inserting instead:
- (2) That this House calls on the Premier's Department to investigate the matter and report back to the Legislative Council.
- (3) That this House affirms that there is no power specified under the merger Act for a Minister to make an appointment or reappointment without convening an independent selection panel.
- (4) That this House calls on the Government to amend the merger Act to make clear the requirement of a Minister to convene an independent selection panel for advice before making any appointments.

This, again, is clarifying the situation. We do not necessarily think that the situation needed clarifying, because there is, of course, a precedent that Minister Anderson followed before. But, giving Minister Harris the benefit of the doubt, we call for clarification to be provided and the expectations, as we thought existed in the Act, to be made explicit.

Ms ABIGAIL BOYD (21:06): I have listened with interest to the contributions from all members. To be honest, I do not think I was in the budget estimates hearing where this was discussed. But I share the concern that there is something going on here. I am not convinced by the Government's response in relation to the Minister's and the Government's interpretation of the Australian Jockey and Sydney Turf Clubs Merger Act. Unfortunately, I heard something similar in relation to another Minister when I was asking about legal advice, and it turned out there was not actually any legal advice. So I have become a little sceptical in the past couple of weeks in particular. On that basis, The Greens are prepared to support the motion. We do, however, have sympathy for the points raised by the Hon. Scott Farlow. On that basis, we will support the amendment put forward by the Opposition.

The Hon. MARK LATHAM (21:08): In reply: The debate has provided some useful information for the House. I was fascinated by the contribution of the Minister representing David Harris because, effectively, what he is saying is that the Minister is arguing on a point of semantics, saying, "If I reappoint David McGrath two weeks before his term expires, technically, a vacancy has not occurred. He served three years minus two weeks, and now I step in to reappoint him for another term; therefore no vacancy was ever created." If you pulled that in a political party, it would be called a rort. They would say, "Hang on. The provision is that you have a three-year term. At the end of that, there is a selection panel, and you are eligible, Mr David McGrath, to serve a second term, but you have to go through the selection panel process." It is quite a remarkable argument that, if you do it two weeks early and have a three-year term minus two weeks, technically, the vacancy has not occurred and he can get an automatic reappointment. One big problem with that is that there is nothing in the Australian Jockey

and Sydney Turf Clubs Merger Act that gives the Minister a power to that effect. There is nothing that says, "If you do this two weeks early, Minister, you can do the reappointment for a second term." I agree with Ms Abigail Boyd that, if the Government had a legal advice, the Minister would have read something from it. It sounds like this has come from David Harris, QC, and no-one else, under some external pressure. That does not mean it is right. By any normal political standard, it is pulling a swiftie and playing semantics to say, "I did it two weeks early—no vacancy". The House has every right to have the Premier's Department investigate this. If there is a legal advice, the department could produce that under privilege in the Clerk's Office and we would look at it in the normal fashion.

I welcome the fact that the Government has said if the motion is carried, as amended by the Opposition, the Premier's Department will take it seriously and will provide an assessment of what has gone on. I do not think anyone involved in politics thinks that it is acceptable practice to say, "I can get around the provision for a selection panel if I allow him to serve a term of three years minus two weeks instead of just allowing it to expire after three years. Minus two weeks, I can avoid my legal obligation under the merger Act." Something has gone wrong here. That is not right. It is not proper and it certainly is not consistent with the earlier precedents.

In 2021 and 2022 the Government, for a different McGrath—Matt McGrath; I do not think they are related—advertised that under section 10, even though there was an existing director who would have liked a second term, they had to convene a selection panel. They publicly advertised that and said, "If you are interested, you will have to go through the selection panel." I am sure Matt McGrath applied and that is how he got his second term. Why could his namesake David McGrath not do the same under this Government? To hold the Government to account the House should support this and be fascinated by what the Premier's Department finds—hopefully with a legal opinion a bit more substantial than that of David Harris, QC. [*Time expired.*]

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The Hon. Mark Latham has moved private members' business item No. 1831, to which the Hon. Scott Farlow has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

The House divided.

Ayes20
Noes13
Majority.....7

AYES

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

NOES

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

PAIRS

| | |
|----------|---------|
| Tudehope | D'Adam |
| Ward | Mookhey |

Motion as amended agreed to.

*Adjournment Debate***ADJOURNMENT**

The Hon. PENNY SHARPE: I move:

That this House do now adjourn.

MACQUARIE UNIVERSITY STUDENT REQUIREMENTS

The Hon. RACHEL MERTON (21:19): At our recent budget estimates hearings I questioned the Vice-Chancellor of Macquarie University about why students were compelled, in an appalling act of woke heavy-handedness, to complete compulsory units on matters such as Aboriginal cultural awareness and United Nations Sustainability Development Goals as a condition of their enrolment. At the hearing, Vice-Chancellor Professor Dowton responded that a full review would be undertaken into those modules and students would no longer be denied access to their course materials if they had failed to complete them. That is seemingly good news.

As a proud graduate of Macquarie University, I have a particular interest in my alma mater. I spent 3½ years as an undergraduate on campus and became very familiar with the politics and ideology that characterised the place in the 1990s, both from the administration as well as the student body. There were some great people at Macquarie, like my good friend the Hon. Tania Mihailuk. I was also able to witness the dead hand of an administration that thought it perfectly fine to force students, as a condition of enrolment, whatever their beliefs and whatever their financial situation, to join the blatantly partisan and left-wing student unions. That is known as compulsory student unionism. It certainly motivated me to get involved in opposing that gross abuse of freedom of association and get elected as a Liberal to the National Union of Students and the Students' Association.

Over a quarter of a century later, I am deeply disappointed to see reports of Macquarie University again pushing an outrageous left-wing agenda upon the student body, but this one is even more insidious. As reported for Macquarie's course "Age and the Law", the exam rules that a student would fail if they did not present an acknowledgement or Welcome to Country or "did so in a way that was inappropriate or did not comply with the instructions" and have no place whatsoever at any Australian university. Why is Welcome to Country being imposed on courses that have nothing to do with Aboriginal history or culture? Senator Jacinta Price said, "The whole concept of Welcome to Country is a reinvention of culture." So why would it become a compulsory part of a university course? The answer, I suspect, is the same reason those concepts have been integrated into our schools through the failed national curriculum. It is about indoctrination. Students and the taxpayer are entitled to ask: What will be the next example of left-wing student indoctrination going on at Macquarie and what is the administration doing? What about the governing University Council? The Macquarie website states:

The University Council comprises 15 members who contribute a blend of commercial, governance, legal, academic, administrative and public sector expertise to the business and operation of the Council.

Those members sound pretty smart. What do they have to say? Chancellor Dr Martin Parkinson, AC, likes to share his view of the world. What does he have to say? It is not enough for this university to simply say, "Oh, we didn't know," and announce another review. How about it takes responsibility? Replacing learning, knowledge and the developing by students of their own opinions with dogma and ideology is destroying the freedom of thought and expression that ought to characterise a university. Punishing students for not parroting the current partisan ideological line of academia is contemptible and should be called out whenever it happens. To that end, I invite any student that faces this sort of activist misbehaviour to contact my office. As deputy chair of the Legislative Council's Portfolio Committee No. 2 - Education, I will raise it personally with the vice-chancellors at the next budget estimates hearings.

Many universities, quite frankly, have a lousy recent record. At the University of Sydney, we witnessed a totally failed administration that allowed Hamas-supporting protesters to camp on the front lawn for months on end, with students and academics alike intimidated. Today we see the University of Sydney ridiculously wishing to "indigenise and decolonise" its curriculum—whatever that means. Will courses no longer be delivered in the English language? This has never been about education. It is all about indoctrinating students how to think and what to think.

The poor leadership at our universities extends beyond ideology. The decision over recent years to prioritise a role as a degree factory for international students has come at the expense of educational quality for domestic students. The universities' endless demands for ever more international students—and, remember, there was a record of nearly 1.1 million international student enrolments in 2024 alone—has added significantly to the cost-of-living crisis, with greater strain on housing affordability and public services for Australians. We need to get our universities back on track. Everyday people are saying, "Enough!"

WATERWAYS DREDGING

The Hon. MARK BANASIAK (21:24): Today I speak about something that rarely makes headlines but is vital to the prosperity and safety of our coastal communities—that is, dredging. Whether someone is a fisher, a boatie or just someone who enjoys a day by the water, safe and navigable waterways are non-negotiable and dredging is how to keep those aquatic arteries clear. From Port Botany to Evans Head, dredging ensures that our ports function, our coastal economies thrive and our waterways stay safe. We cannot have a marine economy with a blocked artery.

I will start with Evans Head. During the Portfolio Committee No. 6 - Transport budget estimates hearing recently, I raised the alarm with Minister Graham and Mr Howard Collins about the Evans River bar crossing. At that point it was around 50 per cent silted up. That was before Ex-Tropical Cyclone Alfred rolled through and dumped more sand into the system. Evans Head hosts the annual Evans Head Fishing Classic, a fishing competition that draws thousands of visitors and pumps thousands of dollars into the local economy. But with the bar choked up, we risked trading fishing rods for sand shovels and it was shaping up to be a sandcastle competition instead. I asked for emergency dredging to be performed because tourism does not float when boats cannot. Conveniently, shortly after this issue was raised, the department rushed to advise that Evans River had already been identified as a dredging priority. We were told that Maritime is aiming to start works in June, with completion before 4 July 2025, just in time for the classic. The focus will be the Evans boat ramp and the main channel. It is funny how fast things move when the spotlight is turned on.

While I welcome the decision, let us not pretend this was all part of some collaborative masterplan. The bulk of that funding was already committed before any announcement was made. It is hard to shake the feeling that the department saw our raising of the issue as a handy opportunity to appear responsive and engaged. In reality, collaboration with the community on dredging has been lacking up to this point. The Government did not steer the ship, it just grabbed the wheel when the cameras were turned on.

Still, the dredging at Evans Head is desperately needed, and not just for the competition. Dredging is about safety, jobs, tourism and environmental care. From an economic perspective, the numbers speak for themselves. Sydney's Port Botany handles more than \$60 billion in trade annually. None of that happens if ships cannot get through. Dredging keeps those channels open and our supply chains moving. Without clear channels, the economy clogs up as well. In our regions, boating and fishing tourism generates more than \$2 billion a year. Those are jobs in marinas, bait shops, fuel docks, cafes and motels. But when waterways silt up, boats stay on trailers, bookings get cancelled and local businesses lose out. We cannot build a visitor economy on blocked access, something the National Parks and Wildlife Service should also take note of.

On the environmental front, when dredging is done right, it has real benefits. It improves tidal flow and enhances water quality and the sand is often used to nourish nearby beaches. At Evans Head, the dredged material will help strengthen Main Beach, which is a win-win. Importantly, we are shifting away from reactive dredging to a proactive, long-term strategy, or at least we should be. Evans Head is one of the nine priority sites under the State's dredging program, with \$16 million committed over four years. That is part of a broader \$44 million investment under the Boating Infrastructure and Dredging Scheme. But, again, much of that was already on paper before being re-announced as though it was new. Recycling announcements do not clear sand. Other locations like Swansea Channel, the Richmond River, Coffs Harbour and Ettalong Channel are also benefitting.

The goal must be regular, planned maintenance, not just scrambling after the next storm or the next parliamentary question. Bar crossings are among the most dangerous parts of our coastal waters. Silted entrances make it worse. A properly dredged channel means safer passage for everyone, from weekend boaties to marine rescue crews and beyond. For our communities, it means peace of mind. It means events like the Evans Head Fishing Classic can go ahead, it means a boost to regional economies and it means a safer, more accessible coastline for all. When boats move, so do communities.

Today, while I acknowledge the department's fast-tracked timeline, let me be clear: This was not a gift; it was a long overdue necessity. This was responsiveness wrapped in convenience. I urge the Government to move beyond media-friendly responses and towards genuine engagement with our communities. Let us keep our waterways open, our communities thriving and our boat ramps busy for fishers, families and even sandcastle builders.

WESTERN SYDNEY TRANSPORT INFRASTRUCTURE

The Hon. BOB NANVA (21:29): I speak about the need for investment in mass transit infrastructure in Western Sydney and last night's Federal budget. Western Sydney is the economic engine of New South Wales and it will be our main driver of growth over the coming decades. It is forecast that an additional one million people will live in Western Sydney by 2036 and that by then more than half of Sydney's population will live west

of Parramatta. A significant amount of that growth will occur in the arc from Penrith to Campbelltown, turbocharged by the development of the Western Sydney international airport, the aerotropolis and the Bradfield City Centre.

The State Government recognises that those developments need to be supported by world-class transport infrastructure. The Western Sydney airport metro rail line is currently under construction and will connect St Marys to Bradfield. Importantly, there will be no special access fee applied when using that line, unlike the rail line to Sydney airport. But we need to do more. That means linking up the Western Sydney airport line to rail services in the north and the south to take pressure off congested roads, to reduce car dependency and to help people access jobs, services, education and social opportunities.

To that end, I note with approval the \$1 billion allocated in last night's Federal budget to secure future rail corridors not just between Leppington and Bradfield but also between Bradfield and the booming suburbs of the Macarthur region. That investment is in addition to the \$195 million business case to explore future rail connections in Sydney's west—a joint State and Federal project. The connections are the missing links in our rail system and will ultimately create an orbital network looping around Greater Sydney. In turn, access to commuter rail services will encourage great private sector investment in the region and give developers confidence to push ahead with residential and commercial projects in the area.

It should be noted that the Federal budget also committed vital funding to road projects in Western Sydney. The commitments include \$580 million for upgrades to Townson Road, Burdekin Road and Garfield Road West to support housing growth and flood resilience; and \$500 million to upgrade Fifteenth Avenue. I am particularly pleased about the investment in Fifteenth Avenue because it will be a critical connector to the new airport and there is an ambitious and exciting vision for public transport services, along with plans for medium- and high-density residential development, along that corridor. Members can take it from me; I know how much effort people have gone to to advocate for better transport infrastructure for Western Sydney. As the national secretary of the Rail, Tram and Bus Union, I was one those people banging the drum. In 2014 I prepared a submission to the then New South Wales Government calling for a rail corridor reservation stretching from St Marys to Campbelltown. At the time, the union described the project as a rail equivalent to the M7.

I also vividly remember the sinking feeling when former Coalition Prime Minister Tony Abbott ruled out any investment into commuter rail infrastructure and projects like Western Sydney rail extensions on the grounds that the Federal Government should "stick to its knitting". Now, we not only have a State government that believes in rail; we also have a Federal Labor government that understands the economic importance of cities and the link between infrastructure and productivity. That is what a difference a decade can make. Reserving corridors is just the start of the process—an important start, because retrofitting rail corridors onto land that has already been developed for other purposes is extremely complicated and very expensive. But a vacant corridor in itself is not enough. We recognise that the onus will be on State and Federal governments to follow up and make sure that those corridors, once reserved, are then put to use.

Such major projects take time and the State Government is already building three separate metro projects simultaneously, with the airport project, the Metro West and the Metro City and Southwest projects all currently under construction. But the key point is that the people of Western Sydney can now have genuine confidence that there is a real commitment backed up with real money from this year's Federal budget. What is more, the Minns State Government is absolutely determined to get on with the job and deliver the transport infrastructure and services that Western Sydney desperately needs.

EDUCATION AND EARLY LEARNING

The Hon. SARAH MITCHELL (21:33): I speak about a couple of visits I recently made in my role as the shadow Minister for Education and Early Learning. Firstly, I talk about a visit I made on Monday 17 March with my friend and colleague the shadow Assistant Minister, Matt Cross. We visited Masada College in his electorate. We had a great opportunity there to speak with the student leaders about exercising leadership and our roles as members of Parliament. In particular, we talked to them about some of the recent challenges for the Jewish community—Masada College is a Jewish school—and how they, as young people, have been supported through what have been very scary and frightening times for many members of the Jewish community.

We also had some good conversations about the role of politicians. They asked us what a typical day was and it was very difficult to answer that because, as members in this place would well know, there is probably no such thing as a typical day when you are a member of Parliament. But we engaged with them about the different roles of Legislative Council members and Legislative Assembly members and what we do on a day-to-day basis. They asked some interesting questions, particularly around how young people can get informed before they vote for the first time and some of the things they can do when they head to the ballot box for the first time. Many of those students were about to turn 18 within the next 12 months.

It was an insightful conversation and also very inspiring that young people are thinking so actively about the political and parliamentary process and how they can contribute when they get the opportunity to vote. I thank the school captains and the school leadership team for their excellent hospitality during our visit: school captains Ari Siganos and Chase Feldman, and prefects Arin Michels, Benjamin McNeil, Erin Kruger, Jessica Sternberg, Liam Cohen, Sasha Korchemnaia, Satya Chadda and William Hu. I also thank the head of the senior school, Ms Lucy Benjamin, for the school's excellent hospitality when we visited it last Monday.

Last Friday I also had the chance to visit Quirindi preschool with my friend and colleague the member for Tamworth, Kevin Anderson. Quirindi is about a 45-minute drive from where I live in Gunnedah. It is not far from Tamworth. It is a wonderful community, with a fantastic community-based preschool kindergarten that has been operating for many decades. I thank the director of the preschool, Kirstyn Sampson, who was able to meet with us on the day; the committee president, Jess Moore; and the treasurer, Casey Seymour. Quirindi has some interesting challenges at the moment, particularly around managing staffing issues. They raised with us the fact that, as a not-for-profit, community-based preschool, it is not getting the support that it used to have available when it comes to managing things like staffing issues, including attracting and retaining qualified early childhood teachers, and parent volunteers trying to manage HR issues.

One of the things we talked about was the sector support that used to be available under our Government and that we used to fund. Community Connections Solutions Australia, which unfortunately closed its doors about a year ago, is an obvious example that comes to mind. One of its roles, which it did for more than 40 years, was to provide support for services operating in rural, regional and remote areas, including management, industrial relations, governance and operational support. Because it was no longer receiving State government funding, unfortunately it had to close its doors. In practice that means that a lot of preschools—and Quirindi is only one example of many—have parent volunteers trying to run them without the governance support that they need. Those organisations are after more funding and support to provide assistance or advice with HR issues. It is getting more challenging to get parents to join those committees.

That is why it is important to provide that professional support to our community preschools. They are an important part of the sector. Community preschools in many regional areas, as well as in Sydney, have been in operation for decades. Quirindi is a fantastic example of a great service. It has quite a high percentage—almost 40 per cent—of Aboriginal and Torres Strait Islander children. It services quite a disadvantaged community. We need to make sure that services like Quirindi preschool keep their doors open and get the support that they need because early childhood education is important. We need to ensure that children are getting quality early learning before they start school. Kevin and I are absolutely in support of Quirindi preschool. We want to do everything that we can to make sure that it gets the funding it needs to tackle those issues so that it can keep its doors open for many more decades to come.

CONSERVATION HUNTING

The Hon. ROBERT BORSAK (21:39): It is high time to challenge the current failing paradigm of pest management in New South Wales. Last year Local Land Services [LLS] spent over \$13.2 million on pest control and removed only a paltry 112,888 animals, mostly pigs. That is an appallingly low return on a significant investment and, frankly, New South Wales farmers, land managers and environments deserve better. The number of pigs that were removed equates to less than the number of feral pigs that are bred in one week in New South Wales—and somehow LLS calls that a success. But hope is on the horizon. Recreational conservation hunters shot 1.69 million pigs in the 2024 calendar year and contributed over \$100 million to the New South Wales economy, primarily benefiting rural and regional communities.

It is clear that recreational conservation hunters are doing far more than the LLS to manage pest populations at no cost to New South Wales taxpayers. Despite that, LLS regional management strategies consistently avoid or dismiss the role of volunteer conservation hunting in pest control. Time and again, the strategies ignore or make baseless statements about recreational hunting, offering no supporting research or relevant data such as from the Bureau of Crime Statistics and Research to back up its claim. For instance, only the Murray, North West and Northern Tablelands strategic plans suggest that recreational hunting may have a role to play, but there is no concrete action or recognition of its effectiveness. Other regional plans fail entirely to mention hunting, which has proven to be one of the most cost-effective and efficient methods of controlling feral pig populations.

Why does LLS continue to disregard the success of hunting in pest control? Why does it continue to ignore the clear and tangible benefits of incorporating hunters into integrated pest management programs? Worse still, LLS not only turns a blind eye to the benefits of recreational hunting and makes baseless statements in its regional strategies, but some land managers continue to maintain feral pig and deer populations for hunting purposes and the financial gains it generates. One plan even states that "the exponential growth in the popularity of recreational hunting presents significant social and compliance-related issues". I do not know where that came from. No data or statistics back up that claim. The only risk this poses is egg on the face of the LLS for the growing success of

recreational conservation hunters in New South Wales—which is now being researched and reviewed by academics—and the failing LLS programs, which have very little oversight, auditing or accountability.

It is also high time to introduce a \$20 bounty for pigs, foxes and feral cats in New South Wales. That initiative would provide crucial support to farmers, their staff and recreational conservation hunters, while also addressing the significant damage caused by those pests. Some \$2 million allocated to the program could result in the removal of 100,000 animals, which is just one-sixth of the cost of current Local Land Services programs. That would not only ease the financial burden on farmers, who are already dealing with rising operational costs, but also foster collaboration among local communities and volunteer conservation hunters in the fight against pest populations.

By introducing a bounty, we incentivise pest control efforts in a cost-effective manner, offering a sustainable solution that benefits the agricultural sector, regional and rural communities in New South Wales, and the environment. The evidence is clear: The LLS approach is failing. It is time to scrap the poorly researched regional pest strategies and cut and paste them with strategies that acknowledge the success of recreational conservation hunting by engaging hunters; that incorporate solid research and data; and that prioritise effective pest control and the protection of our economy, the agricultural industry and, of course, the environment.

EMPLOYMENT CONTRACTS

The Hon. CAMERON MURPHY (21:43): I talk about restraint surveillance and other pernicious clauses in employment contracts. It is clear that some employers are determined to find extraordinary ways to control their employees, both at work in terms of surveillance, but also outside work by writing into employment contracts clauses that govern people's behaviour in their own time. The Fair Work Commission has upheld dismissals for matters such as bringing the reputation of a company into disrepute, and now there are clauses seeking to regulate political activity in donations and other types of social behaviour. Many of those clauses are probably invalid because they are too restrictive or violate other rights, but they have a chilling effect in practice because most employees lack the resources to challenge them in court, or they simply do not know their rights.

For some years courts have upheld cascading restraints. I dealt with a recent employment contract which said, "During employment and following termination of employment, the employee must not, without the prior written consent of the employer, during the restraint period and in the restraint territory, do any of the following: (a) directly or indirectly approach, canvass, solicit, induce or endeavour to entice away from the employer any employee or other person engaged to work in the business of the employer." It went on with another 91 conditions of that nature. How it cascades is it set the territory by saying, "(a) 61 months after the end of the employer's employment or, if that is not enforceable"—and it then went down to 48 months, 35 months, 22 months, 12 months, six months, three months and one month. If the court found any part of that to be invalid, it would cascade down to the next level.

Those restraints are common but should be outlawed. They inhibit productivity and place many employees in the position where they simply cannot find work elsewhere and end up moving into an entirely new industry. They are understandable in a complex employment relationship, like a CEO who has the means to argue the terms of the restraint and is compensated very handsomely for engaging in it. The problem is that these clauses are increasingly being thrust upon ordinary employees. Famously, Walmart requires a similar restraint of all its employees in every store in the United States, right down to those paid minimum wage.

Here in Australia we have a company trying to do a similar thing. I was very alarmed to read reports of the restraint and other clauses sought by AMP in its current enterprise agreement and contract negotiations. There are deeply concerning media reports that AMP is seeking to insert onerous and overbearing provisions into these contracts. They include restraints, workplace surveillance measures and an intent to flatten hard-won entitlements into a flat annualised salary. The opening gambit from AMP was to impose blanket clauses that would restrict employees from serving on the board of a local community organisation or a children's sporting club.

But, under pressure from the Minister and the union, AMP has now backtracked and said the restraints will only apply in cases where the employees face a conflict of interest, something that will be determined by AMP. In practice, non-compete agreements are wage suppression. They keep workers afraid and mean that they are unable to leave their jobs and, in turn, unable to reasonably take industrial action and engage in workplace bargaining. I am pleased that the Albanese Federal Labor Government announced in yesterday's Commonwealth budget that non-compete agreements will be banned for all workers earning less than \$180,000.

These restraint clauses are not the only concerning provision in AMP's new employment contracts. There is a proposal to allow continued surveillance of AMP employees whenever at work. That is equally, if not more, concerning. In New South Wales it is against the law to surveil employees without a warrant or notice, or by agreement, as set out in the Workplace Surveillance Act 2005. It is simply unacceptable for AMP to seek the right

to surveil employees electronically when they are working from home. What exactly do they want to do? Turn on the camera and the microphone on their employees' devices and continually record? Who will have access to the recordings? What will be done to safeguard people against potential misuse or abuse? What if they see someone's passwords or bank account details on a fridge magnet or a document in the background? [*Time expired.*]

TRIBUTE TO NICK LALICH, FORMER MEMBER FOR CABRAMATTA

The Hon. MARK BUTTIGIEG (21:49): I acknowledge a former member of Parliament and colleague of ours who passed away last night, Nick Lalic. As the Premier said this afternoon in his statement, Nick was born in an Egyptian refugee camp after his family fled Yugoslavia during World War II. They migrated to Australia when Nick was only three. He grew up in Bonnyrigg. He ended up being the Deputy Mayor and then Mayor of Fairfield. Eventually, of course, he became the member for Cabramatta.

He was a sparky like I was. He worked for the electricity distributor in that part of Sydney, which was then known as Prospect Electricity and later became Integral Energy and then Endeavour Energy, while I worked for Ausgrid. We were both members of the Electrical Trades Union. He was the typical knockabout migrant sort of bloke who was very down to earth. You never felt like there was an agenda when you were talking to him; you got the real deal. He looked you in the eye and you had a good, humorous, straight conversation. He was a very nice guy—a gentleman of a man—and a very good local member. He will be sorely missed by his Labor colleagues and the people of Cabramatta. I pay tribute to Nick for being a truly wonderful person and a good friend. Vale, Nick Lalic.

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

Motion agreed to.

The House adjourned at 21:50 until Thursday 27 March 2025 at 10:00.