LEGISLATIVE COUNCIL

Thursday 27 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.

Governor

ADMINISTRATION OF THE GOVERNMENT

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

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. JEREMY BUCKINGHAM: I request that private member's business item No. 1776 be postponed and dealt with as the last item of formal business.

The PRESIDENT: Private member's business item No. 1776 is now postponed and will be dealt with as the last item of formal business.

Motions

INTERNATIONAL DAY TO COMBAT ISLAMOPHOBIA

The Hon. ANTHONY D'ADAM (10:03): I move:

(1) That this House notes that:

(a) 15 March is the International Day to Combat Islamophobia;

(b) the United Nations chose this date to commemorate the 2019 Christchurch mosque shootings in which 51 people were killed in an act of terror targeting Muslims;

(c) earlier this month, it was reported that the Australian Islamic House mosque in Edmondson Park was threatened with being targeted with a "Christchurch 2.0" attack, and this is a demonstration of the disturbing and concerning rise in Islamophobia in Australia in recent years;

(d) Islamophobia is a fear, prejudice and/or hatred of Muslims that leads to provocation, hostility or intolerance by means of threatening, harassment, abuse, vilification, incitement and intimidation of Muslims and non-Muslims;

(e) the Islamophobia Register records and documents instances of Islamophobia in Australia;

(f) the latest report of the Islamophobia Register was released on 13 March 2025 and reported that there was a surge in Islamophobic incidents of over 1,300 per cent in Australia in the seven weeks following 7 October 2023;

(g) the Islamophobia Register has reported that between 1 January 2023 and 31 November 2024 there were over 309 confirmed in-person incidents and 366 verified online incidents;

(h) this is compared to 415 total online incidents for the entire previous eight-year period, which reflects a 150 per cent increase in in-person incidents and a 250 per cent increase in online incidents;

(i) reported incidents include verbal intimidation or harassment, discrimination, physical assault, property damage (e.g. vandalism, fire damage), non-verbal intimidation or harassment, written intimidation or harassment, and at least one incident of an explosive device being left at a person's property;

(j) Muslim women have disproportionately been the victims of this hate and experiences reported include being spat on, having their hijabs pulled off and being subject to threats of rape; and

(k) the Scanlon Foundation Research Institution *Mapping Social Cohesion Report 2024* found that "34 per cent of adults said they have a somewhat or very negative attitude towards Muslims in July 2024, a seven percentage point increase since before the conflict in July 2023".

(2) This House extends its condolences and support to those impacted by the Christchurch tragedy and to all victims of Islamophobia.

(3) This House recognises the Muslim community of New South Wales and their contributions to our multicultural society.

(4) This House condemns Islamophobia in all its forms.

(5) This House recognises that:

(a) Islamophobia is a serious issue and has a detrimental impact on many Australian Muslims; and

(b) there is a need to take active steps to address Islamophobia.

Motion agreed to.

THE HON. FRANCA ARENA PARLIAMENTARY ALLEGATIONS

The Hon. JEREMY BUCKINGHAM (10:03): I move:

(1) That this House notes that:

(a) on 17 September 1997 the Hon. Franca Arena delivered a speech in the House in which she alleged that the then Premier and commissioner of the Royal Commission into the New South Wales Police Service, amongst others, had been involved in a "cover-up" of high-profile paedophiles;

(b) on 21 October 1997 the House resolved:

(i) to grant Mrs Franca Arena leave to table documents in the House relating to her allegations;

(ii) that the documents tabled were not to be considered public documents, were to be retained in the custody of the Clerk, who was to grant access only to a special commission of inquiry established to investigate the allegations and to the Commissioner of Police, and were not otherwise to be published or copied without an order of the House;

(iii) that the Commissioner of Police was to make an assessment of the documents and report to the House, with the House then to reconsider whether it was necessary or desirable to continue the restriction on access to the documents;

(c) according to the resolution of the House, on 21 October 1997 Mrs Arena subsequently tabled the following documents relating to the alleged "cover-up" of high-profile paedophiles:

(i) Volumes 1 and 2—General information provided to Mrs Arena detailing allegations of paedophilia and child sexual assaults, including statutory declarations, and other documentation;

(ii) Volume 3—Information and documents provided by W26 and other related information concerning allegations of paedophilia;

(iii) Volume 4—

Part A – Material relating to allegations against lawyer X;

Part B – Material concerning allegations of a paedophile house network; and

Part C – Documents relating to claims made by Mrs Arena on 17 September 1997.

(d) in accordance with the resolution, the documents were subsequently released by the Clerk to the special commission of inquiry and the Commissioner of Police;

(e) on 11 November 1997, the report of the Special Commission of Inquiry into allegations made in Parliament by the Hon. Franca Arena, MLC, dated 7 November 1997, was tabled in the House, together with a confidential supplement containing an assessment of the documents tabled by Mrs Arena on 21 October 1997 so far as was relevant to the inquiry of the special commission;

(f) on 12 November 1997, the House resolved that the Standing Committee on Parliamentary Privilege and Ethics inquire into and report on the conduct of the Hon. Franca Arena, MLC, and authorised the Clerk to permit members of that committee to inspect the documents tabled by Mrs Arena on 21 October 1997;

(g) in its report entitled *Inquiry into the conduct of the Honourable Franca Arena MLC*, dated June 1998, the Standing Committee on Parliamentary Privilege and Ethics stated that:

(i) "The Confidential Supplement to the report analysed the documents tabled by Mrs Arena and concluded that none of those documents supported the statements made by Mrs Arena on 17 September."; and

(iii) "The Commissioner of Police lodged his report on the documents tabled by Mrs Arena and the other material referred by the House on 27 November 1997. … The Report concluded that some of the material examined is worthy of further investigation and that a strike force would be established to investigate such matters. However, it also stated that the Commissioner had discovered nothing in the documents which is contrary to the findings of the Special Commission of Inquiry.".

(h) the Standing Committee on Parliamentary Privilege and Ethics made no further recommendations in relation to access to the documents and the House did not revisit the matter, as a result of which the documents remain confidential, not to be published or copied without an order of the House.

(2) That, further to the resolution of the House of 21 October 1997:

(a) the documents tabled by Mrs Arena on 21 October 1997 be made available for inspection in the Office of the Clerk by members of the Legislative Council only; and

(b) the documents continue to be retained in the custody of the Clerk and not be published or copied without an order of the House.

Motion agreed to.

KEEPING WOMEN OUT OF PRISON PARLIAMENTARY BREAKFAST

The Hon. NATASHA MACLAREN-JONES (10:04): I move:

(1) That this House notes that on 19 March 2025 Keeping Women Out of Prison [KWOOP] held its ninth annual parliamentary breakfast.

(2) That this House acknowledges the vital work of KWOOP, a coalition of service providers, philanthropic organisations, not-for-profits, universities and women with lived experience of the criminal legal system.

(3) That this House further notes that:

(a) 2,400 women cycle through New South Wales prisons annually, a 40 per cent increase since 2014;

(b) Aboriginal women make up 40 to 45 per cent of the female prison population and are imprisoned at 22 times the rate of non-Aboriginal women; and

(c) one-third of women enter prison from homelessness and over half exit into homelessness.

(4) That this House recognises the launch of KWOOP's Community of Practice at the parliamentary breakfast, a significant initiative aimed at fostering collaboration and knowledge sharing, and driving systemic change in the criminal justice system.

(5) That this House commends KWOOP's ongoing advocacy, including its fundraising initiatives through the KWOOP Sub Fund of Sydney Community Foundation, which support evidence-based approaches to reducing incarceration rates and improve outcomes for women, families and communities across New South Wales.

(6) That this House commends the Hon. Elizabeth Evatt, AC, who was honoured for her lifetime of advocacy with the inaugural KWOOP Award in appreciation of her dedicated service to women and families affected by the justice system.

(7) That this House notes that:

(a) the Keeping Women Out of Prison Parliamentary Breakfast was co-hosted by the Hon. Natasha Maclaren-Jones, MLC, shadow Minister for Families and Communities, shadow Minister for Disability Inclusion, shadow Minister for Homelessness, shadow Minister for Youth, shadow Minister for Women, and shadow Minister for Prevention of Domestic Violence and Sexual Assault; and the Hon. Jodie Harrison, MP, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault; and

(b) the event was also attended by:

(i) the Hon. Rose Jackson, MLC;

(ii) the Hon. Kate Washington, MP;

(iii) the Hon. David Harris, MP;

(iv) the Hon. Nichole Overall, MLC;

(v) Dr Joe McGirr, MP;

(vi) Mr Michael Regan, MP;

(vii) Ms Tanya Thompson, MP;

(viii) Ms Trish Doyle, MP;

(ix) Ms Sue Higginson, MLC; and

(x) Ms Abigail Boyd, MLC.

Motion agreed to.

WORLD LYMPHOEDEMA AWARENESS MONTH

The Hon. NATASHA MACLAREN-JONES (10:04): I move:

(1) That this House notes that March is World Lymphoedema Awareness Month.

(2) That this House acknowledges that:

(a) lymphoedema is a chronic and permanent swelling of one or more body parts, and can be debilitating and disfiguring, affecting people both emotionally and psychologically;

(b) lymphoedema is the accumulation of excess amounts of protein-rich fluid that results in the swelling of one or more regions of the body;

(c) lymphoedema affects people of all ages and occurs when the lymphatic circulation fails to function correctly causing persistent and, if untreated, often extreme swelling of the limbs and other areas of the body; and

(d) approximately one in every 6,000 people will develop primary lymphoedema at birth.

(3) That this House recognises the importance of raising awareness about lymphoedema, promoting early diagnosis and treatment and supporting research and education to improve the lives of those affected by this condition.

Motion agreed to.

Documents

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Tabling of Documents Reported to be Not Privileged

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

(1) That, in view of the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Early childhood education and care sector*, dated Thursday 20 March 2025, this House orders that the Cabinet Office produce within seven days of the passing of this resolution, documents received on Wednesday 11 December 2024 from the Cabinet Office, considered not to be privileged by the Independent Legal Arbiter, subject to the redaction only of privileged and personal information as detailed in the report of the Independent Legal Arbiter.

(2) That, on receipt, the redacted documents are authorised to be published.

(3) That this House notes that on Tuesday 18 March 2025 this House censured the Leader of the Government, as the representative of the Government in this House, for the Government's failure to comply with the order of the House regarding the early childhood education and care sector of 13 November 2024, and further ordered the production of documents not yet returned.

(4) That this House orders that, where documents are returned to the orders of the House of Wednesday 13 November 2024 or Tuesday 18 March 2025 regarding the early childhood education and care sector, subject to claims of privilege considered and not upheld in the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Early childhood education and care sector*, dated Thursday 20 March 2025, versions of the documents also be returned for publication, subject to the redaction only of privileged and personal information as detailed in the report of the Independent Legal Arbiter or as provided for under Standing Order 52 (7) (e).

Motion agreed to.

Motions

TRIBUTE TO BRIAN SEIDLER, AM

The Hon. NATALIE WARD (10:05): On behalf of the Hon. Scott Farlow: I move:

(1) That this House honours the life and contributions of Mr Brian Seidler, AM, the Executive Director of the Master Builders Association of New South Wales, who passed away on 1 March 2025.

(2) That this House notes that Mr Seidler:

(a) joined the Master Builders Association of NSW in 1984 as a trainee industrial officer and rose to become the longest serving executive director for a tenure of 25 years;

(b) became a member of the Order of Australia in 2019 "for his significant service to the building and construction industry through professional organisation";

(c) was highly regarded as a calm, forthright and compassionate leader within the building and construction industry in New South Wales;

(d) had a deep commitment to supporting builders and workers whilst ensuring industry standards were strengthened to produce high-quality projects; and

(e) had a strong relationship with government, particularly during the COVID-19 pandemic to keep the building and construction industry open.

(3) That this House extends its sincere condolences to Mr Seidler's wife, Donna, his children Amelia, Mila and Marcus, his family, many friends and the staff of the Master Builders Association of NSW, and acknowledges his significant contribution to the building and construction industry in New South Wales.

Motion agreed to.

WORLD STRAY ANIMAL DAY

The Hon. PETER PRIMROSE (10:06): I move:

(1) That this House notes that:

(a) 4 April is World Stray Animal Day; and

(b) it is a day to remember that pets should not end up on the streets, lost and all alone.

(2) That this House encourages responsible pet ownership and encourages everyone with a pet to ensure that the pet is microchipped and to regularly check and update the details of the microchip.

(3) That, with this House's indulgence, we celebrate the adoption of my cat, Hamish, who was originally a stray that was rescued by a shelter.

Motion agreed to.

WORLD FROG DAY

The Hon. PETER PRIMROSE (10:06): I move:

(1) That this House notes that:

(a) each year 20 March is World Frog Day;

(b) this is a day to particularly celebrate the importance of frogs in maintaining healthy ecosystems; and

(c) this is a reminder we can all do something to help stop the decline of native frogs in New South Wales.

(2) That this House recognises and reminds members that the State frog of New South Wales is the Peron's tree frog.

Motion agreed to.

CHINDERAH COMMUNITY HUB INC

Ms CATE FAEHRMANN (10:06): I move:

(1) That this House notes that:

(a) Chinderah Community Hub Inc. is a charity based in the Tweed shire that provides continued flood recovery and support services, advocacy and food support since the major flood events of 2022 and supported the community through the recent Ex-Tropical Cyclone Alfred;

(b) as part of the services they provide, they assist the permanent residential park occupants who face recurring home inundation and make up an aging population who struggle to access affordable housing, many of which are vulnerable people in the community who have been forgotten by a lack of long-term government solutions; and

(c) since March 2022, they have served on average 250 to 300 people per month, and provide a crucial service for those who are still rebuilding their lives after the major flood event.

(2) That this House acknowledges the outstanding contributions Chinderah Community Hub Inc. has made to the region, including:

(a) during the 2022 major floods in the Northern Rivers, ran an entirely volunteer staffed hub offering a range of donated goods such as household items, toiletries, food and frozen meals, referrals to support agencies and a place for anyone who needed help to seek assistance;

(b) facilitated and distributed in excess of $200,000 in financial support through grants of $500 to $2,000, grocery vouchers, fuel vouchers, whitegoods and furniture vouchers, et cetera, through agencies such as Lions, Rotary, church groups, private donors and GIVIT;

(c) running a regular community closet where those in need can select from a wide range of quality and new donated clothing items;

(d) during the recent extreme weather event caused by Ex-Tropical Cyclone Alfred, they assisted the community by providing free and low-cost groceries, sharing information, and connecting affected individuals with local agencies and emergency services;

(e) regularly hosting events such as lunch ladies and breakfast brothers that provide connections, friendship, support and belonging in times of crisis; and

(f) assisted approximately 2,500 residents from Chinderah, Kingscliff and Fingal communities in their flood recovery, and over 1,500 from the wider community and flood affected regions such as Lismore and Casino.

(3) That this House commends the tireless work of the volunteers who run the Chinderah Community Hub Inc. who provide an invaluable service to the region in times of emergency and throughout the year.

(4) That this House extends its sincere gratitude for the tireless work of Kay Redmond and Sandy Gilbert who have been running the hub since March 2022.

Motion agreed to.

MULLUMBIMBY AND DISTRICT NEIGHBOURHOOD CENTRE

Ms CATE FAEHRMANN (10:07): I move:

(1) That this House notes that:

(a) the Mullumbimby and District Neighbourhood Centre is a community-based organisation that delivers a diverse range of services to the community across the Byron shire;

(b) during the recent extreme weather event caused by Ex-Tropical Cyclone Alfred, they assisted to community by providing free and low-cost groceries, assistance in applying for disaster recovery grants, frozen meals, hot showers, counselling, access to State and Federal organisations, and other essential services; and

(c) throughout the year they worked to foster strong and inclusive communities by connecting those who need it with food, information, legal and financial support, safety, IT upskilling and general support.

(2) That this House further notes the valuable contribution that the Mullumbimby and District Neighbourhood Centre provides to the Byron shire community, especially during times of extreme weather events such as Ex-Tropical Cyclone Alfred.

(3) That this House commends the work of all of those who make the delivery of these services possible, and recognise them as champions of their community.

Motion agreed to.

MEASLES VACCINE

Dr AMANDA COHN (10:07): I move:

(1) That this House notes that:

(a) measles is an extremely contagious and potentially fatal viral infection;

(b) in 2014, the World Health Organization declared that Australia had eliminated endemic measles;

(c) vaccination is the most effective way to protect individuals and communities against measles; and

(d) the measles-mumps-rubella [MMR] vaccine is funded by the Federal Government and free for people born during or after 1966 without documented immunity.

(2) That this House notes with concern that:

(a) 29 measles cases have been reported in Australia in 2025 to 25 March 2025;

(b) public health experts and frontline health workers have highlighted recent declines in childhood vaccination coverage in Australia;

(c) national coverage of MMR vaccination among two-year-olds has fallen below 91 per cent, which is below the 95 per cent threshold needed for population immunity; and

(d) the Royal Australian College of General Practitioners, research from immunisation experts at the University of New South Wales School of Population Health and the Murdoch Children's Research Institute say that vaccine access, rather than vaccine hesitancy, is a major and preventable barrier for many people.

(3) That this House calls on the Government to identify communities with low vaccination rates and support unvaccinated children and adults to receive MMR vaccination.

Motion agreed to.

Documents

IVAN MILAT EMPLOYMENT RECORDS

Production of Documents: Order

The Hon. JEREMY BUCKINGHAM (10:08): I seek leave to amend private member's business item No. 1776 by deleting all words after "that" and replacing them with:

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 employment record in the possession, custody or control of the Special Minister of State, Minister for Transport, Minister for the Arts and Minister for Music and the Night-time Economy or Transport for NSW relating to Ivan Robert Marko Milat, and 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.

Leave granted.

The Hon. JEREMY BUCKINGHAM: 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 employment record in the possession, custody or control of the Special Minister of State, Minister for Transport, Minister for the Arts and Minister for Music and the Night-time Economy or Transport for NSW relating to Ivan Robert Marko Milat, and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Ministerial Statement

TRIBUTE TO NICKOLA LALICH, FORMER MEMBER FOR CABRAMATTA

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:34): This week Nick Lalich, former member for Cabramatta and a member of the other place from 2008 to 2023, passed away at the Northern Beaches Hospital. Nick was a dear friend to many. He was also one of the most popular members of the other place during the time he served. Nick Lalich became a member of Fairfield council in 1987 and was elected as mayor in 1993. He continued to serve as Mayor of Fairfield until 2012, having been elected with 62 per cent of the vote. While mayor, he was asked to contest the seat of Cabramatta in the Legislative Assembly, where he continued his public service and served with distinction. Anyone who visited Cabramatta with Nick Lalich was amazed by his popularity and public profile. People would run out of their shops to shake his hand, such was his recognition and the affection in which he was held.

Nick was diagnosed with throat cancer in 2018, but he still fought and was successful at the 2019 election. However, the ravages of treatment affected his throat, vocal cords and tongue, and his ability to speak deteriorated. Many who witnessed his valedictory speech in November 2022 left the Chamber with a tear in their eye. Nick has an incredible life story. It is a background that he rarely spoke of and that very few people knew about. His parents fled the Nazis from Serbia and travelled through Italy to a refugee camp in Egypt, where Nick was born in 1945 just outside Cairo. His family lived in makeshift tents. All of his elder siblings passed away from disease in that refugee camp. Nick and his surviving siblings struggled under those conditions until his parents migrated to Australia in 1948 under Chifley's immigration policy.

They arrived in Melbourne, where his father obtained a job with a water authority. They eventually moved to Bonnyrigg, where Nick's parents purchased an 11-acre farm. It was not enough to sustain the family, so his father worked for the Postmaster-General's Department as a cleaner. As soon as Nick could leave school, he became an apprentice electrical fitter. He described to the member for Heffron, Mr Ron Hoenig, how he had to travel from Bonnyrigg to his place of employment in the city. It took him two hours to get to work and back every day. His family struggled to make ends meet. Nick joined the Labor Party in 1971. He was mentored by his then Federal member, Gough Whitlam, and was ultimately elected to the council. In his inaugural speech after he was elected in 2008, Nick said:

> Australia is truly a country of hope and opportunity. It has afforded a refugee the chance through commitment, resilience and ambition to have the honour of representing his community ... I could never have fathomed in my wildest dreams the prospect of becoming mayor of a city and a member of Parliament.

He is a major loss to the people of New South Wales. He is a major loss to the community that he served so attentively and diligently for many years. He is a loss to the Parliament and to the Labor Party. Today we acknowledge and thank Nickola Lalich for his service. Vale, Nick Lalich.

The Hon. DAMIEN TUDEHOPE (10:37): On behalf of the Opposition, I associate myself with the remarks of the Leader of the Government. I express the Opposition's heartfelt condolences to Nick's family, friends and loved ones. I am the only member in this place to have served with Nick in the other place. He was there before me and was there after I left. Nick used to refer to us as the "two old blokes of the LA". He had quite a few years on me, so I cannot say that I enjoyed being lumped into an additional age bracket with him. I echo the words of the Premier, who said that Nick's was a fine example of the great Australian story—from an Egyptian refugee camp to the Parliament of New South Wales. As the Leader of the Government mentioned, Nick said in his inaugural speech, "Australia is truly a country of hope and opportunity". He truly embodied that. Nick was an icon of Western Sydney, the Labor Party and the New South Wales Parliament. Vale, Nick Lalich.

The Hon. MARK LATHAM (10:38): By leave: It has been 46 years since I first met Nick Lalich in Frank's Gym in Maryvale Avenue, Liverpool. For anyone who has watched the *Rocky* movies, it was the equivalent of Mickey's gym. It was very much down to earth and intense. We all had one eye on the mirror and one eye on our competitor athletes and fitness aspirants. The leader of the gang was Nick Lalich, who, when he was young, was incredibly fit, energetic, enthusiastic, always full of life and a wonderful mentor to us young blokes. For the last four or five years Nick, I and the three fittest Green brothers—Tony, Brad and Geoff—have had a reunion. We have always regaled ourselves with the stories of our time together in Frank's gym. I suppose all of us were from the wrong side of the tracks but none as humble as Nick, from those refugee origins out of Egypt. One of the favourite stories was about a sign in Frank's gym. It read, "What do you do with your gym togs? You throw them against the wall. If they fall off, wear them again. If they stick to the wall, wash them. If they crawl up the wall, burn them." It was that sort of place, and Nick was that sort of fellow. He very much was a mentor to us.

Coincidentally, we were both elected to local government at the same time, in 1987, he to the Fairfield council, I to the Liverpool council. When I met him in 1979, I had just joined the Green Valley branch of the Labor Party. He was in different Federal and State electorates, but we had Labor Party stories to tell. He was very much part of the Ted Grace machine, if we could call it that. Nicko was very loyal to Gracey, as he would call him. He was also a very good judge of character. Nick was always down to earth but good at assessing people. I think that judge of character is an underestimated skill in politics. To his credit, Nick stood up to John Newman, who was very much a standover merchant in the local district—Fists of Fury, as Shane Easson dubbed him. Nick ultimately took Newman's seat as the member for Cabramatta.

Nick had many loves in his life. He loved his country. He loved the Labor Party. He loved his local community. And, of course, he loved the ladies, being so fit and athletic in every respect. As Gough Whitlam would have said, "He was prolific, comrade—prolific." That was part of his life and energy. I think these things need to be stated in tribute to someone. If I was a woman, I would have fancied him. Nick was the fittest man in the gym, and it was a tribute to him. Perhaps in our shape today we do not admire the physical state as much as we used to, but he was an incredibly fit and dedicated person. He was a good judge of character and an enthusiast.

He was always enthusiastic about everything, and that spilled into his service to the Labor Party, local government and State Government. I just hope that people in this building, where he was much loved and admired, will always remember him for that energy and enthusiasm and full life, not so much for the consequences of the cancer that ravaged him, diminished him and took him, as inevitably it would. He was a man of tremendous energy, love, life and enthusiasm, and I very much miss him.

Bills

CULTURAL INSTITUTIONS LEGISLATION AMENDMENT BILL 2025

First Reading

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

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

Statement of public interest tabled.

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (10:43): I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce the Cultural Institutions Legislation Amendment Bill 2025. The bill seeks to ensure that creative and cultural leaders of the next generation are represented and have seats at the table on the various boards, councils and trusts that steward our cultural institutions in this State. We intend to enable the voices of young people to contribute to shaping the future of these cultural institutions and to ensure the institutions remain relevant, innovative and accessible for future generations. The bill presents amendments to the legislation establishing each of the New South Wales cultural institutions, increasing the membership of each board, council or trust to include at least one person aged 18 to 28 at the time of appointment. The cultural institutions proposed to be subject to these amendments are the Art Gallery of New South Wales, the Australian Museum, the Museum of Applied Arts and Sciences—the Powerhouse Museum—Museums of History NSW, the State Library of New South Wales and the Sydney Opera House.

In December 2023 the New South Wales Government released *Creative Communities*, the first whole-of-government policy for arts, culture and creative industries for the State. *Creative Communities* grew out of extensive consultation and engagement. The policy aims to ensure that, over the next decade, everyone in New South Wales has access to creativity. Over time it aims to correct some of the past inequities of access to arts and culture. Under this framework, young people will have more opportunities and access to experiences and jobs in the cultural and creative industries in our State. Finding ways to ensure that young people participate in experiencing and contributing to creativity is not only an investment in their future but also an investment in the future of the State. As *Creative Communities* notes, the evidence is overwhelming. Young children participating in cultural and creative activities are much more likely to do well at school, find connections and thrive in later life. The policy recognises the need to support sustainable careers in the arts and culture sector. It also notes that engaging young people as audience members and in career development can lead to lifelong engagement, bolstering future audience numbers and cultivating a more culturally aware and appreciative society.

In late 2023 the New South Wales Government held a youth round table to hear directly about challenges facing youth representation in the sectors. A key message was that there is a need to include young people in decision-making in the arts, culture and creative industries. The policy responds to these needs and recognises the importance of arts and culture as essential for the mental health, wellbeing and futures of young people. It includes a commitment to take a first step in ensuring that cultural leaders of the next generation are at the decision-making table, through the establishment of an advisory network of young people. The commitment was fulfilled in February 2025, when the Creative Youth Network first met. It has been established to advise key government Ministers directly on issues impacting young people engaged in the arts, culture and creative industries. I thank my colleague the Hon. Rose Jackson for being there alongside me at the first meeting of the Creative Youth Network.

By ensuring that young people are represented on the boards of all New South Wales cultural institutions, this bill takes the Government's commitment one step further, affirming our dedication to the next generation of creatives and creating pathways to more meaningful engagement. The key is that we intend to have young people structurally engaged with the Government, at the decision-making table, and this bill represents a step towards that. It is not enough to simply have them engaged or to ask their opinion. They deserve a seat at the table.

The six New South Wales State cultural institutions play a key role in preserving, promoting and providing access to arts, culture, heritage and knowledge. Their contribution to the State's cultural enrichment, tourism and public education is immense. They provide the artistic and cultural backbone of the State, overseeing together a significant collection of objects and welcoming in excess of 16 million visitors among them each year. Enabling the cultural institutions to actively involve the voices of young people will ensure they remain relevant, innovative and accessible for future generations. Each of these institutions is governed by separate legislation, and existing composition requirements vary across the institutions. The proposed legislation will create some consistency across the governance of these organisations, allowing the voice of the next generation of New South Wales to help guide the sector.

The bill is one of a number of actions the Government is progressing to support the next generation of creatives in this State. I have already mentioned the establishment of the Creative Youth Network. We also referred arts and music education to the Parliament for inquiry, to assess its adequacy and to ensure that young people who want to pursue these fields have access to appropriate education, training and mentoring. I thank the House and its committees for the work done during that inquiry. The Government's response to the committee's findings, tabled on 12 March 2025, outlines some of our next steps in reforming education and training to better equip young people for sustainable careers within the creative sector.

The New South Wales Government has also delivered on its Creative Communities policy commitment with the Generations Western Sydney Music Fellowship, investing $500,000 over five years to support early career Western Sydney musicians to undertake professional development. The fellowship is delivered via a partnership between Create NSW, Powerhouse Parramatta, Blacktown Arts and Vyva Entertainment and will strengthen and amplify the arts and creative industries in Western Sydney.

I am also pleased to announce that we will be partnering with the Advocate for Children and Young People on a grant program to develop governance skills and capabilities in relation to the duties and responsibilities of boards and directors so that young aspiring creative leaders, following their selection process, are fully prepared for their roles ahead of joining the respective board, council or trust. The bill before the House builds on and complements all of that work. It seeks to draw on the breadth of our cultural institutions' audiences and the vibrancy that young people offer to ensure that those organisations remain relevant for future generations.

I turn briefly to the detail of the bill. The bill seeks to amend legislation establishing certain New South Wales cultural institutions to provide that the board, council or trust must include at least one young person. The legislation to be amended by the bill includes: the Art Gallery of New South Wales Act 1980, the Australian Museum Trust Act 1975, the Library Act 1939, the Museums of Applied Arts and Sciences Act 1945, the Museums of History NSW Act 2022 and the Sydney Opera House Trust Act 1961. A young person is defined within the bill as a person who is at least 18 years of age and not more than 28 years of age at the time of appointment. The bill also includes consequential amendments to provisions related to quorum, to maintain the intent and effect of quorum constituting a majority of members. I am pleased to introduce this legislation. It is a step forward in actively putting young creatives around the decision-making table for the State's creative future. I commend the bill to the House.

Debate adjourned.

Visitors

VISITORS

The PRESIDENT: I take the opportunity to formally welcome to the Parliament the Advocate for Children and Young People in New South Wales, Zoë Robinson. She is very welcome.

Bills

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

Second Reading Speech

The Hon. DANIEL MOOKHEY (Treasurer) (10:52): I move:

That this bill be now read a second time.

Today the Minns Labor Government delivers on its election commitment to modernise chapter 6 of the Industrial Relations Act and extend its coverage to the gig transport economy. Chapter 6 of the Industrial Relations Act is a longstanding piece of industrial relations legislation that has stood the test of time. In fact, the antecedent chapter was established in 1979 by the Wran Government, as supported by the then opposition industrial relations spokesperson, Jim Cameron, otherwise known as the father of former Federal member Ross Cameron. I would

happily talk more about that history. Chapter 6 at present applies to owner-drivers and taxis and provides for the making of enforceable instruments that set their pay and conditions. As a result, numerous chapter 6 instruments are in force throughout the New South Wales transport industry today and will be in the future.

Chapter 6 has been saved from numerous attempts to override or reduce it. Following a Transport Workers' Union campaign, including a convoy to Canberra, the Howard Government was forced to preserve chapter 6 even though other aspects of State industrial relations laws dealing with independent contractors were overridden following the enactment of the Independent Contractors Act 2006. I confess that I helped organise those convoys. In fact, the very first truck blockade I ever helped to organise was on the Anzac Bridge and, dare I say, the M4 as part of that campaign to save chapter 6. I was 23 or 24 years old. That was my very first campaign, so today I am honoured to stand in this place to move this legislation in partnership with my colleague the Hon. Sophie Cotsis, who has done an amazing job to modernise the Act and make sure it remains on the cusp of worldwide innovation to respond to the rise of the gig economy.

I remind members that in 2011 the O'Farrell State Government attempted to incorporate the New South Wales industrial relations commission into a super tribunal. That could have had the effect of significantly reducing the scope of chapter 6. Once more, a union-led campaign by the Transport Workers' Union led to chapter 6 being preserved in its pre-existing form. In moving that legislation, protection of goodwill was being risked, which, for transport workers, is a big deal, particularly for small businesses. In fact, the modern incarnation of chapter 6 was set in 1995 by Kerry Chikarovski, who was responding to the end of goodwill that was taking place in the concrete industry at the time and that was otherwise starting to devastate.

The Hon. Damien Tudehope: It was also Norman Ross drivers.

The Hon. DANIEL MOOKHEY: Yes, the shadow Treasurer is absolutely correct. The current form of the legislation was built to protect people when they are transacting contracts for work, which is inherently a risky proposition, especially when they are mortgaging their house to buy a truck or a concrete transport device or a car carrier device. To have all of that goodwill destroyed and disrupted would absolutely devastate the transport industry and also devastate many small businesses, which is why we have, broadly speaking, a bipartisan consensus to protect chapter 6. The legislation today will ensure that chapter 6 maintains its relevance as a modern piece of industrial relations legislation.

Last year the Federal Government acted to provide gig workers with access to the Fair Work Commission, including by giving the Fair Work Commission the ability to make minimum standard orders for gig workers as well as providing workers access to unfair deactivation remedies. The bill does not seek to replace the new Federal jurisdiction or duplicate the important work that has taken place federally. Rather, the bill creates a mechanism that allows gig transport workers to access the protections of chapter 6 if the transport industry decides that some sectors of the transport gig economy are better left to regulate at State levels. To remove duplication, the bill provides direction to the Industrial Relations Commission about how it must deal with any application made with respect to a cohort of workers who are the subject of a Federal application for minimum standards. The bill also acknowledges the operation of the Federal deactivation scheme, as I will explain later.

In addition to providing a mechanism for transport gig workers to access chapter 6, the bill also updates the provisions of chapter 6 so that they are fit for purpose in a modern transport industry. The bill expands who is covered by chapter 6 by removing outdated exemptions and giving the commission the power to examine contractual chains that exist in modern supply chains. It also improves transmission of business provisions, clarifies how agreements are terminated and updates dispute resolution and bargaining under the chapter. In making that point, I acknowledge the advocacy of the member for Campbelltown, Mr Greg Warren, who, in the dark days of opposition, moved bills on this matter in the other place as well. Greg Warren has a lot of transport workers in his electorate and he is a former transport worker. He brings a great degree of passion, particularly towards ensuring that bread, which was exempted from this law for 40-odd years, is brought in—and milk as well. Milk transport is another part.

The Hon. Damien Tudehope: You still get milk delivered, do you?

The Hon. DANIEL MOOKHEY: I confess my short-lived career as a milk deliverer did not last. But, had it lasted, I would have been thrilled that this protection existed should I have found myself operating a transport business that was undertaking the business of milk delivery. In the 30 seconds before question time, I will begin to outline the contents of the bill. Schedule 1 [1] proposes to insert new objects in chapter 6 of the Industrial Relations Act to outline the underlying purposes of the chapter. Schedule 1 [2] to the bill permits the New South Wales Industrial Relations Commission [IRC], constituted by a presidential member of the commission, to declare a particular contract or class of contracts to be contracts of carriage.

When making a declaration, the IRC must be satisfied that the contract is for the transportation of persons or goods and that it is appropriate for the IRC to do so, having regard to the factors listed in new section 3B (b). They include that a person has low bargaining power in relation to the particular contract or that it makes terms that would be unfair or operate unfairly in relation to the person. That could include the declaration of contracts of carriage beyond the circumstances now prescribed in schedule 1 [5] if the IRC considers it appropriate, having regard to all matters.

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

Questions Without Notice

LOCAL SMALL COMMITMENTS ALLOCATION

The Hon. DAMIEN TUDEHOPE (11:00): My question is directed to the Special Minister of State. In evidence given to the Public Accountability and Works Committee, a staffer from the Premier's office revealed that in late 2023 the member for Sydney was consulted in relation to the nominated projects list for his electorate on the master list of election commitments given by the Premier's office to the Local Small Commitments Allocation [LSCA] project office, resulting in some projects having offers of funding withdrawn or reduced and others being given more funding. Which other non-government sitting members were invited to have input into the varying LSCA project funding apart from the parks and playgrounds projects?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:01): I thank the Leader of the Opposition for the question. This is a matter that the Parliament is inquiring into and I will be turning up to the inquiry tomorrow to give evidence on this and other matters. As I have at estimates hearings or in the House, I will happily answer questions members have about it. In making decisions about these projects, it is a requirement that they are election commitments for them to meet the criteria in the grants. That is clear in the paperwork. All the paperwork has been released—or is on the way to being released; there have been some subsequent decisions recently. Members have had access to it. They can examine for themselves the basis on which the decisions were made. They are election commitments. If there has been any query about that, I have made sure and clarified and that has been the case across the board.

The Hon. Damien Tudehope: Point of order: I accept the context that the Minister is speaking to, but the question is specific: Which other members were invited to have input into the various other Local Small Commitments Allocation project fundings apart from parks and playgrounds?

The PRESIDENT: At the moment I am satisfied that the Minister is being directly relevant, but I am conscious of the scope of the question.

The Hon. JOHN GRAHAM: As I said, all the paperwork is visible. It is public. It is available to members of the Opposition. It is available to members of either House and the public. Wherever anyone was consulted by me and that had an influence on the decision, I am required to record that in the paperwork. Members can inspect for themselves who has been consulted in the course of making a decision. Otherwise, the decisions, as I have made them, have been based on the paperwork.

MENTAL HEALTH SERVICES

The Hon. EMILY SUVAAL (11:03): My question without notice is addressed to the Minister for Mental Health. Will the Minister update the House on what the Minns Labor Government is doing to provide free and confidential mental health information, services and support for people in New South Wales?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:04): I am pleased to update the House about further collaboration between the New South Wales Government and the Federal Government to ensure that more mental health support is available. One of the things that we have been really leaning into is a new model of care that is epitomised by the Safe Havens that the New South Wales Government funds and the Medicare Mental Health Hubs that we jointly fund with the Commonwealth, where people can access free care without a referral simply by walking in.

I am pleased to let the House know that we recently announced yet another of those Medicare Mental Health Hubs, in Tweed in the Northern Rivers. That community, as the member who asked the question would know, has had some significant challenges over recent years, including multiple flood events. There have also been bushfires in that part of New South Wales. That community rightfully has been crying out for more mental health support. The kind of support provided through the hubs really meets the needs of the community. I was incredibly pleased that the New South Wales Government was able to co-fund another one of those facilities in Tweed.

Medicare Mental Health Hubs provide free support to anyone who walks in the front door, with no referral needed. They are staffed by social workers, nurses and peer workers. There are psychologists and psychiatrists on call. The full spread of mental health support is available. That kind of support, available to people when they need it, without a referral and for free, steps into solving people's problems as opposed to requiring them to see a GP and make an appointment. Occasionally, there is also payment required for those kinds of supports. The hubs are a new model and we are rolling them out across the State. Currently, 61 Medicare Mental Health Hubs are being rolled out, including 22 in New South Wales. On top of that, the Commonwealth has recently committed to another 35 Medicare Mental Health Hubs opening across the country, including 13 additional locations in New South Wales.

We are really pleased to be doing that work with the Commonwealth. We want to make mental health support more readily available. We know we need all different levels of government to work together. It is not something that the State or the Commonwealth are going to be able to solve by themselves, and the hubs are really good practical examples of what that kind of support looks like. In honour of some of the more unconventional traditions of this House and in honour of the Clerk, who has just joined us in the Chamber, and Celine Dion, I note this: Mental health support is near, far, wherever you are after the rollout of our Medicare Mental Health Hubs. My heart could go on and on about how much support is available in New South Wales.

The PRESIDENT: Before I call the Hon. Sarah Mitchell, I take the opportunity to formally welcome the Clerk of the Parliaments, David Blunt, AM, to his final question time in a long and distinguished career.

DUBBO REGIONAL SPORTS HUB

The Hon. SARAH MITCHELL (11:07): My question is directed to the Minister for Regional New South Wales. In a letter to the Minister dated 18 December 2024, the Hon. Stephen Lawrence, the Labor duty MLC for Dubbo and the Special Envoy for Opal Mining, stated that the Minns Labor Government "now bears absolute responsibility" for the fate of the Dubbo sports hub project and that to "withdraw the funding and axe the project would be a terrible breach of trust with the people of western New South Wales". On 20 December the Minister announced that she had axed the project. Why did the Minister breach trust with the people of Dubbo and western New South Wales?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:08): I thank the member for the question. As I have indicated, I am happy to answer questions about the project that never existed. I will deal with the specifics of this question. As I have had cause to refer to this week, it is a distraction from the member for Dubbo, who was the one who failed to deliver this project.

The Hon. Damien Tudehope: Point of order—

The Hon. TARA MORIARTY: The death threats are still on his Facebook page. There are new ones.

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

The Hon. Damien Tudehope: On Tuesday in question time I took a point of order regarding this Minister's use of props. For her to do so again today is to flout the ruling made by the President at the time. For her to reflect on a member in the other place deserves a call to order.

The PRESIDENT: Interjections are also disorderly and yet they continue to happen. Nonetheless, I uphold the point of order. Props are disorderly and may not be used. The Minister has the call.

The Hon. TARA MORIARTY: I acknowledge your ruling, Mr President. The Facebook comment says, "Shoot the cunt dead."

The Hon. Wes Fang: Point of order: The member is not being directly relevant to the question. I ask that she be drawn back to the leave of the question.

The Hon. Courtney Houssos: To the point of order: The Minister barely uttered two words before the member took a point of order. The Minister should be given the opportunity to say a few sentences before a member takes a point of order. It is ridiculous to suggest that every single word a Minister utters must be directly relevant to a question.

The Hon. Damien Tudehope: Point of order: I take the same point of order that I took on a previous occasion. The Minister quoted from a potential comment on the Facebook page of a member in the other place in an attempt to imply that that member endorses the comment. That is a reflection on a member in the other place, which the Minister can only do by way of substantive motion.

The Hon. Daniel Mookhey: To the point of order: The question that was asked of the Minister contained the words "did the Minister breach trust". In rejecting the proposition that the Minister did breach trust, she has latitude to provide her reasons, and that includes contrasting what other people have said in this House and in this debate. I well and truly accept that the Opposition asked a question, but the manner in which it was asked provided the Minister with licence to set out her reasons for asserting that the proposition was wrong. The Minister clearly made that point.

The PRESIDENT: Members have taken two points of order. The point of order taken by the Hon. Wes Fang was that the Minister's answer was not relevant to the question. The scope of the question was quite broad and the Minister was directly relevant. The point of order taken by the Hon. Damien Tudehope was more interesting, but I do not accept that the Minister implied that the member for Dubbo endorsed the comment on his Facebook page. If the Minister did that, that would be inappropriate. I am alive to that point of order. The Minister has the call.

The Hon. TARA MORIARTY: I drew attention to the comment because the post is about the project, so it is directly relevant to the question. The member for Dubbo boosted, highlighted and exacerbated the issue since I raised it in Parliament. The member should delete the comment. It was referred to the police. The matter must be taken seriously. Members on the other side of the Chamber should condemn the comment. I am not interested in receiving death threats because of government decisions. The content should be removed.

The Hon. Sarah Mitchell: It has been removed.

The Hon. TARA MORIARTY: No, it hasn't. It is there right now. It says, "Shoot the cunt dead." I am not interested in copping that. The member should delete the comment and be more responsible if he would like to be the Deputy Premier of this State. In relation to the question—

The Hon. Damien Tudehope: Point of order: I renew my point of order. The Minister has sought to assert that the member for Dubbo, in failing to remove or by associating himself with that post, is endorsing it.

The Hon. Penny Sharpe: To the point of order: The Minister raised a very serious matter about death threats that were made using absolutely appalling language. That was well canvassed in question time on Tuesday. The Minister said the post should be removed. It is within her rights to answer the question in a directly relevant manner. She has done that. Every member in this place should be concerned about any member who experiences online harassment. Opposition members have taken semantic points of order, but the bottom line is that the Minister was directly relevant in her answer. Members must pause to reflect on the issue the Minister raised and the nature of the threats made to her. All members should condemn those threats.

Ms Abigail Boyd: I seek to take a new point of order.

The PRESIDENT: I will hear from the Hon. Damien Tudehope on this point of order and then Ms Abigail Boyd may take a new point of order.

The Hon. Damien Tudehope: Further to the point of order: I accept the arguments made by the Leader of the Government in this place, but that material should be contained in a substantive motion. That is the proper manner for dealing with this subject and referencing members in the other place, for exactly the reasons articulated by the Leader of the Government.

The Hon. Penny Sharpe: Further to the point of order: The Minister was directly relevant to the question that was asked of her about a very specific project. The Minister argued that a Facebook post made by a member in the other place has drawn a lot of extremely inappropriate, violent and unwelcome comments. Opposition members invited this debate by asking another question about it. The Minister was directly relevant in her answer. She does not need to move a substantive motion attacking the member for Dubbo. The Minister is responding directly to the question and outlining the context she finds herself in as a result of the actions of others.

The Hon. Sarah Mitchell: To the point of order: It is important to put on record my concerns about the information provided by the Minister. The posts were removed by the member for Dubbo and his office after the matter was raised in question time on Tuesday, and they continue to try to find and remove other abusive comments. It is disingenuous for the Minister to imply that the member for Dubbo has not done anything about those posts when he has deleted posts since the matter was raised on Tuesday.

The PRESIDENT: The point of order is interesting but not clear-cut. Imputations of improper motives are considered disorderly and should be dealt with by way of substantive motion, and the Minister came close to that line. But I do not believe that on this occasion the Minister imputed an improper motive to the member for Dubbo. She drew attention to posts that were certainly visible at some point. The Deputy Leader of the Opposition said the posts are no longer on Facebook, but I cannot check that in real time. I remind members that these are very serious issues. The threats that were made to the Minister are very serious, but the suggestion that the member

for Dubbo might support those threats is also serious. Members must be mindful of these matters and treat them with the respect they deserve.

Ms Abigail Boyd: Point of order: My point of order relates to the stopping of the clock. Although I understand it is well intentioned, it results in question time becoming a back-and-forth debate where members can use points of order for discussions. This is delaying question time. Only three questions were asked by crossbench members yesterday.

The PRESIDENT: That is a very good point of order. The member might recall that at the beginning of my term I was focused on the use of what I felt were spurious and vexatious points of order. Members have settled down since then, but yesterday—and indeed today—it has built up again. I do not think it has been a deliberate tactic on this occasion, but I will watch it. I am mindful of it and appreciate the member raising it. The Minister has the call.

The Hon. TARA MORIARTY: I was mid-sentence before those points of order were taken. In relation to the specifics of this question, I refer to what I have already put on record. I understand that the member referred to is interested in this issue. He was on the council when the council withdrew from this project. In this case, the council was a proponent to deal with this project. It signed a funding agreement, it was working with the Government on it and it withdrew. This is all in the documents returned by the call for papers under Standing Order 52. The council committed $4 million and paid a million dollars. When it withdrew from the project in 2020, that money was refunded to the council. The council withdrew from this project.

The member for Dubbo failed to deliver the project. I understand that there is lots of advocacy for a new project, which I have said repeatedly that anyone is allowed to campaign for. In any community, people are entitled to campaign for whatever issues they feel passionate about. If they are lobbying for projects in their local community, that is appropriate and it is their job to do so. But the history of this non-existent project is relevant to the House. The project did not exist; there is plenty of paperwork to prove that. The community of Dubbo should have a look at its local representation at every level and ask questions about the misleading of the community in relation to this project. Members of that community have been misled for many years. As I have said repeatedly, people are entitled to campaign for issues. If an organisation is interested in receiving support from the Government, it is welcome to apply. [*Time expired*.]

LOCAL LAND SERVICES ANTI-CORRUPTION TRAINING

The Hon. ROBERT BORSAK (11:22): My question is directed to the Minister for Agriculture. Anti-corruption training is critical for staff and board members in Local Land Services to uphold ethical standards, ensure transparency and maintain public trust. Given the potential for local conflicts of interest, particularly in rural and community-based settings, and particularly in relation to lucrative helicopter aerial shooting contracts, such training helps prevent misuse of power or resources. It is important to understand how Local Land Services addresses these risks. What anti-corruption training programs are provided to Local Land Services staff, managers, executives and board members in New South Wales?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:22): I thank the honourable member for his question. I know he has a significant interest in this particular area of government. I am advised that training is provided, but the honourable member is right to raise that it is really important that everyone deals with things with integrity—including everyone in this place and government departments—and that proper processes are in place to limit risks of corruption or any other concerns. There is training in place. If there are any particular issues, the member is very welcome to raise them and we will deal with it. But it is really important that we do have the correct processes in place to limit any risk. Again, if something has occurred, I am happy to hear about it.

The Hon. ROBERT BORSAK (11:23): I ask a supplementary question. I thank the Minister for that answer. How is the anti-corruption training actually tailored to meet the needs of different levels of staff within Local Land Services, from frontline employees to board members?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:24): I thank the member for another important question about good governance. As I understand it, there is specific training for people who are employed in the department. But also, as members would be aware, there are elected and appointed board members for Local Land Services organisations in different parts of the State. I am advised that there is training that is tailored to them. I am happy to provide further information about the specifics of any difference between what is provided to department officials compared with elected and appointed board members. But that training is available, as it should be.

The Hon. ROD ROBERTS (11:24): I ask a second supplementary question. Will the Minister elucidate her answer in response to my colleague's first question? The Minister said training is in place. How frequently is

anti-corruption training provided to staff members, managers, executives and board members? Are there regular updates to the training?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:25): I thank the member for the excellent second supplementary question in relation to how often training is provided. I do not have that information off the top of my head, but I am very happy to seek further information about the specifics of how often training is provided to officials inside the department and how and when it is provided to board members around the State.

SEA TURTLE PROTECTION

The Hon. PETER PRIMROSE (11:25): My question without notice is addressed to the Minister for the Environment. Will the Minister provide an update on the steps the New South Wales Government has taken to protect sea turtles in response to Ex-Tropical Cyclone Alfred?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:26): This is a very important issue and some good news, which I think we all need. Ahead of the destructive force of Ex-Tropical Cyclone Alfred, the dedicated team at NSW TurtleWatch, together with the NSW National Parks and Wildlife Service, worked tirelessly to rescue hundreds of turtle eggs from nine beaches on the North Coast. With cyclonic waves threatening to wash these nests away, the team carefully relocated nine nests, ensuring that these future teenage mutant ninja turtles had a fighting chance. The eggs were placed in incubators until it was time to release the world's most fearsome fighting team. When the evil Alfred attacked, these turtle boys did not cut him any slack. Leonardo led the way, with Donatello not far behind. Raphael and Michelangelo were too cool and surfed the waves. I think all members can agree that they really are heroes in a half shell. This was turtle power in action.

The rescue mission was no small feat. It was a massive collaboration between government agencies, volunteers and wildlife rehabilitators. The dedication of these volunteers cannot be overstated. This season alone they have monitored over 2,700 kilometres of coastline, logged an astonishing 825 hours of volunteering, conducted 739 beach patrols and even removed 141 kilograms of rubbish from our shores. Their commitment is making a real difference. This summer, New South Wales recorded 18 confirmed sea turtle nests, an increase from 13 last year.

While we celebrate the success, we also recognise the ongoing challenges. In the wake of the cyclone, numerous turtles and other wildlife have needed urgent care. I thank organisations such as For Australian Wildlife Needing Aid, WIRES, Northern Rivers Wildlife Carers, Tweed Valley Wildlife Carers, Australian Seabird and Turtle Rescue, Byron Bay Wildlife Hospital, Coffs Coast Wildlife Sanctuary and the Northern Rivers Wildlife Hospital for all the work they have done during this difficult period. Their efforts are not only saving turtles today but also ensuring that future generations can see these turtles return to our shores. We want to continue to protect and preserve the wildlife that makes New South Wales so unique and extraordinary, and we want to see more lovely mutant ninja turtles returning to nest into the future.

ENERGY PRICES

Ms ABIGAIL BOYD (11:28): My question without notice is directed to the Minister for Climate Change, and Minister for Energy. My very first question to the new Labor Government in May 2023 was to ask the Minister about the national energy price regulation default market offer [DMO]. The Minister said it was a very good question and sought advice from the department in relation to our options. Almost two years later, New South Wales households are still paying higher power prices than our counterparts. Under DMO 7, New South Wales households will face a greater increase than their Victorian counterparts because of the permitted inputs—including inflated profit margins, advertising costs and transmission cost recovery—under the national energy price regulation, to which New South Wales is a party. Will the Minister commit to follow the lead of the Victorian Government and boycott the price regulation to enable New South Wales to set its own lower charges in order to provide urgent energy bill relief?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:29): I thank the member for her question. How we regulate and deal with prices is a serious matter. The member should be aware that Victoria has a separate system to the rest of the National Energy Market in relation to the default market offer [DMO]. The short answer to the member's question is, yes, I am concerned about it. Yes, during this draft period we will be asking the Australian Energy Regulator [AER] to reflect on the draft determination and to see whether we can get a lower outcome, which is what we did when we first came to government, and we expect that.

As for whether we are moving out of the system to set up our own system in New South Wales, no, we are not. I understand where the member is going, but there is a bit of swings and roundabouts with this. Victoria has

gone above the DMO in previous times. The long and the short of it is that the default market offer is supposed to set market prices for competition in the market. I am concerned that the rise is significant and that it will have an impact. I obviously welcome the Federal Government's work on rebates, and I again remind the member that we have over $350 million worth of rebates for energy bills.

She is right about the challenges in the market. I will fix this up if it is incorrect, but I believe that around 10 to 15 per cent of people are on the direct market offer. People have the ability to shop around, and we encourage them to do so. There is a good website called Energy Made Easy. If people take the time, they could literally cut 20 per cent off their electricity bill straightaway by just changing providers. Having said that, I know that that is not easy and not necessarily something that everyone will be committed to doing, but I encourage them to do so. We also provide a range of other support for people in difficulties with their bills. The long and the short of it is, no, we will not move to a different arrangement, but we will continue to engage with the AER and the way in which it determines the DMO.

Ms ABIGAIL BOYD (11:32): I ask a supplementary question. I thank the Minister for her response. Will the Minister elucidate the part of her answer where she talked about being concerned about the cost of energy prices? Under the energy infrastructure road map and as identified in the Government's Electricity Supply and Reliability Check Up, current arrangements do not impose costs on customers who are connected to the transmission grid, particularly large electricity users. Will the Government at least adopt that recommendation and shift transmission cost recovery from households to big businesses, to lower costs?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:32): I would argue that is a different question. However, I acknowledge that this House is serious about trying to deal with energy prices, especially as we roll out the road map. I will take the detail of the supplementary question on notice and provide an answer to the member. I will try to get a response before the end of question time.

PARRAMATTA LIGHT RAIL

The Hon. NATALIE WARD (11:33): My question is directed to the Minister for Transport. On 6 January 2023, the Premier, as the then Opposition leader, said regarding Parramatta Light Rail stage two, "Major construction works will begin in the first term of a Labor government." At budget estimates hearings, senior transport executives confirmed that the New South Wales Government was seeking additional funding from the Commonwealth Government for this project. Without Federal funding, will major construction works begin prior to the 2027 election, as promised by Premier Minns?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:33): I thank the shadow Minister for her question and for her interest in the Parramatta Light Rail project.

The Hon. Daniel Mookhey: How many times did you announce it?

The Hon. JOHN GRAHAM: I acknowledge the interjection from the Treasurer referring, I think, to stage one.

The Hon. Daniel Mookhey: No, stage two.

The Hon. JOHN GRAHAM: Stage two, yes. The answer to the Treasurer's question is 15 times. There may have been more.

The Hon. Damien Tudehope: Like the North West Rail Link that Labor announced 10 times.

The Hon. Natalie Ward: Point of order: Mr President, I understand that it is Thursday, but this is in no way even close to being relevant to the question. If the Treasurer would like come back to the Opposition benches and ask questions, he is most welcome.

The PRESIDENT: I uphold the point of order. The Hon. Natalie Ward is quite correct. The Minister has the call.

The Hon. JOHN GRAHAM: I apologise, Mr President, for being distracted by the excellent interjection from the Treasurer. The answer is that the Premier is entirely correct. If the Premier said so, we will work to make that the case.

The Hon. NATALIE WARD (11:34): I ask a supplementary question.

The Hon. Damien Tudehope: Did you put the money aside for this?

The PRESIDENT: Order! The Hon. Damien Tudehope is not asking the supplementary question. The Hon. Natalie Ward has the call.

The Hon. NATALIE WARD: I thank the Minister for his answer. To make that work, will the Minister elaborate on how the Premier will ensure those major construction works even without that Federal funding? How does the Minister reconcile the two?

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 the supplementary question. Part of the issue is the distinction between what the Premier is saying, what our election commitments were and the way that the Opposition characterises what is going on. That is where the gap is, not between what the Premier said or what we committed to at the election and what we will do. We have made commitments, and we will deliver on them.

BAPS SWAMINARAYAN HINDU MANDIR AND CULTURAL PRECINCT

The Hon. BOB NANVA (11:35): My question without notice is addressed to the Treasurer. Will the Treasurer update the House about the recent completion of the BAPS Swaminarayan Hindu Mandir and Cultural Precinct at Kemps Creek?

The Hon. DANIEL MOOKHEY (Treasurer) (11:36): I thank the member for his question. Before I update the House on the BAPS Swaminarayan Hindu Mandir and Cultural Precinct in Kemps Creek and acknowledge the incredible honour of welcoming to New South Wales His Holiness Mahant Swami Maharaj—otherwise known as the Holy Father of that congregation—I should acknowledge in the gallery today an important but not particularly holy father: my father-in-law. Professor Lloyd is one of the world's experts in Indigenous economies, with a particular Marxist historiographical bent, which also makes him thrilled to have me as a son-in-law, I have to say.

To return to the question, I recently had the opportunity to welcome His Holiness Mahant Swami Maharaj to New South Wales and into the new mandir in Kemps Creek. I was pleased to join the BAPS community to celebrate the opening of their magnificent new cultural precinct, which will be the Southern Hemisphere's biggest Hindu cultural precinct. This is more than a place of worship; it is a centre of learning and a home for all who seek spiritual growth. It was, of course, a privilege to welcome His Holiness. I also had the honour of returning again last Saturday with the Premier, the Deputy Premier, the Federal energy Minister and other parliamentary colleagues for the foundational stone laying and ceremony.

The BAPS community has long been a pillar of service and unity across the world, and certainly in Western Sydney. Through education, social initiatives and humanitarian work, they continue to show us that the practice of faith is not just about belief; it is about action, lifting others up and strengthening the bonds of family and community. The theme of the event earlier this month was celebrating peace, and the new mandir is bringing together communities and providing a place for gathering to understand compassion and kindness. It has been built by its volunteers, and it has been built by the BAPS movement worldwide, which predominantly comes out of Gujarat in India but has been spread worldwide. It is very welcoming to see the new mandir in Western Sydney, somewhere so many people from that community now calls home.

I acknowledge all the volunteers of the BAPS movement and the spirit of their volunteerism. As a member of Parliament of Indian heritage, I see what this means for the broader Hindu community in Australia. I have made no secret of the fact that my family helped set up Australia's first Hindu mandir in Auburn, and to see the growth of the community is quite amazing. It has made me think of this place and how it is also a place where we worship democracy, where people are connected through the act of public service.

Today we are farewelling one of our most committed worshippers of democracy in our public service, David Blunt, and it feels almost like we are losing our religion:

I thought that I heard you laughing
I thought that I heard you sing
I think I thought I saw you try
But that was just a dream
That was just a dream

SEXUAL ABUSE COMPENSATION

The Hon. JEREMY BUCKINGHAM (11:40): My question without notice is directed to the Minister for Agriculture, representing the Minister for Police and Counter-terrorism, and Minister for the Hunter. On 13 February 2025, the New South Wales police news website stated, "Detectives from the Financial Crimes Squad have charged seven people following the discovery of fraudulent sexual abuse compensation claims in a scheme

which has paid out over $1 billion in claims to date." Minister, where was the figure of $1 billion obtained from? If it was a calculation, how was the figure of $1 billion calculated?

The Hon. Damien Tudehope: Point of order: This matter is the subject of debate on a bill about claims farming that will be debated later today. As such, I would suggest that the question is out of order.

The Hon. Rod Roberts: To the point of order: Members may recall that I have raised this particular matter in the Chamber once before, and I have a question to the Attorney General on the *Notice Paper*. What we will be debating today, the Claim Farming Practices Prohibition Bill, is not related to the question that the Hon. Jeremy Buckingham has asked. I have looked at the bill and have prepared my contribution to the debate on the bill for today. I will be critical of the Government for leaving out the area of sexual assault reporting option that the Hon. Jeremy Buckingham is referring to. Although they are both looking at compensation claims, they are two completely different matters.

The PRESIDENT: Could I please have a copy of the question. Members are making the Clerk earn his money today.

The Hon. Damien Tudehope: Further to the point of order: The Hon. Rod Roberts upheld my point that he will, in fact, be addressing this matter in his contribution to the debate on the bill later this afternoon.

The PRESIDENT: There is nothing in the long title of the bill that specifically goes to the detail of the question that was asked. It may have some relevance, but we do not know, and we are not going to know until the bill is discussed. I do not uphold the point of order.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:43): I thank the member for his question and acknowledge his significant ongoing interest in this area. It has been asked of me in my capacity representing the Minister for Police and Counter-terrorism. I do not have access to that information at hand. I will take the question on notice and come back to the member and the House with the details.

WASTE DISPOSAL INFRASTRUCTURE

The Hon. NICHOLE OVERALL (11:43): My question without notice is directed to the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage. In 2018, when Minister Sharpe was the shadow environment Minister, in response to a proposal for a waste incinerator in Western Sydney she stated, "This project shouldn't be going ahead and the Government should stop it now." In budget estimates, when questioned on the matter, the Minister stated, "I was glad that they didn't proceed in terms of the Western Sydney program." Does the Minister have the same concerns about the negative impacts of waste incineration in regional New South Wales as she does for Western Sydney?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:44): I thank the member for the question. I remind her that the policy for energy from waste was developed under the Hon. John Barilaro. The policy dealt with the opportunities, the challenges and the issues that need to be considered in relation to energy from waste. It was established by the previous Government. I remind the member that it stated that energy from waste facilities could be useful in some areas. There were four designated areas in the State where they could be considered. The first one was in Goulburn near Tarago. The second one was in Parkes. Currently, a proposal is being discussed in the community with the Parkes Special Activation Precinct. Again, previously, that was heavily championed by The Nationals. There is one out in the Richmond, Tenterfield way. The other one is near Lithgow, with the former Deputy Leader of the Government and the member for Bathurst, Paul Toole.

The policy that was put in place continues to exist. As I said, it was set out by the previous Government. It was wholeheartedly adopted by The Nationals. The point that I would make is that there is a lot of community concern about energy from waste. I understand that there are people who campaign against a variety of those facilities, although the only one that is currently going through the planning system, as identified by the member, is the one outside Tarago. Currently, the Environment Protection Authority has a consultation paper out on whether the settings are correct or whether changes should be made. I will not pre-empt that community consultation, other than to say that it is coming.

The second point I make is that I have also asked for advice from the Office of the Chief Scientist and Engineer on whether the regulations for those types of facilities are fit for purpose or are best practice. I believe and understand that even before that advice, New South Wales has the most stringent regulations for those facilities. As I said, they currently do not exist within our State. I am getting updated information around that. The other point I make—and we need to be honest about this—is that I have been talking about the challenges that we have with waste. I have been talking about the challenges with landfill. The communication about whether projects

are able to operate will continue. We are not ruling them out. We need to continue to deal with what is a very difficult challenge that has been ignored for too long. We are literally getting to the point where we will not be able to deal with our waste across Greater Sydney and many areas in regional New South Wales.

SYDNEY TRAINS RAIL FIRE AND EMERGENCY UNIT

CLERK OF THE PARLIAMENTS RETIREMENT

The Hon. ANTHONY D'ADAM (11:47): My question without notice is addressed to the Minister for Transport. Will the Minister inform the House about the 130th anniversary of the establishment of the Rail Fire and Emergency Unit?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:47): Last Friday, it was a great honour to mark the 130th anniversary of the Rail Fire and Emergency Unit, which has an incredible history. It started as a volunteer fire brigade, led by Captain Kneeshaw and a group of passionate railway staff. Today, 130 years on, it is still Australia's only dedicated fire department for a rail network. If I walk up Pitt Street towards Central Station, with the sandstone railway arches on my left, I might not even notice that behind the glass doors is one of Australia's most elite firefighting units, ready to spring into action at any moment. Over the decades, they were there for the Glenbrook and Waterfall rail disasters, the Lindt Cafe siege and the Surry Hills warehouse fire in 2023. Today, I recognise those hardworking firefighters.

I also recognise another important milestone: the Clerk's last question time. Not only has Mr Blunt performed his duties with great professionalism, but also, I commend his passion for music, his history as a bass player and his U2 superfan status. These matters have all been noted by the House, as has his appreciation for our Thursday musical tradition.

The Hon. Damien Tudehope: Point of order: We might call it a shame, but I just have to observe the fact that the Clerk has had a haircut for the occasion. The Minister vastly underplays the significance of David Blunt's retirement. David Blunt has given the best years of his life to this Chamber and, with his retirement, we will lose over 30 years of experience. So I say to David:

You gave it all but I want more

Without you, this Chamber will be like a bed of nails on which we wait, and without your knowledge, wisdom and humour:

I can't live with or without you
With or without you.
…
I can't live with or without you

The PRESIDENT: I uphold the point of order on the following grounds:

I can't believe the news today
Oh, I can't close my eyes and make it go away

The Minister has the call.

The Hon. JOHN GRAHAM: I thank the Leader of the Opposition for his unusually emotional contribution. David, we want to thank you for your unrivalled knowledge of the laws, procedure and culture of this House. In fact, when it comes to your knowledge of the Legislative Council, one might say:

What you don't have you don't need it now
What you don't know you can feel it somehow

We wish you well, David, and, on behalf of all of us, I say:

It's a beautiful day
Don't let it get away
It's a beautiful day

MENTAL HEALTH SERVICES

Dr AMANDA COHN (11:50): My question is directed to the Minister for Mental Health. I know that the Minister is aware there was a nation-leading service in New South Wales providing specialised in-patient mental health care for survivors of complex and chronic trauma, particularly for survivors of family and domestic violence and survivors of sexual assault. That service was in Thirroul. It was run by Dr Karen Williams through Ramsay Health Care, and it included one funded public bed. I understand that this service is no longer providing specialised trauma care and has reverted to a general women's mental health facility. What work has the Minister done to sustain or to replace this specialised trauma care?

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 member for her question. She is correct that I am familiar with the facility that she is referring to. I met with Dr Williams when she was running that facility to talk about the very special care that she was offering women who have experienced some of the most traumatic events and about the real success of that type of very specialised trauma-informed care for those women. I am also aware that the nature of that clinic has changed in the way that the member has described.

I am aware that the member knows this but, just to be clear, it is a privately run facility. So that was not a decision made by NSW Health. It is not a decision that we have taken in relation to the changes in the way that care is being provided. But I have been informed of that change. I am aware of concerns in relation to that. I have received correspondence and representations in relation to not just the fact of that very specialised care not being available for those women anymore, which does concern me, but also some broader issues relating to the change that has occurred there.

In answer to the member's specific question about what I am doing about it, those concerns were brought to my attention relatively recently, and I am following up with NSW Health in relation to some of those specific concerns. One of the best things that we can do as public health providers is try to ensure that when people, particularly women who are victim-survivors of family and domestic violence and sexual assaults, are receiving mental health care in our public facilities it is done in a trauma-informed way.

A comprehensive rollout of training is occurring, and will continue to occur, to ensure that the care that women who are victim-survivors of family and domestic violence and sexual assault receive in public mental health facilities is appropriate and trauma informed. I am not pretending that that training would replace the level of specialised care that was available at that service. That is plainly not the case. But we do want to ensure that anyone who receives support in a public health facility is cared for in the most appropriate and trauma-informed way. I am following up and will be happy to keep the member informed about specific concerns that were raised with me about the facility to which she referred.

HAZARD REDUCTION BURNING

The Hon. WES FANG (11:54): My question is directed to the Minister for the Environment. On 18 March 2025, after being given two days notice of a hazard reduction burn, David Lorentz of Cherry Tree Hill winery urgently requested the Minister to delay the burn to enable his crop to be harvested to prevent it being affected by smoke taint. How did she respond to that urgent request to protect those important economic resources?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:54): I thank the member for his question. Firstly, it might be a shock for the Hon. Wes Fang to learn that, as the Minister, I do not actually get involved in operational decisions around hazard reduction burnings. In relation to the burn that the member has identified, it was completed on 19 and 20 March over an area of approximately 1,600 hectares. I am aware of the concerns raised in relation to smoke impacts on the crop.

The hazard reduction burn was identified as a high priority by the Southern Highlands district bushfire management committee, which is made up of a range of stakeholders, including the NSW Rural Fire Service. The burn had been postponed twice due to conditions. I make the point that hazard reduction burning is important to managing bushfire risk. It has also been very challenging over the past few years to find windows of opportunity when the burn can be done. A range of logistical issues exist but, more often than not, it is also about the weather conditions at the time being right.

This particular burn was important for the protection of landholders around the Southern Highlands, including Mittagong, Welby and Berrima. Consultation was undertaken with grapegrowers via a representative from GROW Southern Highlands NSW Association Inc. on the bushfire management committee. That consultation started months before the planned burn and continued with the meeting held on the Friday the burn commenced. No issues were raised. I think there has been a breakdown in communication on this. That is our challenge in making sure that as much hazard reduction burning can be done in the windows that exist.

My understanding and advice is that the National Parks and Wildlife Service has said it spoke to the person the member referred to in his question before and after the burn to explain the priority of operation, to ensure the safety of all neighbouring communities and to provide reassurance about the wind and smoke forecast modelling relevant for the grower. National Parks and Wildlife Service is committed to consulting with neighbours and stakeholders, as it must, in relation to these matters, but the burning operations that were undertaken needed to be done at the time that it was there. I understand that there is ongoing discussion between National Parks and Wildlife Service and this local grapegrower about the outcome and how burns can be managed better in the future.

REGIONAL DIGITAL CONNECTIVITY

The Hon. STEPHEN LAWRENCE (11:57): 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 supporting farmers in central and southern New South Wales to get internet connectivity?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:58): Farmers and families across the State's Central West and the south will benefit from major upgrades with 17 new telecommunication towers set to be built across the region by the end of 2025. The New South Wales and Australian governments have provided up to $6.1 million to improve rural connectivity for around 1,500 premises across Weddin shire, Burcher, Burra, Glen Davis, Talbingo in the Central West and other areas in southern New South Wales.

As members know, primary producers and agricultural businesses are increasingly relying on the internet. Modern farming technologies such as livestock monitoring, smart irrigation systems and wireless drone inspections for land surveying are now being used alongside ag tech in tractors, headers and centre pivot watering systems. Farmers are investing in that technology. The New South Wales Government and the Federal Government, with the fantastic Federal Minister for Communications, Michelle Rowland—who is doing a great job and understands the need for investment in regional communities—are jointly investing in the towers and better connectivity, particularly across the Central West, in this round.

That investment will allow farmers in the Weddin shire and Monaro to fully harness modern farming technology through improved coverage. Currently, machinery programmed to sow seeds in a designated area across Weddin shire farmland can only be configured using farm-office-based computers with wired internet connections, as there are no reliable wireless options on the farm. That is regularly raised with me by farmers and people across the agriculture sector who want to embrace technology to make it easier for them to produce crops and forecast weather in a better way. In order for them to do that, there needs to be improvement in connectivity across regions where it has been a significant problem.

In the Weddin agricultural precinct, connected farms will deliver a network providing mobile services and high-speed fixed wireless broadband to more than 200 premises. It will be a game changer for those communities and the people living in them, particularly for farmers who are doing business and will rely on upgraded services. In addition to unlocking modern ag tech methods, locals and visitors alike will have improved access to emergency services during disasters and unexpected events, which is another important reason to improve connectivity across that region and all of regional New South Wales.

The Hon. PENNY SHARPE: It is the last question time for the fortnight and, of course, the last question time for the Clerk. I thank him for his many years of service, for his wise advice and for his patience in dealing with an occasionally excitable group of members. There have been some good songs. We look forward to tomorrow's debrief of this sitting week.

The time for questions has expired. If members have further questions, I suggest they place them on notice.

ENERGY PRICES

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (12:01): I provide an update to the answer that I gave to Ms Abigail Boyd. I was wrong about the default market offer [DMO]. Only 8 per cent of residential customers and 18 per cent of small business customers are on the DMO. I thought it was 15 per cent. In response to the supplementary question asked by Ms Abigail Boyd, the Electricity Supply and Reliability Check Up made two recommendations regarding the cost recovery arrangements for the road map. One was to work with the distribution businesses on a common pricing methodology, and the other was to review the exemptions framework.

The Government has accepted both of those recommendations and will investigate the issues. It is not simple. Anyone who has tangled with the Australian electricity rules and laws would find that they are not simple. They are complex, technical pieces of work that affect a range of stakeholders. My department continues to undertake analysis and consult with stakeholders, including consumer advocates. That work is ongoing. The department will make recommendations of changes for consideration in due course.

Supplementary Questions for Written Answers

LOCAL SMALL COMMITMENTS ALLOCATION

The Hon. DAMIEN TUDEHOPE (12:03): My supplementary question for written answer is directed to the Special Minister of State. Will the Minister elucidate his answer in relation to all papers being available and

inform us of whether the brief for tranche 7 has been made public? If so, what is its uniform resource locator or index number in the returns to order index?

DUBBO REGIONAL SPORTS HUB

The Hon. MARK LATHAM (12:03): My supplementary question for written answer is directed to the Minister for Agriculture, consequent to my excellent supplementary question yesterday outlining the 73 government grants given to the Dubbo electorate in the last term of Parliament. Has the Minister reviewed those grants and found any unallocated money that can be redirected to help the people of Dubbo build their sports centre from pork?

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.

SYDNEY TRAINS RAIL FIRE AND EMERGENCY UNIT

CLERK OF THE PARLIAMENTS RETIREMENT

The Hon. DAMIEN TUDEHOPE (12:04): I take note of the answer given by the Minister for Transport to the question about Captain Kneeshaw's 130-year-old Rail Fire and Emergency Unit. I join the Minister in congratulating the hardworking firefighters who work across our rail, metro and light rail networks to keep us safe. As members of this place know, I am a great supporter of our firies. The Minister also made reference to our beloved Clerk, who is leaving us today. He is:

Gonna go where the bright lights
And the big city meet
With a red guitar … on fire

What will we do without his calm, unflappable, considered and erudite advice?

He's my protection
Yeah he's the promise
In the year of election.
Oh David
I can't let you go

When President after President has sat in the chair, charged with deciding on obscure, perplexing points of order, thumbing through previous Presidents' rulings and muttering, "I still haven't found what I'm looking for," David has quietly turned the pages, pointed to the relevant quote and whispered to the President the words that he can pronounce, with Solomon-like wisdom. In some of the all-night sittings that the Clerk has helped steer us through, occasionally a member whose point of order has been dismissed may later be asked by David:

Did I disappoint you?
Or leave a bad taste in your mouth?
You act like you never had love
And you want me to go without
Well, it's too late tonight

Alas, now the Clerk is leaving us, so I note that it:

Takes a second to say goodbye
Say goodbye, oh, oh, oh
Say bye-bye
Where you going to now?

I am told that the Clerk of the Parliaments is off to:

Climb the highest mountain
Run through the fields

We wish him well.

MENTAL HEALTH SERVICES

Dr AMANDA COHN (12:06): I am sorry that I do not have a song. On a much more serious matter, I take note of the answer given by the Minister for Mental Health to my question about the need for trauma-sensitive care in New South Wales, and particularly the change that has been made to the clinic in Thirroul which means that we now do not have a specialist inpatient trauma service for survivors of family violence and sexual assault in this State. That is an urgent, ongoing need. One of the most important components of

trauma-sensitive or trauma-informed mental health care is continuity of care. It is reliability, predictability and a long-term relationship so that people do not have fragmented care and do not have to tell their story over and over again to a different person. Survivors need to be able to build a long-term, trusting relationship with their care provider.

The Minister said in her answer that wherever someone receives mental health care in New South Wales, it should be done in a trauma-informed way. I agree with that sentiment, but that is not happening in New South Wales. Both before and after the mass resignation of our staff specialist psychiatrists, mental health care in this State has become more fragmented. People have to contact different triage lines and see many different medical professionals, getting handed over between them. That is retraumatising for people who have experienced chronic and complex trauma.

It is not the quality of care that we should be aspiring to, particularly in the Illawarra. We are talking about the clinic in Thirroul. I am advised that because of the shortage of staff specialist psychiatrists in that local community public mental health centre, psychiatrists are not seeing patients directly anymore. They are only taking secondary consultation from other members of staff and providing advice. It is a rationing of that expertise. It means that the most vulnerable patients—those who need specialised care the most and need a relationship with a consultant psychiatrist—are now not able to receive that care.

Members will know that the inquiry into community and outpatient mental health care that Portfolio Committee No. 2 – Health conducted last year made a recommendation about the need for a centre of excellence for trauma-informed care in New South Wales. There is such important work to do to improve the quality of care throughout the State. Given that it is an emerging area of mental health care and also an enormous unmet need, there is a huge opportunity for a centre of excellence to be established in New South Wales to provide research and the best quality care, and to support the rollout of better care across the State. I again urge the Minister to do that work.

WASTE DISPOSAL INFRASTRUCTURE

The Hon. NICHOLE OVERALL (12:09): In honour of Mr Blunt and my relatively short but impactful tenure with him, I come well armed. I take note of the Minister for the Environment's answer to my question about the proposed Goulburn Mulwaree waste incinerator and the community's continuing concerns. I note the history lesson from the Minister, and I will get to that. I note also a previous comment of the Treasurer, and I know that it did not feature in today's answer, so there is no need for any member to take a point of order, but it did refer to Labor apparently not flip-flopping on its positions. That ties into what the Minister had to say in response to my question today and whether flip-flopping on positions also includes Labor's previous position on waste incineration, which was to say no to it. In fact, Labor's Country Conference moved a motion calling for the Government to ban waste incineration.

There is much talk about the strict regulations, which were again referred to today, but nothing on concerns that they do not address all issues and all concerns raised in the communities, such as the fly-ash residue produced by waste incineration processes and other potentially harmful effects of water and air pollution, impacts on farmland and hazardous by-products and waste mismanagement—let alone the damage of trucking ever-increasing amounts of waste along our regional roads. So the question to be asked is whether Labor recognises that it is about a lack of social licence. This situation and the escalating comments are most certainly not new, and the Minister directly referred to that as well. I am very aware of the history of the situation. In fact, when I was the member for Monaro, member for Goulburn Wendy Tuckerman and I were advocating for the position of the community.

Western Sydney, as the Minister has alluded to, was in the mix, but it seems to be no longer. If Western Sydney is not suitable because such facilities need to be away from high-density areas, does that suggest that some populations and their health and safety are more important than others, more important than those in the regions? That is certainly the question being asked more broadly, and I ask the Minister whether she is willing to address it to the satisfaction of that impacted community. I note that she continues to state that the planning system will deal with it, but is this an attempt at deflection by Labor, to make out that the situation of Goulburn Mulwaree and the Southern Tablelands continuing to be Sydney's waste dumping ground is not to be laid at the feet of Labor? I ask otherwise.

MENTAL HEALTH SERVICES

The Hon. Dr SARAH KAINE (12:12): I take note of the questions and answers about mental health services, in particular the Hon. Rose Jackson's answer about urgent mental health care. I also generally recognise the seriousness of the issues associated with the treatment of mental illness, which formed a key part of question time today due to Dr Amanda Cohn as well. I appreciate that the Minister takes those issues seriously. I take the

opportunity, while we are on that topic, to draw attention to the fact that there are particular cohorts of mental health patients for whom these kinds of services are incredibly important. I draw particular attention to those suffering from bipolar disorder. World Bipolar Day is 30 March, the birthday of Vincent van Gogh, who is widely believed to have suffered from bipolar disorder.

Bipolar can be a serious condition. It affects just under 3 per cent of Australians aged 16 and over. That is 568,000 people. There are a number of versions of bipolar. Some members might remember that I spoke about it this time last year. The purpose of raising it again today is to acknowledge that it is one of the conditions we need to take seriously through our mental health system, to make sure that we are raising awareness of this condition and also to ask for the sensitivity that is displayed here every time we talk about mental health. We need to be reducing stigma and acknowledging the impact of bipolar disorder on sufferers and their families and friends, who love them.

It takes about eight years after the first episode of depression or mania for people to be diagnosed. Many myths about bipolar still prevail. Importantly and disturbingly, suicide risk for people with bipolar is between 10 and 30 times higher than for the general population. I raise this today because we are talking about mental health. World Bipolar Day is on the weekend. Many of us care for people with bipolar, and I appreciate that this House continue to focus on the needs of those suffering from mental health conditions and on figuring out how best we can support them through State Government services.

COUNCILLOR CONDUCT FRAMEWORK

TRIBUTE TO NICK LALICH, FORMER MEMBER FOR CABRAMATTA

The Hon. TANIA MIHAILUK (12:15): I take note of my question to the Minister for Local Government about the updated Councillor Conduct Framework, which I am waiting for this Government to release. I have asked him now on two occasions, and I have received some non-answers. On both occasions I have asked the Minister about overseas pecuniary interests. There needs to be a change made to the regulations, to enable and require councillors to list their overseas pecuniary interests. The Minister has said to me that he will do this, so I am not suggesting he will not do it. He agrees that the change needs to occur, but we are still waiting for the framework to be finalised.

The Minister has the power to use regulation. I have raised this matter with him in budget estimates, in addition to questions on notice. A bill was passed in this House and is currently sitting on the list in the Legislative Assembly. I am just asking the Minister to do what he can to swiftly make these changes, because we have already had a local government election since this commitment was made, close to two years ago now. Still to this date councillors are not declaring all of their interests, when they certainly should be.

I was not in the Chamber for the ministerial statement this morning. I acknowledge and pass on my condolences about an amazing stalwart of local government and, indeed, of this Parliament, Nick Lalich. I knew him well because we were neighbouring mayors for many years, me being the mayor of Bankstown, him the mayor of Fairfield. We had neighbouring electorates. Along with Guy Zangari, the member for Fairfield at the time, we worked on many projects, attended many events and supported different communities. So I am very saddened to hear of his passing.

I acknowledge the wonderful work he did in the Orthodox community. His background was Serbian Orthodox, which is important to acknowledge. I know that the Serbian community was very proud of him. I think he may have been the first elected official of Serbian heritage in Australia. He was also someone who worked closely with the Russian community in Cabramatta. After contacting the priest there, I know that that community has passed on its condolences and is praying for Nick, as, no doubt, the Serbian community will be too. He supported the churches and many communities in south-western Sydney and will be dearly missed. I acknowledge Del Bennett and Nick's two children and his grandchildren, and I thank him for his tremendous service, both to the State Parliament and to the community of south-western Sydney.

SEA TURTLE PROTECTION

TROPICAL CYCLONE ALFRED RECOVERY

The Hon. SCOTT BARRETT (12:18): I take note of the Minister for the Environment's answer about some of the government support provided after Tropical Cyclone Alfred. In particular, the Minister spoke about efforts to support turtles after the cyclone. On the surface, that seems like a pretty good program, but I would need to look a bit deeper, perhaps into the sewer, to see the real benefits. I congratulate those involved and also the Minister for her April O'Neil impression during her contribution.

Significant damage from Ex-Tropical Cyclone Alfred is still being felt and will be for many years, including the impact on turtles and other marine life. Heartbreaking fish kills have occurred in that area. Prawns,

eels and mud crabs have all been affected, and that will have a serious impact on our fishing industry. Horticulture has been particularly affected. Pecans, vegetables, flowers, bananas, blueberries, soya beans and sugarcane are just some of the damaged crops. Waterlogged pastures continue to be chewed up by cattle as they walk across them and dairy farms have had to tip out thousands of litres of milk. More support is needed for those affected producers. On their behalf, the Opposition is calling for the quick installation of category C funding for the area. We need to get some money—$75,000 grants or even $25,000 grants—into the pockets of the men and women who are running small businesses in the Northern Rivers.

The Minister for Agriculture has had a couple of opportunities to tell us what has been done for the producers in that area. We have learnt that, in more than two weeks, they have had a visit from the Minister, they have been given a phone number, they have been provided some emergency fodder and they have an emergency centre in Orange. We also heard that people have been asked to fill out a survey to explain their damage to their properties. We need more than that, and we need it quickly.

I understand that a lot of the funding models for additional grants rely on joint funding between the State and Federal governments. With the Federal Government election looming, this issue must be addressed immediately before the election takes all the oxygen out of our ability to act. The Minister must make phone calls, together with her Federal counterpart, and make the decision to declare category C disaster recovery funding arrangements and, ultimately, make it available to the affected producers so they can get on with their recovery. If information is needed, let us get some boots on the ground. Surely staff from the Department of Primary Industries and Local Land Services would be capable of going to the area and doing assessments so that we can pull the trigger. More needs to be done. Producers in the area are going through a tough time. They experienced a different weather event only a couple of years ago. They deserve a speedy response from the Government.

CLERK OF THE PARLIAMENTS RETIREMENT

DUBBO REGIONAL SPORTS HUB

The Hon. STEPHEN LAWRENCE (12:21): I take note of almost every answer that paid tribute to the outgoing Clerk, David Blunt. I consider it to be a real privilege to have had a short crossover with him at this institution. I knew almost as soon as I met him that he is an institution himself. I have appreciated his wisdom, calmness and willingness to always assist. I am confident that I can say on behalf of all the new members of this place—the class of 2023—that he has been of great assistance to us. I suspect that he will go on to do all sorts of things, and I wish him all the best in what is next for him.

I also take note of the answers given by the Minister for Regional New South Wales about the Dubbo sports hub. It is a real shame that this issue has descended into such a political mess. I am pretty close to it because I live in Dubbo and, as the Minister was at pains to point out, I was on the council involved in the early stages of the process. The project has changed a lot since those days. That was a point in defence raised by the Minister. At the point when Dubbo Regional Council withdrew from the proposal, it was a completely different proposal with different stakeholders and different organisations playing roles. A lot has changed since then, not least substantial injections in capital under the previous Government.

What happened next was that the Minns Labor Government recommitted to the project and allocated money for it in its first budget. When it was ultimately tendered out, which is not unusual these days, it came back substantially over that funding amount. The point that I made in the letter that was quoted in the question was that it would be a breach of trust between the people of western New South Wales and the State government, generally. My memory of that letter is that I highlighted that, from the point of view of the community, there is not a Labor government, a Liberal-Nationals government, a Minns Government or a Perrottet government; there is the government, which, for six years, promised the project. That was the context in which I recall that I suggested a breach of trust, not to zero in on a particular decision that was about to be made or things that have happened before but the general issue of not breaching what is said to the community for such an extended period of time.

CLERK OF THE PARLIAMENTS RETIREMENT

ENERGY PRICES

The Hon. JACQUI MUNRO (12:25): I take note of the answer regarding the Clerk, David Blunt, AM—he received his Order of Australia in 2023. David has been in the Parliament for pretty much as long as I have been in this world, which seems like a long time to me. My first interaction with him was with the introduction of the Fifty-Eighth Parliament. We came in as a cohort to learn about the procedures of Parliament and we were shown a grainy video during a presentation teaching us about the rules and procedures of the House. It was David in a snowstorm in Nepal, welcoming us into Parliament.

David has given a sense of adventure and fun to this Parliament, and certainly to me, about the joy of being engaged in the parliamentary process. It is not quite as people might expect it to be—just poring over books. Although it is that, it is also about having fun and enjoying the history and the convention of this place to run smoothly and facilitate all of our wacky ideas—and, hopefully, not so wacky ideas—and making sure that everyone has a voice and that voice is heard. I am grateful to David for facilitating that for us, for me, for this place and for the people of New South Wales for such a long time.

I also take note of the answer regarding the default market offer. The Australian Energy Regulator just released its draft determination and the formal determination will follow, I believe, in May. That is usually the convention. The paper specifically calls out coal-fired power station outages as a reason for increased prices. Last year, nationally, 23 unplanned outages were caused by coal-fired power stations. Those outages caused prices to spike to over $5,000 per megawatt hour. That is a key driver of unaffordability in our market system. The Government must address that by swiftly investing more into batteries and transmission to reduce the time that coal-fired power stations like Eraring and Vales Point have to operate. This Government is responsible for extending the contracts of those power stations and that is causing significant market volatility, which is a big problem for consumers in New South Wales.

ENERGY PRICES

The Hon. MARK LATHAM (12:28): It is great to listen to the Hon. Jacqui Munro's extemporaneous speeches in this Chamber but, to get back to the facts, why are there coal-fired power station outages? Because it is government policy—both Labor and Liberal—under the banner of climate change to say, "You will close down. You have no future. You will not survive beyond your obvious life span." And how have the commercial companies that own those stations because of the privatisation of the Liberal Party responded? They are saying, "Well, if we're closing down and if it is a dead asset made dead by so-called climate change actions, we won't put money into the maintenance of them." What commercial company would gold-plate the maintenance of those stations knowing that they are closing within the next couple of years?

If Opposition members want to look at why the prices are rising for electricity—if caused by coal-fired power station outages—they should have a look in the mirror at what the Liberal Party has done. And other members complaining about it should have voted with me and the Hon. Rod Roberts on that long night to try to stop the electricity road map. That is the obvious thing that has happened on one front. The second front is that, if you read the Australian Energy Regulator report and actually attend to the facts, you will see that it says, "Yes, there are outages at coal-fired power stations"—I have explained why and who the guilty party is—"and there are also wind droughts accompanied by days that have heavy cloud or rain, hence no renewable generation." Again, members should have a good look in the mirror.

Then there is the third element, which is The Greens intervening in the debate—the economic fairies at the bottom of the garden saying, "Oh, maybe it's transmission cost. Make the companies peg their profit margins on transmission rather than passing it on to consumers." Where are the transmission costs coming from? Wiring up solar farms and wind farms at the back of Bourke. The lack of awareness of those people is dumbfounding. It is so striking. The price rises are a direct consequence of the renewables obsession and the renewables cult. The price rises as recorded and reported on independently by the Australian Energy Regulator have three factors: closing the coal-fired power stations, the cost of transmission to the back of Bourke for those solar farms, and wind droughts accompanied by cloudy days. There was an alternative: Instead of joining the renewables cult over 10 years, do it over 30 years, phase it in logically and systematically, and only turn off the old system when you have a workable new system.

The Hon. Jacqui Munro: See—

The Hon. MARK LATHAM: The interjections are not working for the Hon. Jacqui Munro. They are not working for her because the facts are against her. We should have a balanced energy grid and a mix of nuclear, coal, gas and renewables. There is a place for renewables but not to the mad Matt Kean extent of 100 per cent.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (12:31): In light of the time, I will just thank members for their contributions to the debate.

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

Motion agreed to.

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

Motions

CLERK OF THE PARLIAMENTS RETIREMENT

The PRESIDENT: I welcome to the gallery Lynne Wainwright, the wife and better half of the Clerk of the Parliaments, David Blunt, AM. It is wonderful to see Lynne in the Parliament.

The Hon. ROD ROBERTS (14:02): I move:

(1) That this House thanks Mr David Blunt, AM, for his exceptional service as Clerk of the Parliaments since 2011.

(2) That this House acknowledges the remarkable professionalism, hard work and commitment of Mr Blunt in facilitating the legislative process and guiding members of Parliament.

(3) That this House recognises the outstanding contributions of Mr Blunt to the New South Wales Legislative Council, which will be positively felt for years to come; his dedication to ensuring the integrity, efficiency and transparency of parliamentary procedures; and the high esteem in which he is held by parliamentary staff.

(4) That this House commends Mr Blunt for his unwavering commitment to furthering the principles of parliamentary democracy and good governance, both in New South Wales and on the international stage.

(5) That this House notes that Mr Blunt's last day of service in the Parliament of New South Wales will be Friday 28 March 2025.

(6) That this House wishes Mr Blunt every success in his retirement.

Before I proceed, I want the record to clearly indicate that, although I move this motion in my name, I do not do so as a member of the Legislative Council; rather, I do so in my privileged position as Deputy President. I move this motion on behalf of all members of this Chamber. In that regard, I thank the Leader of the Government for giving up valuable Government time this afternoon so that we can afford this important motion the time it deserves. That must be acknowledged.

Mr Blunt, being the astute student of parliamentary process that he is, would recognise the significance of the motion. For members' information, the moving of a motion by a member without notice is extremely rare, and in this modern Legislative Council it has become even rarer, which Mr Blunt would acknowledge. It is good to know that the Legislative Council continues its fine tradition of forging ahead and setting new precedents. I am aware that quite a few people are watching the live stream. With the indulgence of the House, I acknowledge one person in particular, Ms Kate Cadell. We messaged each other yesterday; Kate will be watching with great interest. For those who are not familiar with Kate Cadell, she was a dedicated and integral part of the David Blunt machine. I acknowledge her. Hello to Kate, if she is watching.

Mr President, I often sit in your chair as Deputy President, and while we insist at all times that all contributions in any debate must be directed through the chair, I hope you turn a blind eye to that and allow me latitude to address the Clerk himself during my contribution. I move this motion to mark a bittersweet moment in the history of the Parliament of New South Wales. It is a moment to celebrate the contributions of a highly distinguished individual, thank him for the profound impact he has had on this institution and wish him the very best as he embarks on the next chapter of his life. Of course, the individual I refer to is no other than Mr David Blunt, AM, our longstanding and valued Clerk, who is retiring from the Parliament of New South Wales.

Mr Blunt's retirement marks the end of a long and admirable career in this place. It began in 1990, over 35 years ago, when a young Mr Blunt started working as an officer in the Legislative Assembly—before quickly realising that was a huge mistake and escaping lest it suck the soul out of his living being. Of course, he then joined the Department of the Legislative Council. Over that time, Mr Blunt has held key roles in the department, including project officer on the ICAC committee, senior project officer on the Public Accounts Committee, Director of the Standing Committee on Law and Justice, Director of Legislative Council - Committees, Clerk Assistant - Committees, director of research in the Office of the Clerk, director of procedure and, of course, Usher of the Black Rod.

As impressive as that service and dedication to the institution of Parliament is, it only scratches the surface of Mr Blunt's contribution. In 2007 Mr Blunt became Deputy Clerk of the Legislative Council, where he bore responsibility for a range of corporate services across the Parliament, before ultimately being appointed Clerk of the Parliaments on 8 October 2011. The Clerk is not as loud and as visible as elected members; he prefers to work diligently behind the scenes. He has been fundamental to ensuring our legislative processes and procedures run smoothly, fairly and in line with established laws and conventions. Throughout his tenure as Clerk, he has shown not only a remarkable understanding of parliamentary rules, regulations and procedures but also a deep commitment to ensuring the Parliament operates with transparency and integrity.

He has also been, without question, a model of impartiality and the steady hand that ensures the processes of this place are followed with precision and care. No matter how difficult or complex a problem might be, Mr Blunt has always provided expert advice and wise counsel to all members of Parliament, irrespective of their political persuasions. What has truly set Mr Blunt apart, however, is his profound respect for the underlying values that shape this institution, as well as his genuine desire to advance them. He is a parliamentary innovator in every sense of the word, and he has been at the very forefront of shaping what is required in a twenty-first century, Westminster-based Parliament. A simple illustration of this, of course, that we will all remember were the procedural changes that occurred during the Fifty-Seventh Parliament. Mr Blunt led the work to build a coherent set of sessional orders designed to give effect to the requirements of members while maintaining the orderly conduct of the House. The impact this had on the legislative and scrutiny roles of the Legislative Council cannot be underestimated, with those previous sessional orders now incorporated into the new standing orders adopted by this House.

It is also worth noting that Mr Blunt edited and drove to completion the publication of the first edition of the *Annotated Standing Orders of the New South Wales Legislative Council*, a compendium of almost 200 years of decisions of this House and a substantive and lasting contribution to parliamentary scholarship. He also co-edited the second edition of the Council's bible, *New South Wales Legislative Council Practice*, which is a comprehensive account of Legislative Council precedents, practices and procedures that has proven itself to be an invaluable resource in my office as Deputy President.

Moving beyond the walls of this Parliament, I also mention that Mr Blunt has been a fantastic contributor on the international stage. Throughout his storied career he has worked very closely with other parliaments and legislatures across the Commonwealth to not only share his expertise but also gain insights into best practice for democratic governance. It should be no wonder, then, why Mr Blunt has served as the Honorary Secretary/Treasurer of the New South Wales branch of the Commonwealth Parliamentary Association. In that role he has not only supported the attendance and participation of members in CPA conferences and various courses but also proved instrumental in enabling New South Wales to host the sixty-seventh Commonwealth Parliamentary Conference in 2024. It was the first time that the conference had been hosted by a sub-national legislature, which is a testament to the outstanding reputation of Mr Blunt.

Furthermore, since the concept of twinning was adopted by this Parliament back in 2007, Mr Blunt has been instrumental in building and maintaining our twinned relationships with jurisdictions in Bougainville and the Solomon Islands. He is a particularly great supporter of promoting democracy in our part of the world through deepening parliamentary ties, exchanging information and openly learning from each other. On this front, I have been extremely fortunate to accompany Mr Blunt on a number of parliamentary delegations overseas and also helped him to receive those that visit us here in New South Wales. An especially fond memory of mine, by way of example, is visiting the Solomon Islands with Mr Blunt in 2023 for the fifty-second Presiding Officers and Clerks Conference, and again in 2024, when we went back to launch their National Parliament members guide, an important document prepared with close editing and assistance from our Parliament and no doubt inspired, sir, by some of your best work here.

Ultimately, Mr Blunt has been responsible for a range of initiatives that have made a lasting difference to not only New South Wales but also parliamentary democracy across the region more broadly. As we reflect on his remarkable career, we should do so with a deep sense of gratitude and admiration. His service has been defined by unwavering dedication, professionalism and a strong commitment to the principles that underpin our democratic system. I have no doubt in my mind that he will leave behind an immense legacy that will be positively felt for years to come. After all, the true mark of a public servant is not just the position held or the number of years served but also the impact made on the institution and the people it serves. With that in mind, I confidently say that we have seen the very best of public service in David Blunt—a tireless commitment to advancing the democratic values that make our State, and indeed our nation, strong.

As for the Legislative Council and its effective administration, Mr Blunt has instilled an exceptional workplace culture that is centred on expertise and rigorous procedural discipline. The greatest asset of this place, however, is the people that work here. From those tasked with supporting the House to those focused on various standing and select committees, the quality of the people is truly outstanding and, sir, a reflection upon you. I am sure they have all looked up to Mr Blunt, who has risen through the ranks through hard work and dedication and led this Parliament by shining example. To that end, I have been in touch with some of the officers of the Legislative Council and asked if they would like me to share any words on their behalf for the *Hansard*. They have provided me with the following words, which were kindly written on behalf of all officers in the Legislative Council and all employees of the Parliament:

> David, thank you for your strong and inspirational leadership of the Council over the past 13 years, and for your dedicated service to the Parliament as a whole for 35 years. You embody the best traditions of this place, continuing the long line of esteemed Clerks of this Chamber who have served this House, the Parliament and responsible and democratic government with humility, selflessness and distinction.
>
> As a colleague, you have always been approachable, erudite, scholarly and, above all, kind. You have shared your skills and knowledge generously with all, and you have challenged the officers of this House and the Parliament to set new standards of support for the House, its committees, the office holders and members.
>
> You embody the values of the Legislative Council—integrity, excellence, respect, tradition, innovation and democratic governance. And you do so with a genuine sense of humour and fun!
>
> You leave a legacy which will not readily be forgotten, and which will guide the work of the Department and the Parliament for decades to come.

Those are beautiful words. David, as you embark upon the next chapter of your life, you can rest assured that the contributions you made here will continue to resonate in the workings of this institution and many others like it across the globe. The career you have had is truly inspirational. On behalf of all who have had the privilege to work alongside you over the years, I offer my heartfelt thanks and deepest respect. I wish you all the best in your retirement. As you walk off into the sunset, hand in hand with Lynne, know that you are leaving behind a Parliament that is stronger, more transparent and more efficient because of your tireless service. Thank you.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:16): I thank the Deputy President for moving this motion. Again, we have done something not usually within the practice of this House, but that is absolutely fitting in relation to this particular matter. I thank particularly the Deputy President for organising all of this and for bringing us all here so that we can embarrass the Clerk and say very nice things about him that are very, very well deserved. On behalf of the Government, I pay tribute to the extraordinary parliamentary career of David Blunt. David began his parliamentary career when he joined the staff of the Legislative Assembly in 1990. He worked for the joint Committee on the ICAC and, later, the Public Accounts Committee. In 1995, though, he clearly saw the light and moved to the staff of the Legislative Council. It is a moment in history that we should all be very, very grateful for.

In addition to his time as Clerk, he has also held significant roles such as Deputy Clerk, Usher of the Black Rod and director of procedure. David moved steadily through the ranks of our esteemed parliamentary staff as his personal and professional abilities became widely recognised. During the time before he became the Clerk, David was known as a safe pair of hands. It was a quality that had its downside: When a situation arose that required delicate and diplomatic handling, it was increasingly referred to David to fix. In October 2011 he rose, of course, to the clerkship as a result of that diplomatic handling.

David became Clerk at a particularly significant time. This was after the Egan cases. The Legislative Council was starting to flex its muscles as a guardian of parliamentary democracy. David oversaw this expansion in a sensible and balanced way, asserting the rights of the House but respecting the mandate of the Government. We thought that was radical then, but let us just look at what we have done in more recent times. The Legislative Council has pushed hard on the powers of the House and there have been some very stressful times for an impartial Clerk. David, however, has of course taken on those challenges carefully and honestly. We have all benefited from his calm dealing with what are sometimes our less calm approaches to these matters.

David's regard for the history of the Council should be recognised, culminating in the recent large and important volume *Parliamentary Democracy at Work: Essays on the New South Wales Legislative Council*, co-edited by his sometimes partner in crime David Clune, whom I thank also for contributing to this speech today. As Clerk, David has displayed commitment, inflexible integrity, impressive knowledge of the practices and procedures of the House, and unshakeable impartiality. Those are easy words to say but, actually, in practice very challenging.

I think most people in the normal world outside of this place really do not understand what it is that we do. They do not understand that we are elected by and on behalf of the people of New South Wales with a great duty to represent the things that they think are important. But we have to operate within the rules of this House, which are under the guardianship of our parliamentary staff, particularly the Clerk. They not only guard our democracy but also guide the way in which we deal with conflict. They guide our way so that we can ensure that the voice of every person in New South Wales can be heard in this place, and that is done through the very carefully worded and thought-through standing orders, policies and practices of this place.

I accept that it is niche. For some of us, we love it. We love living in the niche. But most people do not really understand it, and so it is important with this motion today to again thank David and the whole team—because he would also say that he is part of a team. It comes from the top, and David has led with the idea that we are all equals in this place, that we are all here because the people of New South Wales have put trust in us, and

that we should show each other decorum and respect. We have rules that are robust enough to deal with the challenges when it gets really hard. The easy stuff is fine. But when it is really hard—and we have had some pretty big blues over the years, over a whole range of matters—our rules stand the test of time, enabling us to navigate through those challenges and work through some of the hairier times. I cannot emphasise enough how important the Clerk is in that process.

We should never underestimate how important and fundamental the rules, standing orders, policies and practices of this place are. They are the foundation for how we represent the people of New South Wales and try to improve the lot of everyone in this State, even though we might not always agree on the way in which we get there. That is important. I also note that those who have disagreed with David in his professional role always respected him. We have had a few disagreements over time, but I have always respected that he is giving me the best advice that protects the democratic institution, as opposed to what might be on my mind as a political leader at the time. As a person, David is noted for his humility, honesty, personal decency and consideration for his colleagues. No matter how tough the going got—and sometimes it has been tough—David always kept his sense of humour, which is well needed in this place, as we know.

I am sure all present would agree that one of the greatest challenges of parliamentary life is the work-life balance—and some of the hours that we have worked have not helped that. I am sorry, Lynne. As well as succeeding as Clerk, David has succeeded in that sphere as well, as his partner, Lynne, will testify. I am told that, on retiring, you will be setting off and climbing the Himalayas with your son, which is very good to hear. I know that you will also, hopefully, enjoy spending more time picking up a guitar, as we have heard a lot today, whether it is listening to more U2 or getting the band back together—all of those things that we should highly encourage you to do.

I also take this opportunity to congratulate Steven Reynolds on his swearing in as the new Clerk. He has big shoes to fill, but he is well known and trusted by all of us in this place. We look forward to you helping us wrangle each other in future. David has consistently worked in the defence of the rights and interests of the Legislature of New South Wales and its members. You should be so proud of the legacy that you leave. The New South Wales Parliament will be poorer for your absence, and we thank you so much for your exceptional service. David Blunt, you leave this House with the respect, admiration and gratitude of us all.

The Hon. DAMIEN TUDEHOPE (14:23): I start by saying that I also support the motion brought to the House by the Deputy President today. I also offer this word of warning, David: David Clune might have contributed to the writing of the Leader of the Government's speech, but Sam Tedeschi has contributed to the writing of this speech. That is the fear and trepidation you ought to associate with that opening! Thank you, David, for 35 years of service to the Parliament, to the Legislative Council and to the people of New South Wales. For many of us here, David is the only Clerk we have ever known, and it is hard to imagine this place without him. With no offence intended to our incoming Clerk, Steven Reynolds, David, you are irreplaceable. He is dedicated, dependable and undeniably brilliant.

David has been nothing but a pleasure to work with here in my time. He is the consummate public servant. While his contribution is often behind the scenes, the people of New South Wales are undoubtedly better off due to his interventions—in my experience, often saving the Parliament or the Government from itself. His wisdom is never to be challenged, although sometimes ignored at our own peril. I know David takes great delight in being given difficult tasks to solve. My staff have frequently taken joy in putting forward to him the unusual and obscure—thank you, Sam—and I can assure the House that he can always find an answer. His creativity knows no bounds.

One of David's great qualities is that he has the patience of a saint. Imagine sitting in this place, day after day, and listening to contributions. Members have two advantages that are not available to the Clerk. In our offices, we have the mute button, and in this place we have the far more cathartic option of rowdy interjections—which are, of course, disorderly at all times. Imagine if the Clerk could interject. He does not have that form of vocal therapy that we avail ourselves of. It should be noted, however, how David treats the staff of the Legislative Council. Every time it came to sitting late, sitting early or sitting through the night, David's primary concern was for his staff and their wellbeing. He knew that he could not overcome the will of the House to keep sitting, so, instead, he sought as workable arrangements as possible to protect the staff in this place. I know that this courtesy and consideration was extended to political staff and public servants alike.

Over the years, the Clerk became a fan of the Thursday Dixer special. I am told by my staff that he would often send notes to them, attempting to predict which songs or bands that I would reference in those speeches. The majority of times I think Richard Egan got the better of him. The honesty and earnestness of David was on display during one of those musical interludes I have been prone to indulge in. He approached my staff after a particularly amusing speech on a music festival bill to ask if I had really attended Woodstock, would you believe!

The Hon. John Graham: What was the answer?

The Hon. DAMIEN TUDEHOPE: Sadly, he was disappointed to be informed of my liberal use of artistic licence. During my last one in 2022, I paid tribute to the Clerk and his response to the ever-growing Mookhey library. He was heard to say, "I want to run, I want to hide, I want to tear down the walls that hold me inside". Sadly, the time has come for David to escape this place, although I get the feeling that he may well tune in to see if the Hon. John Graham and I are still trading lyrics across the Chamber. I had considered a more elaborate plan to commemorate your leaving us that might bring back some memories—possibly traumatic memories.

I was going to propose that the President resign just to see David's worst nightmare come true and he be forced to take the chair again. Last time that happened, he was stuck in that role for over a month, and I know it was against his will and without any enjoyment. I even made him paranoid. David believed that the then Government was conspiring against him and had organised to lock him inside the Botanic Gardens overnight. I cannot confirm or deny any of these rumours. But, in any case, what a way for him to retire as the Chair of this illustrious Chamber—Mr President, you can still do it!

I did think better of it, however. It is probably in everyone's best interest not to reopen those old wounds or cover some of the other more traumatic moments. I would like to pay tribute to the Clerk's love of comity between the Houses, which is a topic of some controversy right now. David has always been a passionate defender of our place. I remember asking the Clerk why he has the title of the Clerk of the Parliaments. He gave me a history lesson on when the title was requested from and granted by the British Home Office. That was in line with the House of Commons practice, where the Clerk of the House of Lords is called the Clerk of the Parliaments and the Clerk of the House of Commons is called the Under Clerk of the Parliaments. I think we should insist on that title in the other place to demonstrate the primacy of our Chamber.

I am told that the Clerk still has a copy of that letter from the Home Secretary and that there is a tradition of adjusting the height at which it is displayed on the wall to ensure that it is always at the eye level of the Clerk of the Legislative Assembly. I hope that our new Clerk will continue that wonderful tradition. Steven, you have big shoes to fill. On behalf of the Opposition, I wish you all the best as you take on your new role. I will conclude with the comments that I have given to the media team regarding our beloved Clerk:

> Having worked with David over many years as both the Leader of the Government and Leader of the Opposition, I can comfortably say that he is one of the finest public servants in NSW. I will always be grateful for his sage advice, practical wisdom, and quiet humour. David has been an adornment to the Legislative Council and the entire Parliament of NSW is better off for his service

David, you have left an indelible legacy in this place, and we owe you a profound debt of gratitude. We thank you for all that you have done and wish you a happy retirement.

The PRESIDENT: To that end, I do have an announcement to make! I call on the Leader of the National Party, the Hon. Sarah Mitchell.

The Hon. SARAH MITCHELL (14:31): I make a contribution to debate on the motion moved by the Deputy President. On behalf of The Nationals team, I concur with all of the remarks of the members who have contributed to the debate so far and wish you, David, all the very best on your retirement. My thanks comes from not only the current members of The Nationals but also our colleagues over the years who you have also worked closely with. They send their best wishes to you and to Lynne and wish you all the best for what is to come. I entered the Parliament in 2011, the year that David became the Clerk. I was reflecting on that this morning when I was thinking about the contribution I would make today.

When the class of 2011 first came in—there are a couple of members present who were part of that group—Lynn Lovelock was still the Clerk, but not long after we were elected, David, who was then the Deputy Clerk, stepped up into the role. I was thinking about one of my first interactions with David. I remember getting a phone call from the Clerk's office that I needed to speak to someone there about an interesting development. It turned out that someone was trying to serve me a subpoena because the election result had been challenged by Pauline Hanson. The Hon. Jeremy Buckingham was also part of that court case. It was very bizarre. I was a brand new member of Parliament. I had never even had a speeding fine, and then I was getting calls from the Clerk's office about a subpoena. It turns out—fun fact—that you cannot be served a subpoena in the parliamentary precinct. It did not happen.

The Hon. Jeremy Buckingham: Or arrested!

The Hon. SARAH MITCHELL: Or arrested—Jeremy would remember! I remember talking to David about the issue at the time. He said to me, "It is a little unusual, Mrs Mitchell." Now it does not seem like that big a deal, but I remember thinking, "Gosh, if David Blunt is saying it is a bit unusual—and he has seen a lot—it really is a bit of an odd thing to happen." I remember getting sage advice from David and the team in the Clerk's office. That advice has continued through all of the years that I have been here. As the Hon. Damien Tudehope

said, I do not really remember serving in this place without having David here. It is going to be very strange to see him walk out that door.

I will say that since that moment, I have had a bit of anxiety every time the Clerk's office calls me. I think, "What's coming up next?" I remember one time, not long after I came back to Parliament after having my first daughter, Annabelle, Kate Cadell reached out and said, "David would like to see you in his office." I was thinking, "Oh, what's this?" As it turned out, he had very proudly put on display the thank you card that I had sent all of the Legislative Council staff for the wonderful gift they gave me on the birth of my daughter. We had a cup of tea. That was a good reason to get a phone call, and that has certainly been the case for the rest of the time that I have been here and working with you, David. I feel like sometimes when we come into your office you are part Clerk and part therapist. You sit on the couch, you are in a safe space, and you can have very honest and frank discussions. David, you have this art of being completely professional and discreet at all times. Yet we always understand exactly the message that you are trying to get through to us about the information that we need. It is a very particular skillset that we have all benefitted from.

On behalf of the Hon. Wes Fang, the Hon. Scott Barrett and the Hon. Nichole Overall, who have all entered this place through casual vacancies, the expertise and guidance of you and your team has been very much appreciated. On behalf of those members, I put on record that appreciation of your wisdom, your assistance and your professionalism. It has meant a lot to us as Nats. We certainly respect you for everything you have done for us. I also acknowledge your staff. Many of them are here in the galleries today. You can tell a lot about a person by what their staff say about them and how they see them as a leader. There were not many dry eyes when the Hon. Rod Roberts read out his message from your team. That tells you everything you need to know about how highly people working for you and with you respect you—what a wonderful legacy to leave. The same goes for the staff in all of the members' offices. All Legislative Council staff members know that they can call on you. It is a really wonderful asset that we have had and we are very grateful for it.

Thank you for putting up with us members. As the Hon. Damien Tudehope said, I do not know how you listen to us some days. I really do not. I do worry that the constant quoting of U2 lyrics may diminish your love of the band. I hope it has not and that it has not taken the joy away from you. We wish you the very best. You have been an absolutely incredible public servant. We all feel very privileged to have been able to work with you. We hope you enjoy your retirement and the extra time with Lynne and your family. Every politician who leaves this place tends to look a decade younger overnight. I am sure that will happen for you too. You will be back with a tan from all the mountain climbing, with a guitar slung over your shoulder. We will not even recognise you. Don't be a stranger. Thank you for everything. Thank you for your incredible public service over so many decades.

Ms ABIGAIL BOYD (14:36): I contribute to debate on the motion and put on record my respect and admiration for David Blunt. I thank him for everything that he has done for this Parliament. For people outside of this Parliament, the importance of David's work might not be readily understood. "What even is a Clerk and why is it spelt that way?" is what most people ask me. But the position of the Clerk is, as we know, a vital part of the democratic functioning of this Parliament. He is the expert when it comes to questions of parliamentary law, practice and procedure. In addition, the Clerk is functionally the big boss of the Department of the Legislative Council and is responsible for a large part of the management and administration of the Parliament. But not all Clerks are created equal. It is hard to imagine any other Clerk in any other parliament who is not only as esteemed and trusted as ours is, but also, frankly, as loved. In all my time here I have never—honestly, not even once—heard a bad word said about David. There has never been even a slight murmur of disagreement.

David, you are the oracle. What you say is taken as being correct, not because you have said it, but because it is correct. That trust, esteem and respect for your expertise is second to none. David is also a thoroughly nice guy. In addition to sage advice, he is also the person in this place that many of us look to for pastoral care. Members of Parliament are not employees. Many of us do not have anyone approaching what we would call a boss. We work instead for the people of New South Wales, of course. So it is David that many of us turn to when we are dealing with the vexed issues that arise in our roles. When it comes to vexed issues, I do not think any of us have had as vexed an experience as David had in his role as Clerk when he found himself in a Legislative Council without a President for that protracted period in 2021. The sitting day of 24 March was the longest sitting day I have ever encountered. It went all the way to 4 May. David was the de facto President of this House and this Parliament. In my view, it has never been in better hands.

The PRESIDENT: Order!

Ms ABIGAIL BOYD: I am not sure that David was sad for that period to come to an end. I must say, David's demeanour was a little frazzled during that time. We all felt very sorry for you. David, you will be missed. You will be remembered. You go leaving such an incredible legacy behind you. I wish you well in everything that you do. Play lots of guitar, go for lovely walks in far-flung places, enjoy yourself and spend time with those you love—you have really earnt it. Thank you.

The Hon. DANIEL MOOKHEY (Treasurer) (14:39): What a joy it is to pay tribute to this treasurer of our democracy as he leaves us here today: the always honourable David Blunt. One of the advantages of coming from a polytheistic faith tradition is that we have a god for everything—except parliamentary democracy. I am sure that the Hindu tradition is happy to welcome David as a figure to be worshipped for his superior knowledge of parliamentary law; I am so glad that he has filled that gap in my faith tradition. I say that quite deliberately.

The way I would describe the role of the Clerk, particularly of this Clerk—and I've seen David do the job for 10 years in this Chamber—is omniscient. He literally knows everything. He is all-seeing when it comes to parliamentary procedure. He is always five moves ahead of the rest of us when it comes to the epic battles that we have in this place. In fact, I've often found, as I've seen David simultaneously distribute loqs to both sides, that in fact what we are witnessing is David playing chess against himself all the time. For those of us who then become fascinated by the art of parliamentary procedure, not only are we witnessing him play chess; we are also witnessing a grand master in action. There is nothing about the Parliament that this person does not know.

Very early in this place, as I was nerding out with the Odgers practice book that was updated by some of our other wonderful parliamentary staff, I recall having the opportunity to sit and talk to David about the battle between the House of Lords and the House of Commons in 1909 to 1911, from which most of our parliamentary laws in this place certainly come. I thought that I was a nerd when it came to ancient parliamentary history. I say to David: I cede the crown to you, overwhelmingly, on that point. I make that point because David has always approached the job as a vocation. He has never approached it as an occupation. He understands not just how important parliamentary democracy and procedure is to this place and to its participants but also to the people at large.

Our legitimacy as an institution turns on whether we follow the law. Our capacity to discharge our democratic mandate, as a government to implement change or as an opposition to fight ferociously, comes from the fact that we do so in accordance with the law. David has at various points made the point privately to others that this is not small stakes. We have literally fought civil wars over these very principles, and we have literally seen countries go to war over how these questions should be resolved. On David's retirement, I cannot help but feel that we are indebted to him because he brings that much wider perspective.

We should take pride that as a House we have added to the parliamentary canon and parliamentary law through the course of the Fifty-Sixth Parliament and the Fifty-Seventh Parliament. Members have talked about the epic struggle over who should be the President of this place, which played out with some high stakes, but I also point out that we have troubled the Clerk with factors far more mundane than that. I, for one, very much appreciated David's advice as to how we would get the Usher of the Black Rod to literally arrest people and drag them before parliamentary committees—sorry to the Liberal Party for that one. As a frequent offender against many parliamentary laws, I apologise for some of the antics that we got up to. It turns out that David may have had the makings of a point when he said, "Rocking up to committees with Cabinet documents might not be as wise as you think." But I simply say in reply that the idea seemed a lot better in opposition than it did in government.

They are the things that we have seen. But each member of this House knows that you do not just go to David for the public battles; it is actually the battles we avoid that David really helps with. When I say "battles we avoid", I mean, frankly, lawsuits that we, as individual members, avoid. I have frequently asked at various points, in very polite ways, "David, do you think this will get me sued? Should I do this?" I was never that explicit, but he always picked up on the point that, generally, that was the risk we were running. How far our parliamentary privilege really extends and whether we should risk it were questions often asked by members privately of the Clerk. As a result of the advice we get back, we tend to avoid the consequences of our own actions: namely, bankruptcy. There are many of us who are indebted to you, morally, spiritually and—it turns out—financially for much of your advice that has kept us out of a lot of those troubles.

That is the point about the Clerk and the Clerk's office, and this particular Clerk: You can trust not just the impartiality of the advice but also the confidentiality with which it is given. The office cannot function if members lose trust in that. That never happened under David. And it will never happen under any of the Clerks or, I believe, under Steven, when he takes over. We appreciate what a treasured asset it is. In the vocation that we practise, often those things are not considered as important in our interpersonal dealings. But having an expert providing advice about not just House procedure but also, more importantly, how we conduct our business—formally and otherwise—is so important for our democracy. Sadly for us, you are going, David. But, as a newly ensconced member of the Hindu faith, if you had not performed the job in this life, I guarantee you would be performing it in your next.

The Hon. EMMA HURST (14:45): On behalf of the Animal Justice Party, I express my sincere thanks to Mr David Blunt, AM, for his 35 years of service to the Parliament of New South Wales. I apologise in advance that my contribution is not in rhyme. In the six years that I have been a member of this place, I have greatly valued

the advice and support that you have provided as the Clerk. As a member of the crossbench, without the institutional support that comes with a major party, I have frequently relied on you for advice, particularly in the first year or two after I was elected while my team and I were still learning the ropes. All of that is greatly appreciated. Despite some of the wild questions and challenges to the standing orders that my team and I sent your way for your thoughts, we always appreciated your very professional responses, which always started with, "Your team always come up with the most interesting questions." That is something for Steven to look forward to. My team has always appreciated the very informative and often humorous procedural debriefings as well. And, of course, we are all appreciate being introduced to the word "clerkly".

I always appreciated that, no matter how busy you were, you were always willing to sit down and meet and give a procedural issue the time and attention it deserved. Of course, the advice you gave was always excellent. After the tumultuous past few years in Parliament—from the unprecedented challenge of sittings during a global pandemic to a whole new set of standing orders to the Mookhey wing taking over the Clerk's office and a brief coup for the role of President—I do not blame you for wanting to move on to a slightly quieter life. However, now that I am hearing about all of your mountain climbing, maybe that will not be the case.

I know I speak for everyone here when I say that you will be greatly missed. I have always greatly respected your professionalism, your dedication to your role and your reverence for this Parliament. It is an enormous sadness to see you go, and a massive loss for this place. I also take a moment to congratulate our incoming Clerk, Mr Steven Reynolds. His, of course, is a very well-deserved appointment, and I know everyone in this place looks forward to continuing to work with Steven and the excellent team that surrounds him. Thank you, David, for everything that you have done for this Parliament. We wish you all the best for whatever adventure you have planned next.

The Hon. ROBERT BORSAK (14:48): I would like to associate myself with all the previous speakers. I find it very hard to top the compliments that David well deserves, so I might take a different approach. I was sworn into this place in September 2010. It seems like a lifetime ago. All the help and advice that you have given to me personally, and to my party, has got us largely into this place and functioning in a proper fashion. I can also think of a time, in about 2012, when I really had no idea about what was going on in this place. I had to follow Robert Brown around the place, which may not have been such a good idea, from time to time.

You came knocking on the door to my office. You came in with a very dour look on your face. I thought, "What the hell have I done now? I haven't been here long. I haven't done much. I intend to improve on that in the future." You came into the office and said, "Do you mind if I close the door?" I was looking around thinking, "What have I done?" You said, "Mr Borsak, do you realise that you have been overpaid?" I said, "No." Who understands that nature of that pay slip?

The Hon. Taylor Martin: You are an accountant.

The Hon. ROBERT BORSAK: I acknowledge that. I am an accountant—or was an accountant.

The Hon. Sarah Mitchell: That makes me feel better.

The Hon. ROBERT BORSAK: You are not the only one. At that stage, I had been the chair of a standing committee. The gist of it was that instead of being paid as chair for the period of the standing committee, I had been paid for about 18 months. That was pretty good from my point of view, but I did nothing about it. The Clerk said, "We need you to pay it back." I said, "Do you?" I have had conversations like that with employees and other people over the years. At the end of the day, you have to try to get the money back. I said, "How are we going to do that?" He said, "We could come into a payment arrangement." I felt like a bad debtor.

We worked out an arrangement where I had to pay the money back over the next 12 to 18 months. In an advisory fashion, he said, "You can claim that back by getting your 2012 tax return reassessed." I said, "Yes, I know. I am a tax agent." I thought, "I will go through that process. I will make an application to the tax office." The Clerk has not heard this story yet. I lodged a new tax return. As a tax agent, I did it in my own name. That was the biggest mistake I have ever made in my life. They ended up reassessing me for an extra $65,000 worth of tax for the 2012 year because they decided to go through me like a pack of Epsom salts. There was nothing wrong with that, other than the fact that I not only had to pay that but, over 12 to 18 months, I also had to pay the excess money back.

The Hon. Daniel Mookhey: Thanks.

The Hon. ROBERT BORSAK: Thank you. I had not told the Clerk that story before. I know the Parliament is unforgiving. There is another circumstance I could mention. I cannot remember the exact year, but it was some years later. I got a phone call from the Clerk. He said, "Mr Borsak," and I thought, "Here we go again." He said, "There is a man down here saying that he wants to come up and see you about the fact that you

ran into his car on the way in to Parliament House." I said, "Whatever he says, I deny." You said something along the lines of, "I told him that he cannot come into the precinct and up to your office unless you are prepared to see him." I said, "Tell him I am not prepared to see him." To this day, I do not know whether I hit him or not, but I managed to get through the gate downstairs quickly. I am sure I could think of some other things from over the years. I can say what I like here because they cannot do anything to me.

Seriously, you have been a fount of knowledge and a wise head, quite often talking us and our party back from the brink. We appreciate you. We are going to miss you. Thank you very much for everything you have done for us and for me personally. I look forward to dealing with Steve Reynolds, although hopefully not on the same basis, and hopefully it will not cost me as much, as my initial association with David. Thank you for your service. We will hopefully see you at dinner tomorrow night.

The Hon. JEREMY BUCKINGHAM (14:54): I thank Mr David Blunt for his service and wise counsel. I wish him and his family all the best into the future. He has been a jewel in this place for the entire time that I have been here. I would not be here if it was not for his wise counsel on so many matters. As the Hon. Sarah Mitchell said, we were in trouble from the get-go. I was underprepared and winging it. Clearly, that is how I intend to continue. I was guided so magnificently by the Clerk and his staff. I associate myself with the comments made by Ms Abigail Boyd. David had the nickname The Oracle in my office. Max Phillips would always ring me up and say, "David Blunt has called." We would say, "Oh my God. It's The Oracle." I would ring him and the first thing he would say is, "You are not in trouble," most of the time, or he would say, "You are in a lot of trouble. You have to come down and see me." I would sit on the leather lounge with David and Steven. They would raise a matter. I would speak, and David's head would slowly get lower and lower. He would then finish with some words of wisdom that were invaluable and guided me magnificently.

Over my entire political career, there have been three important people: Bob Brown, the former leader of The Greens; Michael Balderstone, the leader of the Legalise Cannabis Party; and David Blunt. They have been fantastic people. They are all patient, wise, full of good humour and boulder heads. I have one anecdote that must be shared with the House. People would not know that David Blunt is very quick and brave. I remember playing rugby union with David and the Hon. Niall Blair—again, the baldies—against the Balmain thirds.

The Hon. Sarah Mitchell: And Scott.

The Hon. JEREMY BUCKINGHAM: And Scott. We played against the Balmain Wombats and got absolutely smashed up. It was unbelievable to see how fast and good David was on the rugby field. He was courageous. I remember seeing him getting smashed by front rowers—this pencil of a man getting absolutely pummelled. It was a great bonding experience. Another part of David is his humanity and good nature. I remember when I was not a member of this place, he wrote me a letter and said, "Look after yourself." He said some very kind things at a difficult time for me. I thank him for that. Good luck, David, with everything that comes.

Ms SUE HIGGINSON (14:58): I make a few comments and give my sincere thanks to a wonderful human being who has otherworldly characteristics. I realised that when I attended an event in Lismore as part of the Legislative Council roadshow. I was trying to explain to the attendees a bit about the Legislative Council behind the scenes. I came to trying to explain the Clerk of the Parliaments, his work and how he does it. After a few descriptive sentences, it occurred to me and I blurted out, "You know who he is like, who he reminds me of? Tolkien's Gandalf from *The Lord of the Rings*." It was a moment of truth. The Clerk is a wizard. He is not just any wizard; he is the head of the order of wizards, the greatest spirit and the wisest of wizards. He is a wizard of great power and knowledge, one who works mostly by encouraging and persuading.

Tolkien described Gandalf thus and could have described the Clerk in the same way: "Warm and eager is his spirit, for he is the enemy of evil, opposing the fire that devours and wastes with the fire that kindles, and succours in wanhope and distress; but his joy and his swift wrath are veiled so that only those that know him well glimpse the flame that is within. Merry he can be, and kindly to the young and simple, yet quick at times to sharp speech and the rebuking of folly; but he is not proud, and seeks neither power nor praise. Mostly he journeys tirelessly on foot, and he will at times work wonders, loving especially the beauty of fire; and yet such marvels he works mostly for mirth and delight, and desires not that any should hold him in awe or take his counsels out of fear." It is true that David Blunt, the Clerk of the Parliaments, is much like Tolkien's Gandalf.

I joined the Legislative Council to fill a casual vacancy, like many others did. It was the final year of a 12-year government and a difficult and chaotic time to jump in and start something at the end of something and when everyone around me was finishing something. David, you were so steady, professional, warm, kind and welcoming. You made me feel that I belonged here, that I was rightfully here and I will never forget that. Ever since, you have always provided to me, as you have to all, the sagest advice and counsel, and you have always done it in the kindest, most professional and most appropriate way. Your wisdom, like the wisdom of nature, is a profound gift to all.

David, this place and all of New South Wales has benefitted profoundly from your long experience and deep knowledge of parliamentary procedure and your unwavering commitment to our democracy. It is not often one gets to meet a person like you. We are all so fortunate. I wish you all the very best. It is now time for you to take some different strides on this wondrous, beautiful, big, blue-green, dancing planet. I know you will make the very best of every minute of every day, especially those you have in nature and among the big, old trees and the choruses of birds. As Tolkien's Gandalf is at least thought to have said, the greatest adventure is what lies ahead; there are far, far better things ahead than any we leave behind. Steven, so be said the same for you.

The Hon. NATALIE WARD (15:02): I associate myself with the motion of the Hon. Rod Roberts and thank him for bringing it. It is difficult to give this speech for someone universally loved in this place. David, I thank you not for leaving—you are breaking my heart—but for giving us the opportunity to come together, as we do on occasions, so beautifully in this place and for giving us the chance to be grateful for you.

My initial thought about speaking about David Blunt was that, when you go to see him, you feel a bit like you are going to the principal's office. You are a little bit scared and nervous. You know he is lovely, but you are not quite sure of what you have done or whether you look silly. Then you get there, and the team is so welcoming and kind, and that comes from him. Then you go in to see him, and he is so kind, considerate and smart. But he is a bit like a counsellor. David, I think you have heard that from so many people. You are also somewhat of a conciliator, ensuring that some of the battles do not come to this place and that we do not look silly. But we do come sometimes looking very smart, thanks to you. I am so deeply grateful for all you do for all of us and also for all of the people we represent and perhaps for sometimes saving the people from us.

You are exceptionally kind. Mark Twain may have said that kindness is the language the deaf can hear and the blind can see and to be kind, for everyone you meet is fighting a hard battle. We have many battles in this place, but in all of that, in the sea of battles and chaos and fatigue at times, you are so calm, respectful and kind. You teach us courtesy and decency in our travels. We talk a lot, in this place, about leadership. But true leadership is demonstrated. And you have demonstrated to this House, to all of us and to the team you have brought through over many years how to lead and what leadership means. You have also lifted others and their standards, and you continue to do that, and your office does that, and I know that will continue through you, Steven.

It is nerdy, which I love, as well, that you love the intricacies of the rules, and you teach us the respect for the standing orders, the conventions and the practices that have guided us for 200 years in this place and that we must be respectful of that. But we do not really understand them, even though we stand here and pretend that we do. You are the guru, the oracle and the one who makes everybody look good. This place ultimately works because of you. I started here as a staffer in 2005, which feels like a thousand years ago, the last time we were in opposition, and I feel like I have grown up in this place alongside you and some other people who have gone on to do better things. I filled a casual vacancy in 2017, and I feel like part of my growing up in this place has been guided by you. I am so very grateful.

Some things that are not known about David Blunt or about Mr Clerk, as I like to say, is that he loves, alongside U2, the Kid Laroi. I found that out secretly one day, and I am pleased that he has love for this century's music as well as for U2. He loves also his sport, his rugby, and there have been times when we have agreed to just not talk about the Wallabies and to move on. But he loves his running, and he is known to sneak out at lunchtime and hit the track. He loves his music, of course. I say this about bass guitarists: The bass guitarist, as my brother says, is always the quiet one at the back, who makes the rest of the band look good. You have the front man, out there with the big personality, and the guitarist on the side, but the quiet one is actually the coolest one in the band. And, of course, no-one knows who they are. In U2 it is Adam Clayton; in the Rolling Stones, Darryl Jones. No-one has heard of them; we know only Bono and Mick. But, in this place, we know you, and we thank you, David Blunt, for being the quiet bass guitarist.

You engender trust in everybody you deal with. You engender all of the good qualities. In dealing with the people in this place, there are all sorts of personalities and approaches. And yet you deal with all of them. You save us from ourselves. You show that there are no dumb questions when we come to see you. I have often thought, when you sit there and contemplate, with those thought bubbles above your head, if only we could read what those thought bubbles said. All the things you do not say could be very interesting. I think you have the best poker face of anyone in this place. I would hate to play against you. You never roll your eyes when someone asks you a question. I once got called to order by the Hon. Trevor Khan for rolling my eyes. When I went to object, he was going to throw me out for quibbling with his ruling. I said that I did not say anything, and he said, "You rolled your eyes." I am sure that, at times, as we drone on, you would have liked to roll your eyes, but you did not.

Who says that the Legislative Council is the boring House? It is not. We have coups, subpoenas, lawsuits, public hearings and estimates. We have drama to rival *The Bold and the Beautiful* as we review and scrutinise and jostle to amend legislation. And yet, under your guidance, we are the gentile Chamber, the better Chamber. I particularly thank you and want to show my enormous gratitude for all you have done for me personally and for

all of us over generations. It is a decent innings, 35 years not out. And you have chosen to step away from the crease. Thank you for putting up with all of us. Lynne, thank you for sharing him with us. We are so very grateful. David, if you cannot sleep at night, with all this rest you will get with early nights, you can always tune in to us. We will help. You will be joining Peter Phelps and others, and those who are lost on the internet. Mr Blunt, thank you for your service. You are going straight to heaven.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (15:09): I cannot put it any better than U2, so I will not try to use the lyrics. But I pick up on a couple of things that other members have drawn attention to. The description that has been used to describe your wisdom and humour, Mr Clerk, are particularly relevant. You have to listen a lot, read a lot and work closely with your colleagues a lot to be as wise as you. The humour that you have infused in this institution is greatly to your credit. It takes a long time to set organisational cultures and you have done that. We are all the better for the humour you have brought to the institution.

I was intrigued by the Leader of the Opposition's description of you. He used a great word—creativity. I regard you as a very small slice of the State's creative industries. I love them all, but particularly this one: the creative legislators of the State and their ancillary industries. You are a pioneer and a leader amongst them. Creativity in legislating, and that ability to weave a way through to find a new solution, is important in parliamentary life. You have been a leader in that respect and we value that immensely. The culture of this place has been shaped immensely by your role. This is a place of conflict, and the conflict is real. It is often ideological; it has occasionally been physical. But your conciliatory role in this place has been immense and the institution is much stronger as a result.

A number of members have described you as a remarkable public servant and I regard that as very high praise. I am the son of two public servants. There are very few things you could say that I would regard as higher praise. But I apply a single piece of higher praise from my political tradition. I have referred to it once before in the House. It is a phrase used by Graham Freudenberg at the 2005 Australian Labor Party conference at the Sydney Town Hall. He was delivering the life members address, which was delivered on behalf of all life members. Freudenberg was describing his role as a speech writer to leaders of the Labor Party, since Arthur Calwell—that was the length of time he worked. He credited Johno Johnson, a former President of this place, for putting the phrase in his mind, but it is a phrase used by popes to describe their role in the church: The servant of the servants. That phrase perfectly describes Freudenberg's role. To me, I always associate it with Johno Johnson and the role he played. And to me, David, it applies to the role you have played in the Parliament.

We are all public servants and we are all drawn to public service for good reason. The role you have played as the servant of the servants has been immense. I apply that term as one of the highest forms of praise from my political party, the Labor Party, the oldest party in the country and one of the oldest labour parties in the world. I do not apply it in any partisan way. Your role has always been nonpartisan. You have been very strict about that, as you should be. But it captures the humility and sense of public service that you have brought to the role, and we are all the richer for it. The Chamber is richer and most members have indicated that the Parliament is richer. That is absolutely true, but the State is also richer as a result of what you have done.

Ms CATE FAEHRMANN (15:13): Sorry, David, this will be over soon, I am sure. It is just so obvious the pain that he is in. He hates this so much. Let us rub it all in as much as we can.

The Hon. Daniel Mookhey: Let's keep going.

Ms CATE FAEHRMANN: Yes, I think every member has to speak. I also pay tribute to our much-loved Clerk of the Legislative Council, David Blunt. He has served this Chamber with distinction, dignity and such incredible dedication. I was first elected to this place when I filled a casual vacancy in September 2010. I came in when Lynn Lovelock was the Clerk. Of course, I thought at the time that nobody would be able to match Lynn in her support and her excellence in everything. I thought, "Who is this David fellow?" But, David, of course you did and then some. Sorry, Lynn.

For over a decade as Clerk and nearly four decades in parliamentary service, David, you have been the steady hand and very calm mind guiding this Chamber through moments of very high drama, very complex procedural issues and quite a bit of change—very good change for us. It truly has been remarkable to witness that, whatever we have thrown at you, you have remained very calm and respectful, however crazy our ideas have been. I must say, from experience—and probably many members in the Chamber would agree and have already said as much—David, your very wise counsel has more than once stopped me embarking on some harebrained scheme or other. You know what I am talking about, and thank you so much. More often than not it is your advice and support that has been so welcome and valuable—and made me appear smarter and more knowledgeable in this place.

We all know that David is a very much a procedural nerd and, of course, you have to be. Steven Reynolds is also one. They are around the place. The moment that really dawned on me, when I really thought, "Wow, that's a real love of procedure," was when I had the privilege of exercising the new powers of a committee chair to eject a member of a committee, should they need to be ejected. I came back from lunch and I gave a considered ruling and a justification for that ruling after a meeting with the very good committee secretariat, who had spoken with David. As I was giving the ruling, I looked across the room and a lone figure was in the public gallery. David Blunt was sitting there, wanting to be part of that moment in history, I think. I hope that is what it was and it was not him ready to pounce because Cate Faehrmann put her foot in it—"Hold on, no, you were supposed to do something else."

David, under your stewardship, the Legislative Council's role as a house of review has only grown stronger. You have defended the fundamental principle that the upper House exists to hold governments to account and that this House has a duty to uphold the transparency and scrutiny that our democracy depends on. In other words, we all know in this place that we are far superior to the other place. Doesn't it feel great to have David on our side when we are flexing our muscles so much? David's leadership and mentorship is so obvious—just look at the incredible calibre of those in the Clerk's office, the Usher of the Black Rod and her team, and the Procedure Committee. As sad as we are about your departure, David, we know we are in very good hands with Steven Reynolds and the team.

David, there is no doubt that your leadership has ensured that the New South Wales Legislative Council remains one of the most effective and respected upper Houses in the Commonwealth. I will miss your wisdom, your integrity and your humour. I really do enjoy those moments in this place when—and we have a couple of them, occasionally—we are being funny and we look down at the Clerk's table and David has his hand covering his face. I should not put that on record, should I, because he has to stay completely neutral, but his hand would be over his mouth. I wonder whether at the dinner table, Lynne, he is able to just laugh very fully and not have to hide it, because it is so funny here. You can see sometimes when he is really enjoying it and he is trying not to because the Clerks should not smile.

David, thank you for your extraordinary service. I will miss you. I wish you all the very best for what comes next. Of course, we have talked about the beautiful national parks and climbing Kathmandu or just relishing the thought of never having to take a call from any of us again. I think you are looking forward to that more than all those beautiful mountains. But are you 100 per cent sure? Is there nothing we can do? Because I happen to know that David, and possibly Lynne, also like a little bit of Kate Bush—they were at Sydney Festival; I think it might be Lynne. I will finish with this:

And if I only could
I'd make a deal with God
And I'd get Him to make David stay
Be runnin' up that road
Be runnin' up that hill
Be runnin' up that building
Say, if I only could, oh

The Hon. Dr SARAH KAINE (15:20): David, having been in Parliament for such a short amount of time, I feel a little precocious standing up after all of the contributions from members who have worked with you for so long. But I contribute to say thank you, not just for making us all feel welcome—and we heard from some of the class of 2023 colleagues earlier in the day—but also for the nature of the engagements that I have had with you. You always come across as gentle and humble. They are two characteristics that I do not think we experience enough in the world today and that are not lauded enough. I appreciate that very much. That humility and gentleness are your legacy, and you have handed that legacy to your staff. They bring that feeling—which is a bit of an anchor—to this sometimes rowdy and crazy place. We appreciate that. Thank you so much.

The Hon. SCOTT FARLOW (15:21): I associate myself with the comments of all the members who have spoken so far. I must say it is an interesting experience to watch the debate. Nobody is addressing their comments through you, Mr President, but rather to the Clerk.

The PRESIDENT: Rightly so.

The Hon. SCOTT FARLOW: It is a novel thing to do but it is very well deserved by the Clerk. When all of us enter this place, it is very intimidating. We become comfortable in it and it becomes a second home but it is a very intimidating place when we start. I remember the words of Greg Pearce, a former member of this House, when I started. He said, "Mate, no-one's going to help you in this place; everyone wants you to fail." Greg may have been particularly jaded when he said that because he was no longer a Minister. But I remember thinking at the time that the only people who are really there to help are the Clerk and his team. It was incredibly true and I thank you, Mr Clerk, for all of your support not only when I entered Parliament but over the years as well.

One of the first things I did in this place was the bizarre committee on committees—or the Select Committee on the Legislative Council Committee System. I remember one of the hearings. We had many hearings with academics, which nobody was interested in. No crowd ever assembled for those. But when the Clerk came before the committee on committees it was a packed house—similar to what we see in the gallery today. All of the staff were there to cheer David on. I always notice that at budget estimates hearings as well. Other representatives come forward to give evidence with their teams, in defence mode. But when it came to David's appearances as the Clerk, the teams were there to watch and admire him. That says a lot about the way your staff have always looked upon you.

Of course, we look upon you in the same way and give credit to you. But your staff have always been there for you and absolutely love you. You can see it in their faces, as I see it in their faces today. It shows in every word that is ever uttered about you, because they have a deep love and regard for you, as we all do. We will very much miss you in this place. I note that Ms Cate Faehrmann broke into song. I have heard of the love that you may have for The Kid LAROI. I do not want to be Ron Hoenig and choose inappropriate lyrics so I will confine them just to this, which might be apt, from The Kid LAROI:

I told you I'd change, even when I knew I never could
I know that I can't find nobody else as good as you
I need you to stay, need you to stay, hey

Of course, that is not true and it would be remiss of us to drag you here and detain you any longer than we need to. We have talked a lot about what you are going on to do. But one thing has not been reflected upon; I have not heard the words "Parramatta Eels" or "going to see a Parramatta Eels premiership this year" mentioned. As a long-suffering Tigers fan, I feel your pain. I think you may actually achieve something this year that we have achieved over many years and that is the spoon, so look forward to that. That being said, this is somewhat like the accession to the throne. We do mourn, of course, your departure from this place, but we also look forward to the rise of Steven Reynolds as the Clerk of this Parliament. I know he has been your partner in this place for so many years. He could not have had a better mentor. We thank you for your mentorship of him and we thank you for your service to this Parliament and to the people of New South Wales.

The Hon. MARK BANASIAK (15:26): Mr President—

The PRESIDENT: Only 3½ hours to go, David!

The Hon. MARK BANASIAK: I thank the Hon. Rod Roberts for moving this motion. I make a brief contribution. I came to Parliament in 2019 and I have known David for six years. I focus more on the personal touch that David has brought to this place and the personal interactions that he has had with me and many of us. I, too, was very daunted when I was elected. Even before I was elected, I had a phone call in the late evening from David as the Clerk congratulating me on entering the most bizarre workplace that most of us will ever work in. He actually took the time to walk me through the onboarding process. I thought it was bizarre but also so heartening that a leader of this place would take the time to do that when it could possibly have been delegated to someone else within his staff.

That personal nature really set the tone for my interactions with David. Whenever I came to him with a conundrum or a harebrained scheme, he never rolled his eyes. There probably were a few raised eyebrows but then it was quickly back into the zone of not being fazed—"This is how you would solve that problem," or "This is the best path forward." It is those personal interactions, David, that have made us all better members of Parliament in this place and better representatives of the people who voted to put us here. Not to understate the work that you have done procedurally, for me it is those personal interactions that you have had with us all that I have found the most value in. I wish you all the best. I hope you look forward to more spare time with your wife and kids. But, of course, if you have trouble sleeping at night, become viewer number six on the Legislative Council YouTube and feel free to enjoy our wacky adjournment speeches and wacky interactions in this place. All the best.

Dr AMANDA COHN (15:28): I have been in Parliament for only a brief amount of time and, having recently become a member, it is a very unique position. We are uniquely privileged, but we are also uniquely isolated. Very few people help and support us in this role, so your unwavering support absolutely makes a difference to us and the people we represent every day. This is a workplace where we furiously disagree with each other every day; we are here for the purpose of disagreeing with each other every day. It has become very clear that there are only a couple of things that members agree on: firstly, of course, that this is the better of the two Houses of Parliament; and, secondly, that we unanimously admire and respect you and your work.

In addition to the anecdotes that were shared today, I put on record my experience of the way you respond when you are asked a question. You are never annoyed and you never act like we have created more work for you. You always act with genuine delight and enthusiasm to be able to help, combined with an intellectual

curiosity. When you do not have an answer to something you are asked about, you are so delighted that you go away and look it up. That shows your absolute dedication to your role and to this Parliament. Your love for your work comes across every day and in every interaction you have with us. You will be very sorely missed.

The Hon. CAMERON MURPHY (15:30): I associate myself with this wonderful motion moved by the Hon. Rod Roberts. I have been here for two years and two days, since the election. In that time what I have seen, and what I think is perhaps your best legacy, is the wonderful team of people that you have built around you as Clerk. As a member of Parliament, I can go to any single person in your team and get the advice I need at any time, and that will outlive your period as Clerk. You leave Steven Reynolds, the incoming Clerk, in such wonderful stead. Over the short period that I have been here, I have come to you for advice about procedural matters and parliamentary friend groups. I have genuinely enjoyed your wisdom and good intellectual argument. I have not won many of those arguments, but I am the better for it.

When I have won an argument, your raised eyebrow or sinking head made me think, "Perhaps I should not have won that argument," or, "I should rethink the whole thing." That is so important, along with your absolute trust and integrity. When we come to you with an issue, all members know we will get honest, impartial advice, and we know that advice will always remain confidential. That is absolutely what makes the system work. I thank you for everything you have done in the short time I have been here and look forward to working with Steven Reynolds as the new Clerk. I wish you all the best on your many journeys and adventures. There will be many days when I will wish that I could join you on your adventures. I hope you tune in to see what is going on from time to time.

The PRESIDENT: Are there any further contributions?

The Hon. PETER PRIMROSE (15:33): Mr President—

The PRESIDENT: I call the Father of the House.

The Hon. PETER PRIMROSE: I personally prefer Mad Uncle, but I am happy to accept the opprobrium of "Father". I also associate myself with the wonderful motion before the House. Part of my dilemma with listening to the other contributions from members is that, having been here for such a relatively short time, I am trying to think about what I can say in public without getting a few of us into a little bit of bother. Firstly, all members have indicated the high respect and regard we have for the Clerk. For me, that was borne out in my role as Government Whip for eight years, as a Minister in this place and as President. That experience tells me that, regardless of how long members have been here, they understand and appreciate the wisdom of our Clerk and incoming Clerk. Whenever I think of David, I think of David and Steven. I appreciate the work they have done for so many years.

I certainly look forward to Steven continuing the great work he has been doing and will now do as the Clerk of the House. In addition to the three-dimensional Tetris—the rules and customs of this place—that the Clerks interpret for us and give us advice on, I also recall that they worked in the background on the administration of this place. For example, I recall an issue we had a few years ago—given my short time here—when the Legislative Council office was haunted. A number of people indicated that they did not wish to go into the Legislative Council office after dark. It is interesting that the ghosts did not choose to haunt the Legislative Assembly office. The ghosts must appreciate quality, which is good. I certainly have not heard of any ghostly carriages or people being pushed downstairs in the Legislative Council. I know that was dealt with by the Clerks, and it will be dealt with by using appropriate exorcisms in the future.

There were other incidents, too. Members might recall that we opened Cafe Quorum with the scissors that were used to open the Sydney Harbour Bridge—maybe that was not appropriate. But I now understand why they used De Groot's Sword—the scissors were totally blunt and we had to tear the thing! In those days that was not the responsibility of the Department of Parliamentary Services [DPS] but of the two Clerks of the Parliament. Finally, what was most telling about David's role in the administration of this place was how he and Steven were integral in allowing us, together with the Clerk of the Legislative Assembly, to form DPS. Members should talk to some of the old-timers—not me, but members who have been here for much longer than me—about how this place operated prior to the formation of DPS. If members think DPS causes them difficulties, I could share many stories in the quiet backrooms about what it was really like to operate in this place.

The people who were part of that negotiation and who assisted with making it happen were David and Steven. It was very complex, but it gave this place some professional backup. As President at that stage, I appreciated that backup. Like all members, I appreciate the advice I have received about what I call three-dimensional Tetris, or the rules and customs that dominate this place. But I also appreciate all the background work—getting rid of ghosts, sorting out DPS and a whole range of other things. I genuinely appreciate it. Thank you very much for your contribution. I only ask that at some distant time in the future you do not come back to haunt us.

The Hon. MARK BUTTIGIEG (15:38): Sorry, mate. As reluctant as I am to draw out the torture, it would be remiss of me to not make a few comments for someone who I have a great deal of respect for and have had the pleasure to know both in a professional and personal capacity, particularly when I was a novice Whip after I got elected and did not really have a clue about what was going on in this place. Those visits to your office were always very, very invaluable and helpful. As has been said by other members, you always have a sense of calm, centre-of-gravity professionalism that everyone looks up to.

It has been touched on before, but with such high stakes and deep political cleavage—both ideological and political, and the conflict that has been mentioned—the rules that govern this place are extremely important and, indeed, the centre of gravity of how it works. You are the upholder of those rules. The fact that everyone looks up to you and respects your role in that institution is what makes this place great. Your ability to have the office of the Clerk and the President rise above the politics of the House is what makes it such a great place to work, and you have been such an integral part in that whole role.

David navigates what is essentially a political beast. Often, when asking David for advice on a particular tactic or what we were trying to get through to the House, I would think to myself, "This bloke's actually on our side. I reckon he's a Labor guy." But what he was actually doing was telling you how to achieve what you wanted to achieve within the rules. I soon learnt that he was giving the same advice to the other side as well. That is what makes him so great.

There are a few things that spring to mind that I will have amusing, fond memories of. I will never forget the regular visits—not as often as my colleague the Hon. Daniel Mookhey—to the SO 52 room, the privilege room. I always appreciated the way David did not open the door when I closed it; I am only half joking about that with the privileged documents. You gave invaluable advice on the medical gas legislation we were able to get through the House when in opposition. The automatic mutual recognition legislation was another memorable one which you guided us through.

All in all, my recollection of you, David, will be as a true gentleman, a professional and a good person. I do not think what matters in life is necessarily how intelligent or smart someone is—and there is no doubt you are well endowed with those faculties—but the way you treat people and the genuineness with which you have your interpersonal relationships. That is what has struck me most about interactions with you. Since we are into music today, and knowing what a fan you are of music, I am going to quote the great Bob Dylan. If you could just substitute "the Legislative Council" for "Maggie's Farm", I will recite a few words:

I ain't gonna work on Maggie's Farm no more
No, I ain't gonna work on Maggie's Farm no more
Well, I wake up in the morning, fold my hands, and pray for rain
I got a head full of ideas, that are drivin' me insane

It's a shame, the way she makes me
Scrub the floor
I ain't gonna work on, nah
I ain't gonna work on Maggie's Farm no more

And nor should you, David. You deserve much better than us. I wish you all the best.

The Hon. MARK LATHAM (15:43): In the spirit of comedy, I too pay tribute to the great David Blunt. I came here in 2019. David, you did not know the full truth of this, but when I had been Manager of Opposition Business in the House of Representatives and then, to a lesser extent, Leader of the Opposition, I was at war with the Clerks.

The Hon. Penny Sharpe: I'm shocked.

The Hon. Jeremy Buckingham: Shocked!

The Hon. MARK LATHAM: I know I have shocked the Chamber. Members would have expected it, of course, but I do not think David knew the full extent of it. I came here thinking, "Maybe we will get it on with this guy"—but it never really happened. In fact, you did us a great favour, ultimately, which I will come to. But there was another source of apprehension much more important than this Chamber: the great game of rugby league. As a St George supporter, we are traditional rivals with Parramatta from the 1977 drawn grand final and our tremendous, heroic victory in the replay. As I stood on the hill for the battle of Kogarah the following year, the savages from Western Sydney got even with the great Rocket Ready and belted the absolute billyo out of him. It was a game only overshadowed by the even more vicious battle of Lidcombe that same Sunday afternoon.

We are traditional rivals. After my six years in this place, David, it is a fantastic revenge to know that single moment in your retirement you will suffer the fact that we have given you, as your coach, one of the greatest boofheads to pull on a Dragons jumper, Jason Ryles. He was a penalty-conceding machine absolutely despised by Dragons fans. How anyone ever thought he could coach is beyond me. Of course, we know you are none for

three and you will probably be none for 22 through the season under the guidance of Jason Ryles. But I hope you do not suffer too much. It is a great club, Parramatta, and it will come back. But thinking of when you win your next comp, it is a bit like that meme of the old lady on the *Titanic*: "It's been 84 years."

[*Interruption*]

Well, the young ones know it. I am not as uncool as I look. I have sons who love the "84 years" memes. But, David, you will probably get one before that. I was there in 1986 at your last grand final win, the only tryless grand final, so I have a little bit of Parramatta in me. Just for your edification, I did captain the under-15s Parramatta rep team a long time ago, so I am not totally unsympathetic. With one eye red and one eye white, I go with the Dragons, but I will always be watching Parramatta's progress on your behalf.

In terms of your service as the Clerk, I thank you for what was the greatest floor show we have ever seen here as we replaced John Ajaka as President. I know, David, that not for a moment did you truly believe that someone who had the most votes in a ballot had not won it, but your interpretation pleased me and the Hon. Robert Borsak no end. We absolutely loved the biffo of the Hon. Natasha Maclaren-Jones, on the advice of the Hon. Damien Tudehope, seizing the chair like a Third World dictatorship while the previously passive the Hon. Peter Primrose and the Hon. Anthony D'Adam screamed at her from the back of the Chamber.

Borsak and I would love that sort of biffo every single day; I know it is not possible here in this genteel Chamber. But you orchestrated that floor show for us and we thank you for it. Ultimately, the standing order had to be changed to reflect the political reality that if you get the most votes, you win. Who ever thought otherwise, other than down at the Australian Turf Club? Maybe that is where you could go, David. They are looking for that kind of advice. I congratulate you on your service. Our great achievement is that we never really had a strong disagreement, let alone a blow-up, and I am quite proud of that.

The Hon. Taylor Martin: There is still the rest of the day.

The Hon. MARK LATHAM: Well, when I found out the Hon. Rod Roberts would move this motion, he said, "You're not going to get into him, are you? You're not going to blow it up?" I said, "Rod, it's your motion. You're a higher power than me in the Chamber. I can't possibly blow it up"—but I would not anyway, David. You have served the Chamber tremendously well, with ethics and honesty—a lot better than your colleagues in the House of Representatives back in the day. I wish you a very, very happy retirement.

The Hon. JOHN RUDDICK (15:47): I have a short contribution. I observe that a parliamentary Clerk is similar to a constitutional monarch and nightly newsreader, in that they all have close proximity to politics but the less political they are, the better they are at their job. Their job is to be apolitical. Queen Elizabeth II reigned for seven decades, but no-one has any idea of her political leanings. For 45 years in this city we had a beloved newsreader on Channel 9, Brian Henderson. After 45 years of close proximity to politics, no-one has any idea how Brian Henderson personally voted. I think the same could very much be said for David Blunt, who has been perfectly apolitical. He is basically the Queen Elizabeth II and the Brian Henderson of this place. That is not to say that we are not curious as to how he votes, but I strongly suspect that will be an eternal mystery even after his retirement.

He has always been very courteous to me in my short time here. I do have a staff member who used to work for Reverend the Hon. Fred Nile and asked me to say something. Fred, as we all know, was a longstanding member of this place and was frail in his last few years. The Clerk, David Blunt, was endlessly considerate, courteous and understanding of someone who was a legend of this place. David, thank you very much for your service. I say to Steven Reynolds that all members very much look forward to you stepping up to the role and doing an equally fine job.

The Hon. AILEEN MacDONALD (15:49): I want to borrow from the Heath Ledger movie *10 things I hate about you*. I hate how you always know the standing orders better than anyone else. I hate that you spot procedural errors before we even make them. I hate your calm voice when everything around is absolute chaos. I hate that you are already three steps ahead, and I am still trying to find Standing Order 187. I hate your perfectly timed raised eyebrow, sharp enough to rule a motion out of order. I hate how somehow you remember every amendment in every bill in the past three years. I hate that your poker face during division debates could win tournaments. I hate how you are always the one who understands exactly what happened in that five-minute flurry of points of order. I hate that your diary is more full than any Minister's and yet you still remember my name. But, mostly, I hate the fact that I don't hate you at all—not even close, not even a little bit, not even at all. Thank you for keeping the Council in check, on track and just the right amount of terrified. This tribute is all in jest, but our admiration is very real.

The Hon. TAYLOR MARTIN (15:50): I will warn up-front that I have no lyrics prepared. In fact, I do not have any notes prepared. There were many mentions earlier about members being called to your office, David,

and maybe some more than others. I have been a member of this place for eight years now. I did not think that I was much of a naughty kid at school, but it does really feel like being called to the principal's office when you have to go and see David Blunt. But it is very comforting when you sit on that lounge and start talking, because I knew that, no matter what the issue was, I was getting all of your best advice. I also knew that every other member of this place, whether they are here now or have gone before us, got exactly the same from you. Like the Hon. John Ruddick, I would not have the faintest idea of how David voted in any ballot previous or would vote in any ballot to come in any election, State or Federal. I would not have any idea because you afforded every one of us your best as a human being, and I thank you for that. In this sea of political skulduggery here in this place and in politics more widely, David, you are an island of impartiality, and we all thank you for that.

The Hon. JACQUI MUNRO (15:51): I have already mentioned this earlier today during the take-note of answers debate, but it is worth repeating. As new members in the Fifty-Eighth Parliament, our first interaction with Mr Blunt was in our members' induction. We were sitting in a room and learning about this whole new world that we were about to enter into. We had no idea of how we were going to be guided through the puzzling maze of rules. We had books and slide after slide of information—we were just surrounded by information. Then we came to the slide of our welcome from the Clerk; he could not be with us in person at the time. It was a video which was grey and loud, and we were squinting to try to see what it was. It was a snowstorm, somewhere in the Nepalese alps. We could make out a figure with snow across his face and a massive beanie on his head. He was saying to us, "Welcome to the Parliament", and that he would be with us very soon to guide us.

There was a comfort in knowing that there would be someone in our lives who could make it through a snowstorm in Nepal, and that he would come back and tell us all we needed to know and how to act appropriately to get through the snowstorms and the blizzards that we would experience in this place. I want to say thank you so much for the joy that you bring to this job and to this place and to your life. All the passions that you have outside of this place so clearly inform the type of person that you are and the character that you demonstrate and display to us. This is a very unique and unusual workplace where we get to know each other in unusual ways. The ability to be very much yourself in this place is a testament to your strength of character and something that we all can learn from and have certainly benefited from. Thank you so much for everything that you do and for making this State a much healthier democracy.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (15:54): I join with members of this House in thanking David for his extraordinary service and contribution to our Parliament and to the community of New South Wales. All of us come to this place in the spirit of being custodians who seek to leave it a little bit better than when we found it. David, you have certainly fulfilled that. During your time here, you have been recognised with membership of the Order of Australia and have become a published author. Those things and, certainly, the impact that you have had on every individual member, which we have heard about in the heartfelt contributions from members today, all speak to your ability to bring this extraordinary and historic institution to life and to leave it a bit better than when you started.

The common themes in the contributions today have been your humility, your respect and the considered advice that you have shared with all of us, no matter where we have been sitting in the Parliament, and the enormous amount of knowledge that you somehow manage to retain in your brain. I do not know how you manage to do that. It is extraordinary. I will briefly share a story, which I think I have shared with David before. When I was considering seeking preselection for the Labor Party, I had just had my first child. I was not quite sure what I was embarking upon, and I did not really know what to do. I did some googling, and I did not get very far. I then received a suggestion that I should just call the Clerk. I thought, "I do not know if I can do that." Anyway, I did. I picked up the phone, and David answered. As a member of the public, I asked him some questions—actually, he shared the experiences of the Hon. Sarah Mitchell.

What really stayed with me is that he answered the phone directly, and that his considered and thoughtful advice was given honestly to a member of the public to whom he had no real need to give that advice. But it gave me comfort at a point when I was making some big decisions about my future. The ability to provide that humble and considered but enormously informed advice to a member of the public, or to any one of us in this place, is extraordinary. We thank you so much for the time, effort and sacrifice that you have made in supporting us all during your time here. We wish you all the best in your retirement with Lynne.

I did not get to question time today. As for musical contributions, I am not much of a musician, but I was inspired by one of Arthur's and my favourite songs. Arthur is quite the Michael Jackson fan. You might have seen *MJ: The Musical*. I am not sure if this song is in it, but the one we love is *Workin' Day and Night*. Certainly you will not be doing that for too much longer. I wish you all the very best in your retirement and for your wonderful adventures beyond. No doubt we will continue to try to tap into your knowledge, and no doubt the amazing people

that you have trained will continue to do that. Thank you so much for your time, for your contribution and for the amazing imprint that you have left on all of us.

The Hon. ROD ROBERTS (15:57): In reply: I thank members who contributed to the debate today: the Leader of the Government, the Leader of the Opposition, the Deputy Leader of the Opposition in her role as the Leader of The Nationals in this place, Ms Abigail Boyd, the Treasurer, the Hon. Emma Hurst, the Hon. Robert Borsak, the Hon. Jeremy Buckingham, Ms Sue Higginson, the Hon. Natalie Ward, the Deputy Leader of the Government, Ms Cate Faehrmann, the Hon. Dr Sarah Kaine, the Hon. Scott Farlow, the Hon. Mark Banasiak, Dr Amanda Cohn, the Hon. Cameron Murphy, the Assistant President, the Hon. Mark Buttigieg, the Hon. Mark Latham, the Hon. John Ruddick, the Hon. Aileen MacDonald, the Hon. Taylor Martin, the Hon. Jacqui Munro, and the Minister for Finance.

I could have just thanked "those who contributed", but I wanted to go through all those names because the number of people who wanted to stand up and speak and be associated with this motion today, David, is a reflection. We have all sat in this Chamber and heard members make speeches that they did not want to make. I do not care which political party they may have been from, but they had been caucused into a particular position and had to get up and speak. That is just the reality of politics. But the speeches we heard today were the warmest, most heartfelt and, above all, most genuine speeches that I have ever heard in this place.

It is hard to say anything in reply because every adjective or descriptor in the world has been used. There is nothing else left for me to say, really, except a couple of things. The Hon. Mark Latham and the Hon. Scott Farlow touched upon the elephant in the room, which is your dedication to the Parramatta Eels. I think I have mentioned this to you before: I don't know how such an educated man could support Parramatta. But then, in reflection, I think that's just a mark of the man because his loyalty and dedication never wavers. So that's probably your excuse.

I will say a couple of things in closing that some people did not touch upon. I have been in this place since 2019. During the debate I jotted down a few notes about some of the things that have changed in this House in that short time. This is in no particular order. One is the roadshow taking the Legislative Council to the people—what a tremendous thing that has been. Again, that was driven by you and the President, with big input from the LC office. The presidential coup, which was a particular time that we try to sweep under the carpet and pretend never happened, was a big event in this place. As I touched upon in my original speech, the standing orders have changed. Another new development was the Mookhey library, which was a result of this House exercising its power of accountability over government.

We had the COVID period, which no member has mentioned. We had to organise the sitting of Parliament through COVID. Again, the responsibility was left to you and your team to sort out. We had place markers for where members could sit. We had people wearing masks. We had TVs and perspex screens. We had everything. If I hear the name Hibbs one more time, I will have a breakdown. We have seen the introduction of Webex for committees, where both members and participants could "zoom in" for that process. We've had the bicentenary, which I touched upon before. We had the visit of King Charles, which I know you were closely involved in. And, of course, your visit with former President Matthew Mason-Cox to see Prince Charles when he was still the Prince. That was at Balmoral, I think. In that short period, there has been so many things that have tried and tested you, and you have been able to get us through. I said quite a bit at the beginning; everybody else has said everything else. There can be nothing more to say other than thank you.

The PRESIDENT: Unfortunately, in this Chamber there is no right of reply for our guru, our oracle, our very own Gandalf, David Blunt. For David to shed light on how he votes or, in fact, on any other matter, members will have to wait until tomorrow night. Until then, David, in honour of you: Go the mighty Eels. And in the immortal words of Paddington Bear: Thank you, David, for everything.

The question is that the motion be agreed to.

Motion agreed to.

Members and officers of the House stood and applauded.

Bills

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

Second Reading Speech

Debate resumed from an earlier hour.

The Hon. DANIEL MOOKHEY (Treasurer) (16:03): As I was saying, when making a declaration, the Industrial Relations Commission must be satisfied that the contract is for the transportation of persons or goods and that it is appropriate for the Industrial Relations Commission [IRC] to do so having regard to the factors listed in new section (3B) (b). These include that the person has low bargaining power in relation to the particular contract or that its terms would be unfair, or operate unfairly, in relation to the person. This could include the declaration of contracts of carriage beyond the circumstances now prescribed in schedule 1 [5] if the IRC considers it appropriate having regard to all matters.

Schedule 1 [3] to the bill removes exemptions within section 309 (4) of the Act. Chapter 6 currently excludes certain categories of contract transport workers, including those whose contracts of carriage are for the carriage of bread, milk or cream for sale, or delivery for sale, or the delivery of mail on behalf of Australia Post, including the delivery of parcels. However, I note that the bill does not and is not intended to affect the Australian Post letter service. It is worth mentioning that Australia Post delivers a lot more than letters, particularly parcels, hence the removal of the existing exemption in chapter 6. In the twenty-first century, these exclusions are archaic and deprive persons who would otherwise be contract carriers from the protection of chapter 6, in particular the minimum standards afforded through contract determinations.

Schedule 1 [5] to the bill amends section 309 of the Act and acts to extend the operation of chapter 6 to contract carriers who own or operate a total of up to three motor vehicles, including providing them with minimum standards provided that the IRC varies an instrument to include them. This change brings a protection to a highly vulnerable group of workers who often operate a second or third vehicle at the request of a principal contractor, which has the result of depriving them of the protections of chapter 6. Schedule 1 [5] also clarifies and expands upon prescribed circumstances currently contained in the regulations.

This is designed to protect a contract carrier in situations where they may be otherwise reasonably unavailable for driving duties, such as being on workers compensation or being unable to drive in order to comply with mandatory rest breaks. The IRC will have the ability to provide for a contract determination to apply to successors of principal contractors. Schedule 1 [7] to the bill clarifies that where the extension of up to three motor vehicles applies, this does not create the carrier of the main vehicle as being a principal contractor.

Schedule 1 [8] to the bill creates a mechanism to include transport gig workers under the Act. Schedule 1 [8] does this by providing that a contract that is for the transportation of goods and persons, or both, is taken to be a contract of carriage if the particular contract is arranged or facilitated through a digital labour platform or booking service. The bill sets a definition of a digital labour platform. These new provisions do not apply to or affect a contract of bailment in the taxi industry. The new categories of workers that will be covered under chapter 6 will be able to access the safety net provided by contract determinations. Schedule 1 [9] amends section 313 of the Act to provide a broader and non-exhaustive list of considerations the commission must consider when making a contract determination in respect to contracts of carriage.

I refer the House to the remarks of the Minister for Industrial Relations, and Minister for Work Health and Safety in the other place, who set out in further detail all the other schedules and provisions of the Act. Having done so, I now make some concluding remarks. The bill continues the Government's progressive reform of the State's industrial relations system. The bill will benefit thousands of workers in the road transport sector by improving the terms and conditions of their employment, which is of course what Labor governments do. The bill also delivers on the Government's election commitment to reform chapter 6 of the Act.

I acknowledge the presence in the gallery of many of the people who, for more than 20-odd years, have campaigned to maintain this section of the Act, to improve it, to protect it, to defend it and to use it as well. There are many in the gallery—and I will speak about some of them later on in reply—who do not vote for my party but do support this legislation. That is because, fundamentally, they get that a person's rights at work should not turn on what they are called. They can be called an employee, an owner-driver, a contractor or a gig economy worker. What matters is how they are treated.

In New South Wales we have a unique system that, for more than 50 years, has cared more about what people do and how they are treated than what they are called. That is itself a terrific form of reform. The fact that we are taking this opportunity, potentially, to modernise that Act, to include it and to, in many senses, lead the world in adapting such a system for the twenty-first century is another example of this Legislative Council grappling with complex problems and reaching good results. I look forward to hearing the contributions of other members. I will talk more about the many people who have been associated with this reform in my reply. Until then, I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): Before I call the Leader of the Opposition, I acknowledge and welcome to the gallery Nick McIntosh, assistant secretary of the Transport Workers' Union NSW; Robert Rasmussen, Sydney Sub-branch secretary; Robert Pirc, South Coast and Southern Sub-branch

secretary; as well as a number of rideshare and delivery delegates and members of the Transport Workers' Union from across New South Wales. You are all most welcome.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (16:09): I speak in debate on the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. I begin by reflecting on my early years as a lawyer. One of my first cases was an application under section 88F of the Industrial Relations Act in respect of a Norman Ross driver who had purchased a particular run for a significant amount of money, and then the employer—Norman Ross, as it was at the time—sought to enter into another arrangement with a contract driver. The owner who had purchased the run lost the benefit of that contract. I recall thinking at the time that it was the most extraordinary and outrageous approach to people who were just making a living and who had worked for themselves and purchased a run. It applied across lots of industries. I had clients who had purchased milk runs. I had clients who thought that in buying a business, they would enter into a contract of a form where they would become contract carriers. In those circumstances, I had enormous sympathy for the manner in which those drivers had been treated over a long period of time. However, the Opposition does not support the bill.

In every circumstance where amendments were previously sought to be made to cover the same content, it was always the position of the then Government, the now Opposition, that those drivers exist across Australia. The appropriate place to legislate for the rights of drivers, owner drivers and people making a living in the rideshare industry is not in the Industrial Relations Act of New South Wales but in a national position that would cover those rights in another place. Guess what? That actually happened. Legislation was introduced and passed in the Commonwealth Parliament last year and gave the rights that this bill seeks to give. Our opposition to the bill is not based on ideological opposition. It is an abuse of this Parliament to legislate in circumstances where it is already covered in another place. Section 109 of the Constitution would give rise to a circumstance where cases in that place would override any position taken by the Industrial Relations Commission [IRC].

The Minister for Industrial Relations claims that the bill "does not seek to replace the new Federal jurisdiction or to duplicate the important work that has taken place federally". The claim that the bill does not seek to duplicate the important work that has taken place is not sustainable. A simple examination of the Fair Work Commission website shows that the commission is already engaged in detailed work on five applications from the Transport Workers' Union [TWU]—those people in the gallery today—for employee-like and road transport minimum standards orders. Firstly, the TWU applications were made on 28 August 2024 for minimum standards orders to cover those "who perform work that involves the transport by road of goods, wares or other things, other than food, beverages and other like things". It is a considerable sector.

On the same day, the TWU also lodged an application for a "minimum standards order to cover employee-like workers who perform digital platform work in the transport by road of food, beverages and other like items". That would apply to Uber Eats, DoorDash and all the other companies participating in that kind of business. On 17 February 2025 the TWU initiated a further application for a "road transport contractual chain order" for "the transport of cash and other valuables and the performance of ATM work". Finally, on 26 September 2024 the TWU lodged an application for a "road transport contractual chain order" for the transport of a very wide range of goods, including goods, wares, merchandise, material or anything whatsoever, whether in its raw state or natural state, wholly or partly manufactured state or of a solid, liquid or gaseous nature or otherwise—meat, crude oil or gas condensate, milk and cream, quarried materials, vehicles and waste materials.

I note that item [2] of schedule 1 to the bill, which would expand the range of contracts and classes of contracts for which a contract determination can be made by the Industrial Relations Commission, is not scheduled for commencement until 18 months after assent. That is not before September 2026. That clause will bring the rideshare sector under the jurisdiction of the IRC. However, if in the intervening period either the TWU or one of the rideshare platform companies make an application to the Fair Work Commission for a minimum standards order for that sector, the IRC proceedings would still have no coverage whatsoever. It seems unlikely that such an application will not be made by September 2026. That leaves the bill with little work to do. That is why the Opposition says that legislation of this nature should be opposed.

Insofar as there are minor changes to chapter 6 of the Industrial Relations Act 1996 that do not duplicate or overlap with the Fair Work Act 2009, they could have been brought in a separate bill or included in an omnibus bill. As it stands, the bill is a farce. It is yet another example of a government with no real agenda other than ticking off IOUs that it owes the union movement for its help with donations to the Labor Party and its assistance at the ballot box. It is pure virtue signalling with no real-world impact.

Where is the presumptive cancer legislation for our firefighters, which the Government promised before the election but has not considered a sufficient priority to introduce in the first two years of the Minns Labor Government? To be fair to the Minister for Industrial Relations, whose genuine passion for workers' welfare I

respect, the Minister is no doubt trying to keep faith with the firefighters but is being blocked by either the Premier or the Treasurer, who are claiming that the cupboard is bare. This Chamber's time should not be wasted by dealing with bills that are duplicative of comprehensive Federal legislation and, therefore, never going to be of any operative effect. The Opposition will not be party to that farce and, therefore, opposes the bill.

The Hon. MARK BANASIAK (16:18): I speak for the Shooters, Fishers and Farmers Party in support of the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. It is an issue that directly impacts the hardworking men and women who are the lifeblood of our economy: our transport workers and small business owners. The issues that the bill addresses have been well ventilated. They were covered in the inquiry into the point to point legislation in 2020, which was chaired by Ms Abigail Boyd, with myself as deputy chair, as well as the inquiry into the impact of technological and other change on the future of work and workers in New South Wales, which was aptly chaired by the now Treasurer, with myself as deputy chair.

One thing that stood out from the latter inquiry was the tragic story of a HungryPanda food delivery driver who died while working ridiculous hours for very little money. He had left his young family to come to Australia, to set up a new life, a better life. That part of the story is not unique. In fact, that is the quintessential migrant story. It was the story of my grandparents and is the story of so many people in this great State. What made this stand out was having his widow, in complete despair, appear before the inquiry and witnessing the careless disregard a gig company had for her and her children. He was not an employee to them; he was simply a resource to exploit. That moment alone is reason enough for me to support this bill, but there are many more.

I cannot overstate the importance of our State's truck drivers. Everything we have in our houses, the clothes on our backs, the cars we drive, absolutely every possession we have spent time on a truck at some point and got to us because of our truck drivers. Of course, this bill supports not only truck drivers but also the taxi industry, which our party has fiercely advocated for. This bill helps address some of the issues that emerged when Uber was allowed to operate illegally for 18 months under the last Government. It helps address the unequal working environment that exists in the point to point industry and was built off the back of Uber's and other gig companies' exploitation of workers, built off the back of what may have been a legally clever but morally bankrupt argument.

Both these industries have faced many challenges. We saw it most clearly during the COVID-19 pandemic, when the road transport industry stepped up to the plate, ensuring that essential goods and services continued to reach every corner of our State. Taxi drivers, with their universal service obligation, put their health on the line to ferry passengers from the airport to home or to hospital, exposing themselves. They did not have the option of tucking and running away like other rideshare companies.

I will touch on some of those challenges in some more detail. The cost of entry into road transport is immense. Aspiring owner-drivers face overwhelming financial hurdles right from the start. The costs of heavy vehicles, yearly registration and insurance are astronomical. Then there are the regular maintenance costs, the repairs and, of course, petrol and tolls, all just to keep their vehicles on the road. I had the privilege of joining the Transport Workers' Union of NSW last week in its rally just outside this Parliament. Owner-drivers from across the State parked their vehicles on Macquarie Street, and together they made their presence and their support for this bill known. I thank them for their tireless advocacy in this space. I even had the chance to climb up into one of those heavy trucks. Let me just say I did it with a reasonable level of poise and grace, though not so much in the exit.

It is not until you sit behind the wheel of one of those vehicles that you truly understand what it means to be an owner-driver. These trucks are immense, and so are the pressures that come with them. These are not only machines; they represent years of hard work, sacrifice and the constant grinding pressure of just staying afloat in an industry that is anything but kind. More often than not, owner-drivers finance their vehicles against their homes, taking on massive financial risks in the hope that their hard work will pay off. But the road transport industry is not kind. For all the hard work they put in, these drivers often have little to no security in terms of business arrangements. They shoulder all the costs yet have no guarantee of fair compensation for their work.

To make matters worse, the traditional, highly regulated point to point industry has been decimated over the last decade. The rise of digital labour platforms from giant multinational companies such as Uber has created a race to the bottom in rates and conditions for transport workers. If you do not understand what that looks like, go out on any busy night and try to catch a cab or a rideshare vehicle, go and look at the airport and see what is happening there at the moment. It is an absolute disaster. The conditions, the disorganisation and the chaos that have been created from this deregulation are just astounding.

The consequences of this race to the bottom have been dire. We have seen 18 gig workers die on Australian roads over the last 10 years. Honest, hardworking taxi drivers have not seen a substantive pay increase in over a decade. These are not only statistics; these are lives lost, families devastated and livelihoods destroyed. That is not an exaggeration. In the last Parliament, the number of phone calls I took from taxi drivers suicidal because of

what the previous Government had allowed to happen to them by allowing Uber to illegally operate for 18 months cannot be overstated.

The bill we are debating today seeks to change the freefall happening in the road transport industry. It is about restoring fairness, dignity and security to workers who have long been neglected. The reforms in this bill will no longer exclude gig workers, bread and milk carters, and others in similar roles from coverage under chapter 6. This means that these workers will finally have the ability to argue in the Industrial Relations Commission for minimum pay and conditions. By passing the bill, we are taking a step towards ending the decimation of the taxi industry and rebuilding competitive pay and conditions across the sector.

At its heart, this bill is about protecting the small business people who are the owner-drivers, the taxi drivers and the bread and milk carters, who work tirelessly to keep our State moving. I had the pleasure of meeting with the Transport Workers' Union earlier today, and I spoke directly with business owners who shared their hopes for what this reform means to them. For them this bill will enhance the Industrial Relations Commission's capacity to resolve disputes between principal contractors and contract carriers, including through issuing interim determinations when necessary; establish liability across contractual chains so that wealthy clients—those at the top of the chain—will finally be held accountable for their role in influencing the pay and conditions of owner-drivers; and enable contract carriers to recover the cost of tolls incurred as part of their work, ensuring they are not unfairly burdened with expenses that should be covered by the industry. As the Treasurer has alluded to, there is more to come. I sense that these reforms are just the beginning of a much-needed transformation in the road and transport industry.

None of this would be possible without the relentless work of the Transport Workers' Union. I take this moment to acknowledge the tireless efforts of individuals like Tony Matthews, Richard Olsen and Nick McIntosh. Their commitment to fighting for better conditions for transport workers has brought this issue to the forefront of Parliament, and for that they deserve our gratitude. I am proud to stand here today in support of this bill, which seeks to protect small businesses, to ensure that our hardworking transport workers are no longer taken for granted and to restore fairness to an industry that has been left to deteriorate for too long. I commend the bill to the House, and I call on all of us to stand united in our support of those who keep New South Wales moving: our transport workers and small business owners.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (16:26): I support the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025 in my role as Minister for Transport and as the former Minister for Roads. Road transport jobs are tough jobs filled by people who are working hard. The truth is road transport is Australia's deadliest industry. There are, across the continent, hundreds of truck-related crashes and deaths of drivers. Each of those has a real impact on families and communities. Many of those deaths are avoidable and are the product of unsustainable pressures in the industry. Many of those pressures come from higher up the supply chain. That is exactly why this bill is important. It will expand access to dispute resolution and help with cost recovery, including for tolls. It is so tough to be a driver in this State and in this city not just because of traffic; it is the tolls as well, adding to the stress and pressure on these businesses, and owner-drivers and contract carriers are small businesses. This bill will help reduce some of the pressures they face, giving them a better chance to continue operating.

This Government says it is not good enough to leave this to the Federal jurisdiction. These are longstanding provisions in the law we are amending here in some cases. It is certainly not an abuse of Parliament to be bringing this bill here. That is the position of this Government. One of my concerns as roads Minister was the view that has been put to me that this city is Australia's least friendly city for truck drivers—between the traffic, the tolls and the tough way of doing business. There is no greater symbol of that than the 180-kilometre gap between Wyong and Pheasants Nest, with no proper rest stop for truck drivers to pull off the road at. One of the things the Government is doing, in parallel to this bill, to fix that is to have a dedicated rest stop in the heart of Western Sydney. The Treasurer has indicated that this has been a long campaign, and that is absolutely true. I also thank Tony Matthews, Richard Olsen and Nick McIntosh of the Transport Workers' Union and all the members who have been involved in this campaign over decades to get to this point. I commend the bill to the House.

The Hon. Dr SARAH KAINE (16:29): It is with great pride that I contribute to debate on the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. Before I begin, I acknowledge some of the people in the gallery today—Bill Perdikaris, Steve Newton, Margaret Harvey, John Waltis, Walter Koppen, Warren Thompson, Scott McGrath, David Andrew, Nick Saade, Glen Finlay, Damen England, Johnny Lasovski, Andrew Athansopoulos and Brad Graham. We also have Rosalina, Jay and Dave as gig delegates. I also acknowledge Nick McIntosh and Richard Olsen. Richard is not in the gallery today, but I have known him for 30 years and admire him greatly, not least because he seems to be able to find the funny side of almost any situation. He is also outstandingly fierce when it comes to fighting for the rights of transport workers in the State.

I am very interested in and passionate about this area. I have a prepared speech, but I feel that I need to make a couple of comments reflecting on the contributions made by other members, particularly the Hon. Damien Tudehope. I have to say that I am astounded at the double standards that are applied to the activities that unions undertake. When Uber and other gig operators first entered the market, we were told that they were new and innovative, and that they were regulatory disruptors and were somehow exciting and interesting. However, when unions attempt to be regulatory innovators and do interesting things and go after their own interests in ways that have not been done before, that is seen as inappropriate or labelled as a farce. It is worth pointing out that unions—the organisations that represent workers—have just as much right as those large digital platform behemoths that have so much control over the work that gig workers do. The other thing I enjoyed about the Hon. Damien Tudehope's contribution was that he outlined the litany of work that the Transport Workers' Union is undertaking across the transport sector. I appreciate that being entered into *Hansard*.

I will now turn to my prepared speech regarding aspects in response to the bill. Over 10 years ago, when I first started researching and writing about the gig economy, there were concerns about the disruption of this new business model of Uber and other gig economy businesses. Business models attempting to ruthlessly drive down labour costs and circumvent labour law are not new, and neither are attempts to make sure that workers, in any job, are treated with dignity and respect and are able to earn fair pay. Often precarious work is the consequence of business restructuring and outsourcing, such as the use of supply chains; management techniques like franchising; subcontracting and labour hire; and business decisions to substitute full-time continuing employees with casual, fixed-term or contract workers or other forms of non-standard employment contracts like gig work.

Workers have been engaged in non-standard employment contracts throughout the history of our industrial relations system. And often after campaigning from unions and sometimes good employers, those contracts came with regulatory innovations that provided some protections for those workers. Chapter 6 of the New South Wales Industrial Relations Act was exactly such an innovation. Arising out of concerns for worker conditions and safety, driver death, and undercutting of wages, chapter 6 contains provisions for sustainable minimum rates through contract determinations and agreements, remedies for harsh and unjust or unreasonable termination of contracts, and a dispute resolution process.

As we heard from the Treasurer, it was first established by provisions which were originally inserted into New South Wales industrial statute in 1979 and were carried over into chapter 6 of the Industrial Relations Act 1996. It was instigated to ameliorate the vulnerable positions of owner-drivers who owned one truck and performed work for one hirer. Its provisions have largely enjoyed bipartisan support. In fact, an inquiry commissioned by the New South Wales Liberal Government in the 1960s found:

> … owner-drivers have been in the past exploited as to rates and subjected to oppressive and unreasonable working conditions.

It concluded that there was an overwhelming case for State regulation of owner-driver arrangements. Concerns about oppressive and unreasonable conditions have animated interest in the gig economy over the past decade. In 2019 I conducted a literature review of 140 publications from 2016-19 related to gig work. Three key issues were identified then and, having kept an eye on the research, I think they are still relevant now. The first of those is the question of conditions for gig workers. A key theme was the characterisation or mischaracterisation of gig work as independent contracting. That was connected to the actual conditions experienced by gig workers, and it was viewed as a risky business where management of income and hours is difficult. Possibilities for remediation were also a significant area of scholarship and include exactly what we are talking about today—opportunities for regulation and also the question of collective action for gig workers.

The second research area that emerged from the analysis was the impact of gig work on workers through how they experience their activity, on the workforce in terms of skills, and on society through the creation or destruction of jobs. We heard from the Hon. Mark Banasiak about the impact of Uber on the taxi sector. The third research area that emerged was the issue of technology. Given it is based on platform intermediation, information and information technology play a key role in gig work. The literature was particularly concerned about three areas: the management and use of personal information, the role of social media, and controversial algorithmic management practices.

All of those themes suggested that gig work is characterised by vulnerability and is subject to the control of allegedly third-party, arms-length technology platforms. But the economic dominance and control of the platforms, though wielded through algorithm, is not dissimilar to the economic dominance at the top of other transport supply chains. In fact, as already mentioned, the parliamentary select committee undertaken in 2020 on the impact of technological and other change on the future of work and workers in New South Wales, chaired by the Treasurer, concluded that current laws perpetuate the overwhelming power imbalance between lone contractors and multinational platform companies rather than mitigating it. The inquiry made four key findings:

Finding 1

That New South Wales is falling behind other states and comparable nations in developing laws that establish decent work in the gig economy.

Finding 2

That the failure to provide gig workers with a minimum wage, paid leave and other basic workplace entitlements is increasing inequality in New South Wales.

Finding 3

That gig workers currently lack the power to interact and negotiate with on-demand platforms as equals in New South Wales.

Finding 4

That the failure to provide gig workers with access to a low-cost independent tribunal empowered to hear and decide disputes is leading to injustice in New South Wales.

Those issues, particularly around worker conditions, as well as questions about regulation of non-standard employment and the impact on workers and society parallel those that were the impetus for the creation of chapter 6. Those parallels are why, despite the disapproval of gig companies and the Hon. Damien Tudehope, chapter 6 is an appropriate way to regulate transport gig workers. It is resilient legislation that has survived over 40 years of various New South Wales governments and attempts at a Federal takeover through the Independent Contractors Act.

Rapid growth in the transport sector during the Second World War, which continued into the post-war boom, resulted in demand for employee drivers outstripping supply and led to transport companies seeking owner-drivers to overcome the shortage. Those developments took place against a background of legal precedent where common law contracts typically viewed truck owner-drivers as contractors rather than employees. Those owner-drivers historically became deprived of the benefit of legislative protections for employees, such as legislatively determined minimum pay rates. Does that sound familiar? It sounds very much like the development of the gig economy.

While I acknowledge that in some industries a level of flexibility and independent contracting does facilitate entrepreneurial activity, it is a big stretch to say that that is the case in food delivery, for example. I recognise that there are a variety of motivations, circumstances and categories of people working in the transport gig economy, just like the difference in categories of owner truck drivers. Some people engage because they want to have flexibility. Indeed, I have conducted research and published papers on the ways in which gig drivers understand their own work.

However, it is our responsibility to ensure a minimum set of conditions for all workers in the transport industry and that companies are not driving down standards for those whose bread and butter is driving. It is our basic responsibility to render exploitation more difficult and to provide workers with minimum and safe working conditions regardless of why they are doing it, regardless of other people's sense that they might choose to be working that way, and in the face of the repeated fallacy that imposing any minimums in some way means the death of flexibility and choice.

The successful operation of chapter 6 for owner-drivers over decades makes a lie of that. Let us not forget, though, that the changes are not just about extending the coverage of chapter 6 to transport gig workers; they are also about modernising the chapter to ensure that it reflects the modern transport industry. What is important about chapter 6 generally, and these changes particularly, is that everyone who is involved in the contractual chain and reaps benefit from the work of the driver or rider bears some responsibility. It is important to be explicit about what constitutes a contractual chain, and the bill does so by adding a definition of contractual chain to the Act.

The bill also introduces a new section, where those persons who have been involved in a contravention of the new provisions are taken to have contravened those provisions. That accessorial liability can, for example, result from aiding, abetting, counselling or procuring the contravention or from inducing the contravention by threats and promises. The provisions reinforce that models for the regulation of labour standards in contractual chains need to take into account that the direct engager of workers is not the only economic entity that bears responsibility; indeed, often the organisations with the most economic power are several steps removed from the worker but they are the ones that wield control—in other words, they are the price-makers—and largely determine the conditions of contracts.

We know how to regulate for fair work. It takes will, determination, creativity and an understanding of history. The will to provide regulation for minimum standards for gig workers in New South Wales has been provided by this Labor Government. The determination has been provided by the relentless campaigning of the Transport Workers' Union for protections that serve workers in the modern transport industry. And the creativity and preparedness to look beyond ideology to support workers engaged as small businesses and now as gig workers

have been provided by every person in this Parliament in the past and today who has understood that protections like these are fair and reasonable and address market distortions that jeopardise livelihoods and lives themselves.

It is unfortunate that members opposite have chosen a different path. At the end of the day, chapter 6 is a clever and appropriate place to legislate for those engaged outside of direct employment in New South Wales transport. It has its roots in keeping drivers safe and is resilient. But it is appropriate to modernise it after 45 years. I draw members back to the 2020 New South Wales parliamentary inquiry into the future of work, which I mentioned earlier. One of the 22 recommendations states:

> That the NSW Government take greater leadership in the gig economy by actively anticipating the changes taking place, monitoring those changes and their effects, engaging with both business and workers, and establishing the best regulatory measures to ensure optimal outcomes for workers, business and the broader community.

It is fantastic to see a Labor government enacting this recommendation. I am proud to support the bill and suggest that every member of the House do so too.

The Hon. JOHN RUDDICK (16:43): The Libertarian Party opposes the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. We will not be moving any amendments to the bill as we do not see how it can be salvaged. It is an unnecessary and harmful duplication of Federal legislation that also should not exist. I salute the many workers in the thriving gig economy, so named because those who work in the industry treat each task they get paid for as a one-off gig. Many choose to do a lot more than a one-off gig, of course, but there is no obligation to do so in many cases.

The gig economy is laissez-faire economics at its finest. The industry has sprung up without any so-called government assistance because it can stand on its own feet and thrive. The gig economy is a success because it has endless happy customers. It is supply-side economics at its finest. Its prices are determined not by a politician or a bureaucrat but by good old supply and demand. The genius of the gig economy is how flexible it is. Those who choose to earn money from the gig economy are only interested in having a largely commitment-free arrangement with their employer. Many are only interested in short-term work. Who works in the gig economy? They are typically ambitious young people who are determined to get ahead by working hard and diligently. Employers, customers and employees are happy. I have not seen any gig workers protesting and marching in front of Parliament asking to effectively be put on the slippery slope to unionisation.

The Hon. Daniel Mookhey: Careful what you wish for.

The Hon. JOHN RUDDICK: No, they will not. They are all too busy happily working. Why does the Labor Government, and all Labor governments since the 1890s, want to shackle thriving, happy industries? It is because the central planners get irritated. They cannot sleep at night, knowing that somewhere out there people are prospering beyond the reach of their interference. The central planners lust to be busybodies. I am convinced that they are convinced that they are doing good things. The reality is that all these laws and regulations harm people. I saw that in mortgage broker industry. That situation was quite similar to what is happening with gig workers. In the 1990s banks, borrowers and brokers got together without any government coordination. It just sprung up out of the blue. After about 10 or 15 years, there was a magnificent industry called the mortgage broking industry, which government had paid no attention to. Then it gets to 50 per cent of the market. Obviously, the home loan market in Australia is a pretty big market. I am talking about trillions of dollars. Then Kevin Rudd came along and said, "We've got to regulate this."

The Hon. Mark Buttigieg: Yes, because it was rorted.

The Hon. JOHN RUDDICK: Mr Union Boss would know. Were there any complaints about mortgage broking?

The Hon. Rose Jackson: Yes.

The Hon. JOHN RUDDICK: Well, people were voting with their feet. They did not want to deal with banks; they wanted to deal with brokers. It is up to 75 per cent now. There were no complaints. There were more complaints about branches than brokers. That was the success of the brokers. But Kevin Rudd said, "We've got to throw in endless regulation." The Liberal Party was not any better under Scott Morrison, but Rudd kicked it off, of course. It just put a handbrake on everything. It used to be a really dynamic industry. It still is a good industry, but it could be a lot better. An outstanding decision of the previous Government was in 2015 when the State—the gracious State—permitted ridesharing services like Uber in New South Wales. It was outrageous we even needed to have a debate about that because Uber was already being widely used. We should have just welcomed Uber. If the people do not like it and if the customers do not want it, they will not use it. If the workers do not like it, they will not work for it. That is what happens in the free market.

In the pre-Uber era our genius overlords were debating, "How can we have this situation where a stranger gets in stranger's car and we're not looking after it? There are going to be safety issues. Something is going to go

wrong. It is just going to be terrible." They could not see how it worked in theory. The free market delivered the Uber app. Of course, I am not talking only about Uber, but it delivered a superb, efficient, cheap and popular service where drivers and passengers can rate each other. It works beautifully. In the old taxi industry, people would get a government licence, which they would pay a lot of money for, but they had no incentive to innovate. That is why the industry fell apart. It was another government failure in industry. I think the Hon. Daniel Mookhey would agree in his quiet moments.

The Hon. Daniel Mookhey: When are my quiet moments? I've never had one.

The Hon. JOHN RUDDICK: The Treasurer knows what is going on. We are working on it. We will make him like Michael Costa. He will evolve with time. The bill far exceeds the Government's original election commitment to bring gig workers under chapter 6 of the Industrial Relations Act. I remind the House that this commitment has been well and truly overtaken by events, specifically the Albanese Government's Federal reforms. I thank the Leader of the Opposition in this place for providing that history, which I did not know. It all makes sense now. We already have these laws. The Libertarian Party does not believe in these laws but, as the Leader of the Opposition said, if we are going to have them, they should be at the Federal and not the State level, because the gig economy is a national industry. Despite Federal reforms and with minimal consultation with industry, the Government is pushing ahead with unnecessary and rushed legislation without a compelling justification for its urgency.

The bill dramatically expands the scope of industrial disputes in New South Wales, allowing unions to bring forward disputes on just about any so-called industrial matter before the New South Wales Industrial Relations Commission. It removes the public interest test. Those disputes will no longer be tied to compliance with an industrial instrument. That will open the floodgates for the Transport Workers' Union to bring disputes about virtually any issue related to platform work, including pay and conditions, terminations, discrimination, surveillance and even established industry customs. It sounds like misery for everyone except the unions and their legal mates.

Once the commission hands down a ruling, it becomes a binding industrial instrument. The Government says that this is world-leading reform. That is nonsense. It is simply damaging and duplicative. The Federal system, under the Fair Work Commission, is already implementing national minimum standards for gig workers. Again, the Libertarian Party opposes that on principle. Government overreach and government meddling did not create the gig economy, but government overreach will smother it and stop its innovation. It could innovate for another 100 years if the Government got out of the way. If the technology keeps getting better, we say let it go and get out of the way. The Government might be keen to tick a box on its election promises list and keep the Transport Workers' Union happy, but at what cost?

The Hon. Dr Sarah Kaine: Hear, hear!

The Hon. JOHN RUDDICK: "Hear, hear!" said the member for the TWU. The bill is not unnecessary; it is actively harmful. If it is passed, the bill will only achieve confusion, red tape and a waste of resources. The bill will burden businesses and tie up gig workers in endless, needless disputes. In the end, it will increase the price for consumers. That is what is going to happen. Fewer people will want to work in the industry, prices will go up, new entrants will be deterred from joining the market and central planners will have achieved what they wanted to achieve. They will have stagnated a flourishing industry, but they will have control and oversight. I urge the House to reject the bill. The Minns Government must cease endlessly kowtowing to union shopping lists.

Ms ABIGAIL BOYD (16:51): As The Greens' industrial relations and work health and safety spokesperson, I indicate our support for the bill, which will modernise chapter 6 of the Industrial Relations Act 1996. The bill has been a long time coming. I acknowledge and congratulate members of the Transport Workers' Union. A number of its members are in the gallery today to witness the passage of the bill through the Parliament. They have been calling for changes to the Act and for protection for their colleagues and comrades in the transport sector. The TWU has been relentless in its campaign for greater protections, not only for application-based gig workers like drivers and food delivery riders, but also for its members across the entire road transport industry.

The campaign for reforms to conditions in the transport industry has been prosecuted relentlessly for more than two decades, and it is testament to the power of that campaign that the TWU has won it twice over. First, in August last year changes were passed in the Federal Parliament to create a road transport division of the Fair Work Commission so that employee-like workers are granted greater protections against predatory contracts, the right to lift standards across the industry and the ability to resist the race to the bottom led by exploitative employers. Second, with the passage of this bill, a 30-year overdue update to chapter 6 of the Industrial Relations Act will provide protections for owner-drivers and gig economy workers against the shonky and underhanded tactics of big companies.

The reform has been a long time coming. The campaign was waged on many fronts. It has been less than 10 years since food delivery apps were introduced in Australia, but in that time more than 15 workers have died and thousands more have been injured across the country. In 2020, in the span of three months, five food delivery drivers died on the roads in the course of their work—four of them on Sydney roads—as a result of the deadly pressure placed on them as they worked under the onerous conditions imposed by the technolibertarian applications that have swept across the nation and the world. The absence of basic entitlements like minimum wages and protection against unfair contract terminations drive workers to put themselves in harm's way simply to keep their jobs and make enough money to scrape by.

In March 2020 this House resolved to form a Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales to examine, among other things, the impact the on-demand or gig economy has had on the safety and prosperity of workers in the New South Wales economy. I recognise the now Treasurer for his instrumental role in the establishment of that inquiry. I recognise also my colleague, now Senator David Shoebridge, for the work he has done in this place, as well as in the Senate, where he assisted with the passage of the Fair Work Legislation Amendment (Closing Loopholes No. 2) Bill. I participated in the inquiry into the future of work and am confident that the expert submissions and evidence, and the recommendations that subsequently emerged from the inquiry, were instrumental in the formulation of the bill before the House.

The inquiry found that New South Wales had fallen behind in its regulation of the gig economy and that the failure to provide gig workers with a minimum wage, paid leave and other basic workplace entitlements was increasing inequality in New South Wales. It clearly identified the immense power imbalance faced by gig workers in their interactions and negotiations with on-demand platforms. It recommended the establishment of a tribunal or jurisdiction with the power to set minimum pay and conditions for gig workers, regardless of work status, and the extension of chapter 6 to include at least rideshare and food delivery workers, as well as those engaged to deliver bread, milk and cream. Those recommendations have been taken up as policy by The Greens, and we are very pleased that legislation is before the House today.

The Greens are also in favour of the establishment of a portable entitlements scheme for gig and other precarious workers, and the provision of full workers compensation benefits to on-demand platform workers that are equivalent to the level of benefits currently provided to employees injured in New South Wales workplaces. I look forward to supporting the inclusion of gig workers in the workers compensation regime when the Government eventually acts on that still-outstanding recommendation and commitment it made prior to the election. As the Treasurer would be aware, members are anxious to know the details of the foreshadowed changes to workers compensation that have been swirling around in recent weeks and months. Will the Government give an assurance that workers compensation coverage for gig workers is still a commitment, or has that fallen by the wayside?

Another highly relevant recommendation that emerged from the inquiry was for an urgent review of the grouping provisions in the Payroll Tax Act 2007 to ensure that on-demand platforms do not obtain an advantage over other businesses that do not trade in the gig economy. That is particularly relevant because Uber is before the courts, contesting an outstanding payroll tax bill of over $80 million. Uber is a notorious offender; it extracts astonishing levels of profit from the poorly regulated Australian economy. Uber Australia has been described as the "crown jewel" of the Uber group. A former food delivery executive described Australia as a "big profit centre for Uber Eats". In 2023 it was reported that Uber Australia's "collections" through a third party was $9.2 billion. That is the best proxy we have for the full size of spending on its platforms in the country. That money is funnelled through related companies and complicated tax structures.

Despite rideshare drivers and food delivery riders generating literally billions of dollars for Uber, Uber has been notable for its screeching and fearmongering about the prospects of regulation and being made to pay its fair share. This reform occurs in that context. It is no accident that we are describing this reform as a modernisation of chapter 6, because the law has fallen well behind the pace of change in the point to point transport and carriage sector. Over the past 10 years, gig platforms have driven an enormous upheaval of our society and economy. These companies and their investors have aggressively flooded our market. In Uber's case, that has meant undercutting the taxi industry to grab massive swathes of new customers. Its point of competitive advantage is its supposed innovative new model.

While using GPS and one's phone to place an order was certainly novel, it was not a transformation in the way things were done, and it does not warrant Uber's immense profits or its ability to disrupt entire industries. At the end of the day, we are still getting in a car to be driven somewhere or using a phone to order food from a restaurant and have it delivered. We could do those things in the 1980s. The real innovation that has led to the explosion of these companies is their innovation in corporate structure and employment model—their innovative new approach to sidestep workplace regulations. Their real engineering breakthrough was to artificially deem

their workforce as contractors, not employees, while depriving them of all the agency that would typically accompany a genuine contractor arrangement.

Uber launched, illegally, in Australia in 2012. It did so in full knowledge of what it was doing. In fact, that strategy was pulled directly from the playbook it has replicated around the world to move fast and break things. Undercutting workers' rights is one of America's most significant cultural exports, and these companies have followed in a long and proud tradition. Stage two of this strategy states that after breaking into a market and undercutting existing stable operators, you then lobby to legalise your operations. That is exactly what they did here, to disastrous effect.

I was privileged to chair the inquiry into the operation of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016, another parliamentary inquiry that identified the pressing need for reform of chapter 6 of the Industrial Relations Act. The tenacious Treasurer was on that inquiry as well. Relevant to the point to point transport industry is the system of bailment, which provides employment protections for taxi drivers but not rideshare drivers. The relationship between taxi drivers and taxi operators is governed under chapter 6, which applies to bailment and contracts of carriage. This legislation provides a "discrete regulatory regime for certain transport workers, who at law are not employees". During that inquiry the New South Wales Government told us in evidence that "rideshare drivers are unlikely to be covered by chapter 6" because of the way bailment is defined. And because rideshare drivers are not considered employees of their rideshare platforms, this means they do not have access to employee entitlements.

Fully aware of this, the former Government proceeded to welcome in these platform companies anyway, destroying the value of taxi licences while leaving rideshare drivers adrift in an industrial regime that granted them no power. The business model of these platforms is to fragment their workforce to degrade and undermine its power and ability to organise, therefore enabling them to exploit their workers and siphon off enormous profits. Because of the unfavourable working conditions, in many cases those who end up taking on this form of work are those workers already most vulnerable and prone to super exploitation, like migrant workers and young people.

It is for this reason that this bill specifies the matters that must be fulfilled in order for the commission to make a contract determination. The commission must not make a declaration unless it is satisfied it relates to persons who have low bargaining power, who receive remuneration at or below the rate of a comparable worker, who have a low degree of authority over the performance of their work, whose contract is or operates unfairly against them, or whose contract is otherwise considered unreasonable.

Read another way around, when all stakeholders and this Parliament agree that the functional effect of this bill will be to enable the commission to make determinations with regard to platform-enabled transport and delivery workers on platforms like Uber, DiDi, Menulog, HungryPanda, it is a laundry list of the degradation of workers rights and conditions that have been imposed by these exploitative companies. This bill is stating that we recognise that these workers are subject to their collective power being consciously dispersed, their wages undercut, their agency undermined and their contractual terms made unfair and unreasonable, and that we want to bring these big companies to heel. I could not be happier to support this important initiative.

But while a lot of attention and discourse surrounding this legislation has rightly concentrated on platform-based delivery drivers, it is not exclusively for those workers that this bill is relevant and it is not exclusively for those workers that the Transport Workers' Union has campaigned for so long. For owner drivers, these reforms will mean a lot. An owner driver is a small business that is highly dependent on a principal contractor for their ongoing work. It is not uncommon for an owner driver to operate more than one vehicle for the principal contractor, often at the request of the principal contractor.

Yet under the current regime they lose access to chapter 6 if they do so, meaning they lose access to a minimum enforceable safety net and the right to challenge unfair termination of contract without onerous and burdensome litigation. This traps small operators and owner drivers in a relationship that stops them from being able to grow, build a little more buffer or provide employment opportunities to, often, family members or other relations. Alternatively, it forces them to expand against their will and in the process in fact undermine their own rights and entitlements.

This bill expands access to chapter 6 contract determination provisions to owner drivers with up to three vehicles. This better reflects the reality for these workers and is an important provision. Owner drivers in the transport industry are not as visible a class of workers in the public discourse as others, but they are some of the most precarious. They have been subject to profound contractual precarity as a result of their diminished bargaining power. This bill will seek to provide, in effect, access to unfair dismissal protections for those workers. So too have owner drivers faced uncertainty of contract through no fault of their own, seeing their livelihood thrown into the air and into disarray just because of a change in principal contractor. This bill will allow for transmission of business in relation to contract agreements, a simple matter that is extremely significant.

One of the reasons chapter 6 has been historically necessary—and is in need of reform and modernisation—is because of the distinct nature and construction of the road transport industry. It can be turtles all the way down, with layers upon layers of contractors. This reform allows for accessorial liability, which means liability right throughout the contractual chain. This means that no matter where you are within a contractual chain from top to bottom, determinations are able to be made that apply and all participants can be held accountable under those determinations. That is a vital reform that prevents tricky corporate structures designed to prevent access to justice for workers.

Finally, drivers will be able to recover toll costs incurred in performing their contracts. This might seem like a simple proposition, but its inclusion is significant and also representative. This matter was one prosecuted adeptly and effectively by the Transport Workers' Union in another inquiry I had the privilege to chair, the inquiry into road tolling regimes. During that inquiry we heard of how contract carriers or owner drivers face an unbearably high cost imposition by toll roads in the context of a highly competitive price-taking industry.

The terms contract carriers are engaged under are often set unilaterally, limiting their bargaining power, and too often the rate offered by principal contractors does not provide for cost recovery for toll expenses. The cost must then be borne by someone, and that someone is the driver. Due to the often unreasonable timing and scheduling expectations of these drivers, and because of the appalling state of our road network generally, it is not possible for those drivers to avoid the toll roads. This bill will provide for a fairer process where routes can be mutually agreed upon and, where necessary, toll costs can be recovered.

I saved this section for last as it ties together what is a remarkable campaign by the Transport Workers' Union and its supporters both within and outside of this Parliament over many, many years. That this House, and myself as chair of some of those inquiries, had the benefit of meeting with and learning from so many workers over the years as a case was built for these vital reforms tells a real story. It demonstrates tenacity and dedication. It demonstrates creative thinking and flexibility of approach. It demonstrates the undeniable necessity and legitimacy of this long overdue reform. I congratulate every person who has played a role in bringing it about.

I note here also the work of the Minister for Industrial Relations, Sophie Cotsis, and her team for their work on this bill. I am reliably informed that the bill has gone through an ungodly amount of revisions and amendments on its long journey to us today. There are some pretty significant changes from the exposure draft version of this bill that was exhibited for over a month online. The fact that this bill has landed in such a way that all parties are satisfied is a testament to the maturity of approach and legitimacy of the reform. I say all parties, but that's not quite true; the Australian Industry Group still is not happy about it. That should stand as the greatest endorsement of all as to why this is a good bill worthy of support.

I note the point of the Leader of the Opposition that these provisions are best dealt with federally. With a Federal election to be announced imminently, I think it is extraordinarily prudent for us to legislate a Dutton-proof backstop. All members know that the first thing he will do is seek to tear up every industrial relations law advancement that has been achieved in the last few years. Let us take responsibility for the workers in our State and lock this in. I again congratulate everyone involved. I look forward to continuing this more open and constructive collaboration on the reforms that matter most to the working people of our State. We support the bill.

The Hon. MARK BUTTIGIEG (17:07): Madam Deputy President Kaine, I start my contribution by acknowledging your investment in the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. I congratulate Minister Sophie Cotsis, who has been instrumental in bringing this bill to the Parliament, but also Treasurer Mookhey, who has had a long history with both the Transport Workers Union and this sector and pursued this relentlessly in opposition over a long period of time. I am happy and proud to support this important piece of Minns Government legislation. Once again, it is a Labor government doing very Labor things.

The legislation is significant because it brings several areas of workers rights that have hitherto had no protections or industrial recourse into the remit of the Industrial Relations Commission to afford those workers access to wage and condition justice. Significantly, the bill allows for gig economy workers in the transport industry—predominantly rideshare and delivery drivers using platforms such as Uber—to be covered under chapter 6 of the Industrial Relations Act. The bill removes exclusions to allow delivery drivers of items like milk, bread and dairy to access protections under the Act. The bill also provides protections for small transport operators with two or three vehicles. Currently, once an owner driver has more than one vehicle they lose the protections of minimum terms and conditions that are afforded under the Industrial Relations Act. I know many of those owner drivers are in the gallery today, and I will acknowledge some of them later. Those are just a few of the ways this bill will modernise chapter 6 of the Industrial Relations Act.

I note that this legislation is supported by Business NSW and the Taxi Council, and we are in a somewhat unusual position of the champions of business on that side of the House not supporting the bill. Once again, this

legislation exemplifies the worker-focused nature of the Minns Labor Government, which is doing very Labor things on top of the raft of reforms that we have already achieved in two years. Up until now, we have had a totally unfair and unjust situation whereby those workers had zero protections and recourse as a direct result of the wilful inaction of members opposite, who I note are opposed to the legislation.

I acknowledge some of those workers who are in the gallery today: Tony Matthews, the president of the Transport Workers' Union [TWU] New South Wales branch and an experienced owner-driver; Keith Stone, who until recently was an owner-driver and has fought for these changes for decades; Scott McPherson, an owner-driver at StarTrack; Paul Newton, David Lenoir, Ralph Rivas and Zak O'Brien, owner-drivers from Team Global Express; Rob Serafini, an owner-driver at FedEx; Ian Barnaville and Paul Dewberry, owner-drivers in the concrete sector; Dave Wojcik, an owner-driver at Toll; Rosalina Pirozzi, a gig worker; Warren Thompson, a lorry owner-driver; Walter Koppen, a lorry owner-driver for ANC; and Ray Childs, a long concrete delegate of the TWU. I apologise if I have missed anyone.

The TWU has shared with me a real situation experienced by Team Global Express owner-drivers Paul, Dave, Ralph and Zak. In 2021 the division they worked for was sold to a new principal contractor. Any existing contract they had did not transfer over, which left their rates and conditions at risk. Fortunately, in this case, the new contractor came to the bargaining table. Regardless, Paul made the point that this showed how vulnerable they were to the generosity of the new contractor. There was no requirement for the new contractor to honour their existing rates and conditions. Paul said:

> It's too easy to undercut our conditions by threatening to go back to minimum standards. Drivers share some of the liabilities (insurances and running cost), all of which are assumed under conditions and agreements that are in place without the view they won't be subject to change.
>
> We must finance our vehicles against our homes—

they are taking mortgages out against the purchase of equipment; in this case, trucks—

> with massive entry costs, so we are incredibly vulnerable. The security of knowing that a transfer of business comes with our conditions would make us feel a whole lot safer.

This example illustrates how necessary this bill is to ensure the protection of small businesses—members opposite claim to be the champions of small business—operating in the road transport industry. The bill ensures that an existing agreement would apply to the new principal contractor. Why do people have to tolerate this situation whereby, just because they are a small-scale owner-driver with a couple of trucks or are working through the agency of a platform app, they have no rights at work and are at the behest of employers with no recourse to pursue claims for decent wages and conditions? By bringing these classifications and job types into the remit of the Industrial Relations Commission, we give those workers the protections they deserve and make a real difference in their working lives by allowing them to be lifted up to the same standard as their colleagues in similar transport jobs across the industry.

I will address a couple of points that were made in the debate. The Hon. Damien Tudehope went on about duplication, and we heard various contributions as to why it is necessary for this legislation to be enacted at the State level to fill in the gaps. Even to the extent that there is duplication, why would we not give access to working people to a low-cost, worker-friendly and accessible regime? What happens, God forbid, if those opposite get elected at the Federal level? We want to assert our right as a State legislature and enshrine protection for workers, notwithstanding what members opposite might do if they ever get elected to government. As far as the Hon. John Ruddick is concerned, he regaled us with the virtues of a totally free market—"Let AI rip, let platforms rip, and to hell with what happens to workers as a result"—which is insanity writ large.

Technology is a great thing. Platforms that ease or lubricate information between people and goods and services are good things to have but not at the cost of workers' rights. The gig economy and the gig platform technology are examples of things to come, which Deputy President Kaine has done a lot of work on as well. With the spectre of artificial intelligence, unless we get in front and pre-empt what is going to happen and legislate and empower workers to control AI—not the other way around—we will be playing catch-up time and again. We should not have to play catch-up. We should be anticipating what can happen with technology and use it to empower workers instead of leaving them on the scrapheap. This legislation picks up the pieces and makes sure that that does not happen.

Before I conclude, I reiterate what I have said previously in this Chamber. It is important to understand the difference between this Labor Government and our opponents, which should be patently obvious to all given how the debate is panning out. Under members opposite, who do not believe in industrial relations, the thought of ever having this legislation is unthinkable, and all members know it. They have proved that today. For those who want to criticise us for having links to the trade union movement, this is a transmission mechanism of working people sharing the problems they have experienced over many years. They are using their connection to the labour

movement, which in this case is via the Transport Workers' Union—one of the greatest unions affiliated to our party—to get results. That is what we are all about, and we do not hide from that. We are proud of our unions. The fact that members opposite oppose the bill says everything about their philosophy and how they treat working people. It is disgraceful.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): Order!

The Hon. MARK BUTTIGIEG: Those opposite should know that their own supporters at Business NSW support the legislation. I finish up by reiterating it has taken decades of effort from the TWU and its members to bring this legislation to fruition. I acknowledge the strong advocacy of Tony Matthews, Richard Olsen—who cannot be with us today—and the assistant State secretary of the TWU New South Wales branch, Nick McIntosh. I notice that Minister Cotsis is present tonight to see this bill through, and she has been instrumental in this game-changing piece of legislation. I reiterate my thanks to the Treasurer for all his work on the bill. I commend the bill to the House. As I said, this is a Labor Government doing very Labor things.

The Hon. MARK LATHAM (17:18): I support the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025 on the foundation that it is the least worse option available to the House and a leap of faith in saying that we trust the Treasurer—and it takes some faith to do that. Having completed an economics degree way back when, I struggle with the new concepts. The care economy? I dry retch in the morning when I think about the idea of a care economy being a concept for employment growth when, really, it should be the private sector. Over the past couple of years I have struggled to understand the gig worker and the gig economy, and I think I have worked it out that they are things that are moved around on contract labour, be they product services or people. Is that pretty well it? Yes, that's the gig economy.

The Hon. Daniel Mookhey: Intermediary through digital platforms.

The Hon. MARK LATHAM: It is true, from my understanding of the gig economy and gig workers, that they are often exploited, they are lowly paid, and they can be working in dangerous conditions. It is incumbent upon members of the Parliament to do as much as we can to help the workers affected so badly by those poor wages, poor working conditions and job insecurity. I welcome the initiative, but I worry about weakening the principle of a unified national economy. Jeff Kennett took the initiative in Victoria. One of the few good things he did for the economy was to try to bring in a single national framework for industrial relations law. It was supported by Labor in Canberra, and the powers were transferred around the Commonwealth. But apparently chapter 6 is a residual power that was left behind in the era of Kennett and other State and Territory transfer of industrial relations powers to the Commonwealth. In Canberra the transfer was welcomed. I remember Laurie Brereton manfully trying to free up the system with a bit of enterprise bargaining and having to stare down the unions for that purpose. It was good economic reform and should have gone further.

This residual chapter 6 goes back to milk deliveries. I can remember soft drink being delivered to the House. I suppose, back in the day, we had bread and other food deliveries. They are coming back into fashion at Woolworths and Coles, so what was old has become new again. At least chapter 6 has regathered some relevance. But does it put us at risk for forum shopping? If the laws are the same in Canberra, the worker representatives—I suppose old mates in the Transport Workers' Union [TWU]—would be saying, "Which is the industrial relations judge who will give us the best deal? Is it the one in New South Wales or the one in Canberra?" Then, if the business representatives lose out according to that judgement, they will go to the other forum—the other jurisdiction—to see if it can be overturned. Of course, the Commonwealth wins.

That is a matter that I would like the Treasurer—an expert, we heard earlier today, at organising TWU blockades and boycotts—to give an explanation on these laws in his reply, because I am something of an amateur in this area. My only TWU expertise, of course, was the Australian Labor Party's famous document, *Greiner's 100 broken promises*. I thought, in a pure sense, I would list broken promise 87 as Greiner's failure to launch a royal commission into the TWU. All hell broke out! Number 87 had to be purged from the document, and I was temporarily purged from Bob Carr's office because of the outrage of the TWU. I hope they have forgiven me.

The Hon. Daniel Mookhey: No.

The Hon. MARK LATHAM: They haven't? All these years later, it is a hard, tough—

The Hon. Daniel Mookhey: Never forgive, never forget.

The Hon. MARK LATHAM: It is a unforgiving union. I am supporting the bill today. Is that any sort of penance?

The Hon. Daniel Mookhey: That might help.

The Hon. MARK LATHAM: I support the bill as the least worst option. I would like an explanation on forum shopping, which is a major concern. Are we undermining the principles of a unified national economy? Whether someone is an Uber driver or a milk, soft drink or food delivery man in Western Australia, Queensland or New South Wales, there should be one set of laws that cover what is a national economy. That is the one concern I have. I understand there will be no division or amendments on the bill, so it is going through.

The Hon. Wes Fang: So why all the talk?

The Hon. MARK LATHAM: Sorry? Maybe there is a late entry to the amendment race, but we will see what that comes to.

The Hon. Wes Fang: Don't tempt me.

The Hon. MARK LATHAM: We won't, don't worry. The statute will not come into effect until 12 months after assent, so this time next year. Then the statutory review is the year after that, which is during the State election campaign, so this item could have a chequered history. I will still be in this place, as will half the members of this House, for the statutory review, which will be important to see whether there has been forum shopping and whether we are undermining the principles of a unified national economy, particularly in industrial relations laws. We have those safeguards in place, which is why I support the bill. I hope it succeeds in achieving the outcome of protecting these workers, to give them better wages, greater safety and greater job security, which is absolutely critical. The Parliament has one important role, which is to protect the most vulnerable in society, and we are talking about that group in the workforce. So even if I do not have the forgiveness of the TWU—this hard, tough union, unforgiving in every single sense—from all those years ago, I still support the bill.

The Hon. CAMERON MURPHY (17:24): I support the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. It is an important and necessary bill, despite what the Opposition said about it. For the sake of brevity, I will not go through the elements that have already been ably put to the House by the Hon. Dr Sarah Kaine, the Hon. Mark Banasiak and the Hon. Mark Latham. I will talk briefly about the changes that schedule 1 [8] will make. I start by thanking the members of the Transport Workers' Union for their long, hard work campaigning for this. It is incredibly important, and I commend them for that. I also commend the Minister, the Hon. Sophie Cotsis, for bringing the bill to the Parliament and, of course, the Treasurer, for dealing with it in this place.

Members have talked about the long, hard, dangerous work, in particular of gig workers. We know that if there is a gap at all between Federal and State laws, gig platforms like Uber, DiDi and the myriad various food applications will find it and ram their platform right through it in order to exploit people. We saw that when Uber turned up in New South Wales. For the first of couple years it was running in a completely lawless fashion, not following the law in any way, shape or form. The Government at the time did little or nothing about it. We have to regulate in this area to make sure people have a fair day's pay for a fair day's work.

It is not only the poor hours, low pay or significant danger facing gig workers; it is their inability to negotiate with those platforms. I have had gig workers say to me "Who do I talk to?" because the boss is usually some AI chatbot that they talk to in a dispute. One of the biggest complaints that I hear from gig workers all the time is on the issue of down rating. If a customer makes spurious complaints, gives the worker one star instead of five stars or leaves a bad review—down rates them—there is no effective mechanism for a review. They ask for it to be reviewed—AI is doing that work for one of these platforms—and if it goes against the worker, despite the facts and the evidence they might have, practically, there is nothing that they can do about that. They may as well be arguing with a chatbot. At least now there is a jurisdiction that can deal with all sorts of disputes, not just pay disputes but disputes over conditions. Things like down rating have a material effect on people's earnings—

The Hon. Damien Tudehope: What about the Fair Work Commission? What does it do?

The Hon. CAMERON MURPHY: —because it means they miss out on jobs and miss out on work. The important thing about this legislation is that it closes any gap that might be there.

The Hon. Damien Tudehope: What gap?

The Hon. CAMERON MURPHY: It provides jurisdiction to New South Wales bodies to deal with it, and that is the very least we ought to do in terms of protecting these workers. I am not going to draw this out by responding the Opposition's interjections. I will just say that I commend the bill to the House. It is utterly necessary, and I am glad that we have honoured our election commitment to bring this legislation to Parliament.

The Hon. DANIEL MOOKHEY (Treasurer) (17:28): In reply: I take this opportunity to thank all members who contributed in this lengthy debate on the Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025. I thank the Hon. Damien Tudehope, the Hon. Mark Banasiak, the Hon. John Graham, the Hon. Dr Sarah Kaine, the Hon. John Ruddick, Ms Abigail Boyd, the Hon. Mark Buttigieg, the

Hon. Cameron Murphy and, of course, the penanced the Hon. Mark Latham as well. It has been remarked in this debate that I have had a long association with the Transport Workers' Union [TWU]. One of the things that I learnt at the TWU was the general principle that if one has the numbers, one should call the vote.

I am not going to make an extensive reply, but I address some of the matters that have come up in the debate. I start with the contribution of the shadow Treasurer, and shadow Minister for Industrial Relations, who asked: Why enact laws in New South Wales when there are laws in Canberra? The story told by the Hon. Damien Tudehope was missing some important context—that is, his party fought relentlessly against those laws in Canberra, did everything it could to stop those laws in Canberra, and has said that it would get rid of those laws in Canberra. That is an important piece of context that people should recall. The Hon. Damien Tudehope says that transport workers should not fear the Liberal Party because it supports them and there is already a law to protect them, but the Federal Liberal Party has acted in a way that is contrary to that. That is the first point.

The second point that I address in further detail is the question: What is the point of the law? A fine student of the law that was enacted in Canberra would say that that law has drawn from concepts that have applied in New South Wales since the 1970s. This State has been dealing with matters that Canberra has not dealt with since the 1970s or in the Fair Work Act 2009, particularly when it comes to rideshare and its interaction with the taxi industry. The Fair Work Commission system has relevance to rideshare and parts of the taxi industry, but it remains the case that under Federal law, contracts for bailment and such remain predominantly a matter for the State. Therefore, there is the risk that in the absence of a law like this in New South Wales, there will be jurisdictional confusion at a Federal level. The fact that the Federal law does not override the standards that we have for the taxi industry in New South Wales means that we need to ensure that the standards here and the system that sits behind them are dealt with.

The system that we are putting up will ensure that the same protections that apply in Canberra for gig workers when it comes to termination also apply for non-gig workers who are otherwise covered by chapter 6 in New South Wales. That is the concept of termination. That is the point about how our laws are changing. In the scenario of our Constitution, in which responsibilities are allocated between the Commonwealth and the States, the system works when everyone is keeping pace with each other. The problem that we have had for a long time is that we have ceded ground to Canberra and allowed the system to fossilise and not be modernised. When it comes to picking up concepts that Canberra has picked up already—like principal contractors, supply chain regulation and the like—putting them into New South Wales law is a good thing. That is a large part of what the Government is doing with the bill. I will answer the good questions asked by the Hon. Mark Latham about whether the bill is disturbing the national integration of industrial relations laws. Firstly, I was not in the Parliament when the referrals took place in the Commonwealth. In fact, I was in year 8. As part of a commerce assignment in year 9, I read a lot of newspapers about that, and I had the opportunity to look at it in university.

I point out that the 1996 legislation was referable to the extent of Commonwealth power as it existed under the Commonwealth's Industrial Relations Act, which meant that most private sector regulation was regulated at a State level until 2006, when the Commonwealth switched which of its heads of powers it relied upon from the Industrial Relations Act, which everyone knows had a lot of limitations—namely the fact that the Federal Constitution says that the Commonwealth can only regulate industrial disputes to the extent to which the dispute goes beyond any one State—to the corporations power. That was the big shift. When that big shift, called WorkChoices, took place at the Commonwealth level in 2006 under John Howard, the nation made a decision that it would not revert back to State-based regulation of the private sector, except in one respect: chapter 6. When the Howard Government enacted the Independent Contractors Act 2006, it exempted chapter 6.

The Hon. Mark Latham: Why chapter 6?

The Hon. DANIEL MOOKHEY: For the very simple reason that chapter 6 was a State power. It was never intended to go national because it only applied in this State. That is the reason. It did not exist in any other State, except for a version in Western Australia. At the time, there was a version being put together in Victoria. It was never intended because it was never considered a part of the industrial relations system. It was considered how you regulate work-like arrangements. The people who made that exemption—and I know this because it was my very first campaign—were the architects of WorkChoices, John Howard and the late Kevin Andrews. I think it was Paul Drury—I am fairly positive he is in the gallery today—who met with John Howard and others to talk about that exemption and explain why this was different. He and the relentless campaign that the union waged persuaded the then Prime Minister, amongst others, to ensure that there would not be the unintended consequence of the quite ridiculous Independent Contractors Act wiping out about $3 billion of goodwill at the time.

The reason Mr Howard accepted that he should not override it is because he was not coming after workers in the traditional Liberal way; he was wiping out billions of dollars of goodwill for small businesses where people had borrowed against their house, which the Hon. Mark Buttigieg and others alluded to. He ran the risk of the unintended consequence of wiping out not just their goodwill but the equity in their homes and impoverishing and

immiserating that class of small business. I am talking about concrete drivers, car carriers, couriers and the like. That is why the system was put in place.

The Hon. Mark Latham made a good point about forum shopping—that is, if one does not like the outcome at the Fair Work Commission, can they come to the New South Wales Industrial Relations Commission? The Minister for Industrial Relations has got her head to that and made it clear that in the provision, the powers of the Industrial Relations Commission in New South Wales cannot be activated if there is a Federal standard. That is important because that is how the two systems are supposed to work with each other. In the absence of a Federal standard, the jurisdiction can be enlivened. That is about ensuring that as technology changes—as technologies and other forms of intermediation arrive that we do not foresee—we are building a system with resilience to be able to cope with changes to the market.

The Hon. Mark Latham: Where's Albo?

The Hon. DANIEL MOOKHEY: The Hon. Mark Latham says, "Where's Albo?" Albo is the one who created the Federal system and is now going to the election saying that we should keep it. It is a fair point, because it is not intended to have the idea of duelling jurisdictions. It is intended to ensure that there is no regulatory gap that workers can fall within. I take that point and I wanted to reply. Those are the reasons why there is a particular point here. I address the contribution of the Hon. John Ruddick by simply saying that his ideal industrial relations system is the Master and Servant Act of 1823. One can judge a conservative by the era they wish to return to. When it comes to my conservative colleagues, I often think that the Hon. Damien Tudehope wants to return to the 1950s, because, let us be honest, he is a Democratic Labor Party guy at heart.

I cannot help but feel that the Hon. John Ruddick thinks the world was perfect in the nineteenth century and that everything since then has corroded the Garden of Eden that was nineteenth-century labour relations. Let him continue to maintain his rage against such modern concepts as workers' rights. I understand that he is continuing to campaign for the libertarian utopia that we would otherwise describe as quite horrible. Nevertheless, let him keep going in that respect. I fundamentally disagree with him.

That brings me to my conclusion. The Industrial Relations Amendment (Transport Sector Gig Workers and Others) Bill 2025 is a good bill. It is an example of this Parliament acting ahead of the debate. The other pertinent part of the debate—which Ms Abigail Boyd and the Hon. Mark Banasiak talked about—is the long history of the Legislative Council getting involved and leading the nation in this debate. Before Fair Work Act amendments came through, before the Federal Parliament was engaged, the Legislative Council was doing it. It has been doing it from 2015 onwards, when these platforms came in. I am really pleased, frankly, that we did a lot of work to ensure that this Parliament was available, first, for workers to tell their stories; second, to interrogate what we were being told; and third, to formulate not just a policy prescription but the capacity to deal with the differences with the industry. That work has allowed us to bring this legislation forward.

I thank a few people. I know that Ms Abigail Boyd and the Hon. Mark Banasiak will agree with me in first thanking the staff of the select committee on the impact of technological and other change on the future of work and workers in New South Wales. The amazing work our staff did in helping us formulate good policy must be remembered. It is a big part of how we got to this change and is a commendation of the committee system. At the time, that select committee I established was the first in any Australian parliament to look into these issues. We led, and that is a good thing. Obviously, I thank Sophie Cotsis, who is destined to go down as a Labor legend for her industrial relations reforms as well and for once more leading the nation in not just proposing reforms but also getting them through. Good on her and her staff, especially Tom, who has shown the patience of Job when it comes to enacting this particular law.

I mention a few people from the TWU. Many others have made special mention of Richard Olsen, Mick McIntosh, Rob Pirc, President Tony Matthews and many others. But this campaign goes back a lot longer. I cannot forget that the national secretary of the TWU, Michael Kaine—someone whom you may know, Madam Deputy President Kaine—is also a big part of this, as are Senator Tony Sheldon, Wayne Forno, Michael Aird and many others. But I particularly point out the owner-drivers committee of the TWU. My first proper job was to assist it in the campaign to save this section. The House may well be shocked to hear that, when I worked for the TWU, I had this occasional habit of sporting a bowtie.

The Hon. Wes Fang: Bring that back.

The Hon. DANIEL MOOKHEY: Careful what you wish for. I recall the first time I was given the responsibility to assist in this campaign and told I had to front the owner-drivers committee of the TWU. I was proud. I remember rocking up to level 3 of the Harry Quinn building, which is still a disastrous building. How it ever got approval, I do not know. I gave a forceful presentation. I thought it was great. I thought it went well. The next morning I was called into the secretary's office, and the secretary said, "What did you do, turning up to a

meeting of the owner-drivers in a bowtie? They think you are an idiot. They think we have given them a fool to run the campaign. You are never to do that again." I thank the owner-drivers committee of the TWU. Despite its best efforts, I survived that job and got to this place to be able to do this. I particularly recall Paul Dewberry, who is still chairing the committee after such a long time, and his team and how hard they worked on this, and I am so glad. It is a career honour to move this legislation. For all those reasons, I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. DANIEL MOOKHEY: I move:

That this bill be now read a third time.

Motion agreed to.

CLAIM FARMING PRACTICES PROHIBITION BILL 2025

Second Reading Speech

The Hon. DANIEL MOOKHEY (Treasurer) (17:44): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Claim Farming Practices Prohibition Bill 2025. The bill will create a new Act to prohibit the practice of claim farming in relation to certain personal injury claims under the Civil Liability Act 2002, as well as personal injury claims arising from intentional torts. Specifically, the bill will prohibit a person from both contacting another person to encourage them to make a relevant claim with the expectation of receiving a fee or other benefit, and buying or selling a relevant claim referral. The bill will also amend the Legal Profession Uniform Law Application Act 2014 to impose additional consequences on legal practitioners who engage in the prohibited conduct.

"Claim farming" refers to the practice of procuring information about a potential claimant and persuading them to make a civil claim. Claim farming can involve a range of problematic conduct, including obtaining a person's personal information without their consent; making unsolicited contact with the person to pressure or harass them to make a claim; presenting as a claims management service, a survivor advocate organisation or similar; selling claims to a lawyer or other claim farming organisation without the claimant's knowledge; and making promises about potential legal entitlements which may not be accurate or in the claimant's best interests. Anecdotally, stakeholders report that claim farmers are paying third parties between $50 and $100 for each potential new claimant the third party identifies and selling claims to law practices for between $800 and $10,000.

I seek leave to have the balance of my remarks incorporated in *Hansard*.

Leave granted.

Lawyers may then pass on these costs to claimants through disbursement fees upon the settlement of a claim, which may not be properly understood by claimants.

These practices are unethical and can have negative and traumatic impacts on people when they are most vulnerable, particularly where the person targeted is a victim-survivor of historical child abuse.

By prohibiting claim farming in personal injury claims under the Civil Liability Act and personal injury claims arising from intentional torts, this bill will protect the community from this kind of exploitative conduct.

The Government has undertaken extensive consultation during the development of the bill.

In May 2024 an issues paper to canvass views on potential reform options was distributed to targeted stakeholders. Stakeholder submissions in response to the paper informed the development of a draft bill.

In January 2025 a draft bill and accompanying background paper were released for public consultation, including via the Have Your Say website, and 32 stakeholder submissions were received. The non-confidential submissions are published on the Department of Communities and Justice website.

I thank all of the stakeholders and members of the community who engaged with the consultation process and provided feedback on the draft bill.

The New South Wales Government is confident that the bill as introduced strikes the right balance between protecting members of the community from unethical, predatory and exploitative claim farming practices, while preserving legitimate pathways and practices that facilitate access to justice.

I now turn to the scope of the bill.

The bill will apply to certain personal injury claims to which the Civil Liability Act applies, as well as personal injury claims arising from intentional torts. This includes most common law personal injury claims, including those related to child abuse, assault, medical negligence, and public and product liability.

Clause 4 (a) of the bill states that the prohibitions apply in relation to claims for "personal injury damages", as that term is defined by section 11 of the Civil Liability Act. That term relates to death or injury and includes prenatal injury, impairment of a person's physical or mental condition, and disease.

The bill also applies to intentional torts—that is, to intentional acts done with intent to cause injury or death or that are sexual assault or other sexual misconduct. While these claims are generally excluded from the Civil Liability Act by section 3B (1) (a) of that Act, this bill does not adopt that exclusion.

Clause 4 (a) does, however, exclude certain personal injury claims from the scope of the bill. These are specified in section 3B (1) (b) to (h) of the Civil Liability Act.

These include claims for dust diseases, motor accidents, workers compensation, public transport accidents, victims of crime, sporting injuries compensation and compensation under the Anti-Discrimination Act 1977.

Many of these other claim areas have separate and distinct legislative frameworks, responding to the features of the types of claims they cover.

I now turn to the key features of the bill.

The bill will make it an offence to contact a potential claimant to solicit them to make a claim, where the person making contact expects to receive a fee or benefit.

Clause 5 (1) and (2) of the bill make it an offence for any person to contact another person:

(a) to solicit them to make a claim; or

(b) to refer them to another person to provide a service in relation to a claim.

if the person making the contact:

(a) receives, or agrees or expects to receive, consideration because of the contact; or

(b) asks for someone else to receive, or agrees to someone else receiving, consideration because of the contact.

The intention of these "contact offences" is to prohibit the uninvited contacting of a potential claimant in circumstances where the person making the contact has a financial motivation to do so.

The contact offences are not intended to prohibit selfless, good faith communication with the victim of a personal injury—for example, by a friend—that makes the victim aware of their potential claim or suggests they explore their legal rights.

Under clause 5 (3), it will also be an offence for a person to arrange for someone else to commit the contact offences—for instance, where an employer directs an employee to contact a potential claimant.

The contact offences carry a maximum penalty of 500 penalty units, currently equivalent to $55,000.

Clause 5 (4) of the bill contains several key exemptions to the contact offences. These will safeguard access to justice and preserve the proper functioning of the legal services sector. The contact offences will not apply:

(a) if contact is by way of notification of representative proceedings—that is, a "class action";

(b) if a law practice contacts a potential claimant for whom they have previously acted, subject to a reasonable belief that the potential claimant will not object to the contact; or

(c) if a law practice contacts a potential claimant because they have been asked to do so by a representative of a community legal service or an industrial organisation, and the law practice has confirmed that the representative reasonably believes the potential claimant will not object to the contact.

The term "law practice" includes an "associate" of a law practice, as both of those terms are defined in the Legal Profession Uniform Law (NSW). This is a broad term that includes individual legal practitioners, principals, employees, and law firms.

Clause 5 (5) of the bill expressly confirms that the accused—the person making or arranging contact—bears an evidential burden in relation to the exemptions:

(a) that is, the accused will need to point to some evidence that suggests a reasonable possibility that an exemption applies.

(b) however, once raised, the prosecution will still bear the legal burden of proving beyond reasonable doubt that the exemption does not apply.

The bill will also make it an offence to buy or sell a claim referral.

Clause 6 (1) and (2) of the bill will make it an offence for any person:

(a) to receive consideration for referring a claim to another person—that is, to sell a claim referral;

(b) to provide consideration to another person for the referral of a claim—that is, to buy a claim referral;

(c) to agree to buy or sell a claim referral; or

(d) to arrange for a third party to buy or sell a claim referral.

"Consideration" is defined to mean a fee or benefit.

A "claim referral" will include:

(a) a referral arising from services already provided to a claimant—that is, the sale of work done to date for a claimant (for example, the preparation of an evidentiary witness statement)—and

(b) the disclosure of a claimant's personal details—for example, selling the claimant's contact details so the buyer can contact the claimant to offer their services.

The "referral offences" will carry a maximum penalty of 500 penalty units, currently equivalent to $55,000.

Clause 6 (3) of the bill confirms that the prohibitions against buying a claim referral apply regardless of whether it is the buyer or someone else who ultimately provides a service in relation to the claim.

There are important exemptions to the referral offences under clause 6 (4) of the bill.

Firstly, the referral offences will not apply where a law practice is acting for a claimant and, as part of that continued legal representation, it refers the claimant to a third party to provide another service in relation to the claim—for example, an expert medico-legal report.

Secondly, the referral offences will not apply in relation to the sale of all or part of a law practice to a purchasing law practice, if the claimant approves the referral and the sale value is not more than the claimant's unbilled legal costs at the time of the sale.

Law practices will be permitted to recover remuneration for work done to date but will be prohibited from profiting from the sale itself, beyond the value of the legal work completed.

The sale of "part" of a law practice is undefined, and the intention is that this will include the transfer of any single, or any number of, claim referrals to a purchasing law practice.

The evidential burden will be placed on the accused—the alleged claim farmer—to point to some evidence to suggest there is a reasonable possibility that an exemption applies.

Once raised, the prosecution will still bear the legal burden of proving beyond reasonable doubt that the exemption does not apply.

There will also be a general exemption to all of the offences in relation to the general public advertising of legal services.

Clause 7 of the bill is included for the avoidance of doubt to confirm that publicly advertising a law practice's services will not be prohibited contact, and payment for advertising services will not be a prohibited claim referral even where the advertising results in a claim.

I turn now to the operational provisions of the bill.

Clause 8 of the bill provides that the limitation period for all offences in the bill is:

(a) two years after the alleged commission of the offence; or

(b) two years after the date on which evidence of the alleged offence first came to the attention of a police officer.

These are longer than the default summary offence limitation period of six months under section 179 (1) of the Criminal Procedure Act 1986. A longer limitation period is required for the following reasons:

(a) the offending conduct may be difficult to detect until the end of a claim, for example, a disbursement charged for the payment of a claim referral may be identified during costs assessment.

(b) personal injury claims commonly take up to one to two years to be resolved.

(c) there may often be a delay between the claim farming conduct to identify and onboard a claimant, and the commencement of the claim.

Clause 9 of the bill provides that the offences may be dealt with summarily before the Local Court. This is in line with the maximum penalties imposed for the offences and is consistent with the approach taken in Queensland and the approach taken in a bill currently before the South Australian Parliament.

Clause 10 of the bill requires a statutory review to be commenced as soon as practicable after the period of two years from commencement.

The time period for the statutory review is appropriate, noting in particular the matters that I have just referred to, that justify the longer limitation period and the time that it takes for criminal charges to proceed through the criminal justice system to finalisation.

Schedule 1, part 2 to the bill contains transitional provisions.

The new offences will apply only to conduct that occurs after the Act commences. However, the referral offences under clause 6 of the bill will not be contravened where payment for a claim referral occurs after the Act commences, if:

(a) the referral itself occurred before commencement; and

(b) a written agreement for that referral was entered into before commencement.

Importantly, lawyers will face additional consequences for engaging in claim farming.

Schedule 2 to the bill will amend the Legal Profession Unform Law Application Act 2014.

The bill will insert a new section 61A into part 6 of that Act, which relates to particular kinds of legal costs. Under the new section, law practices that are convicted of a claim farming offence:

(a) will not be entitled to charge or recover legal costs in relation to the claim to which the conviction relates; and

(b) will be required to immediately refund any legal costs already received in relation to the claim.

This will ensure that the fine imposed on a law practice for a conviction will not simply be absorbed as a "cost of doing business".

The bill will also amend section 165B of that Act to specify that conduct by a lawyer that contravenes the new claim farming Act may be unsatisfactory professional conduct or professional misconduct.

This means that the NSW Legal Services Commissioner may investigate alleged misconduct by lawyers in connection with these offences, regardless of whether charges have been laid by NSW Police or a conviction has been recorded.

This bill, if enacted, will protect members of the community from predatory and exploitative claim farming practices, while also preserving legitimate pathways and practices that facilitate access to justice.

I commend the bill to the House.

Second Reading Debate

The Hon. SUSAN CARTER (17:46): I speak on behalf of the Opposition about the Claim Farming Practices Prohibition Bill. The bill will prohibit the practice commonly known as claim farming. This is an unethical practice engaged in by a very small number of legal practices and other persons to aggressively solicit persons to make compensation claims in tort. Even though the overwhelming majority of the legal profession behaves ethically and in the best interests of its clients and the community, it is appropriate to legislate to prohibit claim farming. It is a rare practice, but it is also an unacceptable practice that should be prohibited. Claim farming involves a kind of secret commission or undisclosed fee to the claim farmer. This is sometimes paid by a lawyer at the end of a claim against the vulnerable claimant.

Claim farming occurs when legal practices or other persons actively solicit claimants—there have been examples of the entire population of a prison being contacted and asked whether anyone has a claim—and indicating to them that they may have suffered some tortious damage for which they can recover. Claim farming often exploits vulnerable claimants by exposing them to high-pressure tactics, including what are often misleading promises, to coerce them into lodging claims. Victim-survivors of child abuse have been a particular target of this practice. They have a significant risk of re-traumatisation and financial loss through these aggressive practices. There are a number of reports of the compensation available to victim-survivors through the civil redress scheme being deposited, as part of the claim farming practice, into a solicitor's trust account, to cover fees on a separate claim, with the promise of a higher damages payout. This may or may not eventuate, but any civil redress money is exhausted in the payment of professional fees, leaving the claimant with nothing but revisited trauma.

Claims that are pursued for the benefit of claim farmers and unscrupulous lawyers can result in a cost order against the vulnerable claimant if the case is ultimately unsuccessful. This puts the claimant in a much worse financial position than they would have been in before being contacted by the claim farmer. Claim farmers also make extensive use of referral services. Adding insult to injury, the referral fee paid for the claim is often charged to the client as a disbursement. So the claimant is charged for the cost of the solicitor sourcing their business. Anecdotal reports indicate that claims can be sold to law practices for anywhere between $800 to $10,000, indicating the value of the new business to the claim farmer.

Claim farming is also harmful to the administration of justice. In the rush to make claims, it is clear that a number of the claims made are fraudulent. Only last month, seven people were arrested and charged over alleged fraudulent sexual abuse compensation claims, part of a claim farming scheme that targeted the Department of Education and was allegedly worth more than $1 billion. New South Wales police alleged that claim farmers approached former young offenders, inmates and public school students, encouraging them to file fraudulent compensation claims for historic child sexual abuse while in care. Prospective claimants were coached on how to make fraudulent claims through various Sydney law firms. Apparently, one-third of inmates at Cooma Correctional Centre submitted claims, all of which will now be investigated by police and a number of which are thought to be fraudulent.

The bill will prohibit a person from contacting another person to encourage them to make a relevant claim, prohibit a person from buying or selling a relevant claim referral and, importantly, prevent lawyers who are convicted of those offences from charging legal costs in relation to the claim and require them to refund any costs already received. That is appropriate because solicitors should not be able to benefit financially from claim farming practices and will also be liable for criminal penalties. The bill will not prevent claimants from making legitimate claims and will protect them from aggressive and unethical practices.

The bill contains a number of protections and exemptions for what we would regard as normal and legitimate activities, including the buying and selling of legal practices or the referral of clients to another law firm with more expertise in a particular area of work. The central element of the offences portion of the bill is that consideration must flow for a referral. That does not include the sadly all too common situation where, at a barbeque, somebody who is known to have a legal qualification may be asked for a bit of advice or a referral to somebody who could do the work. No payment is made for that type of referral, and therefore it will not be caught by the bill.

The Hon. Rose Jackson: You are safe.

The Hon. SUSAN CARTER: That is right. Only harmful and wrongful practices for undisclosed fees are covered by the bill. Claim farming harms the vulnerable and harms our entire community. It incentivises litigation for commercial gain rather than for justice. It erodes public confidence in our institutions, clogs courts with speculative or exaggerated claims and exploits vulnerable members of society. It can lead to inflated legal costs, increased insurance premiums and the misuse of court time and resources. Individuals targeted by claim farmers may be misled into pursuing claims that they do not fully understand or that are not in their best interests, often without informed legal advice. The bill aims to protect claimants, discourage opportunistic and unethical behaviour, and ensure that our system is based on justice rather than exploitation. We are happy to support it.

Ms SUE HIGGINSON (17:52): On behalf of The Greens I indicate that we will not oppose the Claim Farming Practices Prohibition Bill 2025. It is important to acknowledge the significance of personal injury claims as a legal option for the victims and survivors of harm, including child abuse. Claim farming is essentially conduct that involves unsolicited contact where personal information is obtained without consent in relation to personal injury claims. The bill is a response to the unethical tactics employed by individuals and organisations to aggressively push people, often involved in personal injury cases, to pursue compensation claims. The practice has become most perverse where claim farmers prey on some of the most vulnerable, such as victims and survivors of child abuse and child sexual abuse, including when such victims and survivors are in prison.

The bill will prohibit a person from contacting another person to solicit them to make a relevant claim, prohibit a person from buying or selling a relevant claim referral and, importantly, prevent lawyers who are convicted of those offences from charging legal costs in relation to the claim and require them to refund any costs already received. The bill will prohibit claim farming for personal injury claims under the Civil Liability Act 2002 and arising from intentional torts—intentional acts that result in injury or death. The Civil Liability Act applies to many types of claims, including serious injury, medical negligence, and public and product liability. Intentional torts cover acts such as child abuse, assault and deprivation of liberty.

As a lawyer I am aware of the duty all practising lawyers share to act in a client's best interest, including to advise them of causes of actions open to them and, of course, the limitation dates of those causes. That is a special fiduciary relationship. Personal injury claims are an important option for access to justice for victims and survivors of abuse. It is also important that victims and survivors are able to choose whom they turn to for legal and other support. Those people should not be harassed, pressured, deceived or taken advantage of, especially not when seeking assistance with their access to justice, redress and compensation options.

The bill is brought before the House in the context of seven recent arrests for an alleged fraudulent claim farming syndicate that apparently netted more than $1 billion. Police alleged that claim farmers at the heart of the scheme coached former young offenders, inmates and public school students on how to file false compensation claims for child sexual abuse while in care, then sold those referrals on to law firms in Sydney. That case involves fraudulent activity. It is important to recognise that, whether or not the prohibition in the bill takes place and the laws are introduced, the conduct that is currently being alleged and pursued by the New South Wales police is fraudulent and will always be criminal.

Claim farming is currently legal in most States, including New South Wales. Intermediaries are allowed to sell on the details of victims to law firms, who then make claims on their behalf. Last week's arrests were not due to claim farming per se but due to allegations that the claims being farmed were fraudulent. It is important to remember that. This type of claim farming is unethical conduct that undermines the integrity and operation of the justice system. It is exploitative and causes serious distress for victims and survivors of abuse because it subjects them to harassment, intimidation and high-pressure tactics from predatory actors. Going beyond that, claim farming has been too easy to exploit, and those fraudulent cases have created an environment that makes it harder for victims and survivors to be believed and to get justice. It undermines legitimate claims by survivors of abuse, who can be incredibly vulnerable and already distrustful of the legal system.

It is important to understand how these practices particularly target victims and survivors who experience heightened marginalisation. That includes victims and survivors who are First Nations people, including stolen generations survivors and victims and survivors living in rural, regional and remote communities. The Royal Commission into Institutional Responses to Child Sexual Abuse recognised that people in prison were more likely than people in the general population to have experienced child sexual abuse. That is very relevant to us because there are more people in prison in New South Wales than in any other Australian State or Territory.

In the submissions to the discussion paper about the bill, many reports outlined how claim farming schemes target prisoners and offer them compensation for disclosing the names of other prisoners who they think have experienced child sexual abuse. Claim farming can become entrenched in those places, where people experience heightened marginalisation and inadequate support. For those reasons it is necessary to support the bill for the

protection of victims and survivors. With that being said, I reflect on some of the concerns set out in the public submissions. My worry is that addressing the issue through a blanket prohibition of the conduct will make it harder for some individuals to access justice in areas where communication is restricted, such as prisons and regional and remote communities. The bill will directly limit the ability for those people to be informed of an entirely legitimate cause of action.

The issue is undoubtedly nuanced. Any issue that is intertwined with traumatic events like systemic abuse requires close scrutiny and attention. It requires regulation at a systemic level that properly balances access to justice issues with the protection of survivors and victims. As the Law Society of New South Wales stated in its submission, many regional communities rely on word-of-mouth communications and the genuine transfer of information throughout the profession and relevant sectors and environments. I question the approach of a blanket prohibition rather than strong and robust regulation. That said, I believe the bill is crucial to address and protect the people that predatory claim farmers target.

Prohibiting claim farming will not prevent abuse victims from bringing a claim for compensation, which can be done by contacting a lawyer directly. It also will not stop the practice of advocacy and support organisations and community legal centres assisting victims and survivors to access justice. Rather than a ban, what should have been introduced today was a regulation to support organisations that do such work out of an access-to-justice motivation and not a profit-driven, predatory-style motivation. A government with a genuine understanding of the way access to justice works would have introduced a scheme with much more robust regulation.

If the Government was really focused on access to justice and protection of victims and survivors, we would have seen a funding increase for those good community legal services and advocacy organisations that carry the load and do important work. It would be remiss of me not to say that this is a terribly lazy approach to justice. It would be really good to see the end of the Government's lazy approach to justice. It regulates the things that it should be banning, and it bans the things that it should be regulating. We should be regulating this area firmly to make sure that we are protecting victims from predatory behaviour.

I fear that this lazy approach will limit the capacity of those who are genuine advocates of access to justice to assist some of the most vulnerable people in our community. The reality is that the community justice organisations this Government thinks will continue this work are the same organisations that do not have the resources to do the deep work that victims and survivors of abuse need right now. That is a real fear held not just by The Greens but also by all those advocates and families and friends of victims and survivors. While The Greens support the bill, our strong message to the Government and the Attorney General is that it is time to do much better. It is time to work out how we can best serve victims who have been wronged by the State and members of the community. Let us do some of the hard work, because right now the fundamental premise that is seriously lacking in this State is access to justice.

The Hon. ROD ROBERTS (18:03): I make a contribution to debate on the Claim Framing Practices Prohibition Bill 2025. I support the bill for the reasons already canvassed by many members. However, I do so with reservations. While the bill seeks to close a loophole regarding large-scale attempts to defraud the taxpayer, I place on record that it still leaves the back door open to acts of fraud via the victim support services recognition payments. I previously brought the attention of the House to this matter on 13 February this year. While I will not restate my speech in its entirety, I will remind the House how easy it was for victim support services to also become a victim. I said:

> In late October last year *The Sydney Morning Herald* reported that two men had been arrested by the New South Wales Police for allegedly defrauding the compensation scheme to the tune of over $218,000. The scam was not overly clever or elaborate. Let me explain. The two con men filed two dozen fake victim reports to gain payments ranging from $5,000 to $15,000. Because a [Sexual Assault Reporting Option] report has the option not to trigger a formal police investigation, anyone can invent a story of sexual assault and provide no documentary evidence other than a bogus counselling report.
>
> I say "bogus" because "counsellor" is not a protected term like "psychologist", for instance. Anyone can hang a shingle out the front of an office with "counsellor" on it. There is no legal requirement to meet and no specific training or experience is required. Without training and without skills, an individual can write up a report that gets stapled to a story of sexual assault and the Government opens the wallet of monetary compensation. We have got to a point that with no police investigation, no evidence tested in court and no cross-examination of the alleged victim to test the veracity of their claims, the scammer can use their story to get $15,000 from the pockets of taxpayers all on the balance of probabilities.

The bill is deficient because it will not close that back door to possible acts of fraud. The Attorney General confessed to this in his second reading speech. He said:

> Clause 4 (a) does, however, exclude certain personal injury claims from the scope of the bill. These are specified in section 3B (1) (b) to section 3B (1) (h) of the Civil Liability Act. These include claims for dust diseases, motor accidents, workers compensation, public transport accidents, victims of crime, sporting injuries compensation and compensation under the Anti-Discrimination Act 1977.

That revelation should concern all members of this House. New South Wales police are certainly concerned at the ease with which that scheme can be defrauded and the bill does not do anything to address their concerns.

Detective Superintendent Gordon Arbinja was interviewed by *The Sydney Morning Herald* on 13 February this year. He named the Sexual Assault Reporting Option as being a doorway through which criminals can illegally access public funds via a redress payment on fraudulent claims. Detective Superintendent Arbinja highlighted the deficiencies in the redress scheme when he stated:

> The problem is the system is porous and needs to be strengthened.

He also said that none of the victims the police spoke to wanted to go down the police route. He further stated that "the threshold to put a claim in is low". The police have already said what the problem is. They identified it some time ago. I have spoken about it. This bill was an opportunity for the Attorney General to address the matter, yet it does not. The problem is allowed to continue. The bill does not address the concerns of the police, does not strengthen the system and does not require a police investigation to test the veracity of claims. It does nothing to raise the threshold to lodge a claim.

I have had concerns about the ease with which the scheme can be defrauded for some time. That is why in November last year I put question No. 2955 to the Attorney General, seeking clarification and comfort that there are strong systems in place to ensure that taxpayer money is not being handed out to bad actors. I wanted to know the total payout figures for the years 2023 and 2024. The Attorney General's answer raised more questions than it answered. Firstly, he confirmed that the threshold for receiving a compensation payout was very low. Secondly, it appears that he does not know the total payout figures. Why? Because there is no digital system in place to record them. The Attorney General's answer stated:

> The data requested is not captured in the relevant case management system in an easily exportable manner. Obtaining this data would require the diversion of frontline staff to review every application submitted during the relevant period noting there were tens of thousands of applications for a recognition payment alone made in FY 23/24.

The Attorney General has admitted there are serious issues with the scheme, including the ease with which it can be defrauded and the lack of financial management systems to monitor the expenditure. The bill does absolutely nothing to address the heart of the problem. As I said at the outset, I support the bill reluctantly because of my concerns. True victims and the taxpayers of New South Wales deserve a better bill. Victims deserve a system that supports them in their time of need, and taxpayers need assurance that the finite resource of their tax dollars is being managed with the utmost care. Above all, they deserve a government that will do the hard work of closing loopholes. Sadly, they have been let down by the bill before the House.

The Hon. CAMERON MURPHY (18:09): I contribute to debate on the Claim Farming Practices Prohibition Bill 2025. I listened intently to the contribution from Ms Sue Higginson. She raised concerns about the issues that potentially occur when we introduce legislation that might adversely impact victim-survivors. Many people hold that concern. Importantly, the bill is very narrow in its scope. It is designed to stamp out claim farming, which is the practice of paying a fee to somebody to obtain their details and encouraging them to lodge a claim. Claim farming is a practice where one obtains information about a potential claimant and then pressures that person into making a claim. The bill seeks to eliminate that.

Problematic conduct involved in claim farming includes organisations or individuals obtaining a person's personal information such as their contact details, like an email address, telephone number or name, or other circumstances that might provide general information about where a potential claim might be lodged. That is all done without the person's consent, so they do not know that someone has actively sought to obtain their information. Someone then makes uninvited contact with that person at their house or workplace to talk to them and pressure them into making a claim because other people in like circumstances have also filed claims.

The types of organisations the bill seeks to prohibit from doing those things often present themselves as claims management services. They say they simply facilitate the ordinary claims process. There are offences for particular types of serious misconduct for members of the legal profession in the bill, but the focus is on other organisations that may, in effect, earn a fee to pull people into a larger network of claims so that they can expand the number of people taking action. That is often done without those people being aware of why they are making a claim. That is the practice of claim farming.

The organisations that gather that information by talking to potential claimants then sell that information for a fee. It is usually sold to lawyers who then follow up and lodge a claim on that person's behalf. We have heard evidence that in some cases people do not know why they are making a claim, other than that they are told, "Sign here. This is good. You will earn something out of it at the end of the day." The Government has heard reports that third parties earn fees of $50 or $100 per claimant. Those organisations then package up those claims and sell them, in other jurisdictions, to law firms for $800, $900 or even as much as $10,000, depending on the scope of the potential claim.

What often happens is that those costs are passed back to the claimants through fees, and that practice ought not occur. Those practices are unethical and must be stamped out, but it is a careful balancing act. We must

ensure that we maintain the ability of victim-survivors and others to make claims, but not in such a way that people are unduly pressured into making claims because of a financial pyramid in which people are earning commissions and fees are going between people up and down that pyramid in order to facilitate those claims. That is the practice of claim farming, and it can be traumatic for people.

In some cases people simply want to forget what has happened and they do not want to have anything to do with the organisation that has caused them distress or harm. They just want to walk away, but people incessantly call them and say, "Other people are making claims. You must also make a claim in relation to this." It is exactly that type of pressure, which is referred to as claim farming, that the bill seeks to prohibit. The bill will create a new Act to prohibit claim farming in relation to certain personal injury claims only under the Civil Liability Act 2002, as well as personal injury claims arising from intentional torts.

In his second reading speech, the Attorney General said that this would include most common-law personal injury claims, including those related to child abuse, assault, medical negligence, and public and product liability, but it excludes other personal injury claims from the scope of the bill as specified in section 3B (1), subparagraphs (b) to (h) of the Civil Liability Act. They involve claims for matters like dust diseases, motor accidents, workers compensation, public transport accidents, victims of crime, sporting injuries compensation and compensation under the Anti-Discrimination Act 1977.

The bill makes it an offence for one person to contact another person to encourage them to make a relevant claim—but, importantly, with the expectation of receiving a fee or other benefit for doing so. It also creates a summary offence that will prohibit a person from buying or selling a claim referral. The bill includes exemptions to those offences to safeguard the effective provision of legal services and to protect legitimate practices that facilitate access to justice by ensuring that members of the public are informed of their legal rights. The important part of that is, in essence, the payment of the fee.

The bill does not capture people who legitimately assist victims of institutional abuse and do not earn a fee for doing so. If they provide the normal assistance that one would expect—by explaining to people their rights and saying, "Go and see somebody if you want to"—the bill does not capture that conduct. It only captures the conduct of somebody being paid a fee for a referral. I could make a number of other remarks but, in the interests of brevity, I will leave it there. I commend the bill to the House.

The Hon. JEREMY BUCKINGHAM (18:18): On behalf of the Legalise Cannabis Party I support the Claim Farming Practices Prohibition Bill 2025. The bill aims to prohibit claim farming practices by making it an offence to, firstly, make certain contact with a potential claimant in relation to civil proceedings for personal injury damages and, secondly, pay or receive referral fees in relation to civil proceedings for personal injury damages. Strike Force Veritas was established by the NSW Police Force State Crime Command's Financial Crimes Squad in February 2024 to investigate fraudulent compensation claims for historical sexual abuse.

The Claim Farming Practices Prohibition Bill 2025 proposes to create two new summary offences that prohibit a person from contacting another person to encourage them to make a claim with the expectation of receiving a fee or other benefit, and buying or selling a claim referral. The maximum penalty for the two claim farming offences under the bill is 500 penalty units, or $55,000. Claims covered by the bill will include most common-law personal injury claims, including those related to child sexual abuse, assault, medical negligence, and public and product liability with some exceptions, as outlined by the Hon. Cameron Murphy.

The Legalise Cannabis Party supports the bill. It adds more protection to our system to eliminate what we think is an egregious practice. However, I note that the bill has come before the House relatively rapidly. We believe there are matters that the Government and the Attorney General have not yet addressed relating to victim-survivors making claims and getting the compensation they deserve. The decision of the High Court in *Bird v DP* has created a problem that needs to be addressed urgently: protecting victims of child sexual abuse when perpetrators were not in formal employer/employee relationships.

The Bird decision is affecting victims now. We welcome the Government acting quickly on claim farming practices and urge it to consider the vicarious liability bill I introduced. Claims are on hold or being abandoned now. Matters that are before the courts are being adversely affected now. Having to address this decision has significant administrative and personal costs and trauma now. In our opinion, the anti-claim farming legislation is somewhat of a distraction. If people have engaged in fraud, they can be prosecuted under ordinary criminal law.

All claims are vetted by plaintiff and defendant lawyers and all evidence needs to be approved. Affidavit evidence must be signed off by an officer of the court. The Government should be addressing Bird and not being distracted by claim farming, which is not as important as supporting victims with new legislation to address the Bird decision. While we support this bill, we remain concerned that there is a massive class of victim-survivors

out there in limbo. They are calling on the Government to retrospectively legislate to ensure they can have the day in court they deserve.

The Hon. DANIEL MOOKHEY (Treasurer) (18:22): In reply: I thank the Hon. Susan Carter, Ms Sue Higginson, the Hon. Rod Roberts, the Hon. Cameron Murphy and the Hon. Jeremy Buckingham for their contributions to this debate. The Claim Farming Practices Prohibition Bill 2025 will create a new Act to prohibit claim farming in relation to claims for personal injury damages, including those arising from intentional torts such as child abuse. In introducing this bill, the Government is acting to protect people who have suffered personal injury, including victim-survivors of abuse, from being exploited by claim farmers. Importantly, measures have been included in the bill to ensure that access to justice is not compromised. Our Government acknowledges the importance of supporting victim-survivors to access trauma-informed legal advice and support services. The bill will not in any way prevent important organisations like those from supporting victims and survivors, but what it will do is protect people from the unscrupulous conduct of claim farmers.

I will briefly address some matters raised during debate on the bill. Ms Sue Higginson put forward the proposition that a blanket prohibition will limit access to justice and the capacity for genuine advocates to assist potential claimants. Ms Higginson has also suggested that a robust regulatory approach should have instead been adopted. The bill specifically targets unethical, predatory and exploitative behaviours associated with claim farming through the two offences relating to contact and referral. It does not prohibit legitimate legal practices that help potential claimants access the justice system.

Importantly, both the contact and referral offences in the bill require the contacting of a potential claimant and the referral of a claim to be made for consideration, which is defined under the bill as a fee or other benefit. If there is no fee or benefit, the contact or referral in question would not be an offence. This ensures there is no barrier to altruistic contact with a personal injury victim by individuals and organisations—such as health practitioners, victim advocacy groups and family members—to refer claimants to lawyers, and legitimate referrals of claims by lawyers.

For example, a friend of a potential claimant will not commit an offence if they refer the potential claimant to a lawyer as long as there is no fee or benefit exchanged in relation to the contact and referral. Similarly, a lawyer will not commit an offence if they refer a claim to another lawyer because they do not have expertise in the relevant area, as long as there is no fee or benefit exchanged in relation to the referral. Various exemptions have also been included to the proposed offences to ensure that legitimate contact and referral practices are protected.

Ms Sue Higginson has also suggested that a funding increase to community legal services and other advocacy organisations is required. Funding for legal assistance services is a separate, albeit important, issue. But I also note that under the National Access to Justice Partnership [NAJP], commencing 1 July 2025, the New South Wales legal assistance sector will receive $1 billion in Commonwealth funding over five years. That includes funding for Community Legal Centres, the Women's Legal Service, the Aboriginal and Torres Strait Islander Legal Service, family violence prevention legal services, and Legal Aid commissions. Importantly, for the first time, the NAJP will include dedicated funding streams for women's legal services and family violence prevention and legal services.

The Hon. Rod Roberts raised issues regarding alleged fraudulent activity in connection to the Victims Support Scheme. Fraud is obviously a crime and something to be taken seriously, but it is separate to the issue of claim farming that the bill seeks to address. I note that the claim farming offences in this bill are separate to, and do not affect, existing fraud offences. If fraud offences are committed with respect to the Victims Support Scheme, they can be investigated and charged under offences that already exist. I also acknowledge the advocacy of the Hon. Jeremy Buckingham, who pointed out the need to address the fallout from a High Court decision. He is very passionate about the issue and remains deeply respected by the Government for his advocacy. I understand the Attorney General is engaging with him on that matter. For those reasons, I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. DANIEL MOOKHEY: I move:

That this bill be now read a third time.

Motion agreed to.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2025

Second Reading Speech

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:02): I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Planning and Assessment Amendment Bill 2025, which makes necessary amendments to further streamline the planning system, support the delivery of housing and provide certainty to the construction industry, local communities and other stakeholders. The Minns Labor Government is committed to addressing the housing challenges facing New South Wales and has acted decisively. The challenge before us is complex and requires innovative thinking and a strong commitment to cutting through unnecessary red tape that has too often slowed progress.

Families are struggling to find affordable homes, young people are being priced out of the housing market, and renters are facing unprecedented pressures. Uncertainty in the planning system has impacted on the delivery of new homes and simple modifications of development consents, and it has held back progress at a time when we clearly need efficient, effective and streamlined planning processes. The bill continues the Government's pragmatic and functional reforms of the planning system, specifically to development assessment and determination. I thank the other place for progressing this important amendment bill to the House.

I seek leave to incorporate the rest of my second reading speech.

Leave granted.

This bill responds to decisions from three separate challenges in the New South Wales courts to restore certainty in planning assessment decisions.

Unfortunately, in two of these cases, the decisions of the Court of Appeal and Land and Environment Court have caused considerable uncertainty.

In the third case, the decision established a positive planning outcome, but the pathway used to reach that conclusion is not without uncertainty. This bill will clarify the position.

This bill proposes amendments to:

- Sections 4.55 and 4.56 of the planning Act to clarify the powers of a consent authority to modify a development consent.
- Schedule 1 of the planning Act to provide certainty around how submissions are counted.
- Section 4.24 of the planning Act to provide the ability for a consent authority to assess and determine a subsequent development application, subject to conditions, following the determination of a concept development application despite any inconsistency between the concept development application and the subsequent development application.

Following constructive amendments agreed in the other place, this bill supports housing delivery and a streamlined planning system by:

- Removing the statutory requirement for the Minister for Planning and Public Spaces to obtain and publish advice from the Independent Planning Commission [IPC] before declaring certain types of residential development to be State significant development [SSD] under section 4.36 (3) of the planning Act.
- Requiring the Secretary of the Department of Planning, Housing and Infrastructure [DPHI] to notify a council as soon as practicable, following a decision by the Minister for Planning and Public Spaces to declare certain development as SSD.
- Implementing less formal meeting arrangements for the HDA to deliver high-quality housing advice to the Minister for Planning and Public Spaces more quickly.
- It also requires the HDA to publish a record of its meeting and any resolutions and reasons within 14 days of the meeting, supporting transparent decision-making.
- Providing for the DPHI's Community Participation Plan to specify a reduced minimum exhibition period for certain residential SSD projects, provided that period is at least 14 days.
- Modernising requirements for affordable housing contributions to better align with current needs and expectations across New South Wales.
- Removing outdated references to the "Six Cities Region" under division 3.1 and preparing the way for a new regional strategic plan for Greater Sydney to be delivered and make the strategic planning framework consistent across New South Wales.
- Requiring the Secretary of DPHI to review a regional strategic plan every five years after it is made.

These measures reflect the Minns Government's commitment to cutting red tape, improving the efficiency of our planning system, and continuing to tackle the housing challenge.

I will now outline to the House why each proposed amendment is essential, and how they will be implemented in practice.

I refer to the amendment regarding the modification of development consents.

This amendment responds to part of the NSW Court of Appeal's decision in *Ku-Ring-Gai Council v Buyozo Pty Ltd* [2021] NSWCA 177, or Buyozo.

The court's decision in Buyozo changed the established understanding of the powers of a consent authority to modify a development consent under sections 4.55 (1A), 4.55 (2) and 4.5 6 (1) of the planning Act.

This case found that a modification application must seek to effect some change to the development.

This limits the ability of an applicant to seek a modification of a condition of their development consent where the proposed modification of that condition would not result in a change to the development, the subject of the original consent.

The Buyozo decision applies to all part 4 development, including both SSD projects and local development.

Historically, applicants have sought different modifications, some of which did not necessarily involve a change to the development, the subject of the original development consent.

For example, modifying a condition of development consent relating to the proposed timing, staging, or sequencing of the development.

However, since the decision in Buyozo, the power of consent authorities to assess and determine a modification application that seeks approval to modify a condition of development consent only, has become uncertain.

This has led to applicants "bundling" other proposed changes to a consent to be certain that the consent authority has the power to modify conditions under sections 4.55 (1A), 4.55 (2) and 4.56 (1) of the planning Act.

In some cases, this has resulted in applicants seeking very minor and otherwise unnecessary changes, for example minor landscaping amendments, which means this costs time and planning resources are allocated where there may not be spare capacity.

Industry and government agency proponents have raised concerns about the uncertainty created by the Buyozo decision and asked DPHI to amend the planning Act in response.

The Urban Development Institute of Australia wrote to DPHI as far back as January 2022—under the previous Government—to identify this issue.

The bill seeks to amend sections 4.55 and 4.56 of the planning Act to clarify that a consent authority has the power to determine modification applications, even where those applications would not result in a change to the development the subject of the original development consent.

This will provide greater clarity and certainty for both applicants and all consent authorities.

I now move to the amendments regarding how submissions are counted.

Schedule 1 to the planning Act sets out the minimum requirements for public exhibition and community consultation of plans, applications, or other matters.

Section 15 of that schedule states that submissions may be made during the exhibition period but does not state that they can only be made within the exhibition period.

The bill amends schedule 1, division 3, section 15 of the planning Act to require submissions, in response to a publicly exhibited development application or plan, be made during the exhibition period.

This amendment will strengthen the department's established policy for counting and considering submissions, particularly for SSD applications.

It will provide greater certainty for all consent authorities, communities, state agencies, and the development industry by making it clear only submissions received during an exhibition period can be counted when identifying a consent authority.

It also provides greater certainty for applicants and state agencies on the consent authority for SSD applications.

Firstly, the planning system has a long-standing, established framework for deciding the consent authority for SSD applications.

It makes sure that the most appropriate authority considers and determines SSD applications.

For example, the Independent Planning Commission [IPC] will determine most SSD applications if the relevant council(s) object to the application, if there are at least 50 submissions (other than from a council) objecting to the development application, or if there is a political donations disclosure made by the applicant.

Where the IPC is not the consent authority, the Minister for Planning and Public Spaces, or a delegate, will determine the application.

It is essential that rules are clear around establishing the consent authority for SSD applications.

The amendment makes clear that only submissions lodged within the public exhibition period will be counted when determining the consent authority.

This amendment responds directly to the decision of the court in *Filetron Pty Ltd v Innovate Partners Pty Ltd atf Banton Family Trust 2 and Goulburn Mulwaree Council* [2024] NSWCA 41, or Filetron.

That decision has cast uncertainty over whether a late submission, by way of objection, should be counted for the purpose of determining the consent authority for a particular development application.

And it is worth noting that incorrect counting of a late submission may lead to the wrong consent authority being appointed.

Without an amendment to the planning Act to clearly define when a submission should be counted, it is possible that inadvertent errors will be made and further court challenges will follow—again, further adding uncertainty and potential delays to the delivery of housing projects.

However, I emphasise this point: that this amendment will not prohibit the consent authority from considering any issues raised in late submissions during the assessment of the project, as currently takes place.

I refer now to a court decision that has had a positive impact on the planning system and the processes we should be adopting as a result.

A concept development application allows approval for the overall development concept of a site, such as building envelopes and height limits.

However, a subsequent development application must still be submitted, assessed, and approved by the relevant consent authority before any construction works can commence.

The subsequent development application must align with the approved concept development application for consistency.

The Land and Environment Court decision in *Castle Hill Panorama Pty Ltd v The Hills Shire Council* [2023] NSWLEC 24, or Castle Hill, clarified how consent authorities can address inconsistencies between concept approvals and subsequent development applications:

- In this case, the Land and Environment Court confirmed that a consent authority could approve a subsequent development application even if it departs from the original concept approval by using the mechanism established in section 4.17 (1) (b) and (5) of the planning Act.
- The decision resulted in a positive planning outcome, enabling an increase in housing supply.
- The Land and Environment Court came to the decision that consent authorities could impose a condition requiring the applicant to either modify or surrender the original concept approval as part of granting development consent for the subsequent development application.

This amendment removes potential barriers to sensible planning outcomes.

It is intended to support housing delivery as it will improve the ability of a consent authority to approve a development application which seeks to use housing bonuses, such as additional height or floorspace, that are inconsistent with an approval for a concept development application, as they may not have been available when the consent development application was originally approved.

The proposed bill builds on the Castle Hill decision by providing certainty and clarity in the planning process.

It confirms that consent authorities have the power, under sections 4.17 (1) (b) and (5) of the planning Act, to impose conditions requiring the modification or surrender of a concept approval when assessing a subsequent development application.

This will make sure that there are no jurisdictional barriers to achieving flexibility in planning decisions while also maintaining a framework that supports consistent and sustainable development outcomes.

These changes strike a balance between delivering positive planning outcomes and maintaining the integrity of the concept approval process.

I will now advise the House about other elements of the proposed bill that will help speed up the much-needed delivery of new homes in this State.

As the House will be aware, in November 2024, this Government took a significant step towards boosting the housing supply in New South Wales by establishing the Housing Delivery Authority [HDA].

The HDA was created with a clear purpose: to streamline the delivery of residential accommodation using the SSD planning pathway. It should also be noted that this is an optional planning pathway for applicants of projects.

A main function of the HDA is to evaluate and provide advice to the Minister for Planning and Public Spaces on expressions of interest [EOIs] for high-yield residential accommodation.

These reviews are conducted against a set of well-defined and published criteria, making sure that only projects with significant potential for high yield housing delivery in the right locations are recommended to be declared as SSD.

Based on its evaluation, the HDA provides advice to the Minister for Planning and Public Spaces on whether specific developments should be declared as SSD, enabling them to benefit from a consistent and streamlined assessment process.

Under the current provisions of section 4.36 (3) of the planning Act, the Minister for Planning and Public Spaces is required to seek and publish advice from the Independent Planning Commission [IPC] before declaring a development as SSD.

The IPC plays a vital role in providing oversight for a range of projects, however this additional advisory step for residential SSD is an unnecessary duplication, slowing down the declaration process for housing projects that are urgently needed.

The proposed bill seeks to address this issue by removing the statutory requirement to obtain advice from the IPC before deciding whether certain residential developments should be declared SSD under section 4.36 (3) of the planning Act.

Instead, the HDA will provide this advice for residential projects as part of their agreed functions.

The IPC will continue to provide advice to the Minister for Planning and Public Spaces for all other types of development that is proposed to be declared SSO under section 4.36 (3) of the planning Act.

The Minister for Planning and Public Space will also retain the option and capacity to refer matters to the IPC for consideration should the circumstances warrant it.

By eliminating the duplication of advisory functions, the proposed reforms will streamline the decision-making process, reduce red tape, and accelerate the delivery of housing, while also maintaining the integrity of the planning system.

The bill also seeks to amend the Environmental Planning and Assessment Regulation 2021 to provide fit-for-purpose meeting arrangements for the HDA.

This is important for the following reasons:

- The HDA will primarily perform an advisory role, and the public hearing style forums typically used for planning panels such as determining DAs or hearing evidence are less relevant.
- It is anticipated that the HDA will meet regularly and at short notice, when required. This more agile approach will reduce lead times and associated administration to deliver high quality advice to government more quickly.
- The Department will continue to publish a record of each HDA meeting including high-level information about each EOI submission, the HDA recommendations, advice and reasons within 14 days of a meeting.

The bill will also require the Planning Secretary to notify as soon as practical the relevant local council in which a proposal is declared as SSD under section 4.36 (3).

Importantly the consultation processes for subsequent development stages will continue to be undertaken to make sure opportunities for important council and community input are maintained.

The bill introduces the ability for the Department of Planning, Housing and Infrastructure's Community Participation Plan to specify a shorter period of public exhibition for certain residential SSD projects, provided that period is at least 14 days.

This is designed to streamline the approval process for critical housing projects while maintaining opportunities for public consultation.

The amendment will apply to the following types of SSD applications:

- development applications declared SSD by the Minister under section 4.36 (3) of the planning Act that include residential accommodation, and
- Housing developments listed under Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, such as:
    - Housing development carried out by certain public authorities,
    - In-fill affordable housing projects,
    - Build-to-rent housing projects, and
    - Seniors housing projects.
- Developments within accelerated Transport-Oriented Development [TOD] precincts listed under schedule 2, clause 19 of the Planning Systems SEPP may also benefit from the reduced 14-day exhibition period, provided they include residential accommodation.

It is also the case that any changes to the Community Participation Plan will require consultation for 28 days.

This change strikes a fair balance between speeding up the delivery of critical housing projects and making sure that the community has sufficient opportunity to provide input on proposals.

By streamlining this aspect of the planning process, the Government aims to reduce delays and facilitate faster delivery of housing projects.

Affordable rental housing is vital for individuals and families with low or moderate incomes and a key provision of this bill.

It provides a critical safety net for those unable to afford housing in the private rental market, which has become increasingly inaccessible for many due to the ongoing housing challenge.

As a result, demand for affordable housing has surged, highlighting the need for targeted measures to address this issue.

The delivery of affordable housing is a key objective of the planning Act.

Under Section 7.32, a financial contribution for affordable housing can be imposed if a State Environmental Planning Policy [SEPP] identifies a need for affordable housing in a specific area and the condition is authorised by a local environmental plan through an affordable housing contributions plan.

The planning Act also makes sure that financial contributions collected for affordable housing are reinvested within the local government area where they were collected or in an adjacent area.

The bill will streamline the development application process for councils by clarifying when a condition requiring an affordable housing contribution can be imposed on a development consent.

Given the maturity of Community Housing Providers and the need for affordable housing, this is not just an overly complex process, but also one that could lead to geographical gaps in the availability of affordable housing.

This reform will enhance the efficiency and certainty of processes related to the assessment of development applications involving affordable housing contributions, thereby enabling the New South Wales Government to respond more effectively to the housing crisis.

The bill also aims to modernise the state-led rezoning process by allowing all environmental planning instruments [EPIs], not just local environmental plans, to impose affordable housing contributions as a condition of development consent.

This change will enable both a local environmental plan and a State Environmental Planning Policy to implement affordable housing contribution schemes and collect contributions directly, making the framework more flexible and effective.

This amendment will also apply retrospectively from 1 March 2018, resolving any uncertainties about existing provisions within the State Environmental Planning Policy (Housing) 2021 that address the loss of low-cost rental housing.

The last amendment proposed in the bill will remove legacy references to the Six Cities Region, paving the way for the creation of a new regional strategic plan for Greater Sydney.

Following the repeal of the Greater Cities Commission Act 2022 last year, strategic planning powers for Greater Sydney, the Lower Hunter, Central Coast, and Illawarra-Shoalhaven regions were transferred to the Minister for Planning and Public Spaces and the Planning Secretary in 2024.

Under the proposed changes, all regional boundaries, including Greater Sydney, will now be declared by ministerial order.

The delayed commencement of these amendments will provide an opportunity for consultation to make sure that the regional boundaries are considered.

Until the new regional plans are finalised, existing regional strategic plans and district strategic plans will remain in operation, providing continuity.

These changes represent an essential "tidy-up" of the planning Act, resulting in consistent and flexible processes for boundary declarations and strategic planning requirements across the State including the declaration of housing targets and how they are to be addressed in regional strategic plans.

It also removes the requirement for the Secretary of the Department of Planning, Housing and Infrastructure to advise a local council within the Six Cities Region about the consistency of a local strategic planning statement with any applicable strategic plan.

These changes will pave the way for a more modern and cohesive strategic planning framework.

This bill is not the end of the journey of planning reform started under the Minns Labor Government.

It is a significant milestone toward a better, more effective planning system and a better future for New South Wales.

It is a clear statement of our values as a Government - of fairness, opportunity, and progress.

It is about delivering more quality and well-located houses, closer to their jobs, and near public infrastructure investments, particularly for young people, families and key local workers so they can live within the communities they choose.

It is a recognition that the challenges New South Wales faces demand bold solutions and that we cannot afford to keep kicking the can down the road anymore, as happened under the last government.

The reforms proposed in this bill will support the delivery of more homes, faster, and more efficiently through the planning system.

It proposes to further cut red tape.

Further reducing delays in assessment created by the court decisions.

And removing duplication of resources, time and effort.

It will provide greater clarity and more certainty for applicants and all consent authorities.

And restore confidence that planning decisions are being made efficiently.

This bill will make our planning system more transparent, more flexible, and more focused on the outcomes that we all want to see—the delivery of more homes and more jobs.

And it will make sure that New South Wales remains a place where everyone can live, work, and thrive in the communities they choose, in a place they can call home.

I commend this bill to the House.

Second Reading Debate

The Hon. SCOTT FARLOW (20:03): On behalf of the Opposition, I speak in debate on the Environmental Planning and Assessment Amendment Bill 2025. I note Minister Scully's presence in the gallery tonight, late on a Thursday night. From the outset, I thank him for his consultation with the Opposition on the bill. In large part, we agree with the substantive reforms and amendments that the bill proposes. We believe that the amendments that were supported in the other place have gone some way to addressing some of the concerns that stakeholders and the Opposition had with the bill, as expressed in the other place. We believe that there is still an outstanding issue, which I foreshadow that the Opposition will move an amendment to address during the Committee stage. The Coalition remains firmly committed to increasing housing supply in New South Wales and working constructively with all parties to improve our planning system and remove the barriers to getting homes built. I believe that all parties in this place have shown good faith in that pursuit as the bill has been navigated through both Houses.

We are in the midst of a housing crisis that demands practical and strategic solutions. It is essential to work together to increase the availability of housing while ensuring that new development is supported by the necessary infrastructure and that communities are consulted along the way. We know that building more homes is essential, but it must be done the right way, supported by the infrastructure that growing communities need to thrive. That

is why strategic planning is an important part of supporting housing growth across the State and ensuring the planning system delivers all that we need in our State, including liveable communities, employment opportunities, and the infrastructure needed to support movement from one to the other.

Planning reform represents an opportunity to streamline the planning process and unlock new housing supply while maintaining the integrity and accountability of the system. The Coalition's planning reforms in government were aimed at improving certainty in the system and providing meaningful consultation with the community. A stable and predictable planning framework is critical to encouraging investment and ensuring the housing targets are met in a way that reflects the needs of local communities. It is important to remember that building homes is a fundamental part of the planning system but is not the entire system. Our planning system needs to allow for places in which the people of New South Wales can live, but also places for us to work and places for recreation. It also needs to deliver economic opportunities for our State now and into the future.

The planning system also must be underpinned by an understanding of and plan for how we deliver and integrate the infrastructure that supports it all. The development of the Greater Cities Commission, the Six Cities strategy, the *Greater Sydney Region Plan—a Metropolis of Three Cities*, and the district strategic plans that underpin these were all part of this strategic planning approach. The bill removes references to the Six Cities region in the Act, giving the Minister the power to declare any area of the State to be a region or a district. The Opposition understands that the Government did not like the Greater Cities Commission and is taking a new approach. However, in introducing the Greater Cities Commission Repeal Bill 2023, the Government assured us this would not be the case. Minister Scully stood in the other place and said:

> Importantly, the bill does not change the process for making strategic plans and it does not change the content of those plans.

He went on to say:

> … a district strategic plan prepared for a district within the Six Cities Region must still address the planning priorities, including the number of net additional dwellings required for each local government area within the district for the next five, 10 and 20 years.

The bill before the House does away with all these things in the legislation. We take the Government at its word that an updated Sydney regional plan is being worked on and will soon be finalised, but it is not a requirement of the bill. Under the bill, district strategic plans may be prepared by the Minister and, if the Minister requires it, then the secretary must complete it. Formerly it was a requirement for the secretary to prepare such plans. This bill affords the Minister significantly more discretion when it comes to strategic planning, rather than compelling such planning under legislation as presently exists.

Likewise, we take the Government at its word that 10- and 20-year housing targets are being progressed, but the bill abolishes the definition of "housing target", removing the requirement for them to be formulated for the next five, 10 and 20 years. In addition, we understand that housing targets envisaged under the bill will be marked on completions within the period in line with the Housing Accord agreement. Again, this moves away from the previous definition, which required net additional dwellings, so that 1,000 knockdown rebuilds in an area, that did not add one additional dwelling, would not be counted towards the housing target. Similarly, the existing definition allows for an additional target of development consents—something that was within the purview of a local council, rather than a completion target, which they may have no control over with the pressures of countervailing market forces and the imposition of additional State contributions hampering the delivery of new homes.

Concern around the dilution of strategic planning requirements under the bill has been expressed by the Committee for Sydney, the Planning Institute of Australia and the Australian Institute of Architects. Amendments were moved by the member for Wakehurst in the other place to address some of those concerns, one of which was successful. The Opposition understands that the Government has abolished the Greater Cities Commission and, with this bill, is moving away from the Six Cities strategy. It may not have been the Coalition's approach, but we accept that this is the intention of the Government. However, we cannot get away from the need for a regional strategic plan for Greater Sydney. This bill itself reflects that by amending schedule 4 to the Act, "Savings, transitional and other provisions", to maintain that the *Greater Sydney Regional Plan—A Metropolis of Three Cities* continues to have effect as a regional strategic plan for the designated Sydney local government areas.

The unintended consequence of the Government's bill is that there will no longer be a requirement for there to be a strategic plan for Greater Sydney. As Australia's largest economic centre and largest capital city, it must have a regional plan in place to guide sustainable growth. The amendments of the member for Wakehurst would have ensured that there is always a Greater Sydney region plan. It makes sense that a regional strategic plan that stays in place after this bill is passed should be revised. The Government has outlined that one is already being worked on. While we take the Government at its word, the Coalition would have preferred to see it preserved in the Act. While that amendment was not successful in the other place, another amendment was approved that tightened the requirements around the review of regional strategic plans. The bill as drafted originally would have

allowed for regulations to effectively dispense with the requirements to review a regional strategic plan every five years, which was cured by that amendment and something that we believe has improved the bill.

Concerns have also been raised with the changes in schedule 1 [24], that a regulation may prescribe circumstances in which a planning proposal authority does not need to give effect to a strategic plan. Amendments moved by the member for Wakehurst in the other place sought to remove that provision, but they were not successful. The Opposition had discussions with the Government and considered moving an amendment to require an explanation of why such a deviation from a strategic plan would be necessary. In discussions, the Opposition determined not to move such an amendment, but I invite the Minister in her speech in reply to outline potential scenarios that are envisaged under this power and address those concerns. I note that the Opposition is somewhat assured that such regulations will be disallowable instruments and that an egregious use of the power can be considered by this House in the future.

Industry has expressed concern about removal of the requirement under section 3.9 (3A) of the Act, which requires the Secretary of the Department of Planning, Housing and Infrastructure to issue written advice that a local strategic planning statement is consistent with the regional and district plans. The Government's rationale for removing the requirement is that it only applies in the six cities region and the amendment provides consistency across the State. It is my contention that this was the case because, as it stands, it was only in those regions that there were applicable regional and district plans and that only councils in those areas were provided with a local housing target. It is our view that this was a relevant safeguard when introduced to give effect to district and regional plans at the local strategic planning level, and it is a safeguard that should be maintained to provide consistency with strategic plans that are developed by the department. The Opposition will move an amendment in the Committee stage to address that issue.

The Government's introduction of the Housing Delivery Authority in January this year has introduced a new body into our planning system that was not envisaged by the Act. The HDA is an advisory body, and applications which they recommend to the Minister proceed as State significant development [SSD] applications, but they still need to go through that process with the checks and balances that it entails. The Opposition is satisfied that this body does not perform the function of a prescribed planning body as was envisaged under the Act, and as such should not be subject to the same requirements. However, like many stakeholders, the Opposition would like to continue to see the utmost transparency around the determinations and recommendations that are made by the HDA to increase confidence within the community about its operations. It is our understanding that this was the intention of the Government, and it forms part of the charter of the terms of reference of the HDA.

To date, many stakeholders have expressed their appreciation for the publication of the HDA's record of briefing, and it is an important part of the transparency associated with that body. The Coalition believes that the HDA should perform with the utmost transparency to the community concerning the determinations and recommendations that are made to the Minister. Such measures are intended to increase confidence within the community about its operations but not in a way that would impede its work. We welcome the transparency shown so far. The amendment moved by the member for Sydney in the other place, which was successful, incorporates a requirement to publish, within 14 days of a meeting, the minutes of the meeting and a record of any decisions made, and reasons for those decisions. That is a positive measure that improves the bill. It addresses much of the concerns that were raised by Local Government NSW and other stakeholders to require the transcription records of HDA meetings and resolutions to be made publicly available.

Similarly, concerns with respect to the reduction of the minimum public exhibition period from 28 days to 14 days for State significant development that involves residential accommodation were ones that were enunciated by Local Government NSW, along with the Planning Institute of Australia, the NSW Institute of Architects and the Committee for Sydney and were shared by the Opposition. The State significant development pathway is one that will typically be used for larger developments that will have more impact on local communities and, under the HDA process, may also include concurrent rezoning applications. We believe that as this is the case it is appropriate to maintain a higher level of public exhibition for such developments. We were not convinced that a reduction to 14 days would have any appreciable impact on the timely delivery of homes, as this stage typically runs concurrently with the assessment and agency referral processes; yet it has the potential to erode community confidence in State significant planning pathways.

The amendment of the member for Sydney went some way to addressing that concern by limiting the residential SSD that can be exhibited for 14 days to types of development identified in a community consultation plan, and we understand from the Government that those developments will be ones that are not more complex in nature. We will be carefully looking at the community participation plan and changes to it, which must be publicly exhibited, with opportunities for community input, for 28 days. Within those amendments, notification to relevant councils was also inserted into the bill, which is welcomed by the Opposition and Local Government NSW, whose president, Councillor Phyllis Miller, the Leader of the Opposition and I had the pleasure of meeting with yesterday.

We welcome Councillor Miller to the role and look forward to working with her and Local Government NSW in the future as we address solutions to deliver more homes and strengthen local communities.

A clear, predictable planning framework is needed to give developers and local councils the confidence to bring forward projects that deliver homes in the right places, supported by infrastructure. It is only right that councils know and understand what development is potentially occurring in their local communities so they can coordinate the infrastructure delivery that they are responsible for and also to track their housing targets, as set by the State Government, in the timeliest manner possible.

The bill also dispenses the requirement that with residential development the Minister must have advice from the Independent Planning Commission before declaring an application to be a State significant development. The Opposition is satisfied that the HDA substitutes for providing that advice to the Minister with respect to residential development and understands this amendment is supported by the Independent Planning Commission, whose expertise can be targeted more effectively.

The bill seeks to clarify when an affordable housing contribution can be imposed, especially if a State environmental planning policy [SEPP] identifies a need for affordable housing in a specific area and the condition is authorised by a local environmental plan through an affordable housing contributions plan or a SEPP. The amendment will apply retrospectively to 1 March 2019 and contributions are to be reinvested where they were collected or in an adjacent area. The Urban Taskforce has raised concerns with the provisions because they remove the current safeguards that are in place against excessive or unreasonable contributions under section 7.32 (1) of the Act, namely that at least one of the following applies:

(a) … the proposed development will or is likely to reduce the availability of affordable housing within the area, or

(b) … the proposed development will create a need for affordable housing within the area, or

(c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site …

I note the Minister's explanation in the other place in his reply that he sees the provisions not as safeguards but as handbrakes on the delivery of affordable housing. At a time when feasibility is the biggest impediment to delivering more homes, I think it is incumbent on all of us to be conscious of the imposition of charges on the delivery of new housing stock. Affordable housing contributions are part of that equation. Affordable housing contributions will deliver less affordable housing and less housing overall if they are too onerous and act as an impediment to the feasibility of delivering new homes.

The Minister's department acknowledges that in its assessment of differentiated affordable housing contributions across each of the transport oriented development accelerated precincts ranging from 3 per cent to 10 per cent. Unlike affordable housing incentives through uplift provisions, when it comes to affordable housing contributions, it is a cost that must be borne by someone, and that someone is the end purchaser of the property. The Opposition will continue to pay close attention to the operation of affordable housing contribution schemes as a result of the changes made by the bill and the impact on the delivery of affordable housing and housing delivery in general. The primary intention of the bill is to make substantive responses to decisions of the courts that have had a significant impact on the operation of the planning system in our State. The Coalition supports the changes that are moved in that regard and have found a broad cross-section of support for the amendments amongst stakeholders in order to provide clarity and consistency.

In the first of these amendments the bill clarifies the power to modify a development consent. Under the current framework, there has been some uncertainty about whether a consent authority can modify a condition of consent if the modification does not change the overall development itself following the decision of the court in *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177. The bill makes it clear that the consent authority is not prevented from modifying a condition of consent under sections 4.55 (1A) and (2) and 4.56 (1) simply because the change only affects the condition and not the development itself. It is a sensible amendment that will hopefully allow for modification applications and prevent cumbersome workarounds that have developed in order to get projects built more quickly where there is no change in what has been approved.

Secondly, the bill also defines how public submissions are to be counted during the development assessment process, addressing the decision of the court in *Filetron Pty Ltd v Innovate Partners Pty Ltd atf Banton Family Trust 2 and Goulburn Mulwaree Council* [2024] NSWCA 41. At the moment there is some ambiguity about whether late submissions should be counted when determining the level of public support for or objection of a proposal. Under this legislation, only submissions made within the formal public exhibition period will be counted for the purpose of determining a consent authority's decision, which is particularly important for the triggers under the Act that determines the consent authority.

The last of the changes made by the bill in this regard concerns a response to confirm the decision of the court in *Castle Hill Panorama Pty Ltd v The Hills Shire Council* [2023] NSWLEC 24, which makes changes to

the Act regarding concept approvals and subsequent development applications. The changes uphold the decision of the court and confirm that there are no jurisdictional barriers to a consent authority imposing a condition of development consent that requires the modification or surrender of a concept approval. That means that even if a subsequent development application is inconsistent with an original concept approval, a consent authority will have the power to impose reasonable conditions to enable the development to proceed.

Planning reform must take steps towards greater planning certainty by improving assessment processes and removing unnecessary red tape. A clear, predictable framework will give developers and local councils the confidence to bring forward projects that deliver homes in the right places, supported by infrastructure. We cannot talk about increasing housing supply without addressing infrastructure. More homes mean more pressure on local roads, schools, hospitals and public transport, which is why strategic planning is so important as we build our State and its cities for the future.

I take the opportunity to thank stakeholders for their continuing engagement on the bill, including the Australian Institute of Architects, the Committee for Sydney, the Housing Industry Association, Local Government NSW, the Planning Institute of Australia, the Property Council, the Urban Development Institute of Australia and the Urban Taskforce. This bill is not the end. The Opposition and the Government are engaging in a bipartisan approach to planning reform. We hope that the approach taken on this bill is a good indication of how that process will continue.

I thank the Minister for Planning and Public Spaces for his engagement on the bill from a very early stage. I thank also his chief of staff and his deputy chief of staff for their work with the Opposition and other parties. It has been sincerely appreciated. I think that collaboration will create good legislation as the bill passes through this House. We are all committed to ensuring we can provide more affordable homes for the people of New South Wales. In achieving that aim, we must also ensure that we plan for and provide the best building blocks for liveable communities in our State now and into the future.

Ms SUE HIGGINSON (20:20): The Greens do not oppose the Environmental Planning and Assessment Amendment Bill 2025, despite holding reservations about some of the bill's schedules. I acknowledge that the Government has taken our suggestions on board and has ensured that amendments have been agreed to in the other place to address some of those concerns. We are very grateful to the Minister for Planning and Public Spaces and his office for their early engagement and the thorough discussions we had in order to understand the intention behind this legislation. The Minister was very patient and tolerant of our concerns.

The Government claims this bill will streamline planning and support housing delivery. Components of the bill will achieve that aim. However, the bill will also deliver some changes that are not clearly positive in terms of public participation and the transparency of the planning system. We must remember that transparency and public participation have been the hallmarks of this system since 1979. That is significant. Planning and development decisions are only good to the extent that the local community has informed them and the public has participated in sharing its knowledge about the environment and the economic and social fabric of the site of any proposed development.

Changes to transparency and public participation are particularly significant in light of our changing climate and our collective capacity to respond to the crisis we face. It is a crisis that our planning system must adapt to. We debate this legislation just months after Portfolio Committee No. 7 - Planning and Environment tabled its report on the planning system and the impacts of climate change on the environment and communities. That report concluded in no uncertain terms that our planning laws are fundamentally failing to protect communities and ecosystems from worsening climate impacts.

The committee made 18 sound recommendations based on the expert evidence, and those recommendations were overwhelmingly supported. The Government's response to the report was not displeasing. It indicates an appetite for genuine reform. That report, based on months of public hearings and extensive evidence, called for systemic reform. It is unfortunate that the bill does not do that and seems to be going in the other direction. Tonight we are looking at further deregulation, reduced accountability and a narrowing of the very tools that we need to plan for a liveable future.

Before getting into the detail of the bill, we could have and we should have been seeing much more effort to deal with all of the things that the planning system should be doing here and now in 2025. I will begin with one of the examples in the bill that we say undermines the principle of strategic planning—schedule 1 [24]. That item will allow planning proposal authorities to sidestep the requirement to give effect to regional and district strategic plans. Strategic plans are our blueprint for coordinating where homes, jobs, infrastructure and services go. They should also much more clearly set the expectations for natural space, habitat and, critically, how cities and communities must adapt to a future where fires, floods and coastal hazards are significantly different from today.

They are meant to reflect long-term public interest, not short-term gain or an expedited and politically motivated planning response that does not address all of the systemic causes of the housing crisis.

We received some really important feedback on the bill, including comments from expert environmental law organisations and planning bodies. The comments about this particular item were that it undermines the ability of strategic plans to serve their intended function and that it weakens the legislative basis for plan-led development, replacing it with increased discretion and greater risk of ad hoc rezonings. Recommendation 9 of the report of Portfolio Committee No. 7 – Planning and Environment urged the Government to embed climate resilience and sustainability within regional and district plans. It recognised that spatial planning is one of the most powerful tools we have to mitigate and adapt to climate change. Yet the bill actively weakens that strategic framework. It creates a pathway for planning proposals to disregard climate-aligned regional plans altogether.

The Government's response to recommendation 9 claimed to support the intent, yet the amendment in schedule 1 [24] would allow projects to be approved that do not align with climate or infrastructure priorities. If we cannot ensure that rezonings conform to the strategic plans intended to guide them, then ultimately those plans become meaningless. I acknowledge that the Government has made some concessions on the matter of strategic planning, but the amendments to the bill passed in the other place do not resolve our concerns: that the importance of strategic planning and delivering coordinated and climate resilient developments can be bypassed by a simple regulation change.

When talking about planning in inquiries conducted by Portfolio Committee No. 7 – Planning and Environment—inquiries about transport oriented developments, the planning system, climate change and communities—everybody who works in this space, particularly those in the government department and embedded within councils, has given the same number one piece of evidence that strategic plans and their functions are important. This evening we should be bolstering the prioritisation of strategic planning, not weakening it and simply making a commitment that we will do it.

The bill contains a suite of measures that reduce oversight transparency and public participation safeguards in our planning system. I recognise that the Government has taken our concerns on board and ensured that some guardrail amendments were passed in the other place. In reality, the reductions in oversight, transparency and public participation are still present in the bill. I say in earnest that it is a worrying direction to be taking. I appreciate that the Minister for Planning and Public Spaces is executing the Government's agenda, and I have a degree of trust in his integrity when it comes to how these changes will be executed.

Significant misconduct and corruption has occurred in the New South Wales planning system. Some members in this place and the other place were members during that time. Any reduction in the processes that create public trust in the planning system should be weighed very carefully. We cannot assume that just because the current Minister is acting with integrity all future Ministers will too. We remain concerned about the bill's proposed reduction in the public exhibition period for State significant developments from 28 days to 14 days. I acknowledge that the Minister has kept his promise to The Greens, and somewhat addressed our concerns, by specifying that community participation plans may provide for longer periods of consultation. But expert commentary on this specific provision from lawyers who work with this legislation and with communities day in, day out is that 14 days is wholly inadequate for meaningful community input, particularly for complex and high-impact State significant developments.

Removal of the requirement that the Minister obtain and publish advice from the Independent Planning Commission [IPC] before declaring a State significant development is a concern. Removal of the requirement for IPC advice undermines transparency, politicises the State significant development process and increases the risk of corruption. I can still see, written in bold, the 2012 report of the Independent Commission Against Corruption into corruption in the planning system. That report was so significant in identifying the measures to keep the planning system safe from corruption and attacks on its integrity. Those measures are precisely what we do not see in the bill. It is of genuine concern that some of them are being unravelled.

Before the bill was amended in the other place, it did not contain requirements to publish meeting minutes, and decisions, and reasons for decisions, taken by the new Housing Delivery Authority. That is a very worrying sign of the Government's intent—that it thinks it is okay to skip through some of the important accountability and transparency provisions that have been held close in the planning system for many years—and is a serious red flag regarding accountability in the planning system. Our concerns are somewhat lessened by the amendments that were passed in the other place, but it is a very concerning indication to all members of this place, and to the people of this State, that we have a Government that is trying to weaken transparency and accountability. It is a cause for concern.

The omission of any accountability provision in the first print of the bill is chilling. Public access to deliberations is essential for accountability. Allowing the new Housing Delivery Authority to meet behind closed

doors would further erode the public trust in planning. Accountability provisions are not technical tweaks, and the issue is not completely resolved by the amendments that have been passed so far. Recommendation 1 of the report of Portfolio Committee No. 7 – Planning and the Environment called for expanded transparency and oversight, particularly for high-impact elements. The Government rejected that recommendation, claiming that the current system was adequate, yet this bill goes even further in the wrong direction. It eliminates IPC oversight where residential development is involved. That is precisely the type of development that triggers intense community concern.

The bill also changes the law so that submissions received after the close of exhibition may not be counted at all. I appreciate that a consent authority may exercise discretion when considering submissions received after the end of the public exhibition period, and I am sure many authorities will, but that adds unnecessarily to the pressures and deadlines of community members who are attempting in very good faith to participate in the planning system.

The best decisions are the ones where community members have provided their local knowledge and have participated fully, meaningfully and in good faith, which is what communities do. The amendment may result in objectors being excluded from merit appeal rights, according to legal experts, which is a serious curtailment of procedural fairness. That means that for someone who learns about a project the day after the exhibition ends—perhaps because they were evacuating during a flood or dealing with a bushfire—whether their concerns and submissions will be considered is left completely at the discretion of the consent authority.

We need democratic planning and a fair and accountable system. In that regard the changes are, once again, moving in the wrong direction, which is not completely resolved by the amendments. One of the most powerful and forward-thinking recommendations from the Portfolio Committee No. 7 report was recommendation 3 to empower planning authorities to revoke or review historical approvals that are no longer appropriate in the face of climate risks or the changing environment. The committee heard shocking examples of subdivisions approved decades ago now being activated in bushfire zones, flood plains and biodiversity corridors.

Regarding the amendment bill, planning experts have said that while they support clarifying the modification powers, they recommend an additional amendment to allow consent authorities to initiate changes where climate risk or public interest warrants it. They note that consent authorities must be empowered to initiate modification or revocation of consents to prevent activation of outdated approvals in areas now known to be hazardous. The Government's response to that was effectively "We'll think about it later." Later is too late. We cannot keep building the homes that this amending bill is trying to expedite. We cannot keep building homes in known danger zones. We cannot afford to say, "Our hands are tied by the past", when the climate crisis demands bold action in the present. The bill should have included provisions to allow consent authorities to review, revoke or condition historical developments where there is climate risk or where community safety is at stake.

I also acknowledge a set of amendments that I have tabled that seek to strengthen how the planning system deals with bushfire risk and other natural hazards. Those amendments will not be debated in Committee of the Whole, but I have tabled them. I did so after discussions with the Minister's office regarding those serious amendments, which I am very grateful for. I am encouraged that the Government has acknowledged that there is merit in the changes suggested. I also acknowledge that the Opposition has had conversations about those important amendments. The Government has committed to working on the principles behind them as part of its ongoing reform agenda. The amendments propose a new section 4.14 that requires that residential accommodation on bushfire-prone land complies with the best practice bushfire protection standards or, where alternatives are proposed, that certified performance solutions be developed in consultation with the Rural Fire Service.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): There is too much audible conversation in the Chamber. I am having difficulty hearing Ms Sue Higginson. Members will keep it down to a dull roar.

Ms SUE HIGGINSON: Thank you, Mr Assistant President. It feels like the night before end of school break.

The Hon. Scott Farlow: With the cool kids up the back there!

Ms SUE HIGGINSON: Yes, it's the cool kids at the back. Amendments to section 4.15 clarify that consent authorities must consider the full spectrum of natural hazards, including bushfires, flood, landslip, storm surge and more, when determining development applications. Part of me feels that it is rather bizarre that we are suggesting these amendments at this point in time and that they are not amendments already spelt out—expressed and fulsome—in the legislation or that were brought forward by the Government. A revision to section 10.3 requires that maps of bushfire-prone land are updated at least every five years and made publicly available. Again, it is hard to believe this is not already a requirement. The introduction of new section 3.25A ensures that rezonings

which increase housing or fire-sensitive uses in bushfire-prone areas trigger early consultation with the Rural Fire Service.

These are practical, precautionary reforms that reflect the overwhelming evidence presented to Portfolio Committee No. 7, particularly in recommendation 3, which calls for action to ensure new developments are not exposed to known and increasing climate risks. As the Environmental Defenders Office and local governments highlighted during that inquiry, the lack of statutory safeguards around hazard-prone land is one of the most critical failures of our planning system. Too often homes are still being approved in high-risk areas on the basis of outdated maps, unclear guidelines and limited hazard consideration during rezoning. It is hard to believe that is happening here and now in New South Wales. We have the Environmental Planning and Assessment Amendment Bill 2025, and we are not dealing with those most pressing public interest matters.

The idea that we are dealing or purporting to deal with a housing crisis is to be commended, but to do that in the abstract or in the absence of addressing or accommodating those other fundamental matters that the planning system has to deal with, and currently is dealing with, in the absence of good, statutory, robust guidance, is really concerning. It is not just concerning to me, my party and my constituents; I know it is currently concerning to everybody and particularly councils across New South Wales. These tabled amendments are about building a system that recognises the realities of climate change and protects people, property, ecosystems and infrastructure before disaster strikes.

I sincerely appreciate that the Government has indicated its willingness to progress that work, and I take that earnestly and in good faith. But I respectfully express that this is urgent. Many of us live in areas that are experiencing the failures of the planning system from decades ago. We now have the opportunity, and the Government knows it has the support of both Houses of the Parliament, to take a progressive reform agenda through the planning system to deliver one that is genuinely climate-ready—or disaster-ready, if we don't like the words "climate change"—for New South Wales and for the public interest. I ask that the Government advance that work as an absolute priority and engage with the Parliament, the committees that have been doing this work, the agencies and the community to deliver comprehensive, hazard-aware, ready reforms. Every year that we delay the risk deepens and the cost grows.

The bill could have been a moment of courageous, current, contemporary reform. It could have aligned our planning system with the realities of climate change, embedded justice and resilience in every decision, and restored public faith in development processes. When I talk about restoring public faith in development processes, I am not just talking about those with vested interests who engage with the planning system and knock on the Minister's door. I am talking about our kids and their kids—the generations that we are here for right now, who do not currently have faith in the system. Instead, in large part, it is moving in the other direction.

The bill removes oversight, diminishes strategy and sidelines the public. The Environmental Planning and Assessment Act must be about the long-term wellbeing of people and place, not the short-term convenience of governments and developers. On behalf of The Greens, I urge the House to carefully consider the aspects of the bill that reduce transparency, oversight and public consultation, and work with us to build a planning system that centres on climate justice, ecological integrity and democratic accountability. Planning is not just paperwork; it is a covenant with future generations, and right now we are breaking it.

The Hon. MARK LATHAM (20:45): On this day of song in the Legislative Council mosh pit, the Environmental Planning and Assessment Amendment Bill 2025 is part of the "long and winding road" to housing reform—and what a long road it is. The Government's transport oriented developments and the movement of housing into State significant developments—via the two wise men and one wise woman on the Housing Delivery Authority—has achieved 10 per cent of the long and winding road of reform. The bill before the House takes us another 2 per cent down that road, so we are still 88 per cent short. I will address that and engage in open debate about housing reforms, together with my colleagues Ms Sue Higginson, the Hon. Scott Farlow and Government representatives in the Chamber.

This is an important debate. The Government has made housing affordability its top agenda item for reform in New South Wales. Given the state of the Legislative Assembly—the words were expunged from my earlier motion—the best ideas will obviously come out of this Chamber, so let us get on with it. The bill responds to three challenges in the New South Wales courts: the Ku-ring-gai Council case in 2021 concerning the nature of consent modifications and bundling issues, the Goulburn Mulwaree case from 2024 regarding—

The Hon. Penny Sharpe: It's Mul-wurry.

The Hon. MARK LATHAM: I know Goulburn but not Mulwaree. You learn something every day. I appreciate my friend and colleague the Hon. Penny Sharpe for helping me—once.

The Hon. Penny Sharpe: Don't get used to it.

The Hon. MARK LATHAM: I did say "once". I am certainly not getting used to it. I am not as silly as I look, don't worry. The Goulburn Mulwaree case concerned late submissions. The final matter was the Hills Shire Council issue concerning clarity about how consent authorities address inconsistencies between concept approvals and subsequent development applications. This random miscellaneous bill bundles together a series of proposals. It removes the statutory requirement that the Minister must obtain and publish advice from the Independent Planning Commission [IPC]. In the Committee stage I will move an amendment to abolish the IPC altogether. The Government does not need to worry about getting advice from the IPC because it will be no longer if members support that amendment. The Housing Delivery Authority will have less formal meeting arrangements. It has only just got going, so it does not matter whether the meetings are formal or informal. That is a trivial provision.

The minimum exhibition period for State significant developments will be reduced from 28 days to 14 days. I would abolish that altogether, and I propose to streamline the bill when I move my amendments in the Committee stage. The bill removes references in the Act to the Six Cities Region. The Government previously abolished the totally useless Greater Sydney Commission. By removing references to the Six Cities Region, Lucy Turnbull's nonsensical notion of three cities inside Sydney goes with it. We could wander the streets of Wollongong, Campbelltown, the Hills and inner Sydney for months on end and not find anyone who knows what the six cities are or were supposed to be. The concept was always ridiculous. It is the sort of thing they dream up in that pink waterfront building at Point Piper.

The reality is that the Hunter Valley and the Illawarra are their own regions, and proudly so, with their own planning history and needs. Sydney is a sprawling metropolis, a city bound by the geographical limits of national parks, river systems and the Blue Mountains. There is no great mystery about any of this and it can be over-complicated. When Rob Stokes was the Minister, he swallowed a planning encyclopaedia and tried to put it into the legislation. He over-complicated it at every stage, thinking his reforms were acts of genius when they were actually acts of delay and restriction on the housing development industry. It is no surprise that New South Wales now has a housing affordability crisis, driven by a lack of supply and other factors. Good riddance to the Six Cities, whatever they were. I wish them well in being consigned to the statutory dustbin.

New section 7.32 (3) (c) in the bill allows the imposition of a financial contribution if a planning policy identifies the need for affordable housing. This is a great ambition, but trying to squeeze money out of the private sector for affordable housing has never been a great success. In fact, it normally stops the private sector from building any housing at all, so it is possible to go overboard. It never works. The real affordability issue relates to lowering building costs so that private sector developers can get on with the job. Big and medium-sized housing developers say they have the support of the Government. We have heard all the rhetoric, but what about the cost of building? Where is the margin for turning a dollar on these developments? The labour costs, compliance costs and green tape costs have all escalated, so the big challenge is bringing down those costs in tandem with creating opportunities for housing supply. That is the real affordability question we face.

I echo the great Neville Wran when he said, "The real purpose of public housing is to get out of it." That always needs to be remembered. Public housing is only a stopgap to help people through times of need and springboard them into private ownership, which is the cliché but reality of the great Australian dream. The bill also states that all regional boundaries will be determined by the Minister. That will not change the face of Sydney, the Illawarra or the Hunter, but I am sure the Minister will do a fine job.

We all know what has happened in Sydney. Figures confirm that since 1992, New South Wales has built on average only six dwellings per 1,000 residents, fewer than Queensland and Victoria, which have built eight to nine dwellings per 1,000 residents. New South Wales is one-third behind the adjoining States to our north and south. As a rule of thumb in Australia, a 10 per cent increase in housing supply leads to a 25 per cent reduction in housing costs for the home buyer. In Sydney we need every tactic we can find to get more homes built. I am reading from the executive summary of the excellent NSW Productivity Commission's *Building more homes where people want to live report* from May 2023.

I come back to the essential point that for housing supply to work, it has to be more than a theory. It also has to be the practice of the private sector building the dwellings, which hinges on building costs. There are two components here: the role of government in opening up development opportunities and the private sector having the financial capacity and profit margins to turn them into dwellings to bring down housing costs, as per the Productivity Commission report. The report recommends:

> To build more housing in Sydney's existing housing areas, we should:
>
> - raise average apartment heights in suburbs close to the CBD (and to job opportunities)—

this is ending urban sprawl and focusing heavily on inner ring urban consolidation—

> - allow more development around transport hubs so that we leverage our existing infrastructure capacity—

I congratulate the Minister on the transport oriented developments, which take up this recommendation—

- encourage townhouses and other medium-density development and allow more dual-occupancy uses such as granny flats where increased density is not an option.

The Productivity Commission has done a lot of work on this. We do not need to reinvent the wheel; we just need to attend to the evidence and the recommendations it has made and build them into amendments to this statute. On the urban consolidation questions, the Productivity Commission found in its August 2023 follow-up report that it costs $40,000 in government infrastructure per dwelling in the inner ring suburbs. In the outer suburbs—I am talking primarily north-west and south-west Sydney, and you can stretch down to Illawarra and the Central Coast—it is over $100,000 per dwelling because of the extra costs built into urban sprawl. Consolidation is needed. We all know from flying in and out of Sydney that it is a very flat city compared with those overseas, particularly in the inner ring. That is where the Productivity Commission has guided us for the immediate and most achievable gains.

The commission has other recommendations. It has done a power of work. In August 2024 its final report on housing supply, when it became known as the Productivity and Equality Commission, stated, "Low feasibility partly reflects a construction sector that is at capacity delivering Australia's public infrastructure projects." It is not really mentioned in the public debate that all the infrastructure construction in Sydney is crowding out private sector investment into housing. I do not know how you smooth that out and ensure that more investment goes into private housing, but I think lowering building costs is certainly essential. The crowding-out factor is important. Members of the former Government boast of its infrastructure program—and it was significant, albeit just keeping up with the pace of migration-driven population growth in Sydney. But there has been a crowding-out effect, which is part of the problem in private sector housing supply. To build more homes, the commission recommends that governments should work to free up capacity. The report states:

> All governments should work together to reprioritise capital spending based on merit while freeing up capacity in the construction sector and containing cost pressures.

It states this is paramount. It goes on:

> Tax breaks and subsidies for developers should be used sparingly. These policy tools generally increase demand, not supply, and are ineffective when the construction sector is operating at capacity.

That is a very important concession. Some may say that tax breaks for private housing are the answer, but in fact when you already have capacity constraints they do not work. The answer, really, is to free up the capacity constraints. One of those is labour costs coming out of COVID; another is the failure of our training system to produce more tradies and construction workers. We cannot have a continuation of the Ponzi scheme whereby it is argued we need more migration, and tradies and construction workers to build the homes for the migrants to live in. That is not a solution either; it is quite self-defeating.

Part 3 of the final report is to "Support housing supply by allowing more density in feasible locations," namely in the inner ring rather than urban sprawl, as I have mentioned previously. Then, in part 4, the report comes to improving processes, including after development consent, to avoid excessive delays and, finally, creating a pro-housing regulatory environment. It is absolutely critical that the Environmental Planning and Assessment Act should be pro-housing, pro-economic growth and pro-productivity. Over the years, more and more extra considerations have been placed into the Act like layers of sediment, primarily climate change, environmental considerations, local consultation, extra layers of bureaucracy, extra planning commissions and extra city plans. That build-up of sediment has got away from the core objective we are after tonight and into the future—a pro-housing environment that builds up private investment.

The itself can be amended in a number of respects. I suggest a 10-point plan for housing reform. The first is to bring immigration levels down to sustainable levels—90,000 per annum net, not the big Australia levels of 400,000. Obviously, reducing the level of demand eases the housing supply and affordability crisis in Sydney. The next point in the plan is to bring down the cost of building. Green tape and compliance costs are enormous, particularly under the new national code and the work of the Building Commissioner.

That brings me to the third point. I would send the Building Commissioner back to towers only rather than residential, detached one- and two-storey dwellings. Recently I talked to a medium-size housing developer in Sydney. I said, "How are you going with the Government's agenda?" He said that because of the Building Commissioner's extra compliance costs, he has had to place an extra 10 staff in his company on $150,000 a year each, meaning that he is dropping off less profitable housing projects and concentrating on those where he turns the best dollar. The work of the Building Commissioner, while very much needed with Opal Tower, Mascot Towers and so forth, has got out of control. I am told the new commissioner is not so much of a zealot in that regard, but I do not know why anyone would think we had a crisis in the design, safety and sustainability of

detached dwellings in Sydney. I have never heard of that in the housing sector. Things have gone too far in that regard.

We need to give the Minister a power in the Act for time limits on zonings and development applications. It is a funny thing about the Minister's role. The Minister is a good person and a fine politician. But, historically, in his portfolio there is a reluctance to govern, to drag items in and to actually make a planning decision. There is a fear of actually doing things and making decisions. There are Australian Labor Party members in this place who would like to govern land use planning in Gaza if they could. Why not in Sydney? They have other priorities. If it were something that the trade unions asked for or some other social policy priority, of course Ministers would be jumping around. In the middle of a housing affordability crisis, we should not be afraid to give the Minister more power to govern and do his job.

Elected governments should govern. In this area, strong, purposeful, streamlined, fast-tracked governance is absolutely essential. It happens in other areas. I look at our friend the Hon. John Graham, the Minister for everything, who has a commission and an advisory council and is getting on with reforms in other areas. The Government is doing some things—not big bang things—but in planning and housing we need the Minister to have the power, authority and regulation to actually govern. As I mentioned, I would abolish the IPC. John Barilaro made that point; why didn't the former Government do it? The commission is anti-development. It is an extra layer of bureaucracy when we need streamlining and fast-tracking. I would place limits on appeals processes. I look at poor old Santos at Narrabri and its 12 years of agony. Why is it still interested in New South Wales? Other companies have fled because of the problems of unlimited court appeals.

Stamp duty choice would matter. The Government made a mistake to move away from that. Why not give people the chance to avoid the up-front cost of stamp duty on new housing purchases in Sydney when it averages $50,000? Further, 30 per cent of Sydneysiders are locked in the wrong home. They cannot move around because of the stamp duty impost. They are in the wrong spot or the wrong size house. We should end the arguments about connection to country. I made that point to the Minister in relation to the Ingham development at Bradfield and all the ridiculous terminology. We need plain English, understandable statutes so that people, having read them, can get on with the job and move forward. I would abolish the unsolicited proposals. What a disaster they are for housing, as we have seen at Rosehill. Finally, we need urban consolidation, big-time. The city needs to go up instead of out.

Those reforms are necessary and can be done with goodwill. There is consensus in the Parliament. All members, in their own way, want to solve the housing affordability crisis. I welcome the news that the Premier got together with the Opposition leader to talk about a complete overhaul of the Environmental Planning and Assessment Act. The bill is a small step in that direction, introducing some streamlining. But when we look at the sediment that has been built up in that Act over decades, there is so much to be stripped out and brought back to the basics of economic growth, productivity, housing affordability, sensible planning and some public involvement but, most of all, a Minister who governs, gets things done and is not afraid of their own shadow or jumping at past corruption problems in New South Wales. If we cannot rely on a good and ethical Minister to get the job done, what is the point of having legislation at all?

I welcome the meeting of minds between Mr Minns and Mr Speakman. I believe they have delegated it to greater minds—Mr Scully and the Hon. Scott Farlow—to get together on reform of the Act. At the racetrack, when two tipsters agree, they put it on Great Minds. That is what is happening with the Minister and the shadow Minister. Perhaps they could even pick up some of the things I have suggested tonight and involve members of the crossbench so that there is a parliamentary consensus. I welcome the fact that the Government has made housing affordability its main agenda item. I lament that we have not moved forward enough at this time. There have been distractions like the Rosehill initial plan. We can do a lot better. The bill is worth supporting. I will move some amendments and engage with Ms Sue Higginson in a debate on her amendments. I hope that out of this process we transform the planning legislation in New South Wales and give young people, in particular, their hope of getting into the housing market in our great city with the great Australian dream.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:04): In reply: I thank members for their contributions to debate on the Environmental Planning and Assessment Amendment Bill 2025: the Hon. Scott Farlow, on behalf of the Opposition; Ms Sue Higginson for The Greens; and the Hon. Mark Latham. It is clear that we have a housing crisis, and we need to do something to address it. I thank Opposition and crossbench members for their constructive discussions and consultation with the Government on the bill.

Our planning system demands modernisation to address the housing challenge across New South Wales. The bill introduces crucial amendments to streamline the planning system, to provide certainty to industry and communities, and to make sure that our approach to development assessment is pragmatic, efficient and effective. At its core, the bill responds to three key legal decisions, two of which have created unnecessary uncertainty in

the planning processes. The Buyozo decision has made it difficult for consent authorities to modify development consents when the proposed change does not involve a physical amendment to the original development. The bill clarifies that consent authorities can modify conditions without requiring additional, substantive changes to the development itself, removing an unnecessary barrier to housing delivery.

The Filetron decision has created uncertainty, making it unclear whether submissions received after the exhibition period has closed should be counted when determining the consent authority for a State significant development [SSD]. The bill will make it so that only submissions received within the exhibition period are considered in determining the consent authority, thus providing greater clarity and preventing further legal challenges. However, I will be clear that this does not stop consent authorities from considering late submissions during their assessment or extending the exhibition time frame. It simply clears up uncertainties while still providing the opportunity for community engagement. The Castle Hill decision confirmed that consent authorities could approve a subsequent development application that departs from the original concept, provided they impose conditions to modify or surrender the concept approval. The bill reinforces that decision so that applicants can seek reasonable changes without lengthy procedural roadblocks.

The bill will also make necessary amendments to streamline the planning system to support the delivery of housing projects. It will allow the flexibility to shorten assessment time frames for the determination of certain residential SSD applications by updating the Department of Planning, Housing and Infrastructure's community participation plan to reduce the minimum public exhibition periods for those applications. I stress that any changes to the community participation plan will require consultation for 28 days. Once the community participation plan is updated, this will allow certain residential accommodation SSD applications to be in alignment with local development applications assessed by councils. This provision is a fair balance between community consultation and timely housing delivery.

The Housing Delivery Authority [HDA] was established to accelerate the delivery of critical housing projects. However, current legislation requires advice from the Independent Planning Commission [IPC] before certain residential developments can be declared SSD. This duplication causes unnecessary delays. The bill removes the requirement for IPC advice for residential SSD projects, allowing the HDA to take on an expanded advisory role. Finally, the bill will modernise affordable housing contribution requirements. On behalf of the Government, I acknowledge the discussions that crossbench members—particularly Shooters, Fishers and Farmers Party members in this place—have had with the Minister's office and the department. They raised some concerns, including removing legacy references to the "Six Cities Region". By removing the Six Cities model from the planning Act, this Government is demonstrating its commitment to improving strategic planning across the State.

The bill will make important changes that will guarantee the continuity of the strategic planning framework for the years to come. On behalf of the Opposition, the Hon. Scott Farlow raised concerns about the lack of government oversight of local strategic planning instruments. The Opposition has foreshadowed an amendment that proposes continued oversight of local strategic planning statements by the planning secretary to enable the secretary to review the statements to determine if they are inconsistent with the strategic plan applying to that local government area. The amendment will allow the planning secretary to direct the council to amend these statements, safeguarding the alignment of local planning outcomes with State and regional strategic priorities. We remain committed to the strategic planning framework as amended by the bill, and I indicate that the Government will support the Opposition amendment during the Committee stage.

Uncertainty in the planning system has impacted on the delivery of new homes and the simple modification of a development consent, and it has held back progress at a time when we clearly need efficient, effective and streamlined planning processes. The bill intends to endorse the Government's objective of pragmatic and functional approaches to development assessment and determination. The community has an important role in the planning process, and consultation opportunities where the community can comment on proposals are maintained.

The Government acknowledges the contribution of the Hon. Mark Latham and notes he is foreshadowing several amendments. The Government has not had sufficient time to examine his proposed amendments in detail, but preliminary advice suggests that a lot of them are generally outside the scope of the bill. The Government will not be in a position to support them at this time. I also acknowledge the amendments that have been foreshadowed by Ms Sue Higginson.

The Government cannot accept the proposed amendments, which essentially reverse the amendments agreed to in the other place yesterday and are against the overall intent of the bill. However, several proposed amendments have been tabled by Ms Sue Higginson in relation to special consultation procedures and development consents concerning bushfire-prone land. The Government believes that those amendments are highly complex and would require further careful consideration and greater scrutiny across other government agencies and other Ministers' offices, in particular the NSW Rural Fire Service. We acknowledge and are thankful

that good discussions have taken place between the Minister's office and Ms Sue Higginson and her office, indicating that those important issues will continue to be discussed in the context of other reforms to the planning Act at another time.

In closing, I thank the Department of Planning, Housing and Infrastructure officials. They were mentioned by the Minister for Planning and Public Spaces in the other place, but I thank them in the Legislative Council for the work that they have done and the subsequent advice provided in the discussions on the proposed amendments from Opposition and crossbench members. I look forward to the discussion in the Committee of the Whole. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have four sheets of amendments: I have The Greens amendment No. 1 on sheet c2025-076A, The Greens amendments Nos 1 to 11 on sheet c2025-046F, Opposition amendment No. 1 on sheet c2025-066G and seven amendments from the Hon. Mark Latham on sheet A02.4. Bearing in mind the time of night, it is my intention to start with The Greens amendment on sheet c2025-076A and see if we can clear some of the sheets that only have one amendment. We will deal with them and hopefully get rid of them before 10.00 p.m. If we have to come back in the next sitting period, we will deal with all of the others. Let us work through those that we might be able to get out of the way quickly first. In that regard, I ask Ms Sue Higginson to move The Greens amendment No. 1 on sheet c2025-76A.

Ms SUE HIGGINSON (21:15): I move The Greens amendment No. 1 on sheet c2025-076A:

No. 1 **Special consultation procedures concerning bush fire prone land**

Page 5, Schedule 1. Insert after line 34—

[25A] Section 4.15 Evaluation

Insert after section 4.15(1)(c)—

(c1) the risk to life, property, the natural and built environments, cultural values and infrastructure resulting from the effects of the following natural hazards on the development—

(i) bush fires,

(ii) floods,

(iii) winds,

(iv) cyclones,

(v) storms,

(vi) earthquakes,

(vii) snow fall, and

(viii) coastal erosion and inundation.

This amendment seeks to insert some important words and considerations into what I refer to as the beating heart of the Environmental Planning and Assessment Act [EP&A Act]. It is the evaluation part of the legislation. It is an absolutely fundamental, important part. It is where the hard work happens in the EP&A Act. I reflect on the words of the Hon. Mark Latham when he spoke about the sediment that has built up in the Act. It is an interesting way to view this Act. I have worked so much with this Act throughout my life. I see the sediment as fundamental layer upon fundamental layer upon fundamental layer of how we get to making planning decisions and making them well. That is what the amendment is about.

Section 4.15 of the Act is the evaluation process. At the moment, the legislation lists the matters for consideration in general when determining development applications. The natural world, the built environment, the social fabric and the economic environment all come as fundamental considerations when we are making development decisions. Those decisions have a high impact on the people around them today and the people that will be around them in the future. The amendment seeks to insert some extra words, and it requires consent authorities to consider the risk to life, property, the environment, infrastructure and cultural values from a clear and comprehensive list of natural hazards, and they are bushfire, floods, winds, cyclones, storms, earthquakes, snowfall, coastal erosion and inundation.

Let us be clear: The amendment is not a radical change. It is a long overdue correction to a planning system that still, in 2025, too often pretends the climate crisis is abstract or someone else's problem or not the planning system's problem. The amendment would make explicit what is already morally and scientifically necessary, which is that every development application be assessed against its exposure to those natural hazards, including bushfire, floods, storm, coastal erosion and so on. Those risks are not a hypothetical; they are present. Most of them, particularly those associated with rising global temperatures, are in fact escalating. They are deadly. We know that, and too many of us know it too well. We know that thousands of homes in New South Wales are already built on flood plains. We know that subdivisions are still being approved in bushfire-prone areas, sometimes based on outdated hazard maps or inadequate consultation. We know that communities are being asked to rebuild in the same dangerous places over and over without any assurance that the next time will be different.

The amendment responds directly to the findings of Portfolio Committee No. 7, which heard extensive evidence that our planning system is not properly accounting for climate-related hazard exposure. Recommendation three of that report called for planning authorities to have clear statutory obligations to consider and respond to those risks at the point of decision. The Environmental Defenders Office was equally clear that we need hazard-aware planning laws, not just for fires and floods but for the full suite of impacts—including coastal erosion, storm surges, heat and wind—that we know will worsen as climate change continues.

This amendment supports what is referred to as a precautionary, evidence-based approach. It provides clarity to consent authorities, developers and communities alike. It ensures that planning decisions are made in the real world, where extreme weather events are no longer rare but routine. It also protects more than just buildings. The proposed amendment seeks to directly to protect lives, ecosystems, cultural heritage and critical infrastructure—things that, once lost, cannot be simply replaced. This amendment should not be controversial. It is responsible, future-focused governance. If we are to have any hope of building resilient, safe and equitable communities in New South Wales, our planning laws must reflect the risks we face, not just the political convenience of avoiding them.

As I said, this amendment is seeking to be inserted in the sensible, logical place, which is the central part of the legislation at section 4.15. It is where the evaluation takes place. That provision already requires the consideration of any of the environmental planning instruments and, specifically, the suitability of the site for development; the likely impacts of that development, including environmental impacts on both the natural and built environments; and the social and economic impacts in the locality. This amendment will provide decision-makers the level of specificity and particularity that they need when making planning decisions, particularly about development the built environment. They ought to have that degree of guidance and it is our job, as the Legislature, to provide that specific guidance, here and now. We know that the most important things to consider when making planning decisions are bushfire, floods, winds, cyclones, storms, earthquakes, coastal erosion and inundation. If we do not make sure that those fundamental matters are part of the evaluation process of building new homes, and the infrastructure and the public services to support those homes, then, seriously, we are failing at our job.

I ask all members, as always, to consider this amendment on its merits. It is sensible, reasonable and responsible. We need to remember that when we are talking about decision-makers, we are talking about not just the Minister or the IPC, but we are also talking about other consent authorities and councils, some of which are more equipped than others. This amendment provides them with absolute clarity about the things that we, as the Legislature on behalf of people of New South Wales, expect those consent authorities to consider deeply when they are undertaking that very important evaluation process that has been provided for under the Environmental Planning and Assessment Act. On that basis, I implore all members to support this amendment and support it in full. As I said, there is nothing contentious about it. The proposed clause refers to the risk to life, property, the natural and built environments, cultural values and infrastructure resulting from the effects of the following natural hazards on the development, and that is, again, bushfire, floods, winds, cyclones, storms, earthquakes, snowfall, coastal erosion and inundation.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:23): The Government does not support this amendment, which seeks to expand the matters for consideration when assessing development applications to include natural hazards. The legislation already recognises that the planning system has a role in managing the risks of natural hazards. Listening to Ms Sue Higginson, one would think no consideration at all is given to that in the process. There is a whole environmental impact study that deals with those matters. A feature of the New South Wales planning system—whether one loves it or loathes it—is that these considerations are up-front throughout the process. They are already dealt with under section 4.15 of the Environmental Planning and Assessment Act.

This is quite a narrow bill. It deals with uncertainties that are the result of legal challenges, and seeks to streamline certain things relating to the Housing Delivery Authority. This amendment is much broader in scope

than the intent of this particular bill. That does not mean the Government will not engage in those conversations in the future. I refute any suggestion that these things are not already considered through the planning system; they are. However, there are unintended consequences to the amendment that would make it almost impossible to get any application through the planning system. I acknowledge the work that Ms Sue Higginson has done with Portfolio Committee No. 7 - Planning and Environment in relation to climate change and our response to it. However, the Government does not support this amendment.

The Hon. SCOTT FARLOW (21:25): Like the Government, the Opposition does not support the amendment. The Opposition shares the Government's view that this is a fairly constrained bill. There will be opportunities to have dialogue about future amendments to the Environmental Planning and Assessment Act. If we all brought our wish list of items for that Act, we would be here for a very long time. I hope we will be able to do that in the future, but tonight is not that night. For that reason, the Opposition does not support the amendment.

The Hon. MARK LATHAM (21:26): I make a couple of points. The first point is that this is actually a wideranging, miscellaneous bill, ranging from corrective action on three different court cases to the Minister defining regions, and from abolishing the Six Cities concept to whether or not the Housing Delivery Authority has formal or informal meetings. There is a lot of minutia across a whole range of questions. The Minister for Planning and Public Spaces and his department have had a wish list converted into the statute, and I do not see why other members in this place cannot add their more substantial ideas to this miscellaneous bill.

Ms Sue Higginson's amendment cannot be supported on the basis that it is part of the sediment problem. When the Environmental Planning and Assessment Act was introduced by the Wran Government in 1979, it had 127 pages. The Act now has 330 pages. That is 200 extra pages of sediment—extra considerations that got away from what the people of New South Wales would regard as the proper application of land use planning and consents in their local area. The two big economic considerations are "Can my kids get into housing?" and "Will we have a decent urban environment?" The question is about the housing affordability consequences of the urban form of Sydney.

This amendment is another layer of sediment. As much as I have recently been getting along with The Greens, I still fear for their state of mind. They do not get out of bed in the morning unless there is an imminent natural disaster to do with bushfires, floods, wind, cyclones, storms, earthquakes, snowfall or coastal erosion. What about pestilence? What about famine? What about the locust plague that could be coming and hitting us hard? What about bird flu?

The Hon. Penny Sharpe: Fire ants.

The Hon. MARK LATHAM: What about fire ants and COVID? There is a whole range of disasters that could be imminent on any given day. We would not need the Environmental Planning and Assessment Act; we would be sheltering in the closet. We would be in the cupboard and worried about walking outside if any of those things were to hit. Environmental planning and assessment would be the least of our worries. We need to be more optimistic and outward-looking, and return the core purpose of this particular statute to economic considerations about housing supply and affordability, along with some sensible considerations about the urban environment.

A good park down the road for kids is much more important for families than what the United Nations is saying about climate change. Having less congestion on the road, getting home earlier and spending valuable family time is much more important for families than what is said in the Paris Agreement or what Donald Trump or Keir Starmer or Xi Jinping or other big international players think and do about that. That is why the Act was introduced in the time of the Wran Government—for practical considerations about how we can live and how we can afford something as important as private housing ownership.

Let us strip the sediment away and let us consider, out of the meeting of great minds, stripping the Act down to 127 pages or less—down to what it should be—rather than building it up over the fear of snowfall, earthquakes, cyclones, winds and the other things that occupy the minds of The Greens. The Leader of the Government was right to say that in planning, no-one builds a house expecting that tomorrow it will be knocked over by wind or flood or bushfire or anything else. All those considerations are made through sensible planning. The other question is whether the Government is failing to act on so-called climate action. It released an industry policy recently, a big pyramid of strategy. The Hon. Jacqui Munro is in the Chamber and knows it well. It was in the budget estimates hearings.

The Hon. Jacqui Munro: The industry policy.

The Hon. MARK LATHAM: Yes, the modern version of Barry Jones' "Noodle Nation". It is squiggles and lines on a pyramid of industry policy.

The Hon. Jacqui Munro: It's a Bermuda Triangle of policy.

The Hon. MARK LATHAM: It's the Bermuda Triangle of industry policy. Of the 30 strategies in this pyramid, 17 are about climate action. The Government has overdosed on climate action. Every pet shop galah on Macquarie Street is squawking, "Climate action". We do not need extra sediment written into this statute. We have gone too far already.

Ms SUE HIGGINSON (21:31): The Hon. Mark Latham may refer to it as sediment, but I can tell him what sediment in your house looks like when you are scraping it off your wall. I can tell him what it looks like when your belongings are piled so high on the street and so full of sediment, because of a planning system that has failed so drastically because it did not take into account floods and all the other disasters, like coastal erosion and cyclones. I will tell him what it feels like when you are lying in your bed hoping the roof might still be on in the morning because you know a cyclone is about to hit your region and you know that the buildings all around you are not built ready for that cyclone. I can guarantee that what the member refers to as sediment, or what is being referred to in this place as sediment, is a very real factor.

Right now I am thinking about all the people in retirement villages in west Yamba just last week or the week before who were cut off because we are still building houses in that area. Those people could not get their medications. They are all over the age of 70, and they were literally incapable of accessing the very things that keep them alive because nobody thought about flooding. I refute that the Environmental Planning and Assessment Act already considers those factors and so we do not need to spell them out and consider them. Now is precisely the time to give guidance to consent authorities to do the job of considering these life-threatening impacts. People want homes not just to live but to feel safe in. They want to know that when there is a cyclone, a flood, a fire or coastal erosion, they will still have their homes in the morning.

I tell members that it is not just Lismore or west Yamba. It is all those in communities up and down the coast who lost their homes to the radical, intense, climate-fuelled, climate-induced bushfires of 2019 and 2020. We may want to laugh and we may want to call it sediment. We can do whatever we want, but we need to face the facts and the reality. The legislation that we are debating does not even mention climate change. There is not one reference to climate change in the entire legislation. I deliberately came here today without having used the words "climate change". I put the real words on the table that have a real, life-threatening impact on the homes we are planning to build today, tomorrow and next month. It is fundamental that we provide clear, unequivocal guidance to decision-makers and consent authorities that have to evaluate developments.

It is fine to say that it can currently be implied under the evaluation considerations in section 4.15 of the Environmental Planning and Assessment Act 1979. Good decision-makers will do that, but our job right now is to provide clear guidance. That is what we are here for. We are here to literally keep people safe and alive when we talk about increasing the housing supply. Maybe it is all fine here in Sydney. Maybe everyone in Sydney is safe. I do not know, because I do not live here. I can sure as heck say that people across the regions do not feel safe. People are displaced and homeless because the simple things that I am suggesting we amend in the bill were not written into the law and were not properly considered. They are still not in the law today.

Members need to remember that this is not just about when the decision is made by a decision-maker. It is also about when someone challenges a decision in court, which they are entitled to do, and the court requires this guidance. It will assist us all to make good decisions if the Act says we have to give primacy and real consideration to flood, fires, cyclones, coastal erosion and inundation. This is how the planning system works. Maybe when the Neville Wran Government introduced the planning legislation in 1979—

The Hon. Mark Latham: It would have been Paul Landa.

Ms SUE HIGGINSON: Paul Landa was the planning Minister. The legislation was only 120 pages long when it was introduced, but the reality is that things are more complex now. We should not be frightened of complexity and complexity theory. We should not try to dumb everything down. We should embrace the complexity of the decisions that need to made in a complex environment. I have tried my hardest to use simple words to put some of the most complex, harrowing and life-threatening concepts into our planning legislation. I commend my amendment to the Committee. I think it is a very sensible amendment.

The Hon. MARK LATHAM (21:37): The reality is that the Environmental Planning and Assessment Act is 330 pages long. All of that complexity is driving housing investment to Queensland and other parts of the Commonwealth. The complexity, size and length of the statute is a big problem for housing affordability. The bigger, longer, more complex and cumbersome the level of sediment in the Act, the more investment is going to go to other parts of Australia, and particularly to Queensland. The truth is that the honourable member was not talking about land-use planning. She was talking about evacuation and not being able to build in certain areas that might have bushfires, floods, winds, cyclones, storms, earthquakes, snowfall and coastal erosion.

All parts of New South Wales have wind, especially in this Chamber. All parts of New South Wales are susceptible to storms. We cannot quarantine such enormous amounts of landmass that we end up living on postage stamps. A life is for living, and it should not be lived in fear. We should have sensible planning laws that can be expressed in a statute matching the original length of 127 pages. We should strip away the sediment and all of the additional environmental considerations and scare campaigns that have been added to the statute over time. There must be ironclad determination.

There is no point in having meetings and discussions and telling the newspapers that people are getting together to consider reform across the aisle without a strong determination to strip the Act down to its core fundamentals of economics, housing affordability and practical local land-use planning provisions. That is all the statute needs to be. Everything else can be handled by other parts of the New South Wales bureaucracy. The honourable member has to alter her mindset of disaster and that we will all be ruined. Doomsdayism will not prevail. We need to be optimistic and, most importantly, positive about getting young people into new housing.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2025-076A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): I invite the Hon. Scott Farlow to move Opposition amendment No. 1 on sheet c2025-066G.

The Hon. SCOTT FARLOW (21:39): I move Opposition amendment No. 1 on sheet c2025-066G:

No. 1 **Secretary's power to direct councils to amend local strategic planning statements**

Page 5, Schedule 1[25], line 34. Omit all words on the line. Insert instead—

Omit section 3.9(3A). Insert instead—

(3A) If the Planning Secretary is satisfied a local strategic planning statement that has been prepared for an area is inconsistent with a strategic plan applying to that area, the Planning Secretary may direct the council to amend the statement.

(3B) A council for an area that receives a direction from the Planning Secretary under subsection (3A) must amend the local strategic planning statement for that area within—

(a) 28 days after the direction is received, or

(b) the period otherwise determined by the Planning Secretary and specified in the direction.

At present it is a requirement under section 3.9 (3A) of the Act that any local strategic planning statement within the Six Cities Region must be supported by the planning secretary as being consistent with the applicable regional and district strategic plans. As the Government dispenses with the Six Cities strategy and intends to move to a broader strategic planning approach, we believe that that is a relevant safeguard that the planning secretary should retain in order to ensure that the local strategic planning statements are consistent with any strategic plan that may be developed by the planning department.

I thank the Government for its cooperation on this amendment. The amendment is the result of the Government working with the Opposition to draft something that will hopefully gain the support of the Committee. The amendment will give the planning secretary the power to direct a council to amend a statement if it is inconsistent with a strategic plan. Following such a direction, a council will either have 28 days to amend the planning statement or a period determined by the planning secretary to be specified in the direction. I commend the amendment to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:41): The Government thanks the Opposition for its liaison and consultation in relation to this amendment, which we support. The amendment proposes continued oversight of local strategic planning statements by the planning secretary and will enable the planning secretary to review local strategic planning statements to determine if they are inconsistent with a strategic plan applying to that local government area. In those instances, the amendment will allow the planning secretary to direct the council to amend those statements, safeguarding the alignment of local planning outcomes with State and regional strategic priorities. The Government is committed to the strategic planning framework as amended by the bill. We welcome this amendment from the Opposition and support it.

Ms SUE HIGGINSON (21:41): The Greens do not support the amendment. Giving the secretary power to direct local councils and local authorities is just not good planning and not good process. Strategic planning done well, right, properly and early will have the support of local planning authorities and bodies. Giving the secretary draconian power of oversight and direction is not the system that we want. When there is genuine, good

planning with excellent strategic focus that has taken everything into consideration and there is proper local buy-in, then there is no need for a secretary level or other direction. The idea of a push-from-the-top planning system is exactly where we keep going wrong.

If we have overarching strategic plans that are community led and community driven—with the assistance of planning authorities—we would never need this kind of power. Giving the secretary this power that is not needed will have a chilling impact on community-led strategic planning processes, which are required to get proper outcomes that have the inclusion and buy-in of community members. We know that from all the international conventions on best practice, environmental impact assessments and strategic planning. If we do it early, get the scoping right and have conversations about what is good, what is right, what the direction is, what the vision is and why, then we do not need a secretary sitting in Macquarie Street telling a planning authority in north-west New South Wales, "Make your plan like we said".

It just does not work. It is not good planning. We know this stuff. I understand why the Opposition thinks this is important. I understand its legacy commitment to the former planning Minister and the strategic plans of the Six Cities Region. Unlike others in this Chamber, I think he was an excellent planning Minister who knew so much about planning and planning law.

The Hon. Mark Latham: Who is this? Rob Stokes?

Ms SUE HIGGINSON: I am referring to the former member, the Hon. Rob Stokes. He was an incredible planning Minister, and his understanding and capacity to grapple with the planning system was pretty much unparalleled in this place. He walked the talk. He travelled around the world, and he looked at planning systems—

The Hon. Penny Sharpe: Point of order: We are in Committee of the Whole, and I think we have strayed well beyond the terms of the amendment. It is getting late, and we can probably get through more amendments if members keep to the amendment being considered.

The CHAIR (The Hon. Rod Roberts): I uphold the point of order. As the Minister said, this is the Committee of the Whole, and contributions need to be relevant to the amendment before the Committee.

The Hon. Penny Sharpe: You can speak in the adjournment debate about how much you love Rob Stokes.

Ms SUE HIGGINSON: Rob Stokes and I once shared a conference platform on ecologically sustainable development. I understand the motivation for the amendment and why the Government has agreed to it. But, on the basic premise and principle of what we are meant to be doing tonight—which is setting out the provisions of this miscellaneous amendment bill—I do not think this is the right direction for the New South Wales planning system to take. The secretary does not need powers of direction when we get the strategic planning right.

The CHAIR (The Hon. Rod Roberts): The Hon. Scott Farlow has moved Opposition amendment No. 1 on sheet c2025-066G. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson, I do not want to put words in your mouth, but I understand that you may be prepared to move Greens amendments Nos 1, 2, 4, 5 and 7 to 11 on sheet c2025-046F in globo. You do not intend to move amendments Nos 3 and 6.

Ms Sue Higginson: That is correct, Chair. I will seek leave to move The Greens amendments Nos 1, 2, 4, 5 and 7 to 11 on sheet c2025-046F in globo. I will not be moving amendments Nos 3 and 6.

The CHAIR (The Hon. Rod Roberts): I will state the amendments again to ensure everybody understands and we have it right. Ms Sue Higginson will move The Greens amendments Nos 1, 2, 4, 5 and 7 to 11 on sheet c2025-046F in globo. She will not be moving amendments Nos 3 and 6.

Ms SUE HIGGINSON (21:49): By leave: I move Greens amendments Nos 1, 2, 4, 5, 7 to 11 on sheet c2025-046F:

No. 1 **Area comprising Six Cities Region**

Page 3, Schedule 1 [4], lines 18–27. Omit all words on the lines.

No. 2 **Strategic plans**

Page 5, Schedule 1 [24], lines 28–32. Omit all words on the lines.

No. 4 **Modifications of consents**

Page 6, Schedule 1 [32]. Insert after line 34—

(6A) Also, a consent authority may modify a condition of consent under subsection (1), (1A) or (2) on its own initiative, subject to the requirements of this section.

No. 5 **Modification by consent authorities of consents granted by the Court**

Page 7, Schedule 1 [34]. Insert after line 2—

(1BA) Also, a consent authority may modify a condition of consent under this section on its own initiative, subject to the requirements of this section.

No. 7 **Development that is State significant development**

Page 8, Schedule 1 [41], lines 6 and 7. Omit "the Act, the regulations or an environmental planning instrument".

Insert instead "designating the consent authority for a development application".

No. 8 **Development that is State significant development**

Page 8, Schedule 1 [41], line 3. Omit "and (4)".

No. 9 **Development that is State significant development**

Page 8, Schedule 1 [41], lines 8 and 9. Omit all words on the lines.

No. 10 **Meetings of planning bodies**

Page 8, Schedule 1 [43] and [44], lines 14–30. Omit all words on the lines.

No. 11 **Exemption from meeting requirements**

Page 12, Schedule 2 [4], lines 10–16. Omit all words on the lines.

These amendments are intended to uphold a responsible, transparent and climate-aware planning system and address the structural concerns raised by the Portfolio Committee No. 7 – Planning and Environment inquiry into the planning system and the impacts of climate change on the environment and communities. The amendments would create an explicit power for consent authorities to initiate a review or modification of consent conditions, even where the proponent does not initiate the application. The bill already allows for variation and modification powers, and it does so in a sensible way. The amendment seeks to complement that by addressing a key gap identified in recommendation No. 3 of the Portfolio Committee No. 7 report.

The report found that outdated approvals are still being acted upon despite significant climate risk because consent authorities do not have powers to revoke or modify consents in the public interest. That issue affects bushfire- and flood-prone subdivisions—approvals granted under past frameworks—that did not consider today's climate risks. The amendment is narrowly framed to allow a consent authority to act in the public interest, particularly in response to new climate risk or hazard data, major infrastructure changes, and environmental or safety considerations.

The Government's response to the Portfolio Committee No. 7 report noted recommendation 3 but did not propose legislative action. Without that reform, consent authorities are effectively powerless to prevent the activation of legacy consents that may now pose serious risks to life, environment and infrastructure. This is a climate readiness measure, and it is one of the most important structural fixes we can make. The amendments also go to the omission of provisions in the bill that removed references to the Six Cities Region. The Greens acknowledge that the Government has supported amendments in the other place that go part of the way towards improving transparency and how new regional boundaries will be declared.

However, we maintain that the removal of legislated references to the Six Cities Region is premature without a binding alternative framework. It creates uncertainty around strategic planning responsibilities for the Illawarra, Central Coast and Lower Hunter regions in particular. Ministerial orders alone are insufficient to provide continuity, accountability and public confidence. Our position remains that the sections of the bill that remove those references should be omitted in full. That is why The Greens have moved these amendments. Amendments in the other place went some way towards improving those provisions, but these amendments say clearly that we should not be doing that in the first place.

The bill includes provisions that weaken the statutory status of strategic plans and allows certain planning proposal authorities to deviate from those plans under prescribed regulation. While some clarifying amendments were made in the Legislative Assembly, The Greens continue to oppose that approach. It undermines plan-led development, which is a principle supported by planners, councils and communities alike. It creates uncertainty for local councils, particularly when they are expected to justify departures from established regional strategies. It also opens the door to ad hoc rezonings that could conflict with the environment or infrastructure capacity. The original provisions should be omitted entirely and replaced with a clear requirement that planning proposals must align with current regional and district plans.

The Greens amendments also go to the Housing Delivery Authority. The bill includes amendments to the Act to exempt bodies like the Housing Delivery Authority from public meeting requirements and from publishing meeting minutes or resolutions. Again, while Legislative Assembly amendments introduced a minimal reporting

requirement, the core exemptions remain. Meetings can still be held behind closed doors and key decisions may never be publicly scrutinised. That is a real problem, which is why The Greens urge members to support these amendments. Transparency in decision-making is a non-negotiable safeguard, particularly for high-value development pathways like State significant development. Our position remains that those exemptions should be removed in full and the same transparency rules that apply to other panels and authorities should apply to the Housing Delivery Authority.

These amendments reflect our commitment to a planning system that is strategic, not opportunistic; participatory, not exclusionary; transparent, not opaque; and, above all, fit for purpose in the face of a rapidly changing climate. We urge the Government to continue the constructive work undertaken in the Legislative Assembly but to go further. Partial fixes are not enough when the stakes are this high. I ask members to take these amendments seriously. I know the Government will not support them because it is what The Greens are seeking to achieve. I appreciate the amendments in the lower House were agreed to and they go some way to giving us what we want. But the bill still makes unnecessary changes and these amendments would make things a heck of a lot better.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:55): I thank the honourable member for her contribution. She is correct that the Government does not support the amendments. Many of them undo the amendments that were negotiated and agreed to in the lower House. The Government believes that they are outside the scope of what we are trying to achieve with the bill. More broadly, the issue that everyone is trying to tackle is that the current planning system in New South Wales is not delivering the housing that we need. We are losing young people interstate because they cannot afford to live here. If we continue doing the same things, we will end up with the same results in this State of people leaving, not having enough housing, expensive housing or, like me, 26 year olds will still be living at home. Those are not things that we want to deal with. I could talk in more detail, but I touched on the amendments more generally in the second reading debate.

The Government does not support these amendments because they undo some of the negotiations that occurred in the lower House that pick up on some of the issues that The Greens have raised. Putting more provisions into the Act will not fix the problem we are trying to solve. But that does not mean that we should not still provide good input into strategic planning frameworks. The fundamental difference in The Greens approach is that through legislation they want to dictate every single consideration that needs to be made, whereas the Government is trying to move in the opposite direction of good up-front planning that is linked in early, meaning that people will not have to come back two, three or four times when they are trying to build something. That is the fundamental difference in what the Government is trying to do.

The Government believes that the framework in the bill will get rid of some of the challenges we have, but that is an ongoing project. Over the course of this and future parliaments, Labor will have a strong go at dealing with these reforms. I do not want to speak outside of the amendments and take up any more time of the House, so I will conclude by saying that the Government does not support the amendments because they make it harder, not easier, to do what we are trying to do.

The Hon. SCOTT FARLOW (21:57): The Opposition will not support the amendments.

Ms SUE HIGGINSON (21:57): I have one short thing I forgot to contribute. As I identified in the second reading debate, I want it noted in the Committee of the Whole that I have tabled some important amendments that have not been moved. I appreciate the Government's contribution to those.

The CHAIR (The Hon. Rod Roberts): I am looking at the clock, and I think it would be to everybody's benefit if there were no further contributions. That being the case, Ms Sue Higginson has moved The Greens amendments Nos 1, 2, 4, 5, and 7 to 11 on sheet c2025-046F. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. PENNY SHARPE: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again on the next sitting day.

Motion agreed to.

Adoption of Report

The Hon. PENNY SHARPE: I move:

That the report be adopted.

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): According to sessional order, further consideration of the bill is set down as an order of the day for the next sitting day.

Documents

ANTISEMITISM AND POLICE BRIEFINGS

Variation of Order

The DEPUTY PRESIDENT (The Hon. Emma Hurst): According to Standing Order 53, I table a request received on Thursday 27 March 2025 from the Cabinet Office to vary the scope of the order for papers, together with a response from the Hon. Rod Roberts not agreeing to the request. According to standing order, as no agreement was reached, the original order stands with the original due date.

Adjournment Debate

ADJOURNMENT

The Hon. PENNY SHARPE: I move:

That this House do now adjourn.

EARLY CHILDHOOD EDUCATION AND CARE SECTOR

Ms ABIGAIL BOYD (22:01): I spent the past six months working with *Four Corners* to expose the structural crisis in our early childhood education and care system. Last Monday night's episode revealed story after story of deeply troubling accounts of children and workers being subject to serious abuse and exploitation, in what has become an almost entirely privatised industry where too often profit outweighs care. These revelations have shaken households and struck a chord with educators and industry insiders. The inadequate quality of care found in for-profit providers seems to have been the worst-kept secret in the country—and, upon reflection, why would it be? Should we really be shocked by revelations that multinational private equity companies might be cutting corners in pursuit of supposed efficiency improvements? Are we really surprised to hear that massive corporations are viciously optimising rosters, indifferent to the impact that inadequate staffing has on the children in their care?

Why should we not expect a large, profit-seeking corporation with a steady stream of government subsidies propping up its cashflow to optimise its operations to deliver the bare minimum standard of service and care to still remain viable—and probably a bit less than that, because it knows it can get away with it? The sad and simple fact is we have heard this story before. Does nobody remember the lessons we learnt in aged care—the horrors that were uncovered through the royal commission of multimillionaire aged-care business owners driving Lamborghinis while those in their care were drugged, restrained, abused and fed slop? The ingredients are all here again when we look at early childhood education and care, and it is playing out the same way.

It has been revealed that one in 10 childcare centres in Australia has never been rated by regulators, while just less than 10 per cent in New South Wales do not meet the minimum standards. Only 14 per cent of for-profit centres exceed the National Quality Standard, while non-profits are more than double that rate. But even those services that do receive ratings that say they are up to scratch may be gaming the system or relying on ratings that are years out of date, with parents none the wiser. We have heard of over-enrolled services; of services failing to have staff employed with a Working with Children Check, or no qualified teachers at all; and of nutritionally worthless meals and unsafe play areas. There is a burn and churn culture of staffing. Every action is taken in pursuit of profit and efficiency rather than being motivated by a genuine care and desire for child wellbeing and safety.

It is not just the operators getting in on the action. Child care has become one of the most profitable plays in Australian real estate. Investors are flooding the sector, flush with a steady stream of Government subsidies. Fees paid by parents for many services are more than $1,000 a week, pushed ever higher by skyrocketing rental costs. Experts have warned that Government funding, without sufficient strings attached and scrutiny applied, is fuelling a private rent economy for child care. Quality is slipping, accessibility is still unacceptably low and childcare deserts are emerging and entrenching themselves in rural and regional areas. That is because, for those commercial childcare landlords, rent is calculated per child, meaning that children become a walking dollar sign to predatory corporate actors. When we commoditise a young, vulnerable person like that, how can we expect anything other than exploitation and neglect? When those market forces are let loose, how can we expect anything other than non-profit and community-run services being undercut and forced out?

In the first tranche of documents I managed to have released, we exposed what was happening at the private equity owned Affinity early learning. That group operates 255 centres across Australia, and every one is run under corporate performance metrics like occupancy targets, wage targets, revenue and profit targets, and budget targets.

Child wellbeing comes second. Case after case of neglect and breaches of child safety have been unearthed. But those are not isolated incidents.

Last night I received a further box of documents, this time detailing incidents that have occurred in services owned and operated by G8. G8 is the nation's largest ASX-listed early childhood company, operating more than 400 centres across Australia under more than 20 brands, including Community Kids, Great Beginnings, the Learning Sanctuary and World of Learning. In 2024 G8 posted a net profit of more than $67 million on the back of revenue of more than $1 billion. Some of its centres charge families in the order of $170 a day, or more than $850 a week, yet scores of centres captured in the documents between 2021 and 2024 were plagued with basic safety and hygiene failures as well as incidents where children were left unsupervised, put in harm's way or assaulted.

If breaches of those kinds—not only the extraordinary but also the mundane and entirely predictable and preventable—are occurring so frequently across the largest ASX-listed early childhood company in the country, we have to assume it is a standard feature of the corporatised early childhood model. Each of those incidents taken in isolation may not be cause for huge alarm, but it is the patterns of offence and the structures that permit them to occur that warrant a big-picture view of the sector. Nothing could be more important than taking a firm and unflinching look at the sector responsible for the care and education of our littlest people, and that is what I hope the New South Wales parliamentary inquiry established in the wake of the fallout from the *Four Corners* exposé will do.

MIGRANT WORKERS CENTRE

TRIBUTE TO MICHAEL LANE AUGEE

The Hon. STEPHEN LAWRENCE (22:06): Members might recall that last year the Minns Labor Government announced a $6.5 million investment in a Migrant Workers Centre. It was very pleasing to hear this week that Unions NSW has been selected by Multicultural NSW to establish that centre. The Migrant Workers Centre will partner with multicultural communities and organisations like the Immigration Advice and Rights Centre [IARC] and will deliver culturally sensitive and accessible support for at-risk workers. The centre will span the State and ensure that migrant workers in metropolitan, regional, rural and remote communities are supported by providing advice on workplace, work health and safety, and immigration.

Unions NSW has been undertaking a leading role in advocating for migrant workers' protections and providing individual advice and assistance to migrant workers. Its current Visa Assist partnership with IARC has supported over 3,000 temporary migrant workers experiencing exploitation. Indeed, that is the only program in the State to provide both employment and immigration legal support, so Unions NSW is certainly well placed to establish that centre and undertake that incredibly important work.

I also speak about a memorial that I attended on 9 March to honour the life of Michael Lane Augee of Wellington. Mike died some three weeks earlier in Sydney after an illness. I first came to know Mike as a member of the Orana branch of the Labor Party. He was one of the foundation members of that branch. Mike was American by birth, born in the States in 1939. He migrated to Australia as an adult and ultimately made his home in the Wellington area, drawn there by his professional and academic interests in the Wellington Caves and the ancient animals that remain entombed there, which have been so key in understanding the natural history of Australia.

It was a beautiful service, and it painted an extraordinary picture of Mike's community contribution. He was a former deputy mayor of Wellington shire and a volunteer for an incredibly large number of community organisations. Many of those organisations were represented at the memorial service, including the National Parks and Wildlife Service, the Burrendong arboretum, the Mount Arthur Reserve Trust and the Wellington Caves. Mike had left the Labor Party some years back, and in 2024 he contested the Dubbo Regional Council election for The Greens and narrowly missed out on election. When I spoke at the service I made the point that it was an indication of Mike's open-mindedness and active, inquiring mind that in his mid-eighties he joined The Greens and stood for election. His obituary published in *The Sydney Morning Herald* recorded:

> Kind-hearted and generous to a fault, Mike's quick wit, superb organisational skills and catering prowess were legendary.
>
> Following a distinguished career in teaching and research at UNSW Sydney … retirement saw him fully engage in community affairs with his usual trademark energy and enthusiasm.
>
> Loved and dearly missed by family, friends and colleagues near and far.

The service, which was held at the Wellington Golf Club, was extremely well attended and had many speakers. I was among the attendees, who also included Josh Black, Mayor of Dubbo Regional Council; Anne Jones, former mayor of Wellington shire; and a large number of former councillors, many of whom had served with Mike during his time on the Wellington Shire Council. Mike was loved by many and will be dearly missed by family, friends and colleagues near and far.

PARLIAMENTARY FRIENDS OF YOUTH JUSTICE REFORM

The Hon. AILEEN MacDONALD (22:11): Last week the Parliamentary Friends of Youth Justice Reform met again, this time to hear from the National Children's Commissioner, Anne Hollonds, on her recent report *'Help Way Earlier!'*. The room was full of not just members from across the political spectrum but also advocates, service providers and community leaders—people on the front line of youth justice and child wellbeing. Among those present were StreetWork, BackTrack, the Justice Reform Initiative, Centacare, the Salvation Army, Domestic Violence NSW, Youth Action, the Australian Christian Lobby and the Justice and Equity Centre. They were all united by a shared belief that we can—and must—do better for vulnerable children.

Anne Hollonds spoke with clarity and care, but the voices that stayed with us were those of the children in her report. One 13-year -old girl said, "They wait until you break the law to help you. Why did they help when I was nine and everything was falling apart?" It is heartbreaking, but it is also a truth we have heard too many times: that our systems are reactive, not preventative. *'Help Way Earlier!'* is not about letting children off the hook; it is about keeping them from ever needing a hook in the first place. It is about intervening early, listening carefully and recognising that when a child ends up in the justice system, something has already gone wrong. One young boy in the report simply said, "I just wanted someone who was not going to leave." That says everything. These children do not need punishment. They need connection, they need stability and they need the kind of consistent, wraparound support that many of the organisations that joined us last week are delivering every day.

The report calls for investment in what works: community-based diversion programs, family support, culturally safe and trauma-informed care, and systems that respond to distress with dignity. There was a sense of unity in that room, not just around the challenges but also around the solutions. This is not about ideology. It is about doing what we know works and listening to the young people who live it. The parliamentary friends group is not a talkfest; it is a space for cross-party collaboration and action. We have a duty to make sure that the voices we heard last week do not get lost in a report or buried in a submission. They deserve to be heard here too, in this place, because if we can help way earlier, we can change the story for kids, for families and for our communities.

FORESTRY WORKERS

The Hon. MARK BUTTIGIEG (22:14): I stand in support of our State's fantastic timber and forestry workers. The future of this industry has been at the forefront of many conversations in this Chamber and around the Parliament of late. Last September, when I spoke about this issue in Parliament, I provided some personal stories of members of the manufacturing and forestry union and the Australian Workers' Union. The industry has had truly positive impacts on the lives of its workers and communities around our State. Tonight, I will provide some key statistics on the industry. At least 8,900 people work in the hardwood forestry industry alone in New South Wales. Hardwood is sourced from native forests, plantations and private farms. New South Wales is home to around 63 hardwood mills. Most wood harvested from native forests is of the hardwood variety, although, I note that the vast majority—said to be around 88 per cent—of our public forests are protected.

The estimated yearly revenue of the hardwood industry is $2.9 billion. New South Wales' economy is enhanced by about $1.1 billion, thanks to the hardwood timber industry. Across the entire industry, there are between 15,000 and 22,000 workers, most of whom live and work in communities in regional New South Wales. This includes those in forest growing and management, who the Australian Workers' Union represents, and those in sawmilling, manufacturing, harvesting, pulp production, paper production and haulage, who are represented by the manufacturing and forestry union. This is not to mention all of the industries that support forestry and timber work, like the transport and energy industries. We rely on timber and forestry products for housing projects and many pieces of essential infrastructure, like power poles and wharves.

A part of the industry that many people do not know about is the work to nurture the health and sustainability of our forests, as well as the fact that many workers in the industry carry out heroic firefighting work. When I have spoken to these workers, their care and passion for the nature they work in is clear. The value of this industry cannot be overstated. I thank the Australian Workers' Union, led by its secretary, Tony Callinan, and the manufacturing and forestry union, led by Alison Rudman, for their very strong advocacy and for continuing to educate not just me, but members across the Chamber on the industry. I also thank all the union delegates and workers who have come to see me over recent months. I know they have seen many other members as well.

Finally, I acknowledge the great work of Minister Tara Moriarty in advocating strongly for forestry and timber workers. The Forestry Industry Action Plan is a significant initiative of Minister Moriarty and Minister Penny Sharpe. It is currently underway and is looking at how we can best balance environmental concerns and sustainable supplies of timber. As I have said before, it is my view that workers must be at the forefront of conversations about the future of the timber and forestry industry. One of the big difficulties in this area is the vast chasm between both sides of the argument—the environmental side and the workers' side—in terms of

statistics and the economic analysis behind the number of jobs in the industry and the potential economic loss for favouring one side over the other.

The datasets are widely varied, depending on who we talk to. I am advised that the Government is conducting an independent economic analysis so that we can gather an objective set of facts that we can all agree on in terms of the true economic value of the industry. I hope that this will bring both sides closer together so that we can move forward and do exactly what we should be doing as a Parliament, that is, balancing the very valid need to be for a sustainable environment in which forestry is protected but also, and just as importantly, protecting jobs and the livelihoods of our working people.

BRAIDWOOD HERITAGE CENTRE

The Hon. NICHOLE OVERALL (22:19): The Braidwood community has serious concerns around government mismanagement of the Braidwood Heritage Centre Project. The critical initiative is over budget, years behind schedule and now facing the potential of not even being completed. Braidwood is the first and only town in New South Wales with a State Heritage listing, added back in 2006 under the Labor Government of the time. The unique and popular tourist town has received no direct ongoing financial assistance under that listing from the State during that period.

In 2020 a one-off $3.75 million joint State and Federal grant was awarded for the development of the Braidwood Heritage Centre. The significant project was intended to boost tourism, local employment and economic recovery after the devastation of the 2019-20 bushfires. Three years later, the project remains unfinished, almost half of its budget is gone and it is bogged down in government bureaucracy overkill. Work stopped in September 2024. The Sydney-based builder has gone into voluntary administration. There are concerns around subcontractors who were not paid, and almost none of them were local. Close to $2 million has been spent, and the remainder of the grant is now in jeopardy, as is the project entirely, due to a funding deadline of 30 June.

The project was developed by the Braidwood and District Historical Society; though, as its president states, not for the benefit of the society but for the community and New South Wales tourism more broadly. The society also contributed land, buildings, assets and artefacts to ensure the success of the project. The local branch of the Bendigo Bank pledged $520,000 towards completion, demonstrating the overwhelming local support for the incredibly important initiative. The convoluted levels of bureaucracy have included the Queanbeyan-Palerang Regional Council, NSW Public Works and Heritage NSW.

The historical society raised repeated concerns about the delays and escalating costs that were producing little result. A significant portion of the funding has been eaten up by architect, heritage and archaeology services, quantity surveying, powerline design and power poles, geotechnical costs, development applications, fencing and supplies. All that has been delivered so far are unconnected utilities, a concrete slab and a shell for the accommodation component. It looks like little more than a bomb site from World War I. The Queanbeyan-Palerang Regional Council took over the project from NSW Public Works a month ago. Again, "Why?" is another question that needs to be fully answered. I have been advised council has not yet issued a tender to find a new builder. It appears the project is no longer listed on the New South Wales Government website.

The other concerns of the Braidwood historical society are numerous. It believes it and the expertise it offers have been sidelined and that the project is the victim of government waste and incompetence. Funds were not provided to it directly, nor was it offered the opportunity to be involved in the project to ensure a successful outcome. Communication and engagement across all the various levels of bureaucracy is stated to have been poor, if not non-existent. The current Labor member for Monaro has been invited to view the site numerous times, including during other visits to Braidwood and, to date, that has not occurred. The current Labor Federal member has visited and offered sympathies.

Ultimately, time is running out. The potential complete failure of the project is imminent and real, and it will be a massive blow both socially and economically. The community and the historical society cannot be expected to clean up the failures of various government bodies or be left with a half-finished, unfunded project. In addition, the situation raises questions around whether other heritage projects of significance throughout New South Wales are similarly being impacted.

I call on the New South Wales Labor Government to immediately intervene; ensure that the remaining existing funding is preserved and redirected towards completing the entire project as originally intended, including the artisan studios, blacksmith and museum shops, and visitor facilities; and commit to any remaining funding that will be necessary to fully complete the project. This is not simply about renovating a museum. It is about securing Braidwood's future as an important heritage and tourism destination. I trust that Labor recognises its significance, backs this community and, in Labor parlance, does whatever it takes to see it provided. It is about

demonstrating a commitment to the protection, preservation and promotion of our history and our heritage, particularly in our regions.

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

Motion agreed to.

The House adjourned at 22:25 until Tuesday 6 May 2025 at 12:30.