

LEGISLATIVE COUNCIL

Thursday 29 May 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.

Motions

YOUTH HOMELESSNESS MATTERS DAY

The Hon. NATASHA MACLAREN-JONES (10:01): I move:

- (1) That this House affirms its support for Youth Homelessness Matters Day 2025, observed on 16 April 2025.
- (2) That this House notes that:
 - (a) over 43,000 children and young people aged 12 to 14 years of age presented alone to a homelessness service in 2023 to 2024 and that the majority were turned away due to lack of accommodation;
 - (b) almost half of these young people experienced mental ill health and over one-third experienced domestic and family violence;
 - (c) approximately one-third of young people presenting alone to specialist homelessness services are Aboriginal; and
 - (d) data from the Australian Institute of Health and Welfare shows that around two in five—39 per cent—deaths of young people aged under 25 accessing specialist homelessness services were due to suicide, which is the highest of any age group.
- (3) That this House further notes that young people presenting alone to specialist homelessness services were more likely to be couch surfing—exposing young people to exploitation and abuse—and the data on couch surfing and other types of homelessness are not recorded by government departments.
- (4) That this House acknowledges that every child and young person deserves a safe home, and all levels of government must work together to end youth homelessness.
- (5) That this House notes that Youth Homelessness Matters Day raises awareness of youth homelessness and the challenges young people experiencing, or are at risk of, homelessness face.
- (6) That this Houses calls on the Government to keep children and young people safe by investing in data collection to better understand all types of homelessness, investing more in crisis services, youth housing and early intervention services.

Motion agreed to.

GALLIPOLI CAMPAIGN 110TH ANNIVERSARY

The Hon. NATASHA MACLAREN-JONES (10:01): I move:

- (1) That this House notes that 25 April 2025 marks the 110th anniversary of the landing of Allied forces at Gallipoli in 1915.
- (2) That this House acknowledges:
 - (a) the service and sacrifice of the Australian and New Zealand Army Corps [ANZAC] and all allied soldiers who served during the campaign;
 - (b) the enduring impact on the families and communities who bore the loss of those who did not return; and
 - (c) the strength, courage and resilience displayed by those who served and the qualities that continue to shape our national identity.
- (3) That this House further recognises:
 - (a) the significant contribution of New South Wales to Australia's war efforts both on the battlefield and at home;
 - (b) the ongoing importance of educating future generations about the realities of war, ensuring that remembrance is not just about honouring the past but learning from it; and
 - (c) the efforts of veterans' organisations, historical institutions and educators in preserving the Anzac legacy and supporting those who have served.
- (4) That this House commends all Australian service personnel past and present, and reaffirms its commitment to remembrance, respect and support for veterans and their families.

Motion agreed to.

NATIONAL PLAYGROUP WEEK

The Hon. NATASHA MACLAREN-JONES (10:02): I move:

- (1) That this House notes that 17 to 23 March 2025 was National Playgroup Week.
- (2) That this House further notes that:
 - (a) National Playgroup Week was celebrated with a special event held in New South Wales Parliament by Playgroup NSW, recognising the vital role of playgroups in supporting early childhood development, family connection and community engagement;
 - (b) in the first 2,000 days of a child's life the importance of play is vital, shaping cognitive, social and emotional development;
 - (c) playgroups provide inclusive and supportive environments, allowing families to connect and children to develop essential life skills; and
 - (d) Playgroup NSW advocates for greater investment, sustainability and innovation to ensure playgroups remain accessible and impactful for generations.
- (3) That this House recognises the dedication and contributions of Playgroup NSW, including chief executive officer Emily Caska, chair Glenn Johnston, and all staff, volunteers and families who support children's development through play.

Motion agreed to.

FRENCH AUSTRALIAN COMMUNITY

The Hon. NATALIE WARD (10:02): I move:

- (1) That this House notes that:
 - (a) on 7 May 2025 the Parliamentary Friends of France welcomed the French Consul-General, Mr Martin Juillard, to the Parliament of New South Wales to celebrate our Australia-France relationship;
 - (b) this event was a memorable success due to the hard work, flair and passion of Mr Patrick Benhamou of Show7 Events, which united the French community in Sydney;
 - (c) Australia and France share an enduring friendship grounded in shared values, strong economic and cultural ties as well as a history of cooperation in times of peace and conflict; and
 - (d) the Australia-France relationship is also strengthened by French Australians all across Australia.
- (2) That this House recognises the strong relationship between France and Australia and pays tribute to the vibrant French community in New South Wales and across Australia for their contributions to our multicultural society.

Motion agreed to.

PARLIAMENTARY FRIENDS OF ISRAEL

The Hon. NATALIE WARD (10:03): I move:

- (1) That this House notes:
 - (a) on 7 May 2025 the Parliamentary Friends of Israel had the honour of meeting Mr Peter Reisman, a Holocaust survivor, who presented his story of survival to members of Parliament;
 - (b) the importance of preserving and sharing the personal testimonies of Holocaust survivors, which are critical to deepening our understanding of the past and ensuring that the horrors of the Holocaust are never forgotten or repeated;
 - (c) the Parliamentary Friends of Israel stands united against hate and stands with our local Jewish communities, and supports our Jewish people and their families in New South Wales, Australia and worldwide; and
 - (d) the commemoration meeting was attended by members from both Houses and of the Jewish community, including:
 - (i) the Hon. Natalie Ward, MLC;
 - (ii) the Hon. Prue Car, MP;
 - (iii) Ms Marjorie O'Neill, MP;
 - (iv) the Hon. Damien Tudehope, MLC;
 - (v) the Hon. Ben Franklin, MLC;
 - (vi) the Hon. Jacqui Munro, MLC;
 - (vii) the Hon. Aileen MacDonald, MLC;
 - (viii) the Hon. Scott Farlow, MLC;
 - (ix) Ms Monica Tudehope, MP;
 - (x) the Hon. Susan Carter, MLC;

- (xi) the Hon. Rachel Merton, MLC;
 - (xii) Ms Kellie Sloane, MP;
 - (xiii) the Hon. Ron Hoenig, MP;
 - (xiv) Dr George Foster, OPM;
 - (xv) Ms Margaret Foster;
 - (xvi) Mr Peter Reisman; and
 - (xvii) Mr Daniel Hochberg.
- (2) That this House affirms the fundamental importance of democracy, and the fight against tyranny and oppression in safeguarding the freedoms we enjoy in Australia.

Motion agreed to.

HAY ST MARKET AT PADDY'S

The Hon. MARK BUTTIGIEG (10:03): I move:

- (1) That this House notes that:
- (a) On 9 April 2025, New South Wales Premier the Hon. Chris Minns, MP, and the Prime Minister of Australia the Hon. Anthony Albanese, MP, officially opened the Hay St Market at Paddy's in Haymarket, and the Hon. Mark Buttigieg, MLC, was honoured to attend, along with many guests, including:
 - (i) the Minister for Lands and Property, Minister for Multiculturalism, Minister for Sport, and Minister for Jobs and Tourism, the Hon. Stephen Kamper, MP;
 - (ii) the Federal member for Sydney, the Hon. Tanya Plibersek, MP; and
 - (iii) the Lord Mayor of the City of Sydney, Councillor Clover Moore, AO.
 - (b) Hay St Market at Paddy's offers over 48 stalls for the community to enjoy, with many options to shop, drink and eat, including stalls with food from 25 different cuisines and restaurants by top chefs Luke Nguyen and Mark Olive; and
 - (c) Hay St Market at Paddy's is a division of the Doltone Hospitality Group.
- (2) That this House congratulates the Doltone Hospitality Group, led by Paul Signorelli, OAM, Executive Chairman of the Doltone Hospitality Group, and Joseph Murray, Group CEO and Managing Director of the Doltone Hospitality Group, on the successful opening of the Hay St Market at Paddy's.

Motion agreed to.

DENIM DAY

Ms SUE HIGGINSON (10:04): On behalf of Ms Abigail Boyd: I move:

- (1) That this House notes that:
- (a) Wednesday 30 April 2025 was Denim Day, which is marked every April during Sexual Assault Awareness Month with the goal of igniting global solidarity with survivors everywhere, reaffirming that violence is preventable, and demanding system-wide change to stop sexual assault before it happens;
 - (b) Denim Day was created by Peace Over Violence after the Italian Supreme Court overturned a rape conviction on the basis that since the victim was wearing tight jeans, she must have helped the person who raped her remove them, thereby implying consent, and enraged by the verdict, the following day women in the Italian Parliament came to work wearing jeans in solidarity with the victim, which gained international media and inspired similar acts of protest across the world;
 - (c) since the first Denim Day was marked in 1999, wearing jeans on the annual day has become a symbol of protest against rape myths, victim-blaming and the erroneous and destructive attitudes about sexual assault that still permeate our systems and prevent victims from seeking justice;
 - (d) despite reforms to sexual violence legislation and policies in the last decade, Australia's criminal justice system is fundamentally stacked against victim-survivors, as the vast majority of women and girls who are sexually assaulted are unlikely to even report to police in the first place, and those who do face significant obstacles in seeking justice and are often re-traumatised multiple times in the process; and
 - (e) according to the 2023 Australian Bureau of Statistics Personal Safety Survey, only 7.7 per cent of women who were sexually assaulted by a man contacted police after the assault, with reasons such as not regarding it as a serious offence, feeling ashamed or embarrassed, believing the police could not or would not do anything, feeling they would not be believed, fear of the perpetrator and fear of legal processes.
- (2) That this House affirms that sexual assault is never a victim's fault, there is never an excuse and never an invitation to rape and consent must be freely given, reversible and informed.

Motion agreed to.

BIG CHILL FESTIVAL

The Hon. AILEEN MacDONALD (10:04): I move:

- (1) That this House congratulates the organisers, volunteers, artists and community members involved in delivering the 2025 Big Chill festival in Armidale, which ran from 16 to 18 May 2025.
- (2) That this House notes that 2025 marks the fifth year of the festival, which has grown into one of regional New South Wales' most exciting cultural events, featuring national headliners such as Peking Duk, San Cisco, Vera Blue, Jebediah and Ruby Fields, alongside outstanding regional acts on the Live and Local stage.
- (3) That this House commends the festival for showcasing New England's unique hospitality, culture and local produce, with highlights including BBQ Alley, local craft brewers and distillers, a chilli-eating contest and the family friendly Little Chillers Zone.
- (4) That this House recognises the significant social and economic contribution that the Big Chill festival makes to the Armidale region, drawing visitors from across the State and supporting local jobs, tourism and hospitality.
- (5) That this House acknowledges the leadership of Armidale Regional Council and the strong community spirit behind the festival's success, with the iconic all-weather big top tent once again bringing people together to enjoy music, food and firepits under the stars.
- (6) That this House encourages the continued support of regional festivals like the Big Chill, which help put regional towns on the map and enrich the cultural life of country New South Wales.

Motion agreed to.

PATHFINDERS ANNUAL PUMPKIN RUN

The Hon. AILEEN MacDONALD (10:04): I move:

- (1) That this House congratulates Pathfinders on the successful launch of the 2025 Annual Pumpkin Run held on Monday 19 May 2025 at Tilbuster Station outside Armidale.
- (2) That this House notes that the Pumpkin Run, now in its eleventh year, is a proudly regional initiative that:
 - (a) engages vulnerable young people from Pathfinders' programs in the growing, harvesting, and delivery of pumpkins and meals to food charities across New South Wales;
 - (b) builds a strong sense of belonging, purpose and pride in participants through meaningful contribution;
 - (c) develops practical life skills and confidence; and
 - (d) provides critical support to food relief services in communities facing hardship across the New England, Newcastle, and Sydney regions.
- (3) That this House highlights that programs like the Pumpkin Run demonstrate the power of early intervention and diversion in youth justice, supporting young people to stay connected, engaged and on a positive path.
- (4) That this House acknowledges the leadership of Pathfinders CEO, Mr Alan Brennan, and the support of Armidale Regional Council mayor, Councillor Sam Coupland, and deputy mayor, Councillor Todd Redwood, who attended the 2025 launch alongside community supporters.
- (5) That this House commends all young participants for their commitment, teamwork and generosity, and affirms the vital role of initiatives like the Pumpkin Run in strengthening regional communities and changing young lives for the better.

Motion agreed to.

Documents

AUDITOR-GENERAL

Reports

The CLERK: According to the Government Sector Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled *Governance of the National Agreement on Closing the Gap in NSW*, dated 29 May 2025, received out of session and published this day.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: CENSURE

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

*Documents***LOCAL SMALL COMMITMENTS ALLOCATION****Censure of Leader of the Government**

The Hon. DAMIEN TUDEHOPE (10:36): I move:

- (1) That this House notes that:
 - (a) on Wednesday 20 November 2024 this House ordered the production of documents relating to the Local Small Commitments Allocation;
 - (b) in response to the order, on Friday 31 January 2025 a return was received from the Cabinet Office [TCO] which stated that "the terms of the order capture more than 39,000 documents" and requested that "If the House requires further documents to be produced, the Premier's Department respectfully requests that the House pass a further resolution specifying the documents or categories of documents requested";
 - (c) on Wednesday 7 May 2025 this House further ordered the production of documents relating to the Local Small Commitments Allocation that specified the documents to be provided;
 - (d) on Monday 26 May 2025 a request was received under Standing Order 53 to vary the due date of the order for papers for the Cabinet Office and Premier's Department, which was not agreed to by the member who moved the order, the Hon. Chris Rath; and
 - (e) in response to the order, on Wednesday 28 May 2025 a return was received from the Cabinet Office which:
 - (i) provided documents or certifications of compliance from the Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy, the Treasurer, the Minister for Families and Communities, and Minister for Disability Inclusion, the Treasury and the Department of Communities and Justice;
 - (ii) stated that "The Premier's Office has advised that it has been unable to provide a return by the due date and confirmed that a return will be provided as soon as possible"; and
 - (iii) provided a partial return of "the most relevant documents" from the Premier's Department, and stated:

Whilst TCO and the Premier's Department have made all possible efforts to comply with the order by the due date, due to the large volume of documents requiring review this has unfortunately not been possible. As foreshadowed in our letter of 26 May 2025, TCO and the Premier's Department intend to provide a complete return by 4 June 2025.
- (2) That this House:
 - (a) considers the failure to respond to an order of this House within the specified time frame as noncompliance with an order of the House; and
 - (b) accordingly censures the Leader of the Government, as the representative of the Government in this House, for the Government's failure to comply with the order of the House regarding the Local Small Commitments Allocation of Wednesday 7 May 2025.
- (3) That this House calls upon the Leader of the Government to table in the House, or deliver to the Clerk, by 5.00 p.m. on Monday 2 June 2025, the documents as ordered in the resolution of the House of Wednesday 7 May 2025.
- (4) That, should the Leader of the Government fail to table the documents ordered in this resolution, this House orders the Leader of the Government to attend in their place at the table at the conclusion of prayers on the next sitting day following the passing of this resolution to explain their reasons for continued noncompliance.

It gives me no pleasure to bring a censure motion against the Leader of the Government. I commence by saying that at one stage I was in that position at the table now occupied by the Leader of the Government, and censure motions were a regular process. The Leader of the Opposition at the time, the now Leader of the Government, was generally gracious enough to say that it was no reflection on me. The censure motion is not a personal reflection on the Leader of the Government in this place, but it gives rise to a serious issue regarding the manner in which the Government treats orders of this House.

I make some observations about Standing Order 52 that reflect some of the observations that Government members used to make when they were in opposition. Members opposite often started by saying that compliance with the orders of this place is not optional—it is an order of the House. Once Ministers and departments receive an order from the House, it must be complied with. The lack of compliance with orders for papers regarding the Local Small Commitments Allocation is just one example of the manner in which the Government thumbs its nose at orders of this House. There were several examples yesterday in this House relating to committees and their engagement with the Executive. The Executive Government needs to know that one of the roles of the Legislative Council is to hold the Government to account for its actions. One of the key ways members do that is by ordering the production of documents. There is a consistent abuse of that process emerging whereby the Government seeks an extension, is denied that or offered an alternative and then refuses to comply. In those circumstances, a censure motion is the only remedy which can be put in place.

I am sure other members will seek to elucidate further circumstances in which orders of this place have not been complied with. It impacts on the manner in which the Government can be held to account. The Government knows that, and we knew it when in government. Government members know that by thwarting the process of this House, they thwart our ability to hold the Government to account. There is no secret that we have been exploring the Local Small Commitments Allocation grants. The Deputy Leader of the Government is well aware of the enthusiasm with which the Opposition has been exploring the issue. On a number of occasions we have asked questions about it, and the Deputy Leader of the Government is quick to question our strategy in question time. Part of that strategy involves documents that are produced and made available as part of holding the Government to account.

I outline the process. The first order for papers relating to the Local Small Commitments Allocation was made under Standing Order 52 in November 2024. That was when the order for the first tranche of documents was issued by this House for compliance with the production of documents relating to the Local Small Commitments Allocation. An extension of time was sought because the Minister rightly said that it was going to take some work. The number of days negotiated by the Government and the Opposition was 72 days. Generally, that amount of time is not agreed upon for the production of documents. Given the representations that the Government made in respect of the potential number of documents to be produced, 72 days was agreed upon. Even on that occasion, it became very apparent that documents were missing.

The Deputy Leader of the Government would be quick to acknowledge that some of the missing documents were the so-called tranche 7 documents, which relate to the electorate of Sydney. Those documents were missing all of a sudden. To his credit, the Deputy Leader of the Government owned up and those documents were produced, but it was evident that other documents were not available. On 7 May a further order was made under Standing Order 52 for the production of additional documents, which gives rise to the censure motion today.

Imagine if we had been in government and failed to comply with an order of the House. I think that happened on one occasion. I remember David Shoebridge interrogating documents relating to Hornsby council that were supposedly missing. An allocation of a grant appeared to not be in the documents that were produced. It turned out that some of those documents may have ended up in a shredder. Rightly, in those circumstances, the Opposition at the time interrogated the Government. The then Opposition wanted to know what was there, and there was significant political backlash regarding that.

It seems that Government members did not learn from the lessons that we had to learn when we were in government, because they are engaging in the same practice now of making sure that documents that might be politically embarrassing are not produced. The tranche 7 documents are the first example, but I give another example. Applications for grants were identified as documents that should have been produced, but those applications were not part of the original production of documents in November.

It gets worse. Unilaterally, the Premier's office said it is not going to produce the attachments. Standing Order 52 does not allow the Government to decide which documents it can and cannot produce. If the order says that documents are to be produced, that must be complied with. It is not open to the Government, whether it is the Premier's office, the Minister's office or any other office, to unilaterally decide what it will produce pursuant to Standing Order 52. It is time for the Government to acknowledge that this House should assert its authority to require compliance with orders for papers made under Standing Order 52.

We do not issue nearly as many motions under Standing Order 52 as the Opposition issued when we were in government. We have been much more circumspect; we have sought to elicit information. There is a trend emerging from this Government, and it is a corollary of these motions. Information sought by the Opposition by way of questions on notice or supplementary questions for written answers should just be factual information readily available to Ministers. But the answers are so ludicrous, so off target or so off point in terms of answering the questions that the only alternative to seek what should be factual information is to move an order for the production of documents.

Non-answers, or political attacks contained in answers, have the effect of leading to the next step to get the information—and we will come to one of those potentially later today—where there is no alternative but to seek factual answers by way of a motion moved under Standing Order 52. We do not bring this censure motion lightly. We do not want to take up an inordinate amount of the time needed for the Government's pressing business that it has to get through today. However, the Government needs to address this. Standing Order 52 motions have meaning. When we were in government, the then Opposition was very effective at using calls for papers and in fact raising the bar in terms of requiring compliance with orders of this House. I urge members to support the motion, because to not do so would diminish the importance of the orders of the House.

The Hon. MARK LATHAM (10:52): I support the motion. I think the Leader of the Opposition is probably being too kind and gentle in his analysis, because the truth is that the fix is in across most areas of this

Government to avoid scrutiny by the Legislative Council. That is what is going on. This is not the first case in which the Premier has engineered an arrangement whereby there is a nil return. We asked for the car logs of the Speaker, Mr Piper. I received complaints about his frolics up the coast with his special friend and his misuse of that entitlement funded by the Executive Government.

The Hon. Penny Sharpe: Point of order: Yet again the member is continuing to debate matters that are not before the House. This is a discussion about censure. I am quite willing to hear all of his arguments about that, but not about a totally separate matter in which he is also making imputations against the Premier.

The Hon. MARK LATHAM: Too right I am.

The Hon. Penny Sharpe: You are not allowed to do that.

The PRESIDENT: Order!

The Hon. MARK LATHAM: It is a motion of censure against the Premier.

The PRESIDENT: Order! The Hon. Mark Latham will resume his seat. When I am making a ruling, no member will speak. The Leader of the Government is right: Imputations are to be made only by way of substantive motion. The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: Surely it is relevant to point out that this is not the first instance that has caused a censure. Legitimately, there has been a complaint by many members about the way in which the Premier refused to comply with the Standing Order 52 request of this House regarding the car logs of the Speaker. Not by coincidence, of course, the Speaker is now helping the Premier in ensuring that ministerial staff do not come to our committees.

The Hon. Penny Sharpe: Point of order: The member can discuss the circumstances of censures in the past, but he has straightaway gone into making imputations and traducing members of the other place. That is not allowed in this debate.

The PRESIDENT: The Hon. Penny Sharpe is quite right. I will hear from the Hon. Mark Latham.

The Hon. MARK LATHAM: To the point of order: I know Government members do not like to hear these truths, but a censure motion is the supreme action of a parliamentary Chamber against one of its members, and it allows a much broader debate in the context of why the censure is being moved. That surely is permissible under the standing orders.

The Hon. Penny Sharpe: Further to the point of order: What the member said is correct. However, the way in which he uses his words makes imputations against members of the other place. He can draw a distinction around his concerns regarding the production or non-production of papers. He cannot make allegations against the Speaker or the Premier while he is doing so.

The Hon. MARK LATHAM: Further to the point of order: These are not matters of speculation. These are letters that the caravan committee has published on its website. The committee has pointed out the correspondence between the Premier and the Speaker of the Legislative Assembly to try to engineer a situation in which Ministers' staff in the Executive Government do not have to come to our committees for inquiry. That is not a matter of speculation; that is the truth. It just goes to the fact that this censure is warranted because, across the board, this Government, for whatever reason—perhaps it is related to Rosehill racecourse—does not want scrutiny anymore. Integrity used to be a verb.

The PRESIDENT: Points of order are not to be used to make debating points. The Leader of the Government is correct, but so is the Hon. Mark Latham. He is able to make the points that he just enunciated; that was done in an appropriate way. The point the Leader of the Government makes is that the language the Hon. Mark Latham uses from time to time is not appropriate in this debate in terms of casting aspersions. The Hon. Mark Latham will come back to the topic at hand.

The Hon. MARK LATHAM: The Leader of the Opposition has set out the problem with the failure to comply with the Local Small Commitments Allocation [LSCA] motion under the standing order. We will come to more detail about LSCA in a moment. But there is a broader problem with the compliance of the Government regarding Standing Order 52 motions that we need to note in the censure debate—and that is the quality of the returns that have been lodged. We have all noted that the Government has a deliberate policy of not putting down on paper big decisions of the Government. I first noticed it in the call for papers about Rosehill, where there are scores of agenda documents with no minutes of any decision. One suspects it is all on Signal or WhatsApp.

Then, again, my colleague the Hon. Rod Roberts, who chaired the caravan committee, was horrified to find out that on matters of national security senior public servants have been told to have a policy of pens down

meetings. There is no record of briefings from police about national security, directly endangering the safety of the people of New South Wales. That is the ultimate disgrace for a government avoiding scrutiny. The public servants being briefed by the New South Wales police about a supreme matter of national security—the possibility of a caravan laden with explosives being put in the middle of a shopping centre killing hundreds of New South Wales residents—took no written record of it. It is phenomenal. It is incredible.

Certainly, the practice would always be that, if you got a briefing from the Australian Federal Police, or the Australian Secret Intelligence Service, or the Australian Security Intelligence Organisation, or the intelligence network, there would always be a note taker present. That is for the obvious reason that, if you want further future action about a safety issue, you need a record of it. To have pens down and no record on national security or the safety of the people of New South Wales is a sign that this Government is doing everything possible to avoid scrutiny under Standing Order 52 and the other powers of this Chamber. That is why the censure motion is well and truly warranted. That is why we should be saying to the Government that enough is enough.

The pattern is very clear, whether we talk about pens down, no note taking on national security, the findings of the caravan committee, the quality of the returns in general, what happened with the Speaker and his car logs, or the action at the Privileges Committee that we debated yesterday when there was a Government bloc vote to defend the Premier on an important matter of integrity. This is right across the board.

The Hon. Penny Sharpe: Are you breaching the privilege of the committee? You should be careful.

The Hon. MARK LATHAM: The Leader of the Government does not like it, because this Government put its hand on its heart on integrity. The Premier wrote an article a couple of years ago, saying hand on heart that integrity would be not just a noun but a verb—an action word—every single day of his Government. He said, "I've learnt the lessons of Eddie Obeid. I've learnt the lessons of Ian Macdonald. I've learnt the lessons of Eric Roozendaal and Tony Kelly. I sat there in head office watching it all. I was a ministerial staffer watching this conga line of corruption paraded before me. I swear, every single day, 'integrity' will be a verb, an action word, policing the problems of public administration in New South Wales." Whatever happened to that? It disappeared, because it was always a mirage. The Premier is a machine man, born and bred out of Sussex Street. He has never seen a deal he did not like. Every deal always has hairs on it and integrity problems that the Government covers up.

The Hon. Penny Sharpe: Point of order: Yet again the member cannot help himself. He is flouting your ruling. I have listened carefully to what the member has said, and he has mostly been fine. But yet again he cannot help himself. He strays into imputations against the Premier and others, which he is not entitled to do in this debate.

The Hon. MARK LATHAM: To the point of order: It is a censure motion of the Premier's representative in this Chamber, who is not complying with a Standing Order 52 request on the order of the Premier. The Premier's character is on trial.

The PRESIDENT: I understand the point made by the Hon. Mark Latham. He was being appropriate for much of his contribution until the final two sentences. Members need to be mindful of language and imputation.

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

Visitors

VISITORS

The PRESIDENT: I welcome and acknowledge guests of the Hon. Natalie Ward who are in the public gallery today. They are Thomas and Aileen Russell and their daughters, Nicola and Prudence. They are welcome here today.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

The Hon. PENNY SHARPE: As members would know, the Hon. Tara Moriarty is on the Mid North Coast. If members have any questions for Minister Moriarty, I will take them today.

Questions Without Notice

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE

The Hon. DAMIEN TUDEHOPE (11:00): My question is directed to the Minister for Domestic Manufacturing and Government Procurement. Since publishing the *Guidance on Reasonable Steps* on 1 January 2024, the Anti-slavery Commissioner has been working hard to have compliance with this guidance made binding

as a direction of the Procurement Board, either by a vote of the board or by ministerial direction. Why has the Minister and the board so far resisted the Anti-slavery Commissioner's efforts to make that guideline mandatory?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:01): I thank the honourable member for the important question about modern slavery. This comes off the back of a number of questions on this issue that the Opposition has asked the Minister for Transport and me. I say at the outset, as I have said many times, that the New South Wales Government is committed to ensuring that our government supply chains are free from modern slavery and that, as we continue to operate under the devolved procurement model, we make changes and updates in response to emerging issues as they occur.

I do not accept the premise of the question that we are resisting a Procurement Board direction. I have been clear in this House and elsewhere that if that is what is required, then we may get there. But we are not doing that at this point. We are continuing to engage with the Anti-slavery Commissioner. Indeed, I met with him again recently. The other night I read his most recent report about the challenges that we face in relation to the manufacturing of electric vehicle batteries and managing, through supply chains, those challenges. We welcome that important work, which will continue to inform the way that the New South Wales Government continues to address those issues.

Of note in that report, the commissioner specifically says that the best way to manage risk is to lean in. When we see risks, we must act and take reasonable steps, as the member asked in his question. We must conduct due diligence. It is my expectation, as the Minister for Domestic Manufacturing and Government Procurement, that departments have appropriate measures in place to ensure that they are taking those reasonable steps. If they are not, that would be the appropriate time for us to issue a Procurement Board direction.

I am not going to make an announcement on that today, but I am not going to rule it out either. We are working through these complex and difficult problems in a reasonable way, giving our departments time to implement the changes and continue to engage with the Anti-slavery Commissioner. I take this opportunity to thank him for his ongoing work, his counsel and his advice. This is first of three reports that he will be publishing. We will be taking that advice seriously. It is an important role, which is why we have advocated for it and have continued to support it.

The Hon. Daniel Mookhey: It's why we fought for it.

The Hon. COURTNEY HOUSSOS: It is why we fought for it, indeed. We will continue to have more to say in this space.

The Hon. DAMIEN TUDEHOPE (11:04): I ask a supplementary question. I thank the Minister for that answer. The commissioner finally did reach an agreement with the board to make the guidance mandatory by June 2025, only to have that agreed timetable derailed by the Minister's decision to delay decisive action against modern slavery while she gets around to finalising other procurement policy matters. When will compliance with the Anti-slavery Commissioner's *Guidance on Reasonable Steps* be made mandatory by a Procurement Board direction?

The Hon. Penny Sharpe: Point of order: The member almost got there, but that supplementary question contains argument that should not be included.

The Hon. Damien Tudehope: To the point of order: I'm not entirely sure where the argument is. The question is straightforward: When will compliance with the Anti-slavery Commissioner's *Guidance on Reasonable Steps* be made mandatory by a Procurement Board direction?

The Hon. Penny Sharpe: Further to the point of order: That is not the part I was complaining about. The argument was in the preamble.

The PRESIDENT: It is not my intention to go too far down this line. It is important that questions are able to have some context provided. That having been said, the words "while she gets around to finalising" is a bridge too far. The Minister will ignore the words "she gets around to". The question should now say, "her decision to delay decisive action against modern slavery while finalising other procurement policy matters". The Minister has the call.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:06): I welcome your ruling to remove that part of the question. I also dispute that something was derailed. I made that clear in my initial response. Indeed, for nearly two years in this place I have spoken about the ongoing process of reform that we are undertaking in order to fix the procurement system. It is true that this is an iterative process. We continue to make changes because we inherited a huge mess.

The PRESIDENT: Order!

The Hon. COURTNEY HOUSSOS: I make the point that we continue to make changes, including ongoing engagement with the Anti-slavery Commissioner. As I said, I met with him again recently. We are working through his advice and the implementation of his advice. It is nice that the Leader of the Opposition is reading his reports now, but he did not do anything while he was in government. That is in stark contrast with the steps that we have taken.

The Hon. Greg Donnelly: He delayed the legislation.

The PRESIDENT: Order! There are too many interjections. The Minister has the call.

The Hon. COURTNEY HOUSSOS: I deeply respect your ruling, Mr President, but I acknowledge the interjection of the Hon. Greg Donnelly. He is a long-time advocate in this House on this important issue. This House has led the work on this important issue. The previous Government failed to proclaim the legislation. We will continue to work with the Anti-slavery Commissioner in order to take reasonable steps to undertake the required due diligence. We will have more to say on this as we confront this complex problem.

INTEREST RATES

The Hon. GREG DONNELLY (11:09): My question without notice is addressed to the Treasurer. Will the Treasurer explain how the Reserve Bank's latest interest rate decision will affect families and businesses across the State?

The Hon. DANIEL MOOKHEY (Treasurer) (11:09): I thank the member for his question and his ongoing interest in all matters to do with monetary policy. I am sure members of the House are aware that last week the Reserve Bank of Australia [RBA] cut interest rates by 25 basis points to 3.85 per cent, which was welcome news for mortgage holders and prospective mortgage holders across the State. New South Wales does benefit more when the RBA delivers rate relief, because our higher property prices mean people carry higher mortgages. In 2025 the average new mortgage holder in Sydney will save around \$310 per month or over \$3,700 a year. Statewide borrowers with an average new mortgage will be \$258 better off each month, which means more than \$3,000 a year in savings. That is meaningful relief not only for households but also for small businesses and local economies.

Lower interest rates support confidence, spending and investment, which help drive jobs and growth across the State. Importantly, they contribute to the rebuilding of real household disposable income. We on this side of the Chamber welcome both the interest rate relief and the fact that real wages are growing in New South Wales. I am sure at some point members opposite will welcome that too. Lower inflation has allowed the RBA to begin easing rates. As I am sure members would know, the monthly consumer price index figures came out yesterday. They showed that inflation rose to 2.4 per cent in the 12 months to April. It is important to note that, for the first time in a long time, we are enjoying the longest period on record of headline inflation and the trimmed mean inflation being within the RBA target band. It has been months now. With headline inflation having remained steady for three months, underlying price pressures remain borderline. We have to make sure that we keep vigilant about where we are up to with cost-of-living drivers like food and recreation, as well as fuel and electricity prices.

Inflation is steady but not solved. That is why we have to show caution and discipline. The Government is committed to doing its part. We will do what we can to ease the pressures on families. We are glad that we have worked with the Commonwealth to deliver targeted energy bill relief designed to help households and small businesses without adding to inflation. We welcome the re-election of the Albanese Government and its pledge to continue energy price support for people. It is incredibly important right now. Through our first home buyer reforms, we have helped more than 60,000 households into their first home since May last year, including with 43,000 full exemptions from stamp duty and a further 17,000 partial relief exemptions. We will provide the budget very soon. We look forward to providing relief without adding heat and backing growth without fuelling inflation.

GOVERNMENT PROCUREMENT

The Hon. SARAH MITCHELL (11:12): My question is directed to the Minister for Domestic Manufacturing and Government Procurement. How many procurements in the January to March quarter of 2025 have been reported to the Procurement Board that were valued at \$7.5 million or more and for which market testing identified that a local supplier was available but were nonetheless awarded to non-local supplier?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:13): I thank the honourable member for the question in relation to our "if not, why not" policy—a ministerial direction that I issued last year directing agencies that, if they were going to undertake a procurement of \$7.5 million or above, they would need to look for a local New South Wales supplier. I am delighted to see that the Opposition is now recycling its questions on

notice during question time. I have said this before. We were in opposition for a while. It sometimes can be tough to come up with questions. This policy is a really important step forward. In my previous answer I talked about the range of measures that we are taking to rebuild the procurement system in New South Wales.

The Hon. Sarah Mitchell: Point of order: I have listened to the Minister talk for a minute now. My question was specific. It was about the number of procurements in that quarter. I have given the Minister time for a preamble, but I want that data that was not provided in response to the question on notice.

The PRESIDENT: The Minister was being directly relevant during the first part of her answer. The scope of the question was narrow and asked specifically for a number. There was no preamble in the question. The Minister will return to the question asked. The Minister has the call.

The Hon. COURTNEY HOUSSOS: I was speaking about the "if not, why not" policy. The question asked about the implementation of that policy, which is one of steps that our Government is taking to rebuild our procurement system. We have instituted a range of policy changes because of the system that we inherited. That system was fundamentally geared towards sending offshore as many large transport projects and government procurement dollars as possible. We think it is reasonable for an agency to look locally and ask if there is a local supplier before it hands out a contract of \$7.5 million. We accept that it will take time to rebuild. Indeed, there was a company representative in my office yesterday talking about the difficulties in rebuilding local industries.

The Hon. Sarah Mitchell: Point of order: Once again, my point of order is relevance. I asked about the number of procurements in that quarter. We are now two minutes into the answer and the Minister is not talking about that. I would like her to provide the data that I asked for in my question. She can take it on notice if she does not know.

The PRESIDENT: The Minister is being directly relevant to the broader issue, but she is not being directly relevant to the question asked. The Minister will return to the question asked. The Minister has the call.

The Hon. COURTNEY HOUSSOS: The question was about our "if not, why not" policy and its implementation. The Hon. Sarah Mitchell asked for data. Part of the reason I had to issue that ministerial direction is because the previous Government collected no data; it had no information. It operated under a devolved procurement framework. In fact, I think it only set up the Procurement Board after the Treasurer started asking questions about this mythical organisation that was supposed to exist but actually did not. I am happy to tell the Chamber that we have the board. I meet with its members regularly. They are trying to do their job. As we rebuild our procurement system— [*Time expired.*]

The Hon. Sarah Mitchell: What an embarrassing answer. It is meant to be a key policy and you don't even know. I wish to ask a supplementary question.

The PRESIDENT: No.

The Hon. Sarah Mitchell: Really?

The PRESIDENT: Until members are silent, there will be no supplementary questions. The member may now ask her supplementary question.

The Hon. SARAH MITCHELL (11:17): I ask a supplementary question. Will the Minister elucidate her answer and advise if she intends to make that data public, seeing as she has not provided it to the House today? If not, how can she possibly be held accountable on her progress in implementing that policy if she will not provide the figures when asked?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:17): I have to thank the Opposition for the question, because it just demonstrates that Opposition members opposed this policy and do not support it. Now they are so outraged because we are complying with our policy.

The Hon. Mark Latham: Point of order: I love a rowdy debate, but there has to be a limit. I cannot hear anything the Minister is saying.

The Hon. John Graham: Because you're interjecting.

The Hon. Mark Latham: No, I am not. I am trying to listen carefully. I also would have thought the Minister should be heard in silence and be given some latitude because somewhere in the Legislative Council rule book there is a standing order that states that a question on notice cannot be regurgitated and asked a second time in question time. The questions are probably out of order. For that reason alone, the Minister should be heard in silence.

The PRESIDENT: The Hon. Mark Latham is quite right. I understand robustness is important for parliamentary Chambers, but it is too rowdy today. The Minister will be heard in silence. The Hon. Courtney Houssos has the call.

The Hon. COURTNEY HOUSSOS: I was going to say that I saw an interview of the new Federal industry Minister, Tim Ayres, who was being attacked for the implementation of the new approach they are taking at a Federal level.

The Hon. Sarah Mitchell: Point of order: This is not at all relevant to the question. I asked about whether the data would be made public, not about the Federal Government's policy.

The Hon. Daniel Mookhey: To the point of order: The Deputy Leader of the Opposition asked not only about the data. She asked also how the Minister can be held accountable. In asking that, she has given the Minister wide latitude to explain how she can be held accountable, by comparison to the Federal sphere and others. The Opposition asked more than one supplementary question. The Minister is entitled to address all questions that were asked.

The PRESIDENT: Both members are wrong. The question was much broader. When asking her question, the Deputy Leader of the Opposition added quite a lot to the original question that she gave me. Having said that, by straying into the Federal sphere, the Minister was not being directly relevant to the question. The Minister has the call.

The Hon. COURTNEY HOUSSOS: Thank you for your direction, Mr President. I will bring myself back to the answer and not be quite as animated by the hypocrisy of those opposite and their outrage about us not implementing a policy they themselves opposed and did not implement.

The Hon. Sarah Mitchell: So the Government is not implementing it. If not, why not?

The Hon. COURTNEY HOUSSOS: That is the allegation the member is making—that we are not implementing the policy. I am happy to report to the House that I am advised that 24 accredited New South Wales Government agencies have updated their procurement frameworks to comply with the direction. This process is difficult because no data was being reported. The system we inherited had no central reporting. So you stand at the middle and put out this information and then assume by osmosis. Those opposite want to talk about accountability and transparency. You need to actually collect the data in the first place. That is what we are asking agencies to do—to report it quarterly to the Procurement Board.

The PRESIDENT: Order! The Hon. Sarah Mitchell and the Hon. Natalie Ward know better.

The Hon. COURTNEY HOUSSOS: But those opposite who like to talk about how they used to be Ministers should understand that procurements are not simply like running out to get something. Procurements do not happen overnight. Some procurements take over a year. The process will take time to implement, but we are committed to doing it.

BROOMBUSH HARVESTING

The Hon. MARK BANASIAK (11:21): My question is directed to the Minister for the Environment. Farmers across western New South Wales are being blindsided by flawed critically endangered ecological community listings that rely on outdated mapping and lump together common vegetation types like blue mallee and broombush. Why is the Minister's department continuing to use this inaccurate data to restrict land use, despite landowners' clear evidence that these areas are neither rare nor under threat?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:22): I thank the member for his question. It is a really important one. The one thing I would quibble with is that the landholders have been blindsided. This issue of the clearing of broombush in West Wyalong has been a problem since 2010 and was made worse in 2017 with the changes to the laws. Basically, the previous Government completely ignored it, even when the new laws were brought in in 2017. I am pleased to tell the member that I have actually met with the farmers at West Wyalong about these matters. We are taking a range of actions to try to finally work through a solution.

Landholders around West Wyalong have been commercially harvesting broombush and eucalyptus oil from the mallee broombush ecological community for over 50 years. In 2010 the independent Threatened Species Scientific Committee determined that the mallee and mallee broombush ecological community was critically endangered. In 2017 the Coalition mapped the ecological community as critically endangered. At the time, this triggered the requirement for approval by the Native Vegetation Panel.

I will update the member on a number of reviews going on and also the next steps we will be taking. The Natural Resources Commission is currently reviewing critically endangered ecological communities. That review

is likely to canvass the issue at West Wyalong. Landholders are able to seek map reviews at any time. I understand that several landholders in West Wyalong have taken up that opportunity. The commission's review does not stop the map reviews from occurring.

What we are doing is this: I met with farmers and with NSW Farmers. I do not know exactly the date, but it was recent. In this meeting I committed to do two things. The first is to seek a review of the determination by the Threatened Species Scientific Committee and of how the harvesting of broombush impacts the critically endangered ecological community. I have written to the committee about that and am waiting on its reply. It is an independent body. I have also committed to a joint review of the mapping of the critically endangered ecological community by Local Land Services and the Department of Climate Change, Energy, the Environment and Water. I believe that that has started. I am continuing to work through these options with my colleague the Minister for Agriculture.

As I said, there are still options that people can undertake. They can request a review of the map. They can also apply to the Native Vegetation Panel to clear land mapped as the broombush mallee critically endangered ecological community. I await the advice from the Threatened Species Scientific Committee and will continue to work through the issue. I think there is a way through this. I genuinely believe this is a very particular case. It has been ignored for too long. We are trying to get to the bottom of it, and I believe we are making progress.

The Hon. MARK BANASIAK (11:25): I ask a supplementary question. I appreciate that the Minister has covered a lot in her answer. She said that landholders can request a review of the mapping. Does that review mandate that there must be ground-truthing, not just a desktop review?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:25): I appreciate the question. My understanding is that it is sometimes both. Sometimes it is quite straightforward. Sometimes the desktop stuff is there. One of the issues that has occurred is that there has not been some of the ground-truthing that people need to explore. I will take the question on notice. But my understanding is that, if people want a review, they would do it. I would anticipate that, particularly when it gets down to a property level, people need to have confidence in that. But let me just come back to the member on the details of how that occurs.

CAMPSITE FEES

The Hon. MARK BUTTIGIEG (11:26): My question is addressed to the Minister for the Environment. Will the Minister update the House on the management of camping in national parks in New South Wales?

The Hon. Natalie Ward: They are more expensive.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:26): It is not more expensive. We are actually having a consultation about this, which is why I want to update the House. As people know, New South Wales has an incredible network of national parks and reserves. They are one of our State's greatest assets. The more than 360 campgrounds are precious places where people come together to camp and families enjoy great recreation and being out in the natural world. We are investing in new and upgraded sites all the time. Our camping spots are incredibly important. Camping in our national parks allows the people of New South Wales and visitors from afar to experience incredible environments and foster a deeper appreciation for both the natural world and our Aboriginal cultural heritage. There are so many beautiful places to see.

Campgrounds and other accommodation cater for a range of preferences and budgets, and the Government is committed to ensuring that our parks are always affordable for all to enjoy. Managing a large network of campsites and catering to a diversity of users' preferences present challenges and differing views among park users. The current camping fees and booking system have not been reviewed for many years. Post-COVID, when more and more people are wanting to visit and stay in these places, it is becoming a real challenge that is causing much frustration for people as they try to access and camp at the sites. For example, ghost bookings and no-shows have become significant issues. So many people book and then do not show up. People turn up and want to use the park but are told they cannot.

We need some certainty. This is the serious issue we are trying to work through. I know that campers have differing views on how to resolve it, and that is something we are working through. Park users, particularly families and large groups, want certainty, when they book a spot, that it will be there when they turn up. If those big groups are not coming, they need to tell us. We need to find a system that allows them to get out of the booking quickly so that others can use the site. That is what we are trying to manage.

Members would know that the National Parks and Wildlife Service is currently consulting on a proposal to manage these issues on the level of booking fees that may or may not be implemented for camping. That is

something we continue to work through. I particularly give a shout-out to Outback Mike, who has helped generate over 23,000 submissions about this. This is important. It shows how much we love our national parks and how much people love camping. We must have a conversation about how we better manage it so that the maximum number of people can access beautiful places with good services and continue to bring their families and others, in a low-cost way. That is exactly what we are working through, and I am determined to work through these issues. No decisions have been made about camping fees. This is a genuine conversation with the people of New South Wales because we want everyone who wants to go to a national park to be able to do so.

ILLEGAL TOBACCO AND GUN CRIME

The Hon. ROBERT BORSAK (11:29): My question is directed to the Hon. Penny Sharpe, representing the police Minister in the other place. Illegal tobacco sales in New South Wales have reached the point where it is suspected that the majority of tobacconists carry at least some illegal tobacco, which is controlled in the main by organised crime. Will the Minister inform the Parliament how many illegal shootings have occurred in the past 12 months? How many do New South Wales police believe are connected to the illegal tobacco trade?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:30): I thank the honourable member for his question. It is a serious matter and I know New South Wales police are working closely on it. Obviously, there are a lot of links to how the Federal Government interacts with the way we regulate this product and the way in which compliance is undertaken. There is no doubt we are seeing an increase, and that there are problems with that. I will take the specifics of the question on notice because I do not have those with me today. I will undertake to get that information from the police Minister and provide it to members of the House.

I make the point that the illegal tobacco industry is causing problems all over the State. The other thing I place on record, since I have been asked about it, is this is also a public health disaster. We have managed to drive down smoking rates in this country to less than 10 per cent. Partly that has been because of the cost trigger. The fact that cheap illegal cigarettes are pretty much available anywhere is a public health disaster waiting to happen. I know that both State and Federal agencies are working through that, as they must. We have worked too hard to save many lives through smoking prevention, and we need to keep going with that. I will get the details for the member and provide them to the House.

The Hon. ROBERT BORSAK (11:31): I ask a supplementary question. Will the Minister inform the Parliament on the NSW Police Force strategy to quell shootings and bring the illegal tobacco trade under control?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:31): I will take that on notice, but I am not committing to tell the Parliament and all of New South Wales how police will do their job in investigating what are very serious matters. Any information that can be provided will be provided.

RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

The Hon. NATALIE WARD (11:32): I join with the President in welcoming the Russell family. I thank Thomas, Aileen, Nicola and Prudence for coming along today. My question is directed to the Minister for Transport. What has been the impact of protected industrial action in relation to the Sydney Trains enterprise agreement and carried out between September 2024 and February 2025 on the maintenance program of trains infrastructure? What plans does the Minister have to respond to potential resumption of protected industrial action when the cooling-off period ordered by the Fair Work Commission ends on 1 July 2025?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:32): I thank the shadow Minister for her question. It is a very good question on an issue that has been canvassed in the House. The Government has been very up-front that the protected industrial action, which the workforce is entitled to engage in, had a big impact on commuters. There is no question about that. That is one of the reasons why the Government was extremely grateful for the assistance of the Fair Work Commission in stopping the disruption and allowing time for cooler heads to prevail. That time has allowed for intense discussion at the Fair Work Commission and direct discussions between the Government and union representatives.

The shadow Minister asked about the impact on planned maintenance. We talked about this earlier in the week, both on Tuesday and Wednesday. We are doing a range of things to try to catch up on the backlog. That includes a big rail repair system fixing heavy defects and a big train repair scheme fixing the rolling stock. It is the biggest coordinated repair plan in the history of New South Wales. We also have to do routine maintenance. When the industrial action rolled out, it had its usual impact on the ability of Sydney Trains to keep up with routine maintenance. We are catching up, and that is going well. I am happy to update the House on how far through that

program we are, but I have recently made a public update. That is certainly a fair question for the Opposition to be asking.

How does the Government want to deal with that? We have to get to a better point. The Government does not want to see rail action resume on 1 July. We will engage in direct discussions to settle a deal, but not at any price. The Government has been clear about that. We have a deal with other essential workers, and we have to protect taxpayers' interests. This will not be a deal at any price. However, the Government believes it is possible to have a direct dialogue with the workforce and unions to settle a fair claim, where pay and conditions rise for rail workers. We also expect improvements in the system as a result of this discussion. I would expect one of those improvements to be the speeding up of planned operational maintenance. We are catching up, but it is one of the reasons we are working hard to try to land a settlement.

The Hon. NATALIE WARD (11:35): I ask a supplementary question. I thank the Minister for his answer and ask him to elucidate when he referred to direct discussions, his hope to get that claim settled and the 1 July date. Regarding his hope to reach agreement with the unions, does he anticipate achieving that in time for the Treasurer to include any agreed wage rise above the Government's 3 per cent de facto wages cap in the 2025-2026 budget?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:36): We are hoping to land an arrangement. The public is hoping that we land an arrangement so they can catch a train. The only people who are not hoping we have an arrangement by 1 July are Opposition members. I encourage them to get on board with the public and back the Government. This should be a matter where we are all in agreement and trying to land this. The Opposition should be supporting the Government's decision to take a responsible stand and protect taxpayers while also trying to lift wages and conditions for essential workers. I ask for the Opposition's help.

The Hon. Natalie Ward: Point of order: In fact, I am diligently trying to help. I asked a specific supplementary question. I ask that you draw the Minister back to whether he anticipates achieving that in time.

The PRESIDENT: The Minister was being directly relevant, with the exception of his discussion about the Opposition. The Minister has the call.

The Hon. JOHN GRAHAM: I simply put it this way: There is no bad time for a good deal. When that happens, I assure members we will alert the public and also the Opposition. It will be good news if it happens. It has not happened; that is the reality. But if it does happen, that will be a good result. I hope it happens before 1 July. If it does not, we will have to deal with the consequences, but we are working very hard to make sure that we balance those competing goals. As the Premier has pointed out, this dispute could have been settled a long time ago if the Government had just folded and was prepared to pay any price. We will not pay any price because we have to balance the other goals. We believe we can balance those goals. I will alert the public and the Opposition, but the shadow Minister is right—one of the first people I will be alerting is the Treasurer.

The PRESIDENT: I welcome to the Parliament students from Callaghan College in Jesmond who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team. You are all very welcome.

HOUSING SUPPLY

The Hon. ANTHONY D'ADAM (11:38): My question without notice is addressed to the Minister for Housing. Will the Minister update the House on how the New South Wales Government is using new ideas to tackle the housing crisis?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (11:39): I am happy to update the House on some of the work I have been doing through Homes NSW to explore the ways that we can deliver our Building Homes for NSW program faster and with less waste to support some of the incredibly important economic priorities of the New South Wales Government. Members will be familiar with the fact that the State has a desperate undersupply of social and affordable housing after \$3 billion worth of that stock was sold under the previous Government.

The Hon. Daniel Mookhey: How much?

The Hon. ROSE JACKSON: Some \$3 billion worth was sold. We have had a big boost to rebuild that thanks to the investment the Government made in the last budget of \$5.1 billion. We are getting on with the job of building the social and affordable homes we need. The problem is that traditional methods of home construction take time. They are particularly weather dependent, and when we go through periods of a lot of rain, it can slow projects down. They also generate a substantial amount of waste. Some 40 per cent of the waste going into Australian landfill is construction waste.

We have a great opportunity to explore some of the modern methods of construction for supporting new local industries. That is exactly what the Government is doing. I was pleased to visit Wild Modular, a New South Wales company in Smithfield, with the member for Prospect. Wild Modular is one of the New South Wales-based companies that we are using to deliver modular homes as part of our Building Homes for NSW program. We have a pipeline that we are ramping up. Unfortunately, New South Wales is behind the eight ball due to the previous Government. Queensland and Victoria are pushing ahead with modular housing. New South Wales is leaning into that now.

Modular homes can be delivered 20 per cent faster than traditional methods of construction. That is a big win when the housing crisis is urgent. They generate considerably less waste to landfill, so I know the environment Minister is supportive. They support new modern methods of construction and new manufacturing industries in New South Wales. As I mentioned, Wild Modular is a New South Wales-based home manufacturer. We are supporting over 100 jobs in Western Sydney alone through the program. It ticks so many boxes.

I encourage the private market to pick up modular home construction too. It would be great to see that moving, but the Government needs to lead the way. We need to show it can work. We need to demonstrate that they are beautiful, high-quality homes that fit as part of our pipeline. That is exactly what the Government is doing. I am pleased to report to the House that the Government's pipeline is ramping up. We have 90 homes being delivered this year, ramping up to well over 100 over the coming years. Modular homes and modern methods of construction are a potential game changer for the way that we deliver social and affordable housing. It is fantastic to see Homes NSW leading the way with innovative new ideas.

WORKERS COMPENSATION LEGISLATION

Ms ABIGAIL BOYD (11:42): My question without notice is directed to the Treasurer. According to icare modelling, a 31 per cent whole person impairment threshold for psychological injury would exclude 99 per cent of all workers with psychological injuries from accessing long-term care and support. The Government as an employer is responsible for almost 50 per cent of all workplace psychological injuries in this State. How much money does the Government stand to benefit by stripping long-term care for psychologically injured workers?

The Hon. DANIEL MOOKHEY (Treasurer) (11:42): I thank the member for her question and her ongoing interest in the matter. I cannot help but feel that we will soon have the opportunity to explore the issue at greater length in the House. There are three things I will say about the member's question. To the first and most immediate answer as to how much the Government intends to save, let me be clear, as I have already said, that the Government has already booked a \$2.4 billion degradation for the past six months.

The second point is that the member quotes statistics from the icare report. Those statistics, to be fair to the member, perhaps need a fairer rendering, because right now under that same modelling that the member refers to the whole person impairment threshold changes the Government is proposing would only apply to roughly 1 per cent of people in the workers compensation scheme. That is because, as the member knows full well, by the time the test applies to any worker, over 88 per cent of them are already in back-up work. Translate that directly to the number of public servants covered by the Treasury Managed Fund, which the member is asking about, and apply that test to the cohort of workers compensation claims from last year and there would be roughly between 300 and 400 people. That is out of a total of 12,000 psychological claims, which is out of a total of 88,000 claims per year. That is the number that would be affected by that particular change.

The third point is that the Government has committed to the reintroduction of commutations for that reason to give those workers more choice about whether they want to stay in this system or whether they would prefer to manage their own care. As the member knows full well, if one speaks to any person who has been in a workers compensation system for more than two years, they want out. Overwhelmingly, they want the capacity to have less contact with icare and more contact with doctors and alternative employers.

That is why the Government has worked hard with trade unions and others to reintroduce commutations to the scheme, which I know the member supports. I think lots of members would understand why that is a better way forward. Even with that change, New South Wales will remain the only system in the nation that offers lifetime income support at pre-injury earnings. Every other scheme removes people after five years and, for the schemes that allow people to continue with a 30 per cent impairment, reduces their wages to minimum wage or pension rate. That is the Government's proposal. All members have to take a position on it. We look forward to the debate to come.

Ms ABIGAIL BOYD (11:45): I ask a supplementary question. In 2023 the Treasurer said of the necessity to adequately fund the Government's own liabilities in relation to workers compensation:

Reduced injury rates, reduced severity of injuries and better return to work outcomes are the key reforms needed to ensure these protections are available to workers today and in the future.

This additional contribution will likely result in an increase in gross debt impacting the Budget in September but it is necessary to ensure our public sector workers and property are properly insured.

What has changed?

The Hon. DANIEL MOOKHEY (Treasurer) (11:46): I thank the member for her supplementary question. What has changed is that on Tuesday this Government announced a \$343 million investment in prevention, which is the biggest investment in the prevention of psychological injury in the history of New South Wales and the nation. The member is quite right in saying that I said back then "return to work" rates. That is also why this Government has introduced legislation to establish a bullying and harassment jurisdiction in New South Wales. Right now the only workers in the country that do not have access to an independent tribunal that can order bullying to stop are New South Wales public service and local government workers. That is precisely why we are saying there should be a stop-bullying jurisdiction in this order.

Equally, that is why we are also expanding the rights of workers and their unions to take action under work health and safety law to build a serious culture of prevention. As I know the member would agree, the serious way in which we get to a culture of prevention is to make sure that people have power and balance in workplaces, and that is not at the exclusion or the exemption of employers. That is also important for the Government. When it comes to its own departments, the Government welcomes the fact that its workforce will have rights to hold it accountable in an independent tribunal. That is a good thing going forward. They should have the exact same rights that everyone in the private sector has.

The additional development that the member makes reference to is what has changed in respect to the gross debt. Since Labor came to power, the Government has injected billions of dollars into a system that we know is not working. My predecessors did the same—\$6.18 billion worth of injections since 2018. It is time that this Parliament grapples with the fact that sinking more money into a system that is not working is not working for employers— [*Time expired.*]

The Hon. MARK LATHAM (11:48): I ask a second supplementary question. Will the Treasurer please elaborate on his very expensive new prevention program and what account it takes of vetting and recruitment practices, particularly dealing with the circumstance in corrections where 30 per cent of the workers are on workers comp almost as a cultural workplace standard? Will we get rid of diversity, equity and inclusion and other identity-based recruitment practices and get tough, resilient people? I will volunteer to have a Green Valley reunion and I will give the Government a couple of thousand prison guards who will do the job without ever going on compo.

The Hon. DANIEL MOOKHEY (Treasurer) (11:49): I thank the member for his question. All I would say to anybody who wishes to work for Corrective Services NSW is that we welcome people who wish to make a contribution, subject to them following the appropriate standards. The member was right in asking whether the new package takes into account the need to provide support for workers who are doing tough work like Corrective Services officers; I answer that, yes, it does. Equally, the member was quite right to say that when it comes to how the Government recruits people to do those tough jobs, we have to make sure the people we recruit are resilient, but we must also support and nurture that resilience.

That resilience is not mutually exclusive at the point of recruitment. We do not think we should screen people out for resilience; we think we should help people to stay resilient, particularly people doing complex social interventions, whether they are in our prisons, child protection system or hospitals. That is why the package includes investment in the practices that have worked in the NSW Police Force. That is why some of the changes that were implemented in the Department of Education will be funded further and implemented across the Government. That is also why the Government has commenced a whole-of-government return to work scheme.

Should we find ourselves in a situation where one agency cannot provide suitable duties for a person who is injured at work, another agency can. That is crucially important to corrections and elsewhere. I welcome the member's interest both in this matter and in ensuring that our public service maintains high qualities and recruits people who are resilient enough to undertake the very complex social interventions we ask them to do.

HOUSING AND DOMESTIC VIOLENCE

The Hon. SUSAN CARTER (11:51): I too join in welcoming the Russell family to the gallery. My question is directed to the Minister for Finance. On 1 December 2023 the Minister said:

The expansion of the Shared Equity program will help reduce long term housing barriers for people experiencing family or domestic violence, by reducing the financial burden to buy a home.

How many women experiencing family or domestic violence were helped by the expansion of the program before the Minister shut it down on 30 June 2024?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:51): I thank the member for her important question about the shared equity scheme pilot we inherited from the previous Government. That was one of the many measures that were announced in the former Government's final budget. When Labor came to government, we took the view that we would see the pilot through and see whether it worked. I acknowledge and distinctly remember that when we were in opposition, the now Minister for Housing raised serious concerns about the criteria for the scheme. Nevertheless, the Government and I, as Minister for Finance, inherited that scheme from the previous Government.

We expanded the scope of that pilot as a result of advocacy from a range of people, and I acknowledge Ms Abigail Boyd advocated for the inclusion of victims of family and domestic violence in the scheme. The Government thought that was a sensible way to amend the pilot. The Hon. Susan Carter quoted me in her question. To the best of my recollection, I made those comments at a press conference with the Premier and various stakeholders who supported the expansion of the scheme. To be frank, the scheme was not working by the conclusion of the pilot.

The Hon. Susan Carter: Point of order: I am very thankful for the extensive background the Minister has provided, but the question was fairly specific about how many women experiencing family or domestic violence were helped by the expansion of the program. I ask that the Minister be drawn back to the leave of the question.

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

The Hon. COURTNEY HOUSSOS: As I was explaining, the Government announced the expansion of the shared equity scheme in December to include victims of family and domestic violence. I note that similar schemes have operated in other States. That is why we wanted to make sure we gave the scheme the best opportunity to succeed.

The PRESIDENT: Members will come to order. The Minister has the call.

The Hon. COURTNEY HOUSSOS: In relation to the specifics of the scheme, I am advised that 28 domestic and family violence victim-survivors were supported through the scheme. But the scheme itself, as a whole, had thousands of places. The scheme was supposed to provide opportunities for thousands of people to purchase their own home, but that did not happen. To the best of my recollection, I think one in seven of the places were taken up. As a result, at the conclusion of that pilot, the Government decided not to extend it. [*Time expired.*]

The Hon. SUSAN CARTER (11:55): I ask a supplementary question. After shutting down the program and cutting off support for victims of family and domestic violence to buy a home by reducing the financial burden on them, will the Minister take steps to open access to first home buyer support for those women?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:55): I completely reject the premise of the question. It could potentially be ruled out of order because later today the House will debate legislation to address that issue. It is on the *Notice Paper*. A range of things have occurred in the intervening period between now and the end of the pilot scheme, including the Federal Government announcing a shared equity scheme, for which enabling legislation will be debated in this House later today. I will not contravene the standing orders by speaking about that because we will debate that legislation later, but the shared equity scheme was not working.

Sometimes it is important for governments to try things and see if they work. If they do not work, we need to try something else. In last year's budget the Government injected a record amount of spending in social housing. A record investment of \$5 billion was provided to unlock further maintenance and the construction of new homes, a proportion of which are reserved for victim-survivors of family and domestic violence.

The Hon. Rose Jackson: Fifty per cent.

The Hon. COURTNEY HOUSSOS: I thank my colleague for the specifics. This Labor Government is so proud of that investment because we can support women and other victim-survivors of family and domestic violence. The Government has said, "That scheme is not working. We are going to do this instead." I commend the Minister for Housing for the way she has rolled out that program. She is making sure it is happening. It is one thing to announce a huge program, but it is quite another to make sure it is delivered on the ground. That is what our Government is about. The shared equity pilot was well intentioned, but it did not deliver for victims of family

and domestic violence. That is why the Government has come up with a range of solutions to address that really important issue. I look forward to updating the House further.

SYDNEY CULTURE RANKING

The Hon. Dr SARAH KAINE (11:57): My question without notice is addressed to the Minister for the Arts, and Minister for Music and the Night-time Economy. Sydney was named in the top five cities in the world for culture. What does the Minister make of that result, and how did the New South Wales Government support it?

The Hon. Sarah Mitchell: Sing us a song, John.

The Hon. Damien Tudehope: This is your Thursday question.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (11:58): I thank the honourable member for her question—despite that reception! Sydney is known for its natural beauty, but people often talk down our city's cultural life. Of course, during the lockout era they had good reason to. Earlier this year, *Time Out* released the results of its global survey of 18,500 people around the world to find the world's best cities for culture. Two years ago Melbourne was at number 10 and Sydney was not even in the top 20—we did not even feature in the top 20! This year we came in at number five, which is really good news.

The Hon. Damien Tudehope: Where's Melbourne?

The Hon. JOHN GRAHAM: I didn't get that far down the list. This result is another prove point that our city is rising up back on the streets and rising up to the challenge of our rivals. A lot has changed in the past two years. We have lifted the concert cap on our stadiums and introduced Michael's Rule to put local support acts on our biggest stages. We have continued backing incredible events, like Vivid Sydney, South by Southwest Sydney, Sydney Festival, Sydney Fringe, Sydney Film Festival, Sydney Comedy Festival, Sydney Writers Festival and the Sydney Marathon. We have continued to support our world-class cultural institutions.

We have also worked hard to rebuild our city's night-time economy. Together, we have stopped single serial noise complainants from shutting down pubs and clubs and reformed how noise is regulated. We have extended trading hours and incentivised venues to host live music, and the number of venues with music on their stages has tripled over the past couple of years. We have scrapped the five-kilometre rule at clubs. We have given adults the right to stand up while having a drink outside, and we have also started rolling out special entertainment precincts around the State. The issue runs much deeper. It is more than a fun night out. It is also about tackling the exodus of young people who are leaving Sydney. Housing affordability is a big part of that.

The Hon. Sarah Mitchell: What's wrong if they move to the country?

The Hon. JOHN GRAHAM: And our State—leaving our city and our State. The Deputy Leader of the Opposition makes a good point. We are promoting young people on the boards of our biggest cultural institutions. The vibrancy of our city and the vibrancy of our neighbourhoods is another key factor that stops young people moving away. We need to be able to say this: We did our time. We took our chances. Slowly but surely, Sydney is bouncing back. We are rising up. We might get to the top. We have had the guts. We will get the glory. We have gone the distance. Now we are not going to stop. This is a city with a will to survive.

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

BROOMBUSH HARVESTING

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (12:01): I will clarify a couple of things in relation to the Hon. Mark Banasiak's question regarding West Wyalong and broombush. I can confirm the process of a landholder seeking a review of the Native Vegetation Regulatory map does not automatically trigger a requirement for ground truthing. However, in the meeting that I had with West Wyalong landholders on 26 February this year, I committed to a joint review of the mapping of the Critically Endangered Ecological Community by Local Land Services and the Department of Climate Change Energy, the Environment and Water. That will offer landowners a process of ground truthing. The department is writing to landholders to confirm this.

Supplementary Questions for Written Answers

GOVERNMENT PROCUREMENT

The Hon. SARAH MITCHELL (12:02): My supplementary question for written answer is directed to the Minister for Finance. How many procurements in the January to March quarter of 2025 have been reported to

the Procurement Board which were valued at \$7.5 million or more? Of these, how many were there for which market testing identified that a local supplier was available? Of these, how many were nonetheless awarded to a non-local supplier?

The Hon. Daniel Mookhey: Point of order: Mr President, I am positive that this supplementary question for written answer is identical to the original question that was asked. Supplementary questions need to seek an elucidation. They cannot simply be a repeat of questions that were asked in question time, with a view that an answer be provided on notice.

The PRESIDENT: I note that this issue has come up before. On that occasion, the supplementary question was exactly the same as the previous question. I have not made a ruling yet on whether the Treasurer's contention is correct or not. It is an interesting question. I am happy to hear further submissions, if members have any, but it is my intention to reserve my ruling.

The Hon. Damien Tudehope: To the point of order: Mr President, I suggest you consider the following as part of your ruling. If in fact the answer given during the course of question time is not a satisfactory or complete answer to the question, to not allow a supplementary question for written answer precludes exploring what the true answer to the question should have been. The supplementary question should not be excluded just because the question was asked. It should be excluded if a complete answer had been given. In those circumstances, it would have required the Treasurer to have said a complete answer was given to the original question. That should influence your ruling on whether the supplementary question for written answer should be ruled out of order.

The Hon. Penny Sharpe: To the point of order: That was an interesting interpretation. It comes down to the question of whether the Opposition likes an answer. That does not determine whether the Opposition can then ask the same question over again to seek a response. Supplementary questions for written answer are supposed to seek elucidations. I am glad that you will consider the matter before making a ruling, Mr President, because there is a material difference. Just because the Opposition does not like an answer, it does not mean that it gets to ask the same question again.

The Hon. Sarah Mitchell: Further to the point of order: In considering your ruling, Mr President, I seek that you look carefully at the wording of my initial question and the supplementary question for written answer I just asked. The supplementary question is similar in topic, with a couple of new elements that have been added.

The PRESIDENT: I thank the member. I appreciate the suggestion. That is helpful. The Treasurer has the call.

The Hon. Daniel Mookhey: Further to the point of order: I add to the points made by the Leader of the Opposition and the Leader of the Government. Firstly, in response to the submission made by the Leader of the Opposition, under the standing orders, the rules that apply are akin to or similar to whether you, Mr President, can direct a Minister to answer the question in a certain way. The reality is that the Minister has to be directly relevant to a question. Whether or not the answer given is to the satisfaction of the member who asked the question is a different issue. It is akin to how Ministers cannot be directed to answer a question in a certain way during question time. That also applies to supplementary questions for written answer, so long as the question is directly relevant.

The second dimension is that, under the standing orders, I believe rulings have been made in the last Parliament, and there are also previous rulings on this—and, to be fair, I am fairly positive I provided on that end too. I recall at the time President Ajaka made the point that supplementary questions for written answer indeed have the same rules applied to them as elucidations. At that time, President Ajaka applied his three-step test principles, and I accept that you have relaxed that test, Mr President. Fair enough. But the point to seek an elucidation still applies—that is, effectively, the right under the standing orders to ask a supplementary question for written answer.

The final point I make is that the difference between a supplementary question for written answer and other forms of the House is the requirement for the information to be provided in a much more timely manner—that is, within 24 hours. When that rule was adopted in the previous Parliament, it was clear that purpose was to allow for details to be provided on notice that are particularly pertinent for a 24-hour period. In interpreting and making a ruling in this respect, Mr President, I ask that you consider drawing a distinction between supplementary questions for written answer and other forms of written answer that can be asked on notice and, equally, whether the rules of elucidation should be applied to written answers the same way they should be in the House.

The Hon. Bob Nanva: To the point of order: I refer to a ruling from President Willis in 1997:

Members wishing to ask supplementary questions must not ask the same question or part of the same question again, even if the Minister has failed to answer the initial question or only partially answered it.

I would submit that a distinction should not be drawn with supplementary questions for written answer.

The Hon. Courtney Houssos: To the point of order: I would say that I was an enthusiastic user of the opportunity to seek written answers to supplementary questions. I again draw the distinction that the Treasurer began to touch on in his contribution: A supplementary question for written answer is still, essentially, a supplementary question. The contention from the Leader of the Opposition was that if an answer is not provided in the way that the Opposition may like, it can be entitled to ask the question again as a supplementary question because the Opposition needs to seek further information.

Members have the opportunity to pursue a range of other methods in order to get information, such as written questions on notice or through the budget estimates process. Supplementary questions for written answer are still essentially supplementary questions and should be governed by the same rules that govern supplementary questions in the House. This is an area where this House has broken new ground. I welcomed those innovations in 2019. However, I think that that fundamental principle is important as you consider your ruling, Mr President.

The PRESIDENT: I will hear the Hon. Mark Latham on the point of order.

The Hon. Mark Latham: No, I have an authentic supplementary question for written answer.

The PRESIDENT: Not yet.

The Hon. Mark Latham: Have we not had enough of this semantic psycho-babble?

The PRESIDENT: The Hon. Mark Latham will resume his seat.

The Hon. Jeremy Buckingham: Throw him out.

The PRESIDENT: I will remove the Hon. Jeremy Buckingham from the Chamber if he continues to interject. I will rule on whether the specific question is allowed, noting the comments of the Deputy Leader of the Opposition, and comment on the broader issue in toto.

HOUSING SECTOR INVESTMENT

The Hon. MARK LATHAM (12:09): My supplementary question for written answer is directed to the Treasurer. It follows the question from the Hon. Greg Donnelly concerning the price of capital and the impact on financial markets here and around the planet. New South Wales has an active public infrastructure construction program underway, with more in the pipeline, especially with regard to the so-called energy transition. To what extent is this call on capital and financial lending capacity crowding out private investment, especially with regard to the Government's other stated goal of increasing private sector housing construction to deal with the housing affordability crisis? What action is our very good Treasurer taking to deal with this critical economic challenge?

The Hon. Wes Fang: Point of order: The question contains argument. The member said "very good Treasurer".

The PRESIDENT: There is no point of order.

WORKERS COMPENSATION LEGISLATION

Ms ABIGAIL BOYD (12:11): My supplementary question for written answer is directed to the Treasurer. In his answer the Treasurer stated that New South Wales has the only scheme in the country that provides lifetime weekly income replacement payments for seriously injured workers at pre-injury earnings. Given that this is incorrect—because New South Wales only provides 80 per cent of pre-injury earnings on a lifetime basis, and that Victoria, Western Australia, South Australia and the Northern Territories at least also provide a form of income support on a lifetime basis—how does the Treasurer back up the continual assertions that he is making in this regard?

WORKERS COMPENSATION LEGISLATION

The Hon. DAMIEN TUDEHOPE (12:11): My supplementary question for written answer is directed to the Treasurer. The Treasurer's exposure draft of the Workers Compensation Legislation Amendment Bill would have decreased nominal insurance premiums by 0.34 per cent over three years. What is the corresponding prediction for the current bill as introduced?

Visitors

VISITORS

The PRESIDENT: I welcome to my gallery Mr Nick Tedeschi, the brother of Sam.

*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.

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE**GOVERNMENT PROCUREMENT**

The Hon. DAMIEN TUDEHOPE (12:12): I take note of answers given today by the Minister for Domestic Manufacturing and Government Procurement. The answers given by the Minister to a number of questions today clearly demonstrate that this Government is high on rhetoric and low on performance and delivery. Earlier this year, and late last year, questions were asked about the guidelines delivered by the Anti-slavery Commissioner and about ensuring that those guidelines applied to New South Wales procurement contracts. In fact, if members look at the procurement policy framework that was in place when the Government came to power, avoidance strategy on anti-slavery measures were a part of that framework. Members heard today that, regarding the recommendations of the Anti-slavery Commissioner, the Minister is looking for circumstances where agencies are not complying with anti-slavery guidelines before she will make a direction to the Procurement Board.

One would have thought that after sitting in this Chamber and hearing evidence relating to Globalworks about batteries used in EV buses, the Minister would have ample evidence that agencies are not complying with the guidelines set out by the Anti-slavery Commissioner. The time to act is now; it is not the time to talk. This Minister is high on talk and low on action. We also heard her explanation about the delivery of procurements relating to \$7.5 million. She said the Government has a program, "If not, why not"—again it is rhetoric. When we asked for data relating to the delivery of that program, we got nothing. Zip! In fact, when we ask supplementary questions for written answers, the Minister does not even answer those questions. High on rhetoric, low on action—that is what this Government is all about.

SYDNEY CULTURE RANKING

The Hon. JEREMY BUCKINGHAM (12:15): I take note of the answer given by the Minister for Music and the Night-time Economy. I draw to his attention previous statements he has made about how we best celebrate the culture, especially the music, of this incredible city in this incredible State. I lament that he has not championed the cause that he had championed in as early as 2020. He said then that one of the best things we could do in this State is recognise our Australian rock music by creating memorials, statues, public spaces and places, and public monuments that celebrate some of Australia's greatest rock musicians. He went into it at length, listing the Hoodoo Gurus, the Angels, Midnight Oil, the Easybeats and the like.

I have been arguing that this State should recognise AC/DC—the greatest rock-and-roll band in the history of the world—by way of a significant public memorial. It could be a place where working class people can come together to celebrate this great band and their incredible achievements. They are the highest selling Australian recording group, were inducted into the Rock and Roll Hall of Fame, had the biggest selling tour and biggest concert ever, and have given us 50 years of incredible music. They are Sydney boys from Villawood, Burwood—

The Hon. Wes Fang: Not Scottish?

The Hon. JEREMY BUCKINGHAM: Ashfield Boys High. It is a disgrace that there is no monument in this city to show their incredible global achievements. It is beyond time that we as a community invest in recognising them and creating a place where people from around the State can come. Imagine a memorial at the forecourt of the Opera House, recognising AC/DC and some of our greatest rock and performing artists. There is Sydney Park in Newtown and Burwood. We need to create places that integrate into our living spaces, places where people can go and listen to music and enjoy themselves. We need to create spaces where people can go to celebrate music, culture and arts, so they can see that we as a community have honoured those musicians. And not with a mural in some back alley, but by way of a massive public memorial or monument that recognises the incredible contribution of our recording artists. AC/DC is a case in point.

INTEREST RATES

The Hon. MARK BUTTIGIEG (12:18): I take note of the question on monetary policy that was addressed to the Treasurer. His answer noted rising real wages and the effect that interest rate cuts have on the living standards of the average working person in Australia. We often forget that the underlying political philosophies and ideologies of the different parties have a real effect on the direction that the country and our State will go in. We have now had a Federal Labor Government for over three years and a State Labor Government

for just over two years. These two governments have implemented policies that have had a material effect on the lives of working people.

The different philosophies have manifested in industrial relations legislation. At the Federal level, this includes same job, same pay; the right to disconnect; and applications to the Fair Work Commission to raise the minimum wage above inflation. At the State level, it has involved the restoration of the Industrial Relations Commission and the abolition of the wages cap. If a philosophy solely prioritises business and profit share over everything else, then wealth and income will gather in one corner of the economy and spending power will not be spread over the whole population. The economy will then not be as buoyant as it otherwise would have been. This is very important from the perspectives of economic growth and equity and fairness.

There will be a material effect if the mass of working people is afforded greater spending power from the greater income provided by the industrial relations and wage-growth policies that members on this side of the House believe in. This is showing up in the figures. When people are choosing which party should govern, they need to look at our record of economic management. This is not only a feature of contemporary Federal and State Labor governments but also a feature of the Hawke, Keating, Gillard and Rudd governments before them. It is also true of previous State Labor governments. Ideology and philosophy matter. Members on this side of the House will always support policies that benefit the mass of working people.

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE

The Hon. AILEEN MacDONALD (12:22): I take note of the answer provided to the Hon. Damien Tudehope's question about compliance with the Anti-slavery Commission's *Guidance on Reasonable Steps*. With respect, the Minister's response did not address the core issue. The Anti-slavery Commissioner's guidelines have been publicly available since 1 January 2024. The guidelines were issued under section 27 of the Modern Slavery Act. This is an Act that the Minister stated "they fought hard for" when they were in opposition. It sets clear expectations for ethical procurement to prevent modern slavery. They fought hard to stamp out modern slavery when in opposition but, despite repeated calls for action, the opposite is true when they are in government. Neither the Procurement Board nor the Minister has taken the necessary steps to make the guidance binding.

The guidance remains voluntary without a ministerial direction. Voluntary compliance is simply not enough to eliminate modern slavery from New South Wales Government supply chains. Given the Government's substantial annual procurement power, why is it refusing to give the guidance binding force? This would send a clear message that New South Wales will not tolerate modern slavery. Is the Minister now saying that a consistent, legally backed procurement approach to eliminate modern slavery is not a priority for this Government? It is not good enough for the Government to say it supports the principle while doing nothing to enforce it. Why is it not binding? This is not only a procedural failure but also a failure of leadership, accountability and basic human rights.

WORKERS COMPENSATION LEGISLATION

Ms ABIGAIL BOYD (12:24): I take note of the Treasurer's answer to my question and express my serious concern at his ignorance of the changes he is proposing. It is either ignorance or wilful misrepresentation of facts. The Treasurer said that New South Wales has the only scheme in the nation that provides lifetime weekly income replacement payments for seriously injured workers at their pre-injury earning rate. This is incorrect on multiple levels. The New South Wales scheme offers lifetime payments beyond 130 weeks at 80 per cent of Pre-Injury Average Weekly Earnings [PIAWE].

It is highly concerning that the Treasurer is proposing cuts, but he does not even know how much the payments are in New South Wales. If this is the basis of the Government's modelling for these reforms, then it should immediately take a 20 per cent haircut off all of its assumptions. The second element is his claim that New South Wales is unique in providing this long-term support. That is a total fabrication. In Victoria, workers are entitled to 80 per cent of PIAWE. In Western Australia, workers who are injured while covered by an award receive their award rates. Workers who are not covered by an award receive 85 per cent of PIAWE beyond 14 weeks. In South Australia, workers who pass through the relevant long-term support thresholds and are deemed to be seriously injured workers receive 80 per cent of their PIAWE. In the Northern Territory, a worker deemed to have total incapacity for work is entitled to payments equalling 90 per cent of their PIAWE.

The assertions of the Treasurer and the Premier are the latest in a litany of number fudging, misrepresentation and outright mistruths about their proposed assault on workers compensation entitlements. The Government uses percentage increases to make it sound like there is an explosion in psychological injuries impacting the Nominal Insurer. Here are a few more percentages for them: Psychological injury claims to the Nominal Insurer have increased from 5 per cent to an apparently whopping 7 per cent. Total claims increased by 16 per cent last year, but 80 per cent of that increase is from physical injuries.

The Treasurer said the Treasury Managed Fund [TMF] has received a \$2.4 billion impairment, and he wants to make it sound like that is wholly attributable to psychological injuries. He is hiding the fact that the TMF is responsible for other payments, including for flood and fire damage, historic child sexual abuse claims, discrimination class actions, car accidents and all other general-line insurance activities of the Government. The Government's baseless assertions are being used as a fig leaf to hide its unjustifiable attack on worker entitlements. It is an attempt to top up the New South Wales Labor Government budget on the back of injured workers. The workers compensation scheme is often described as a scheme to benefit workers, and in a certain sense that is true.

Access to workers compensation entitlements is a lifeboat for workers who have been injured in the course of their work. It provides weekly wage-replacement payments for time taken off work as a result of injury. It also pays for the cost of medical treatment to assist an injured worker to heal, recover and, where possible, return to the workforce. They could either return to the same job or, if that is no longer a viable option, to a new workplace. This provides some certainty and stability to workers. In reality, the workers compensation scheme is an insurance scheme for employers rather than employees. I wish I had more time to finish my speech. I encourage members to check the facts.

GOVERNMENT PROCUREMENT

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE

The Hon. Dr SARAH KAINE (12:27): I take note of questions directed to the Minister for Finance about government procurement. If the Opposition gets to recycle its questions, then I am going to recycle some of our answers on government procurement. I will not engage with the types of theatrics that the Hon. Damien Tudehope used during his contribution to the take-note debate.

The Hon. Wes Fang: Point of order—

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The Clerk will stop the clock.

The Hon. Wes Fang: I contend that the Hon. Dr Sarah Kaine is not taking note of answers. If she wants to traverse the attributes of another member of this House, then she should do so by way of substantive motion.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): There is no point of order.

The Hon. Dr SARAH KAINE: I note other contributions in this take-note debate relate to questions and answers about procurement. We have pointed out how astounding it is that the Opposition keeps confecting outrage about the failure to make anti-slavery provisions compulsory given that this framework, which was in place before we were in government, has nothing mandatory in it. There was no compulsion on agencies. In fact, the devolved nature of the system meant that it was very difficult to know what was going on with agencies with any aspect of procurement, let alone modern slavery provisions. Members opposite point the finger at the Government for not doing enough. They had 12 years to make things mandatory around procurement and modern slavery. For 12 years, they chose not to.

I welcome the conversion of some members of the Opposition who now care about those issues. The members who are on the Modern Slavery Committee with me are entirely genuine and have maintained that throughout time. Other members seem to have had a road to Damascus moment where they are now concerned about modern slavery in government supply chains. Coming out of the procurement inquiry, the Government supported inserting clauses into procurement contracts that stipulate what must be undertaken with regard to modern slavery due diligence.

We are looking at what we can do in terms of mandatory compliance. We are looking at due diligence in supply chains and how to check that labour is treated appropriately in supply chains. That is not just for international supply chains; we need to make sure that workers in supply chains in New South Wales are also treated properly. That expressly did not occur under the previous Government. I can cite examples, such as the Merivale contract and the bus contracts, which were given to companies known to be engaging in wage theft.

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE

GOVERNMENT PROCUREMENT

The Hon. SUSAN CARTER (12:31): I take note of answers given by the Hon. Courtney Houssos. I entirely associate myself with the comments made by my colleague the Hon. Aileen MacDonald. I am encouraged that the Government claims that it is taking seriously its commitment to addressing modern slavery. I was surprised and, frankly, appalled that when a supplementary question was asked to Minister Houssos about slavery, rather than address the question, there were all sorts of measures taken to stop the question being asked. I note that when we talk about slavery, it is not a debating point; we are talking about human life. The Minister

talked about the process by which guidelines that have been available since 2024 may one day be made mandatory. That is in the procurement of electric vehicle batteries. She talked about appropriate means being in place.

I draw to members' attention an issue that has arisen in this term of government that raises significant slavery concerns and where no action is being taken by this Government, despite assurances being made in debate in this place and the other place. We all know that when we passed the equality legislation, it contained provisions that will facilitate the use of overseas commercial surrogacy. The Anti-slavery Commissioner warned us about that. He gave us a concrete example of one clinic in Crete used by Australian families where there was evidence of 97 women from eastern Europe being trafficked into surrogacy slavery. The legislation was silent about dealing with the issue.

We were told by Ministers that they would do something about it. I asked questions at budget estimates about what they are doing. The questions were surprising to those Ministers. The answers were very clear that they are doing nothing about it. How can members say that they take seriously the rights of human beings when they are quite prepared to facilitate that with women overseas and in other places? I agree with the Hon. Sarah Kaine that we have to ensure the rights of all workers in Australia are respected. But we cannot suggest that we have the right to have a family in Australia at the expense of women overseas who are having their fertility used as an instrument and being compelled against their will to have our children. That is barbarous.

BANKSTOWN TAFE

The Hon. TANIA MIHAILUK (12:34): I take note of a couple of responses that I received from the Minister for Skills, TAFE and Tertiary Education about Bankstown TAFE over the past few weeks. During budget estimates, it became quite clear that the business case for the TAFE was delayed considerably. It should have been provided in January. It has now been provided by the Minister, I am told, but it is before Cabinet. The other issue that there was a significant delay in was the announcement of the relocated site for Bankstown. We are all waiting for a new hospital at Bankstown TAFE.

The Government has now indicated—and it certainly became clear during budget estimates when bureaucrats answered my questions—that there is not sufficient money and that \$1.3 billion will not be sufficient for having both a hospital and a TAFE at the Bankstown TAFE site at Chapel Road. Bankstown TAFE needs to be relocated for five years. The Government was supposed to announce that in December of last year. It has still not announced that. The Government is now telling me that it has finally found a site for five years for the TAFE to be relocated to, but it is not going to make that public yet either.

The Government better hurry. There are over 5,000 students at Bankstown TAFE that study 80 courses. They are supposed to be in a relocated site by next year, so I find it extraordinary that we are now coming to the end of May—almost halfway through 2025—and everyone, including teachers, staff and, most critically, students, is none the wiser as to where the new TAFE site will be come next year in January and February if they re-enrol into their courses and subjects.

I put to the TAFE Minister that we are certainly eager for his answers. He should make it publicly known very quickly where the Government has decided to relocate the TAFE. Let us be honest: It is not just going to be for five years. It is probably going to be a lot longer, given there is only \$1.3 billion for the new hospital. We know there are not sufficient funds for a new TAFE. I do not trust that the Government will ever build a new Bankstown TAFE at Chapel Road. The relocated site will probably end up being the permanent site. It is critical that the community of Bankstown and the students and staff of Bankstown TAFE know where the new site will be.

PROCUREMENT BOARD MODERN SLAVERY DIRECTIVE

HOUSING SUPPLY

SYDNEY CULTURE RANKING

CAMPSITE FEES

The Hon. CAMERON MURPHY (12:36): I take note of a number of answers given by the Minister for Domestic Manufacturing and Government Procurement, the Minister for Housing and the Minister for Music and the Night-time Economy. There seems to be a theme emerging. Nobody should be fooled by the staggering hypocrisy of the Opposition. Regarding procurement, members opposite did everything they could to try to stop mandatory reporting on modern slavery. They talked a big game but, in the end, did absolutely nothing on enforcement.

Now that they are in opposition, they complain that the Government has got mandatory enforcement. They say, "It is failing here; it is failing there." For 12 long years, those opposite did nothing to address the housing

crisis, to the point that this Government is now doing great things. I listened with real interest to the Minister for Housing as she talked about modular housing as one of the important things that will address the housing crisis. We have heard previously about some of the new and innovative things that the Minister has been working on, like 3D printing of homes in Dubbo.

The Hon. Nichole Overall: The toilets in Dubbo.

The Hon. Stephen Lawrence: Not the toilets, the houses.

The Hon. CAMERON MURPHY: Homes. Those houses in Dubbo are going to make a real difference. In a matter of a few months, we can go from absolutely nothing there to having a house. They are not just houses; they are good-looking houses. They are insulated and environmentally friendly. There is less waste. They are fantastic innovations from this Government that deal with the abject failure of Opposition members when they were in government. Similarly, on the night-time economy, everything had shut down. Pubs were deserted. Nobody was out. There were no cultural events. After one-punch laws, the entire city had shut down.

This Government has taken serious measures to open it back up again. Live music is back. We are now number five on this year's list of cities with the most cultural events. We have made significant improvements in all of those areas. Lastly, I touch on the answer given by the Minister for the Environment about access to national parks for camping. That is a serious problem. People have tried to make bookings at national parks only to find that there is no space and all the spots are taken. Their friends get a spot and then they go there and report back that nobody else has turned up. We need to come up with a solution to that problem. I congratulate the Minister on her work.

RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

BANKSTOWN TAFE

The Hon. RACHEL MERTON (12:40): I take note of the issue of industrial action and Sydney Trains. I draw the attention of the House to what is happening in south-western Sydney. The Sydney to Bankstown metro conversion has been pushed back by one year. I raised in estimates what the cost and the consequence of that will be. It is of high concern to commuters and businesses, and it all comes back to industrial action. I also speak about the six-month delay on opening the Sydney Metro Western Sydney Airport line. That is another delay. Labor's betrayal runs deeper than this immediate industrial action.

The Government scrapped the business cases for expanding the Sydney Metro from Bankstown to Glenfield and Westmead to the airport. Those commitments were made by the former Coalition Government. That abandonment ignores the needs, growth, community and businesses of south-western Sydney. I repeat that there will be no metro extension until 2040. This Government will deliver no metro infrastructure in that area until 2040. It is quite unbelievable to explain that to the communities with huge housing developments, plans and targets. Families need those services and they have been delayed until 2040.

I also take note of the answers relating to Bankstown TAFE. I spoke about this matter yesterday. I outline the situation to the House. Some \$1.3 billion was committed by the former Government to establish the new hospital. That was discussed during estimates. The Minister for Skills, TAFE and Tertiary Education explained that the \$1.3 billion was to also fund the relocation and re-establishment of the TAFE. The same questions were asked of the Minister for Health. The representative of the Minister for Health at the time explained that the cost of construction has gone up and \$1.3 billion is not enough for the establishment of the new hospital. We walked out of that hearing with mixed messages.

I call for the same thing I called for yesterday: to prioritise funding to secure the future of Bankstown TAFE. If the new hospital is ever going to be realised, it must be considered in the upcoming budget. I urge the Government, in the final stages of the budget, to consider those two items for south-west Sydney and to not forget about them.

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) (12:43): I thank all members for their contributions to the take-note debate.

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

Motion agreed to.

*Deferred Answers***LOCAL SMALL COMMITMENTS ALLOCATION**

In reply to **the Hon. SARAH MITCHELL** (8 May 2025).

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

I am advised:

The corrections made to the list of LSCA nominated projects are public.

It is public that Rough Edges did not get an LSCA grant. They did get a Premier's Discretionary Fund grant. The decision maker for the Premier's Discretionary Fund is the Premier.

WATER SHARING PLANS

In reply to **the Hon. MARK BANASIAK** (8 May 2025).

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

I am advised:

Any compensation liability is an outcome of the compensation provisions of the NSW Water Management Act 2000 [WMA]. The WMA reflects that 2004 National Water Initiative clauses on compensation. These provisions of the WMA outline when compensation can be paid to water users. An element of changing rules in water sharing plans is to determine if the compensation part of the WMA will be triggered.

If the member would like further details about how the compensation provisions of the WMA are assessed and applied, a briefing can be arranged with the Minister for Water.

WATER SHARING PLANS

In reply to **the Hon. MARK BANASIAK** (8 May 2025).

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

I am advised:

Since 2014, changes in water sharing plans have not triggered the compensation provisions of the NSW Water Management Act 2000 [WMA].

In preparing water sharing plans, hydrological modelling is undertaken to assess the impact of different rule changes on the reliability of different water licence types. This assessment is to confirm whether the changes would trigger the compensation provisions of the WMA. This information forms part of the material discussed with stakeholders and other New South Wales agencies during consultation on amendments or remakes of water sharing plans, rather than individual reports detailing compensation risks.

If the member would like further information about how impacts of rules changes are assessed in the process of developing water sharing plans, a briefing can be arranged with the Minister for Water.

POLICE SERVICE FIREARMS

In reply to **the Hon. ROBERT BORSACK** (8 May 2025).

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

I am advised:

Where a NSW Police Force officer is involved in a domestic and family violence incident, their service firearm is immediately secured and access removed from that person.

The decision to return a service firearm to an officer is made by a NSW Police Force officer at the rank of Superintendent or above. The decision is based on individual circumstances, including the nature of the incident, the duties of the NSW Police Force officer, any previous allegations of domestic and family violence and the risk to other parties, the NSW public, and the NSW Police Force. The decision is reviewed if the situation changes (i.e. investigation finalised, court hearing, apprehended violence order status and further incidents of domestic and family violence).

POLICE SERVICE FIREARMS

In reply to **the Hon. ROBERT BORSACK** (8 May 2025).

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

I am advised:

There is no impact of the exemption under clause 130 of the Firearms Regulation 2017 on the use of service firearms outside of duty hours by police officers subject to AVOs. If a police officer is subject to an AVO, their service firearms and appointments are immediately secured and removed from the custody and control of the officer.

At the time of application for a provisional AVO, an immediate assessment is made by a NSW Police Force officer at the rank of Superintendent or above as to whether Condition 10 is applied for on the AVO to restrict access to firearms/weapons.

Written Answers to Supplementary Questions

ANTI-DISCRIMINATION LEGISLATION

In reply to **the Hon. TANIA MIHAILUK** (28 May 2025).

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

The NSW Law Reform Commission is an independent statutory agency.

I am advised that the consultation paper has been publicly released and information about how a submission can be made is available on the NSW Law Reform Commission's website.

MINISTER FOR LOCAL GOVERNMENT

In reply to **the Hon. MARK LATHAM** (28 May 2025).

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

I am advised:

The *NSW Ministerial Code of Conduct* (Ministerial Code) sets out the standards of ethical behaviour required of Ministers, to ensure public confidence in the integrity of Government.

All Ministers are required to comply with their obligations under the Ministerial code and are expected to do so.

I note that the ICAC has confirmed, in correspondence to the Clerk of the Parliaments dated 21 May 2025, that it is undertaking ongoing work concerning Mr Saravinovski and related matters.

SYDNEY TRAINS REVIEW

In reply to **the Hon. JACQUI MUNRO** (28 May 2025).

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

I am advised Carolyn Walsh commenced her role as Chairperson of the Transport Asset Manager [TAM] Advisory Board from 19 May 2025. The appointment was made public by the New South Wales Government on the 28 May 2025.

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

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: CENSURE

The Hon. DAMIEN TUDEHOPE: I move:

That standing and sessional orders be suspended to allow the order of the day for resumption of the interrupted debate on the motion to censure the Leader of the Government for failing to table documents in accordance with an order of the House to be called on forthwith.

Motion agreed to.

Documents

LOCAL SMALL COMMITMENTS ALLOCATION

Censure of Leader of the Government

Debate resumed from an earlier hour.

The Hon. MARK LATHAM (14:01): I mentioned before question time that we would come to the details of the Local Small Commitments Allocation and how production of the documents would be useful to the House, and the Public Accountability and Works Committee [PAWC] in particular, in fulfilling our role of transparency and integrity on behalf of the taxpayers of New South Wales. What we know so far centres essentially on the electorate of Sydney and how one non-Government member got \$530,000 for his electorate. However, it seems that no other non-Government member had an opportunity to breach the guidelines and be part of the Labor Party election program to offer \$400,000 to candidates for each of the 93 lower House seats. We know that the Labor candidate for Sydney was Skye Tito, who was not busting a boiler to win the seat. After the election, through Paul

Mills, she nominated \$400,000 for homelessness services in general. The member for Sydney then had an opportunity to step in and give greater specificity—a Kevin Rudd word—to the allocations in the electorate.

A number of programs were outlined in the amount of \$400,000, and those applicants were given an opportunity to put in their papers and have them assessed by the program office. That is the point where it becomes interesting. It appears that the allocation of funds to the programs was performed not by Skye Tito, the Labor candidate, as should have happened under the guidelines, but by Alex Greenwich, the member for Sydney. That is the first breach of the guidelines, and it is reprehensible. Some of us sat here listening to Labor lecture us about Pork Barilaro and all the misallocations during the term of the last Government. They then had the brainwave that if they just allocated \$400,000 to the candidates in each seat, that is really not pork-barrelling because it is across the board. It is shocking to find out that a non-Government member had an opportunity to make the allocations instead of Skye Tito, who had been the Labor candidate.

The Minister, the Hon. John Graham, has arrived in the Chamber. We are hoping that the production of these documents can help him with his memory failure. A number of times in answer to questions on notice at the PAWC and also in this Chamber he has said on public record that the allocations and the Greenwich-led Sydney material came to his office on 1 December 2023, and sometime after that a concern was raised that perhaps these were not Labor election commitments. They certainly were not. In the documents available so far, the Labor election commitments from Skye Tito were no more detailed than a \$400,000 block for general homelessness services in the electorate of Sydney.

The Minister has said that sometime after that he is aware that there is a problem in the electorate of Sydney and that these are not allocations within the guidelines. They have been done by a non-Labor member, who commands numbers on the crossbench, which is important to the Government in getting legislation through the other place, and that member has been given an opportunity by the Premier's office outside the guidelines. The Minister in charge becomes aware of this. He asks his office to investigate and is told through that process that it is all okay. Thereafter, things are just noted down as errors and corrections. Mr Greenwich then has a second go outside the guidelines.

There is obviously a catalyst somewhere in the system when the Will2Live program at Botany Road, Alexandria—originally getting \$10,000 in the Greenwich allocations for food services—decides it wants a new kitchen. That was two years after its first kitchen was built in those premises, which is well known to the Minister because he declared an interest of his own in that tranche. The \$100,000 for Will2Live, which apparently was irresistible, with some financial interests that obviously had a connection to the member for Sydney, led to a problem. That was, "If we give an extra \$90,000 to Will2Live, we will have to take it off someone else to stay under the \$400,000 cap." They go back to the Premier and say, "How about we rejig it all and top up the other allocations so there are no losers in Sydney?" The applicants have all been told about this, and they are all applying. They decide to do that through the Premier's Discretionary Fund.

The Minister said he was not aware of that process, but we produced the relevant tranche 16 that he had signed off on. In it was the suggestion from the departmental offices that the Premier and the Minister, the Hon. John Graham, would sign a joint letter allocating the grant. The Minister was fully aware that there had been a top-up of the allocations in the electorate of Sydney from the Premier's Discretionary Fund. The Minister is correct in saying he is not in charge of that fund, but the use of that fund indicates a major breach of the guidelines for the program he is in charge of, the LSCA. That is the second or third major breach, depending how you count them, in the propriety for this particular program.

The fourth breach is that the Minister was advised that, given that Mr Greenwich has twice had an opportunity to allocate those funds, he should be subject to the normal probity and declaration of interest process that everyone else had gone through. The Minister has said in this Chamber that did not happen. When I asked him here, "Would you do it now, given the importance of it, and now these things have been publicly exposed?", he said he would not. I am sorry for old George Washington, this champion Honest John of integrity, but, if integrity applies across the board, then it should apply to the member for Sydney in the allocation of \$530,000 for his electorate.

That is more than even Labor electorates have received and more than any other non-Labor electorates around New South Wales. We can see how this thing has more holes in it than Sonny Corleone on the New Jersey Turnpike. This thing is a shambles of impropriety, broken guidelines and plain wrongness. If you run the argument that public money has been used for political purposes in the Legislative Assembly, to get the numbers on the crossbench, you start looking up the ICAC legislation for definitions of corrupt conduct. That is what is going on here.

It is a problem indeed that not once but twice the Government has not produced documents in response to the Standing Order 52 motion regarding the LSCA—a program that Labor heralded as the end of pork-barrelling.

Someone had the brainwave that if they do it right across the State, there is nothing wrong with that. In fact, it ended up being pork-barrelling in the electorate of Sydney with five breaches of the guidelines that the Minister himself authorised when part of the Opposition Expenditure Review Committee. These are the problems that this House wants to interrogate and to find the answers to. Some of us are old enough remember some of the classic "I can't remember" defences in politics. My all-time favourite was Carmen Lawrence at the royal commission, where I think on 37 occasions she could not remember things down to the point where you had to wonder if she remembered her own name.

We are hoping that once they are released under Standing Order 52, these documents will help the Minister, if his memory fails, remember someone alerting him after 1 December 2023 to a problem with the guidelines being adhered to in the electorate of Sydney. "Houston, we have a problem; it's in the seat of Sydney. It relates to Alex Greenwich. The Premier's office has been involved." Wouldn't you think the Minister would remember the detail of that? We want him to answer. Someone alerted him to the problem. Who was that person? When was he alerted? Who in his office did he ask to check out the problem? What advice did they come back with? We know that Damian O'Connor—who I remember was famously christened by Michelle Rowland at a Labor Party conference as George Costanza—has lost his position. We all love Michelle. She was almost as good as her former boss with nicknames. Old George has lost his position in the Minister's office.

The Hon. John Graham: He has gone travelling.

The Hon. MARK LATHAM: That is convenient he has gone travelling, because certainly the PAWC wants to talk to him. He was the chief of staff at the time. He has now been replaced. Did he alert the Minister to the fact that the guidelines had not been followed in the electorate of Sydney? When did that happen? What did the Minister ask for by way of investigation and what came back? There are so many unanswered questions regarding the multiple breaches of the guidelines of a program that has absolutely fallen apart and lies on the tarmac in worse shape than Sonny Corleone, which is quite a call.

Members in the Chamber want to examine those things. It goes to the fundamental role we play in the important accountability and transparency functions of the Legislative Council. Those functions, as members discussed before question time, are under siege from the Minns Labor Government across the board. I listed the areas where our powers are being challenged. As I was speaking and as we conducted question time, the other place had a debate about the Piper-Minns-Hoenig reference to its Standing Committee on Parliamentary Privilege and Ethics. Guess who is the chair of that committee? It is the member for Sydney. The circle of protection has joined up.

The Hon. Penny Sharpe: Point of order: I make the same point of order that I made when the Hon. Mark Latham spoke previously. I have been listening carefully. Again, there is a difference between explaining what the censure motion is about and the reasons for it and making serious imputations against members of the other House or, in fact, anyone outside this building. It is not within the standing orders to do so.

The PRESIDENT: I have also been listening closely. The member was appropriate until that last point. I ask him to be mindful of my previous rulings and return to the leave of the motion.

The Hon. MARK LATHAM: I continue my remarks on the basis that the reference motion to the privilege and ethics committee in the other place is not really about the caravan inquiry, which has almost completed its work. Members can almost be assured that motion is about the PAWC inquiry into the LSCA program and the long list of ministerial staff we need to have at those hearings to get to the bottom of that shameful rorting of a program. That is what is going on. I have mentioned the names of those involved. It is not by coincidence that the same names are involved in the other matter. Any objective person, if they had been in politics for more than 10 minutes, would accept the reality of what is going on. In many respects, our powers are being challenged.

If the Government decides that ministerial staff will not answer a subpoena to appear before a Legislative Council committee such as the PAWC inquiry or, indeed, at the last stages of the caravan inquiry because they are government employees, you have to wonder what is next. Senior public servants and staff of the Executive Government are government employees. Where does it end? I suppose we should be grateful for our luck that Ministers have come to budget estimates hearings over the years. That is not compulsory. Perhaps that will also be wound back as we have less accountability and less transparency from the Minns Government.

The matters in the Legislative Assembly are relevant to the LSCA investigation, and to the powers and the opportunity of the PAWC to get to the bottom of that and to get the Minister to stump up with a full recollection of what he clearly must know. He must know who spoke to him after 1 December to say there was a problem; who he asked in his office to investigate; the terms and conditions of that investigation; what they came back with;

and then what discussions he inevitably would have had with the Premier and the Premier's office, led by Cherie Burton, as to what had gone on.

Those things are self-evident in the nature of politics. We would be taken for mugs to be told that none of those things had happened and that what occurred in the Legislative Assembly simply coincides with the inquiry into the LSCA program. That is where we are at. We must stand up for our powers. If subpoenas are not answered, what opportunity do we have to enforce our powers as a Chamber? We know of *Egan v Willis* and *Egan v Chadwick*. Members should all be prepared for the fact that this matter, if the other place invokes a parliamentary showdown, will end up in the courts as well.

The Hon. ROD ROBERTS (14:14): Here we are again. I remind members of the proceedings in this place on 8 May 2024, just a fraction over 12 months ago, when I moved a censure motion against the Leader of the Government. In that debate there were numerous references to noncompliance with various orders of this House. I say "this House" because, when each of us at some stage has moved a motion under Standing Order 52 to obtain papers, the resolution passed has not been a resolution of Rod Roberts, for example, but a resolution of this House. We are talking about the rights and responsibilities of this House. In looking for help with what I should say in this debate, I looked at debate on another censure motion I moved in this House on 9 June 2021 against the then Leader of the Government, the Hon. Don Harwin. I agreed with Minister Sharpe's words entirely on that occasion.

The Hon. Penny Sharpe: You should always listen to me.

The Hon. ROD ROBERTS: I do. That is the best thing about *Hansard*: It can either help you or hurt you. We are all aware of that. Minister Sharpe contributed to debate on my censure motion of the then Leader of the Government. She said:

We are not going to sit by and allow noncompliance to creep in and become the way in which the Government wishes to do business.

Those are very sound and wise words, which were relevant on 9 June 2021 and are again relevant on 29 May 2025. Nobody takes the idea of censuring a Leader of the Government lightly. No-one gets any great fun out of it. We do it out of sheer frustration and when we have no other way of putting forward the issues that the House is facing. I will give one last example. On 19 March this year I moved a motion seeking briefings provided by the New South Wales police in relation to antisemitic crimes, which we needed to obtain to efficiently and effectively do our job on the Dural caravan inquiry. This House passed that motion. The members of this House said, "We need to know these things."

The motion passed on 19 March. It had a due date of 2 April. That due date was relevant because the committee was holding its inquiry on 7 April. We needed to obtain those papers to brief ourselves so that we could do a forensic examination of the witnesses. What happened on that due date of 2 April? Nothing. There were no papers, no returns—nothing. We conducted the hearing on 7 April basically flying blind, having been hampered by the Government not returning the papers by the due date as specified by this House.

Interestingly, during that inquiry my colleague the Hon. Susan Carter questioned the police commissioner, Karen Webb. I cannot remember what the question was now, and the answer is not relevant. The Hon. Susan Carter said to her, "I note you have no notes with you today. Why didn't you bring your notes?" The commissioner replied under oath—and it is all on record—"We provided that under the Standing Order 52 call for papers some time ago." So the Government was in possession of that information. Members who do not believe me should look at the transcripts from that day. The police had complied with the order for papers, yet somebody in the Cabinet Office or the Premier's office decided to sit on it.

We did not receive those papers until 9 April, a week later, after the inquiry members had already heard from the witnesses they wanted to examine. There are numerous examples of Government members flouting the resolutions of this House. I understand why the Leader of the Government has moved the motion today—Leader of the Opposition; I apologise.

The Hon. Wes Fang: He will be in government soon enough.

The Hon. ROD ROBERTS: I do not know. He better pump up a bit more. With help from me he may get there. I understand why all members on this side of the Chamber are feeling frustrated. The motion is not made lightly, but there is documentary proof and evidence to explain our position. I commend this motion to the House.

The Hon. SARAH MITCHELL (14:20): I will make a brief contribution to debate on the motion and echo the words of the Leader of the Opposition, who said this is not something we do with pleasure or lightly. We have been here before. I acknowledge that the Leader of the Government, as the Government's representative in this place, unfortunately must bear the brunt of her colleagues' noncompliance. That is why we are debating this issue again. There is a sense of *deja vu*. The Hon. Rod Roberts gave an example. Not long ago Ms Abigail Boyd

also moved a censure motion about an order for papers under Standing Order 52 relating to early childhood education that was not complied with. Sadly, we are finding ourselves here again and again.

The problem is that we are seeing, not from the Leader of the Government but from some of her ministerial colleagues and the Premier, a level of arrogance about the powers of this House and what we do. What concerns me is that this all comes from the top. I worry about the culture being ingrained and coming to the forefront of this Government so quickly into its term. We have Ministers refusing to comply and being dismissive of what we are trying to do and staff members—according to the Hon. Rod Roberts—holding onto documents and not providing them in time.

We have asked for information in questions on notice and the calls for papers, and the noncompliance is happening again and again. I know that Legislative Assembly members like to say that Legislative Council members do no work and we do not matter. This debate probably will not make the front page of any newspaper, but it should because it goes to the heart of integrity and honesty and accountability in government. They are all the things that Government members said they would adhere to at this high level. "Integrity is a verb" is a phrase the Premier used to spout from time to time. Integrity seems to have gone out the window.

Any member in this Chamber could do what the Leader of the Opposition has done. My most recent Standing Order 52 motion was about Willyama High School. It was debated and the Government moved an amendment to include a whole other school, which was not agreed to by the House, but the time frame to return documents was agreed to. Nothing arrived on time. A new thing about tranches has suddenly appeared. Regarding Willyama, the first papers were received from a couple of the Ministers' offices and from one of the agencies on the due date of 16 April. The letter I received from the Department of Education was basically along the lines that it had not been able to comply with the order and that I would get the information as soon as possible. Then I got a tranche. The next day, I got an email or two, and then there is another tranche. We do not know when the next one is coming or when the end date is. We do not know whether we have the final documents. It is a bit like a lucky dip when we get an email from the Clerk's office, saying that more documents have arrived.

These orders for the production of documents are not optional. As the Hon. Rod Roberts said, we pass the motions as a House, not as individual members. We have to get the majority of members to agree to get the motions passed. They are not orders the government of the day, its Ministers or public servants can just dismiss and not comply with. The level of frustration we are seeing from Opposition members would be expected if this was the usual political banter, but members of the crossbench, who are quite wideranging in their views, are also frustrated. All members are banding together to say that this is not good enough. There must be a line drawn in the sand. That is why we are debating this point again.

As I said, the level of arrogance is concerning to me. It is not the right way to operate, and it is not fair to the people of New South Wales, who can have no trust in the Government. The Local Small Commitments Allocation is a great example. I am on the committee inquiring into that. As I have said many times in this House, it is one of the dodgiest programs I have ever seen. But, if everything the Government is doing is fine and above board, it should provide the documents. What is it hiding? Why is it not providing things we are asking for? It is not good enough and must stop. I think that this should be the day when we draw a line in the sand and say that enough is enough.

The Hon. NATALIE WARD (14:24): I support the motion and thank the Hon. Damien Tudehope for moving it. I join with my colleagues in some level of frustration about the mechanics of what should be a straightforward process, which is not new, which the Labor Party, now in government, used time and again when in opposition. I agree with the Hon. Sarah Mitchell that it seems to have gone from a well-meaning start of doing these things. We had early discussions about tranches, and the Ministers would make proposals, and we would negotiate. That has fallen away completely. There is now no negotiation. Whatever time frame we put in the motion, the automatic response is to ask for more time. An example of that happened yesterday, when I moved a motion under Standing Order 52 asking for documents to be returned in seven days and the Government sought to amend the motion to 21 days to comply with the order. That should be a simple search term.

The Government is now not even negotiating and is, of its own volition, bringing about this so-called tranche approach. We started out negotiating those and agreeing to dates. Then they were not complied with. But now we get a letter back saying that the Government will produce them in tranches because it just cannot produce them by a certain time. I echo my colleagues' frustration. It is an agreement and an order of this House that those documents be produced by a specified date. It seems to be an ongoing case that documents do not arrive before a hearing or budget estimates when we need those documents to understand what the Government is doing. It is frustrating that the automatic requests for further time seem to be the go-to practice.

The other observation I make is that there is a recent practice of the Government saying that it cannot comply with an order but it also will not produce copies of documents that it has produced before or things that

are already in the public domain. There are no exceptions or implied exceptions to an order of this House under Standing Order 52. If that were the case, it would be expressed, but it is not. The Government cannot say the reason for noncompliance is because it has produced a document for another order or that it is in the public domain. If it is going to do so, it must do so by way of substantive motion in this House. It has the opportunity to debate the Standing Order 52 motion and should raise those matters at that time. It is just arrogant to put in a letter that they are not going to comply with the order by the specified date, they will not produce copies or something they have produced before, or that they will produce them in tranches.

I echo the comments of the Hon. Sarah Mitchell, who said that this Government, which talked so much about integrity and transparency and accountability, seems to be running far away from them in practice. That is a sign of arrogance and hubris. It is disrespectful to this House and to the parliamentary process, which we all respect. I am not yet at the Hon. Daniel Mookhey level with orders under Standing Order 52, but I am trying. There is plenty of fodder in the transport space. Regarding the eight transport reviews, the Government has said that there are not enough people to produce the numerous documents and they cannot interrupt the maintenance program. Transport for NSW has 30,000 staff. I am sure someone can press "control-F" and do a search.

I join with my colleagues in their frustration, and I feel for the Hon. Keith Mason, AC, KC, who is asked too often to adjudicate claims that should be straightforward. If the Government were genuine about accountability, it would produce the documents. If it has no problem with its train review or with the people it has appointed to spend hundreds of thousands of dollars of taxpayers' money, then it should stand by its decisions and be clear about it. But it should not hide behind processes, because ultimately we will get these documents. Ultimately, we will find out the facts. The Government may delay us and may obfuscate, but we will continue to pursue it. We are getting good at it now, so we will continue. It is disappointing that we have had to move this motion. I hope we do not have to do it regularly and that the Government will take it on board, take it seriously and comply. In the meantime, I support the motion.

The Hon. SUSAN CARTER (14:28): I support this motion and entirely endorse the comments of my colleague the Hon. Sarah Mitchell. The motion is, at one level, about whether or not orders for papers are being complied with and whether information is being provided in a timely and appropriate fashion by this Government to the Opposition and the crossbench. That really goes to the heart of the way government is conducted, especially government in what we hope is an open liberal democracy and in a Westminster tradition where the Executive is and must be accountable to the people through the Houses of Parliament. Any attempt to restrict, ration, moderate or control the provision of appropriate information or compliance with an order of this House by the Executive side of Government is damaging to our system of government.

I recognise entirely that open government has a cost, in terms of personnel, time and finding information, but a lack of open government has an even greater cost to our whole society and system. The motion is very important, and I thank the honourable member for bringing it to the attention of the House. It is not simply in the context of one order for papers—would that it were. There is an egregious pattern of noncompliance and partial compliance, and an often dismissive attitude to proper requests for information that would enable Opposition and crossbench members to fulfil their responsibilities.

My colleague the Hon. Rod Roberts has given the example of the order for papers relating to the Dural caravan inquiry. We know, from evidence that we received during that inquiry from Commissioner Webb, that the police did their part. They provided the information in a timely fashion to the Government, but it was not received until after the committee hearing. Frankly, the noncompliance with the return date of the order for papers is not only disrespectful; it also wastes everybody's time because the outcome is that we may well have needed another hearing, which would have the police coming back again and wasting their time. That would be a total misallocation of resources, because, for whatever reason, the Government chose to hang on to that information past the return date rather than comply, not with a note from the Hon. Rod Roberts saying, "Please, would you mind if I had this?", but with an order passed by this House—a motion passed by the Legislative Council requiring the Government to comply.

The dismissive approach by this Government to orders of the Legislative Council is astounding, because it is very much as if the Executive is putting itself above this elected Parliament. That pattern has significant consequences for the maintenance of democracy in our society. Another example is an order for papers that was recently made by this House on my motion regarding community justice centres. The date of return in that order was 28 May. On 26 May a letter was drafted, which I received on 27 May—the day before the order was due—seeking a four-week extension and a reduction in the number of documents to be provided. Presumably, it would have been apparent there were problems with providing the documents well before the due date. Why wait until the day before? That is disrespectful, arrogant and should not be happening. Interestingly, the letter I received attached correspondence from Mr Cahill, the Acting Director of Open Government, Information and Privacy, advising that:

... the Department is prepared to provide Ms Carter with details of the number of representations received and a redacted version of a reply by way of informal release under s.8 of the Government Information (Public Access) Act 2009.

It is so kind of the department to decide the way in which it would comply with an order of this House—a decision of this Parliament. I am sure that is the attitude being expressed by the Executive, because, as one says, the fish rots from the head. The motion is before the House because of those constant examples.

Sadly, the arrogant approach to the provision of information is not restricted to complying with orders for papers. When I was a child, I used to quite enjoy *Ring a Ring o' Rosie*. I do not enjoy *Ring a Ring o' Rosie* with questions on notice, which has become all too familiar. I asked the Minister for Housing questions on the shared equity scheme, and the reply I received was "Ask the Treasurer." I asked the Treasurer the same questions on the shared equity housing scheme, and the answer I received was "Ask the Minister for Finance." And I asked the Minister for Finance the same questions on that scheme and got no serious attempt to provide information. I got an answer to the question in question time today. The information existed and could have been provided, but for whatever reason there was a decision not to provide it. That is annoying, frustrating and wastes time but is also damaging to the system of government.

The allegation is often thrown around that members on this side of the House are "Trumpian". I am not exactly sure what Trumpian means, but the best I can work out is that it seems to mean that the Executive is so removed from the Legislature or so arrogant about its position vis-a-vis the Legislature, or feels it has no responsibility to the Legislature, that it can behave in a particularly high-handed, authoritarian executive way. If anybody is behaving in a Trumpian manner, it is not members on this side of the House; it is the Government.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:35): Members would be unsurprised to know that the Government does not support the motion. Regarding the documents that are the subject of the censure motion, over 1,000 public documents—by that I mean non-privileged documents—were returned on 28 May in response to the order for papers. They included documents from the office of the Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and Night-time Economy; the office of the Minister for Families and Communities, and Minister for Disability Inclusion; the Premier's Department; and Treasury. All of those were complete.

The return from the Premier's Department included personal information documents with redactions applied in order to provide the House with as much information as possible, without the need to request redactions under Standing Order 52 (7). Preliminary searches by the Cabinet Office and the Premier's Department identified more than 1,800 documents that may be relevant to the order and required review, so additional time was sought to adequately complete the review and to comply with the order. The Cabinet Office and the Premier's Department are also named in two additional orders for papers under Standing Order 52. They were due on 28 May, and four more returns are due on 4 June.

I now talk about Standing Order 53 and the allegations that some members have made in the House about the way it is operating. There is absolutely no contention from the Government denying the power of this House to order the production of documents. Standing Order 53 was put in place by the previous Government to codify the informal negotiations that had been happening to get some sense of order about calls for papers. As members well know, I have been on the other side, seeking orders for papers. Sometimes orders are broad and there is a negotiation period to deal with the number of documents and the time frame specified in the order. That is what Standing Order 53 enables.

Some members of the House were not members under the previous Government. The previous Government regularly returned documents in tranches. That was not unusual. Labor used to make the same accusations about the Government perhaps being tricky, trying to hide the documents or just banking time to delay. I am not seeking to litigate those accusations. I am simply saying that when orders for papers are made, the Government absolutely accepts that they need to be dealt with. But, for a long period, discussions have occurred between the Executive, the Clerks and the relevant members to get outcomes whereby the required documents are provided in a way that they are able to be provided.

We can wish as much as we want when an order for papers is made that all of the documents are provided by the return date. I have not looked at the particular matter; I might do that over the July break. In terms of the time frame in which a very large amount of documents are meant to be dealt with, Standing Order 53 exists to codify the negotiation process that used to happen, and that requires a degree of good faith from everyone. I am not suggesting bad faith, but we should be able to negotiate these matters in a simple way.

Members cannot simply say that somehow the Government is trying to do the wrong thing or does not actually understand the powers of the House or is not trying to work very hard on this. Since we were elected, the Hon. John Graham and I have taken this issue very seriously. We have tried to proactively release and provide as

many documents as we can. I know there are members of this House that has not worked for. That is okay, but we have tried to limit the filing requirements that are needed so people get what they want. That does not always work. Again, I am not pretending that it is perfect.

I place on record on this particular call for papers and the attempted negotiations that I am advised on Wednesday 21 May the Cabinet Office advised the Special Minister of State's office that, given the volume of documents and the fact that the Cabinet Office was also managing two additional orders for papers, they would like to request a one-week extension to Wednesday 4 June to complete the return. I am advised that the Special Minister of State's office spoke to the shadow Special Minister of State in person about this to see if an agreement could be made. This was on 21 May.

The shadow Special Minister of State said he would discuss the issue with his colleagues. I am advised that no information was provided back in the time frame. On the basis of no response from the shadow Special Minister of State, on Monday 26 May the Cabinet Office wrote to the Clerk of the Parliaments officially requesting the one-week extension. On Tuesday 27 May the shadow Special Minister of State replied to the Clerk to refuse the request. That is his right to do, but there were direct attempts to talk about the number of documents, how they would come in and the request for a one-week extension. We should be able to work through these matters without necessarily coming straight for a censure, but, again, members are entitled to do what they would like. The Government respects the authority of this House to make orders to compel Ministers and government agencies to produce documents. We acknowledge our obligation to comply with these orders.

The House has made 110 orders for papers since the 2023 election, and the Government has responded to those. The Cabinet Office coordinated a return for each of those orders for papers made by the Legislative Council on behalf of Ministers and agencies named in each resolution and relying on certifications provided by relevant Ministers and agencies. Those who have been Ministers before would know this, but I just want members to understand the process. Ministers do not actually oversight the return of documents from their agencies, and nor should we. They are required to provide the documents. They do their own assessment in relation to that. We do not oversight that. I can tell members that I have said to my agencies that they have to meet the deadline. There is no doubt about that, but any sort of suggestion around the oversight of exactly what comes in or the way in which that is produced is not something that Ministers have control over, and nor should they.

The Hon. Natalie Ward: You do of your ministerial office.

The Hon. PENNY SHARPE: That is just not the case. People need to know that it does take time for agencies to identify, copy, review and produce the documents. I have been here before, and I have been on the other side of the table and listened to issues about costs and time. They are not the arguments that I am trying to make here today, because I accept the democratic process and the orders demanded by this House. We recognise the role of the Chamber in doing that. What I put on the record is an honest explanation for why sometimes this has changed and why we have Standing Order 53 to manage these issues. Members who have been on this side of the table have made exactly the same arguments. At some point I might go through the Leader of the Opposition's conversation when he was the Leader of the Government. We might have a swap of transcripts.

The Hon. John Graham: We'll cop it back.

The Hon. PENNY SHARPE: Yes, we'll get all of it. Sometimes particularly members of the lower House do not like the upper House exerting its powers. Those of us in the upper House accept that this is absolutely the role of the Chamber and, no matter where we have sat in it, we have pursued the same accountability, as we should because that is our job. I am simply saying in this case that the high-level rhetoric that impugns a lot of our motives and actions is frankly untrue in terms of what we are trying to do to comply with these orders. I reject that rhetoric. Can we be real here? People need to do the things that they need to do. We respect the job that the Opposition does. It is really important. The Opposition is not always going to like what the Government does, but the Government is still compelled to deal with these matters. However, sometimes we cannot do them in the time frame that people seek, even though we try.

Some members talk to me when they have issues with this. On behalf of the Government, I am happy to talk to ministerial colleagues and to remind agencies of the requirement to do this, but I do not accept some of the imputations, allegations or smear that is put on the motivations in trying to comply with this. I ask that we have a grown-up conversation that respects the role of this House, the ability for papers to be ordered and for members opposite to receive those, the conventions around privilege and the process that we have to go through, and that we are able to have an orderly system to make sure that there is transparency and accountability. That is simply the point that I make.

We do not support this censure. I know that the Opposition is going to do it anyway. I take no personal insult in relation to that. I understand that is why I get paid the big bucks and get to sit in the big chair. But the

more serious point that I make to the Chamber is this: These are important powers, and they need to be used and exercised properly by agencies and Ministers. We simply ask that, in terms of the consideration around Standing Order 53, there is the ability to do that. I am serious about the invitation to members if they have particular issues with different agencies. I am not always aware of everything that is going on. If any member wants to raise it with me, I am happy to pursue those matters because I have had to tell people—which does not always make them happy—that this is required because these are the rules and the powers of the House, and we have to respect them.

I think we can move through on all of these, and I think we do need a more orderly system. But sometimes the time frames are not realistic and sometimes the scope is very wide. There will always be contention about what is privileged or what is not. I think we can work through all of those matters probably in a more methodical way than just going to censure, particularly when there had been some discussion around these matters. At the end of the day, by the way, I am advised that the papers will be provided by the time that is required, which is Monday afternoon. Surely, we could have sorted that out through a conversation.

Ms ABIGAIL BOYD (14:46): I speak briefly on behalf of The Greens. I was very keen to hear what the Minister had to say in response to the arguments that had been raised before putting our views on record. We support this censure, but we do it because of the context in which it is moved. I note two things about the context. The first is the one that lots of members have mentioned. That is, on the whole, unfortunately, as much respect as we have for our upper House Government colleagues, it is not something that is universal across the Labor Party. The lower House Government members have quite a track record of being very dismissive of the upper House and of not being consultative. I note the quality of answers to questions on notice, the delays with returning documents and everything that other members have already mentioned. That context is really important as to why we feel that we need to keep asserting the powers of this House.

The second bit of context is in relation to this particular matter. The call for papers for this program has been ongoing for over a year now. It started off with a lot of negotiation and amendments and trying to work with the Government to provide the documents that were required in a very reasonable way. What we then found was documents were withheld. Documents were just not delivered. We have had an inquiry through the Public Accountability and Works Committee. Very unhelpfully, we were faced with witnesses who did not answer questions, answers to questions on notice that were returned in the most dismissive way and with questions not answered.

Some of the answers we received were quite offensive. For the Government to not deliver all the documents required under the standing order, in that context, has resulted in the action this House has taken. On balance, that behaviour warrants censure. It is unfortunate that it must go to the Leader of the Government in this place, but it is very important that members continue to assert their rights when they feel under attack by the Government. I hate to say it, but this Government is worse than the former Government when it comes to transparency overall, and that is not okay.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (14:49): Regarding the broad issues that members have discussed in debate on the motion, which covered a range of forms of this House, I concur with the Leader of the Government by indicating that we understand some of those frustrations and we are happy to work with other members on that. Regarding this specific censure motion and this order for papers under Standing Order 52, I make a couple of important points. The Leader of the Government has said that the Government respects the power of the House to call for papers. That is definitely not in dispute. The Leader of the Government has put the position that these papers are on the way shortly in order to comply with the order of this House.

I assure members that was often not the case when motions were moved previously under Standing Order 52 and then a censure motion was moved. Often there was some dispute about whether the papers would be provided. I say in support of the Leader of the Government that this is a very strong action for the House to take. The motion seeks to censure the Leader of the Government after she has said that we respect the right of the Chamber to call for these papers, we will provide the papers and they are on the way imminently. The House should consider that. If members go over the top on this matter, when they do hit trouble with a matter they really want to pressure the Government on—feel free to ignore my advice—this escalation, on one view, weakens the power of the House.

I put that view given the strength of the position put by the Leader of the Government in the Chamber. However, we understand that when members have concerns about specific items, we are happy to work through them. It is a challenge with the number of calls for papers that have come through with very short timelines. That has caused problems with successfully returning documents to the House. The Government would like to continue an open dialogue on the matter. It was the case under the former Government that in opposition we would often receive documents in tranches. It was very frustrating to have to pursue each of those by escalating things to try

to draw attention to the particular cases we were looking for. Members have always had dialogue in this place about issues they particularly want to pursue.

In relation to one business case that I called to be produced under Standing Order 52 when in opposition, I was convinced that the former Government had spent money for an external legal firm to scramble the text of the document it eventually produced under privilege. That is honestly how it looked to me as a member of this place. Additional money was spent to produce a document under pressure and scramble the text so it was unreadable. In the spirit of the contribution made by the Leader of the Government, this is not an excuse. We respect the power of the House. The Government will work with members of the House to resolve these matters, but we are under pressure to comply given the short timelines.

That was why yesterday I moved an amendment to a motion to extend the timeline that had been imposed, although I note the House did not support my amendment. The Leader of the Government has put many of the specifics on record. I indicate that my office did receive the note from the Cabinet Office saying that it was difficult to comply within the timelines, and the Cabinet Office has alerted the Parliament about that. There were substantial compliances over that period of time, and the Government will continue to work with members on those. On the more substantive issues about the Local Small Commitments Allocation grant, that matter has been debated in the House. Many questions were asked about it, and I am happy to continue to answer questions.

I do not agree with some of the positions, principles or facts that were made in debate in the House. More than 640 projects have been approved under the grant, and questions have been asked about a small handful of them going to homelessness services in one electorate. The question was whether there was consultation with Mr Alex Greenwich after the election and whether that impacted the list. I was clear with members that I sought reassurance from my office that that was not the case and that these projects were in compliance with the guidelines. The Government was up-front that corrections were made to the list. I have responded to questions in the House multiple times to make that clear. There were six corrections in the electorate of Sydney—some projects were on the list and other projects were off the list.

Once I was satisfied, I signed those briefs. I relied on the briefs and I believed they were in accordance with the guidelines. Those are good projects funding homelessness services. The Premier administers the Premier's Discretionary Fund, as former leaders have done. Members are entitled to lobby the Premier for funds out of that fund. The Premier has been clear that he was lobbied by a range of members. That almost certainly included the member for Sydney given that those projects were funded out of the Premier's Discretionary Fund, and it also included the Leader of the Opposition, who lobbied for the Cronulla Jazz and Blues Festival.

The Hon. Wes Fang: Point of order: The Minister in his contribution sought to clarify facts that were raised earlier in the House. The President earlier suggested that members should reflect on other members by way of substantive motion. The Special Minister of State, in speaking about members of the other place, has begun to transgress. If he would like to raise those matters in the House, he should do so by way of substantive motion. I am keen to hear the President's ruling on my point of order because I intend to make a contribution to debate and, if the Minister continues down this path, that would open the door for another kind of contribution.

The Hon. Penny Sharpe: To the point of order—

The PRESIDENT: I do not uphold the point of order because I do not believe the Special Minister of State was reflecting inappropriately on members of the other place. There will not be a rule whereby members cannot mention members of the other place. However, I understand the point of order taken by the Hon. Wes Fang. He raised a serious and important point. I will continue to listen very closely to the contribution of the Hon. John Graham.

The Hon. JOHN GRAHAM: The point I was making was about the fund. I hope the Leader of the Opposition in the other place has a successful application. That would be a good result for the Cronulla Jazz and Blues Festival. The point is that multiple MPs have lobbied the Premier, and the Premier makes those decisions. That has clearly happened with the member for Sydney, and I hope it happens with the member for Cronulla. I hope we get a good result for the Cronulla Jazz and Blues Festival. The Premier has been relatively clear about how the fund works and his approach. That is the usual practice with the Premier's Discretionary Fund. I made the point before in the House that we do not have a Deputy Premier's discretionary fund. That is probably a good thing, but members are free to disagree with me.

Returning to that first point, the central point that I make is that we are happy to work with members of the House. Public servants at the heart of this matter are also under pressure. They are struggling to comply. When the House moves many motions calling for papers, or short-term ones, sometimes they make mistakes. That is one thing I have learnt in government, which I probably did not know in opposition. Under pressure of short timelines and multiple requests, they can make mistakes. That is on us, as members of the Government. We have

to answer for that. That is appropriate. But if the House wants its powers to work effectively, we must have a dialogue between the crossbench, the Government and the Opposition about how that flow is happening if we want it to work effectively. If that breaks down, that is a problem for the Opposition as well, and it is also a problem for the crossbench. It actually becomes a problem for this House and the powers of this House. We all have a stake in the long term about making sure these systems work.

The Hon. WES FANG (15:00): I listened carefully to the contributions of the Leader of the Government and the Deputy Leader of the Government in this place. When considering what they are saying, it almost feels as if it is gaslighting. The frustration being felt amongst members of the Opposition and the crossbench is not limited to SO 52 returns. It extends to the considered position of what the Government is doing in the operations of the Legislative Council. That was not acknowledged by the Leader of the Government or the Deputy Leader of the Government in their contributions. It was as if they were saying, "We are trying our best. Please forgive us. We will try to do better." But these matters have already been ventilated through the House on a number of occasions and completely ignored.

This censure motion goes into what the Government is doing in the other place around privilege and comity. In his contribution, the Deputy Leader of the Government commented on members of the other place and what they may do in relation to funds and applications and the like. Another contribution in this debate talked about how a letter from the Premier—a member of the Executive Government—to the Speaker could then trigger a potential referral to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, in order to somehow draw a question of this House exercising its powers through its committees, its SO 52 powers and the summoning of staff and public servants. In his contribution, the Hon. Mark Latham spoke about the Speaker's role in that referral. As I made the point last night, it is true that the Speaker is complicit in assisting the Premier in shutting down these matters.

The Hon. Penny Sharpe: Point of order—

The PRESIDENT: Order! A point of order has been taken. The Hon. Wes Fang will resume his seat.

The Hon. Penny Sharpe: It is the same point that I made previously. The member is allowed to talk about matters before the House relating to censure. But making accusations, allegations or imputations of other members of the Parliament—or, indeed, anyone—is outside the scope of debate, under the standing orders.

The Hon. WES FANG: To the point of order: Mr President, I listened closely to your ruling on the point of order that I took, and I do not believe that I was transgressing that ruling. I would say that I am in order in raising these matters. They were raised during debate, and I think it is important that we talk about the role of the Speaker in assisting the Premier to shut down the powers of this House.

The Hon. Penny Sharpe: Further to the point of order: This is a new point of order within this point of order. The member is now making a debating point. Continuing to traduce and make imputations about members in the other place is not within the standing orders for this debate.

The Hon. Mark Latham: To the point of order: There is parliamentary precedent that censure motions are broad, and related matters can be brought into debate in the context of what is the supreme parliamentary moment of sanction—in this case, against the Leader of the Government. There is also a difference between allegations and simple matters of fact. The simple matter of fact is that earlier today, in the other place, the Speaker made a speech from the chair advocating for a referral to the Legislative Assembly's privileges committee to stop ministerial staff coming to the committees of this place. It is not an allegation; it is just something that has happened. It is shameful, and it should be dealt with in other forums. However, I do not think that what the Hon. Wes Fang has said requires a point of order or any correction.

The PRESIDENT: The Hon. Mark Latham is right when he says that statements of fact are statements of fact, in the same way that it was a statement of fact when, for example, the Hon. John Graham said that the Leader of the Opposition had asked for support from the Premier to support a particular festival in Cronulla. There was no inappropriate imputation of motive. There was, however, with where the Hon. Wes Fang was heading, and I ask that he does not continue in that manner. The Hon. Wes Fang has the call.

The Hon. WES FANG: Thank you, Mr President, for that clarification. It is a matter of fact that the Speaker's actions have assisted the Premier—

The Hon. Penny Sharpe: Point of order: I do not want to get into a debate on the matter of substance. As I understand, a referral was made in the lower House in relation to these matters. That is fine. Attributing motivations or otherwise is outside the standing orders.

The PRESIDENT: That is quite true, and I have already asked the Hon. Wes Fang to not continue with that. I now instruct him to not do that. The Hon. Wes Fang has the call.

The Hon. WES FANG: I did not imply motive. I said the actions of the Speaker in the other House have assisted the Premier—

The Hon. Penny Sharpe: Point of order: A referral has been made. It is a matter for the committee downstairs to decide what happens with that referral. Whether that assists or does not assist is not the matter before this House, and putting forward motivation or pre-empting any decision that has not been made undermines the Speaker in the other place and the motivations of members in the other House. That is outside the standing orders.

The PRESIDENT: Order! Before I call the Hon. Mark Latham, I make a couple of points. First, I know that this is a contentious debate, but members need to settle a bit because we have a lot of legislation to get through this afternoon. I understand the points that members are making, and we will try to work our way through them. The second point happens to be regarding you, Mr Latham, on this occasion, but it is not just about you—in fact, it is about a number of members. When members take points of order, either the Minister is often still standing and does not resume their seat or, alternatively, a second member then stands at the same time. I ask that we go back to the member taking a point of order or speaking being the only person who is standing. I emphasise that this is not entirely about the Hon. Mark Latham, but it just happened to be on this particular occasion. The Hon. Mark Latham has the call.

The Hon. Mark Latham: Get to my age, and you need to stretch the legs to keep the circulation going, so please be kind to me, sir. To the point of order, the matters of fact are that the Premier wrote to the Speaker, asking him for advice on a referral to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics about the matter of preventing ministerial staff appearing at our committees. The Speaker agreed with the context of the Premier's letter and offered advice for a precedence in the Legislative Assembly standing orders for the matter to be brought on as quickly as possible in the other place.

The Speaker not only did that, but he also made a speech from the chair urging the Chamber to follow the advice of the Premier. In the context of a censure motion about the Premier's representatives, is it unreasonable for a member to say the Speaker has lost any sense of independence or any sense of the separation of powers between the Legislative Assembly and the Executive Government? They, I think, are just matters of fact and observation that have shocked many of us.

The PRESIDENT: No, it is unreasonable because, again, that is another imputation which would need to be made by way of substantive motion. The Hon. Wes Fang has the call.

The Hon. WES FANG: I will conclude my remarks by simply saying that—

The Hon. Peter Primrose: Hear, hear!

The Hon. WES FANG: I can continue going if the member prefers, because I have many points that I would like to make about the Speaker in the other House.

The PRESIDENT: Order! The Hon. Wes Fang will not respond to interjections.

The Hon. WES FANG: I will conclude by saying that the contributions of the Leader of the Government and the Deputy Leader of the Government to this debate did not adequately acknowledge the frustrations being felt by the Opposition and the crossbench. They are merely running a protection racket for the Premier and the Speaker in the other place for the shutting down of the inquiries on the powers of this House. That is ultimately what the Deputy Leader of the Government should be addressing.

The Hon. DAMIEN TUDEHOPE (15:09): In reply: The issues have been well ventilated, and I thank all members for their contributions. In the context of the Deputy Leader of the Government suggesting that we were trivialising censure motions and warning us, effectively, not to do it because it may evoke other responses on the relationship that might exist for the purpose of getting the business of the House done, I reiterate that I totally reject the suggestion that we have frivolously brought this censure motion today.

The Hon. John Graham: Just so we're clear, I haven't talked about other responses.

The Hon. DAMIEN TUDEHOPE: In any event, any time a censure motion is brought, it is considered. In considering whether we would bring such a motion to the House, the seriousness of doing so is front and centre. One each occasion that it is done, we always preface our remarks by saying the Leader of the Government is often not—in fact, generally never—the guilty party in relation to the noncompliance but bears the brunt of her colleagues' noncompliance.

The Deputy Leader of the Government actually complied with the call for papers under Standing Order 52. He is the Minister responsible for the administration of the whole scheme. It beggars belief for the Premier's office to say it needs more time to comply with that order in circumstances where the actual person who was responsible for the administration of the whole of the scheme was able to comply. I accept that it will be complied with by

Monday afternoon at four o'clock or whatever time the Premier's office has indicated. But the contempt for the resolution under Standing Order 52 in circumstances where the Minister responsible, his office and agencies were able to comply with the order does not paint the Premier's office in good light. Surely the Premier's office had no role to really play in all of this. As we understand, it is merely for the office of the Deputy Leader of the Government to do.

I thank all members. I regret that we have to do this. Members made some points about their frustrations. Whether it be in relation to calls for papers under Standing Order 52, in response to questions on notice or in response to supplementary questions for written answers, all have a compounding effect on the manner in which the relationship between the Opposition and the Government is viewed. I have to say that there is a deterioration in that relationship, principally because there is a perception that the Government is seeking to not comply with the orders of the House. For whatever reason that might be, it is a bad perception for the way a democracy should work.

The Leader of the Government wanted to give us assurances that was never the case. Parroting what we used to say when in government, the Deputy Leader of the Government said, "It takes a lot of time to get all this stuff together." We understand exactly what that is. That is why the negotiation process ought to be robust at the time of the making of the order. But, once made, it is an order of the House. When I was the Leader of the Government in this place, I had very robust conversations with my colleagues about complying with those orders, because otherwise it does not bear favourably on us. I am sure those robust conversations are being had by the Leader of the Government with her colleagues. I leave it there. I press the censure. I do so with good intentions, on the basis that it is a message we are sending to the Government as a whole.

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

The House divided.

Ayes 20
Noes 14
Majority.....6

AYES

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

NOES

Buckingham	Houssos	Murphy (teller)
Buttigieg	Jackson	Nanva (teller)
D'Adam	Kaine	Primrose
Donnelly	Lawrence	Sharpe
Graham	Mookhey	

PAIRS

Farlow	Suvaal
Ward	Moriarty

Motion agreed to.

Committees

JOINT STANDING COMMITTEE ON ROAD SAFETY

Reports

The Hon. ANTHONY D'ADAM: I table report No. 2/58 of the Joint Standing Committee on Road Safety entitled *Religious exemptions for the wearing of helmets*, dated May 2025.

The Hon. ANTHONY D'ADAM (15:21): I move:

That the House take note of the report.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

Ms CATE FAEHRMANN: I postpone matter of public importance No. 1 standing in my name until the next sitting day.

Documents

BAYSIDE COUNCIL

Production of Documents: Order Amended

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:23): On behalf of the Hon. Tara Moriarty: I move:

That the resolution of the House of Wednesday 7 May 2025 relating to the order for papers regarding Bayside Council and conflicts of interest be amended by omitting "within 21 days of the date of passing of this resolution" and inserting instead "as soon as practicable following the completion of any relevant investigations by the Independent Commission Against Corruption and any associated criminal proceedings".

This motion seeks to amend the resolution ordering the production of papers relating to Bayside Council and conflicts of interest, agreed to by the House on 7 May, to prevent prejudice to the work of the Independent Commission Against Corruption. When the Hon. Chris Rath moved the motion, he said that he assumed ICAC was not currently investigating relevant matters. He also stated that he had no intention to jeopardise any ICAC investigations. On 21 May 2025 the acting solicitor to ICAC wrote to the Clerk of the Parliaments outlining significant concerns about the resolution. The letter was tabled on 27 May 2025. It stated that ICAC is carrying out relevant work and:

... none of the material it disclosed to the OLG or the relevant Minister, or any material created by OLG or the relevant Minister, to the extent that it refers to or annexes Commission material, should be produced to Parliament.

ICAC's letter also noted:

The material was disclosed to the OLG, and later to the Minister for Local Government, with restrictions on its use pursuant to the secrecy provisions in s 111 and s 112 of the ICAC Act. This allowed disciplinary action to be taken against ... while preserving use of the material for the purposes of ongoing work by the Commission on this and related matters.

As the Government noted during debate on the original motion, agencies and ministerial officers are subject to the offence provisions under section 114 of the ICAC Act. It is an offence under section 114 to disclose any information about a notice issued under section 21 or section 22 of the ICAC Act that is likely to prejudice an investigation where the notice specifies that information about the notice should not be disclosed. This is a very serious matter. The Government priority is supporting the integrity of ICAC investigations and preventing any prejudice to its ongoing work. Given the seriousness of this issue and the risk of potential prejudice, documents should only be returned after the completion of any relevant investigations by ICAC and any associated criminal proceedings. Members should support the amendment to the resolution for these reasons.

The Hon. CHRIS RATH (15:26): I lead for the Opposition in the debate on this motion. We have considered the letter from ICAC, and we want to comply with what it suggests. I reiterate the words outlined by the Leader of the Government from the final paragraph of the letter:

Accordingly, the Commission's position is that none of the material it disclosed to the OLG or the relevant Minister, or any material created by OLG or the relevant Minister, to the extent that it refers to or annexes Commission material, should be produced to Parliament.

The Opposition supports the inclusion of this recommendation from ICAC. However, we cannot agree to the current drafting of the Government amendment to the order for the production of papers. We believe that the Government amendment will result in no documents being produced to this House, which would go against the very nature of the resolution. I propose an alternative approach. I move:

That the question be amended by omitting all words after "be amended by" and inserting instead "inserting at the end of the opening paragraph "excluding material disclosed by ICAC to the OLG or the relevant Minister, or any material created by OLG or the relevant Minister, to the extent that it refers to or annexes commission material."

Our amendment uses the words of ICAC rather than the words of the Government. We support ICAC's recommendation that its material should not be produced to this Chamber. We do not support the Government's interpretation. It goes beyond the ICAC recommendation by putting the following formulation of words at the beginning of the order:

"as soon as practicable following the completion of any relevant investigations by the Independent Commission Against Corruption and any associated criminal proceedings".

This is a very lengthy request under Standing Order 52. The Government amendment essentially means that this House will not get any documents relating to impropriety at Bayside Council or any related individuals anytime soon, whether these matters are before ICAC or not. I think the ICAC's words are pretty good. Let us use those words rather than the words the Government has drafted so it does not need to comply with the SO 52 request.

The Hon. MARK LATHAM (15:29): I speak in support of the Hon. Chris Rath's amendment, but with a greater degree of scepticism about the words of the ICAC in its letter to the Clerk dated 21 May. Some time ago, Labor expelled one of its members from this Chamber because investigative bodies—the Federal Police and ASIO—were looking into him. There was a big media circus as they raided his house. After a suitable time period, I said, "You can be sceptical. They have not got anything on this bloke." That was the Hon. Shaoquett Moselmane.

I said, "Let us readmit him to the Chamber." Guess what happened? They had nothing on him. As a parliamentarian, one should have a degree of healthy scepticism about what investigative bodies try to restrict in preserving for themselves a terrain that is not necessarily theirs alone. I have maintained that for some time, based on experiences elsewhere. In this instance, the ICAC is trying to restrict our capacity to inquire into a matter that I interrogated during budget estimates on 28 February. I raised the question in this place earlier in the week, and the Hon. Chris Rath moved the Standing Order 52 motion.

I turn to the letter from the ICAC. In summary of the NSW Civil and Administrative Tribunal [NCAT] proceedings against Bill Saravinovski, the letter says, "This allowed disciplinary action to be taken against Mr Saravinovski while preserving use of the material for the purposes of ongoing work by the commission on this and related matters." It does not say an "ongoing investigation". It does not specify what the work might be. The ICAC leaves it quite vague in its attempt to restrict the work of this Chamber. I would have thought the ICAC should have given us some detail in confidence to our Clerk as to what "ongoing work" means. If it was an investigation, the ICAC would say that. I am working on the basis that there is no ongoing investigation of Bill Saravinovski.

It has been 2½ years since the dying days of the Perrottet Government, when, in December 2022, the ICAC, for the first time ever, said that the matters were so below it in terms of corruption that it was sending them to the Office of Local Government [OLG]. That is unprecedented. It was the first time that the ICAC had referred matters about a councillor—in this case, the mayor of Bayside Council—to the Office of Local Government. That indicated at that point that there was no corruption investigation to be had. That was 2½ years ago.

All this time later, in May 2025, we are now being told that there is "ongoing work". I ask, ongoing work about what? Is it another case of the ICAC being the equivalent of a glacier sliding down a hill where, time after time, 2½ years becomes 3½ years and then 4½ years? How long could this Chamber reasonably wait for the resolution of a matter that the ICAC decided 2½ years ago was not worthy of a corruption investigation and was flicked on to the Office of Local Government essentially, as it was transacted at the NCAT, as a simple administrative matter?

I recap what happened at the NCAT, which dealt with a referral from the Office of Local Government that went to two matters. The first was a mayor losing his temper with staff over a development question, on which the staff at Bayside never lodged a formal complaint with the general manager as required under the Local Government Act. That is curious indeed. The second matter was a so-called partial declaration of interest at a meeting where Saravinovski said, "I know this guy. I went to his engagement party. I am not going to participate in the decision at the council." He walked out of the council chamber and did not participate or vote. That is pretty good abstention from the matter.

They pinged him, though, and said, "You should have made a full declaration that said you went to the engagement party and you had a lot of contact with him on social media." The net impact was that he did not vote and did not attend the council chamber when the matter was considered. There is no evidence that he tried to influence any other councillor at Bayside as the serving mayor. They were two administrative matters that went to the NCAT. The statement of agreed facts in the NCAT finding from February 2025 states:

As mentioned above, the applicant relied on the Departmental Report, which contains various annexures, including: transcripts of evidence from various witnesses (including transcripts of compulsory examinations); surveillance material; and other materials, such as company searches. Because of the confined nature of the Complaint, only a small portion of the Departmental Report was, ultimately, relevant.

That is the NCAT saying, about the two minor administrative matters for which Saravinovski got a reprimand, that if there was a by-election at Bayside on Saturday, Saravinovski could run. He was not suspended from service or suspended from running again. He got a tap on the wrist with a plea bargain, effectively, where the OLG had an agreed statement of facts that they were minor matters. The office gave him a tap on the wrist and nothing

really happened to him in substance. The NCAT said that the report of the Office of Local Government contained material that was completely unnecessary. It was sent stuff that had nothing to do with the two minor administrative matters of a partial declaration of interest and a mayor losing his temper—back in the day, we all would have ended up down there in trouble—for wanting to get things done. They were minor matters.

For some reason, the Office of Local Government sent on surveillance material and compulsory examinations from the ICAC, all of which came to nothing at any time, anywhere. Are we to be spellbound now by the ICAC saying, "These are really serious matters and we need to ensure that the Legislative Council gets nothing under Standing Order 52"? I am not that gullible. I am, in a healthy way, sceptical about that kind of stuff. I think the ICAC has had some reason to investigate Saravinovski for reasons that it thought were serious, say, three or four years ago.

They are frustrated spooks down there at the ICAC, in the cloak-and-dagger way they do things. They think it is a big secret around Sydney and New South Wales that the ICAC does not surveil. Of course they have taken photos of Saravinovski talking to people in cafes. I am sure they have tapped his phone, dug into his social media and come up with some examinations of him where he had to answer questions under oath. All of that led to them sending the matter to the Office of Local Government for the first time ever. The Office of Local Government sent the ICAC's spooky stuff to the NCAT, which said, "That is not relevant. All we are going to do is tap this bloke on the wrist," with the agreement of the Office of Local Government.

The amendment has to be supported. Otherwise, the Chamber would be making the same mistake it made with Shaoquett Moselmane of overreacting to people who are, in this case, not even from a separate wing of government. There is no separation of powers. This Parliament created the ICAC for an anti-corruption purpose, and it is now effectively limiting the Parliament's investigation of something that may well be corrupt. How does that work? It is swings and roundabouts. It is not acceptable. The amendment should be supported.

What am I interested in? I was at the 28 February budget estimates hearing conducted by Portfolio Committee No. 8 - Customer Service and asked Minister Hoenig why he got involved in the matter. Minister Hoenig is a former long-time mayor of Botany. Laurie Brereton used to joke, "We have sorted that bloke out. We locked him up in Botany for decades." He was mayor of the council for a long time. He has close relatives who have worked there for decades as well. At budget estimates, he said that Bill Saravinovski had been a Labor colleague of his for 30 years.

Ron Hoenig became Minister for Local Government. In December 2022 a referral came from the ICAC to former Minister Wendy Tuckerman. Minister Hoenig received a brief about it. For all the reasons I mentioned, the first thing he should have said is, "My involvement at Bayside means that I cannot be involved or touch this at all. I have known Bill Saravinovski as a Labor candidate for 30 years. We have got preselections coming up. I used to be the mayor down there. I have close relatives still working at Bayside. Count me out. I am declaring an interest and will have no involvement." We know from budget estimates that TikTok Ron did not do that. He got very animated and got involved in the matter, having been briefed in the middle of 2023.

He did three things. He told Brett Whitworth, the head of the Office of Local Government, to get a criminal lawyer. For what? For minor administrative matters. He tried to ramp it up. They ignored him and got a bloke who had only ever dealt in admin matters; he had not practised criminal law at all. The Minister for Local Government was trying to ramp it up against the interests of Saravinovski for whatever reason. The second thing was to tell Brett Whitworth to expedite the matter, interfering in the conduct of the Office of Local Government investigation to say, "Get it moving faster against Saravinovski." Perhaps he was worried about the local government preselection timetable for his own political party.

The third thing was to hold out a mystery, like the Shroud of Turin, as to a third item that may be investigated elsewhere by ICAC regarding Saravinovski, without ever saying what that is but saying that he had given the Office of Local Government advice about it and expected it to all be wrapped up within a month. That was in February, and there has been no news since. I suspect that it does not even exist.

I hope the House can understand my scepticism when looking at all of this. The Minister has a conflict of interest. He got involved in something that he should have kept well and truly at arm's length. That is why these papers need to be produced, to get to the bottom of a curious matter concerning Bill Saravinovski. Bayside is something of the Balkans of the Australian Labor Party, with some of the issues and conflicts that go on there. Nonetheless, ministerial propriety applies. We should support the amendment and allow our natural curiosity and instinct as members of this House that inquires into these matters to proceed and not be spooked by ICAC.

Dr AMANDA COHN (15:40): The Greens supported the original Standing Order 52 call for papers that passed the House. I am pleased that today we have the opportunity to debate this matter again in the context of the correspondence we received from ICAC, which should be taken extremely seriously. We will also support the

amendment moved by the Opposition. The Government and the Opposition have presented alternative, quite sensible options to deal with the correspondence we have received. This is now a procedural question about what we deem is the most appropriate way to deal with the serious correspondence we have received.

When the original motion was passed, the Opposition and The Greens were on record clearly saying that it was not our intention to prejudice or obstruct any proceedings before the ICAC. I am a relatively new member of this place, but I can hazard a guess that it is fairly uncommon for the ICAC to write to the Parliament about motions that pass. We need to take that seriously. It is pleasing that both the Government and the Opposition have responded with two different versions to amend our original motion to take that into account. From the point of view of The Greens, the Opposition amendment strikes the right balance between preserving the rights of the House on behalf of the people of New South Wales to produce orders for papers to interrogate matters like this, but borrows words from the correspondence we received directly from ICAC to appropriately exclude documents that might prejudice or obstruct an ICAC investigation, and that is entirely appropriate.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:41): On behalf of the Hon. Tara Moriarty: In reply: The Government does not support the amendment. We recognise that it is appropriate to release documents to the upper House, but we have a different view to the Hon. Chris Rath about the way that is done. Members can probably see the writing on the wall. I make the comment that the ICAC is an incredibly important institution in the State, as we know. It has dealt with many different issues. We are all right to respect its work.

The Hon. Mark Latham made a range of allegations, as is his wont, about the way in which ICAC hears about the matters that it is investigating and all of those kinds of things. That is not material to this debate. The point I make is that we disagree with the wording of the amendment. We will reach an outcome based on the amendment. I thank the House for taking seriously the matters brought forward by the ICAC. The way in which the House interacts and exercises its powers within that is important. Even though we disagree, I thank the Opposition for moving an amendment that tries to deal with the matter as it sees it.

The PRESIDENT: The Hon. Penny Sharpe has moved a motion, to which the Hon. Chris Rath has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes 21
Noes 13
Majority.....8

AYES

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

NOES

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

PAIRS

Tudehope	Moriarty
Ward	Suvaal

Amendment agreed to.

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

Motion as amended agreed to.

*Rulings***SUPPLEMENTARY QUESTIONS FOR WRITTEN ANSWERS**

The PRESIDENT (15:50): At the end of question time today a point of order was taken by the Treasurer on a supplementary question for written answer given by the Deputy Leader of the Opposition. The argument made was that the question was identical to a question asked during question time and so should be ruled out of order. I reserved my ruling on both the specific issue of whether the Deputy Leader of the Opposition's question was identical to that already asked, and the general question of whether a supplementary question for written answer is in order if it is identical to the original question asked.

In regard to the general principle, I thank all members for their useful contributions. Standing Order 66 is a recent innovation, first adopted by the House on 8 May 2019 during an extensive debate where many new sessional orders were adopted, most of which have now become standing orders. The member moving the new sessional order, Mr David Shoebridge, stated the rationale for it as being:

... sometimes after an answer is given the member who asked the question chews over the answer, or a staffer smarter than the member raises an issue, or a stakeholder on whose behalf the member has asked the question contacts the member and says, "What about X? What about Y? When the Minister said this, surely you should have asked this." This motion will give members the opportunity to digest the answers over the course of question time.

If a member wants to put a much more focused and considered supplementary question, each party gets the chance to ask one additional supplementary question at the end of question time.

There was no mention in the debate about it being a way to address an inadequate answer given by a Minister by asking the same question a second time. Standing Order 66 (2) regarding supplementary questions for written answer clearly states:

The rules for questions apply to supplementary questions and answers under this order.

Ultimately, I am required to decide whether a supplementary question can repeat the same question asked as the original question. It makes no difference whether it is a supplementary question for written answer or a supplementary question asked during question time. In that regard, past rulings are very clear. From President Willis onwards, Presidents have consistently ruled that a supplementary question cannot restate the original question.

In fact, most recently I ruled on 20 June 2023 that, even when a supplementary question is asked in a different form of words to the original question, if it is seeking the same sort of information, it is out of order. So, on the general principle, I uphold the point of order of the Treasurer. Applying this to the original question the Deputy Leader of the Opposition asked of the Minister for Domestic Manufacturing and Government Procurement, and the supplementary question for written answer, I can only see a very minor difference in sentence structure, but the question asked is identical. On that basis I rule the supplementary question for written answer out of order.

*Bills***HELP TO BUY (COMMONWEALTH POWERS) BILL 2025****Second Reading Speech**

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (15:54): On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Help to Buy (Commonwealth Powers) Bill 2025. The bill provides for the adoption of specific provisions of the Commonwealth's Help to Buy Act 2024, via a targeted referral of legislative powers, so that the Commonwealth's shared equity scheme, Help to Buy, can operate in New South Wales. The bill also includes consequential amendments to New South Wales legislation that governs housing assistance and transfer duty and land tax matters. Over recent decades, access to home ownership for low- and middle-income households has steadily declined. The primary barriers to home ownership are the challenges associated with saving for a deposit and the rising costs of mortgage repayments. Those financial pressures have made it significantly harder for many households to achieve home ownership, especially those in lower income brackets.

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

Leave granted.

Additionally, the gap between property prices and median incomes has widened substantially. This increase in property prices, coupled with slower income growth, has made it far more difficult for households to afford to buy a home, resulting in extended time frames required to save for both a deposit and related costs.

Reversing the direction of these home ownership and affordability trends is a key priority for the Government.

The Government has a comprehensive plan to address housing affordability and home ownership in New South Wales and a track record of assisting New South Wales first home buyers and promoting housing supply.

This includes the expansion of the First Home Buyers Assistance Scheme since 1 July 2023. Eligible first home buyers now receive a full exemption from stamp duty for purchases of homes for up to \$800,000 (previously \$650,000) and a concessional rate of stamp duty for purchases of homes for up to \$1,000,000 (previously \$800,000).

Further, the 2024-25 budget includes a range of measures to supporting housing supply, including investing an additional \$555.5 million to speed up the planning system and construct more housing enabling infrastructure.

As a complement to these New South Wales initiatives, the New South Wales Government has also been working with the Commonwealth Government to make Help to Buy available for New South Wales residents.

Help to Buy addresses home ownership barriers and aims to assist around an estimated 3,000 New South Wales households each year into home ownership over four years.

Eligible New South Wales residents will benefit from a smaller required deposit, lower mortgage repayments, and avoiding the cost of lenders mortgage insurance.

Help to Buy will be funded by the Commonwealth and administered by Housing Australia.

The Commonwealth will contribute up to 30 per cent for an existing home, or up to 40 per cent for a new home, of the purchase price, in return for a proportionate interest in the property.

Eligibility criteria apply, such as:

- a means test: a maximum income of \$100,000 for singles or \$160,000 for couples or single parents, and must not currently own property (with limited exceptions), and
- property price caps: of \$1.3 million for Sydney and regional centres and \$800,000 for other areas in New South Wales.

Homes must be owner-occupied and used as the participant's principal place of residence.

Help to Buy participants can still apply for other home ownership support programs, such as the NSW First Home Buyers Assistance Scheme stamp duty exemption or concession and the First Home Owner (New Homes) Grant.

I now turn to the detail of the bill.

To provide a robust constitutional basis for Help to Buy implementation in New South Wales, this bill refers legislative powers to the Commonwealth under the Commonwealth Constitution.

The bill also includes:

- Exclusion provisions to ensure current or potential New South Wales shared equity schemes, or first home buyer assistance schemes are not affected.
- Consequential amendments to ensure State taxes and grants, like stamp duty, land tax, and the First Home Owner Grant, remain unaffected by Help to Buy participation.

The proposed Act commences on a day or days to be appointed by proclamation.

Help to Buy is expected to commence later in 2025, contingent on the Commonwealth finalising key operational elements, including Housing Australia's lending panel contracts and completion of participant administrative systems.

The Government will continue to work closely with the Commonwealth to support timely and effective Help to Buy implementation to support New South Wales households.

Help to Buy aims to make home ownership a reality for more people.

The proposed adoption of Help to Buy will support New South Wales's low- to middle-income households, including those in regional and rural communities, to achieve home ownership, many of whom would not be able to access the property market without government support.

I commend the bill to the House.

Second Reading Debate

The Hon. SCOTT FARLOW (15:55): The Opposition supports the Help to Buy (Commonwealth Powers) Bill 2025. It is good to see the Government backing the Commonwealth's Help to Buy shared equity scheme despite cynically closing the NSW Shared Equity Home Buyer Helper scheme from 30 June 2024, which there was a question about in question time today. Turning to the detail of the bill, I note the bill seeks to refer certain powers to the Commonwealth under section 51 (xxxvii) of the Constitution of Australia to enable New South Wales to be a participating State in the Help to Buy scheme set up by the Commonwealth's Help to Buy Act 2024.

The Help to Buy scheme is a shared equity scheme to be administered by Housing Australia, with a \$6.3 billion fund over four years and a participation limit of 10,000 home buyers nationwide each year. The income cap is \$100,000 or less for a single person and \$160,000 for a couple. The Commonwealth will contribute up to 30 per cent of equity for an existing home or 40 per cent equity for a new home. The equity is to be paid down over time or when the property is sold. The property price caps set by region are \$1.3 million for Sydney and regional centres including Newcastle, Illawarra, Lake Macquarie, the Central Coast and the North Coast, and \$800,000 for the rest of New South Wales.

The price cap for Sydney was originally set at \$950,000 when the Commonwealth Help to Buy Act was debated in November 2024. At the time our Federal Coalition colleagues aptly described that as a "sick joke", and anyone who lives in Sydney would see it that way as well. The cap was lifted in the pre-election March 2025 budget to \$1.3 million for Sydney and New South Wales regional centres. The price cap is \$800,000 for the rest of New South Wales. I remind the House that the price cap under the excellent and very popular First Home Buyer Choice scheme was \$1.5 million. When the Minns Labor Government callously abolished that scheme, it cut all support for anyone aspiring to buy a home over \$1 million—well below the median house price of, for example, \$1.18 million in Leppington, let alone the median house price for Sydney as a whole, which is \$1.474 million. Labor's replacement first home buyer scheme left anyone purchasing a home over \$850,000 worse off than they would have been under the Coalition.

The bill also amends the Duties Act 1997, the Duties Regulation 2022, the First Home Owner Grant and Shared Equity Act 2000, the Land Tax Management Act 1956 and the Property Tax (First Home Buyer Choice) Act 2022 to provide that no account is to be taken of the Commonwealth interest in the property or land for determining eligibility for the respective schemes or the transfer duty or land tax owed. Home buyers will be paying full New South Wales transfer duty on the share of their home owned as part of the scheme. The bill also provides for some exchange of otherwise confidential information between New South Wales government agencies and the Commonwealth for the purpose of determining eligibility under the Help to Buy scheme.

While we are happy to support the bill—the Opposition will not stand in the way of any reasonable scheme to help people get into their own home sooner—the question remains: Where are the homes for people to move into? As of 31 December 2024, the Minns Labor Government was already 14,001 homes short of the 37,700 that were needed to be built every six months to meet the National Housing Accord target. New South Wales is 37 per cent behind that target, having completed just 23,699 homes out of the 37,700 we needed in the first six months. If this trend continues, we will miss the five-year target by a staggering 140,000 homes. Commencements are at their lowest level, year on year, in a decade. In the December 2024 quarter, New South Wales saw just 10,653 residential dwelling commencements—a 14 per cent drop from the September quarter.

Over the full year to December, commencements totalled only 45,676, marking a 4 per cent year on year decline and delivering the weakest annual housing start figure in a decade. This is yet another clear sign that the Minns Labor Government and its housing delivery pipeline is stalling, failing to meet demand, failing young families, and falling further behind States like Victoria—which the Premier outlined it was his aim to beat in a housing State of Origin. Even that troubled Government is meeting its National Housing Accord target, while New South Wales is not.

The question comes down to why this is happening. Because under Chris Minns and Labor, it is harder than ever to build a new home, and more expensive than ever. It is not feasible to build new housing in New South Wales, regardless of all the rezonings, or fantasies about land that this Government has thrown up. Labor has piled on new taxes and charges that now make up between one-quarter and one-third of the cost of a new home in Western Sydney. The housing and productivity contribution alone slugs every new home in Greater Sydney with a \$12,000 tax. The truth is the Government cannot tax its way to more housing. The Government cannot ignore the private sector's warnings on project viability.

Labor members can stick their heads in the sand and promise rezonings galore, but it is not viable to build in the first place. Land will just sit empty and the dreams of first home buyers will be shattered. Through this bill, the Government is with one hand facilitating people to get into a new home through the Commonwealth Shared Equity Scheme while, with the greedy other hand, Premier Minns and Treasurer Mookhey are collecting up-front taxes that make homes unaffordable—not just for buyers but also for developers to get the projects underway in the first place. With that comment, I conclude my remarks in support of the bill, but note my grave concern about the progress of home building under the Minns Labor Government.

The Hon. JOHN RUDDICK (16:07): The Libertarian Party opposes the Help to Buy (Commonwealth Powers) Bill 2025, and it opposes it with vehemence. On 12 August 1986 former President Ronald Reagan wisely said, "The nine most terrifying words in the English language are, 'I'm from the government and I'm here to help.'" The Help to Buy scheme will allow individuals and couples to enter into a Faustian relationship with Housing Australia and put down a deposit as low as 2 per cent, with the taxpayer fronting up the rest as an equity stake in

the property. That is right, the Government wants a piece of your most valuable investment and asset—your home. The Help to Buy scheme websites notes:

Help to Buy will be administered by Housing Australia and will commence once the Program Directions are in force. Additionally, states must pass enabling legislation for the Scheme to operate within their jurisdiction ... As of May 2025, Queensland and Victoria are the only states to have passed the necessary legislation. At this time, the program start date has not been determined.

This means our Chamber, the Legislative Council of New South Wales, has the opportunity right here and now to stop this harmful, blatantly socialist scheme. Over 20 years the median Sydney house price has increased 171 per cent, and the median Sydney unit price has increased 98 per cent, all caused by government meddling. It is not like there is a lack of land in Australia. There is plenty of land. It is government meddling that has caused the crisis. On 29 May this year, AMP Chief Economist Shane Oliver told *The Daily Telegraph*:

Government schemes like the low deposit guarantee and stamp duty concessions for first home buyers can help ... But the benefit usually turns into a mirage as they just push up house prices even further, unless you get in really early when those schemes were first offered.

In the same article, University of New South Wales Professor of Housing Research and Policy Hal Pawson said that, while the first home guarantee helps lower the deposit hurdle, it "doesn't reduce the size of the mortgage you need". Saving for a deposit requires discipline, and it makes one feel proud. The main issues impacting the dire state of housing are a lack of housing supply due to sloth-speed planning approvals of State and local governments, and excessive immigration. The last reported immigration numbers show that in December 2024 we had new arrivals of 340,000 in just six months. That was 80,000 higher than originally forecast by the Federal Government. Surprise, surprise, we have got a housing crisis.

We are being flooded by migrants. I support a five-year immigration pause. We have been a very generous nation to new arrivals. On balance, they have been a net positive, but surely it is time for a breather and a public debate during a pause period to soberly consider what immigration policy is optimal. The other massive issue causing the housing crisis is excessive bureaucracy and regulation in the construction industry. Next week I will move a bill for 60-day deemed approvals, which means that if a development application is not determined after 60 days, it is automatically approved. That is the type of thinking that we need to solve this crisis.

These are the issues that need to be tackled, not another new Federal Government intervention that will only drive prices up and approve mortgages for those who are yet to develop the financial discipline to service a 30-year mortgage. Libertarians believe in private ownership. This scheme will result in home owners sharing ownership with the State. It will create ghettos, long term. I know exactly what will happen. People will get approved for a mortgage, buy a home thanks to the Government and then default on the mortgage. They have not had the discipline. The property will then need to be sold, and former home owners will be disillusioned with the property market and life in general.

For over 20 years before coming to this place, I operated a small mortgage broking business. I did a fair bit of political activism on the side, and I gained enormous satisfaction in meeting people and mapping out a plan to home ownership. Sometimes I would meet with people, usually a recently married couple, and it would often be three years until they bought. We would have to sit there and map out a plan to pay off debt, save money and various other things. That was good for them. I have seen dozens of government schemes, State and Federal, with the intent of helping first home buyers. The Government has caused the housing crisis via excessive regulation and excessive immigration, and then it puts on a bandaid with all these endless subsidies that only achieve one thing long term: even higher house prices.

When I was a mortgage broker, I had no qualms about encouraging people to apply for first home owner benefits. If the Government is going to rob taxpayers, and throw around a \$7,000 grant, or make someone exempt from stamp duty, then, yes, they would be foolish not to take it. But this Help to Buy scheme is one first home buyers scheme I would strongly encourage prospective borrowers to not take up. Do you really want to co-own with the Government? No, you do not. What first home buyers need is financial discipline to save up for a deposit on their own. The world had almost three decades of economic growth and prosperity between the election of Margaret Thatcher and the subprime crisis in the United States, or what we know as the global financial crisis. What caused that crisis, from which we are yet to recover?

Ms Abigail Boyd: Bankers.

The Hon. JOHN RUDDICK: The Greens have said it was bankers. That is a commonly held view, but I inform my colleague that in the middle of the Monica Lewinsky scandal, when the whole world was diverted by that drama, and with no fanfare, President Clinton used regulations to effectively make it very difficult for banks to decline home loan applications for borrowers that the bank's lending rules would have normally rejected. Now they had to be approved. What happened? A lot of people who were not ready took on a mortgage. Some of them

bought 10 properties under those stupid rules. What happened? Probably the greatest property market boom of all time in the United States. It went on for almost a decade. Then we had an almighty bust.

Western governments then took the weak option and spent trillions on bailing out reckless banks. They should have let them crash. They should have let Ms Abigail Boyd's former employer crash for making reckless loans. We would have had a sharper recession if we had done that, but we would have bounced out of it with strength. Following the global financial crisis, we have had a massive debt overhang ever since. In the western world and in Australia, we used to have GDP growth around 4 per cent or 5 per cent a year. Sometimes we would have a recession and we would bounce back. We have had stagnant growth ever since the global financial crisis.

There have been three massive financial crises in the past century. There was 1929. That was just a stock market crash; we should have just let it go. Of course, government intervention turned it into the Great Depression. Then we had the global financial crisis, which I have just talked about. But in 1987 we had the biggest stock market crash of all. Thankfully, at that time Ronald Reagan and Margaret Thatcher were leading the world—and Bob Hawke in this country just copying Reagan and Thatcher, by the way.

What did they do in 1987? Reagan said he would just let the market find its own bottom, just let it work out. What happened? We then had another 20 years of strong economic growth. Does the Government have any expert advice or evidence showing that this Help to Buy scheme will improve housing affordability and availability? Of course not. That was a rhetorical question. There is no advice or evidence. It is a bandaid. It is a typical political response to a crisis: "We are doing something." Yes, the Government is doing something: It is making a bad problem worse.

Ms ABIGAIL BOYD (16:09): The Greens do not object to the Help to Buy (Commonwealth Powers) Bill 2025. Now that it is just a simple referral of powers to the Commonwealth, it all seems completely above board. However, I will make a few comments about what has brought us to where we are now. It is true that for a time I was employed in a bank as an investment banker. It was an interesting and informative time of my life. The bank I worked for did not need a bailout or go under—

The Hon. John Ruddick: HSBC?

Ms ABIGAIL BOYD: I did not work for HSBC. That was a small part of my career. The vast majority of my 20-plus years was actually as a banking regulation expert across the world. I worked in over 43 different jurisdictions. As a result of that experience, I have a clear idea of what went wrong in the global financial crisis but also of what needs to now be done in order to actually right the wrongs of the economic past and to put us back on track, where we can actually make housing more affordable. One of those things is, of course, to stop giving massive subsidies and tax breaks to property developers. The other things that need to be done are to finally treat houses as homes, not as commodities, and to do what is required to make it far easier to purchase your first home than it is to purchase your twentieth or thirtieth house. Much is wrong with our housing system, and it needs a holistic view with all governments at all levels working together to fix it.

What the Government has done with the Help to Buy scheme is not the whole picture; it is just one tiny piece of what we could be doing to fix the housing market. Unaccompanied by all of the other bits and pieces that are required to actually make housing a home rather than a commodity, it has the potential to continue to inflate prices and to bring people further away from the housing security they need. So I will just put on the table again, as I do every year, the concept of a public bank. I have given speeches in this place before about the idea of a public bank for New South Wales, and The Greens at a Federal level have put forward ideas for a public bank at a national level as well.

This is based on understanding the banking world and seeing how the sovereign banks behaved during the crisis. It is based on seeing how a sovereign bank or a government-backed bank can bring discipline to the market and the way in which it can directly assist in a much more effective way when it comes to things like the Help to Buy scheme. A public bank is a vital part of any healthy, diverse banking system. It is absurd that in Australia we have accepted that all of our banking and financial needs will be entirely privatised and that there is no public option for such an essential public service.

Members may imagine how a public bank would slot in nicely with the Help to Buy scheme in a way that would not only help to increase the amount of public housing stock we have—even if that public housing stock is in pieces of homes—but would also allow people that flexibility, when they fall on hard times, to easily ratchet up and down the amount of equity they hold in their homes in a way that does not allow predatory commercial banks to take advantage of that situation. The Help to Buy scheme is an idea. It would not be a terrible idea if it were put with a bunch of other, much better ones. By itself, it is relatively harmless. I hope that it will actually lead to more people being able to own homes. But, again, we need a far more radical shift in our housing policy than this. We need to get investors out of the market until everybody has at least one home. Every single homeless

person in this State and in this country is a policy failure of governments. It is within our power to fix, and it is long overdue that we did so.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:14): On behalf of the Hon. Penny Sharpe: In reply: I thank the Hon. Scott Farlow, the Hon. John Ruddock and Ms Abigail Boyd for their contributions to debate. As usual in the Legislative Council, we have canvassed some big issues. I think that was an excellent debate to have, but I simply commend the bill to the House. This important bill will enable the Federal Government to enact this Help to Buy scheme. We believe that it is one of the many levers we can pull to address the housing crisis confronting our State. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. COURTNEY HOUSSOS: On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

Motion agreed to.

ELECTORAL FUNDING AMENDMENT BILL 2025

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (16:17): I move:

That this bill be now read a second time.

I will speak briefly to this bill and then seek leave to incorporate the remainder of my speech in *Hansard*. We have dealt with a similar issue before, so members might be familiar with it. We are dealing here with independent members' rights to the administration fund. This matter has been canvassed in the lower House, and we have canvassed it in similar terms with the previous issue. The Electoral Commission indicated to the Government it had received legal advice that required it to raise a question about that. The Government has had discussions with the Electoral Commission and members to clarify that. There is no objection to clarifying the status of the arrangements, and we are clarifying back toward the status quo.

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

Leave granted.

The bill proposes amendments to the Electoral Funding Act 2018 in relation to payments from the Administration Fund under part 5 of that Act. The bill clarifies the relationship between (1) the entitlement of elected independent members and political parties to payments from the Administration Fund and (2) members' additional entitlements under the Parliamentary Remuneration Act 1989.

Firstly, the bill amends the definition of "administrative expenditure" so that expenses can be claimed from the Administration Fund even if an item may also be claimed as an additional entitlement under the Parliamentary Remuneration Act 1989.

However, the bill provides that independent members and parties will not be eligible for a payment from the Administration Fund where the independent member or an elected member of a party has made a claim for the same item under an additional entitlement under the Parliamentary Remuneration Act 1989.

Secondly, the bill provides that claims for payment from the Administration Fund by independent members must be accompanied by a declaration that the member has not made and will not make a claim for the same item under an additional entitlement. The NSW Electoral Commission is also empowered to require an elected member of a party to provide such a declaration, where the party agent has made a claim for payment from the Administration Fund.

These changes will have retrospective application from 1 April 2023. The bill contains savings and transitional provisions to deal with supplementary claims from the Administration Fund for expenditure incurred on or after 1 April 2023.

The Administration Fund is established under part 5 of the Electoral Funding Act 2018 and is administered by the NSW Electoral Commission. One of the statutory objects of the Electoral Funding Act 2018 is to "provide for the effective administration of public funding of elections, recognising the importance of the appropriate use of public revenue for that purpose".

As members are aware, the Administration Fund is used to reimburse eligible political parties and independent members of Parliament for specified administrative and operating expenses incurred in a quarterly period, up to a capped amount.

Section 84 (1) of the Act specifies what expenses are included and excluded from the scope of administrative expenditure for the purpose of claims from the Administration Fund.

Separately, elected members of Parliament are entitled to an electoral allowance and other additional entitlements under the Parliamentary Remuneration Act 1989. The Parliamentary Remuneration Tribunal determines the amount of the electoral allowance and fixes the classes, terms and any conditions of other additional entitlements that are available to members of Parliament pursuant to the provisions of its annual determination.

The annual determination made by the tribunal on 24 May 2024, effective from 1 July 2024, provides for additional entitlements for members of Parliament, including the communications allowance, the general travel allowance and the skills and development allowance.

A category of expenditure which cannot be claimed from the Administration Fund because it is excluded by section 84 (1) (b) (ii) of the Electoral Funding Act 2018 is "expenditure for which a member may claim a parliamentary allowance as a member, other than expenditure for which an electoral allowance is payable".

This provision was amended last year by the Electoral Funding Amendment Act 2024 to expressly carve out the electoral allowance and clarify that members' use of the electoral allowance does not constrain expenses that may be claimed from the Administration Fund.

Following the 2024 amendments, the NSW Electoral Commission has reviewed how parliamentary allowances, other than the electoral allowance, must be treated during the assessment of claims from the Administration Fund under section 84 (1) (b) (ii) of the Act. The Electoral Commission has recommended that the Government consider a further amendment to the Act to clarify the relationship between payments from the Administration Fund and members' additional entitlements under the Parliamentary Remuneration Act 1989. I thank the commission for raising this matter with the Government.

The Government agrees that an amendment is desirable because the current operation of section 84 (1) (b) (ii) means that eligible Independent members of Parliament and political parties cannot be reimbursed from the Administration Fund for items that are claimable under a parliamentary allowance, even if a member has not actually made a claim under such an allowance.

The Government understands that, without further legislative clarification, Independent members and, possibly, minor parties may receive reduced administrative funding. The NSW Electoral Commission has also advised the Government that section 84 (1) (b) (ii) as currently drafted creates undesirable administrative complexity in the claims assessment process, as well as uncertainty for members about the management of their electoral funding obligations and entitlements.

The bill addresses the concerns raised by the NSW Electoral Commission and provides clarity to other stakeholders, including Independent members of Parliament, as to the relationship between, one, the entitlement of elected Independent members and political parties to public funding under the Administration Fund and, two, the entitlement of members to additional entitlements as determined by the Parliamentary Remuneration Tribunal. The aim is to provide certainty and clarity for those who are making and determining claims for payment from the Administration Fund. Retrospective application of those amending provisions is desirable for both the commission and members so that the commission can deal with supplementary claims from the fund consistently with these changes.

Moving to the details in items [1] to [4] of schedule 1 to the bill, item [2] of schedule 1 omits section 84 (1) (b) (ii) of the Electoral Funding Act 2018, which, as previously described, currently excludes "expenditure for which a member may claim a parliamentary allowance as a member, other than expenditure for which an electoral allowance is payable". Instead, the bill proposes to insert new provisions that provide that, one, an elected member is not eligible to claim an item of administrative expenditure from the Administration Fund where the elected member has also made a claim for the same item under an additional entitlement and, similarly, two, a party is not eligible to claim an item of administrative expenditure from the Administration Fund where an elected member of that party has also made a claim for the same item under an additional entitlement.

The bill inserts a definition of "additional entitlement" as meaning an additional entitlement, other than the electoral allowance, of the kind referred to in section 10 (3) of the Parliamentary Remuneration Act 1989. This provides greater clarity than the use of the term "parliamentary allowance", which is not a defined term in either the Electoral Funding Act 2018 or the Parliamentary Remuneration Act 1989.

I now turn to items [5] to [9] of schedule 1 to the bill, which insert new provisions into the Electoral Funding Act 2018 relating to the making of declarations that a claim has not also been made and is not going to be made for the same item of administrative expenditure under an additional entitlement.

Item [5] of schedule 1 proposes to insert a requirement for Independent elected members to provide a declaration, together with a claim for payment under the Administration Fund, that they have not made and will not make a claim under the fund and an additional entitlement for the same item of administrative expenditure. The aim is to provide certainty and clarity that members may not claim the same item of expenditure from both the Administration Fund and an additional entitlement.

Similarly, in relation to a claim made by a party for payment from the Administration Fund, the bill provides the NSW Electoral Commission with the power to require an elected member of the party to make a declaration that they have not made and will not make a claim for an additional entitlement for the same item of administrative expenditure. The Electoral Commission is expressly permitted to rely on such declarations.

Item [7] of schedule 1 empowers the Electoral Commission to recover a payment that a party or elected member has received for an item of administrative expenditure if the member or a member of the party later receives an additional entitlement for the same item of administrative expenditure.

Item [8] of schedule 1 proposes that members and parties will not be eligible for a quarterly payment from the Administration Fund while a required declaration is outstanding in relation to the claim for the quarterly payment. However, an outstanding declaration will not affect a member's or party's eligibility for a quarterly advance payment or quarterly payment for an unrelated quarter, or their eligibility for other payments under the Electoral Funding Act 2018.

Item [10] of schedule 1 to the bill provides for public consultation on draft guidelines that relate to administrative expenditure. Section 152 of the Electoral Funding Act 2018 provides that the Electoral Commission may issue guidelines from time to time for or with respect to matters dealt with in the Act. The bill introduces a requirement for the Electoral Commission to publicly consult on a draft guideline that relates to administrative expenditure, prior to the issue of a statutory guideline, where practicable. The public submission period will be for at least four weeks, and the commission must consider written submissions received during that period.

This amendment responds to feedback from members of Parliament who would like an opportunity to provide feedback to the Electoral Commission on the impact of proposed guidelines that relate to administrative expenditure. This amendment is not proposed to have any retrospective application.

I now turn to the transitional provisions at item [11] of schedule 1 to the bill.

Other than the amendments that relate to consultation on draft guidelines in item [10] of schedule 1 to the bill, all of the amendments made by the bill will be taken to have commenced on 1 April 2023.

The bill expressly provides that the Electoral Commissioner may extend the time available in circumstances where a supplementary claim is determined and the Electoral Commission requires a member to repay an excess amount of administrative funding previously received by the member.

Specifically, the transitional provisions of the bill provide that the making of a supplementary claim relating to administrative expenditure incurred on or after 1 April 2023 and before the commencement of the amending Act constitutes a proper reason to justify an extension of time to repay any excess amount to the Electoral Commission, beyond the usual 60-day statutory time frame. The time for repayment cannot, however, be extended beyond 31 December 2026. The transitional provisions expressly enable Independent members and parties to submit supplementary claims, whether or not their previous claims have already been determined. Supplementary claims will be able to be made within 12 months after the commencement of the Act. Supplementary claims by an Independent member must be accompanied by the requisite declaration that the member has not made and will not make a claim for the same item under the Administration Fund and an additional entitlement. The NSW Electoral Commission may require an elected member of a party to make the same declaration in relation to a supplementary claim submitted by the party agent.

The retrospective application of the amendments will also enable the NSW Electoral Commission to assess previously submitted but undetermined claims from 1 April 2023 in accordance with the amended provisions.

Finally, the transitional provisions expressly provide that an extension of time is available in circumstances where a supplementary claim is determined and the Electoral Commission requires a member to repay an excess amount of administrative funding previously received by the member. The Electoral Funding Act 2018 contains an existing provision in section 153 that enables the Electoral Commission, in any particular case, to extend the statutory time frame for doing something if it is satisfied that proper reasons exist justifying the extension. The bill provides that the making of a supplementary claim constitutes a proper reason to justify an extension of time required to repay an excess amount to the Electoral Commission, beyond the usual 60-day statutory time frame. The time for repayment, however, cannot be extended beyond 31 December 2026. This provision responds to concerns raised by members of Parliament about the time frame for repayments of administrative funding to the commission following the determination of supplementary claims.

I note that the joint Legislation Review Committee has considered the bill and published its report on 27 May 2025, which noted that the bill includes the retrospective commencement of amendments. The committee noted that the retrospective application of the amendments would not adversely impact personal rights or liberties.

The committee also noted that the retrospective application is intended to provide legislative clarity for those making and determining claims for payment from the Administration Fund. The committee otherwise had no further comments on the retrospective commencement of those amendments or on the bill more generally.

As I have already detailed, the retrospective commencement of certain amendments in the bill will expressly enable Independent members and parties to submit supplementary claims for the period dating back to 1 April 2023. It will also enable the NSW Electoral Commission to assess previously submitted but undetermined claims from 1 April 2023 in accordance with the amended provisions. These transitional provisions have been drafted following close consultation with both the NSW Electoral Commission and members of Parliament.

I commend the bill to the House.

Second Reading Debate

The Hon. CHRIS RATH (16:18): The Opposition will be supporting the Electoral Funding Amendment Bill 2025. Currently, elected members of Parliament, and Independent members of Parliament in particular, may intentionally or unintentionally double dip when seeking reimbursement for administrative expenses. This undermines the integrity of the claims system that supports parliamentarians to efficiently and constructively undertake their duties. In figuring out what this bill actually means, during the last week I have learned a lot about administration funding. I did not realise that there was an admin fund. As a member of the Liberal Party, mine goes entirely to the Liberal Party's head office. For many members of this House, their funding goes to the headquarters of either the Labor Party or the National Party.

The Hon. Anthony D'Adam: Where's the money?

The Hon. CHRIS RATH: As the Hon. Anthony D'Adam asks, where is the money? I am sure each individual member of a party could think of better ways that our political parties could spend their money during campaigns. When it comes to Independents, particularly in the Legislative Assembly, they do not have the party structures like we do in the Government and the Opposition. They are essentially their own party headquarters when it comes to administration funding. I think the bill clarifies the relationship between the member, their entitlements and the admin fund. It prevents elected members or parties making claims both from the Administration Fund and as an additional entitlement where the claim concerns the same expense.

The bill requires elected members to submit a statutory declaration confirming they will not claim administrative expenses twice and makes parties or members ineligible for funding if they fail to provide that declaration. It empowers the NSW Electoral Commission to compel the signing of the declaration, recover

overpayments as debts and publish a publicly consultable guideline on administrative expenditure. The bill applies retrospectively from 1 April 2023. I think it is good if we can clarify the relationship between Independent members of Parliament and the Administration Fund. From my consultation, I think those members welcome the clarification. Hopefully it provides those members with the clarity they need. Hopefully it also provides clarity to the NSW Electoral Commission when it comes to funding and expenses. The Opposition supports the bill.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for the Arts, and Minister for Music and the Night-time Economy) (16:21): In reply: I thank the Opposition for its support. I thank the members who engaged with the bill in the Legislative Assembly. I particularly thank the Cabinet Office staff, Christine Collins and Sarah Roebuck, who have been instrumental in bringing the bill before the House.

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

Motion agreed to.

Third Reading

The Hon. JOHN GRAHAM: I move:

That this bill be now read a third time.

Motion agreed to.

HEALTH LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2025

Second Reading Speech

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (16:22): On behalf of the Hon. Courtney Houssos: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Health Legislation Amendment (Miscellaneous) Bill 2025. The bill makes amendments to various pieces of legislation across the Health portfolio to ensure that they remain fit for purpose and current. I will first address amendments to the Health Services Act 1997, which is the piece of legislation that establishes the New South Wales public health system. The bill makes two changes to this Act. First, the bill will require the board of each local health district to have at least one member who identifies as an Aboriginal person.

Currently, each local health district board must consist of a mix of members, with specific experience, knowledge and expertise. Each board must also have one member with expertise, knowledge or experience in Aboriginal health. However, they do not need to be an Aboriginal person. The Portfolio Committee No. 2 – Health inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales examined the make-up of these boards. Following the inquiry, the committee recommended legislative amendments to require Indigenous community representation on each local health district's governing board. This recommendation was supported by the previous Government and is supported by this Government. I recognise and applaud that most local health district boards already have an Aboriginal person as a member, but, in line with the recommendation from the inquiry, it is important this is made a legislative requirement.

In practice, the decision to appoint an Aboriginal member to a local health district board would be based on several matters. A candidate would need to be eligible for appointment to the board under the existing provisions of the Health Services Act, the NSW Government Boards and Committees Guidelines and other relevant appointment standards. Districts would also work with their local community to consider the suitability of any candidate to represent Aboriginal people within the local health district before recommending a person for appointment. This might involve consulting and engaging with local Aboriginal health networks on the proposed appointment, though the process could vary between districts. Aboriginal persons and communities have been subject to historic and ongoing disadvantage and trauma which impacts various aspects of their lives, including health care. It is imperative that members of the Aboriginal community have a seat at the table at the highest level within local health districts to help drive improvements.

Second, the bill will allow the health secretary to charge a booking and cancellation fee to private providers who use public non-emergency patient transport services. NSW Health delivers a non-emergency patient transport service, which is a public service for people who require transport to or from a health facility but do not need a time-critical emergency ambulance. To be eligible for the patient transport service, a person must be assessed by a medical practitioner or registered nurse as medically unsuitable for community, public or private transport. In the main, this is a public patient service transporting public patients to and from public hospitals. However,

transports are also available to private providers such as residential aged-care facilities and private hospitals. Private providers may use NSW Health transports to transfer patients between private facilities—for example, from one private hospital to another private hospital, or between a private facility and a patient's residence.

NSW Health is not the only non-emergency patient transport service for private providers, but it is currently providing a service that is being provided to private providers for free. Last year NSW Health conducted over 18,500 non-emergency transports to and from private bodies, costing approximately \$8.3 million. To be clear, this was the cost incurred for private-to-private transports that do not involve transporting a patient to or from a public facility. As private providers are not charged for the service, there are inefficiencies in bookings and the use of non-emergency patient transport service, including bookings for people who do not meet the eligibility criteria, and high levels of cancellations. For context, 2.1 per cent of all private bookings are made for patients that do not meet the eligibility criteria, which is 25 per cent higher than for public providers. Further, almost one in every five—18.7 per cent—private transfers booked are cancelled within four hours before the confirmed arrival time or on scene. These cancellations are over a third higher—34 per cent—in private providers compared to public providers.

To encourage efficient use of the patient transport service and reduce unnecessary costs to the public health system, the bill allows the health secretary to charge private providers a booking and cancellation fee for non-emergency patient transport. The fees can be charged to the licensee of a private health facility, the operator of a residential aged-care home or other prescribed providers that book a patient transport service or cancel a service within four hours of the planned arrival time and up to one hour after the planned arrival time. Similar to fees for emergency transports, the booking and cancellation fees will be set out in a scale of fees to be published in the *New South Wales Government Gazette*. The booking fee will be a low, nominal fee, as it is intended to help manage demand and prevent unnecessary or "just in case" bookings. The cancellation fee will be a higher fee, which reflects the average cost of a patient transport service, which was approximately \$450 as of last financial year.

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

Leave granted.

I turn next to amendments to the Private Health Facilities Act, set out in schedule 7 to the bill. The Private Health Facilities Act and regulation set out the requirements to operate a licensed private health facility. The Act and the regulation set out general standards that all private health facilities must comply with and specific standards that apply to different classes of facilities, such as a facility licensed in the maternity class.

Currently, the Act requires every private health facility to be staffed by registered nurses and have a director of nursing. The Act also requires each facility to have a medical advisory committee staffed by doctors and other health practitioners. A medical advisory committee has a number of responsibilities, including advising the licensee on matters concerning patient care and safety.

However, these requirements under the Act may not be fit for purpose for all classes of private health facilities. This is particularly the case in respect of maternity class facilities that operate on a midwifery-led model.

A midwifery-led model of care is currently recognised under the regulations to the Act, with the establishment in 2023 of a Birthing on Country demonstration class facility. NSW Health is working with the South Coast Women's Health and Wellbeing Aboriginal Corporation, also known as Waminda, which intends to apply for a private health facility licence to operate a midwifery-led freestanding birthing centre in Nowra to provide services to Aboriginal women and babies. This is proposed to be established in close collaboration with Illawarra Shoalhaven Local Health District.

While the regulation was changed to allow for a midwifery-led Birthing on Country demonstration private health facility, there are some constraints in the Act that would prevent this model of care.

Therefore, the bill amends the Act to allow regulations to be made to substitute the usual nursing requirements, with a requirement to have a midwife on duty at all times and a director of midwifery at prescribed facilities.

In relation to the medical advisory committee, again, the bill allows for some flexibility by allowing regulations to be made to allow persons prescribed by the regulations to be appointed to the committee of a private health facility. However, the requirement to have at least five medical practitioners on the committee, and other health practitioners the licensee considers appropriate, will remain in the Act.

The bill makes minor changes to the Drug and Alcohol Treatment Act in relation to who can be appointed as an official visitor, to bring the Act into line with the Mental Health Act 2007.

The Drug and Alcohol Treatment Act allows for the involuntary detention and treatment of people with severe drug dependence in select drug and alcohol treatment centres declared under that Act. There are two treatment centres in New South Wales declared under the Act, which contain a total of 12 beds.

The Act also builds in protections for people receiving involuntary treatment under the Act, including by establishing an official visitor program to oversee treatment centres. Official visitors appointed under the Act are independent from NSW Health and have the power to enter and inspect treatment centres, advocate for patients about issues arising in the drug or alcohol dependency treatment system, and raise matters of concern with the Minister or other appropriate people.

The Minister appoints people as official visitors but can only do so if a person is either a medical practitioner or another suitably qualified person. Visits to treatment centres must be conducted by one medical practitioner and one otherwise suitably qualified person.

These requirements are different to the rules for appointments and visits under the official visitor program for mental health facilities. Under the Mental Health Act, the Minister may appoint a person who is a medical practitioner, psychologist, other suitably qualified person or person with qualifications prescribed by the regulations as an official visitor. Further, visits to mental health facilities do not need to be carried out by at least one medical practitioner. They can be conducted by either a medical practitioner, a psychologist or a person with prescribed qualifications, in addition to one person who is a suitably qualified person.

Given that official visitors under the Mental Health Act and the Drug and Alcohol Treatment Act have similar functions, the bill will align the Drug and Alcohol Treatment Act with the Mental Health Act. The bill amends the Act to allow medical practitioners, psychologists, persons prescribed by the regulations and other suitably qualified persons to be official visitors. Further, visits to drug and alcohol treatment centres will be able to be carried out by two of these official visitors, so long as one is a suitably qualified person and the other is a medical practitioner, psychologist or other prescribed person.

Schedule 5 to the bill amends the Human Tissue Act to allow a senior available next of kin to delegate functions relating to ante-mortem interventions to another person if appropriate.

In March 2024 Parliament passed the Human Tissue Amendment (Ante-mortem Interventions) Bill 2023, which was introduced by the member for Lake Macquarie. That bill amended the Human Tissue Act to allow ante-mortem procedures to take place in limited circumstances. Ante-mortem procedures are medical procedures carried out on a person before death to determine, maintain or improve the viability of tissue for donation after death, rather than for the benefit of the patient. They can only be carried out under the Act if the patient consents or, if the patient does not have capacity, the senior available next of kin of the patient provides consent.

However, the Act does not currently allow a senior available next of kin to delegate their ability to consent to ante-mortem procedures to another person. This differs from the rules relating to organ donation, where the senior available next of kin of a deceased person can delegate their ability to authorise organ donation after death to another person.

As ante-mortem interventions are intimately connected to organ donation—and, indeed, intended to facilitate organ donation after death—it is appropriate that the same rules in relation to delegation apply. As such, the bill amends the Human Tissue Act to allow a senior available next of kin to delegate their functions in relation to ante-mortem interventions.

The bill also makes a minor statute law revision to the Health Practitioner Regulation (Adoption of National Law) Act and a regulation under that Act to update the term "professional services room" to "medication storage and preparation room" which better reflects the purpose of these rooms.

Finally, I turn to schedule 6, which makes a minor amendment to the Mental Health Act to clarify a provision relating to the appointment of accredited persons. An accredited person is a person appointed by the health secretary who then has the power to assess and write a certificate authorising the detention of a mentally ill person or mentally disordered person. The secretary can appoint either an individual as an accredited person or a class of persons as accredited persons—though, in practice, only individuals are appointed, after an assessment of their qualifications.

The current section 136 allows conditions to be imposed on the appointment of a person. However, there is a lack of clarity as to when conditions can be imposed. The amendments in the bill will clarify that conditions can be imposed on an individual or class appointment.

I commend the bill to the House.

Second Reading Debate

The Hon. EMMA HURST (16:28): On behalf of the Animal Justice Party, I contribute to debate on the Health Legislation Amendment (Miscellaneous) Bill 2025. I support the provisions of the bill that open up the ability for private health facilities to operate under the supervision of a director of midwifery in order to facilitate the delivery of midwifery-led care models. Those reforms have been introduced specifically to support the operation of Waminda, a Birthing on Country service that provides culturally safe, midwife-led continuity of care to Aboriginal women and their families.

Birthing on Country is a model of maternity care rooted in First Nations leadership and governance. It encompasses traditional practices and connection with the land and country, it incorporates a holistic definition of health, and it was developed by and for First Nations people. Throughout the inquiry into birth trauma, we heard about the significant challenges faced by First Nations people in accessing safe maternity care, with Aboriginal women experiencing higher rates of premature birth, birth trauma, maternal deaths and perinatal deaths.

The work done by Waminda and the Birthing on Country model were universally praised by inquiry participants, and the model has already demonstrated significant improvements in maternal health outcomes for First Nations women. It is clear we need to make more Birthing on Country services like Waminda available to the community. As we head towards the 2025 New South Wales budget, I call on the Government to fund the recommendations of the birth trauma inquiry, with priority given to funding for Birthing on Country models of care, as well as investment in genuine midwifery-led continuity of care access for all birthing parents. That would significantly reduce rates of birth trauma throughout New South Wales. I commend those reforms to the House.

The Hon. NATALIE WARD (16:30): On behalf of the Opposition, I contribute to debate on the Health Legislation Amendment (Miscellaneous) Bill 2025. I echo the point of view of the shadow Minister for Health in

the other place, Kellie Sloane, and thank her for her stewardship of this portfolio. I give a particular shout-out to Nick McNamara, who made an Olympic-level schedule to a miscellaneous bill. I thank him for his commitment. Normally, miscellaneous bills are not dealt with using that amount of passion and detail, so the commitment of Nick McNamara and Kellie Sloane to this portfolio is commendable. The bill was introduced to make amendments to various pieces of legislation across the Health portfolio to ensure that they remain fit for purpose and contemporary.

The bill also includes a number of administrative tighten-ups to provide further clarity on existing legislation, which is always helpful. The affected Acts include the Drug and Alcohol Treatment Act 2007, the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Health Practitioner Regulation (New South Wales) Regulation 2016, the Health Services Act 1997, the Human Tissue Act 1983, the Mental Health Act 2007 and the Private Health Facilities Act 2007. The Opposition appreciates the breadth of changes contained in the bill and the number of stakeholders consulted on them. Those changes will have a material impact on how health care and health services are delivered to the people of New South Wales.

The Opposition particularly thanks those who engaged with shadow Minister for Health Kellie Sloane and her office, as well as other Opposition members, in support of these changes. They included the Australian Medical Association, the New South Wales branch of the Pharmacy Guild—we always love their jelly beans—the NSW Nurses and Midwives' Association, the Royal Australian and New Zealand College of Psychiatrists, the Health Services Union and Private Healthcare Australia. The Opposition recognises the Minister and his office for their direction and consultation on the bill, as well as the cooperative and collegial way in which the Minister works. The Opposition supports the amendments proposed in the bill. It is important that we review our health legislation to ensure that it remains fit for purpose and contemporary.

Dr AMANDA COHN (16:32): The Greens also support the Health Legislation Amendment (Miscellaneous) Bill 2025. I take this opportunity to speak to some of the parts of the bill that make seemingly small changes to legislation but will have a really profound impact on the people who are impacted by them. The first is the requirement under the Health Services Act 1997 for each board of each local health district [LHD] to have at least one member who identifies as an Aboriginal person. I understand that most LHD boards already have an Aboriginal person as a member, but, notably, three do not. It is really important that this be articulated as a requirement and consistently implemented across the State, to go some way to addressing the issues identified by the rural health inquiry conducted by Portfolio Committee No. 2 in the previous term of Parliament, and also to build or rebuild relationships with local Aboriginal communities.

The ongoing gap in health outcomes and life expectancy between Aboriginal Australians and non-Aboriginal Australians is unacceptable, and healthcare services that are culturally safe and geographically accessible are a key factor in closing the gap. That gap in life expectancy is in the order of five years in Australia, which we should not accept. Nationally, there has been improvement, but that target is not on track to be met. This kind of change to allow for self-representation of Aboriginal people on a powerful governing board for health services is really important. I have already mentioned the Portfolio Committee No. 2 inquiry, which highlighted the barriers faced by First Nations people accessing health care, including racism, discrimination, a lack of culturally safe services and those negative health impacts.

The other changes that are really important for First Nations people are the proposed amendments to the Private Health Facilities Act 2007. Those changes would allow a private health facility to have a registered midwife and a director of midwifery onsite instead of having a registered nurse and a director of nursing onsite. The Government provided an example of a facility that might use this change—the Waminda Birthing on Country program in Nowra. That is extremely supportable. From the perspective of The Greens, Birthing on Country programs provide culturally safe care for First Nations women, including antenatal care, postnatal support and often birthing centres as well. These kinds of models have been shown to improve maternal and perinatal outcomes, including women attending more antenatal visits being less likely to have a premature birth and being more likely to breastfeed on discharge from hospital.

Models like this are so important to address those health disparities. First Nations women are three times more likely to die in childbirth than non-First Nations women. Rates of pre-term birth and low birth weight are substantially higher for First Nations babies and are associated with significant morbidity and mortality. This kind of small administrative change that can allow a centre like Waminda to go ahead is really important. It is important as well that safeguards like the medical advisory committee requirements for those facilities are maintained in terms of safety. Medical practitioners need to be on that committee, but so does someone like a cultural adviser, ensuring that care is not just safe from a medical perspective but safe from a cultural perspective.

The other important changes include allowing NSW Health to charge booking and cancellation fees to private providers who use public non-emergency patient transport services. The health Minister advised the Legislative Assembly that last financial year the cost to the taxpayer was \$8.3 million for private-to-private patient

transports not involving a public facility. That is a quite significant expenditure of public money. Members can all agree that parts of the health system desperately need investment, and we must use those transport services appropriately and charge cancellation fees. For example, the Minister quoted that almost one-fifth of private transfers booked are cancelled within four hours before the confirmed arrival. Discouraging that kind of "just in case" wastage of our public resources is really helpful. I hope that \$8.3 million can be really well invested in the health system.

The other smaller changes in this bill include the amendment to the Drug and Alcohol Treatment Act to align the requirements for official visitors with the Mental Health Act. Official visitors can be appointed to oversee involuntary treatment centres and advocate for patients. They play a really important role where people are detained or admitted involuntarily, and they have powers of entry and inspection. The amendments in the bill are to do with the qualifications of official visitors and the requirements of who is involved in a visit, and to align that with the Mental Health Act, which The Greens support.

There is also a small but really important amendment to the Human Tissue Act 1983. The Human Tissue Amendment (Ante-mortem Interventions) Bill was passed last year. It amended the Human Tissue Act to allow procedures to take place in limited circumstances that determine, maintain or improve the viability of organs or tissue for donation after death. They can only be carried out if the patient or the senior available next of kin of the patient provides consent. The bill would allow the senior available next of kin to delegate their ability to consent to another person. They are already able to do that for organ donations, and it is entirely appropriate that that can happen for ante-mortem intervention. If this allows organs or tissue to be viable in a very small number of additional circumstances, I am sure that, across the State, that would actually save someone's life. That is a really important change for us to make today.

There are a couple of very minor amendments to the Mental Health Act 2007, clarifying that conditions can be imposed on accredited persons who can authorise the detention of a mentally ill or mentally disordered person, whether that appointment is for an individual or a class of persons. There is a minor terminology change from "professional services room" to "medication storage and preparation room". That primarily applies to pharmacies under the Health Practitioner Regulation (Adoption of National Law) Act 2009 and the Health Practitioner Regulation (New South Wales) Regulation 2016.

The Hon. JOHN RUDDICK (16:39): The Libertarian Party opposes the Health Legislation Amendment (Miscellaneous) Bill 2025. Miscellaneous bills are taken in good faith and are understood by members of this Parliament to make very minor adjustments, such as correcting grammar, removing redundant provisions, cleaning up legislation or fixing what someone at the drafting office may have overlooked back in the day. The convention is that they are not contentious or partisan. Shortly after I was elected, I asked my staff, "Does the government of the day ever do a sneaky and try to get something through under the guise of a miscellaneous bill?" My staff was adamant: They said no.

However, there is a part of this bill that is not miscellaneous. Schedule 4 [1] provides a requirement for each local health district governing board to have a member who is an Aboriginal person. This is DEI—diversity, equity and inclusion. It clearly is. It is hiring people not because of skill but because of some immutable characteristic. Libertarians believe in MEI—merit, excellence and innovation. That is what made western civilisation great. We are a strictly colourblind party, and so we oppose the bill.

The Hon. Anthony D'Adam: Aren't you a monarchist? He's a monarchist, isn't he?

The Hon. JOHN RUDDICK: Can we have some silence here, Mr Deputy President?

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The member will be heard in silence.

The Hon. JOHN RUDDICK: I know I am saying something smart when I upset that member. The fact this requirement is in the bill, which is defined as miscellaneous, is disappointing. I suspect the Government knows it is trying to sneak something through that fits its race obsession. Maybe I am wrong. Maybe it did not occur to them, because elements in the Labor Party see the whole world through the destructive prism of race. In March 1901 this country had its first Federal election. After the election, the Protectionist Party and the Free Trade Party had similar numbers of members in the House of Representatives, and they were vying for which party would form government. Who was the kingmaker? The Labor Party was the kingmaker. It came a distant third, but it had the votes to decide whether the Protectionists or the Free Traders would be in power.

What was the Labor Party obsessed with at the time? In a campaign speech in that first election in 1901, the Labor Party said that paramount above everything else is the White Australia policy. That was the foundation of the Labor Party. The Free Traders, who were basically the libertarians of the day and were dominant in New South Wales, were very relaxed about the White Australia policy. Some of them went along with it and some of them spoke against it, like Bruce Smith, the member for Wentworth. But the Protectionists, of course, loved

the White Australia policy. So Labor went with the Protectionists, even though it had a good relationship with the Free Traders in this Chamber. My point is that the parties on the left have always been obsessed with race.

It switched in the 1960s. They went from being pro-racism to anti-racism, but they still see the whole world through race. A similar thing happened in the United States. Who was the Confederacy? Who enacted the Jim Crow laws? Who was the Ku Klux Klan? The Democrats. Who liberated the slaves? The Republican Party. Like we saw in Australia in the 1960s, the Democrats in America maintained their obsession with race; they just said, "Oh well, we're now anti-racist." The better thing to do is to just ignore those things. At the heart of identity politics is racism, because some on the left think that if you include an Aboriginal person on the board, you have ticked a box and done something that appears progressive. But Aboriginal individuals are just individuals who happen to have some Aboriginal ancestry.

The family tree of anyone is of merely incidental interest to them and their close friends. It should have no bearing on job applications. It harms people when they get a job because of their family tree. The other issue that cannot go unmentioned is the fraudulent claims of individuals who try to pass themselves off as Aboriginals but are not. There is the case of Neil Evers, who performs Welcomes to Country at NRL games because he claims to be a fifth-generation Indigenous Australian, but he is yet to prove it. Then, of course, there is Mr Bruce Pascoe. I am happy to fund a DNA test via ancestry.com or 23andMe for both Mr Evers and Mr Pascoe so we can remove the doubt. The University of Sydney allows staff and students to self-identify as Aboriginal without any evidence. When incentives are provided, people are going to take them up. Nathan Moran, the CEO of the Metropolitan Local Aboriginal Land Council, is incensed by this. He is saying it is all bogus, and he is right. I thank Mr Moran. There you have it. DEI is going out of fashion around the world, and I oppose the bill.

The Hon. ROD ROBERTS (16:44): I do not oppose the Health Legislation Amendment (Miscellaneous) Bill 2025, but I bring something to the attention of the House that I believe is an issue. It concerns schedule 4 [1] as well, but for completely different reasons to the Hon. John Ruddick. I do not object to any particular part of what the item aims to achieve, but I simply believe there is a flaw in the legislation. It is a flaw that I brought to the attention of the Minister for Health and one that is yet to be resolved. It is a weakness that leaves the Government and local health district boards open to serious legal troubles and challenges. The problem lies in the amendment to the Health Services Act 1997 under schedule 4 [1], which states that local health district boards must include at least one person who identifies as an Aboriginal person.

I note the word "must". The amendment does not say "may" or "should"; it makes clear that a person who identifies as an Aboriginal must be on each board. In schedule 4 to the Act as it currently stands, no other position on the local health district board is required to have a unique personal characteristic or qualifier. The Minister merely selects board members to include certain skills or experience. The word "must" currently appears nowhere. But with the proposed amendment, if an Aboriginal-identifying person is not a member of the local health district board, it then logically flows that the board is in breach of the Act because it says "must". Further, if an Aboriginal-identifying person is not a member of the local health district board, the question then becomes this: Is the board legally constituted?

I sought a briefing from the Minister's office to put this question to them, thinking there may be a simple answer that my office and I had missed. I put the question to a delegation from the Minister's office—and I am not here to name individuals to cause them embarrassment; that is not what I do. They replied that it was a good question and they did not have an immediate answer. That is fine; that is acceptable. To provide one, though, they helpfully suggested that they phone their legal expert. The legal expert from Health NSW then phoned in. She provided the following answer to us all on loudspeaker on the phone, "Yes, the board would be in breach of the Act, but it shouldn't be a problem." They were the exact words. Can you imagine that?

This is an embarrassing answer and one I would not accept from my own staff. The delegation promised to go away and provide a more fulsome reply. To their credit, they did. Sadly, though, the follow-up email from the Ministry of Health brought no further clarity as it did not attempt to answer my simple yet fundamental question: Is the board legally constituted if it does not include an Aboriginal-identifying person? Anyone who has been involved in boards and committees knows that members can join and leave for myriad reasons. Suppose a local health district board struggles to fill the vacancy for an Aboriginal-identifying person, or there is a period of a few months before the next Aboriginal-identifying person can commence their role. What does this mean for decisions made by the board in the interim period? Are they valid? How could they be if they are in breach of the Act? What legal challenges do they leave themselves open to if they are not properly constituted? This is a gaping flaw in the bill, and it is one that must be addressed.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, and Minister for Youth) (16:47): On behalf of the Hon. Courtney Houssos: In reply: I thank all honourable members who have made a contribution to debate on the Health Legislation Amendment (Miscellaneous) Bill 2025. I thank the Hon. Emma Hurst, and I acknowledge the work of the birth

trauma inquiry and her consistent advocacy for culturally safe and appropriate birthing facilities. An amendment contained within this bill will facilitate one of the outcomes of that inquiry. I know there is still a lot of work to do. I also thank the Hon. Natalie Ward, Dr Amanda Cohn, the Hon. John Ruddick and the Hon. Rod Roberts.

To comment on some of the issues raised by the Hon. John Ruddick and the Hon. Rod Roberts, I categorically reject the suggestion that the inclusion in this bill of the requirement for a local health district [LHD] to have an Aboriginal member is sneaky. We have been very clear that that is a key part of this, along with other elements. I started my speech with it; I know that the Minister for Health included that as well. Whilst it is contained within a bill that includes a number of other changes, it certainly is not sneaky. The Government is clear, up-front and open about that.

To be honest, I wish it was not necessary either. I wish that the facts, which speak for themselves, about the ongoing and considerable disadvantage in health outcomes that Aboriginal people face were not the facts. But they are the facts. I went to an Aboriginal suicide prevention forum where I recall hearing some of the delegates talk about the ongoing reticence that particularly older people—who often require health services as they age—have about public hospitals. There is a clear reason for that. I note that there are no Aboriginal members in this Chamber. Hospitals played an active role in the Stolen Generation policy. When Aboriginal parents—particularly if one parent was Aboriginal and the other was non-Aboriginal—took their child to a public hospital for a minor ailment, like an ear infection or a sprain, they would then find themselves caught up in that abhorrent, disgusting and disgraceful policy, which was, of course, authorised and passed by this Chamber.

People may not realise, if they have not listened to the voices of Aboriginal people, that while we see public hospitals as places of care and where our kids get looked after, for Aboriginal people from a certain era—obviously not now—they were places where their children were taken away. Older Aboriginal people who know those stories and remember those times are scared of public hospitals. That is the reality that we still live with. Having an Aboriginal member on a local health district board will not solve that—I am not pretending that would be the case—but it will at least allow that perspective to be heard. I will be honest that I did not realise that connection until I became the Minister for Mental Health and participated in some of those conversations. That is just one example of what that amendment can bring.

I wish that we did not see health outcomes like shorter life expectancy, higher infant mortality and more chronic disease, but we do. If having an Aboriginal member on an LHD board can play some role in doing something about that, I think that is a valid and important requirement. Those members will still be required to also meet other eligibility criteria for board members relating to the skills and the expertise that they must have. I assure this Chamber that this amendment—which, as I noted in my introductory remarks, was a recommendation of a parliamentary inquiry—is all about better outcomes. It is not about box ticking, virtue signalling or any of the other "Jim Crow" or "Free Trader" nonsense that we heard earlier. I mean, can we not have a normal debate in this place about anything? Seemingly not. Simply, we are desperately trying to do everything we can to improve those health outcomes. The facts are clear, and it is not okay, and this amendment is one way to try to do something about that. It is relatively straightforward, and there is certainly nothing sneaky about it. Members are entitled to oppose it, but I strongly support it.

The Hon. Rod Roberts raised very valid legal questions. To clarify, local health district boards already have a requirement that they must have at least one member who has expertise, knowledge or experience in Aboriginal health. We are changing that requirement so that that member must be an Aboriginal person, but requirements are already in place around skills, expertise and knowledge that members must have. There may well be circumstances where there is a short potential vacancy between an Aboriginal person resigning from that role and another being appointed. NSW Health has been clear that the management of those transitions is well-established practice within LHD boards, and there are provisions that allow those boards to continue in that circumstance. I understand that his legal concerns are raised in good faith, and I assure him that the Minister for Health is across those concerns. The potential that there could be a period when an Aboriginal person is not on the board has been contemplated, and there are provisions that would allow the board to continue operating in those circumstances.

To be clear, the bill will commence on proclamation. My understanding is that three or so boards do not have an Aboriginal person in their membership. This will allow those boards to have time to recruit the required person before the requirement comes into place, which will save them from any short-term issues. Certainly, the Minister will not be proclaiming this element of the legislative change until all of the boards meet that requirement. I leave my comments there. I hope that they have addressed some of the issues raised during the second reading debate. I thank all other members for their endorsement of the remaining provisions of the bill. I commend the bill to the House.

The Hon. ROD ROBERTS (16:55): I wish to make an explanation of speeches under Standing Order 92. In the Minister's opening address, she said, "I want to address the concerns or the statements of the Hon. John

Ruddick and the Hon. Rod Roberts." I do not want to be associated with the contribution of the Hon. John Ruddick. I take great offence at the fact that the Minister is trying to label me in with the Hon. John Ruddick. I was not talking about Indigenous people being on the board; I was supportive of that. I was coming from a legal aspect, and I ask that the Minister withdraw her statement associating me with the Ruddick contribution.

The Hon. Rose Jackson: To be clear, I am happy to withdraw. It was a turn of phrase in that the only issues that I was going to address in my reply were those raised by "the Hon. John Ruddick, and the Hon. Rod Roberts". It was not an attempt to group them together. That was a turn of phrase; it was not a scripted remark.

The Hon. ROD ROBERTS: It was a poor turn of phrase.

The Hon. Rose Jackson: I apologise. I am sorry.

The Hon. Mark Buttigieg: Point of order: I was listening closely to the Minister's reply. With all due respect to the Hon. Rod Roberts, the Minister demarcated the two responses very precisely. I understand why the member may have taken offence, but I think it is unnecessary.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): I thank the member. The Hon. Rod Roberts raised a point, as is his right, and the Minister clarified and also indicated that she is happy to withdraw. If that is acceptable to the Hon. Rod Roberts, we do not need any further contributions, and we can move on.

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

Motion agreed to.

Third Reading

The Hon. ROSE JACKSON: On behalf of the Hon. Courtney Houssos: I move:

That this bill be now read a third time.

Motion agreed to.

BAIL AMENDMENT (BAN ON PRIVATE ELECTRONIC MONITORING) BILL 2025

Second Reading Speech

The Hon. MARK BUTTIGIEG (16:58): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

Concerns have been expressed in our New South Wales community about the quality and reliability of some privately arranged and funded electronic monitoring providers who monitor accused people under bail conditions. Currently, the Bail Act allows for the imposition of private electronic monitoring as a bail condition if it is considered reasonably necessary to address a particular bail concern and meets the minimum standards prescribed in the Bail Regulation 2021.

Private electronic monitoring is independently organised and funded by the accused person applying for bail. We know that there are legitimate concerns about the effectiveness of private electronic monitoring and the services that some providers deliver. We have seen examples of the failure of private electronic monitoring in recent months. For example, serious concerns were raised when BailSafe Australia, a private company that provided monitoring services in New South Wales and Victoria, ceased operation without notice to the courts or the accused persons being monitored. That meant that accused persons subject to electronic monitoring bail conditions were left unmonitored in the community.

While providers are required to meet minimum standards for electronic monitoring, which were introduced in June 2022, the reported incidents in recent months indicate that those minimum standards have been insufficient to ensure that all private electronic monitoring is sufficiently suitable or reliable to ensure the safety of our community. Community safety is this Government's paramount concern, so with this bill we are taking decisive action to ban privately funded and arranged electronic monitoring from being imposed as a condition when a person is granted bail.

This bill will remove the option for bail authorities to impose a pre-release bail requirement that a person is subject to private electronic monitoring. The bill will also amend section 28B of the Bail Act 2013 and insert a new section 30A to make clear that electronic monitoring bail conditions may only be imposed for certain domestic violence show-cause offences, as set out in that section, and otherwise may not be imposed. Electronic monitoring for certain serious domestic violence offences is managed by Corrective Services NSW. The bill will create transitional provisions that allow accused persons currently on bail under private electronic monitoring arrangements to have those conditions continue to apply for up to three months from commencement of the Act.

During that transition period, accused persons and prosecuting authorities will be able to apply for a revocation or variation of bail. The bill will also make it clear that an accused person will be deemed to be in breach of bail if the private electronic monitoring condition has not been varied by the end of the transition period. That will encourage timely listing of matters and empower prosecuting authorities to take action in matters that were not finalised during the transition period.

Importantly, the bill only prohibits private electronic monitoring. It does not make any changes to electronic monitoring provided by Corrective Services, as that does not involve the same risks as private electronic monitoring. Corrective Services monitoring is undertaken with high-quality systems and supports, and does not carry the risk that regrettably manifested when an electronic monitoring provider ceased operations without notice. Further, accused persons on bail subject to Corrective Services electronic monitoring for serious domestic violence offence charges under section 28B of the Bail Act are subject to additional requirements to comply with directions by Corrective Services NSW under the Bail Regulation. Offenders subject to electronic monitoring under sentencing or parole orders are also case-managed and supervised by community corrections officers.

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

Leave granted.

I now turn to the specifics of the bill.

Section 2 provides that the bill will commence on the date of assent. From this date, bail authorities will no longer be able to make bail decisions that impose a private electronic monitoring condition.

Schedule 1, items [1] to [3] amend section 28B of the Bail Act to clarify that bail conditions requiring electronic monitoring may only be imposed for certain domestic violence show cause offences, as set out in that section, and that the electronic monitoring must be conducted only by Corrective Services NSW.

Schedule 1, items [4] and [5] amend section 29 of the Bail Act to remove the provision enabling a bail authority to impose a pre-release requirement that the accused person be subject to electronic monitoring.

Schedule 1, item [6] repeals section 30A of the Bail Act, which required electronic monitoring to meet certain minimum standards. The minimum standards set out in the Bail Regulation 2021 are also repealed by schedule 2 to the bill.

Item [6] inserts a new section 30A, which makes clear that electronic monitoring can only be imposed under section 28B.

These amendments to section 29 and section 30A remove any possibility for bail conditions requiring electronic monitoring by a private provider to be imposed. I reiterate that this will not have an impact on mandatory electronic monitoring for serious domestic violence offences, as these conditions are dealt with fully and exclusively in section 28B of the Bail Act and part 4, division 4 of the Bail Regulation.

Item [7] deals with savings and transitional provisions.

Firstly, it clarifies that the amendments made by this bill extend to all offences committed, alleged to have been committed or charged before the commencement date.

Secondly, it creates transitional provisions for accused persons who are already subject to private electronic monitoring bail conditions at the time of the commencement of this bill. The intention of the provisions is to enable both accused persons and prosecuting agencies to relist the matters before the court to have the bail conditions varied or a detention application determined expeditiously. A transition period of three months after the commencement is established by subclause (5).

Subclause (2) notes that, during the transition period, private electronic monitoring conditions in place immediately before the commencement date continue to apply as if the amendments had not commenced. This will ensure that relevant accused persons continue to be actively monitored until the courts have an opportunity to assess the risks posed and amend the bail conditions accordingly.

Subclause (3) specifies that, at the end of the transition period, an accused person whose bail has not been varied to remove the private electronic monitoring condition is taken to have failed to comply with the bail condition and must be dealt with under section 77 of the Bail Act, other than subsections 77 (1) (a) and (1) (b). This will ensure that the person is brought before the court at that time.

Subclause (4) clarifies that the fact that an accused person will no longer be able to rely on compliance with a private electronic monitoring condition at the end of the transition period constitutes a change in circumstances for the purposes of section 74.

It is one of our Government's key priorities to support the safety and wellbeing of our New South Wales community, and to ensure that the criminal justice system remains fair and just.

Accused persons who are granted bail subject to a private electronic monitoring condition cannot be allowed to be left unmonitored in the community due to a failed private operator. That risk is simply unacceptable.

We are taking strong action to address the continuing concerns about the quality and reliability of private electronic monitoring services by banning their use on bail once and for all.

I commend the bill to the House.

Second Reading Debate

The Hon. SUSAN CARTER (17:03): I lead for the Opposition in debate on the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025. The preamble of the Bail Act sets out the difficult job facing courts

when considering the grant of bail. Every bail decision must ensure the safety of victims of crime, of individuals and of the community as a whole. That requirement for safety is paramount. Those considering bail are also required to ensure the integrity of the justice system. Our justice system is more fragile than it can appear. It is often a fine line between relying on our system to achieve justice and seeking personal retribution. Continuing confidence in our system of justice is an important public good. Of course, every bail decision is made post-arrest, not post-trial. We may suspect that the accused is guilty, but we do not know that. As a protection for us all, we presume innocence until such time as guilt has been proven.

One way, which has been operating successfully for well over 10 years now, of balancing the presumption of innocence with the need for both continuing community safety and the perception of a just system has been the use of electronic monitoring of those on bail. Electronic monitoring allows those whom we presume to be innocent to continue to work, pay the mortgage or the rent, and provide for their families, but also allows authorities to track their movements and restrict them from going to certain places to ensure community safety. This will not be an appropriate protection for every accused but, where appropriate, it has proven to be an effective way of managing safety and liberty. It has been so effective that this Government recently legislated to extend the program to those granted bail after being accused of serious domestic violence offences.

When considering questions of bail, courts are directed to consider, among other matters, the likely time the accused may spend in jail on remand before facing trial. The Chief Justice of New South Wales recently indicated that this may be a significant period of time and that a person charged with a serious offence may have to wait up to three years before their trial comes on for hearing. This is a particularly lengthy period if the person is subsequently found to be innocent. Electronic monitoring has been recognised as an effective method of managing not only community safety but also liberty.

There are currently two kinds of electronic monitoring in the New South Wales justice system: public and private. The first electronic monitoring for bail was privately provided, ordered by the court as a condition of bail and used as long ago as 2010 in *R v Medich*. In the case of *R v Ebrahimi*, Justice Beech-Jones—then of the New South Wales Supreme Court, now of the High Court of Australia—accepted that the electronic monitoring proposal mitigates the risk of the accused absconding but does not eliminate it, and subsequently ordered its use accompanied by a number of conditions.

The Coalition Government introduced regulations in 2021 that dealt with the minimum technical requirements for private electronic monitoring devices, to provide a level of statutory quality control over the minimum standards that will be required when a court orders electronic monitoring as a condition of bail. But, under the bill, the implied right of a court to accept and order private electronic monitoring as a condition of bail—the kind of order that courts have been making in New South Wales for well over a decade—will be taken away.

New section 30A in schedule 1 [6] to the bill will replace the existing section 30A, which currently sets out the minimum requirements that are to be met if bail is granted on a condition requiring electronic monitoring. New section 30A provides:

A bail condition must not require an accused person be subject to electronic monitoring other than a bail condition imposed under section 28B.

Section 28B contains the provisions that were introduced last year requiring electronic monitoring for bail granted for the offences referred to in section 16B (1) (c1) of the Bail Act, which are those serious domestic violence offences that have already been referred to. If the bill passes, the only accused who will have access to electronic monitoring in New South Wales as a condition of their bail are those accused of serious domestic violence offences. This is electronic monitoring in respect of which the community will meet the full cost.

It is not clear that this is the best policy setting. It is disappointing that the Government blocked the opportunity for this House to consider the measure carefully through a committee. To repeat, one of the objectives of bail is to ensure the integrity of the justice system. Considered, informed decision-making, rather than kneejerk responses, is one of the clearest ways to maintain that integrity and ensuing public confidence. The abolition of all private electronic monitoring in New South Wales, which this bill will achieve, appears to be a kneejerk response to issues with one provider. In early 2025 BailSafe ceased its operations. It had been providing private monitoring of persons on bail in New South Wales and Victoria. Although its major business was in Victoria, it was also monitoring 25 persons in New South Wales.

After the failure of BailSafe, persons who were being monitored in New South Wales were transferred to a different private provider, Allied Universal. That is a subsidiary of a large group that operates in 36 countries and monitors around 150,000 persons daily. Allied Universal has performed monitoring in New South Wales and Victoria since 2013, in South Australia since 2000 and in Western Australia since 2018. Allied Universal is the only private provider in New South Wales. It currently monitors about 126 persons for a variety of offences. The

electronic monitoring provided by Allied Universal appears to be working, because no incidents or problems have been reported.

Victoria also used BailSafe as a provider. It faced the same issues as New South Wales with this private bail provider. Rather than rushing to legislate to abolish all private providers, Victoria established an inquiry in February this year to assess the circumstance that led each person to have a condition of bail that subjected them to private electronic monitoring. The inquiry also considered whether unacceptable risks to community safety had been properly managed after the collapse of BailSafe and whether it was necessary to legislate to end the private provision of electronic monitoring of people on bail. It is a very rare occasion when I suggest to this House that Victoria's method of dealing with a policy issue is preferable to New South Wales'.

Given that the consequences of this bill will likely allow some people to be granted bail without the possibility of protecting the community by way of electronic monitoring, this Government should have investigated whether it was possible to better regulate private electronic monitoring companies, as occurs in many countries, rather than impose an outright ban as this legislation seeks to do. An upper House inquiry could have investigated the type and adequacy of potential future regulation of private providers by drawing upon the experience of other jurisdictions. That inquiry will not proceed. The inquiry could have investigated whether public electronic monitoring is different, inferior or superior to private electronic monitoring and whether it better protects the community if a person is granted bail. It could also have considered whether public electronic monitoring should be made available to more people rather than only to accused who are on bail for serious domestic violence offences. This legislation has the curious effect of privileging such offenders, which is surely an unintended result.

An inquiry could also have considered what additional resources the justice system may require now that private electronic monitoring is no longer available. The Chief Justice recently highlighted that the finite resources of the criminal justice system have led to lengthy trial delays. The finite resources include the number of judges, prosecutors and public defenders as well as the limited number of courtrooms in which jury trials may be held. Without private electronic monitoring, the options are either unmonitored bail, which has subsequent risks for the community, or remand. The constrained resources of the criminal justice system mean that remand may be quite lengthy.

Now that the Government has made this decision, what work is it doing to better resource the sector? An inquiry could have made important recommendations in this regard. The Coalition supports the use of electronic monitoring in the youth justice context. We have seen it work well in other jurisdictions. Electronic monitoring can be a very efficient tool for enforcing curfews and geographic restrictions. An inquiry could have paved the way for its introduction in New South Wales, especially in areas with high rates of youth crime recidivism, but this opportunity has sadly been lost. It appears that this Government does not want to truly consider how it can strengthen the justice system and make our community safer; it wants only to respond quickly to spot fires and then move on just as quickly. This is deeply disappointing.

The Opposition cannot block this legislation. We never wish to be obstructive in matters of criminal justice, but we do wish to put our disappointment on record. By blocking an inquiry, this House and the Government have missed an opportunity to further investigate the benefits of electronic monitoring to better support community safety and prevent repeat offending in our justice system. I conclude by referencing Bureau of Crime Statistics and Research report number 255 of May 2023, which assessed a large cohort of cases with a robust control group. In the context of parole, it found that electronic monitoring reduced domestic violence reoffending by 33 per cent. That is surely an argument for expansion rather than the contraction that this bill represents.

Ms SUE HIGGINSON (17:14): Tonight I indicate The Greens' support for the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025. The criminal justice system is a complex and delicate system. Neglect of the criminal justice system in New South Wales has seen unacceptable gifting of control and oversight of corrections systems to private providers. This broad trend diminishes the integrity of the system and removes government responsibility and accountability. Bail is a core aspect of the criminal legal system. It is dealt with on a day-to-day basis by the courts and the police. The current Bail Act maintains the idea that the electronic monitoring of offenders can be implemented by private providers. This is illogical and irresponsible. It does not ensure community safety and fails critical government tests of transparency, accountability and responsibility.

I remind members that we are dealing with the deprivation of a person's liberty. Only the State can enforce that power. With the exercise of these functions comes a duty of care that must be held only by the State. It is not a sound direction to privatise any part of the criminal justice system. It is a rare moment when I commend the Minns Government for its anti-privatisation agenda. This Government is moving to bring back into public hands the correctional facilities that have been in private hands for many years. There was a time when the State handed those systems over to private providers—clearly a dreadful mistake. The evidence is clear that it was not a good

experiment. I say yay to the Minns Government for taking the bold step to bring those facilities back under public control.

I do not necessarily think that the bill is a kneejerk response from the Attorney General and the Minns Government; it is an evidence-based response. Making the operation of the criminal justice system a public responsibility fits within the broader strategic vision of the Minns Government. Item [6] in schedule 1 to the bill inserts new section 30A, which states that bail conditions must not require electronic monitoring unless they are made under new section 28B, which deals exclusively with serious domestic violence offences. I remind members that in the current system that outsources electronic monitoring, wealthy people get all of the benefits and privilege. That is a dreadfully unsound principle for the criminal justice system.

All women must be equal and all men must be equal under the criminal justice system. The bill deals with that by removing the court's discretion to accept private monitoring as a bail condition. That significant change reflects a genuine community concern about government electronic monitoring being run by private providers. Those concerns can be attributed to the recent case of BailSafe Australia, which has already been mentioned in this debate. Used in both New South Wales and Victoria, BailSafe suddenly and mysteriously ceased operations without notice to the courts or the accused persons being monitored.

That ultimately left accused offenders unmonitored in the community despite being on electronic monitoring bail conditions. That should not have happened. That is precisely why private providers should not have a role in enforcing a court-imposed condition as serious as electronic monitoring. A ban on private electronic monitoring will address that concern and remove the significant risks that are posed by putting faith in private providers in such a significant regard. It is not fair that it happened, and it is not right to say that it will not happen again.

Further, schedule 1 [2] to the bill narrows the use of electronic monitoring to domestic violence show cause offences. The Greens support that provision, given the utmost importance of protecting victim-survivors of domestic violence through electronic monitoring. It is not about privileging one offender or class of offender above another; it is about providing victim-survivors with extra protection. Further, in preventing the control of electronic monitoring by private providers, the bill also places the responsibility for electronic monitoring with Corrective Services NSW. Giving the Commissioner of Corrective Services responsibility for electronic monitoring is a critical step toward better accountability and responsibility, and it will ultimately increase community safety and maintain a higher standard.

As part of providing transitional arrangements from current private providers of electronic monitoring, the bill creates a three-month transition period whereby private electronic monitoring conditions may still apply. Beyond the three-month period, an accused person's bail must be varied by a court. If not, an accused person will be found in breach of bail conditions. That is a genuinely concerning component of what the Government is doing. It needs to be managed. I hope the Government and the operators of the system will do so with utmost due diligence.

I say that with warning as well as concern. There are currently under 120 people being monitored by private companies whom the law will apply to. The Government has committed to expediting those matters. I urge the Government to not leave one of those people behind. Clearly, breach of bail is a dreadful consequence that can happen. If it happens as a consequence of this legislation, I will be furious. I am sure many other people in the community will also be furious. The Greens' support of the bill is conditional on the fact that the Attorney has made it patently clear that there is a commitment to expedite those matters and have them dealt with fairly under the system.

The Greens will support the bill. It bans private electronic monitoring, addressing genuine community and government concerns and eliminating further systemic risks. It will have financial and operational benefits by taking control from private providers and putting it with Corrective Services NSW, with greater government accountability and oversight. The bill also recognises the need to protect victim-survivors of domestic violence by legislating domestic violence show cause offences as an exception for the bail condition of electronic monitoring. There is no reason for private control of any part of the criminal justice system. It is crucial that the Government continues the work to bring the system under complete public control to ensure that there is transparency, accountability and oversight for the community, victims and accused offenders. I finish on the fact that, whilst it is not entirely relevant to the bill, it will possibly result in more people on remand.

The Hon. Rod Roberts: Are you happy about that?

Ms SUE HIGGINSON: It is a dreadful consequence. I acknowledge the interjection. I say in no uncertain terms that it does not make me happy at all. It would not make anyone happy. At this point, I make mention of Chief Justice Andrew Bell's unusual public statement. I have mentioned it in Parliament in the past day or so

through giving notice of a motion. The Government needs to listen to the people in the highest positions of the justice system. Chief Justice Bell said that the number of people on remand has more than doubled, from 2,581 people in 2013 to 5,588 in 2023. Some 40 per cent of all people in prison right now are on remand. Is the answer outsourcing that problem? Absolutely not. We can see that it is not. It does not have to be like that. Some false dichotomy that it has to be electronic monitoring or more remand is wrong. The Government needs to hear it loud and clear.

The Chief Justice of New South Wales is calling on the Government. People on remand experience significant delays before trial, with an average of 3.4 months on remand, and may be held for longer than six months. Chief Justice Bell emphasised that the presumption of innocence is undermined when unconvicted individuals are effectively punished before any finding of guilt. People refused bail are more likely to plead guilty, regardless of culpability, in order to secure release or reduce time served. The most important point that the Government must hear is that the situation disproportionately impacts First Nations people, with recent data from the Bureau of Crime Statistics and Research showing that 47 per cent of First Nations people in prison are held on remand. Remand rates have continued to rise despite declines in overall crime rates and major court delays being resolved.

We know what needs to happen, and it is not privatising ankle bracelets and bail conditions for only the wealthy accused people in this State. The Government needs to invest in statewide community-based alternatives to pre-trial detention, including bail accommodation and support services; ensure that the New South Wales criminal justice system upholds the presumption of innocence and avoids the de facto punishment of unconvicted people; and prioritise data transparency and reporting on remand decisions so that we can improve the situation. We need to put front and centre the impact the system has on First Nations people. The Greens support the bill. The Greens also supported the Government in not referring the bill to an inquiry. We did that because we understand the need for the bill to come into effect to rid the system of private providers, which should not be administering the criminal justice system in this State. We support the bill on the basis that we must do better. The remand population is out of control. We can do better.

The Hon. MARK BANASIAK (17:27): I briefly associate myself with the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025. I will not drone on as long as others. I am a bush lawyer, not a qualified one. I agree with the sentiments of the Hon. Susan Carter in raising concerns about the bill. I am concerned in general when Ministers base policy decisions and legislation on one incident or, more concerning, the reporting of *The Daily Telegraph* or any other media. That is essentially what happened here. We had one bad egg that, in hindsight, probably should not have been given the job in the first place and has failed. The Attorney General wet the bed because *The Daily Telegraph* said some bad things about him. We are now throwing the baby out with the bathwater and dropping the guillotine on all electronic bail monitoring except for serious domestic violence offences, which raises my other concern.

We hear so much in this place, in the other place and in the media about how bad domestic violence is and how we have to take a zero-tolerance stance on it. We all agree on that. But the bill draws a line in the sand between serious domestic violence and not so serious domestic violence. What message does that send to the community? That is what we need to think about. Are we serious about domestic violence if we draw that line in the sand? It seems like we are not. It seems like on the one hand we are getting serious about domestic violence, but on the other hand the Attorney General is going limp on domestic violence.

The line in the sand is a poor choice. It probably should have been rethought. Perhaps we may have been able to make that recommendation if we had an inquiry. We may not have been able to stop the total ban on electronic monitoring, but it may have been a positive recommendation for how to make this legislation better. I will leave my remarks there. More learned and legally trained members will probably offer their opinions. That is the opinion of the Shooters, Fishers and Farmers Party. We are concerned about what we will be left with and what message will be sent about the difference between serious domestic violence and, apparently, not so serious domestic violence. What does that say to the victims of domestic violence in New South Wales?

The Hon. WES FANG (17:30): I quote the Hon. Cameron Murphy when I say that I was not going to speak in debate on the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025 until I heard some of the contributions. I was quietly sitting in the back of the Chamber, as I tend to do, listening to the contributions. The contribution of Ms Sue Higginson was particularly interesting to me. I do not quite understand the part where she said that if the electronic monitoring system was to fail, as it did with BailSafe, that creates an unsafe situation and therefore we need to remove all private providers from the electronic monitoring system.

Whilst I appreciate that, she went on to say in her contribution that removing electronic monitoring would increase the issues around remand. That is spurious. The Greens member said that electronic monitoring by a private provider poses a risk because there is potential that a company could fail, meaning people would not be

monitored and that they might commit a crime while they are unmonitored. She then said that those people do not necessarily have to go back into remand and so will remain unmonitored.

I do not understand how The Greens have come to the decision to support the bill. Ms Sue Higginson said the Government will make improvements to a number of other matters. My question to the Parliamentary Secretary is this: What have you promised The Greens members to gain their support? Ms Sue Higginson was not prepared to allow private companies to operate electronic monitoring services because if one were to fail then people would be unmonitored. But she does not want people who might have been monitored to be returned to remand. She wants them to remain free and unmonitored. She said quite clearly in her contribution that The Greens supported not referring the bill to an inquiry on the basis that the Government indicated it would make improvements to the bail system. Parliamentary Secretary, what commitments did the Attorney General give The Greens members to gain their support to block having an inquiry on this matter?

The Hon. Stephen Lawrence: Point of order: All contributions should be made through the Chair.

The PRESIDENT: I uphold the point of order. The Hon. Wes Fang has concluded his speech.

The Hon. JOHN RUDDICK (17:34): The Libertarian Party opposes the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025. I do not want those watching this debate at home to think that I always oppose Labor bills, because I am supporting the workers compensation bill. However, we definitely oppose this bill. Does it ever make sense to ban something that makes the public safer? That is exactly what the New South Wales Labor Government is doing. In a move that defies logic and betrays a hostility to private enterprise, Attorney General Michael Daley has introduced legislation to ban private companies from monitoring people on bail by using GPS ankle bracelets.

Since 2013 individuals on bail in New South Wales have been able to voluntarily agree to GPS monitoring via an ankle bracelet at their own cost. It does not cost the taxpayer anything. That allows them to remain in the community under strict conditions. The bracelet tracks adherence to curfews, inclusion and exclusion zones, and the person's movements in real time. That data is made available to law enforcement agencies and the courts. In other words, it enhances oversight, builds confidence in the justice system and comes at zero cost to taxpayers. The individual pays, not the State or the taxpayer. There is no burden on the budget and no drain on police resources, just an efficient, market-driven tool for managing defendants awaiting trial. The result is some freedom for the individual, under strict accountability, and greater safety for the community.

But because BailSafe collapsed earlier this year, leaving 20 defendants temporarily unmonitored—yes, 20 defendants were left briefly unmonitored, and no harm was done so it is all over nothing—the Minns Government's response is not to fix the regulatory shortfalls but to blow up what was a good, growing and promising system. The other provider, easily the dominant player in the market, is Allied Universal. It is the world's largest provider of private security guards. Based on its number of employees, Allied Universal is the third largest American company. If the bill passes, it will send yet another message that New South Wales and Australia are not friendly places for innovative companies to invest and grow.

Labor's reflexive distrust of the private sector has led it to scrap an industry where its major player has delivered a 98.7 per cent compliance rate. Only six of nearly 500 monitored individuals in the State have ever absconded since the system began over a decade ago. When those rare breaches occurred, the technology instantly alerted authorities. That is unlike traditional bail conditions, which rely on intermittent police checks and personal compliance. Even Justice Hamill of the New South Wales Supreme Court has weighed in, recognising the value of that technology. Justice Hamill said:

... it must be acknowledged that electronic monitoring cannot guarantee a person's compliance with bail conditions. Even so, it provides some additional protection against breaches of bail and other forms of conditional liberty. If that were not the case, Corrective Services would not use the devices in monitoring parole conditions ...

That is a textbook example of Labor's big government mindset. When something goes wrong, punish everyone, ban innovation and centralise control. The libertarian alternative is to fix the weak points in the system, strengthen licensing and mandate backup systems in case of a provider collapsing. Instead, the Attorney General has decided to scrap a program that helps the courts, helps the police and helps the accused maintain some liberty while under scrutiny, all because one provider went under. We are talking about defendants who are awaiting trial, not convicted or sentenced criminals. In a liberal democracy, we presume innocence. Some of them will be innocent and the courts will find them innocent.

Remand is hellish. I had a friend who went to jail for over a decade. I probably visited him 30 times. I have been to a dozen jails across New South Wales. In jail, there is an equilibrium. People have worked out where they sit. Bad things happen and it is very boring, but people work it out. Remand is a different environment. People are taken off the street or from a scene of criminal upheaval. They are often drunk or on drugs or suffering from some psychotic episode. All of those people are thrown in together, and that is really scary. Ms Sue Higginson

was right: This will result in many more people being on remand. A lot of people will be proven innocent by the courts. Private monitoring is a solution to that dilemma. It allows freedom under conditions, with personal responsibility enforced through technology. It embodies everything libertarians believe in: voluntary agreements, the rule of law and innovation through free markets. Instead of supporting and expanding that good option, the Minns Government wants to make it illegal.

Here is the kicker: The same technology is used by Corrective Services to monitor parolees. Apparently, it is good enough for convicted criminals but not for those who have not even faced trial. It is not just about bail; it is about whether we want a society that trusts free enterprise to contribute to public safety or one where the government insists on total control even when it cannot do a better job. I would rather live in a society where private initiative is encouraged, not outlawed; where citizens can choose to wear an ankle monitor at their own cost to prove their compliance and stay out of jail; and where public safety is not held hostage to ideological hang-ups and perceived political expediency. The Government should not throw the baby out with the bathwater. It should fix the regulations and only license competent providers. It should not ban a system that works.

The Hon. ROD ROBERTS (17:40): I make a contribution to debate on the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025. I, too, am perplexed as to what the Government is trying to achieve with this bill. It is a complete kneejerk reaction to one bad operator. This House has dealt with bad operators when it comes to building home units. I remind members of the Opal Tower collapse and the Mascot Towers collapse. Did we ban builders? No. We introduced regulations and legislation in this Chamber to ensure that those building in the future would have to stick to strict guidelines so that we could encourage them to continue. We did not ban buildings. Drunk drivers drive on the streets constantly. We know that. Did we ban the motor vehicle? No, we did not. We put in place laws and regulations to restrict that and prevent it from happening.

BailSafe did the wrong thing and now the Minister wants to scrap the whole program. I have heard some conflicting views in my time—and I have a lot of respect for Ms Sue Higginson; we have worked closely on a lot of things. But, on the one hand, she has said that remand is bad—and I agree with her—and on the other hand she has said that we should take away from judges and magistrates an alternative to remand: electronic monitoring. Judges and magistrates will not have at their disposal the tool of electronic monitoring. If they have concerns about releasing the accused back into the community, they will have to put them on remand. We will end up with more prisoners. That is clearly a bad situation.

I wonder whether the Attorney General sat down with the Treasurer and thought about the cost impact of this piece of legislation when they were deciding on it. This State is so broke, apparently, that we have to screw over workers through the workers compensation scheme. Yet we are going to pour more money into jails to hold prisoners on remand, when we had at our disposal a completely alternate arrangement—one that was funded by the accused and not by the government at all. It was at no cost. I will go back a little in history. Obviously, the Hon. Susan Carter has the same researcher that I have, Alister Henskens, who noted in his second reading contribution in the other place:

The first electronic monitoring for bail was actually privately provided ... ordered by the court as a condition of bail. In *R v Ebrahimi* [2015] NSWSC 335, Justice Beech-Jones, then of the NSW Supreme Court and now a justice of the High Court of Australia, at paragraph 33 noted the then concern of the Assistant Commissioner of Police for the use of untested monitoring devices in bail applications. In that case, his Honour at paragraph 34 accepted "that the electronic monitoring proposal mitigated the risk of the accused absconding."

There are other decisions but I will not read them all onto the record. I think everybody gets the point. The member also said:

... the Bureau of Crime Statistics and Research [BOCSAR]—

which we also often quote in this Chamber—

in its report number 255 in May 2023, assessed in a large cohort of cases with a robust control group that electronic monitoring reduced DV reoffending by 33 per cent. That is a significant result in reducing reoffending when people know that they are being monitored.

Yet we are going to stop all that. We are going to throw it out. As has been mentioned by other speakers, Allied Universal—which is a subsidiary of a large group of companies operating in 36 countries and monitoring 150,000 people daily—has been operating in the marketplace with absolutely no issues. It is currently monitoring 126 persons who have committed various drug, firearm, proceeds of crime, criminal group activity, homicide, domestic violence and other offences. Surely it should be allowed to continue. It is being punished for the sins of others.

I never thought I would hear myself say this, but perhaps we should look to Victoria's criminal justice system. It is probably the worst criminal justice system in Australia. But the Victorians were smart enough set up an inquiry in February this year led by Liam Brown, SC, to assess the circumstances of bail conditions and

electronic monitoring. The Hon. Mark Banasiak put forward a similar proposal to this House the other day to send this matter to an inquiry so that we could have a proper look at it, and perhaps provide the Government with direction and assistance in setting up a scheme for those who have been charged and not convicted and that may not require people to be held on remand. But that was voted down. An inquiry could have had a look at expanding electronic monitoring for bail, whether it was privately or publicly organised. We could have had a look at the success or failure cases of public monitoring and/or private monitoring.

We could have helped the Attorney General mould good legislation that is fit for purpose going forward, because we will end up with a situation where our jails will be at capacity with people on remand. We are already there. It will only get worse. I can guarantee members that we will be back in this Chamber in another 12 or 18 months talking about the issue and how we are going to address overflowing and overcrowding in jails. We know what happens inside jails when they are overcrowded. There is violence, assaults, and murders and homicides. When I was a member of the police in the 1980s and 1990s, when jails were overcrowded, we saw it all the time. We do not want to be going back to that, but this piece of legislation by this Government will put us in that very same position.

The Hon. STEPHEN LAWRENCE (17:47): I support the Bail Amendment (Ban on Private Electronic Monitoring) Bill 2025. It raises a lot of interesting questions, so I wanted to make a contribution to debate. Electronic monitoring in the criminal justice system has its origins, as far as my research shows, in a Harvard University academic in 1968—a Dr Ralph Schwitzgebel—who was basically the first person to strike upon the idea of using electronic monitoring as a way to control risk factors in the criminal justice system, particularly for people on supervision. It is a mode of control that, as technology improves, will probably become more and more effective and be used more and more.

It is certainly true that the bill will limit its use in certain circumstances. But that is completely appropriate because something of the nature of electronic monitoring as a form of control of people in the criminal justice system should, I would suggest, be undertaken only by the State. I have a similar view to Ms Sue Higginson in that regard. I do not see the bill as only concerned with the efficacy of those private providers and as some kind of response to a failing. There is a broader policy issue here, which is that these sorts of conditions and the enforcement of these sorts of conditions should not be done by the private sector but by the public sector.

I am reminded of a case I had in Wilcannia back in 2012, *Lawson v Dunlevy*, which ended up travelling to the Supreme Court. It was concerned with the legality under the Bail Act of a bail condition that required a person to submit to breath testing by the police. There was an interesting issue about the consistency of that type of condition with the Bail Act's provisions that authorised conditions. One of the arguments in the case was that a condition to submit to breath analysis by a police officer requires someone to submit to what would otherwise be a tortious act involving, in effect, a brief period of detention. The argument was that in all those circumstances, that was not authorised by the Bail Act and that, being a type of control—a type of deprivation of liberty—it would need to be expressly authorised in terms of the principle of legality.

That is not exactly on all fours with this, but it highlights that putting a person on a bail condition that allows them to live in the community but requires them to be monitored—to wear a particular thing, to be at a certain place so that it can be checked, to not leave certain places and to keep it on their body—is a series of acts upon the person. I would suggest that those actions should really be conducted by the State. It is true that the person consents to it, because the person signs the bail agreement and then is released on bail. But the reality is, as was put in that case, that persons on remand or being held at police stations if they have just been arrested are not really in much of a position to offer a true consent to anything, because generally they are just so desperate to get out of custody and get home. So you have this circumstance where people are agreeing to enter into this form of control that is then administered by a private authority.

The consequences when the system fails can be incredibly serious. For example, serious offenders may not be monitored as the court has been told they will be and may take the opportunity to commit offences. Then the public, understandably, and the victims of the offences want to know exactly how and why that occurred, and then they learn that this was all pursuant to a private operator, that the person consented to enter into that form of restricted liberty and that the private operator did not do its job properly. Those circumstances tend to undermine public confidence in the administration of criminal justice. And private operators, just by their nature, are not as responsive as the Government is and do not have the Government's accountability. So I put it very much as an issue about the merits of privatisation.

There has been some discussion about this bill increasing the number of people on remand, and it certainly has the potential to do that. Apparently, more than 120 people are subject to these conditions. On a strict reading of the Bail Act, you ought not to be on this condition unless you would otherwise pose an unacceptable risk. That is certainly true. I must say, without meaning any disrespect to our magistrates and our Supreme Court justices who make these decisions, that I have noticed a tendency in the criminal law: When a mechanism of restraint is

available, then courts will tend to err on the side of caution and use that restraint, even if they would not actually refuse bail if that restraint were not available. You see that often in the criminal justice system. I think that this tendency is more pronounced with magistrates. But you will see a multitude of conditions imposed, often intended to assist the person or assist their family and people around them. But they are not conditions imposed genuinely because, but for the condition, the person would get locked up. It is just not of that nature.

I must admit that I have not looked closely at the transitional provisions, but I will be surprised to see a dramatic increase in the number of people on remand. Certainly, in deciding any future bail matter in respect of people who have been using this private mechanism, courts will weigh very seriously that they have not breached and not reoffended. I do not think that, when it is unavailable, we will see that all the people who previously had bail on this would not get bail. I just do not think it will happen like that, because of the tendency I earlier spoke about.

I think electronic monitoring has much to offer and that we will see an increasing use of it. Indeed, the Government has mandated an increasing use of it, because serious domestic violence offenders who show cause are now subject to this form of monitoring. But I think, quite independently of that, we will see a dramatic increase in it as the technology improves, as it becomes cheaper and as it becomes more effective in controlling the behaviour of people. That will raise many ethical issues about how and in what circumstances you can control the conduct of a person. Obviously we are doing similar things to livestock, which raises ethical issues too. I am not suggesting we would ever get to electronic impulses or anything of that nature. But, as technology improves, we will definitely see this being used more and more.

I think it will also be a response to the growing acceptance of prison as criminogenic—having a direct tendency to cause more crime. Basically, when you use prison, particularly for low-end offenders and nonviolent matters, you create more and more criminals. I think that that understanding is rising. As that understanding deepens and there is a corresponding increase in technological capacity, we will see more and more of this type of monitoring. So I do not think that this bill should be understood as somehow standing in the way of that or suggesting that this form of monitoring is not a positive thing. I think, rather, that in that context, this bill says that if this is to be done—and it will continue to be done—it should be done by the Government, because it is something that, of its very nature, should be done by the public sector. For those reasons, I support the bill.

The Hon. MARK BUTTIGIEG (17:56): On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Susan Carter, Ms Sue Higginson, the Hon. Mark Banasiak, the Hon. Wes Fang, the Hon. John Ruddick, the Hon. Rod Roberts and, of course, the Hon. Stephen Lawrence for their contributions to debate. As the Attorney General said in the other place, our Government is taking decisive action to ban private electronic monitoring for bail. We are responding to concerns about the effectiveness of private electronic monitoring and concerns about the quality and reliability of services that some providers deliver when they monitor people who are charged with serious offences and released on bail. This bill also establishes orderly and fair transitional arrangements for people currently on bail with private electronic monitoring conditions. The bill will be supported by operational arrangements that have been developed in consultation with courts and prosecution agencies and justice agencies.

I address some of the matters raised by members in the debate. Ms Sue Higginson commented on the transitional arrangements for people who are currently subject to electronic monitoring bail conditions. After commencement, any existing private electronic monitoring conditions will continue to apply and be enforceable for a three-month transition period. During the transition period, the prosecution can make a detention application under section 50 of the Bail Act. The bill provides that the banning of electronic monitoring constitutes a change of circumstances for the purposes of section 74, which ensures that there will be no barriers to prosecutors making detention applications where necessary. Accused persons or the prosecution can also seek a variation of bail conditions under section 51 of the Bail Act if bail concerns can appropriately be addressed by bail conditions.

To ensure that all cases are appropriately dealt with, the bill includes a provision to state that if an accused person's bail has not been varied by the end of the transition period, the person will be deemed to be in breach and must be dealt with by police under section 77 of the Bail Act, other than section 77 (1) (a) or (b). It is expected that very few accused persons, if any, would engage the provisions for deemed breaches. However, it is necessary to include a deemed breach provision in the bill to ensure that, by the end of the transition period, there is a clear path back to court for those still subject to bail conditions who are electronically monitored by a private company.

Three months is a sufficient time for accused persons currently subject to electronic monitoring to seek legal advice, explore alternative bail conditions that could mitigate any identified risks and prepare their own variation application. The Government can assure Ms Sue Higginson that heads of jurisdiction and prosecution agencies were consulted on the duration of the transition period. Three months has been selected to assist prosecution agencies and courts to deal with the additional bail applications during the transition period using existing resources. The Hon. Susan Carter and the Hon. Mark Banasiak criticised our Government for voting

against a motion to establish an upper House inquiry into the bill, but that would have seriously delayed this important legislation.

The bill will immediately remove the possibility that a bail authority will impose a private electronic monitoring bail condition. Any delay to this bill would increase the risk that a private company will inadequately supervise a person accused of serious offences who has been released into the community. Our Government is not hesitating or delaying dealing with that important issue. It is taking strong action to resolve concerns about the quality and reliability of those services, to address community safety concerns, and to increase and support the public's trust in the system. The Hon. Mark Banasiak and the Hon. Rod Roberts suggested that this reform was based on only one matter, the failure of a provider that was monitoring a number of individuals on bail, but that was only the last straw after issues had been raised with private electronic monitoring for a number of years.

Our Government is taking decisive action to deal with those issues. I take the opportunity to remind members about some of the history of privately funded electronic monitoring for bail in New South Wales. In 2021 and 2022, when in opposition, Labor members raised concerns about privately funded electronic monitoring on bail a number of times with the former Government, including with the former Attorney General in the course of budget estimates. In 2022 the following exchange took place at a budget estimates hearing. The Hon. Adam Searle asked the then Attorney General:

Is there going to be a review into the outsourcing of electronic monitoring to private companies more generally?

Mr Mark Speakman replied:

Probably not. This is not something that the State organises. It is something that accused proffer. It is different from parole, where there is electronic monitoring of sex offenders as a condition of parole—or in some domestic violence cases. This is not a State-sponsored activity.

Members opposite had every opportunity to investigate private electronic monitoring if they wanted to while they were in government, but when we raised the issue with them they did not. The former Government introduced minimum standards for private electronic monitoring into the Bail Regulation but, as we have seen, that measure has not been sufficient to make sure that all private electronic monitoring is sufficiently suitable or reliable to ensure the safety of our community.

Private electronic monitoring is agreed directly between the accused person and the private service provider. The Government has no oversight of the quality of service, and there are limited options when a private provider fails to meet the minimum standards that were imposed by the former Government. That could cause a risk to community safety. The closure of BailSafe Australia demonstrates that the risk continues despite the minimum standards in place. Eliminating the option to impose bail conditions requiring electronic monitoring by a private provider will immediately resolve concerns about the quality and reliability of those services. It will address community safety concerns and increase the public's trust in the justice system.

Community safety is this Government's paramount concern, so we are taking decisive action with the bill to ban privately funded and arranged electronic monitoring from being able to be imposed as a condition when a person is granted bail. The Hon. Susan Carter and Ms Sue Higginson observed that the bill may lead to greater numbers of people held on remand. The Government acknowledges that the reform may result in an increase to the remand population. Some accused persons may be refused bail because certain bail conditions—such as the risk that the accused person may abscond—can no longer be mitigated now that private electronic monitoring will no longer be available as a bail condition. It is ultimately for the court to make the appropriate bail decision, taking into account the factors set out in the Bail Act and the information received from the prosecution and defence during bail proceedings.

Banning private electronic monitoring does not affect the suite of other bail conditions that a court may impose on a person's release. Some of those, such as curfews, home detention conditions and enforcement conditions, can be very strict and are better suited to addressing relevant risks posed by the cohort of people who currently use private electronic monitoring. Community safety is the New South Wales Government's primary concern. The Government is taking decisive action to resolve the risks posed by privately arranged and funded electronic monitoring. The Hon. Susan Carter also suggested that banning private electronic monitoring would affect the presumption of innocence. There is no change to the broader bail framework and no change to the presumption of innocence. The Bail Act adopts a process to allow bail authorities to assess risk against bail concerns and formulate bail conditions that are adapted to addressing those risks. The bill does not change that. Where the risk is unacceptable, a bail authority must refuse bail.

The Hon. Susan Carter and the Hon. Mark Banasiak also seemed to suggest that making publicly funded electronic monitoring available to people accused of serious domestic violence offences somehow privileges or favours that cohort of accused persons. Section 28B of the Bail Act, which applies to people accused of serious domestic violence offences, requires the court to apply the unacceptable risk test without taking into account the

availability of electronic monitoring to mitigate bail concerns. Under section 28B, electronic monitoring is applied as an additional safeguard for an accused person the court has already decided to grant bail to, and not as an alternative to remand, as it is in private electronic monitoring.

The Hon. Mark Banasiak appeared to compare electronic monitoring conducted by Corrective Services NSW for people charged with serious domestic violence offences with private electronic monitoring. Those are fundamentally different. As I said, under section 28B electronic monitoring is applied as an additional safeguard for an accused person the court has already decided to grant bail to. It is also managed by Corrective Services, over which the Government has oversight and control, and not a private electronic monitoring company.

I also address comments made in the *Legislation Review Digest No. 29/58*. The committee referred to Parliament the observation that the bill may impose positive obligations on accused persons currently subject to private electronic monitoring conditions. It made further comments about mandatory electronic monitoring managed by Corrective Services for people charged with certain serious domestic violence offences. During the transition period, accused persons may make a variation application if they wish. If they do not do so, prosecution agencies may make a variation or detention application where necessary. The deemed breach provisions the committee referred to will ensure that all cases are appropriately dealt with.

As I said, it is necessary to include a deemed breach provision in the bill to ensure that, by the end of the transition period, there is a clear path back to court for those still subject to bail conditions who are electronically monitored by a private company. This does not conflict with article 9 of the International Covenant on Civil and Political Rights because, as I have stated, the bill makes no changes to the existing arrangements for mandatory electronic monitoring by Corrective Services NSW and only affects privately arranged and funded electronic monitoring for bail.

The bill amends sections 28B and 30A of the Bail Act to make clear that electronic monitoring bail conditions may not be imposed for any reason other than for certain domestic violence show cause offences, as is required by section 28B. It also does not conflict with article 9 because it is ultimately for the court to make the appropriate bail decision, taking into account the factors set out in the Bail Act and the information received from, and submissions made by, the prosecution and defence during bail proceedings. While the measures in the bill could result in an increase in remand rates, our priority is community safety.

Finally, I address the imputation or allegation made by the Hon. Wes Fang that the Attorney General or the Parliamentary Secretary, with his unrivalled influence, did a deal with The Greens. I can categorically deny that was the case. In conclusion, the community should not be expected to tolerate the risk that some people granted bail on the condition they are electronically monitored may in fact be left unmonitored due to a failed private operator. The bill promotes community safety and takes strong action by changing our bail laws to end that risk once and for all. 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. MARK BUTTIGIEG: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

Motion agreed to.

CEMETERIES AND CREMATORIA AMENDMENT BILL 2025

Second Reading Speech

The Hon. MARK BUTTIGIEG (18:11): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

I am pleased to speak in support of the Cemeteries and Crematoria Amendment Bill 2025. As the Minister said in his second reading speech in the other place, the bill continues the Minns Labor Government's strong track record on cemeteries and crematoria. Under this Government, we have seen the full implementation of the Interment Industry Scheme, setting clear standards around contracts, pricing transparency and cemetery maintenance. We have ensured that the regulator, Cemeteries and Crematoria NSW [CCNSW], will be properly resourced into the future, and we have seen the opening of Sydney's first new Crown cemetery in 85 years at Macarthur Memorial Park. We introduce the bill to further strengthen the powers of the regulator to be a strong advocate for customers and communities at a time of great need.

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

Leave granted.

CCNSW will be empowered to share information about its ongoing and completed regulatory activities, providing information that prospective customers may use to inform their choice of cemetery or crematorium operator.

CCNSW's important role in complaints management will also be recognised in the Act.

This bill also strengthens existing protections that safeguard respect for religious and cultural requirements, requiring operators to take all reasonable steps to ensure interments are carried out in accordance with these practices.

Currently if families cannot produce evidence tracing their connection to a grave, operators are obliged to prevent them from cleaning or repairing a monument.

We are making it easier for people to repair their loved one's graves by allowing family members, heritage groups and other interested parties to show their respect while not adding any obligations on operators.

We are also streamlining the process that people must follow to be recognised as the interment right holder for their predecessor's graves. The current process places significant burden on both the operator and applicant.

The refined process simplifies the steps, reducing the costs associated with sourcing and publishing various unnecessary paperwork. It also gives operators clear guidance on when to approve an application.

The bill further reduces administrative burden by modernising the ways that operators attempt to contact a right holder before taking an action like permitting a community member to repair a monument.

Currently the Act requires operators to attempt to contact the right holder via a series of antiquated and ineffective steps including publishing a notice in the *New South Wales Government Gazette*.

The changes still require appropriate contact to be made but using modern methods appropriate to the situation. These requirements will be outlined in reasonable notification guidelines which CCNSW will publish, taking into account the unique circumstances of each case.

We know that addressing the State's burial supply shortage will require more than just opening new cemeteries that will be destined to fill up in time.

The bill works to ensure that operators can investigate options that will increase the availability of burial supply in existing cemeteries.

It facilitates a process operators can follow to carry out works to increase capacity in inactive parts of a cemetery. The Minister would be responsible for approving any application and would be required to find that the application is in the public interest and consistent with the objects of the Act.

Importantly, respect for the people already interred in the cemetery is absolutely paramount, and no disturbance of remains will be permitted.

The provisions do not replace any aspect of the planning, environment or heritage approvals process. These protections remain fully in place, and operators will need to comply with all requirements before works could proceed.

The bill also modernises the management of land at Rookwood Cemetery by repealing redundant provisions relating to the former Rookwood Necropolis Trust and enabling land title to be accurately updated.

This will allow the two Crown operators at Rookwood Cemetery to more effectively manage their respective portions of the site with clarity and precision.

CCNSW is currently governed by a board, which has played an important role in CCNSW's establishment. However, CCNSW has now reached a stage of regulatory maturity where it can operate effectively under direction of its CEO.

Many of the board's functions have been delegated to the CEO and other CCNSW staff.

Meanwhile, CCNSW is required to expend considerable time and resources in serving the board while also performing multiple other governance and accountability processes. This is not an effective or efficient means through which CCNSW should be working.

The bill aims to improve efficiency in CCNSW's administration by dissolving the board and transferring its functions to the CEO of CCNSW.

The bill formalises CCNSW's existing advisory groups, ensuring they will continue to provide accountability despite changes to the agency's governance.

Finally, the bill includes a number of smaller changes targeted at improving customer experiences.

Operators will have updated record-keeping requirements, addressing gaps in the current legislation that can lead to unfortunate errors arising from poor record keeping.

Owners of cemeteries looking to sell their land will be able to ensure that future purchasers are aware of their obligations to maintain the cemetery on the site by allowing for cemeteries to be listed on land titles.

While most operators are dedicated professionals acting in good faith to serve their communities, this bill will ensure that the poor practices of bad actors can be more effectively addressed.

I take this opportunity to thank both cemetery and crematoria operators for their continued commitment to delivering quality interment services for the people of New South Wales.

I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (18:12): The extraordinary thing is that, when Opposition members talk about cemeteries, they seem to give those sorts of bills to me. I suppose I am the closest to use. Anyway, that is okay. The Opposition will support the Cemeteries and Crematoria Amendment Bill 2025. The bill builds on reforms initiated by the former Coalition Government with the passing of the Cemeteries and Crematoria Act 2013, which provides a comprehensive framework for the regulation of interment services in New South Wales. With the commencement of part 4 in 2018, the Act replaced inconsistent and outdated burial laws with a new universal system of interment rights. One of the challenges, particularly in metropolitan Sydney, is the shortage of burial space. Interment demand is expected to increase to 11,000 per year by 2041.

Schedule 1 to the bill introduces a new mechanism for renewal exemptions. That will allow cemetery operators to apply for permission to conduct works—such as adding new layers of soil or rationalising space—to increase the capacity of land that has already been used for burials. Those renewal works will be carefully regulated. The Act makes it clear that human remains are not to be disturbed. Renewal exemptions must align with the objectives of the Act and include proper consultation with relevant religious and cultural groups. That process will be subject to transparency, ministerial discretion and penalties for noncompliance. The reform acknowledges the reality of finite space while safeguarding community trust. By doing so, it will help to ease the burden on grieving families, reduce uncertainty over the long-term availability of burial plots and ensure that our cemeteries continue to function as sacred, accessible spaces for all.

The loss of a loved one is deeply personal. For many, it is deeply spiritual. That is why item [1] of schedule 1 amends the objects of the Act to explicitly include not only respect for religious and cultural beliefs but also the need to ensure that no group is disadvantaged and that adequate and proper provision is made for all, including the descendants of those interred. Cemetery operators will be legally required to take all reasonable steps to ensure that interments are conducted in accordance with the relevant religious or cultural practices of the deceased. The reforms reflect a maturing understanding of the diverse needs of our communities. Whether someone is of a particular faith or unaffiliated with any faith, the bill makes clear that their beliefs will be recognised and respected, not only at the moment of burial but across the generations that follow. Families should not be required to deal with unnecessary red tape just to maintain a headstone or honour a resting place.

Currently, if a descendant wishes to repair a monument or renew a burial right, they may be required to provide documentation that is decades old to prove their status. The bill directly responds to those difficulties. It clarifies and streamlines the inheritance and assignment of interment rights, including those jointly held. Under new section 53A, joint holders must act jointly unless otherwise provided. However, there are now exceptions where that is simply not possible. For instance, the bill enables one joint holder of a renewable interment right to apply for its renewal without needing the others to act jointly, provided appropriate notification procedures are followed. The bill also outlines how cremated remains should be handled when plots are re-used and provides notification processes for all parties. Taken together, these changes remove barriers, allowing descendants to re-establish a connection with gravesites that hold generational significance without being caught in a web of bureaucracy.

A further important reform is the introduction of a mechanism that enables cemetery operators to approve certain memorial works, such as repairs or inscriptions, without requiring the interment right to be transferred to the person carrying out the work. The change acknowledges the reality that extended families or community members often wish to maintain monuments, particularly when the connection to the formal right holder has faded over time. Provided there is no objection from the holder, a respectful and sensible path to maintenance will now be available. The bill introduces reasonable notification guidelines to replace inflexible statutory requirements for notification. Cemeteries and Crematoria NSW [CCNSW] will issue commonsense, risk-based guidelines tailored to different circumstances.

This bill dissolves the four-member board of Cemeteries and Crematoria NSW and transfers its functions to the chief executive officer. That modern governance structure reflects the evolution of CCNSW, aligning the agency with other similar statutory agencies. The bill strengthens the role of Cemeteries and Crematoria NSW, including by formally recognising its complaints management function, protecting its ability to carry out compliance and enforcement activities independently of ministerial direction, and enabling greater transparency through new information-sharing provisions so that families and consumers can make informed decisions when choosing a cemetery operator. The bill also provides for two standing advisory groups—a consumer and community group, and an industry group—along with provisions for further advisory input as required.

The bill includes technical reforms that bring the Cemeteries and Crematoria Act 2013 into alignment with last year's Catholic Cemeteries and Crematoria Trust Act 2024. Those reforms consolidate governance arrangements for Rookwood Cemetery, vest the land in the Crown and streamline its subdivision in accordance with updated plans and regulations. The Opposition remains concerned about the recent introduction of the

interment services levy. The local government sector has criticised it as a cost shift onto councils and, by extension, onto grieving families during a cost-of-living crisis. The Opposition urges the Government to work constructively with councils, communities and the sector to ensure fair, affordable and compassionate access to interment services across New South Wales. I commend the bill to the House.

Ms CATE FAEHRMANN (18:19): I speak in debate on the Cemeteries and Crematoria Amendment Bill 2025. The bill proposes significant changes to the way cemetery land is managed and interment rights are handled in New South Wales. Before I go any further, for some reason, I always get the cemeteries-related bills. I am not sure what portfolio they fall under. Perhaps with the Hon. Damien Tudehope, it may be his history with the Catholic cemeteries board. For me, it is perhaps my history of Catholic education. I am sorry to all the Faehrmanns in Sydney every time I get up and talk about this stuff, because they are way more Catholic than I am.

The Hon. Damien Tudehope: They are working on it, don't worry.

Ms CATE FAEHRMANN: They have worked on it for many years. The bill removes the board of Cemeteries and Crematoria NSW [CCNSW], replacing it with a CEO and two advisory groups—an industry advisory group, and a consumer and community advisory group. The bill establishes a way to undertake works that may remove, replace or relocate memorials or tombstones where expansion works are required to increase the number of interment sites in the cemetery. The Minister will have the power to grant or refuse the exemption request. The bill also purportedly fixes the convoluted process for descendants to exercise and prove interment rights, for people to administer interment rights jointly held, for people to get permission to maintain family graves, and for operators to meet notification and regulatory requirements. The last part of the bill provides for certain land at Rookwood Cemetery to be acquired and vested in the Crown.

There are aspects of the bill that respond to genuine challenges, such as making it easier for families to tend to and maintain gravesites. The changes seek to simplify how interment rights are administered and to resolve complaints more effectively, for example. However, the bill before the House comes out of a long history of reform in the cemetery space. In 2012 reforms addressed the financial unsustainability of Crown cemetery operators, and 17 trusts were consolidated into five. *The 11th Hour* report was released in 2020. The report proposed a single-entity operating model, which fell through as the Catholic Church took opposition. The legislation was brought before this place in the middle of the night in June last year, essentially to appease the Catholic Church, in my view. Though the bill passed with support from both sides of politics, I made my views known at the time that I believed that bill served the interests of the Catholic Church over all other faiths.

One of the concerns I had with that bill was the lack of public consultation and transparency. I pushed and pursued the issue of exactly who had been consulted within the faith sector and exactly what they had been consulted on. That information was never forthcoming, and The Greens now have the same concerns with the current bill before the House. The bill arises from the review into Cemeteries and Crematoria Act 2013. I understand that a discussion paper was published on the CCNSW website, which invited consultation from stakeholders. The statement of public interest [SPI] accompanying the bill states that it is based on "extensive consultation with industry, consumer and community representatives", while 13 written submissions were received on the discussion paper.

During the crossbench briefing on the bill, I asked Minister Kamper whether we could see the submissions. Those submissions have not been provided, and they are not available publicly. It is not just about this particular issue. It seems that this Government produces discussion papers and tries to provide reassurance that consultation has occurred. Sure, maybe consultation has occurred; we will trust the Government on that one. We hear occasionally from stakeholders that consultation has occurred, and they are very reluctant to share anything else about that consultation with us, and we do not see what the stakeholders thought about anything. Did they agree with all of this? We have no idea.

If the SPI to the bill states that it received feedback from 13 stakeholders, maybe a little summary would be helpful for members in this place. If the Government cannot release the submissions, it could at least tell us whether there was support, whether certain stakeholders wanted changes made and the Government listened to them or, if not, why they were not listened to. That would be extremely helpful, considering how a fair bit of time was taken up in this place today about government transparency. Imagine if Sydney Water or the Independent Pricing and Regulatory Tribunal did not release their submissions, which are incredibly helpful, when major changes are being made. This bill makes changes that I think members of the public and community representatives—we do not even know who they are—would be interested to provide feedback on.

I now turn to the bill. In the first part, the bill proposes reasonable notification guidelines to guide how the authority will communicate with title holders on changes that affect their loved ones' graves. The bill proposes that notification of capacity expansion works be handled via the reasonable notification guidelines. Yet these guidelines are not published. They are not before us now, but we understand that they are not subject to

parliamentary scrutiny, and they are not even required explicitly before an application for works is made to the Minister. We believe that is a glaring oversight.

The bill allows works such as removal or renovation of headstones to be undertaken, if necessary, to facilitate the expansion of capacity of interment sites in a cemetery. This works by creating a mechanism whereby operators can apply for an exemption to part 4 of the Act called "interment rights", which refers to the rights that a grave, its body and the title holder have—most importantly, to not be disturbed unless explicit permission is granted. The bill before us today allows operators to circumnavigate the requirement for interment title holder consent to remove, relocate or replace gravestones if the purpose is for expanding capacity of the graveyard. Again, the consultation requirements for this process are not shared with this Parliament or with the public.

This House is being asked to vote on a bill while being kept in the dark about the very mechanism that will determine what counts as "reasonable" when notifying families. I am quite sure many families would like to know exactly what "reasonable notification" means. The conspiracy theorist in me—and I do get all conspiracy theorist, sometimes, on this issue—thinks that maybe the Government is waving the white flag on being able to find new land for graves. Without new land, we have essentially given a duopoly to the Catholic Church and TPG, the private equity owners of InvoCare, where densification of existing sites is made easier and the incentive to create new graveyards for Sydney's future is diminished. Again, the Catholic Church is benefiting from this bill, perhaps, over and above others.

The bill also proposes the removal of the Cemeteries and Crematoria NSW board, replaced by a CEO and two stakeholder advisory groups—again, just in an advisory capacity. I asked the Minister about this change during the crossbench briefing, which is presented in the Government's spiel as a sign of the agency's maturity. I see no justification, no evidence and no independent review to say that the change is necessary and to support that shift. Removing governance and oversight, while simultaneously increasing the agency's powers and reducing an environment for industry competition, is not a recipe for public trust. It is a way to remove oversight even more for the Catholic Church and TPG.

The Greens believe that the long-term solution to our burial space crisis lies not necessarily in densifying existing cemeteries but in changing how we use land. We must incentivise renewable interment rights—I know that the Government has been looking at this, or at least that has been recommended in *The 11th Hour* report, which examined that—expand cemetery capacity where appropriate, and encourage lower impact alternatives like cremation.

Let me clarify: The re-use of graves is not new, and we do not oppose it outright. In fact, many countries manage to do that with dignity and transparency for the families, as does Western Australia. But the bill fails to guarantee those safeguards. It risks undermining the longstanding expectations that families hold when they bury their loved ones. When people are buried, their above-ground memorials are an integral part of the ceremony; they are more than just stones. To many, they are places of memory, grief and love. For many families, the idea that they could return one day on Easter, a birthday or an anniversary to find that a headstone has been removed or relocated without their knowledge would be distressing.

There are positive aspects to the bill. The enabling of works for expansion of capacity to maintain the long-term viability of cemeteries is acceptable as long as it is done respectfully and the public is informed and genuinely engaged on what the changes mean. I do not believe that has happened in respect of the bill before us today. It is a matter of trust—that when a person is buried, they will remain at peace unless the family is told otherwise. The bill is concerning in that way. I say to the Government that if significant change is to happen, we need to know what the public, and different faith groups, think about it so that members in this place can be assured that any concerns raised have been addressed as far as possible.

The Hon. Dr SARAH KAINE (18:31): I support the Cemeteries and Crematoria Amendment Bill 2025, which is a testament to our Government's commitment to addressing years of neglect in the interment industry and to ensuring that every person in New South Wales has access to dignified and affordable burial and cremation services. This Government has put customers and families at the heart of its policy for the interment industry, through initiatives like ensuring there is a strong regulator in place and a sustainable supply of burial space to meet demand.

The bill contains multiple amendments that will further improve consumers' experiences when dealing with a cemetery or crematorium operator. A significant aspect of the bill is the focus on monument maintenance. The ability to maintain a memorial for a loved one or to preserve cultural heritage and history is an essential part of continuing the narrative of a community from its past into its present and for the future. The bill recognises the importance of the role of families and community groups and makes it easier for them to care for monuments.

Under the current Act, the interment right holder is responsible for the maintenance of their own monument. However, this can be problematic as living family members who maintain a personal connection to graves are not always the right holders. Connections to graves can be lost over time, making it difficult for family members of several generations later to demonstrate that they should be the right holder. The bill addresses that issue by setting clear and simple standards to allow non-interment right holders to maintain and repair memorials in certain circumstances. That will ensure that monuments are kept in good repair. This amendment will hugely simplify the current procedures in which somebody merely seeking to maintain a grave is required to supply significant documentation to prove they are the right holder. It will reduce costs for the community.

Furthermore, the bill further empowers the regulator Cemeteries and Crematoria NSW to be a strong advocate for customers and communities. It includes an amendment allowing CCNSW to publicly share information about its regulatory activities, giving customers the information they need to make informed choices about the operators they engage with. CCNSW will be able to alert consumers to bad behaviour of operators and share information about good practices. That transparency is crucial in fostering trust and accountability between the sector and the people of New South Wales.

The changes build on the sector reform already underway as part of the Interment Industry Scheme, which, for the first time, licenses operators and sets out clear standards for industry to meet. The Cemeteries and Crematoria Amendment Bill 2025 is a forward-looking piece of legislation that addresses critical issues facing the interment industry. It strengthens consumer protections and improves monument maintenance. I urge all members to support the bill and help us create a more equitable and sustainable future for all. I commend the bill to the House.

The Hon. MARK BUTTIGIEG (18:34): On behalf of the Hon. Daniel Mookhey: In reply: I support the Cemeteries and Crematoria Amendment Bill 2025. I thank the Hon. Damien Tudehope, the Hon. Dr Sarah Kaine and Ms Cate Faehrmann for their contributions and acknowledge their comments. Those members spoke about the opportunity the bill presents to improve outcomes for the community and strengthen the regulator, and I value their contributions. I make particular mention of, and extend my gratitude to, members opposite for putting customers, families and communities first with their bipartisan support for the bill. I am pleased with the engagement from members across the Chamber on the bill. The debate has reminded us of the valuable place of cemeteries in our society and the importance of regulating the industry effectively. The contributions of members to this debate has also reinforced the fact that many of us have vital, personal connections to cemeteries and the importance of the work done by cemetery operators as the custodians of those special places.

The bill represents a significant step forward for the interment industry. It strengthens the regulator, Cemeteries and Crematoria NSW [CCNSW] and streamlines its governance arrangements. That sets it up to be a stronger advocate for consumers and the community. We have seen across many industries how important an empowered regulator is, and the interment industry is no exception. CCNSW plays an essential role in overseeing the industry and ensuring that all operators comply with the highest standards. By strengthening CCNSW we are creating a more accountable, more transparent industry that will benefit customers and operators alike.

Ensuring consumers are protected in their time of need is one of the most important parts of the bill. The bill enhances these protections by allowing CCNSW to share information about its regulatory activities. That enhanced transparency empowers consumers and enables them to make decisions with absolute confidence. Nobody should have to worry about operator misconduct; they should be able to fully focus on their final goodbyes. The bill will help take the unnecessary stresses out of this difficult time.

The bill also corrects the situation where families are prevented from repairing their loved ones' memorials if they are not the right holder. Under the new proposal, families will be able to maintain their ancestors' graves, respecting and preserving the legacies of those who have passed away. The bill sets clear rules for the approval process, ensuring that cemeteries are well cared for. Certain procedures in the Act require the operator to attempt to contact the registered right holder of a grave. In many cases, that person will have passed several generations ago but the operator is still required to make several attempts to contact them, potentially causing distress to their surviving family members.

The bill replaces those archaic and inflexible provisions with a new system of reasonable notification guidelines, allowing operators to take into account context when determining the appropriate course of action. It takes this approach throughout, with simple commonsense changes to enable cemetery operators to do their important work more effectively. By streamlining processes and reducing unnecessary red tape, we are enabling operators to focus on their core mission of providing high-quality interment services. That support is crucial in ensuring that operators can efficiently and effectively manage their cemeteries, ultimately benefiting the families and communities they serve.

The bill also enables cemetery operators to seek approval to carry out works to expand the capacity of existing cemeteries, providing a pathway to unlock additional supply without the need to procure more land. That will ensure that more people have access to burial space closer to the communities that matter to them. The changes add up to a major step forward in the regulation and operation of the State's cemeteries and crematoria. They will improve the customer experience, provide clarity, enhance protections and make it easier for families to navigate the process of laying a loved one to rest. The bill addresses the needs of customers, operators and the regulator. It promotes transparency, clarifies responsibilities and reduces costs and red tape. The bill is a significant step forward in creating a more equitable and better regulated interment industry. I thank members for their considered contributions to the debate. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments, being Animal Justice Party amendments Nos 1 and 2 on sheet c2025-099F.

The Hon. EMMA HURST (18:41): By leave: I move Animal Justice Party amendments Nos 1 and 2 on sheet c2025-099F in globo:

No. 1 Placement and burial of animal remains

Page 12, Schedule 1. Insert after line 40—

[41A] Section 69A

Insert after section 69—

69A Placement and burial of animal remains

To avoid doubt, this Act permits the placement and burial of animal remains in an interment site to the extent to which the placement and burial is not inconsistent with another Act or law.

No. 2 Placement and burial of animal remains

Page 15, Schedule 1. Insert after line 22—

[43A] Section 106 Planning, conduct and maintenance

Insert at the end of the section—

- (2) To avoid doubt, a Crown cemetery operator may make provision for the placement and burial of animal remains.

Companion animals are members of the family, and they hold an important place in the lives of many people in New South Wales. The death of a companion animal can be a devastating event. Burying a dog or cat in a family grave site and having a place to go to remember them can be an important way of coping and grieving with their loss. Right now, the Cemeteries and Crematoria Act 2013 only sets out rights for the interment of human remains within cemeteries in New South Wales. That creates a potential legal barrier to the burial of deceased animals alongside human family members in the same location. We have seen major issues arise in Victoria, where the legislation is similar to New South Wales—that is, it only grants rights for interment of human remains and is silent in respect to animals, which has been interpreted to prohibit the burial of animal ashes or remains in human grave sites.

My Animal Justice Party colleague the Hon. Georgie Purcell, MLC, has spoken in the Victorian Parliament about the issue. She told the story of an elderly man who sought to bury his beloved deceased dog next to his wife's grave. The couple had their dog for 16 years. They were never able to have their own children, and their dog was the only family they had. All the man wanted to do was bury their fur child alongside his wife, but he was not legally allowed to do so. That is clearly not a just or desirable outcome. It fails to recognise the significance of the human-animal bond and the desire of people to ensure their entire family, including animal family members, can be buried in the same place and rest in peace together when they eventually pass.

Last year I moved a motion in this place raising the issue in the New South Wales context. The motion called on the New South Wales Government to explore amending the Cemeteries and Crematoria Act 2013 to allow for human and animal remains to be buried together. I am grateful that Minister Kamper has agreed to work with the Animal Justice Party to clarify the New South Wales Act and insert two new sections that confirm that,

to avoid any doubt, the Act permits the placement and burial of animal remains in an interment site, including in a Crown cemetery.

That will ensure that the law is clear for everyone to understand on the matter. To be clear, it is not in any way about allowing people to kill their animals and have them buried with them. That is not the intent or wording of the amendments. It is about the remains of both an already deceased animal and an already deceased individual. I acknowledge Debra Tranter, founder of Oscar's Law, for her advocacy and ongoing work on the issue of animal burial rights around Australia, and Victorian MLC Georgie Purcell. The amendments are simple. I commend the amendments to the Committee.

The Hon. MARK BUTTIGIEG (18:44): I speak in support of the amendments of the Hon. Emma Hurst. I thank her for putting forward the Animal Justice Party's proposed amendments to the bill. The member seeks to make it clear that a person can be interred with their pet if they so wish. The amendments clearly reflect in writing what is already permissible in New South Wales. They will create clarity for consumers when making requests of that nature and make it clear to operators that they can allow it. The amendments recognise the importance of honouring people's wishes to be interred with their pets, which many consider to be an extension of their family or household. I thank the Hon. Emma Hurst for her considered contribution. I commend the amendments to the Committee.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 and 2 on sheet c2025-099F. The question is that the amendments be agreed to.

Amendments agreed to.

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

Motion agreed to.

The Hon. MARK BUTTIGIEG: I move:

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

Motion agreed to.

Adoption of Report

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

That the report be adopted.

Motion agreed to.

Third Reading

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

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. MARK BUTTIGIEG: I move:

That this House do now adjourn.

FERAL CATS

The Hon. ROBERT BORSAK (18:48): I speak today about one of the most devastating threats to our environment—feral cats. These predators are now responsible for an environmental crisis of national significance. It is a cat-astrophe, plain and simple. According to the Commonwealth Department of Climate Change, Energy, the Environment and Water, feral cats kill over 1.5 billion native animals every year, including birds, mammals, reptiles and frogs. That includes over 1.1 billion invertebrates annually. On average, a single feral cat kills 791 native animals each year. That is shocking and catastrophic. These are not just statistics but a tragic warning about what happens when invasive species are allowed to run rampant without decisive control.

Controlling feral cats, however, is no easy task. They are elusive, highly adaptable and breed rapidly. They occupy every corner of the State and the continent, from remote deserts to dense forests and offshore islands. Current control tools like baiting, trapping and fencing are costly and limited in reach. The science tells us that to stop the population from growing, we would need to eliminate more than half the population every single year.

That is a level of control that current programs simply cannot deliver. That is why the Shooters, Fishers and Farmers Party has championed an innovative, practical and landscape-based solution: a bounty on feral cats. A bounty system would empower conservation hunters and landholders—people already on the ground and already engaged with the land—to play a key role in feral cat management. By offering a modest bounty of around \$15 per cat, we can support the cost of fuel, ammunition and equipment, and incentivise real, results-driven control work.

From personal experience, when hunters are out in the bush targeting other game, whether it is pigs, goats or deer, if they spot a feral cat they may choose to let it go simply because it is not their focus. They do not want to disturb the animals they are targeting with a shot and there is no incentive to act. If there were a bounty in place, that mindset would change instantly. A financial reward, even a modest one, would turn that incidental encounter into an opportunity for conservation. Instead of ignoring the cat and moving on, hunters would take the shot, removing a highly effective predator from the landscape and helping to protect native wildlife in the process.

In addition to the bounty, the proposed conservation hunting authority will play a key role by actively educating hunters about the environmental impact of feral cats and the importance of controlling them. Through training, outreach and inclusion in conservation hunting programs, we will ensure that licensed hunters understand that shooting feral cats is not only an option but also a critical part of their role in protecting Australia's biodiversity. That is a broadscale approach because it activates capable individuals across vast rural and regional areas.

It is ongoing because it enables consistent pressure on cat populations over time. It is cost-effective because it delivers value for money, paying only when there is proof of success. Importantly, that concept is not without precedent. In the Kiwirrkurra Indigenous Protected Area in Western Australia, traditional owners have been successfully managing feral cat populations through a bounty system. Community members are paid \$100 for each feral cat they cull, providing both an incentive for control efforts and valuable scientific data on feral cat impacts. That program has not only helped protect native species but also engaged Indigenous communities in meaningful conservation work.

Concerns about misuse can be addressed through modern verification tools like photo and GPS evidence, tagging protocols, and ethical guidelines to be developed by the new conservation hunting authority. Other jurisdictions have made bounty schemes work. There is no reason New South Wales cannot lead the way on the issue. The Shooters, Fishers and Farmers Party believes that by engaging local landholders and conservation hunters in a properly managed bounty system, we can finally deliver the kind of broadscale, sustained effort our native wildlife desperately needs. The only good feral cat is a dead feral cat. Let us get back to common sense. Let us promote the bounties on feral cats in New South Wales and make a conservation difference.

UNIVERSITY OF TECHNOLOGY SYDNEY

The Hon. Dr SARAH KAINE (18:53): Today I express deep concerns over the unfolding crisis at the University of Technology Sydney [UTS]. It is a crisis that is emblematic of a broader malaise afflicting our higher education sector. Recently UTS announced plans to cut up to 400 jobs, academic and professional staff alike, as part of a \$100 million cost-cutting drive. Those are not just numbers; they are livelihoods. They are educators, researchers and professional staff who form the backbone of the university. While staff are being shown the door, the university has seen fit to spend nearly \$5 million on a four-month contract with KPMG to design that very restructure. Instead of drawing on the expertise of its own world-class academics, many of whom specialise in finance, strategy and organisational design, UTS has outsourced its future to a consultancy firm. It is a firm that, according to its own contract, was tasked not only with analysis but with crafting a compelling narrative to sell the plan. That is not transparency; that is spin.

Revelations published in *The Saturday Paper* are deeply troubling. They suggest that KPMG's recommendations were based on performance metrics, such as research income per academic, that are explicitly prohibited under the university's enterprise agreement as grounds for redundancy. A so-called master spreadsheet was compiled identifying staff who allegedly failed to meet those expectations. That is not only ethically questionable but it may well be unlawful. While KPMG's spreadsheets may be polished, they cannot capture the human cost of those decisions—the loss of institutional knowledge, the erosion of morale and the betrayal of trust. Those are not just numbers on a balance sheet. They are people who are teaching our next generation of nurses, lawyers, doctors and professionals. They are people who are researching solutions to big issues such as artificial intelligence, climate change, clean energy and modern slavery. They are people who make sure that the university runs, course information is available and ethics proposals are submitted.

And what of the cost to the core object and functions of the university? Under New South Wales legislation, the University of Technology Sydney Act 1989, functions of the university include the provision of courses of study or instruction across a range of fields, the carrying out of research to meet the needs of the community, and

the provision of teaching and learning that engages with advanced knowledge and inquiry. But how can the university deliver those functions without its staff? One academic put it bluntly:

At UTS we are already cheating the students and teaching them as cheaply as possible. 'Seminars' have no less than 40 students and we already have far too many online classes.

The academic also cites a growing disconnect between management KPIs and student satisfaction promoted by bloated numbers of senior managers on unconscionably large salaries. The idea that we can cut deeper and still deliver quality education is not just flawed; it is dangerous. What is the justification for that? According to internal documents, even without those drastic measures UTS was projected to return to surplus by 2028. The proposed cuts merely accelerate the timeline by two years. So I ask: Is this about financial sustainability, or is it about surplus generation at the expense of people? I understand that at a recent town hall meeting for staff addressed by management, the chief financial officer referred on a number of occasions to profit rather than surplus and had to be corrected. That says it all, really.

We must also reflect on the role of university governance in this crisis. The UTS Council discussed a finance plan that included a reduced workforce, yet the assumptions underpinning the restructure were not shared with staff until forced into the open through freedom of information laws. That is not how a public institution should operate. We need governance that is accountable, transparent and inclusive, not reactive, opaque and top-down. That is not an isolated incident, and the Senate is currently conducting an inquiry into university governance. I urge the House to pay close attention to its findings and consider what we should be doing at a State level with the university Acts of Parliament for which we are responsible. We must ask ourselves how we got to a point where universities spend tens of millions on consultants while cutting the very staff who teach our students and conduct our research.

Where do we go from here? First, we must demand a halt to any redundancies based on unlawful or opaque performance metrics. Second, we must call for a full independent review of the KPMG contract and its influence on university decision-making. Third, we must insist that any future restructuring be led by those who understand the university best—its staff, its students and its academic leaders. We must reject the creeping corporatisation of our public universities—institutions that were never meant to be run like private enterprises. Instead, we must reaffirm our commitment to the public purpose of the university as a community of learning, discovery and service.

DATA CENTRES

The Hon. JACQUI MUNRO (18:58): "Scientia potentia est", or knowledge is power, was written for the first time in the 1668 version of *Leviathan* by Thomas Hobbes. In 2025 tech billionaires are living off the concept that information is power. The benefits and risks of a world built on digital data are huge. What are the benefits? The benefits include the ability to predict catastrophic weather events with near certainty, to provide personalised healthcare diagnosis and treatment to every citizen, and to manage a highly efficient and stable energy grid that drives down prices. Business capability productivity improvements exist for the most local microbusiness to the largest multinational.

So what is risky? Essentially, the misuse of data either deliberately or accidentally; the lack of infrastructure to manage data storage and transfer it locally and to the world; that our sovereign data is stored elsewhere, or not collected and utilised at all; and that global competition for location is powering on. Lacking sovereign capability and a strategy around the storage and connectivity of data is a critical risk. Data and data storage, management and movement should be acknowledged as critical infrastructure. Such critical infrastructure, including data centres, is also fundamental to improving our productivity through the rapid processing of vast amounts of data. And New South Wales needs it. According to the Australian Government's figures, our real gross State product per capita shrank by 1 per cent between the last two financial years. Our State's annual average productivity has remained under 1 per cent for almost two decades.

To maximise the opportunity, New South Wales must provide clarity for data centre operators and certainty for global actors around our industrial capabilities from planning reforms to resource availability to enable data centres because the efficient flow of information and of electrons, and the efficient use of land, are three fundamental conditions for economic growth and productivity. The Labor Government has failed to realise those fundamentals; regardless, the global market has not. According to CBRE's 2024 report, *Australia Data Centres*, Australia's data centre capacity is already in the top five in the world, just below Germany and the United Kingdom and then a long way behind China and the United States of America. That is a huge global advantage. According to Knight Frank, of the top data centre investment locations in 2024, Australia ranks second in the world at US\$6.7 billion.

Yet, in the self-vaunted Innovation Blueprint released two years into the Labor Government's term—apparently our road map for the State's innovation future—the Government mentioned the words "data centre"

just once, in passing. In its NSW Trade and Investment Strategy 2035, the Labor Government has utterly failed to acknowledge data centres at all. According to Baxtel, there are already 92 data centres in New South Wales, operated by 31 providers from Microsoft and Amazon to huge local success stories like AirTrunk and NextDC. CBRE predicts that Australia's so-called "investment universe" for data centres will double to \$40 billion by 2028. Cushman and Wakefield's *Asia Pacific Data Centre H1 2024 Update* says that Sydney is the fastest growing data centre market in the Asia Pacific by megawatt growth.

Whether it is through a separate data centre strategy, clearer planning pathways or an enhanced focus on delivering the cheapest possible energy, data centres must be a key component of improving productivity in New South Wales. The opportunity is enormous. Utilising the New South Wales Innovation and Productivity Council to do that work would be an obvious place to start because currently, data centre operators are having to piece together bits of the planning system using State significant development applications to get around existing zoning, or are having to appeal to Ministers directly, if they can get an audience, to progress critical projects. We know data centres are power hungry, thirsty for water and take up space. That must be managed.

Innovation districts like Macquarie Park should be encouraged to be homes for, and not hostile to, data centres. Industrial parks are generally well suited to data centre infrastructure. Jobs will flow from that. According to job sites Seek, Indeed and Jora, around 500 data centre jobs were advertised in Sydney in this month alone. We have to see acknowledged somewhere in government policy that different data centres exist for different purposes. For example, a massive data centre hosting Netflix shows can be placed outside urban areas in regional New South Wales and smaller data centres for high-frequency trade, for example, can be closer to financial hubs. Craig Scroggie, founder of NextDC, said:

AI factories are the modern equivalent of power stations—transforming raw data into intelligence. The unit of production is no longer just compute; it's knowledge.

Data centres will be an expression of power. We cannot let the opportunity go to waste.

WORKERS COMPENSATION LEGISLATION

Ms ABIGAIL BOYD (19:03): In an abrupt and shocking about-face, the New South Wales Minns Labor Government—after years of campaigning and pledging to protect and bolster the rights of injured workers—now intends to take a sledgehammer to workers compensation entitlements. That will mean that employers, including the Government itself as Australia's largest employer, will benefit from reduced obligations towards their workers by denying compensation entitlements to thousands of injured and traumatised workers. The changes are ill-conceived, ignorant, callous and dangerous. Without being dramatic or hyperbolic, if allowed to proceed, people will die.

The New South Wales Labor Government is targeting workers suffering a specific type of injury: a psychological injury. But the Government's claim that there is some explosion in psychological injury claims and that it puts an impossible burden on the workers compensation scheme just does not add up, particularly not when it comes to employers other than the Government. Psychological injury claims made up 5 per cent of workers compensation claims in the Nominal Insurer in 2015-16, and make up 7 per cent of claims today. From 2021-22 to 2023-24, total claims for the Nominal Insurer increased by an additional 10,100 claims, but 80 per cent of that increase was for non-psychological claims. The Treasurer has claimed that an additional 80,000 psychological injury claims are expected in the next five years, but that assertion is plainly absurd when you look at the modelling provided and this year's data so far. The Treasurer and the Premier are tying themselves in knots trying to make the case that callously cutting off entitlements for workers injured at work is somehow necessary to keep premiums manageable.

So what is really going on? Is it perhaps that the Government itself is presiding over the most psychologically unsafe workplaces in the State? For government employees, the increase in psychological claims certainly has become more pronounced, representing an increase from 13 per cent of claims in 2015-16 to 20 per cent of claims today. The fact that it is the Treasurer spearheading the change when the workers compensation Acts are actually the shared responsibility of the Minister for Work Health and Safety and the Minister for Customer Service and Digital Government should tell us everything we need to know about the Government's proposals. It has nothing to do with the proper functioning of the scheme and everything to do with the New South Wales Government's own budget bottom line.

The Government is seeking to create a definition of psychological injury that will create an extremely high barrier for entry for compensation—markedly higher than what currently exists and totally distinct to the regime that operates for physical injuries. The current definition of an injury under workers compensation law does not distinguish between physical and psychological injuries; the only test is whether or not an injury has occurred in the workplace and whether compensation or assistance to recover is required. Entitlements for long-term care and support face being massively, dramatically and arbitrarily curtailed for workers who have been deemed to be

seriously and permanently psychologically injured in the workplace. In the eyes of lawyers, psychiatric specialists, unions and other advocates, the Government's 31 per cent threshold sets an almost impermissibly high barrier to entry to access entitlements that exist for all other types of injury.

The message is clear: The Government considers psychological injuries to be inherently less legitimate and less deserving of support. Gallingly, the Government is also embedding an inherent suspicion in the legitimacy of sexual and racial harassment claims, alongside bullying and excessive work demand claims. Under the Government's proposed changes, a successful claim for racial or sexual harassment will still incur a financial penalty to the claimant, who will not receive their full weekly payments. Hidden in the detail is also the extraordinary step of requiring injured workers to pay for their own legal costs to pursue a workers compensation claim in a situation where they are unrecoverable even if successful.

Despite the rhetoric that the bill is only about psychological injuries, the Government is proposing to create a new test for access to medical and related costs that is harsher than that seen in any other workers compensation jurisdiction on mainland Australia. The change to "reasonable and necessary" has been described by the Independent Review Office as a significantly more demanding test than the current test, and will affect physical and psychological claims, and impact every category of worker, including those otherwise excluded workers such as police, firefighters and paramedics. The changes will apply retrospectively for claims already in the system. Like other aspects of the proposals, they serve no conceivable preventative purpose.

The Treasurer's claim of modernising the scheme is a self-serving piece of Orwellian doublespeak. What is in fact happening is not a modernisation of anything; it is instead a reactionary step that will take workplace protections, and the painstaking work towards destigmatisation of mental health, backwards by decades, and is in direct contradiction to recent changes to national work health and safety laws that recognise the potential for psychological harm and injury that can arise in the workplace. Workers compensation is a lifeboat for injured workers. We have identified that the lifeboat has sprung plenty of leaks, but the Government's plan to stop the sinking is to throw certain workers overboard. It is an act of unimaginable cruelty and callousness. If it is to pass, there will be blood on Government members' hands.

TRIBUTE TO DAVID ABERDEEN HAY, MBE, FORMER MEMBER FOR MANLY AND MINISTER OF THE CROWN

The Hon. NATALIE WARD (19:09): With deep sadness this evening I mark the passing of David Aberdeen Hay, MBE, on 10 May 2025. He was a former member of this Parliament who passed away peacefully at the remarkable age of 91. David was a true servant to the people of New South Wales. David Hay's life was defined by an unwavering commitment to his family and to public service, to this Parliament and to the people of Manly, where he was born, raised and lived his life with pride. His passing is not only a loss to his family and friends but to all who were privileged to benefit from his vision and his deep sense of civic duty. David was gentle and kind, and David is missed.

David's service to this State was both broad and profound. He attended Manly Boys High School before he served the nation as a pilot in the Royal Australian Air Force. He returned to Manly to assist with his father's family business, helping to run Hays Jeweller, which today is well understood by people in Manly as a fundamental part of the Corso. David would also meet his wife, Jean Hay, AM, of Fairlight, in Manly, during a dance held weekly at the North Steyne Surf Club, in December 1954. We are told that Jean crossed the floor and went up to him, although he might dispute that and say that he saw her. It was love at first sight.

The sense of duty and discipline stayed with him throughout his life, which would be spent in the constant service of others. Between 1960 and 1984, for 23 years David served on the Manly Municipal Council. David's tenure included six terms as mayor and eight terms as deputy mayor. His service of 23 years on the council was outdone only by that of his loving wife, Jean Hay, AM, the last Mayor of Manly and affectionately known, of course, as Queen Jean. He brought energy, compassion and practical wisdom to this role, and his community recognised that. David believed in local government not just as a level of administration but also as a vital expression of community. He believed that local communities had something important to say and that they should have a place to say it.

In 1984 David brought that same dedication to the Parliament of New South Wales, proudly serving as the member for Manly for seven years. In 1988 he was appointed Minister for Local Government and Minister for Planning, in which roles he left a lasting legacy. Notably, in his public service he re-established the City of Sydney as a local government entity, amended council rating laws and transformed Darling Harbour into the vibrant precinct we know today. Even after leaving Parliament, in 1991, David continued to serve, on the Local Government Grants Commission, the Manly Rotary Club, the Manly Life Saving Club and the Royal Far West Children's Service—to name a few.

He also had a passion. He loved his wife, Jean, but he also had a girlfriend on the side—he would not mind me saying—which was Manly Rugby. He adored rugby, and he and Jean were at Manly Oval most weekends. His impact on the community of the northern beaches was both tangible and deeply personal. He was kind and loved his family, and that earned him the respect of colleagues across the political spectrum. He is survived, of course, by Jean, who is herself a dedicated public servant. Jean and David, since that first dance, were together for 70 years and married for 67 years. They really are a shining light to all of us for long-term partnerships. When the Jean Hay, AM, Playground was dedicated, they were both together, and I had the privilege of being in the surf clubhouse with them, where Jean reminded me that they had met in that very room. It was a real privilege. I hope that we can have the lookout seat in Fairlight to remember them both.

David loved his family. He is survived by his three children, Virginia, David "Buff" and Gretel, and their five grandchildren, Gemma, Lucy, Tom, Annabel and Maximus. I loved hearing their heartfelt stories about how he would lovingly build them their own little billycarts and how detailed he was and his attention and his love for them. To them we offer our heartfelt condolences and our deep gratitude for sharing David with the wider community for so many decades. I recognise the enduring legacy of kindness, calmness, gentleness and loving one's family left by David Aberdeen Hay, MBE. He embodied, in my view, the very best of public life, not for recognition or reward, but because he believed in the power of community, the value of good governance and the importance of giving back. I thank David so much for his contribution to our community and this Chamber. We will continue to honour his office and the manner in which he held it. Vale, David Hay.

SNOWY HYDRO PROJECT WORKER INDUSTRIAL ACTION

The Hon. MARK BUTTIGIEG (19:14): Last Wednesday, 21 May 2025, over 1,000 workers on the Snowy Hydro 2.0 project went on strike as part of their fight for fairer pay and conditions. Enterprise bargaining is currently underway for surface and underground workers on the project between the principal contractor, Future Generation Joint Venture, and the Australian Workers' Union [AWU]. Future Generation Joint Venture is made up of three companies: Webuild, Clough, and Lane Construction. The AWU is seeking a pay increase to level the wages of workers on the Snowy Hydro project with those on the North East Link tunnel project in Melbourne because both projects have an employer in common.

So this is simply a matter of the union fighting for people doing the same kind of work, for the same company, receiving the same pay. The union is also fighting for better working conditions, including a higher meal allowance and daily camp allowance for fly-in fly-out workers, entitlements for mental health days and improved rates for night shifts. 7NEWS reporting on the secretary of the AWU, Tony Callinan, said:

Callinan said "those working Snowy 2.0 live and work in the wilderness in the middle of winter, and when they're not underground tunnelling, they're confined to Spartan work camps".

...

With those on the Melbourne project often able to commute home each day, Callinan said "it should be obvious to anyone that our members working in the wilderness for two weeks straight would expect to be paid the same as workers in Melbourne who go home to their families each night".

With frustration over the lack of progress in the negotiations over months and months, union delegates had enough and scheduled last week's industrial action. The company's response was, essentially, to turn the site into a prison, with workers unable to leave their camp areas without facing disciplinary action on the day of the strike. These restrictions were detailed in a notice sent out to workers and reported on in *The Australian*. I will quote what the employer said to its employees in response to industrial action:

Leaving site early without authorisation will result in disciplinary action.

...

Participants must remain in designated camp areas only.

Responding to the notice, the secretary said:

The workers are exercising their lawful right to take protected industrial action and the project should conduct themselves in a reasonable manner and facilitate the stoppage of work and not try to confine people to their room as punishment.

Following the strike, AWU organiser Darren Cameron said:

They actually, physically locked our members down into camps and they have no legal right to do that, and that will be taken further by our legal options.

The workers are set to take further industrial action if the company continues to fail to come back to the table. This is not the first time I have spoken in Parliament about the Snowy Hydro project. Just over a year ago, I spoke about a tunnel on the project partially collapsing, and it was not an isolated incident. The project has been shut down twice just this year due to serious safety issues and is billions of dollars over budget. Employers trying to

prevent their employees from taking industrial action under Australian law is becoming a disturbing pattern of behaviour.

Members will remember that I have recited many times in this Chamber the infamous case of Qantas that is currently before the Federal Court, in a hearing on penalties for illegally sacking 1,800 workers, simply for exercising their right to take industrial action. Now we have Snowy 2.0, with the project managers effectively locking people into their camps against their wills as a bullyboy tactic to try to forestall industrial action. It is unacceptable and will not be tolerated. I thank God for unions like the AWU who are standing up for their members. I thank them for bringing this to my attention, particularly Secretary Tony Callinan, and the organiser down there, Darren Cameron.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 19:19 until Tuesday 3 June 2025 at 12:30.