

# LEGISLATIVE COUNCIL

# FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT

# **MINUTES OF PROCEEDINGS**

# No. 72

# WEDNESDAY 25 SEPTEMBER 2024

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# **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—BICENTENARY CONCERT SERIES

The President made a statement concerning an ongoing series of concerts at Parliament House to mark the Bicentenary of the Legislative Council.

### 3 STATEMENT BY PRESIDENT—EMPLOYEE ASSISTANCE PROGRAM

The President made a statement concerning an information session on changes to the Parliament's Employee Assistance Program.

### 4 WORLD MARITIME DAY 2024 (Formal Business)

Mr Murphy moved, as formal business, private members' business item no. 1360: That this House notes that:

- (a) 24 September 2024 marks World Maritime Day, a day of reflection for the sacrifices made by merchant seafarers who crewed cargo ships during wartime, and
- (b) the Sydney Branch of the Maritime Union of Australia held a commemoration and wreath laying ceremony at Pyrmont Bridge at 12.00 pm on the 24 September 2024.

Question put and passed.

### 5 MOTION TO TABLE REPORT OF THE INDEPENDENT LEGAL ARBITER—POLICE MANAGEMENT AND ADMINISTRATION (Formal Business)

Mr Roberts moved, as formal business, private members' business item no. 1371:

- (1) That the Report of the Independent Legal Arbiter entitled "Disputed Claim of Privilege—Police management and administration", dated 19 September 2024, together with submissions, be laid upon the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

Question put and passed.

#### 6 METRO ASSIST LUNAR NEW YEAR CELEBRATION 2024 (Formal Business)

Mr Buttigieg moved, as formal business, private members' business item no. 1372:

- (1) That this House notes that:
  - (a) a dumpling making Lunar New Year celebration was held on 14 February 2024 in Burwood, and the Honourable Mark Buttigieg MLC was honoured to attend, representing the Honourable Stephen Kamper MP, Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport,

- (b) the event was hosted by Metro Assist, an organisation servicing culturally and linguistically diverse communities in areas such as finance, tenancy, migrant settlement and family support,
- (c) the dumpling making celebration facilitated connections between recent migrants and local service providers that offer assistance with settlement issues, and
- (d) guests attending the event included:
  - (i) the Honourable Ron Hoenig MP, Minister for Local Government,
  - (ii) Mr Jason Yat-Sen Li MP, Member for Strathfield,
  - (iii) Councillor John Faker, Mayor of Burwood.
- (2) That this House congratulates Metro Assist for conducting such a successful celebration of the Lunar New Year and thanks Metro Assist for its invaluable service to the community.

#### 7 CLONTARF FOUNDATION ROSS KELLY CUP DINNER 2024 (Formal Business)

Mrs MacDonald moved, as formal business, private members' business item no. 1374:

- (1) That this House acknowledges the Clontarf Foundation, which exists to improve the education, discipline, life skills, self-esteem and employment prospects of young Aboriginal and Torres Strait Islander men:
  - (a) that Clontarf's largest event, the annual Ross Kelly Cup, began in 2013 with just 100 boys for a Rugby League Carnival, and
  - (b) that the 2024 Ross Kelly Cup was held in Tuggerah and now has 41 teams and hosted 750 year 9 and 10 boys from various Clontarf Academies from across the state.
- (2) That this House notes the Ross Kelly Dinner on 10 September 2024 was a celebration with more than 1,000 people including staff, corporate partners, and supporters.
- (3) That the Clontarf Foundation Ross Kelly Dinner was attended by:
  - (a) Mr Craig Brierty, Deputy Chief Executive Officer of the Clontarf Foundation,
  - (b) the Honourable David Harris MP, Minister for Aboriginal Affairs and Treaty,
  - (c) the Honourable Sarah Mitchell,
  - (d) Mr Roy Butler MP,
  - (e) Mr Philip Donato MP,
  - (f) Ms Liza Butler MP,
  - (g) Jason Saab, Footballer,
  - (h) James Grant, Former Wallaby, and
  - (i) the Honourable Aileen MacDonald OAM.
- (4) That this House congratulates the Clontarf Foundation on holding the dinner, which is a celebration of the power of sport, education, and positive roles models.

(5) That this House recognises independent studies have shown that Clontarf delivers a diverse range of benefits to those students who participate in the program, as well as the schools and communities.

Question put and passed.

### 8 KEITH'S CLOSET CHARITY (Formal Business)

Ms Merton moved, as formal business, private members' business item no. 1379:

- (1) That this House recognises the outstanding work of Keith's Closet, a charitable initiative founded by mental health nurse Keith Donnelly, which provides clothing, toiletries, and essential items to individuals accessing mental health services across NSW, particularly the South West of Sydney.
- (2) That this House acknowledges the significant impact Keith's Closet has in restoring dignity, building confidence, and aiding in the recovery and reintegration of patients experiencing mental health challenges.
- (3) That this House commends the expansion of Keith's Closet to communities such as Bankstown, Wollongong, and Lismore, and the dedication of its volunteers and supporters who help transform the lives of those in need, especially in a cost of living crisis.

Question put and passed.

#### 9 NCOSS REPORT ON COST OF LIVING (Formal Business)

Ms Boyd moved, as formal business, private members' business item no. 1381:

- (1) That this House notes with concern that according to NCOSS in a report entitled "Impossible Choices: Decisions NSW communities shouldn't have to make", published in September 2024:
  - (a) analysis across NCOSS' 2022, 2023 and 2024 Cost of Living surveys reveals that the sharp increase in indicators of financial pressure reported in the 2023 research have not improved and, in many cases, have notably worsened this year,
  - (b) New South Wales residents living on low incomes and below the poverty line cannot afford essential goods and services and are struggling to cover basic housing, food, medical costs and essential services, such as electricity and water,
  - (c) cost-of-living pressures are continuing to disproportionately impact specific groups within our community, notably First Nations households, carers, people with disability, CALD households, single parents and public housing residents,
  - (d) nine out of ten single parents on low incomes have gone without essentials over the past 12 months due to cost of living pressure,
  - (e) while the Government's cost-of-living rebates have provided some minor temporary relief, they are not enough to keep people out of poverty and properly address the extent of the cost-of-living pressures faced by communities across New South Wales, and
  - (f) NCOSS is urging the state and federal governments to make changes to ease the crisis, including raising the rate of income support, creating a school food program and enhancing early intervention services.
- (2) That this House calls on the Government to take urgent action to meet the calls of NCOSS and provide targeted support and community development, invest in affordable housing and improve access to essential services.

### 10 SYDNEY CHOCOLATE BALL 2024 (Formal Business)

Ms Munro moved, as formal business, private members' business item no. 1383:

- (1) That this House notes that on 21 September 2024 the 13th annual Sydney Chocolate Ball fundraising event was held, celebrating over a decade of supporting FSHD Global Research Foundation Ltd (FSHD Global), an organisation dedicated to raising awareness, funding medical research and improving quality of life for approximately 3,500 Australians living with Facioscapulohumeral Dystrophy (FSHD).
- (2) That this House congratulates the organisers, including Natalie Cooney and Emma Weatherley, volunteers and donors involved in making the 2024 Sydney Chocolate Ball a resounding success.
- (3) That this House commends FSHD Global for their remarkable work on the 'Clinical Trial Passport' initiative which will cover diagnostic test costs for Australian FSHD patients, bringing them closer to participating in clinical trials and accelerating the search for effective treatments.
- (4) That this House further notes:
  - (a) that FSHD Global receives no government funding, despite their world leading research and treatment delivery programs, led by a dedicated team of just 2.5 staff,
  - (b) the attendance of the following people at the 2024 Sydney Chocolate Ball:
    - (i) Senator Andrew Bragg, Senator for New South Wales, Shadow Assistant Minister for Home Ownership,
    - (ii) Dr Mike Freelander MP, Member for Macarthur, Chair of Stand Committee of Health Aged Care and Sport,
    - (iii) the Honourable Jacqui Munro MLC, Shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy in NSW
    - (iv) the Honourable Bronwyn Bishop AO, former Speaker of the Australian House of Representatives,
    - (v) Mr Bill Moss AO, Founder of the FSHD Global Research Foundation Ltd,
    - (vi) Mr Jamie Durie OAM, Australian horticulturalist and TV Presenter,
    - (vii) Mr Vic Lorusso OAM, Traffic Reporter, TV and Radio Presenter, and
    - (viii) Dr Fiona Martin, Head of Science and Board Director at FSHD Global Research Foundation Ltd.

Question put and passed.

## **30TH ANNIVERSARY NAN TIEN TEMPLE (Formal Business)**

Ms Munro moved, as formal business, private members' business item no. 1384:

- (1) That this House notes that on 22 September 2024, Nan Tien Temple in Berkeley celebrated its 30th anniversary, marking three decades as a significant spiritual and cultural institution in New South Wales.
- (2) That this House congratulates the Temple on its contribution to promoting the Taiwanese Fo Guang Shan Buddhist order teachings, cultural understanding and social harmony, as founded by Hsing Yun in the Illawarra region and across the state.
- (3) That this House acknowledges the efforts of the Venerable Man Ko of Nan Tien Temple, temple staff, residents, volunteers and the wider Buddhist community in ensuring the continued success of Nan Tien Temple, including its recent recognition as one of the state's youngest heritage listed sites.

- (4) That this House further notes the attendance of the following people at:
  - (a) the Venerable Hsin Bau, Refuge Master of Fo Guang Shan,
  - (b) the Honourable Stephen Jones MP, Assistant Treasurer and Minister for Financial Services,
  - (c) the Honourable David Coleman MP, Shadow Minister for Communications,
  - (d) the Honourable Alyson Byrnes MP, Member for Cunningham,
  - (e) the Honourable Paul Scully MP, Minister for Planning and Public Spaces,
  - (f) the Honourable Jacqui Munro MLC, Shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy in New South Wales,
  - (g) Councillor Gordan Bradbery AM, Lord Mayor of Wollongong, and
  - (h) the Honourable David Campbell, former Mayor of Wollongong.

#### 12 REGULATION COMMITTEE—REPORT

The Chair (Mrs Maclaren-Jones) tabled Report of the Regulation Committee entitled "Delegated Legislation Monitor No. 10 of 2024", dated 25 September 2024.

#### 13 TABLING OF REPORT OF INDEPENDENT LEGAL ARBITER—POLICE MANAGEMENT AND ADMINISTRATION

The Clerk, according to resolution of the House this day, tabled Report of the Independent Legal Arbiter entitled "Disputed Claim of Privilege—Police management and administration", dated Thursday 19 September 2024, together with submissions.

### 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 since the last sitting of the House.

### **15** NOTICES OF MOTIONS

#### 16 COMMITTEES—MEMBERSHIP

The President informed the House that on Tuesday 24 September 2024, the Clerk had received advice from the Leader of the Opposition of the following changes in the membership of committees:

Portfolio Committee No. 2 - Health: Mr Fang in place of Mrs Taylor, resigned.

Portfolio Committee No. 5 - Justice and Communities: Mr Barrett in place of Mr Fang.

Portfolio Committee No. 8 - Customer Service: Mr Barrett in place of Mrs Taylor, resigned.

Public Accountability and Works Committee: Mrs Mitchell in place of Mrs Taylor, resigned.

#### 17 ANTI-DISCRIMINATION AND CRIMES LEGISLATION AMENDMENT (DISABILITY) BILL 2024

Ms Boyd moved, according to notice, private members' business item no. 1380: That leave be given to bring in a bill for an Act to amend the Anti-Discrimination Act 1977 and the Crimes Act 1900 to make it unlawful to vilify a person or group of persons on the grounds of disability; to make it unlawful to offend, insult, humiliate or intimidate another person or a group of persons on the grounds of certain specified attributes; to create an offence of threatening or inciting violence on the grounds of disability; and for related purposes.

Question put and passed.

Bill presented.

Bill read a first time and published.

Ms Boyd then moved: That this bill be now read a second time.

Debate ensued.

Motion made (Mr Nanva) and question: That this debate be now adjourned until five calendar days aheadput and passed.

#### 18 SPECIAL COMMISSION OF INQUIRY INTO PER- AND POLYFLUOROALKYL (PFAS) CONTAMINATION IN NEW SOUTH WALES

Mrs Mitchell moved, according to notice, private members' business item no. 1346: That this House calls on the Government to establish a special commission of inquiry into per- and polyfluoroalkyl (PFAS) contamination in New South Wales waterways and storages.

Debate ensued.

Question put.

The House divided.

Ayes	12
Noes	22
Majority	10

#### AYES

Barrett	Farraway (teller)	Mitchell
Carter	MacDonald	Munro
Fang (teller)	Maclaren-Jones	Ruddick
Farlow	Merton	Tudehope

NOES

Banasiak Borsak Boyd Buckingham Buttigieg Cohn Faehrmann Graham

Higginson Houssos Hurst Jackson Kaine Latham Lawrence

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

PAIRS

Rath Ward Donnelly D'Adam

Question resolved in the negative.

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

# **19 QUESTIONS**

According to standing order, at the conclusion of Questions, supplementary questions for written answers were asked by members.

# 20 TAKE NOTE OF ANSWERS TO QUESTIONS

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

Debate ensued.

Question put and passed.

## 21 JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL—REPORT

Mr Buttigieg tabled Report No. 1/58 of the Joint Standing Committee on the Office of the Valuer General entitled "Sixteenth General Meeting with the Valuer General", dated September 2024.

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

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

## 22 MEMBERS' STATEMENTS

# 23 ROAD RULES AMENDMENT (MOBILE PHONES AS NAVIGATION AIDS FOR PROVISIONAL LICENCE HOLDERS) BILL 2024

Order of the day read for resumption of the adjourned debate of the question on the motion of Mr Ruddick (private members' business item no. 1099): That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

(With concurrence) Mr Ruddick moved: That this bill be now read a third time.

Debate ensued.

Bill read a third time.

Bill forwarded to the Legislative Assembly for concurrence.

# 24 TRAIN DRIVERS ON SYDNEY METRO LINE

Mr Tudehope (on behalf of Mrs Ward) moved, according to notice, private members' business item no. 1361:

- (1) That this House notes:
  - (a) Sydney Metro was designed, funded and built by the former Coalition Government,
  - (b) the Sydney Metro system is designed to be fast, efficient and driverless,
  - (c) that on Friday 20 September 2024, the NSW Labor Government committed to having a member of the Rail Tram and Bus Union on every Sydney Metro platform and on every Sydney Metro train forever, and
  - (d) that this worker will have no operational role on the management of the metro system.
- (2) That this House further notes that the Government's transport policy is becoming the priority of the Rail Tram and Bus Union first and the public second.
- (3) That this House condemns the Government for making a mockery of the world class metro system by acquiescing to the demands of the Rail Tram and Bus Union.

Debate ensued.

Question put.

Banasiak

Buttigieg

D'Adam

Faehrmann

Borsak

Boyd Buckingham

Cohn

The House divided.

Ayes	.15
Noes	.22
Majority	7

## AYES

Barrett	Latham
Carter	MacDonald
Fang (teller)	Maclaren-Jones
Farlow	Martin
Farraway (teller)	Merton

#### NOES

Graham Higginson Hurst Jackson Kaine Lawrence Mihailuk Mookhey Moriarty Murphy (teller) Nanva (teller) Primrose Sharpe Suvaal

Mitchell Munro Roberts Ruddick Tudehope PAIRS

Rath Ward Donnelly Houssos

Question resolved in the negative.

### 25 PRIVILEGES COMMITTEE—REFERENCE

Mr Latham moved, according to notice, private members' business item no. 1362:

#### Possible contempt arising from the inquiry into the proposal to develop Rosehill Racecourse

- (1) That this House notes that:
  - (a) on 20 September 2024, the Select Committee on the proposal to develop Rosehill Racecourse tabled a Special Report entitled "Special report on a possible contempt in the inquiry into the proposal to develop Rosehill Racecourse", and
  - (b) the report included a recommendation "That the House refer the correspondence dated 12 August 2024 to the Privileges Committee for inquiry and report on the basis that it may constitute a substantial interference with the work of the committee and therefore a possible contempt.".
- (2) That the Special Report and recommendation of the Select Committee on the proposal to develop Rosehill Racecourse be referred to the Privileges Committee for inquiry and report.

Debate ensued.

Question put.

The House divided.

Ayes	24
Noes	13
Majority	11

AYES

Banasiak Barrett Borsak	Fang (teller) Farlow Farraway (teller)	Martin Merton Mihailuk
Boyd	Higginson	Mitchell
Buckingham	Hurst	Munro
Carter	Latham	Roberts
Cohn	MacDonald	Ruddick
Faehrmann	Maclaren-Jones	Tudehope

NOES

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

#### PAIRS

Rath Ward Suvaal Donnelly

Question resolved in the affirmative.

## 26 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—MUSIC FESTIVALS AMENDMENT BILL 2024

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 Music Festivals Act 2019 to address findings from the Final Report–Review of the Music Festivals Act 2019; to provide for the making of a principal regulation under the Music Festivals Act 2019; and to make a related amendment to the Liquor Act 2007" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly 24 September 2024

GREG PIPER Speaker

Bill, on motion of Mr Graham, read a first time and published.

According to standing order, Mr Graham tabled a statement of public interest.

Mr Graham 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.

#### 27 ORDER FOR PAPERS—CORRESPONDENCE ON THE ANIMAL RESEARCH AMENDMENT (RIGHT TO RELEASE) ACT 2022

Ms Hurst moved, according to notice, private members' business item no. 1324: 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 all correspondence relating to the Animal Research Amendment (Right to Release) Act 2022 sent or received since 1 May 2024 in the possession, custody or control of the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, or the Department of Primary Industries and Regional Development, and any legal or other advice regarding the scope or validity of this order of the House.

Debate ensued.

Question put and passed.

#### 28 SELECT COMMITTEE ON THE PROPOSAL TO DEVELOP ROSEHILL RACECOURSE— EXTENSION OF REPORTING DATE

Mr Farlow moved, according to notice, private members' business item no. 1304: That the reporting date of the Select Committee on the Proposal to Develop Rosehill Racecourse be extended to 6 December 2024.

Debate ensued.

# 29 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—PORTABLE LONG SERVICE LEAVE LEGISLATION AMENDMENT BILL 2024

The Deputy 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 Building and Construction Industry Long Service Payments Act 1986, the Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 and regulations under the Acts to prevent the cancellation of registration under the Acts because of work carried out at Commonwealth places; and for other purposes" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly 25 September 2024

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 a later hour of the sitting.

#### **30 ELSIE WOMEN'S REFUGE**

Dr Kaine moved, according to notice, private members' business item no. 1364:

- (1) That this House notes that:
  - (a) in March 1974 a group of women broke into two empty houses in Glebe and claimed squatters rights so that they could use the house to assist women and children escaping domestic violence,
  - (b) this house, known as Elsie, became Australia's first women's refuge, and
  - (c) the establishment of Elsie Womens Refuge launched a movement across Australia to provide housing and support to those escaping violence.
- (2) That this House welcomes the former houses of Elsie Refuge being added to the State Heritage Register.
- (3) That this House thanks the women who took action to protect women and children from violence and to all those who work to eliminate gender based violence in our communities.

Debate ensued.

Question put and passed.

# 31 ORDER FOR PAPERS—MCPHILLAMYS GOLD MINE PROJECT AND HERITAGE PROTECTION

Mr Farraway moved, according to notice, private members' business item no. 1366: 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 in the possession, custody or control of the Premier, the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement and Minister for Natural Resources, the Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, the Premier's Department, The Cabinet Office, the Department of Climate Change, Energy, the Environment and Water, or the Department of Primary Industries and Regional Development relating to the McPhillamys Gold Mine and the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024:

- (a) all correspondence with the Commonwealth Government, including ministers or agencies, relating to the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024,
- (b) all documents relating to potential alternative sites for the McPhillamys Gold Mine tailings dam,
- (c) all documents relating to accelerating approvals for the McPhillamys Gold Mine tailings dam, 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.

Ms Mihailuk moved: That the question be amended by:

- (1) Inserting "the Minister for Planning and Public Spaces" after "Minister for Heritage".
- (2) Inserting "the Department of Planning, Housing and Infrastructure" before "or the Department of Primary Industries and Regional Development".

Debate continued.

Ms Faehrmann moved: That the question be amended by:

- (1) Omitting paragraph (b) and inserting instead:
  - "(b) all documents relating to the McPhillamys Gold Mine tailings dam, including potential alternative sites,".
- (2) Inserting after paragraph (c):
  - "(d) all correspondence with, and documents held by, Heritage NSW regarding cultural heritage assessments and deliberations concerning the cultural heritage impacts of the mine and its tailings dam, other than culturally sensitive materials received in confidence, and".

Debate continued.

Mr Farraway, by leave, moved: That the question be amended by inserting "created since 1 March 2023" after "the following documents".

#### Debate continued.

Question: That the amendment of Mr Farraway be agreed to-put and passed.

Question: That the amendments of Ms Mihailuk be agreed to-put and passed.

Question: That the amendments of Ms Faehrmann 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 14 days of the date of passing of this resolution the following documents created since 1 March 2023 in the possession, custody or control of the Premier, the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement and Minister for Natural Resources, the Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, the Minister for Planning and Public Spaces, the Premier's Department, The Cabinet Office, the Department of Climate Change, Energy, the Environment and Water, the Department of Planning, Housing and Infrastructure, or the Department of Primary Industries and Regional Development relating to the McPhillamys Gold Mine and the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024:

- (a) all correspondence with the Commonwealth Government, including ministers or agencies, relating to the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024,
- (b) all documents relating to the McPhillamys Gold Mine tailings dam, including potential alternative sites,
- (c) all documents relating to accelerating approvals for the McPhillamys Gold Mine tailings dam,
- (d) all correspondence with, and documents held by, Heritage NSW regarding cultural heritage assessments and deliberations concerning the cultural heritage impacts of the mine and its tailings dam, other than culturally sensitive materials received in confidence, and
- (e) 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.

#### 32 ORDER FOR PAPERS—RACING NSW AND THE NSW POLICE FORCE – FURTHER ORDER

Mr Latham moved, according to notice, private members' business item no. 1348:

- (1) That this House notes that:
  - (a) on Wednesday 7 August 2024 this House ordered the production of documents from Racing NSW relating to Racing NSW and the NSW Police Force,
  - (b) on Tuesday 3 September 2024 a return was received from Racing NSW, stating that:
    - (i) "the Orders for Papers process is directed at the production of State Papers",
    - (ii) "Racing NSW is not a government department or agency for the purposes of the Orders for Papers process",
    - (iii) "section 5 of the Thoroughbred Racing Act 1996 (NSW) entitled "Racing NSW independent of Government" states that "Racing NSW does not represent the Crown and is not subject to direction or control by or on behalf of the Government", and that, "[a]ccordingly, Racing NSW is not subject to the Orders for Papers process.",
  - (c) the correspondence received from Racing NSW on Tuesday 3 September 2024 also stated that "there would not be any documents in the possession of Racing NSW which would not have otherwise been produced by the Minister for Police and NSW Police", and "it would result in unnecessary duplication if Racing NSW also produced the documents", and
  - (d) in response to a previous order of the House of Wednesday 24 November 2021 for the production of documents relating to Mudgee Race Club, Racing NSW failed to return documents to the House as ordered.
- (2) That this House notes:
  - (a) the advice of Mr Bret Walker KC, tabled on 18 November 2015, concerning standing order 52 and independent entities, namely Greyhound Racing NSW as constituted under the

Greyhound Racing Act 2009, which stated that: 'My conclusion overall is that these socalled "independent" entities, groups or persons with public functions, such as Greyhound Racing NSW, are amenable to orders for papers addressed to them by the Council. The suggestion by the Premier's Department is therefore sound: the Council's order may be given directly to Greyhound Racing NSW. It follows that Greyhound Racing NSW is compelled to comply with the order on pain of its responsible officers being in contempt of the House.',

- (b) that on Wednesday 14 September 2016 this House considered its powers under standing order 52 to order the production of documents from entities not subject to ministerial direction or control,
- (c) that on Wednesday 14 September 2016, this House reiterated a previous order for the production of documents from Greyhound Racing NSW, and notwithstanding the provisions of the Greyhound Racing Prohibition Act 2016, on Wednesday 12 October 2016 documents were received directly from Greyhound Racing NSW, and
- (d) that notwithstanding variations in governing legislation, in accordance with the power of the House to order the production of documents under standing order 52, this House continues to receive returns of documents directly from entities which are not subject to ministerial direction or control, including Greyhound Racing NSW, the Greyhound Welfare and Integrity Commission, the Local Government Boundaries Commission, the Natural Resources Access Regulator and the Valuer-General, as well as correspondence from the Office of Transport Safety Investigations.
- (3) That this House, accordingly:
  - (a) asserts its power to order the production of documents in the possession, custody or control of Racing NSW, which is obliged to comply with orders made by the House under standing order 52, and
  - (b) rejects the view of Racing NSW that it is not subject to orders for the production of documents made by the House under standing order 52.
- (4) 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 created since 1 August 2017 in the possession, custody or control of Racing NSW:
  - (a) all documents, including ephemeral or facilitative messages, relating to requests from Racing NSW for the authorisation of telephone taps, including requests from a Racing NSW executive directly to the Police Commissioner,
  - (b) all documents, including ephemeral or facilitative messages, relating to reports, findings or recommendations by police officers regarding, or based on, their experience working or liaising with Racing NSW integrity, investigations and stewards processes,
  - (c) all documents, including ephemeral or facilitative messages, relating to all requests or communications received from Racing NSW regarding NSW Police priorities for the investigation of alleged criminal acts, including the NSW Police responses to these requests,
  - (d) all documents relating to the order of the House of 7 August 2024 for the production of documents relating to Racing NSW and the NSW Police Force, and
  - (e) any legal or other advice regarding the scope of this order of the House or validity of the House to order the production of documents under standing order 52.
- (5) That, should Racing NSW fail to table the documents in compliance with this resolution, it will be a matter for the House to take necessary actions and further steps to address the issue of noncompliance, including calling representatives of Racing NSW to attend at the Bar of the House.

Debate ensued.

Question put.

Barrett Boyd Buckingham Carter Cohn Faehrmann Fang (teller) Farlow

Buttigieg

D'Adam

Graham

Houssos

Jackson

The House divided.

Ayes	22
Noes	
Majority	9

#### AYES

Merton
Mihailuk
Mitchell
Munro
Roberts
Ruddick
Tudehope

#### NOES

- Kaine Lawrence Mookhey Murphy (teller)
- Nanva (teller) Primrose Sharpe Suvaal

PAIRS

Rath Ward Moriarty Donnelly

Question resolved in the affirmative.

# 33 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—POLICE AMENDMENT (POLICE OFFICER SUPPORT SCHEME) BILL 2024

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 Police Act 1990 in relation to the police officer support scheme; and to make consequential amendments to other legislation" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly 25 September 2024

GREG PIPER Speaker

Bill, on motion of Ms Sharpe (on behalf of Ms Moriarty), 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.

#### 34 CONFLICT IN ARTSAKH

Mrs Carter moved, according to notice, private members' business item no. 1350:

- (1) That this House notes that on 19 September 2023, following a ten month blockade, Azerbaijan closed the Lachin corridor in defiance of the orders of the International Court of Justice, and conducted an unprovoked 24 hour military assault against Artsakh (Nagorno-Karabakh).
- (2) That this House unequivocally condemns the lightning military assault which resulted in the forcible displacement of an estimated 100,000 indigenous Armenians from their ancestral homeland.
- (3) That this House calls on Azerbaijan to abide by the International Court of Justice's provisional measures handed down on 17 November 2023, calling for the right of return for Armenians displaced from Artsakh under enforceable international guarantees of their security and rights.
- (4) That this House further notes the ongoing tension in the region and calls on Azerbaijan to withdraw from the internationally recognised borders of the Republic of Armenia.
- (5) That this House calls on Azerbaijan to release all Armenian political prisoners.
- (6) That this House further calls on Azerbaijan to cease the deliberate destruction of the Christian and cultural heritage of Artsakh and take steps to ensure the protection of all ancient cultural and historical sites.
- (7) That this House notes with sadness that this conflict has now continued for a year and has contributed to the suffering of countless people in the region.

Debate ensued.

Mr Buttigieg moved: That the question be amended by inserting after paragraph (7):

- "(8) That this House welcomes Australia's support for the Joint Statement on the Situation in Nagorno-Karabakh at the 54th Session of the Human Rights Council on 11 October 2023, along with 32 other countries.
- (9) That this House supports the \$500,000 provided by the Australian Government to alleviate the suffering of Nagorno-Karabakh Armenians who have fled the region.
- (10) That this House calls on Azerbaijan to guarantee the rights and security of the inhabitants of Nagorno-Karabakh, including those who may wish to return from Armenia.".

Debate continued.

Question: That the amendment of Mr Buttigieg be agreed to-put and passed.

Original question, as amended, put and passed.

# 35 ORDER FOR PAPERS—HEALTH CARE IN ALBURY

Dr Cohn, by leave, amended private members' business item no. 1349 by omitting in paragraph (a) "in Albury Health" and inserting instead "at Albury Hospital".

Dr Cohn moved, according to notice, as by leave 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 in the possession, custody or control of the Minister for Health, Minister for Regional Health and Minister

for the Illawarra and the South Coast, the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth and Minister for the North Coast, the Ministry of Health or Health Infrastructure relating to health care in Albury:

- (a) the business case on the infrastructure construction proposed for the brownfield site at Albury Hospital, completed before 26 August 2024,
- (b) Nolan House Risk Monitoring Nurse Observation & Engagement Tool (Part A),
- (c) Nolan House Mental Health Service (MHS) Risk Management Inpatient Care Procedure,
- (d) Nolan House Recognising and Responding to Mental State Deteriorating Procedure,
- (e) Nolan House MHS Safety (Risk) Assessment and Safety Planning,
- (f) all documents relating to Albury Wodonga Health mental health service policy reviews recommended by coronial inquest file No. 2021/00122654, 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.

Question put and passed.

## 36 SELECT COMMITTEE ON PFAS CONTAMINATION IN WATERWAYS AND DRINKING WATER SUPPLIES THROUGHOUT NEW SOUTH WALES

Ms Faehrmann, by leave, amended private members' business item no. 1387 by:

- (1) Omitting paragraphs (1)(h) and (1)(i) and inserting instead:
  - "(h) the structure, capacity, capability and resourcing of New South Wales Government agencies and water utilities to detect, monitor, report on, respond to and mitigate against PFAS contamination of water supplies, including the adequacy of infrastructure and resources,
  - the adequacy and effectiveness of New South Wales's legislative and regulatory framework in testing for, monitoring, mitigating and responding to PFAS contamination, including the adequacy of health-based guidance values, as compared to the standards and practices of other Australian and international jurisdictions,
  - (j) public sector resourcing and coordination amongst relevant agencies in preventing, controlling and managing the risks of PFAS to human health and the environment,".
- (2) Inserting after paragraph (1)(1) the following new paragraph:
  - "(m) the impact of taking contaminated water sources offline on water security, including the effects of diverting water between communities; the social, economic and logistical implications of such diversions, and the challenges posed by PFAS contamination to water availability, drought management and emergency supply planning, and".

Ms Faehrmann moved, according to notice, as by leave amended:

(1) That a select committee be established to inquire into and report on PFAS (per and polyfluoroalkyl substances) contamination in waterways and drinking water supplies throughout New South Wales, and in particular:

- (a) the adequacy and extent of monitoring and data collection on PFAS levels in waterways and drinking water sources,
- (b) the adequacy of the reporting and disclosure requirements to the public of monitoring and findings on PFAS contamination of water,
- (c) the identification of communities at risk from PFAS contamination,
- (d) the adequacy and effectiveness of government engagement with and support for communities disproportionately affected by PFAS contamination, including First Nations communities,
- (e) sources of exposure to PFAS, including through historic and current fire fighting practices,
- (f) the health, environmental, social, cultural and economic impacts of PFAS,
- (g) the impacts, monitoring and mitigation of contamination on livestock, domestic animals and wildlife, including water birds, fish and other aquatic life,
- (h) the structure, capacity, capability and resourcing of New South Wales Government agencies and water utilities to detect, monitor, report on, respond to and mitigate against PFAS contamination of water supplies, including the adequacy of infrastructure and resources,
- the adequacy and effectiveness of New South Wales's legislative and regulatory framework in testing for, monitoring, mitigating and responding to PFAS contamination, including the adequacy of health-based guidance values, as compared to the standards and practices of other Australian and international jurisdictions,
- (j) public sector resourcing and coordination amongst relevant agencies in preventing, controlling and managing the risks of PFAS to human health and the environment,
- (k) international best practices for water treatment and filtration, and the environmentally sound management and safe disposal of PFAS,
- (l) the effectiveness of remediation works on specific sites and international best practices for remediation and management of contaminated sites,
- (m) areas for reform, including legislative, regulatory, public health and other policy measures to prevent, control and manage the risks of PFAS in water supplies,
- (n) the impact of taking contaminated water sources offline on water security, including the effects of diverting water between communities; the social, economic and logistical implications of such diversions, and the challenges posed by PFAS contamination to water availability, drought management and emergency supply planning, and
- (o) any other related matters.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three government members,
  - (b) two opposition members, and
  - (c) two crossbench members, being Ms Faehrmann and Mr Martin.
- (3) That the Chair of the committee be Ms Faehrmann and the Deputy Chair be Mr Martin.

- (4) That, unless the committee decides otherwise:
  - (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales,
  - (b) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention, and where those issues arise, bringing them to the attention of the committee for consideration,
  - (c) attachments to submissions are to remain confidential,
  - (d) the chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the chair to convene a meeting to resolve any disagreement,
  - (e) the sequence of questions to be asked at hearings alternate between Opposition, crossbench and Government members, in that order, with equal time allocated to each,
  - (f) transcripts of evidence taken at public hearings are to be published,
  - (g) supplementary questions are to be lodged with the committee clerk within two business days following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness,
  - (h) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration, and
  - (i) media statements on behalf of the committee are to be made only by the chair.
- (5) That the committee report by 20 June 2025.

Debate ensued.

Question put and passed.

### **37** AVAILABILITY OF NALOXONE

Mr Buckingham moved, according to notice, private members' business item no. 1301:

- (1) That this House notes that:
  - (a) nitazenes, a powerful class of synthetic opioid, have emerged as a growing threat in New South Wales with recent overdose cases linked to the substance,
  - (b) there is a broadening scope of at-risk communities due to the contamination of non-opioid substances, such as cocaine, MDMA and ketamine, with nitazenes, and
  - (c) there is heightened risk to individuals who are not typically engaged with opioid harm reduction services.
- (2) That this House commends the critical work of harm reduction organisations, including the NSW Users and AIDS Association (NUAA), Unharm and DanceWize in raising awareness, distributing naloxone and providing support to communities affected by the nitazene crisis.
- (3) That this House calls on the Government to:

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- (a) partner with peer-based harm reduction organisations to develop and implement targeted public health campaigns to promote safe usage practices, and educate the public on recognising overdoses and administering naloxone,
- (b) expand the availability of naloxone, a life-saving drug that reverses opioid overdose, particularly in communities most affected by the opioid crisis, and
- (c) establish drug-checking services at key locations across the state to identify the presence of nitazenes, preventing overdose and death.

Debate ensued.

Mrs Houssos moved: That the question be amended by omitting paragraph (3) and inserting instead:

- "(3) That the House commends the Government for partnering with peer-based harm reduction organisations to develop and implement targeted public health campaigns to promote safe usage practices and educate the public on recognising overdoses and administering naloxone.
- (4) That this House calls on the Government to consider, as a part of the Drug Summit in 2024, the establishment of drug-checking services at key locations across the state to identify the presence of nitazenes to prevent overdose and death.".

Debate continued.

Ms Mihailuk moved: That the question be amended by inserting after paragraph (3):

"(4) That the Government continue to support the work of the NSW Police Force in their efforts to stop both the illegal production and importation of nitazene and other illegal substances."

Debate continued.

Question: That the amendment of Mrs Houssos be agreed to-put and passed.

Question: That the amendment of Ms Mihailuk be agreed to-put and passed.

Original question, as amended:

- (1) That this House notes that:
  - (a) nitazenes, a powerful class of synthetic opioid, have emerged as a growing threat in New South Wales with recent overdose cases linked to the substance,
  - (b) there is a broadening scope of at-risk communities due to the contamination of non-opioid substances, such as cocaine, MDMA and ketamine, with nitazenes, and
  - (c) there is heightened risk to individuals who are not typically engaged with opioid harm reduction services.
- (2) That this House commends the critical work of harm reduction organisations, including the NSW Users and AIDS Association (NUAA), Unharm and DanceWize in raising awareness, distributing naloxone and providing support to communities affected by the nitazene crisis.
- (3) That the House commends the Government for partnering with peer-based harm reduction organisations to develop and implement targeted public health campaigns to promote safe usage practices and educate the public on recognising overdoses and administering naloxone.

- (4) That this House calls on the Government to consider, as a part of the Drug Summit in 2024, the establishment of drug-checking services at key locations across the state to identify the presence of nitazenes to prevent overdose and death.
- (5) That the Government continue to support the work of the NSW Police Force in their efforts to stop both the illegal production and importation of nitazene and other illegal substances—put and passed.

#### 38 COUNTRY WOMEN'S ASSOCIATION IN REGIONAL NEW SOUTH WALES

Ms Merton moved, according to notice, private members' business item no. 1288:

- (1) That this House commends the Country Women's Association (CWA) of New South Wales for their tireless and invaluable work in supporting regional communities across the state.
- (2) That this House recognises the presence of CWA representatives in the New South Wales Parliament House yesterday, where they raised concerns about the rising levels of crime in regional communities.
- (3) That this House acknowledges the fear and anxiety expressed by the CWA regarding the rising level of youth crime in regional communities, particularly the impact on the safety and wellbeing of residents.
- (4) That this House calls on the Government to take urgent and effective measures to address the rising levels of crime in regional New South Wales, ensuring the safety and security of residents and communities.

Debate ensued.

Mrs Mitchell moved: That the question be amended by omitting in paragraph (2) "yesterday" and inserting instead "on 14 August 2024".

Debate continued.

Question: That the amendment of Mrs Mitchell be agreed to-put and passed.

Original question, as amended, put and passed.

#### **39 2024 STARTUP MUSTER REPORT FUNDING**

Order of the day read for resumption of the interrupted debate of the question on the motion of Ms Munro (private members' business item no. 1214):

- (1) That this House calls on the Minister for Innovation, Science and Technology and the Government to urgently restore funding to Startup Muster.
- (2) That this House notes that:
  - (a) the Startup Muster Report provides unique, industry-wide insights about startup ecosystem, which have been cited in reports by the NSW Innovation and Productivity Council and used by Investment NSW to support policy development for government, and
  - (b) without a small amount of steady funding, the Startup Muster Report is at risk of reduced depth and breadth of analysis and of collapse.

Debate resumed.

Question put.

The House divided.

Boyd

Cohn

Buttigieg

Faehrmann

Higginson Houssos

Graham

Ayes	.12
Noes	.20
Majority	8

#### AYES

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

#### NOES

Hurst Jackson Kaine Lawrence Mihailuk Mookhey Moriarty Murphy (teller) Nanva (teller) Primrose Roberts Sharpe Suvaal

#### PAIRS

Rath Ward D'Adam Donnelly

Question resolved in the negative.

# 40 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—MARINE SAFETY AMENDMENT BILL 2024

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 Marine Safety Act 1998 to address miscellaneous recommendations arising from a discussion paper on the Marine Safety Regulation 2016; and for other purposes" presents the bill to the Legislative Council for its concurrence.

Legislative Assembly 25 September 2025

GREG PIPER Speaker

Bill, on motion of Ms Sharpe (on behalf of Mr Graham), 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.

### 41 FINAL REPORT OF THE ROYAL COMMISSION INTO DEFENCE AND VETERAN SUICIDE

Ms Suvaal moved, according to notice, private members' business item no. 1308:

- (1) That this House acknowledges that on Monday 9 September 2024 the Final Report of the Royal Commission into Defence and Veteran Suicide was released and notes that:
  - (a) the Commission received over 5,900 submissions and conducted over almost 900 private sessions with people with lived experience,
  - (b) the Commissioners also held 12 public hearings over 101 days questioning 346 witnesses, visited 26 defence bases across Australia and delivered a final report with 122 recommendations for Government, and
  - (c) there have been 1,677 confirmed veterans that have died by suicide since 1997 but the Royal Commission reported that the number of deaths may have been over 3,000.
- (2) That this House commends the work of Nick Kaldas APM, Chair of the Royal Commission, and his Co-Commissioners, the Honourable James Douglas KC and Dr Peggy Brown AO, in delivering this much-awaited report.
- (3) That this House sends it condolences to the families of the veterans who have died and accepts that more needs to be done to help prevent veteran suicide.

Debate ensued.

Question put and passed.

### 42 MESSAGE FROM THE LEGISLATIVE ASSEMBLY—ENVIRONMENTAL TRUST AMENDMENT BILL 2024

The Assistant 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 Environmental Trust Act 1998 to expand membership of the Environmental Trust to include an Aboriginal person; and for other purposes" returns the bill to the Legislative Council without amendment.

Legislative Assembly 25 September 2024

GREG PIPER Speaker

### 43 LOCAL GOVERNMENT AMENDMENT (PECUNIARY INTERESTS) BILL 2024

Ms Mihailuk moved, according to notice, private members' business item no. 1222: That leave be given to bring in a bill for an Act to amend the Local Government Act 1993 to require councillors to disclose all pecuniary interests, including pecuniary interests outside New South Wales; and for related purposes.

Question put and passed.

Bill presented.

Bill read a first time and published.

Ms Mihailuk then moved: That this bill be now read a second time.

Debate ensued.

Motion made (Mr Murphy) and question: That this debate be now adjourned until five calendar days ahead-put and passed.

# 44 ADJOURNMENT

Mr Graham moved: That this House do now adjourn.

Debate ensued.

Question put and passed.

The House adjourned at 9.56 pm until Thursday 26 September 2024 at 10.00 am.

### 45 ATTENDANCE

All members present, except Mr Donnelly, Mr Rath, and Mrs Ward.

David Blunt AM Clerk of the Parliaments

Authorised by the Parliament of New South Wales