



LEGISLATIVE COUNCIL

FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

MINUTES OF PROCEEDINGS

No. 20

WEDNESDAY 23 AUGUST 2023

Contents

1	Meeting of the House	383
2	Statement by President—Filming in Chamber.....	383
3	Statement by President—Members' Professional Development Seminars	383
4	Youth on Track (Formal Business)	383
5	FIFA Women's World Cup viewership (Formal Business).....	384
6	Re-establishment of Parliamentary Friends of Israel (Formal Business)	385
7	Orange Emus Rugby Club (Formal Business)	385
8	50th anniversary of Vietnam Veterans Day (Formal Business).....	386
9	Indian Consul General's celebration of Indian Independence Day (Formal Business)	386
10	Indian Australian Voice Inc's India Day celebrations (Formal Business).....	387
11	Portfolio Committees—Amendment to Resolution (Formal Business)	388
12	Privileges Committee—Report	388
13	Answers to Questions without Notice	388
14	Written Answer to a Supplementary Question Without Notice	388
15	Notices of Motions.....	388
16	Order for Papers—Recruitment and appointment of the Secretary of Transport for NSW – Further order	388
17	Public Accountability and Works Committee—Reference.....	393
18	Questions.....	394
19	Take Note of Answers to Questions.....	394
20	Members' Statements	394
21	Message from the Legislative Assembly—Revenue, Fines and Other Legislation Amendment Bill 2023.....	394
22	Ruling by President—Amendments to a Motion	395
23	Public Accountability and Works Committee—Reference.....	395
24	Disallowable Statutory Rule—Tabled by Minister	397
25	Ministerial Statement—Surveillance Devices Amendment (ICAC) Regulation 2023.....	397
26	Order for Papers—Public forest harvesting operations in New South Wales	397
27	Shark nets.....	399

28	Order for Papers—Aerial culling of brumbies	401
29	Cameron O'Reilly review regarding Eraring power station	401
30	Message from the Legislative Assembly—Drug Misuse and Trafficking Amendment (Appointed Persons) Bill 2023	402
31	TAFE funding shortfall	402
32	Personal Explanation	403
33	Order for Papers—Disclosures made by Mr Tim Crakanthorp MP	403
34	Natural Resources Access Regulator and water metering compliance	404
35	Murray-Darling Basin Plan	405
36	Message from the Legislative Assembly—ICAC and LECC Legislation Amendment Bill 2023	407
37	Business Postponed	408
38	Tolling Review	408
39	Business Postponed	408
40	AUKUS pact	408
41	Human rights in Iran	409
42	Adjournment	409
43	Attendance	410

1 MEETING OF THE HOUSE

The House met at 10.00 am according to adjournment. The President took the Chair and read the prayers.

The President acknowledged the Gadigal clan of the Eora Nation and its elders and thanked them for their custodianship of this land.

2 STATEMENT BY PRESIDENT—FILMING IN CHAMBER

The President made a statement concerning filming in the Legislative Council Chamber this day.

3 STATEMENT BY PRESIDENT—MEMBERS' PROFESSIONAL DEVELOPMENT SEMINARS

The President made a statement concerning an ongoing series of professional development seminars for members.

4 YOUTH ON TRACK (Formal Business)

Mrs MacDonald moved, as formal business:

- (1) That this House affirms its support for the Youth on Track program helping young people reduce their risk of re-offending or committing more serious crimes.
- (2) That this House notes that:
 - (a) the program works with the young person, their family, non-government organisations, caseworkers and members of Youth Justice NSW, to help young people make better decisions about their life,
 - (b) Youth on Track is an early intervention program that identifies young people aged 10 to 17 who are at risk of long-term involvement in the criminal justice system, and
 - (c) Youth on Track is location specific and operates in locations in Blacktown, the Hunter, the Mid North Coast, the Central West, Coffs Harbour, New England and the Riverina and is funded through the Department of Communities and Justice.
- (3) That this House notes that:
 - (a) the Youth on Track program was introduced by the Coalition Government in 2013 and commenced on 1 July 2013 in Blacktown, Newcastle City and the Mid North Coast Local Area Command, in 2015 expanded to include the Manning Great Lakes, Lake Macquarie, Port Stephens, Mount Druitt and Quakers Hill, and in December 2016 commenced in the Central West, Coffs Harbour and New England, then in 2018 expanded to the Riverina.
 - (b) the key objectives or aims of the Youth on Track program are as follows:
 - (i) to identify young people at risk of continuing in the criminal justice system, in a timely way,
 - (ii) to provide one-on-one case management and evidence-informed interventions targeted to address the individual criminogenic risk factors of the young person,
 - (iii) to provide an evidence-informed family intervention to support the family of young offenders to reduce the young person's contact with police, and
 - (c) since its inception in 2013, Youth on Track has supported over 350 young people, who have had contact with the criminal justice system, a second chance to turn their life around.

- (4) That this House calls on the Government to continue to support and fund the Youth on Track initiative.

Question put and passed.

5 FIFA WOMEN'S WORLD CUP VIEWERSHIP (Formal Business)

Dr Cohn moved, as formal business:

- (1) That this House notes that:
- (a) the FIFA Women's World Cup semi-final between the Matildas and England drew a television audience of 7.13 million, the highest ever recorded since the current ratings agency was launched in 2001, and was the most streamed event ever in Australia, with 957,000 viewers on 7plus,
 - (b) communities across New South Wales came together to watch the Women's World Cup semi-final at over 44 live sites,
 - (c) the event has been compared to previously highest rated sporting events in Australian history such as Cathy Freeman's iconic Olympic 400-metre final and Ash Barty's Australian Open win,
 - (d) the Matildas have a combined social media following of double the Socceroos,
 - (e) Nike has confirmed the Matildas sold more official jerseys by 19 July 2023 than the Socceroos sold before, during and since the 2022 Men's World Cup in Qatar, and
 - (f) in the England vs Nigeria match at the FIFA Women's World Cup, Chloe Kelly kicked a penalty at 110.79 km/h, more powerful than the Premier League's hardest-hit goal last season.
- (2) That this House further notes that on the eve of the World Cup, 23 Matildas players spoke in a video from Professional Footballers Australia in which they:
- (a) reflected on the rights for which past and present Matildas have fought through collective bargaining, including to play on natural turf,
 - (b) highlighted the inequity in prize money offered by FIFA, with an overall prize pool for women worth one quarter of the men's pool, and
 - (c) explicitly called on all those in positions of power across football, business and politics to work to provide opportunities for girls and women in football, for A-League women not to have to work part-time jobs, and for fans to continue their support by getting out to an A-League women's game to lift up the next generation of Matildas.
- (3) That this House congratulates and thanks the Matildas for their extraordinary success and leadership.
- (4) That this House acknowledges the tremendous interest in women's sport, and particularly women's football, that communities across New South Wales have demonstrated.
- (5) That this House calls on the Government to commit to initiatives to improve access and remove barriers to participation in sport, including equal prize money, equal pay and equal conditions for women in any programs or events that receive New South Wales government support.

Question put and passed.

6 RE-ESTABLISHMENT OF PARLIAMENTARY FRIENDS OF ISRAEL (Formal Business)

Mrs Ward moved, as formal business: That this House notes that:

- (a) on 24 May 2023, a meeting was held in NSW Parliament House at which the NSW Parliamentary Friends of Israel was re-established for the term of the 58th Parliament,
- (b) the meeting was chaired by the Speaker of the 58th Parliament, the Honourable Greg Piper MP,
- (c) the meeting was attended and supported by a number of members of both Houses of NSW Parliament including:
 - (i) the Honourable Natalie Ward MLC,
 - (ii) Dr Marjorie O'Neill MP,
 - (iii) the Honourable Aileen MacDonald OAM MLC,
 - (iv) Dr Hugh McDermott MP,
 - (v) the Honourable Susan Carter MLC,
 - (vi) the Honourable Prue Car MP,
 - (vii) Mrs Sally Quinnell MP,
 - (viii) the Honourable Taylor Martin MLC,
 - (ix) the Honourable John Ruddick MLC,
 - (x) Mr Matt Cross MP,
 - (xi) the Honourable Wes Fang MLC,
 - (xii) the Honourable Robert Borsak MLC,
 - (xiii) the Honourable Mark Banasiak MLC,
 - (xiv) the Honourable Damien Tudehope MLC,
 - (xv) the Honourable Scott Farlow MLC,
 - (xvi) Ms Kellie Sloane MP,
 - (xvii) the Honourable Jacqui Munro MLC,
 - (xviii) the Honourable Chris Rath MLC,
 - (xix) the Honourable Leslie Williams MP,
 - (xx) Dr Joe McGirr MP,
- (d) by a vote of those present at the meeting, the Honourable Natalie Ward MLC and Dr Marjorie O'Neill MP were elected Co-Chairs, and the Honourable Robert Borsak MLC was elected Treasurer, of the NSW Parliamentary Friends of Israel,
- (e) members of the NSW Parliamentary Friends of Israel acknowledge the work of the NSW Jewish Board of Deputies and its President Mr David Ossip, and
- (f) members of the Parliamentary Friends of Israel look forward to working with the Jewish community in New South Wales and advancing the mutual respect, understanding and friendship between the Parliamentary Democracies of Israel and New South Wales.

Question put and passed.

7 ORANGE EMUS RUGBY CLUB (Formal Business)

Mr Fang (on behalf of Mr Farraway) moved, as formal business:

- (1) That this House notes that:
 - (a) the Orange Emus Rugby Club held their annual President's Long Lunch on Friday 28 July 2023,
 - (b) over 160 members, supporters and sponsors attended the event in Orange,

- (c) the guest speaker was former Australian cricket player Kerry O’Keefe, and
 - (d) proceeds and money raised from the lunch go towards paying for women and juniors' registration, equipment and apparel costs.
- (2) That this House acknowledges:
- (a) the significant history of Orange Emus Rugby Club in the Central West rugby union competition since 1947,
 - (b) the Orange Emus will be playing the Bathurst Bulldogs in the Central West Blows Cup Rugby Union Grand Final this Saturday 26 August 2023, and
 - (c) the outstanding work the Emus Rugby Club is doing to encourage increased female participation in rugby union by building purpose built changerooms for female players.
- (3) That this House congratulates Orange Emus Rugby Club President Jamil Khafli, the club board and organising committee on the successful running of the 2023 President long lunch.

Question put and passed.

8 50TH ANNIVERSARY OF VIETNAM VETERANS DAY (Formal Business)

Mrs Maclaren-Jones moved, as formal business: That the House notes that:

- (a) on 18 August 2023, a commemorative service was held to acknowledge the 50th Anniversary of Vietnam Veterans' Day,
- (b) Vietnam Veterans' Day is a deeply significant occasion marking the milestone of the Battle of Long Tan in 1966 and the end of Australia's participation in the war,
- (c) it is a day to honour the sacrifices and unwavering dedication of those who served during Australia's 10 years of participation in the Vietnam War,
- (d) the apology given by the Prime Minister and the RSL NSW recognises our country failed our Vietnam Veterans and the emotional toll and hardships that many veterans endured due to inadequate support,
- (e) we express our sincere gratitude to the 60,000 veterans who served in Vietnam, remember the sacrifice of the 523 who died and more than 3,000 wounded, and
- (f) we remember not only all of those who served but also those who waited, who lost loved ones and who, by their efforts, made a considerable sacrifice in the defence of Australia.

Question put and passed.

9 INDIAN CONSUL GENERAL'S CELEBRATION OF INDIAN INDEPENDENCE DAY (Formal Business)

Mrs Carter moved, as formal business:

- (1) That this House notes that India celebrates achieving its independence on 15 August each year.
- (2) That this House congratulates the people of India on the anniversary of this great occasion, and notes the celebration of this event organised by the Indian Consul General in Sydney.
- (3) That this House notes that joining the Indian Consul General to celebrate on this occasion were:

- (a) Her Excellency the Honourable Margaret Beazley, Governor of New South Wales and Mr Dennis Wilson,
- (b) the Honourable Mark Speakman MP, Leader of the Opposition,
- (c) the Honourable Damien Tudehope MLC, Shadow Treasurer and Shadow Minister for Industrial Relations,
- (d) the Honourable Mark Coure MP, Shadow Minister for Multiculturalism, Jobs, Industry, Innovation, Science & Technology, and for South-Western Sydney,
- (e) the Honourable Scott Farlow MLC, Shadow Minister for Planning and Public Spaces,
- (f) the Honourable Gurmeh Singh MP, Shadow Minister for Tourism, Shadow Minister for Emergency Services, and Shadow Minister for the North Coast, Member for Coffs Harbour,
- (g) the Honourable Susan Carter MLC, Shadow Assistant Minister for Attorney General, Shadow Assistant Special Minister of State, and Shadow Assistant Minister for Corrections,
- (h) the Honourable Alex Hawke MP, Member for Mitchell,
- (i) the Honourable Daniel Mookhey MLC, Treasurer, representing the Premier who was unable to be there on the night,
- (j) Mr Warren Kirby, MP, Member for Riverstone,
- (k) Mr Hugh McDermott, MP, Member for Prospect,
- (l) Mr Charishma Kaliyanda MP, Member for Liverpool,
- (m) Mr Philip Ruddock AO Mayor, Hornsby Shire Council,
- (n) many other representatives of Councils, and
- (o) around 400 guests from various backgrounds.

Question put and passed.

10 INDIAN AUSTRALIAN VOICE INC'S INDIA DAY CELEBRATIONS (Formal Business)

Mrs Carter moved, as formal business:

- (1) That this House notes the celebration of Indian Independence Day on 15 August each year.
- (2) That this House congratulates:
 - (a) Indian Australian Voice Inc for its organisation of India Day celebrations on 19 August 2023 at the Grand Royal Function Centre at Granville, an occasion which not only celebrated India's independence but also the great contributions made by members of the Indian diaspora to the Australian community,
 - (b) all those women who received Women's Entrepreneur Awards on the evening, and
 - (c) all those who received Community Service Awards at the event.
- (3) That this House notes that the event was very well supported, and with guests including:
 - (a) Mr Mark Coure MP,

- (b) Mr Alister Henskens MP,
- (c) Mr Mark Hodges MP,
- (d) the Hon Susan Carter MLC,
- (e) Ms Charishma Kaliyanda MP, and
- (f) a number of representatives of local government and the community.

Question put and passed.

11 PORTFOLIO COMMITTEES—AMENDMENT TO RESOLUTION (Formal Business)

Ms Sharpe moved, as formal business: That the resolution of the House of Wednesday 10 May 2023 establishing the Portfolio Committees, as amended on 24 May 2023, be further amended as follows:

- (1) In paragraph (1)(c) omit "the Hunter".
- (2) In paragraph (1)(e) insert "the Hunter" after "Police and Counter Terrorism".

Question put and passed.

12 PRIVILEGES COMMITTEE—REPORT

The Chair (Mr Lawrence) tabled Report No. 94 of the Privileges Committee entitled "Execution of search warrants by the Australian Federal Police No. 5", dated August 2023, and correspondence relating to the inquiry.

Mr Lawrence moved, according to standing order: That the House take note of the report.

Debate ensued.

Motion made (Mr Lawrence speaking) and question: That this debate be now adjourned until next sitting day—put and passed.

13 ANSWERS TO QUESTIONS WITHOUT NOTICE

The President informed the House of the publication in today's Hansard of answers to questions without notice lodged with the Clerk since the last sitting of the House.

14 WRITTEN ANSWER TO A SUPPLEMENTARY QUESTION WITHOUT NOTICE

The President informed the House of the publication in today's Hansard of a written answer to a supplementary question without notice asked on the previous sitting day and lodged with the Clerk.

15 NOTICES OF MOTIONS

16 ORDER FOR PAPERS—RECRUITMENT AND APPOINTMENT OF THE SECRETARY OF TRANSPORT FOR NSW – FURTHER ORDER

Mrs Ward moved, according to notice:

- (1) That this House notes that:

- (a) on 2 August 2023, the House ordered the production of documents relating to the recruitment and appointment of the Secretary of Transport for NSW,
- (b) on 16 August 2023, the House received a return to order from The Cabinet Office providing documents from the Office of the Premier, the Office of the Minister for Transport, the Office of the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Transport for NSW, The Cabinet Office and the Premier's Department, and
- (c) at page 8 of the return, Transport for NSW indicated the following in relation to its response to the order:
 - "(1) With respect to paragraph (h), text messages and instant messages of key senior personnel have been produced rather than those of more junior staff. Ephemeral text messages and instant messages between officers of Transport for NSW has been excluded. TfNSW has adopted this approach in order to respond to the Order within the time, and also considers that all relevant and significant information will be captured using this approach.
 - (2) References to a request for "documents" has been understood to be a request for papers or presentations, given other document types such as meeting minutes or communications are also referred to as required document types within various categories.
 - (3) To limit duplication, Transport has endeavoured to provide only the final versions of documents and final emails in a chain, rather than progressive working draft versions or multiple versions of an email chain."
- (2) That this House notes that:
 - (a) the definition of documents to be returned under an order for papers is that as defined in the Interpretation Act 1987:

"document means any record of information, and includes— (a) anything on which there is writing, or (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or (d) a map, plan, drawing or photograph", and
 - (b) it is well understood as practice of the House over many years that production of documents to the House incorporates drafts and working versions of documents, and all relevant text messages and other instant messages.
- (3) That this House asserts that in adopting the approach detailed in paragraph (1)(c), Transport for NSW did not comply with the resolution of the House.
- (4) That, under standing order 52, there be laid upon the table of the House within 7 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created since 28 March 2023 in the possession, custody or control of the Premier, Minister for Transport, Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Minister for Regional Transport and Roads, Transport for NSW, Department of Transport, The Cabinet Office, or Premier's Department, relating to the recruitment and appointment of the Secretary of Transport for NSW:
 - (a) all documents relating to the meeting held on 4 April 2023 between the Minister for Transport and Mr Josh Murray,
 - (b) all documents relating to the NGS Global contract relating to the search and recruitment of the position of Secretary of Transport for NSW,

- (c) all documents relating to the remuneration packages, allowances, conflicts of interest, declarations and other governance arrangements for the position of Secretary of Transport for NSW,
- (d) all documents provided by NGS Global relating to the recruitment search, selection, application and appointment of Mr Josh Murray to the position of Secretary of Transport for NSW,
- (e) all documents relating to the public announcement of the appointment of the position of Secretary of Transport for NSW,
- (f) all minutes that discuss the appointment of the position Secretary of Transport for NSW,
- (g) all briefs or briefings, however described, including attachments sent to, signed by, drafted by, received by or approved by, the Premier, Minister for Transport, Minister for Roads, Minister for Regional Transport and Roads, or the Acting Secretary of the Premier's Department in relation to the recruitment process and selection of the Secretary of Transport for NSW,
- (h) all communications, including emails, text messages or instant message services, between any of the following persons or offices regarding the recruitment of the position of Secretary of Transport for NSW or the appointment of Mr Josh Murray as Secretary of Transport for NSW:
 - (i) the Minister for Transport,
 - (ii) the office of the Minister for Transport,
 - (iii) the Minister for Roads,
 - (iv) the office of the Minister for Roads,
 - (v) the Minister for Regional Transport and Roads,
 - (vi) the office of the Minister for Regional Transport and Roads,
 - (vii) the Premier,
 - (viii) the office of the Premier,
 - (ix) Mr Josh Murray,
 - (x) any person employed by Transport for NSW or the Department Transport, and
- (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Mr Graham moved: That the question be amended by omitting in paragraph (4) "7 days" and inserting instead "14 days".

Debate continued.

Mr Buttigieg moved: That the question be amended as follows:

- (1) In paragraph (4) omit "created since 28 March 2023" and insert instead "created between 28 March 2023 and 2 August 2023 being the date of the original order".
- (2) In paragraph (4) omit "the Premier, Minister for Transport, Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Minister for Regional Transport and Roads."
- (3) In paragraph (4) omit "The Cabinet Office, or Premier's Department,".
- (4) In paragraph (4)(h) omit:
 - "(i) the Minister for Transport,
 - (ii) the office of the Minister for Transport,
 - (iii) the Minister for Roads,

- (iv) the office of the Minister for Roads,
- (v) the Minister for Regional Transport and Roads,
- (vi) the office of the Minister for Regional Transport and Roads,
- (vii) the Premier,
- (viii) the office of the Premier,
- (ix) Mr Josh Murray,".

(5) In paragraph (4)(h)(x) omit "any person" and insert instead "any senior executive".

Debate continued.

Question put: That the amendment of Mr Graham be agreed to.

The House divided.

Ayes25
 Noes16
 Majority.....9

AYES

Banasiak	Graham	Mookhey
Borsak	Higginson	Moriarty
Boyd	Houssos	Murphy (teller)
Buckingham	Hurst	Nanva (teller)
Buttigieg	Jackson	Primrose
Cohn	Kaine	Roberts
D'Adam	Latham	Sharpe
Donnelly	Lawrence	Suvaal
Faehrmann		

NOES

Carter	Martin	Rath (teller)
Fang (teller)	Merton	Ruddick
Farlow	Mihailuk	Taylor
Farraway	Mitchell	Tudehope
MacDonald	Munro	Ward
Maclaren-Jones		

Question resolved in the affirmative.

Question put: That the amendments of Mr Buttigieg be agreed to.

The House divided.

Ayes21
 Noes20
 Majority.....1

AYES

Boyd	Graham	Mookhey
Buckingham	Higginson	Moriarty
Buttigieg	Houssos	Murphy (teller)
Cohn	Hurst	Nanva (teller)
D'Adam	Jackson	Primrose
Donnelly	Kaine	Sharpe
Faehrmann	Lawrence	Suvaal

NOES

Banasiak	MacDonald	Rath (teller)
Borsak	Maclaren-Jones	Roberts
Carter	Martin	Ruddick
Fang (teller)	Merton	Taylor
Farlow	Mihailuk	Tudehope
Farraway	Mitchell	Ward
Latham	Munro	

Question resolved in the affirmative.

Original question, as amended:

- (1) That this House notes that:
 - (a) on 2 August 2023, the House ordered the production of documents relating to the recruitment and appointment of the Secretary of Transport for NSW,
 - (b) on 16 August 2023, the House received a return to order from The Cabinet Office providing documents from the Office of the Premier, the Office of the Minister for Transport, the Office of the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, Transport for NSW, The Cabinet Office and the Premier's Department, and
 - (c) at page 8 of the return, Transport for NSW indicated the following in relation to its response to the order:
 - "(1) With respect to paragraph (h), text messages and instant messages of key senior personnel have been produced rather than those of more junior staff. Ephemeral text messages and instant messages between officers of Transport for NSW has been excluded. TfNSW has adopted this approach in order to respond to the Order within the time, and also considers that all relevant and significant information will be captured using this approach.
 - (2) References to a request for "documents" has been understood to be a request for papers or presentations, given other document types such as meeting minutes or communications are also referred to as required document types within various categories.
 - (3) To limit duplication, Transport has endeavoured to provide only the final versions of documents and final emails in a chain, rather than progressive working draft versions or multiple versions of an email chain."
- (2) That this House notes that:
 - (a) the definition of documents to be returned under an order for papers is that as defined in the Interpretation Act 1987:

"document means any record of information, and includes— (a) anything on which there is writing, or (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or (d) a map, plan, drawing or photograph", and
 - (b) it is well understood as practice of the House over many years that production of documents to the House incorporates drafts and working versions of documents, and all relevant text messages and other instant messages.

- (3) That this House asserts that in adopting the approach detailed in paragraph (1)(c), Transport for NSW did not comply with the resolution of the House.
- (4) That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created between 28 March 2023 and 2 August 2023 being the date of the original order in the possession, custody or control of Transport for NSW, and the Department of Transport, relating to the recruitment and appointment of the Secretary of Transport for NSW:
- (a) all documents relating to the meeting held on 4 April 2023 between the Minister for Transport and Mr Josh Murray,
 - (b) all documents relating to the NGS Global contract relating to the search and recruitment of the position of Secretary of Transport for NSW,
 - (c) all documents relating to the remuneration packages, allowances, conflicts of interest, declarations and other governance arrangements for the position of Secretary of Transport for NSW,
 - (d) all documents provided by NGS Global relating to the recruitment search, selection, application and appointment of Mr Josh Murray to the position of Secretary of Transport for NSW,
 - (e) all documents relating to the public announcement of the appointment of the position of Secretary of Transport for NSW,
 - (f) all minutes that discuss the appointment of the position Secretary of Transport for NSW,
 - (g) all briefs or briefings, however described, including attachments sent to, signed by, drafted by, received by or approved by, the Premier, Minister for Transport, Minister for Roads, Minister for Regional Transport and Roads, or the Acting Secretary of the Premier's Department in relation to the recruitment process and selection of the Secretary of Transport for NSW,
 - (h) all communications, including emails, text messages or instant message services, between any of the following persons or offices regarding the recruitment of the position of Secretary of Transport for NSW or the appointment of Mr Josh Murray as Secretary of Transport for NSW:
 - (i) any senior executive employed by Transport for NSW or the Department Transport, and
 - (i) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House—put and passed.

17 PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE—REFERENCE

Mrs Ward moved, according to notice: That the Public Accountability and Works Committee inquire into and report on the appointment of Josh Murray to the position of Secretary of Transport for NSW, including:

- (a) the circumstances leading up to the appointment,
- (b) the process undertaken to make the appointment,
- (c) the probity and integrity measures that were undertaken as part of the appointment,
- (d) the principles, public expectations and requirements for appointments to the public service by Ministers, and

(e) any other related matter.

Debate ensued.

Point of order: Mr Tudehope took a point of order that amendments foreshadowed by Mr Graham were out of order as they would effectively create a new inquiry.

Debate on point of order ensued.

The President reserved his ruling.

According to sessional order, proceedings interrupted at 11.00 am for Questions.

18 QUESTIONS

According to standing order, at the conclusion of Questions, a supplementary question for written answer was asked by a member.

19 TAKE NOTE OF ANSWERS TO QUESTIONS

Mr Farraway moved, according to standing order: That the House take note of answers to questions.

Debate ensued.

Question put and passed.

20 MEMBERS' STATEMENTS

21 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—REVENUE, FINES AND OTHER LEGISLATION AMENDMENT BILL 2023

The President reported receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly having this day passed a bill with the long title "An Act to make miscellaneous amendments to certain revenue and fines legislation; and for other purposes" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
23 August 2023

GREG PIPER
Speaker

Bill, on motion of Ms Moriarty (on behalf of Mr Mookhey), read a first time and published.

According to standing order, Ms Moriarty tabled a statement of public interest.

Ms Moriarty moved, according to standing order: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

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

22 RULING BY PRESIDENT—AMENDMENTS TO A MOTION

The President gave a ruling which he had reserved from earlier this day on a point of order taken by Mr Tudehope that foreshadowed amendments to a motion were out of order. The President ruled that the foreshadowed amendments are in order, as they are relevant to and not a direct negative of the question.

23 PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE—REFERENCE

Order of the day read for resumption of the interrupted debate of the question on the motion of Mrs Ward: That the Public Accountability and Works Committee inquire into and report on the appointment of Josh Murray to the position of Secretary of Transport for NSW, including:

- (a) the circumstances leading up to the appointment,
- (b) the process undertaken to make the appointment,
- (c) the probity and integrity measures that were undertaken as part of the appointment,
- (d) the principles, public expectations and requirements for appointments to the public service by Ministers, and
- (e) any other related matter.

Debate resumed.

Mr Buttigieg moved: That the question be amended as follows:

- (1) Insert "and Emma Watts as NSW Cross Border Assistant Commissioner" after "Secretary of Transport for NSW".
- (2) In paragraph (a) omit "appointment" and insert instead "appointments".
- (3) In paragraph (b) omit "appointment" and insert instead "appointments".
- (4) Insert after paragraph (d):
 "(e) the process of the appointment of senior officers generally, and".
- (5) Insert new paragraph (2):
 "(2) That the committee report by 6 October 2023."

Debate continued.

Mrs Mitchell moved: That:

- (1) In amendment no. 1 of Mr Buttigieg, omit "Emma Watts as NSW Cross Border Assistant Commissioner" and insert instead "any appointment at the senior executive/ director level role".
- (2) In amendment no. 5 of Mr Buttigieg, omit "6 October 2023" and insert instead "30 November 2023".

Debate continued.

Under standing order 92, Mr Graham spoke a second time in explanation of his speech earlier in debate.

Question put: That amendment no. 1 of Mrs Mitchell to amendment no. 1 of Mr Buttigieg be agreed to.

The House divided.

Ayes16
 Noes25
 Majority.....9

AYES

Carter	Martin	Rath (teller)
Fang (teller)	Merton	Ruddick
Farlow	Mihailuk	Taylor
Farraway	Mitchell	Tudehope
MacDonald	Munro	Ward
Maclaren-Jones		

NOES

Banasiak	Graham	Mookhey
Borsak	Higginson	Moriarty
Boyd	Houssos	Murphy (teller)
Buckingham	Hurst	Nanva (teller)
Buttigieg	Jackson	Primrose
Cohn	Kaine	Roberts
D'Adam	Latham	Sharpe
Donnelly	Lawrence	Suvaal
Fachrmann		

Question resolved in the negative.

Question: That amendment no. 2 of Mrs Mitchell to amendment no. 5 of Mr Buttigieg be agreed to—put and passed.

Mr Graham, according to standing order 106(4), requested that the question on amendment no. 5 of Mr Buttigieg be put separately.

Mr Graham, having requested that the question on amendment no. 5 of Mr Buttigieg be put separately—

Question put: That amendments nos 1 to 4 of Mr Buttigieg be agreed to.

The House divided.

Ayes23
 Noes18
 Majority.....5

AYES

Banasiak	Fachrmann	Mookhey
Borsak	Graham	Moriarty
Boyd	Higginson	Murphy (teller)
Buckingham	Houssos	Nanva (teller)
Buttigieg	Hurst	Primrose
Cohn	Jackson	Sharpe
D'Adam	Kaine	Suvaal
Donnelly	Lawrence	

NOES

Carter	Maclaren-Jones	Rath (teller)
Fang (teller)	Martin	Roberts
Farlow	Merton	Ruddick

NOES

Farraway
Latham
MacDonald

Mihailuk
Mitchell
Munro

Taylor
Tudehope
Ward

Question resolved in the affirmative.

Question: That amendment no. 5 of Mr Buttigieg, as amended, be agreed to—put and passed.

Original question, as amended:

- (1) That the Public Accountability and Works Committee inquire into and report on the appointment of Josh Murray to the position of Secretary of Transport for NSW and Emma Watts as NSW Cross Border Assistant Commissioner, including:
 - (a) the circumstances leading up to the appointments,
 - (b) the process undertaken to make the appointments,
 - (c) the probity and integrity measures that were undertaken as part of the appointments,
 - (d) the principles, public expectations and requirements for appointments to the public service by Ministers,
 - (e) the process for the appointment of senior officers generally, and
 - (f) any other related matter.
- (2) That the committee report by 30 November 2023—put and passed.

24 DISALLOWABLE STATUTORY RULE—TABLED BY MINISTER

Mr Graham, according to the Surveillance Devices Act 2007, tabled the Surveillance Devices Amendment (ICAC) Regulation 2023, published on the NSW Legislation website on 23 August 2023.

25 MINISTERIAL STATEMENT—SURVEILLANCE DEVICES AMENDMENT (ICAC) REGULATION 2023

Mr Graham made a ministerial statement relating to the Surveillance Devices Amendment (ICAC) Regulation 2023.

Mr Tudehope also addressed the House.

26 ORDER FOR PAPERS—PUBLIC FOREST HARVESTING OPERATIONS IN NEW SOUTH WALES

Ms Higginson moved, according to notice: That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created since 26 March 2023, in electronic format if possible, in the possession, custody or control of the Premier, Premier's Department, The Cabinet Office, the Treasurer, the Treasury, the Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, the Department of Planning and Environment, the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, the Department of Regional NSW, the Minister for Finance and Minister for Natural Resources, the Department of Customer Service, the Minister for Local Government, the NSW Forestry Corporation, the

Environment Protection Authority or the Natural Resources Commission relating to public forest harvesting operations in New South Wales:

- (a) all documents regarding a Great Koala National Park,
- (b) all documents regarding koala habitat,
- (c) all documents regarding ecological surveys,
- (d) all documents regarding community consultation,
- (e) all documents regarding consultation with unions or workers,
- (f) all documents regarding consultation with:
 - (i) Aboriginal people or groups,
 - (ii) Indigenous people or groups,
 - (iii) First Nations people or groups,
 - (iv) Traditional Owners or,
 - (v) Traditional Custodians, and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Ms Sharpe moved: That the question be amended by omitting paragraphs (a) to (f) and inserting instead:

- “(a) documents regarding plans for a Great Koala National Park, including documents relating to:
 - (i) koala habitat or ecological surveys,
 - (ii) consultation with First Nations people or groups, communities, unions and workers,
 - (iii) mapping,
 - (iv) budget costings,
- (b) documents relating to planned harvesting in the footprint of the proposed area of the Great Koala National Park, and”.

Debate continued.

Question: That the amendment of Ms Sharpe be agreed to—put and passed.

Original question, as amended: That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, created since 26 March 2023, in electronic format if possible, in the possession, custody or control of the Premier, Premier's Department, The Cabinet Office, the Treasurer, the Treasury, the Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, the Department of Planning and Environment, the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, the Department of Regional NSW, the Minister for Finance and Minister for Natural Resources, the Department of Customer Service, the Minister for Local Government, the NSW Forestry Corporation, the Environment Protection Authority or the Natural Resources Commission relating to public forest harvesting operations in New South Wales:

- (a) documents regarding plans for a Great Koala National Park, including documents relating to:
 - (i) koala habitat or ecological surveys,
 - (ii) consultation with First Nations people or groups, communities, unions and workers,
 - (iii) mapping,
 - (iv) budget costings,

- (b) documents relating to planned harvesting in the footprint of the proposed area of the Great Koala National Park, and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House—put and passed.

27 SHARK NETS

Ms Hurst moved, according to notice:

- (1) That this House notes that:
 - (a) the use of shark nets in New South Wales is causing ongoing harm to marine animals,
 - (b) the NSW Department of Primary Industries' Shark Meshing (Bather Protection) Program 2022/23 Annual Performance Report found that of the 228 animals found entangled in nets in the last year, 204 were non-target species, including turtles, rays, dolphins and seals,
 - (c) 63 per cent of all animals caught in the nets during the 2022-23 season were found dead in the nets, and it is unknown how many animals may have died after being freed from entanglement due to injuries,
 - (d) research from the University of Wollongong, which examined the New South Wales shark net program since 1950, found there was no reliable evidence that lethal shark hazard management strategies are effective at protecting human life,
 - (e) there are many other scientifically-backed ways to keep beachgoers safe, including beach patrols, drone surveillance and personal shark deterrents, and
 - (f) surveys show that many people in the community no longer support the continued use of shark nets, and in March 2022 a unanimous resolution passed by Local Government NSW requested that the Government phase out the use of shark nets.
- (2) That this House calls on the Government to support Councils in moving away from shark nets, and to ensure that the Department of Primary Industries is making available all necessary information and technology to these Councils so that changes are implemented prior to this 1 September 2023.

Debate ensued.

Ms Moriarty moved: That the question be amended as follows:

- (1) Insert after "this House notes that":
 - "(a) the use of a suite of shark mitigation measures is critical to keeping people safe in the water,"
- (2) In paragraph (2) omit "so that changes are implemented prior to this 1 September 2023".

Debate continued.

Question put: That the amendment of Ms Moriarty be agreed to.

The House divided.

Ayes	34
Noes	7
Majority.....	27

AYES

Banasiak	Kaine	Munro
Borsak	Latham	Murphy
Buttigieg	Lawrence	Nanva (teller)
Carter	MacDonald	Primrose
D'Adam	Maclaren-Jones	Rath (teller)
Donnelly	Martin	Roberts
Fang	Merton	Sharpe
Farlow	Mihailuk	Suvaal
Farraway	Mitchell	Taylor
Graham	Mookhey	Tudehope
Houssos	Moriarty	Ward
Jackson		

NOES

Boyd (teller)	Faehrmann	Hurst (teller)
Buckingham	Higginson	Ruddick
Cohn		

Question resolved in the affirmative.

Original question, as amended:

- (1) That this House notes that:
 - (a) the use of a suite of shark mitigation measures is critical to keeping people safe in the water,
 - (b) the use of shark nets in New South Wales is causing ongoing harm to marine animals,
 - (c) the NSW Department of Primary Industries' Shark Meshing (Bather Protection) Program 2022/23 Annual Performance Report found that of the 228 animals found entangled in nets in the last year, 204 were non-target species, including turtles, rays, dolphins and seals,
 - (d) 63 per cent of all animals caught in the nets during the 2022-23 season were found dead in the nets, and it is unknown how many animals may have died after being freed from entanglement due to injuries,
 - (e) research from the University of Wollongong, which examined the New South Wales shark net program since 1950, found there was no reliable evidence that lethal shark hazard management strategies are effective at protecting human life,
 - (f) there are many other scientifically-backed ways to keep beachgoers safe, including beach patrols, drone surveillance and personal shark deterrents, and
 - (g) surveys show that many people in the community no longer support the continued use of shark nets, and in March 2022 a unanimous resolution passed by Local Government New South Wales requested that the Government phase out the use of shark nets.
- (2) That this House calls on the Government to support Councils in moving away from shark nets, and to ensure that the Department of Primary Industries is making available all necessary information and technology to these Councils—put and passed.

28 ORDER FOR PAPERS—AERIAL CULLING OF BRUMBIES

Mrs Taylor moved, according to notice: That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents created since 25 March 2023, in the possession, custody or control of the Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, the Department of Regional NSW or Department of Planning and Environment relating to the aerial culling of brumbies in New South Wales, and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put and passed.

29 CAMERON O'REILLY REVIEW REGARDING ERARING POWER STATION

Mr Latham moved, according to notice: That this House supports the recommendations of the Cameron O'Reilly review to keep open the Eraring power station as an essential measure for keeping the lights on in New South Wales.

Debate ensued.

Ms Sharpe moved: That the question be amended by omitting all words after "That" and inserting instead: "this House notes the Government will release the report on the NSW Electricity Supply and Reliability Check Up, and the Government's response to that report, at the end of the month."

Debate continued.

Question put: That the amendment of Ms Sharpe be agreed to.

The House divided.

Ayes35
 Noes6
 Majority.....29

AYES

Boyd	Higginson	Moriarty
Buckingham	Houssos	Munro
Buttigieg	Hurst	Murphy
Carter	Jackson	Nanva (teller)
Cohn	Kaine	Primrose
D'Adam	Lawrence	Rath (teller)
Donnelly	MacDonald	Sharpe
Faehrmann	Maclaren-Jones	Suvaal
Fang	Martin	Taylor
Farlow	Merton	Tudehope
Farraway	Mitchell	Ward
Graham	Mookhey	

NOES

Banasiak	Latham (teller)	Roberts (teller)
Borsak	Mihailuk	Ruddick

Question resolved in the affirmative.

Original question, as amended, put and passed.

30 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—DRUG MISUSE AND TRAFFICKING AMENDMENT (APPOINTED PERSONS) BILL 2023

The President reported receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly having this day passed a bill with the long title "An Act to amend the Drug Misuse and Trafficking Act 1985 to provide for matters in relation to certificate evidence" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly
23 August 2023

GREG PIPER
Speaker

Bill, on motion of Ms Sharpe (on behalf of Mr Mookhey), read a first time and published.

According to standing order, Ms Sharpe tabled a statement of public interest.

Ms Sharpe moved, according to standing order: That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

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

31 TAFE FUNDING SHORTFALL

Ms Suvaal moved, according to notice: That this House:

- (a) acknowledges the critical work TAFE NSW does for our State in preparing our students, society and economy for future skills needs,
- (b) notes that over the last 12 years of Liberal National Government, 4,500 TAFE teachers were sacked, TAFE enrolments were down by 28 per cent and the number of people finishing an apprenticeship or traineeship in New South Wales dropped by 67 per cent, and
- (c) condemns the shocking cuts of \$200 million locked into the budget by the former Liberal National Government.

Debate ensued.

Mr Latham moved: That the question be amended by inserting after paragraph (c):

"(d) recognise that at a time when NSW TAFE is not being properly funded, NSW should not be funding billions of dollars of Federal Government responsibilities".

Debate continued.

Question: That the amendment of Mr Latham be agreed to—put and passed.

Original question, as amended, put.

The House divided.

Ayes25
 Noes14
 Majority.....11

AYES

Banasiak	Graham	Mookhey
Borsak	Higginson	Moriarty
Boyd	Houssos	Murphy (teller)
Buckingham	Hurst	Nanva (teller)
Buttigieg	Jackson	Primrose
Cohn	Kaine	Roberts
D'Adam	Latham	Sharpe
Donnelly	Lawrence	Suvaal
Fachrmann		

NOES

Carter	Maclaren-Jones	Rath (teller)
Fang (teller)	Martin	Taylor
Farlow	Merton	Tudehope
Farraway	Mitchell	Ward
MacDonald	Munro	

Question resolved in the affirmative.

32 PERSONAL EXPLANATION

Mr Murphy, by leave, made a personal explanation relating to pro bono legal advice he provided to Mr Tim Crakanthorp MP.

33 ORDER FOR PAPERS—DISCLOSURES MADE BY MR TIM CRAKANTHORP MP

Mrs Mitchell (on behalf of Mrs Ward), by leave, amended private members' business item no. 304 by omitting "7 days" and inserting instead "14 days".

Mrs Mitchell (on behalf of Mrs Ward) moved, according to notice, as by leave amended: That, under standing order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 25 March 2023 in the possession, custody or control of the Premier, the Premier's Department and The Cabinet Office relating to disclosures made by Mr Tim Crakanthorp MP:

- (a) all documents relating to any disclosures made by Mr Tim Crakanthorp MP under the Ministerial Code of Conduct,
- (b) all documents relating to any rulings made by the Premier in relation to any disclosures made by Mr Crakanthorp in respect of satisfying his obligations under the Ministerial Code of Conduct,
- (c) all documents relating to the resignation of Mr Crakanthorp from Cabinet, including any advice relating to breaches of the Ministerial Code of Conduct, and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Debate ensued.

Question put and passed.

34 NATURAL RESOURCES ACCESS REGULATOR AND WATER METERING COMPLIANCE

Mr Buckingham moved, according to notice:

- (1) That this House notes that:
 - (a) in 2017 media reports of mismanagement of water in New South Wales led to considerable public concern and loss of confidence in the regulation and use of the State's water resources,
 - (b) subsequently the Government commissioned Mr Ken Matthews to inquire into and report on aspects of water management in New South Wales,
 - (c) the Matthews interim and final reports highlighted several significant shortcomings and presented a significant case for change in the water compliance and enforcement system in New South Wales,
 - (d) established under the Natural Resources Access Regulator Act 2017, the Natural Resources Access Regulator (NRAR) was created as a recommendation of the Matthews Inquiry,
 - (e) the NRAR is an independent water regulator with an independent board which is appointed by, and reports to, the Minister for Water and any directions to the NRAR by the Minister must be made according to the provisions of the NRAR Act,
 - (f) the NRAR works to deliver effective, transparent and accountable enforcement of New South Wales laws, and maintain public confidence in the enforcement of those laws by putting in place new standards to ensure the effectiveness and transparency of compliance activities at an individual, water sharing plan, and State level,
 - (g) under New South Wales water metering reforms, pattern-approved meters for surface water pumps 500 mm and above were required to be installed by 1 December 2020,
 - (h) according to the latest NRAR compliance reports, and despite being required under New South Wales law, significant numbers of irrigators in the Northern Inland region have failed to comply with their "no meter no pump" obligations,
 - (i) by 1 December 2022, owners of the remaining works in the Southern Inland region were required to comply with the metering regulations,
 - (j) under New South Wales metering reforms, duly qualified persons (DQPs) are required to ensure that metering equipment has been installed and verified correctly, and
 - (k) the NRAR has warned that it will undertake checks of DQPs' installation and verification of metering equipment to ensure consistency and accuracy of work and that it retains the right to investigate and take regulatory action against DQPs who are not complying with their obligations.
- (2) That this House calls on the Government to:
 - (a) ensure that the NRAR has the powers and resources required to meet its regulatory role,
 - (b) act urgently to ensure that there is full compliance with the laws regulating water access and metering requirements in New South Wales,
 - (c) ensure the independence and integrity of the DQP regime in New South Wales, and
 - (d) ensure the safety of all NRAR staff in the exercise of their regulatory roles.

- (3) That this House commends the NRAR and all its staff for their work towards the restoration of public confidence in the equitable regulation, and the use, of water resources in New South Wales.

Debate ensued.

Question put.

The House divided.

Ayes21
 Noes16
 Majority.....5

AYES

Boyd	Graham	Mookhey
Buckingham	Higginson	Moriarty
Buttigieg	Houssos	Murphy (teller)
Cohn	Hurst	Nanva (teller)
D'Adam	Jackson	Primrose
Donnelly	Kaine	Sharpe
Fachrmann	Lawrence	Suvaal

NOES

Carter	Maclaren-Jones	Munro
Fang (teller)	Martin	Rath (teller)
Farlow	Merton	Taylor
Farraway	Mihailuk	Tudehope
Latham	Mitchell	Ward
MacDonald		

Question resolved in the affirmative.

35 MURRAY-DARLING BASIN PLAN

Ms Faehrmann moved, according to notice:

- (1) That this House notes that:
- (a) the Murray-Darling Basin Authority has formally advised there will be a shortfall of 750 gegalitres of the 3200 gegalitres target for returning water to the environment by June 2024 contained within the Murray-Darling Basin Plan, and
 - (b) on 25 July 2023, the Honourable Rose Jackson, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth and Minister for the North Coast was quoted in the Sydney Morning Herald as wanting to make sure that the extra 450 gegalitres of water that needs to be returned for the environment by June 2024 under the Murray-Darling Basin Plan was achieved through infrastructure rather than through buybacks from irrigators.
- (2) That the House further notes that:
- (a) environmental water has protected rivers and wetlands, including Ramsar sites in the Macquarie Marshes, Gwydir Wetlands, and Narran Lake, it has kept rivers flowing, and in the Barwon-Darling/Baaka has provided water to towns when the water agencies turned the water off,

- (b) one study by Professor Glyn Wittwer from Victoria University has shown that spending on health, education and basic services produced three to four times more jobs than the same level of expenditure on irrigation infrastructure investment,
 - (c) irrigation efficiency projects are 2.7 times more expensive than buybacks,
 - (d) the \$4.5 billion irrigation efficiency scheme has been riddled with maladministration, including that the Commonwealth and New South Wales Governments have been unable to account for 250 gigalitres worth of New South Wales irrigation efficiency projects costing \$1.8 billion, and
 - (e) at the end of the last drought, there were 364 gigalitres of unused water (carried over) in the New South Wales Murray River, three quarters of which was owned and carried over by Murray Irrigation Limited.
- (3) That this House calls on the Government to review:
- (a) the socio-economic impact of water moving to its highest value use,
 - (b) carryover, including carryover within private irrigation schemes and accounts not associated with land, and
 - (c) the efficiency projects undertaken to date, including verifying their savings and whether all savings have been passed onto the Commonwealth.

Debate ensued.

Ms Jackson moved: That the question be amended as follows:

- (1) Omit paragraphs (2)(c) to (2)(e).
- (2) In paragraph (3) omit "review" and insert instead "consider".

Debate continued.

Question put: That the amendment of Ms Jackson be agreed to.

The House divided.

Ayes19
 Noes16
 Majority.....3

AYES

Boyd
 Buckingham
 Buttigieg
 Cohn
 D'Adam
 Donnelly
 Fachrmann

Higginson
 Houssos
 Hurst
 Jackson
 Kaine
 Lawrence

Mookhey
 Moriarty
 Murphy (teller)
 Nanva (teller)
 Primrose
 Suvaal

NOES

Banasiak
 Borsak
 Carter
 Fang (teller)
 Farlow

MacDonald
 Maclaren-Jones
 Martin
 Mihailuk
 Mitchell

Munro
 Rath (teller)
 Roberts
 Taylor
 Ward

NOES

Latham

PAIRS

Graham
SharpeTudehope
Farraway

Question resolved in the affirmative.

Original question, as amended, put.

The House divided.

Ayes	19
Noes	17
Majority.....	2

AYES

Boyd
Buckingham
Buttigieg
Cohn
D'Adam
Donnelly
FaehrmannHigginson
Houssos
Hurst
Jackson
Kaine
LawrenceMookhey
Moriarty
Murphy (teller)
Nanva (teller)
Primrose
Suvaal

NOES

Banasiak
Borsak
Carter
Fang (teller)
Farlow
LathamMacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
MitchellMunro
Rath (teller)
Roberts
Taylor
Ward

PAIRS

Graham
SharpeTudehope
Farraway

Question resolved in the affirmative.

36 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—ICAC AND LECC LEGISLATION AMENDMENT BILL 2023

The President reported receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly having this day agreed to the bill with the long title "An Act to amend the Independent Commission Against Corruption Act 1988 and the Law Enforcement Conduct Commission Act 2016 to implement responses to recommendations of the Joint Committee on the Independent Commission Against Corruption" returns the bill to the Legislative Council without amendment.

Legislative Assembly
23 August 2023

GREG PIPER
Speaker

37 BUSINESS POSTPONED

Private members' business item no. 348 postponed by Mr Farlow until a later hour of the sitting.

38 TOLLING REVIEW

Mr Buttigieg moved, according to notice: That this House notes that:

- (a) the cost-of-living pressure built over the last 12 years of “toll-mania”, has adversely impacted drivers in Sydney, the most tolled city in the world, with a disproportionate burden falling on those living in Western Sydney and the outer suburbs,
- (b) the Government is progressing with the Tolling Review, including the release of a discussion paper by the Chair and Deputy Chair of the review, and a summary of the prior work done by the previous Government, and
- (c) this comes after the former Government did not release prior work done by NSW Treasury and Transport for NSW, despite promising to do so by Christmas 2022.

Debate ensued.

Question put and passed.

39 BUSINESS POSTPONED

Private members' business item no. 332 postponed by Mr Rath (on behalf of Mr Farraway), until a later hour of the sitting.

40 AUKUS PACT

Mr Rath moved, according to notice:

- (1) That this House congratulates the Albanese Government’s commitment to the AUKUS pact.
- (2) That this House acknowledges that:
 - (a) AUKUS is critical to the defence and national security of Australia in an increasingly hostile world and region,
 - (b) the pact’s enhanced defence capabilities are not designed to be adversarial, and
 - (c) AUKUS will create 20,000 direct jobs over the next three decades.
- (3) That this House affirms its support for Australia’s alliance with the United States of America and welcomes Prime Minister Anthony Albanese’s visit to the United States and meeting with President Biden in October 2023.

Debate ensued.

Mr Ruddick, by leave, spoke beyond the time for debate.

Debate continued.

Question put.

The House divided.

Ayes30
 Noes7
 Majority.....23

AYES

Buttigieg	Kaine	Munro
Carter	Lawrence	Murphy
D'Adam	MacDonald	Nanva (teller)
Donnelly	Maclaren-Jones	Primrose
Fang	Martin	Rath (teller)
Farlow	Merton	Sharpe
Farraway	Mihailuk	Suvaal
Graham	Mitchell	Taylor
Houssos	Mookhey	Tudehope
Jackson	Moriarty	Ward

NOES

Boyd (teller)	Faehrmann	Hurst
Buckingham	Higginson	Ruddick
Cohn (teller)		

Question resolved in the affirmative.

41 HUMAN RIGHTS IN IRAN

Mr Murphy, by leave, amended private members' business item no. 329 by omitting in paragraph (3) "endorses" and inserting instead "acknowledges".

Mr Murphy moved, according to notice, as by leave amended:

- (1) That this House stands with the people of Iran in their peaceful protests since the death in custody of Mahsa "Jina" Amini.
- (2) That this House supports the United Nation's independent investigation into human rights violations and the Commonwealth's sanctions against those responsible.
- (3) That this House acknowledges the National Council of Resistance of Iran's Ten Point Plan for the Future of Iran.

Debate ensued.

Question put and passed.

42 ADJOURNMENT

Mr Mookhey moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 10.17 pm until Thursday 24 August 2023 at 10.00 am.

43 ATTENDANCE

All members present.

David Blunt AM
Clerk of the Parliaments

Authorised by the Parliament of New South Wales