



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Tuesday, 20 November 2018**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE ASSEMBLY

**Tuesday, 20 November 2018**

**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 12:00.

**The Speaker** read the prayer and acknowledgement of country.

*[Notices of motions given.]*

*Visitors*

### VISITORS

**The SPEAKER:** I welcome to the gallery students and teachers from St John Bosco College, Engadine.

*Private Members' Statements*

### NURSE-TO-PATIENT RATIOS

**Ms ANNA WATSON (Shellharbour) (12:11):** On 18 September 2018 I stood outside this House shoulder to shoulder with hundreds of our State's nurses and midwives as well as the New South Wales Labor Caucus at a rally for ratios. We heard from the NSW Nurses and Midwives' Association General Secretary, Brett Holmes, organisers, nurses and patients. Ms Nadia Rodriguez is one nurse who spoke at the event. Nadia is a nurse at my local hospital and is a member of the Shellharbour branch of the NSW Nurses and Midwives' Association. The House will be aware that this is not the first time Nadia's name has been mentioned in this Chamber. I have worked closely with Ms Rodriguez throughout the 13-month campaign to keep Shellharbour Hospital in public hands. Now that this fight is thankfully over and has been rightfully won it is time for our nurses to move on to another fight. Today's fight is about securing nurse-to-patient ratios for every hospital in New South Wales.

I have been on board to fight this fight since May this year when a group of local nurses approached my office and I signed their pledge. This new fight is about securing the best possible treatment and outcomes for our citizens, regardless of their postcode, and securing proper and safe working conditions for our nurses. At the rally Nadia recounted a personal experience while working on the surgical medical ward at my local hospital. A few months ago she started her six-hour shift and was assigned 10 patients. She was told that she would be working with a graduate nurse who was in her second week of rotation. By the end of her shift Nadia had 14 patients under her care and she had been forced to skip her dinner break—her meal was uneaten in her bag. Despite this Nadia left that shift feeling like she had not done enough and had let her patients and her team down. Nadia spoke with such emotion and passion at the rally that we could easily hear how much she cares about her patients, as do all nurses in New South Wales. The stress and constant feeling that they are doing everything they can but their best is never enough is a daily reality for our nurses.

Make no mistake—Nadia is a shining example of what it means to be an incredible nurse in the New South Wales public health system. However, Nadia's story is also a perfect explanation of why nurses across the State are burning out and leaving the profession. People go into nursing to help people. They do not go into nursing to be overworked, understaffed and under-supported. We need to help our nurses so that they can help their patients, and we need to support nurse-to-patient ratios. Sadly, later that day in question time the Premier once again rejected calls for the introduction of nurse-to-patient ratios across all hospitals in New South Wales. The Minister for Health has also said previously that he would only employ more nurses if there was a need to do so—but there is a need. The Minister could ask any nurse in New South Wales and they would tell him there is a need.

More than three months ago I gave a private member's statement about Shellharbour Hospital's redevelopment—and I can report that nothing has changed. We still do not have a concrete start date or timeline for our hospital's redevelopment. We still have not seen what this Government has planned for our hospital. However, the Government has announced a redevelopment plan for Shoalhaven Hospital, with a budget of \$434 million. That is \$183 million more than the budget set aside for Shellharbour Hospital.

I welcome any additional funding for our public health system, but as my community is still waiting to see an underfunded election promise finally delivered 3½ years later and has also had its public hospital threatened with privatisation in the meantime, this announcement feels like yet another reminder of how little this Government cares about the community of Shellharbour. I remind the House that the New South Wales

Government publicly promised that Shellharbour Hospital's redevelopment would begin this year. There are only a few days left—tick, tock, Minister. It is time to take another look at the budget for this project, get on with the job of finally delivering Shellharbour Hospital's redevelopment and commit to nurse-to-patient ratios in all New South Wales hospitals.

### SEVEN HILLS ELECTORATE INFRASTRUCTURE

**Mr MARK TAYLOR (Seven Hills) (12:16):** As this term of Parliament ends I will talk about local achievements and the incredible investments that the New South Wales Government has made in the Seven Hills electorate over the past four years. The Westmead health and education precinct is receiving a \$1 billion Government investment. The precinct is located on the eastern side of my electorate and this historic investment will bring incredible benefits to the people of Westmead, Wentworthville, Toongabbie, Constitution Hill, Northmead, Winston Hills, and Pendle Hill. I have spoken before on this topic but I will reiterate the main features of the redevelopment because it goes to the heart of how the Government is delivering for the health of the parents, kids and grandparents in Western Sydney. There will be a new 1,250-spot car park, stage one of the Children's Hospital's Kids Research Institute development and upgrades to the oral health services unit, gastroenterology unit and Westmead Education and Conference Centre.

Further completions will see a new acute services building, upgrades to the emergency department and an ear, nose and throat area. It is great to see that the University of Sydney will continue to support the precinct by building a new campus on site in the coming years. Blacktown Hospital, which services residents in Kings Langley, Seven Hills and Lalor Park, will receive an investment of \$700 million in conjunction with Mount Druitt Hospital. Blacktown Hospital will begin to use new world-class working stations, which are built to boost productivity. This means that staff can spend more time caring for patients. Stage two of the redevelopment is occurring now, and the new acute services building will be open by mid-2019 with a new emergency department. Ambulance services in Seven Hills have also been boosted with the creation of Northmead and Blacktown ambulance superstations.

Local public transport has been boosted with upgrades to Seven Hills, Toongabbie, Pendle Hill, Wentworthville and Westmead stations. Toongabbie, Pendle Hill and Wentworthville stations have all seen major upgrades, including new and additional lifts, stairs, accessible toilets, interchange improvements and concourse and footbridge maintenance. Commuter car parking at Pendle Hill station has been boosted by a further 125 spaces. The new timetable has significantly benefited people at Seven Hills station, as Parramatta to City and Blacktown to Penrith services now run every four minutes during peak times. Soon we will see the installation of Parramatta Light Rail and Sydney Metro West, both offering services at Westmead which will positively affect residents and workers in that area in the future.

The Seven Hills electorate has benefited from a \$108 million boost to buses in the area, which will see a 65 per cent increase in capacity for those travelling to Macquarie Business Park, the Sydney central business district and the Hills local area. The education resource allocation model will see Seven Hills electorate schools receive almost \$10 million next year. This will be boosted by the Government's announcement of billions of more dollars for our public education system. This means schools in my electorate will benefit by a further investment of \$844,904 in 2019—in particular, I note \$142,979 for Pendle Hill High School. Seven Hills public schools have received approximately \$6 million in additional infrastructure and maintenance funds to help with roofing, painting, carpeting, fencing, access works and new accessible toilets.

I will briefly mention some local achievements of the Seven Hills community: \$450,000 for a new pedestrian crossing at Northmead; \$30,000 to revitalise the Seven Hills electorate—for example, Endeavour Park; \$55,000 to upgrade play equipment in Northmead Reserve; \$37,110 for Binalong Park upgrades; a \$19,295 upgrade to the Toongabbie Scout Hall; tens of thousands of dollars in discretionary funding, in particular to our local parents and citizens groups for new musical instruments, playground shade covers and barbecues; more than a million dollars in Community Building Partnership funds to improve local sporting organisations, charities, preschools and public schools in the electorate; and recent grants funding for disability programs, such as Front Up and reading programs for disabled kids at local public schools. Those are great examples of this Government's management of its budget, which has allowed money to be invested in providing valuable facilities and great resources right across the Seven Hills electorate.

**Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:21):** I recognise the fantastic work the member for Seven Hills has done in the past term. The \$700 million worth of upgrades he mentioned at Blacktown Mount Druitt Hospital are part of more than \$5 billion worth of investment into Western Sydney hospitals—for example, \$1 billion into Nepean hospital, stage one with more than \$570 million and another \$450 million into stage two. It is fair to note that those on the opposite side of politics will cut that investment by more than \$670 million. There are also investments in Campbelltown Hospital and Liverpool Hospital and a \$900 million investment in Westmead. It is through the



leadership of people like the member for Seven Hills that hospital and health care across Western Sydney is getting the investment it sorely missed when the Australian Labor Party was in charge in New South Wales.

### **SUTHERLAND TO CRONULLA ACTIVE TRANSPORT LINK**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (12:22):** I am delighted to update the House on the progress of the Sutherland to Cronulla Active Transport Link [SCATL]. Keeping people active and healthy, and facilitating their travel in an active and safe way, is an important priority of this Government. This Government takes a holistic approach to transport, which is what it is doing in the Sutherland shire. The Government is upgrading the capacity of the T4 line so that it will carry a 30 per cent increase in train numbers in peak hours in the early 2020s. This Government is upgrading local roads—in particular, intersections along the Kingsway at Gannons Road and Elouera Road in Caringbah central business district as well as helping Sutherland council upgrade the intersection of President Avenue at GyMEA Bay Road.

The Government is also upgrading the intersection of Taren Point Road, Captain Cook Drive and the Boulevard, having done previous work on the Taren Point Road corridor, including its intersection with Toorak Avenue. It has also introduced Transdev bus services where people can book a bus to take them from locations south of the railway line to major shopping centres. Active transport is an important part of a holistic approach to transport, and that is why I am delighted with the progress that is being made with the Sutherland to Cronulla Active Transport Link.

Recently, a review of environmental factors for stage one of the SCATL from Sutherland to Kirrawee was put on public display. That contemplates that the SCATL will move from east to west, starting in McCubbens Lane, Sutherland, down Eton Street, along President Avenue adjacent to Pollard Park, to Oak Road, Kirrawee. Stage two will be further progressed from Kirrawee to Cronulla. A route for that stage was exhibited some time ago but it is clear from public feedback that there is a general desire to have as much of the SCATL in the rail corridor as possible. I am very keen to see that.

It is unfortunate that when the train line was duplicated by the Labor Government allowance was not made for the SCATL to be built in the rail corridor. We now have to retrofit the SCATL, and it will not follow the optimum route of being wholly within the rail corridor. It will also be much more expensive than had allowance been made within the rail corridor in the first place. My desire, and I believe the desire of my colleagues the member for Miranda and the member for Heathcote, who is in the Chamber now, is to see as much of the link as possible within the rail corridor to minimise the number of driveways that the SCATL will have to cross.

Active transport is a big part of the Government's transport strategy. The Government co-funded the Woollooware Bay Shared Pathway that was completed a little while ago. Stage six along Woollooware Bay is not only a transport link but also a tourist attraction, with spectacular views over Woollooware Bay to the city skyline. The nesting places of migratory birds that come from as far away as Japan and Siberia can also be seen. It is an important transport link which allows people to get to Captain Cook Bridge off-road and then join an active cycleway network that continues as far as Homebush.

Planning for the F6 is underway. Part of stage one will involve dedicated cycleways between President Avenue, Kogarah and the Cooks River to connect with the broader cycle network. I am confident that stage one construction will start in the near future, and I am keen to progress development and construction of stage two from Kirrawee to Cronulla as quickly as possible. I am pushing the Minister for Transport and Infrastructure for a definitive timetable to deliver this important transport link for the Sutherland shire.

### **WORLD RALLY CHAMPIONSHIP**

**Mr ANDREW FRASER (Coffs Harbour) (12:27):** I am pleased to see the Minister for Sport at the table, because I report on a world-class event that took place in Coffs Harbour last weekend: the final round of the World Rally Championship. This year the World Rally Championship was decided on the Coffs Coast. I congratulate Sebastien Ogier who, even though he finished in sixth place, gained enough points to win the championship. This was the most closely contested championship in 10 years. The rally was won by my favourite rally driver, Jari-Matti Latvala from Finland. It is amazing how many Finnish drivers have won Formula One races and the World Rally Championship over the years. I believe it is the way they are trained from the time they are 10, 12 and 13 years old, and they continue to ensure the drivers keep their skill and ability. This is something I have put to the Government and this Parliament in the past.

These drivers travel on bush roads the approximate width of one and a half cars at speeds of up to 200 kilometres per hour, and their skill is second to none. The Australian Rally Championship was run in conjunction with the World Rally Championship, and my favourite Australian driver, Eli Evans, won the championship on the last day. They were both hard-fought competitions, and at the end of the round no-one knew who had won either rally. The two winning drivers, Jari-Matti and Eli, had a phenomenal weekend. On the

weekend the Coffs Coast had more than 92,000 visitors. Last Wednesday morning I was talking to someone at the charity cherry auction who asked why they could not get a night's accommodation in Coffs Harbour over the weekend. In fact, Kempsey to Grafton was booked out. There was no room at the inn, as they say. There were no caravan park sites available; the place was packed.

I say a big thankyou to the thousands of volunteers who came to watch the rally and to help officiate. The volunteers—many of whom I spoke with over the weekend—came from all over New South Wales, Victoria, Queensland, Western Australia and New Zealand, and even some from Ireland. Events like this cannot be run without volunteers. This rally is extremely well marshalled, and the volunteers help to make it probably the safest rally in the world. I congratulate Rally Australia Chairman Ben Rainsford and his board as well as the President of the Confederation of Australian Motor Sport, Andrew Papadopoulos, who was up for the weekend.

I worked out that I have been officiating at rallies for 48 years, having officiated my first rally when I was 15 or 16 years of age. I was hooked from the day I saw my first rally. In those days, Murray Finlay from Newcastle was driving a GTHO Falcon. There was a V8 ute this year. These days cars like that, although great crowd-pleasers, will never win anything. Today's vehicles are worth from \$500,000 to \$1 million. Rallying is an extremely exciting sport. My son, Angus, is captain of the North Shore Sporting Car Club, which runs a successful tarmac rally at Eastern Creek. I believe special things can be done at Eastern Creek, which I have discussed with Minister Ayres, to make Australia unique in the world of motorsport. Year in, year out, motorsport is worth \$2 billion to our economy and it is watched by many.

I thank Destination NSW for its continued support and I look forward to the 2019 World Rally Championship in Coffs Harbour. I know the Government is committed to funding it for years in the future. We have to convince the Federation Internationale de l'Automobile to continue supporting Australia to host a round of the World Rally Championship. This week to 10-day event returns in excess of \$15 million to the Coffs Harbour economy. This year many international drivers brought their families with them. At last night's gala dinner they told me that they were staying for another week to 10 days to enjoy the beauty of Coffs Harbour and the warm weather—in comparison to the start of a European winter. I thank again the New South Wales Government for its continued support.

**Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:32):** I am not sure whether that was the final private member's statement of the member for Coffs Harbour but, if so, it is fitting that it was about motorsport. I doubt anyone in this place is more passionate about or committed to motorsport in New South Wales than the member for Coffs Harbour. His speech has a strong bent from a local perspective. Private members' statements are about local achievements and activities, and there is no doubt that the World Rally Championship has put Coffs Harbour on the global map. The member for Coffs Harbour referred to 92,000 overnight visitors and the injection of more than \$15 million into the local economy. The member for Coffs Harbour is and has been a passionate advocate of the World Rally Championships in Coffs Harbour. As long as the event stays in that community it will have a lot to do with the involvement of Andrew Fraser.

#### **PORT STEPHENS ELECTORATE INFRASTRUCTURE**

**Ms KATE WASHINGTON (Port Stephens) (12:33):** This week marks the final sitting week of my first term in this Parliament—and under this Liberal Government what a long four years it has been. During that time residents of Port Stephens have used many words to describe the Government, most of which I cannot repeat in this Chamber. In my community the past four years of this Liberal-Nationals Government often have resulted in anger, disbelief and real hardship for many families. Energy prices are soaring, even though Mike Baird promised that his electricity privatisations would not lead to higher prices. The cost of living is becoming a huge burden on many families who simply cannot keep up or put food on the table. More children are in foster care in New South Wales than ever before and our child protection system is failing the most vulnerable.

This Government's much hyped so-called infrastructure agenda is simply not delivering for the regions. According to Royal Far West, one in three children in rural or remote New South Wales cannot access the healthcare services they need. We see obscene cost blowouts in Sydney infrastructure projects. The Government is spending billions of dollars that could be used to permanently change the healthcare and education landscape in regional New South Wales, but it chooses not to use them for that purpose. The Government's priorities are all wrong. It is choosing to spend billions of dollars knocking down and rebuilding stadiums in Sydney while country kids cannot access the health services they need and are sitting in demountables that have become permanent classrooms in public schools across the State. These are decisions made by this Premier and her Ministers, and in March next year the people of New South Wales will have their say about their wrong priorities.

The ongoing poly-fluoroalkyl substances [PFAS] contamination disaster in Port Stephens speaks volumes about this Government and its priorities. It knew about the contamination for years before it told the

affected residents. Since then its attitude towards this crisis has been appalling. Residents continue to learn more from the local newspaper than they do from the Environment Protection Authority. While the Deputy Premier is happy to attack the Prime Minister publicly about his polling results, and the Treasurer is happy to go on the attack about GST revenue, we still have not seen one Minister in this Government willing to step up and to fight for the people of Williamstown. As a result, desperate families linger in uncertainty after years of a toxic truth being hidden from them. They deserve so much better.

Another issue in Port Stephens is the Mambo Wetlands. This Government completely ignored the community and sold six hectares of precious koala habitat to a property developer for \$250,000. That was not a mistake. The Government knew what it was doing. All three Ministers involved chose to ignore strong community opposition and pushed ahead with the sale. Now we find ourselves in a farcical situation where the people of Port Stephens and the taxpayers of New South Wales will have to foot the bill to buy it back. Despite the Government announcing that the land would be bought back, no progress whatsoever has been made and it remains in the hands of a property developer. The Labor Party's position is clear: in government, Mambo Wetlands will be returned to public hands, either by negotiation or compulsory acquisition. The new Labor government will do it because this Government has not.

I have spoken regularly about Nelson Bay Road over the past four years. The Government promised to fully duplicate the road by 2019, but all we are getting is a single roundabout upgrade. Full duplication was this Government's signature commitment to Port Stephens at the last election, and it has failed to deliver. Not only has the project been massively delayed; the Government has since admitted that crucial sections of the road—like Tilligerry Creek Bridge—will never be duplicated under its plans. Clearly, it never intended to deliver what it promised. When it comes to promising and failing to deliver, the Liberals have a long history in Port Stephens. Before the 2011 election former Liberal member Craig Baumann, along with the former Minister for Education, promised to have the Medowie Public High School shovel-ready. After eight years of a Liberal government with the Liberals calling the shots, the site, which is owned by the Department of Education, is still vacant.

Thousands of children in Medowie and on the Tilligerry Peninsula are bussed to school every day. The Government says the high school is now not needed. However, the community knows otherwise and it will be telling members opposite that in March. The families and children of Medowie cannot suffer another four years of inaction. It is clear that Port Stephens has not been a priority of this Liberal Government over the past four years. Instead of delivering on its promises and supporting my community, it has been obsessed with spending billions of dollars on stadiums in Sydney. Port Stephens deserves better. Our community, our environment, our families, our retirees cannot afford another four years under this heartless, Sydney-centric government.

#### **MURRAY ELECTORATE WINEMAKERS**

**Mr AUSTIN EVANS (Murray) (12:38):** Without a doubt the Murray electorate is one of the powerhouses of the State because of its agricultural production and associated processing industries. One that I will showcase today is the wine industry. Wine grape production is a key agricultural sector in the Murray, as is the wine industry. The electorate of Murray is the State's most productive wine region and accounts for about 75 per cent of New South Wales wine production. The key wine-producing areas are Griffith, Leeton, Wentworth and Buronga. Wineries are an integral part of the economies of these regional centres, which boast some of Australia's most famous family-owned wineries such as Casella Family Brands, De Bortoli Wines, McWilliams Wines and Trentham Estate Winery.

Last month I had the pleasure of representing the Minister for Primary Industries, Niall Blair, at the 2018 NSW Wine Awards and 2017 Graham Gregory Award presentation. The awards include winners in each of the 16 wine varieties as well as the highly coveted Graham Gregory Award. The Graham Gregory Award, sponsored by the Department of Primary Industries, recognises excellence in contribution to the New South Wales wine industry, particularly in areas such as leadership, research and development, winemaking, education and market development.

I was proud to present the award to Stuart McGrath-Kerr, who has shown many of those attributes during his 30-year career in the wine and viticulture industry. This includes his role as executive officer of the Wine Grapes Marketing Board in Griffith through which he helped the association evolve to strongly focus on promotion and marketing activities. His career also includes a considerable stint with the NSW Wine Industry Association, where he played an integral role in developing the New South Wales wine industry brand, the NSW Wine Awards and the New South Wales wine regions auction. He was also instrumental in building the value of New South Wales wine exports by almost 700 per cent, with New South Wales home to seven of Australia's top 20 wine exporters. During his impressive career he also ran the Riverina Wine Show from 1988 to 2016 and was secretary of the Riverina Winemakers Association for many years. Mr McGrath-Kerr was a deserving recipient of the prestigious award, as he has made an incredible contribution to the wine and viticulture

industry. I congratulate Mr McGrath-Kerr on his outstanding achievement and his dedication and commitment to the wine industry.

Also on the winners list was De Bortoli Wines, with its head office in Bilbul, near Griffith. De Bortoli Wines was recognised for the State's best sweet wine—its Noble One 2016 Semillon. De Bortoli Wines Noble One brand is highly regarded in the wine industry and has collected 150 trophies and 465 gold medals since it was first produced in 1982. I congratulate De Bortoli Wines. Trentham Estate is another winery from the Murray electorate that featured at the awards. It was awarded the Charles Sturt University Trophy for its 2018 Sauvignon Blanc. Trentham Estate is a beautiful winery located on the banks of the Murray River at Trentham Cliffs, near Mildura. Also up on the podium was Mount Pleasant Wines from the Hunter Valley. Whilst clearly not in the Murray electorate, we have a strong connection with the organisation as former Griffith local Adrian Sparks is the senior winemaker. Adrian grew up and learnt his trade in Griffith and his mum, Lyn, works in my Griffith electoral office. Mount Pleasant Wines was awarded the best overall wine as well as the best shiraz and the best dry red. I congratulate Adrian on this achievement and his successes in the wine industry.

Another feather in Murray's cap was the recent and well-publicised State launch of the Government's New South Wales Food and Wine Tourism Strategy and Action Plan 2018-2022. Minister for Tourism and Major Events Adam Marshall was in Griffith to release the strategy aimed at helping to grow the State's food and wine industry, which currently contributes approximately \$9.2 billion annually to the New South Wales visitor economy. The strategy will bring significant benefits to Murray and other rural and regional communities in New South Wales. I thank the Minister for selecting Griffith for the launch. I trust he was impressed with the outstanding selection of gourmet foods from Piccolo Family Farm that he was treated to whilst in the city. The Murray electorate is a foodie's delight, strongly influenced by our rich multicultural history. I encourage everyone to sample a drop of outstanding wine or to make the trip to the Murray electorate to experience the superb food and wine on offer. They will not be disappointed and their visit will be much appreciated during these harsh times of drought.

### INDIGENOUS RECOGNITION

**Mr ALEX GREENWICH (Sydney) (12:43):** On behalf of many Sydney constituents I join calls for our country to move towards proper independence and to come to terms with our history. This requires our country to reconcile with the invasion and dispossession of Indigenous peoples, while acknowledging the ongoing contribution of people from many cultures and backgrounds who have come here. I also believe it requires full independence with an Australian head of State. While Australians have respect and admiration for the royal family, we should not have a foreign monarchy or rely on an inherited position for our head of State. We have removed nearly all measures that allowed Britain to run Australia but we need to take the final step. A republic with an Australian head of State with full allegiance to Australia fits our democratic, multicultural and egalitarian society of equality and inclusion. The republic debate should not be about the royal family but about Australians as a people, the values we hold and the nation we want to build.

Last year the vote on marriage equality said a lot about the way we cherish fairness and equality. Of course, we did not need to have the vote, which occurred while the Federal Government denied Indigenous Australians a vote on long overdue constitutional recognition. It is not widely known that the day Recognise closed down, the Yes campaign started. Under the leadership of Tim Gartrell many staff from Recognise threw their support behind efforts to ensure that Australia voted yes to marriage equality. I hope that the lesbian, gay, bisexual, transgender, and intersex community embraces and supports constitutional reform for Indigenous Australians in the same way as many Indigenous Australians supported the LGBTI community.

Australia cannot be truly independent without addressing how it was colonised and established. To move forward as an independent republic we must reconcile with Australia's Indigenous people. We need a renewed dialogue about constitutional reform and recognition of our First People. The First Nations National Constitutional Convention's Uluru Statement from the Heart affirms the sovereignty and longstanding connection of Aboriginal and Torres Strait Islander people with the land. It called for a representative voice to Parliament, a Makaratta or treaty through a Makaratta commission and recognition of Indigenous peoples in our Constitution. It is shameful that then Prime Minister Turnbull rejected the proposals outright despite the Commonwealth Government having set up the process through the Referendum Council. In 1988 Prime Minister Hawke first promised a national treaty. Canada and New Zealand have treaties with their Indigenous people. Australia is the only Commonwealth country that does not.

While the Australian High Court has negated terra nullius as a legal framework, we have not progressed beyond it in our constitutional frameworks. There is progress on State government treaties with Aboriginal people—Victoria has initiated a process, Western Australia is setting up an Indigenous voice to Parliament, and the Northern Territory has a memorandum of understanding to develop a treaty. Sadly, the new South Australian Government put a treaty on hold. It is disappointing that the New South Wales Government has not taken

a leadership role to initiate a State treaty, but I note that the Labor Opposition has pledged to proceed if it wins government.

A treaty is vital but the process to reach it must help us better understand each other and come together as a united country. I understand that the term "Makarrata" is a Yolngu word that describes the idea of two parties coming together after a struggle, healing the divisions of the past. It is about acknowledging that something wrong has been done and it seeks to make things right. The Makaratta proposed in the Uluru statement is a process of conflict resolution, peacemaking and justice. It embodies agreement-making, aspirations for an honest and fair relationship with government, self-determination and having a better future. A Makaratta can empower communities, build cultural strength and unify people through a healing process. A constitutionally entrenched Indigenous voice is needed to redress firmly the history of poor or non-existent consultation and dialogue with Indigenous communities.

The Uluru Statement from the Heart is the clearest expression yet of the aspirations of Australia's First People. As lawmakers, we must hear the voice and act. I call on the New South Wales Government to initiate a widescale conversation across the community about who we are and what sort of country we want to be. The dialogue should develop amendments to the New South Wales Constitution for a Declaration of Recognition, an Indigenous voice to the New South Wales Parliament and a Makaratta or treaty, with a State referendum to seek approval. The Government should urgently set up a Makaratta commission to walk alongside, to oversee truth-telling and agreement-making, and to establish an Indigenous voice at a State level in dialogue with Aboriginal and Torres Strait Islander people. I ask the New South Wales Government to speak up and advocate with the Commonwealth for a process of healing and maturing as a country. As a society we must reconcile our past with our present to build a unified place and people, including formal recognition of past and present injustices. New South Wales needs to set the standard for our nation to move forward together.

### HEATHCOTE ELECTORATE EVENTS

**Mr LEE EVANS (Heathcote) (12:48):** The past few weeks have been jam-packed with attending community events. As the local member for Heathcote, it is always a major focus for me. I am proud of the connections I have built with my local community and I will continue to work hard to raise funds for local organisations and volunteer groups that are the backbone of our community. I was honoured to attend the Sutherland Shire Police Area Command police medals and awards presentation ceremony. The ceremony commemorates officers who work to protect and keep our communities safe. I congratulate all the recipients of the prestigious awards and thank them for their dedicated hard work and contribution to the NSW Police Force and our community.

Sutherland Shire Family Services [SSFS] is one of the many organisations that I am pleased to support. SSFS is a not-for-profit community organisation that offers a number of programs and services to support children, young people, individuals and families within the local community focusing particularly on those who have been disadvantaged and have experienced domestic violence and trauma. It offers parenting programs, youth and family caseworker services, Aboriginal support programs and domestic violence support services. The dedicated SSFS team works extremely hard to support and strengthen those who access its services.

Its extensive services for families include family worker programs, intensive family preservation, the Building Resilience in Children Project, Aboriginal family workers, Angel Blankets and the Koori Kids Playgroup. Its services for youth include youth and family workers, LoveBites and Engadine District Youth Services. Its services for children include Djanaba Occasional Childcare Service, supported playgroups and Little Koori Thinkers. Its domestic violence services include Pathway of Change Support Group, Southern Sydney Women's Domestic Violence Court Advocacy Service, Domestic Violence Disclosure Scheme and art therapy. Parent education programs include Circle of Security, Bringing Up Great Kids, Tuning into kids, Healing Connections and Baby & Me.

The SSFS program Engadine District Youth Services [EDYS] has attracted close to 2,000 young people and provides a social space for youth in the community for afternoon drop-in activities such as art, music and mindfulness sessions, and access to its cafe. The EDYS team connects with young people and is available to mentor and support them if required. Recently Minister Williams and I attended EDYS to present it with a grant of \$50,000 to enable the EDYS TV and App Project in 2019. The project will enable young people to identify and raise awareness of significant issues within the community through its channel. The Hon. Ray Williams and I also visited Garie Beach, with the Minister presenting new satellite communication equipment to Garie, Burning Palms and Era Surf Life Saving Clubs. Communication across these surf clubs is extremely challenging due to their location on the coast and their severely limited radio and mobile coverage.

I was pleased to provide this equipment in time for the patrol season, as volunteers at these clubs often have to respond to emergency incidents across the royal national park such as rescues, falls and medical episodes.

The use of the satellite phones will assist volunteers in their vital community service. Since being elected I have worked hard to support surf life saving clubs in my electorate and I will continue to do what I can to assist them. In July I delivered a \$15,000 grant to Helensburgh-Stanwell Park, Garie and Coalcliff surf life saving clubs. The grant enabled these clubs to purchase patrol uniforms for local volunteers. Volunteers across these three local clubs protect our beaches. I am committed to resourcing the surf clubs in my community to ensure that surf life savers are supported and have the proper equipment to patrol every season.

On Saturday 10 November I attended the Special Olympics New South Wales basketball games at the Sutherland Basketball Stadium. At the beginning of the competition a very moving torch relay was held by local police who support the Special Olympics athletes. I was representing Minister Stuart Ayres, Minister for Sport, and although he was unable to attend, he provided special commemorative certificates to acknowledge the athletes' selection for the Australian team for the 2019 Special Olympics World Summer Games. I was honoured to present the following athletes with certificates on his behalf: Luke Huska, Koby Banks, Madison Howard-Windley, Jessica Disalvo, Angela Braidon, Hannah Sandeman, Beau Lawson and Scott Seidl. It was a privilege to recognise the achievements of these athletes. I thank them for their wonderful work.

### GRANVILLE ELECTORATE ACHIEVEMENTS

**Ms JULIA FINN (Granville) (12:53):** Much has been achieved in the Granville electorate over the past four years and this will only improve under a Daley Labor government. Despite the failures of the O'Farrell, Baird and Berejiklian governments, I am proud of what I have been able to deliver for my local communities in Granville, Merrylands, Merrylands West, Mays Hill, Wentworthville, South Wentworthville, Westmead, Greystanes and Guildford. The roof at Granville South Public School had been leaking for the best part of 20 years, but no real action had been taken to fix it. It was so bad that rain came through the electrical wiring and three classrooms had to be evacuated. The carpets had been replaced three times instead of the roof. After I intervened, the department spent \$100,000 to fix the roof. Now students can continue learning in their classrooms no matter what the weather. That school is on the corner of Woodville Road, a busy and congested State road that runs from Parramatta to Lansvale. After I worked with Cumberland Council's traffic committee, pedestrian safety fencing was installed next to the school. This allowed them to relocate the main school gate as well, improving pedestrian safety and school security.

The Liberal-Nationals Government has brought back the toll on the M4 motorway as part of the WestConnex project. Everyone hates this; it is a tax on Western Sydney. Nowhere else are people asked to pay a new toll on a road they have already paid off over 25 years. Immediately after the Berejiklian Government brought the toll back, rat runs returned. Motorists dodging the toll are backed up through local back streets making short journeys slower, more difficult and more unsafe. About 42,000 motorists are avoiding the toll each day. But it is not just the toll that is making life harder in Western Sydney. As transport Minister, the Premier cut express train services to Granville and last year she did it again with more cuts to train services, taking Granville off the western line altogether on week days. And the Government did this at a time when the population of Granville is growing.

Part of the Government's plan was to bring high-rise development to Granville. It had originally planned a density similar to Ultimo, but the campaign I undertook with local people convinced the Government to reduce the overdevelopment of Granville from 19,000 to 5,000 units. But, still, with 5,000 more units next to the train station, one would expect more services, not fewer. Thousands of people signed a petition opposing the cuts to the train timetable, which is ruining their lives. In contrast to the Berejiklian Government, Labor will review this unfair, appalling rail timetable.

I think it is important for members to stand up for their communities and to speak out against dog-whistling and racism, especially in an electorate like Granville where 76 per cent of its residents were born overseas or whose parents were born overseas. I have spoken out against Pauline Hanson, Fraser Anning, Sonia Kruger and others opposed to multiculturalism, and those who attack or denigrate people based on their faith or ethnicity. This is wrong, and as a representative I will always call this out. I am delighted to have supported numerous local infrastructure projects that are making a real difference in our area—projects such as a security upgrade at Guildford's St Anthony and St Paul Coptic Church, and a new roof at Merrylands' St Margaret Mary's church have made a real difference.

Similarly, I am delighted to have supported numerous infrastructure projects at local schools—such as covered outdoor learning areas at Our Lady Queen of Peace Primary School in Greystanes, Sherwood Grange Public School in Merrylands West and St Margaret Marys Primary School in Merrylands, and a covered barbecue area at Granville Boys High School. As the mercury soared in summer time and it was 40 degrees outside, the temperature inside the first-floor classrooms at Granville Boys High School hit 52 degrees. It is impossible for anyone to rationalise that that can, in any way, be considered a good learning environment. I was delighted to support the P&C's bid for funding for air conditioning, which should have happened years ago.

Elsewhere in my electorate, at Merrylands Public School and Parramatta West Public School, I campaigned with parents and the P&C until the Government saw sense and agreed to put air conditioning in the new buildings being constructed there. School communities should not have to fight tooth and nail for this. Labor has committed to spending \$800 million on air conditioning in every school. Coalition policy covers only about half of the schools in this State, and many in the Granville electorate will miss out yet again.

The Liberal-Nationals also have a problem with us cooling off at the pool. Over many years the former Holroyd City Council and the newly formed Cumberland Council, when it was run by the Liberal-Nationals Government's hand-picked administrator, tried to close Wentworthville and Guildford pools, just as they demolished Parramatta pool. The conservatives tried to shut down Wenty and Guildford pools three times. I campaigned with the community to save these pools from closure. The council conducted a referendum in September 2017 and asked:

The council currently operates five public swimming pools in the Local Government Area. The question being asked in the poll is: Do you support Council continuing to operate and subsidise all of these swimming pools?

The response was a clear and definite yes. Around 75 per cent of people said yes. In Wentworthville more than 90 per cent said yes. So now Guildford and Wentworthville pools are being upgraded. This is a massive win for our community. I cannot wait to keep fighting, with our community, and I am sure it will get a lot easier under a Labor government.

### *Visitors*

### VISITORS

**TEMPORARY SPEAKER (Ms Anna Watson):** I welcome the seniors in the gallery today. I understand that they have been to Seniors' Stories downstairs in the theatrette. I welcome them to the New South Wales Parliament and hope they enjoy the day.

### *Private Members' Statements*

### ALBURY ELECTORATE ACHIEVEMENTS

**Mr GREG APLIN (Albury) (12:58):** This will be my last private member's statement. My first was in May 2003 and I opened with: I applaud the efforts of farmers, tourism bodies and environmentalists in our region who are using natural assets to increase visitation to the Albury electorate ... Here, we are focusing particularly on land care and nature conservation activities that are leading to a new empowerment at grassroots level ... Certainly, droughts and other impacts have led to this movement, but it is the embracing of the natural environment on which I would like to concentrate this afternoon. Labor's then Minister for Tourism responded immediately, calling me her ally, and memorably critiquing my first private member's statement, saying, "Much of what the member said is quite true. That is not to imply that the remainder of what he said is not." Welcome to Parliament! This seems like an appropriate time to reflect on the value of a private member's statement. In one's capacity as a shadow Minister, backbencher or in opposition opportunities for chasing action on important local needs are rare. However, opportunities such as private members' statements become much more nuanced when in government because in highlighting the difficulties faced by residents or businesses in one's electorate one is also inevitably directing attention to the relevant Minister. Indeed, in my career I have had a number of talking-tos by Ministers or their functionaries—God bless them! Nevertheless, all members of Parliament owe it to the people of their electorate to inform the House about what is going on in their part of the State. I will give the House an example. In 2011, after eight years of questioning and asking, I was still looking for support to replace Albury's ancient and outmoded ambulance station. At that time I said in a private member's statement:

When these paramedics return to their base, the 77-year-old Albury ambulance station, to clean up after yet another rescue, they are faced with this: There is only one shower. In Albury, male and female paramedics do not have separate bathroom facilities. They ... still must come in from the cold and dust, grime and trauma of the accident scene, and queue up for their turn in the single shower.

In the upstairs office there is a picturesque bay window. To keep harsh summer sunlight off the desk, they have tacked a bed sheet to the window frame.

Not long after that speech the then Minister for Health announced Albury would finally get a new and enlarged ambulance station. For eight years I had been lobbying Ministers to build a case; that private member's statement became a turning point for action. Last year I used a private member's statement to plead for action on the distressing state of Albury's acute mental health facility—a relatively new building, yet fundamentally flawed in design. I said:

There have been calls for new infrastructure works at Nolan House for many years ...

As the Minister saw on her visit, the High Dependency Unit has closed because it no longer meets safe practice standards; the necessary supervision of patients to contemporary standards is not possible. As a consequence of the forced closure, any patients

requiring the highest level of support are now turned away and sent to the nearest alternative facilities, which are 127 kilometres to 175 kilometres distant. One can imagine the additional stress this places on families and health practitioners at a time of crisis.

In concluding, I said:

I first raised questions about Nolan House with the former Government and I will not stop advocating for fairness for the Albury community. I will make representations to bring forward plans for the rebuild.

That rebuild is now undergoing planning, with a budgeted commitment from this Government thanks to the Minister for Mental Health, who is seated at the table. Representations, meetings and speeches. Moving from hardware to software, as it were, I can also look back on some of my private member's statements that assisted in obtaining funding for events. In Albury we have just enjoyed the second year of the richest senior golfing event in Australia: the NSW Men's Senior Open Golf Championship. Last year after the tournament I praised the event in Parliament. I said:

I thank the New South Wales Government and, in particular, the Minister for Sport for financially supporting this new venture in tourism, sport, health and ageing. It only required a modest level of funding for this first year and, I am pleased to say, we have the opportunity to lock it in for a further two years in Albury. I will be taking this to the Minister for discussion.

The Minister responded and I am pleased to say the tournament was promised funding support for 2018 and 2019. Over the years I have sought opportunities to make a private member's statement—indeed, more than were allocated—and, by choosing subjects important to different sections of my community, those speeches have been helpful in promoting awareness across a much wider area. It also means that a club, a moment of history or local cause will be entrenched in one of the most easily found locations for researchers: *Hansard*. This is critical in the online age. Writers have told me they have used information from my private member's statements in their books and research, and others have incorporated sections into grant applications. In signing off I say, "Never underestimate the might of a motivated private member's statement!"

#### **ST MICHAEL'S CATHOLIC PRIMARY SCHOOL PRINCIPAL STEVE CONLON**

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (13:03):** Today I inform the House about a remarkable educator and administrator in my electorate. He is a man who has dedicated his working life to paving the way for the best possible lives of countless students as they move from childhood to adulthood. Steve Conlon is the principal of St Michael's Catholic Primary School, in my electorate of Lane Cove, who serves at the will of God. He is one of the best of principals who serves in what we know is the best electorate. However, next term St Michael's will have a new person in the principal's office. Mr Conlon is closing his book on a stellar career in education. I would say education, for Mr Conlon, has always been a love, a passion and a commitment. If asked about his legacy to St Michael's, he would probably answer, "a commitment to student wellbeing". Steve would say, "Happy and well-adjusted students are always in a better place for learning."

This outstanding principal has long immersed himself in teaching and education. Born in Balmain, after the family moved he attended the Kent Street Public School and then the North Ryde High School where he sat his Higher School Certificate in 1974. After various teacher postings, he joined the Catholic education system and was posted to Ryde's St Charles' Catholic Primary School. Steve accepted various senior postings before he was appointed the principal of St Michael's school, Lane Cove, in 2007. In total, Steve has served as a principal in the Archdiocese of Sydney for the past quarter of a century. I said that Steve had immersed himself in education and teaching. His wife of 37 years, Madeleine, is also a teacher. Steve and Madeleine have five adult children aged between 21 and 30 of whom they are indeed proud. Their children are five former students, of which Steve is also extremely proud.

There have been some notable achievements under Principal Conlon at St Michael's that include the introduction of the principles of restorative practice within the school-student management procedures, accreditation for the statewide Positive Behaviour for Learning program, and accreditation as an eSmart School. Principal Conlon has overseen building refurbishments that include the new McGuire Centre, the new administration unit, years 4 and 6 classrooms and the introduction of flexible learning spaces. Steve Conlon also is proud of what he refers to as the "BYO-double D", which stands for—bring your own designated device, which is the program whereby every child has his or her own iPad for use in the classroom.

Steve Conlon has brought pride to the profession of teaching and education, his family and himself. As a principal he stands beside the best and has set a very high bar for his successor at St Michael's. In retirement I cannot see him slowing down, but I wish he and Madeleine many years of happy and healthy adventures ahead. On behalf of the staff, the school community of St Michael's, my constituency—indeed, the people of New South Wales—I thank Steve Conlon for his outstanding commitment and dedication to education and students' happiness and wellbeing. May God continue to bless you, Steve.



### JOHN HUNTER HOSPITAL

**Ms SONIA HORNER (Wallsend) (13:06):** In September 2015 the successful and well used John Hunter Hospital park-and-ride shuttle bus service was cancelled—yet another victim of this Government's cuts. In its place are more than 700 new car park spaces and the outcome is that an already congested road network was forced into a complete standstill as a result of 4,000 more car movements each day being on a single lane inbound and single lane outbound road network. Patients and visitors, some with mobility issues, were forced to walk much further to the hospital, whereas the shuttle service delivered them to the front door.

In 2017 the Government announced it would not construct a full interchange as part of the Newcastle Inner City Bypass stage five at the back of the John Hunter Hospital. A complete interchange would alleviate traffic congestion by providing a second exit. Thankfully, this year, after a public campaign, the Government listened to staff and visitors and agreed to construct a full interchange and second exit from the hospital. Earlier this year changes were made to the Newcastle public transport network by Keolis Downer and the Government. The changes have resulted in many more people being forced into their cars to get to the John Hunter Hospital, which is adding congestion in and out of the already busy hospital.

Despite hundreds of letters, 22,000 signed petitions and thousands of surveys, nothing was done to make it easier for Hunter residents to get to the hospital. As a result of all the changes, traffic jams now are commonplace. At least three times a week staff and visitors are caught up in a major traffic jam when they are exiting the hospital. Often the delays are more than 30 minutes. That is unacceptable, not just for visitors who are exiting the hospital but also for staff who are working very long hours and who then face frustrating delays leaving their workplace. Need I remind the Government that staff are people with families—children to pick up from school, appointments to keep and social lives to enjoy.

This July internal roadworks were undertaken to improve the road condition and traffic flow around the hospital. The works were a complete failure. Staff and visitors still face lengthy waits when exiting the hospital. Last week my office was again flooded with calls from staff and patients from the hospital. Traffic had again come to a standstill. No cars could get into the hospital; no cars could get out. Staff and patients were stuck in their cars inside the car parks, unable to move for more than an hour. Patients and visitors who called my office were upset. Some had waited months, if not years, for appointments at the hospital. As a result of the chaotic traffic, some of them will have to wait even longer for their appointments. Staff missed appointments and missed picking up their children from school and child care. All this comes at a cost, including a significant impact on the budgets of the hardworking staff of the hospital.

My concern and the concern of staff, particularly the paramedics, is that there will be a major incident when the gridlock stops emergency vehicles getting in or out of the hospital. It puts lives at risk. This is unacceptable. There is a simple solution to help ease some of the traffic gridlock and it has been staring the Government in the face. The Government must reinstate the park and ride facility and reduce the number of cars entering the hospital. The central business district park and ride service at Hunter Stadium has been successful. Let us emulate that. The Government loves to spruik about its record of listening and consulting with the people of the Hunter. Dozens of staff members and patients have contacted me about this; I am sure thousands more have plenty to say about it. This is a perfect opportunity for the Government to listen.

#### *Community Recognition Statements*

### NATIONAL ROLLER DERBY CHAMPIONSHIPS, MORAYFIELD

**Ms SONIA HORNER (Wallsend) (13:11):** Recently five local skaters represented New South Wales and the Australian Capital Territory in the inaugural National Roller Derby Championships at Morayfield, Queensland. After three days of tough competition I am pleased to announce that New South Wales and Australian Capital Territory team members were crowned as national champions and came away undefeated. They defeated South Australia in the final, with 330 points to 145. This is a fantastic effort from a dedicated group that trains hard in a local school hall twice a week and travels to the Central Coast, Western Sydney and Katoomba to get competitive bouts. I congratulate Owen Squires, Jack Morris, Abi Morris, Maddi Jurd and Sammi Jurd on being crowned national champions.

### MYALL LAKES ELECTORATE CITIZEN OF THE YEAR HELEN BENNETT

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:12):** I recognise the 2018 Myall Lakes Citizen of the Year Helen Bennett. Helen was born in the farming community of Kimbriki in the Manning Valley and attended school in Taree before joining the workforce at the Commonwealth Bank. Helen married local farmer Ernest Bennett, who established the Tinonee Bus Company, where she would often be seen behind the wheel. In the late 1970s the family moved to Tinonee where Helen has become an integral part of the community. Helen is a long-time member of the town head canteen ladies group, serving local farmers and their wives since its

conception some 40 years ago. A foundation member of the Taree branch of Trefoil Guild, Helen received a 40 year medal and certificate from Girl Guides Australia for her support and dedication. Helen has been involved with the Tinonee Memorial School of Arts Hall and was last year appointed patron after 25 years of service. She is involved also with the Tinonee Museum. I thank Helen for her outstanding contribution to the Myall Lakes community.

#### TRIBUTE TO JEREMY SPINAK

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:13):** I acknowledge the life and legacy of Jeremy Spinak, taken from us at the young age of 36 on Thursday 15 November 2018. Jeremy was a fighter to the end against a rare and terrible heart cancer. He lived a life full of influence, respect, positive change, humour, intellect, friendship, determination, community leadership, love of family and his Jewish heritage. I worked closely with Jeremy and John Vassallo for a number of years to see work on the Sydney Science Park commence. I am honoured to have known this outstanding and remarkable human being. His influence in shaping the Celestino Sydney Science Park will live on. His legacy continues in the lives of his one-year-old twins, Michael and Grace. I ask his beautiful young wife, Rhiannon, his family and the Jewish community to accept my sincere condolences on behalf of the New South Wales Government and all members in this place. Jeremy's light shone brightly but not for long enough. Jeremy, you are gone but you will never be forgotten.

#### AFFORDABLE HOUSING

**Mr DAVID HARRIS (Wyong) (13:14):** Last week I had the great pleasure of meeting with some socially aware senior students from MacKillop Catholic College to talk about their petition on the need for more affordable housing in new developments. More people than ever are feeling the pressure of housing costs, and it is essential that our community comes together to find solutions. Shari, Sarah, Joshua and Zackary were incredibly passionate in their advocacy on behalf of the students at their school, and I was inspired by their forward-thinking policy proposals. The students have developed a petition to require 15 per cent of new developments to be devoted to affordable housing, something we have not properly addressed in New South Wales and that we desperately need to work on. The future is in our hands but it belongs to them. We need to ensure there is more affordable housing in our growing communities to make sure their future is secure.

#### ALBATROSS MUSICAL THEATRE COMPANY PRODUCTION LES MISERABLES

**Mr GARETH WARD (Kiama) (13:15):** On Friday 16 November I had the privilege of attending the opening night of *Les Miserables*, a production by the Albatross Musical Theatre Company. Some may know about my deep admiration for the arts that flows throughout not only this community but also my family, who were all involved in the production. I give a big shout-out to mum, Margaret Bowcher, and Arthur and Scott Bowcher. The cast included Nathan Lomas as Valjean, James Ebdon as Javert, Jane McIntosh as Fantine, Briannah Gorden as Cosette, Isabelle Spinelli as Eponine, Lachlan Mills as Marius, Scott Bowcher as Enjolras, Lloyd McDonald as Thenardier, Kate Beaven Morris as Madame Thenardier, Lucas McDonald as Gavroche and Oliver Gait as Bishop. The role of young Cosette/Eponine was shared between Aleah Gooding and Tallulah Reid. I congratulate all those involved behind the scenes for making the performance a success—in fact, I think the best ever performance of *Les Miserables*. I also thank those in the ensemble, the orchestra and the production team. They are a credit to our community and I wish them all the best for a bright future. I know that the best is yet to come.

#### MENTAL HEALTH CARERS ARAFMI HUNTER

**Mr TIM CRAKANTHROP (Newcastle) (13:16):** I acknowledge Mental Health Carers ARAFMI Hunter for the work that it does in my community. I recently visited ARAFMI to see the benefits that a Community Building Partnership grant has brought to this organisation. During the visit I was able to meet the dedicated staff and to see first-hand the important work that they do. It was great to meet with Betty, who has volunteered her time for more than 16 years, and to hear about Neville, also a long-time volunteer. ARAFMI has been operating in Newcastle for 39 years and will soon combine its operation with Samaritans. The organisation works in partnership with mental health services to ensure the community understands and responds to the impact of mental illness on families, relatives and friends. ARAFMI also runs a number of support groups where participants can share and be supported by others who are having similar experiences. I thank all of the staff and volunteers at ARAFMI; keep up the great work.

#### TOMAREE EDUCATION CENTRE TWENTIETH ANNIVERSARY

**Ms KATE WASHINGTON (Port Stephens) (13:1):** Twenty years, hundreds of teachers and staff, thousands of students and countless memories were celebrated recently at the Tomaree Education Centre twentieth anniversary assemblies and dinner. In 1992 the growing population in Tomaree saw the planning commence for a new campus to combine the Nelson Bay High School and Nelson Bay Primary School with a TAFE presence.

In 1998 the \$17 million Tomaree Education Centre was officially opened under the Carr Government. This shift saw a combined 1,500 children and 120 teachers continue their education at the new facility, with students able to learn from kindy to TAFE on the one campus. Former high school principal Don Watham and primary principal Elaine Fereday joined the celebration and recalled their memories of moving two operational schools to a whole new campus. The official celebrations ended with former student Max Allan delivering an impressive tribute to the school and its staff, a powerful testament to the power of public education. Thank you to the indomitable Vicki McCleer for helping drive the change and organise the celebrations, together with P&C President Richard Davis and current principals Sue Xenos and Christene King.

#### **NORMANHURST WEST PUBLIC SCHOOL PRINCIPAL GREG MCLAREN**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:18):** Today I pay tribute to an amazing principal and all-round great man, Greg McLaren. Greg has been the principal of Normanhurst West Public School for the past eight years, making him the school's longest serving principal. On his watch this great school has become one of the best in New South Wales, not just because of its outstanding academic results but also because every student is given the chance to reach his or her full potential. This is what Greg is all about: developing our kids to be the best that they can be not just in the classroom but also in performing arts, debating and on the sporting field.

What impressed me about Greg's leadership was the enormous regard with which he was held by the students, staff and broader community. Everyone who has dealt with him or been fortunate enough to have been taught by him tells me that they are much better for the experience. Without doubt Greg is one of the most impressive educators I have come across. He was a lawyer before he decided that his passion lay in education and since that time he has devoted himself to setting up our kids for success. Greg, thank you for your remarkable public service at Normanhurst West. Whilst we will miss you greatly in our local community we wish you every success in your new role as principal of Samuel Gilbert Public School in Castle Hill. I look forward to watching your career continue to rise.

#### **SOUTH SYDNEY RUGBY LEAGUE CLUB AND LAWRENCE FAMILY**

**Mr RON HOENIG (Heffron) (13:19):** I bring to the attention of the House the extraordinary contribution of the Lawrence family to the South Sydney Rabbitohs. Over the club's 110-year history, multiple generations of the Lawrence family have played for Souths, including Mascot resident Steve Lawrence Junior. Steve's family has contributed seven players to Souths, which is more than any other family in the club's history. His uncles, Vic and Jack, played in Souths golden era of the 1920s, while his older cousins, Jack Junior and Vince, played after the end of the Second World War. Steve Junior was fortunate enough to play alongside club greats such as Ron Coote and Bob McCarthy in the 1960s and eventually his younger brother, John, joined the team. As the local paper the *Southern Courier* reported last month:

... to have a son play in the cardinal and myrtle is the highest honour for any South Sydney family.

I congratulate the Lawrence family on this honour and on its unparalleled contribution to the Pride of the League. South Sydney marches on!

#### **SERVICE TO TENNIS AWARD RECIPIENT JOAN NICOLLS**

**Mr GEOFF PROVEST (Tweed) (13:20):** I congratulate Tweed tennis stalwart Joan Nicolls on recently being awarded with a prestigious Service to Tennis award. Joan was presented with her award by former Australian champion doubles player Todd Woodbridge, OAM, at a gala awards evening in Sydney. Joan thought she was just attending the awards night as a representative of Tweed and was surprised to receive the award. Joan has a list of accomplishments as long as one's arm, beginning her representations in the sport at the age of 12. I know Joan and her husband, Graham, well and can vouch that their commitment to tennis in the Tweed should be highly commended.

#### **CHARLESTOWN ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS**

**Ms JODIE HARRISON (Charlestown) (13:21):** I congratulate the recipients of the 2018 Community Building Partnerships grants in Charlestown. Year after year the grants have provided some fantastic infrastructure products that deliver positive recreational outcomes for the people of Charlestown. This year the standard of applications was incredibly high. The successful applicants this year are Charlestown Caring Group, Dudley-Redhead United Football Club, the Anglican Church at Redhead, Charlestown South Public School Parents and Citizens Association, Windale Public School P&C, Kotara Junior Rugby League Football Club, Newcastle City Council for Kotara Park, Redhead bowling club, Scout TV, Windale-Gateshead Bowling Club, Kotara bowling club, Charlestown Girl Guides, Kotara Scout Group, Charlestown Golf Club, Charlestown City Blues Football Club, Redhead Men's Shed, Charlestown East Public School P&C, Dudley Redhead Junior Rugby League

Football Club and Valentine Eleebana Football Club. I look forward to viewing the completed projects, which I am sure will be amazing.

### **SURF LIFE SAVING AWARDS OF EXCELLENCE**

**Mr ADAM CROUCH (Terrigal) (13:22):** The Surf Life Saving Australia National Awards of Excellence were held on Saturday 27 October at the Art Gallery of NSW. Surf clubs and members in my electorate of Terrigal were well represented. I take this opportunity to acknowledge Surf Lifesaver of the Year, Matt Slattery, from North Avoca. Matt has more than 20 years of experience and service to North Avoca Surf Life Saving Club. As the current president he has been instrumental in creating membership growth in the club. I also congratulate the indefatigable Cathy Cole and the Terrigal Surf Life Saving Club on receiving the Innovation of the Year award in recognition of honouring the first female lifesavers. I have been delighted to assist in this project, which culminated in a beautiful ceremony late last year when all female lifesavers who had patrolled local beaches during World War II received their Bronze Medallion. Those two awards demonstrate the high quality of lifesavers and surf clubs on the Central Coast. I congratulate Matt and Cathy on this prestigious recognition.

### **TRIBUTE TO IRIS VERA**

**Mr JIHAD DIB (Lakemba) (13:23):** I offer my deepest condolences to Serg, Claudia, Patrick and Denise, husband and children of Senora Iris Vera, a 30-year teaching veteran of Ambarvale Public School. Senora Vera was a passionate Spanish teacher but, much more than this, she was a fierce advocate for the public education system and the opportunities it affords all students, especially the most vulnerable. In reflections of Senora Vera by those at the highest levels of the Department of Education, the Teachers Federation—which awarded her a life membership—her colleagues and former students, one common thread shone through: Senora Vera had a profound effect on others. Every teacher aspires to change the lives of their students, to be a positive role model, to inspire them and to ignite a belief that they can be more than their circumstances may allow them to believe.

Indeed, Senora Vera's compassion and willingness to help, especially the most marginalised, is legendary across the teaching fraternity. Her story is an inspiring educator's story of changing lives, making a difference, standing up for what one believes in, and determination and resilience. The knowledge that Senora Iris Vera gave her heart and soul to public education and that she had an impact on thousands of lives is a small comfort that should fill her family and friends with pride during these difficult days. May Senora Iris Vera rest in peace.

### **CANREVIVE CANCER SERVICES**

**Mr MARK COURE (Oatley) (13:24):** Recently Minister for Health Brad Hazzard and I visited CanRevive in my electorate of Oatley. CanRevive is a registered charity established in 1995 by two cancer survivors and one carer to support Chinese-speaking people through their cancer journey. CanRevive's vision is that no-one should face cancer alone. The Minister and I spoke to Mr Eric Yeung, president of the charity and a good friend of ours. We were impressed with the vast array of services and programs available to the public for free, including support groups, telephone support for patients and carers, hospital visits, the Living with Cancer program, public information sessions, patient outings and access to a resource centre.

The Minister and I also met with several volunteers in the Hurstville centre, and I recognise them in the House today. These generous and compassionate volunteers work tirelessly along with many others to assist cancer patients and carers in any way possible. Many of us have a cancer story about someone close to us, either a loved one or a friend who has experienced that journey. I thank CanRevive on behalf of all members of this House.

### **OUR LADY OF THE ROSARY CATHOLIC PRIMARY SCHOOL NINETIETH ANNIVERSARY**

**Mr GUY ZANGARI (Fairfield) (13:25):** On Friday 26 October 2018 I had the great pleasure of attending the ninetieth anniversary celebrations of Our Lady of the Rosary [OLR] Catholic Primary School in Fairfield. OLR was established in 1928 by two sisters of St Joseph—Sister Flora and Sister Fabian—in an old wooden building off Weston Street, Fairfield. Throughout their many years of service to the OLR community, Sister Flora and Sister Fabian did it all. They donned many caps throughout their time, acting as school support staff, principals and teachers. They were truly remarkable women who initiated a remarkable community that is still going strong 90 years later. At the ninetieth anniversary celebrations Dr Dan White, executive director of Sydney Catholic Schools and a former OLR student, was presented with an old milk bottle and tennis ball that were found under the floorboards of a recently renovated classroom. I congratulate Our Lady of the Rosary Catholic Primary School on 90 outstanding years in the Fairfield community.

**THE HILLS SPORTS HIGH SCHOOL CAPTAIN KENNETH TUALA**

**Mr MARK TAYLOR (Seven Hills) (13:26):** I congratulate Kenneth Tuala on becoming the Hills Sports High School's 2019 captain. Kenneth is a great young athlete at the Hills Sports High School who has been chosen to play a bigger role within the National Rugby League [NRL] as a youth ambassador for its In League In Harmony program. The In League In Harmony program seeks to advance multiculturalism and address bullying through the National Rugby League across Western Sydney. Last year I was fortunate enough to attend one of its training camps in Wentworthville and speak to the young players. I will have the pleasure of doing so again very soon.

Recently Kenneth was fortunate to meet with the Duke and Duchess of Sussex whilst they were visiting Sydney for the Invictus Games. He spoke about the In League In Harmony program and the positive changes that it is making to the local community of Seven Hills. Kenneth is thrilled to have this role with the NRL and was ecstatic to meet the Duke and Duchess, who he said were wonderful, nice and down-to-earth people. I congratulate Kenneth on his role as youth ambassador for the NRL's In League In Harmony program.

**CITY OF SYDNEY BASKETBALL ASSOCIATION**

**Mr RON HOENIG (Heffron) (13:27):** On Friday 12 October the City of Sydney Basketball Association held a gala dinner to celebrate the golden anniversary of Alexandria Stadium. First built by Basketball New South Wales in 1968, Alexandria Stadium was Sydney's first two-court stadium and is regarded as the spiritual home of basketball in New South Wales. The association has had thousands of members across the decades and today it boasts an enormous 3,000 members who play out of the bustling stadium on Maddox Street. The stadium was home to the Sydney Supersonics, who went on to co-found the Sydney Kings basketball club in 1988 with Bankstown Basketball Association's Westars. The association has even generated a National Basketball Association [NBA] pro—Philadelphia 76ers rookie Jonah Bolden. Naturally, the association is also proud of the huge proportion of its players with an Indigenous background who live in the inner city and call the stadium their home. I congratulate the City of Sydney Basketball Association on its history and I look forward to 50 more fabulous years.

**AUTHOR DR RAMAH JUTA**

**Mr JONATHAN O'DEA (Davidson) (13:28):** In her own words, Dr Ramah Juta of St Ives is living proof that age is no barrier to achievement. Her poignant prose is featured in *Seniors' Stories Volume 4*, a non-fiction publication featuring 100 original stories on the theme of positive ageing written by seniors around New South Wales. Dr Juta's contribution reflects on her full life, the important roles of culture and education, and her work as a doctor, raising children and caring for relatives. Aware of the joys and challenges of ageing, she is grateful for her roots and life experiences. She encourages seniors to maintain their physical and mental wellbeing through physical activity, music, dance, art and travel. Minister for Ageing Tanya Davies celebrated the author's achievements today at a New South Wales Parliament event in our theatre, where I met Dr Juta and congratulated her on her contribution.

**CHRIST THE KING'S GREAT FETE**

**Ms TANIA MIHAILUK (Bankstown) (13:29):** I thank Father Macwan for his kind invitation to attend Christ the King's Great Fete recently. I acknowledge principal Lee Scola, teachers, staff, the parish council and the many families who enjoyed this special occasion. I was lucky to have been shown around by Father Macwan, whom I consider a very dear friend. I am delighted that recently we were able to announce a Community Building Partnership grant for the school. It is wonderful that the school and the parish continue to go from strength to strength. I estimate that more than 1,000 people attended, including lots of children and older parish members who brought their treasures to the fete. I bought a lovely tea set.

**MYALL LAKES COMMUNITY GROUP OF THE YEAR, MANNING SUPPORT SERVICES  
CONNECTED FAMILIES TEAM**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:30):** I recognise the 2018 Myall Lakes Community Group of the Year, the Manning Support Services Connected Families Team, which is involved with assisting many organisations across Myall Lakes, including Mission Australia and Family and Community Services groups. It organises numerous community events, such as the Teddy Bears' Picnic during National Child Protection Week, TAFE Careers Expo for our youth, the Biripi Baby Show, which welcomes Aboriginal babies to country and the Making Time for Mum program, which targets new and expectant mums and offers a time for fun, relaxation and pampering. The Manning Support Services Connected Families Team performs a crucial role in our community with staff committed to ensuring that all the organisation's programs and community events achieve the maximum benefit for those in need. The Myall Lakes electorate is the richer for its hard work.

**SAVE THE CHILDREN YOUTH AMBASSADOR KUPAKWASHE MATANGIRA**

**Ms JENNY AITCHISON (Maitland) (13:31):** People who know Kupakwashe Matangira describe her as intelligent, strong and a wonderful example. At just 17 years of age she has already represented the Maitland electorate in the 2016 NSW Junior Parliament. Today I am proud to say that Kupakwashe Matangira has also been selected to be a Youth Ambassador for Save the Children. As one of only seven young people selected to perform this role, Kupakwashe hopes to use her position to be a voice for the young people of Australia and to shed light on violence against children, both domestically and internationally.

Stating that "no child asked for war," Kupakwashe hopes to use this valuable experience as a pathway to achieve her goal of speaking in front of the United Nations but for now will settle with helping to implement a national strategy to protect children. I eagerly anticipate what this brilliant young woman will achieve. I congratulate Kupakwashe Matangira on her achievements so far and look forward to all that she will go on to do.

**TAEKWONDO BLACK BELT HOLDER LIAM DREBBER**

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:32):** I congratulate Glenmore Park resident 12-year-old Liam Drebbler on his recent achievements in taekwondo. Liam has successfully earned his first dan black belt in taekwondo, which highlights a student's maturity and proficiency within the sport. In order to earn it, Liam has had to learn many blocking and striking techniques, compete in sparring matches and memorise and perform multiple patterns.

Taekwondo is a unique sport designed not just for fighting and self-defence but also to develop attitudes of self-control, willpower, humility and loyalty, whilst improving fitness, flexibility and coordination. Young Liam displayed all these characteristics on his grading day when he passed with flying colours. His reverse turning kick technique received a special mention. Liam has made his parents, family and the community of Glenmore Park very proud through his hard work and dedication as he continues to improve in the sport. I congratulate Liam on such a fine achievement at such a young age. We look forward to hearing more of his achievements as he continues to progress in his sport. Well done, Liam.

**MINGYUE LAY TEMPLE THIRTY-SEVENTH ANNIVERSARY**

**Mr GUY ZANGARI (Fairfield) (13:33):** On Sunday 28 October I had the great pleasure of attending the thirty-seventh anniversary of Mingyue Lay Temple and the inauguration of the nineteenth executive and management committee at the Golden Palace Restaurant. The celebrations were hosted by the Australian Chinese Buddhist Society and were well attended by community leaders and State and Federal members of Parliament. The Australian Chinese Buddhist Society and the executive and management committee always do a tremendous job for the temple and those in need throughout our local community. I commend and congratulate everyone involved on making the evening a resounding success. I welcome the nineteenth executive and management committee. I have no doubt it will continue a long history of great work. I thank Mr Vincent Kong, OAM, and Mr James Chan, OAM, for their contributions to the society, the temple and our community as a whole.

**MINIKHANA JUNIOR MOTORCYCLE STATE CUP**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:34):** I congratulate Jordan Wellington from Galston Public School who placed second overall in the 2018 Minikhana Junior Motorcycle State Cup. A member of the Hornsby Junior Dirt Bike Club, Jordan is showing a passion and talent for getting on his bike and tearing up the track. This year he has been placed first 18 times, second 12 times and third five times. Jordan currently competes in the 65cc class but will move up to the 110cc class, which will pit him against some of the best riders in Australia. He has caught the eye of Yamaha, which has come on board as one of his major sponsors this year. Congratulations, Jordan. I wish you all the best as you continue to take the motorcycling world by storm.

**WHITE RIBBON DAY**

**Ms KATE WASHINGTON (Port Stephens) (13:35):** White Ribbon Day will officially be held on 23 November 2018—a day when men are asked to be part of the social change needed to prevent violence against women—but in the wee hours of 7 November we recognised White Ribbon Day early and in true Port Stephens style, with a beach walk, clean-up and surfing. I thank everyone who came along, especially the Royal Australian Air Force crew, led by Group Captain Peter Cluff, and the team from Irukandji Shark & Ray Encounters, together with organisers Roger Yeo and Surfing NSW. More than 100 people joined the early morning get-together and cleaned up the sandy dunes ready for the upcoming Toyota NSW Pro surf competition. This event not only brought the local community together but also served as a solemn reminder that violence against women is an ongoing epidemic in Australia. Eleven women lost their lives at the hands of an intimate partner this month alone. I again thank everyone who came along to this important event.

**OFFICE OF SPORT COACHING SCHOLARSHIP WINNER WILL GRANGER**

**Mr ADAM CROUCH (Terrigal) (13:36):** I congratulate Will Granger on receiving an Office of Sport coaching scholarship with the Central Coast Academy of Sport. Will is the head coach of the basketball program on the Central Coast, overseeing 10 coaches and 34 athletes. As the patron of the Central Coast Crusaders, I am delighted that this scholarship will continue to help our local players become better at a regional and State level, and beyond. Sport is a significant element of the Central Coast lifestyle. The postcode 2250—which includes suburbs such as Erina in the electorate of Terrigal—has had the highest uptake of Active Kids vouchers in New South Wales. This year in the Terrigal electorate more than 8,000 vouchers have been claimed. Because we have built a strong New South Wales economy we have been able to fund this rebate for four years. I encourage everyone on the Central Coast to claim their Active Kids vouchers and, from 1 January next year, the new Creative Kids rebate.

**AWABAKAL NAIDOC DEBUTANTE BALL**

**Ms SONIA HORNER (Wallsend) (13:37):** The theme "Because of Her, We Can" fittingly acknowledges the 2018 Awabakal NAIDOC debutante ball. Thanks go to the beautifully dressed debutantes and their partners—Taleisha and Robert, Eva-Jane and Josh, Tahnee and Mahlek, Annaleise and Callan, Kyiesha and Ali, Jenaya and CJ, Janara and Durrahn, Leketa and Tommy, Bethany and Abie, Tatyana and Brayden, Shanoah and Shaun, Janaya and Feleti, Taneisha and Mirron, Maddison and Raymond, Lakeisha and James, Laura and Jorrell, Olivia and Jamaal, Zoe and Daniel, and Karen and Darren. Thank you also to the beautiful flower girls and the emcees Lil and Luke. What a wonderful night.

**LUGARNO PUBLIC SCHOOL**

**Mr MARK COURE (Oatley) (13:38):** I inform the House that this is my 600th speech in this Chamber. I acknowledge the Lions Club of Lugarno and Lugarno Public School, who in partnership are supporting the Big Red Kidney Bus. Recently a few members of Lugarno Public School Parents and Citizens [P&C] and principal Justine Williams attended a trivia night fundraiser hosted by Lugarno Lions in support of the Big Red Kidney Bus. The Big Red Kidney Bus is a service open to all Australians in hospital, satellite or home dialysis. The program gives patients the chance to have a holiday for up to six weeks while still receiving treatment and being under the care of experienced dialysis nurses. Popular holiday destinations across New South Wales include Nelson Bay, Kiama, Katoomba and Port Macquarie. I congratulate the Lions Club of Lugarno on hosting a successful trivia night. I also acknowledge Lugarno Public School P&C and Principal Justine Williams for their enthusiasm and willingness to participate in such events in their own time on the school's behalf, raising much-needed funds for the Lugarno Lions and the Big Red Kidney Bus.

**GREEK OLDER WOMEN'S NETWORK**

**Ms TANIA MIHAILUK (Bankstown) (13:39):** On Monday 29 October I had the pleasure of joining Voula Kerr and the ladies from the Greek Older Women's Network at their Pink Ribbon Day afternoon tea at the Bankstown Arts Centre. This annual event is held to help raise funds for breast cancer research, prevention and support programs as well as to bring Greek women together. More than 80 women were present for the occasion. The organisation held an auction, which raised quite a bit of money, and a lunch which provided a wonderful opportunity to spend time with some fantastic women who work tirelessly to support many of our marginalised communities in Bankstown as well as to raise much-needed funds for Pink Ribbon. I acknowledge Voula and her executive team, who volunteer for the organisation, for their efforts in bringing together these annual events.

**MYALL LAKES SENIOR CITIZEN OF THE YEAR KEL MCCREDIE**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:40):** I recognise the 2018 Myall Lakes Senior Citizen of the Year, Kel McCredie. Kel has been an active member of the Pacific Palms Surf Lifesaving Club for 25 years and this year was awarded life membership. Over his 25 years involvement he has attended 100 per cent of his rostered patrol duties. Kel is a Corrective Services community mentor; he runs Vitamin Sea training and Nippers technique training and he was a winner of the Australian gold medal in the flags. He has been instrumental in bringing community events such as Rock to Rock and Battle of the Boats. Kel was awarded Coach of the Year five years in a row by the Lower North Coast Branch of Surf Life Saving NSW as well as Rescue of the Month in October 2013 and National Surf Life Saving Rescue of the Month in May 2014. Kel's rapport with people of all ages makes him well respected in the community and he has a natural ability to make people smile. I congratulate and thank Kel McCredie.

**PORT STEPHENS ELECTORATE UNSUNG HEROES**

**Ms KATE WASHINGTON (Port Stephens) (13:41):** As the school year heads towards its end for 2018 I pay tribute to some of the unsung heroes behind the scenes—or the wheel. School bus drivers get our kids

safely to school each day. I am one of the many parents across New South Wales who entrust our children's safety to bus drivers every day, and I thank all the hardworking bus drivers. I pay special tribute to Mr Ian Smith of Tanilba Bay who is retiring this year. Ian did not want me to share how long he has been driving buses, so let us just say it is longer than half a century—much longer. I thank Ian and his fellow bus drivers for their contribution to our communities and for keeping our children safe travelling by bus to school every day.

#### **YOGA4DIGNITY FUNDRAISER FOTINI DEME**

**Ms MELANIE GIBBONS (Holsworthy) (13:41):** Today I recognise Fotini Deme of Moorebank. Ms Deme is a second-year yoga instructor who recently hosted her second Yoga4Dignity event at Georges Fair to raise funds for homeless women. The annual event intends to raise awareness of and take a stand against domestic violence. Ms Deme is a strong advocate for the cause, being a survivor of domestic violence. The event also raises funds for homeless women and helps to provide them with everyday necessities that are unfortunately out of their reach, such as sanitary items. This event enables other women to support homeless women and gives them more of an insight into the reality of homelessness and domestic violence. Sadly, those two often go hand in hand. Once again I thank Ms Deme for hosting such an inspiring event that raises funds and awareness for such a worthy cause.

#### **MUSLIM WOMEN'S ASSOCIATION**

**Ms TANIA MIHAILUK (Bankstown) (13:42):** Two weeks ago I had the pleasure of attending the thirty-fifth anniversary dinner for the Muslim Women's Association in recognition of the valuable and diverse contributions that Muslim women have made to Australia. In particular, I congratulate and thank chief executive officer Maha Krayem Abdo and co-founder and former president Nada Roude for their dedication and hard work over the past 35 years, particularly in the homelessness, domestic violence, emergency relief and settlement sectors. I also extend my appreciation to newly elected president Shaza Rifi and secretary Nemat Kharboutli for inviting me to such a great event. I pay special tribute to my good friend Maha who is known by many in this Chamber. She has worked tirelessly in the sector for many years. I praise her for the profound and amazing contribution she has made over the past 35 years and will continue to make for many years to come.

**TEMPORARY SPEAKER (Ms Anna Watson):** I will now leave the chair. The House will resume at 2.15 p.m.

#### *Visitors*

#### **VISITORS**

**The SPEAKER:** I extend a warm welcome to the honourable Speakers of our twinned Parliaments: the Speaker of the National Parliament of the Solomon Islands, the Hon. Ajilon Jasper Nasiu, and the Speaker of the House of Representatives of the Bougainville Autonomous Region, the Hon. Simon Pentanu, accompanied by Mr Joel Tukana, Director, Information Services of the House of Representatives of the Bougainville Autonomous Region, guests of the Speaker, and member for South Coast. I hope they have a safe trip to Canberra this afternoon. I also warmly welcome Ross and Miyka Heslop, guests of the Parliamentary Secretary for Education and the Illawarra and South Coast, and member for Kiama. I also welcome Will Rowell, the son and guest of the member for Wollondilly. I welcome Mrs Beverly Moore, the mother of Patrick Moore, an electorate officer for the member for Coogee.

I acknowledge students and their teachers from Glenwood High School, Riverstone High School, Rouse Hill Anglican College, St Paul II Catholic College, St Mark's College, the Ponds High School, and Wyndam College, who are taking part in the Riverstone Senior Youth Leadership Encounter, guests of the member for Riverstone. I also welcome Ron and Pam Dures from Wauchope, guests of the member for Oxley. I welcome Ella Avni from Kincumber High School, who is doing work experience in the office of the Hon. Courtney Houssos, MLC, guest of the member for Lakemba. I welcome Julie Langsworth, the Deputy Executive Manager and Director, People and Engagement Branch, who is accompanied by Senator Valerie Weiner, a retired senator from Nevada. I also welcome members from the Ahmaidiyya Muslim Association, who are viewing question time today from the Jubilee Room, guests of the member for Londonderry.

#### *Question Time*

#### **GOVERNMENT PERFORMANCE**

**Mr MICHAEL DALEY (Maroubra) (14:21):** I direct my question to the Premier. Is it true that the combined cost of the Sydney light rail, WestConnex and the Sydney Gateway project has almost doubled from \$11.6 billion to \$21.7 billion? Is that her idea of a stronger, better New South Wales?



**The SPEAKER:** Order! Opposition members will come to order and will cease their confected laughter. Members will be removed from the Chamber if they continue with that sort of noise. The member for Kiama is preventing the Premier from starting her answer.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:21):** The short answer is no. The more elaborate answer is that we came to government after members opposite failed to deliver project after project. They cannot handle that since we have been in government we have completed more than 800 infrastructure projects. In the next four years we will be undertaking and completing another 600 projects. Yesterday I was interested to hear the Leader of the Opposition make an announcement about infrastructure. He said he wants an inquiry into every project worth more than \$1 billion. Does he realise we have 36 projects worth more than \$1 billion in New South Wales? Rather than build anything, he wants inquiry after inquiry.

**The SPEAKER:** Order! I warn members that they will be removed from the Chamber until tomorrow if they continue to interject.

**Ms GLADYS BEREJIKLIAN:** That is what the Labor Party does; it axes projects, starts them and does not finish them, or has inquiry after inquiry involving more and more red tape. The people of New South Wales had had a gutful with infrastructure after members opposite lost government. When we came to government, they told us to get on with the job, and we are doing so. They said that they were sick of the litany of broken promises and sitting in traffic jams because the Labor Government did not build road and rail infrastructure. They were also sick of hospitals not getting the upgrades they needed.

When the member for Ku-ring-gai gave notice of his priority motion he said that under the watch of the Leader of the Opposition the Labor Government was even closing police stations. That is how much members opposite care about infrastructure projects. They can bleat as much as they want, but we know what the people of New South Wales know—that is, New South Wales is experiencing an infrastructure boom because this Government is investing and delivering more.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the first time.

**Ms GLADYS BEREJIKLIAN:** Not for long.

**The SPEAKER:** Based on her past behaviour the member for Port Stephens will soon be removed from the Chamber. The member will hold her tongue.

**Ms GLADYS BEREJIKLIAN:** I am proud of every project that is underway. I am extremely proud of every project that we are delivering because we know that sitting on our hands and doing nothing is not an option. That is what Labor members tried to do. They are the only people I know in the world who would make a transport announcement about cancelling projects. Who does that? Labor is the only party in the world that, instead of announcing projects, announces more and more inquiries. That is not how to get this State moving. That is not how to improve the quality of life of citizens. Labor cancelled projects, ran out of money and let the people down. We are building for the future.

#### POLICE NUMBERS

**Mr MARK TAYLOR (Seven Hills) (14:24):** My question is addressed to the Premier. How is the New South Wales Government boosting police numbers in New South Wales and ensuring that our communities are safe places to live and work?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:25):** I thank the member for Seven Hills for his question because he has a deep passion for public safety in his community and for his role as Parliamentary Secretary. For those who may not be aware, he is a former police officer and former police prosecutor. We are incredibly proud to have someone of his calibre in our ranks. He continues to do his previous profession proud in this place. Today, alongside my colleagues and the Minister for Police, I was extremely pleased to announce that the Government will provide an additional 1,500 police officers across New South Wales over the next four years. It is the largest boost in numbers in 30 years.

**Mr Guy Zangari:** How are your figures?

**Ms GLADYS BEREJIKLIAN:** What was that?

**Mr Guy Zangari:** Nothing.

**Ms GLADYS BEREJIKLIAN:** No, you said something.

**Mr Guy Zangari:** You shouldn't be listening; you should be talking. Give us your answer.

**The SPEAKER:** The member for Fairfield will cease interjecting.

**Ms GLADYS BEREJIKLIAN:** I was pleased when the police commissioner noted that the last time there was such a boost 30 years ago his parents encouraged him to consider a career in the police force, which is when he joined up. I hope that with today's announcement we will have a new generation of young people thinking about entering this noble profession. I pay tribute to the Minister for Police, who not only helped achieve this great outcome but also spent 30 years in the police force, dedicating his life to supporting the community. His work on child sexual abuse is on the record. The police commissioner knows that he has our total support to ensure that he has the resources he needs to keep our communities safe.

Crime levels are at an all-time low now, but we need to be vigilant. We need to make sure that the force has the resources it needs for the future. I am pleased to say that we had strong support and kind words from the President of the Police Association, Tony King. I thank him for being there today because when we work together with all key stakeholders we achieve great things for the people of New South Wales. It is also worth reminding members that the boost is on top of the 1,000 extra police officers that have already increased the ranks. We already have 1,000 more police officers than when Labor left government.

**Mr David Mehan:** Not on the Central Coast you don't.

**Ms GLADYS BEREJIKLIAN:** Excuse me? Who are you?

**The SPEAKER:** The member for The Entrance will cease interjecting. The member for Lakemba should not be disappointed. Comments from Opposition members are just as nasty. It is hypocritical for him to show disappointment with the Premier's comment.

**Ms GLADYS BEREJIKLIAN:** I am pleased with the fact that we have already boosted police numbers by 1,000 officers. I am extremely pleased to have the support of the commissioner because we sought his advice. We always said that we would rely on the commissioner's advice to give us guidance on how many extra police we should employ. We are grateful to the Police Association for its work in representing its members and being so vigilant. Part of today's announcement also focused on two additional categories of extra police officers. We know that child sexual abuse is unfortunately a huge blight. We have a Child Protection Register of the people that police need to monitor, and every area command will get an extra police officer to monitor everybody on that list to make sure our young people are kept safe.

In addition, every command will get an extra officer and those officers will dedicate themselves specifically to elder abuse within domestic situations. We know that elder abuse concerns many people. We do not want to wait for the findings of the royal commission into the matter before we act. We are pleased that when it comes to protecting our children and our elderly, each area command will have at least one extra officer dedicated to that. The police commissioner said this morning that this is the first case he has heard of in any force anywhere in Australasia dedicating officers for the purpose of investigating elder abuse. I am also incredibly proud of our record in building police infrastructure. Our announcement of 1,500 extra officers over the next four years on top of the 1,000 we already have in place demonstrates our commitment to further decreasing our crime rate. We have some of the lowest crime rates in 20 years in New South Wales, but we know the importance of vigilance. We cannot let ourselves take our eye off the game. [*Extension of time*]

We know because of technology and the evolving external environment that we need to make sure police have physical resources such as bricks and mortar and also personnel. I am pleased that in the next four years we are investing in building new police stations in Parramatta, Hurstville, Port Macquarie, Cessnock, Broken Hill and Inverell. We are also developing new stations in places like Adelong, Bonalbo, Braidwood, Collarenebri, Helensburgh, Karuah, Laurieton, South West Rocks and Tea Gardens. I especially like visiting Tea Gardens in the electorate of Port Stephens.

**The SPEAKER:** Order! I am waiting for a mention of Sanctuary Point. The member for Port Stephens will cease interjecting so I can hear it.

**Ms GLADYS BEREJIKLIAN:** When we were at Tea Gardens about 200 locals turned up unprompted to congratulate the Government on that decision. Of course, we are building a new police station at Sanctuary Point and at Tullamore. There are more on the list.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the second time. If she disagrees with the announcements she can issue a press release later. She will cease interjecting.

**Ms GLADYS BEREJIKLIAN:** That is okay; Jaimie Abbott supports the Tea Gardens police station. She supports law and order in her community. I am incredibly pleased with today's announcement because it demonstrates our Government's commitment to keeping the community safe. What is important is not just our words but actions to back what we say. When the Leader of the Opposition was police Minister he left stations understaffed and closed stations down. There were not enough police.

**NORTHERN BEACHES HOSPITAL**

**Mr MICHAEL DALEY (Maroubra) (14:32):** My question is directed to the Premier. I refer to the crisis engulfing the Northern Beaches Hospital.

**The SPEAKER:** Order! Government members will come to order.

**Mr MICHAEL DALEY:** How can the Premier find billions of dollars to spend on stadiums but cannot manage to keep the hospital equipped with vital supplies such as bandages and syringes and basic medicines like insulin and antibiotics, which have run out?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:33):** There are a number of ways in which one could answer that question, but let us start at the beginning.

**The SPEAKER:** The Leader of the Opposition will cease interjecting.

**Mr Brad Hazzard:** Can you start by saying, "You're a dope", to him?

**Ms GLADYS BEREJIKLIAN:** You can do that. First, I express my deep gratitude to all the staff that I had the pleasure of meeting yesterday at the new Northern Beaches Hospital. In just under 20 days literally thousands of people have come through the door. The staff have completed 600 surgeries already. I am pleased to say that there have been a number of firsts at the hospital for patients, including the first robotic surgery and the first coronary angiogram. We also heard yesterday that previously, if a premature baby—prior to 34 weeks gestation—was born on the northern beaches it had to be transferred to another hospital. Now the Northern Beaches Hospital is able to deal with those premature babies with services that northern beaches residents were not able to access before. But there are many other examples like that.

I want to say how proud I am that the hospital is now officially open. I know from personal experience how well it is servicing the residents of the area. Remember, Labor first promised that hospital but did not get around to building it. Both the health Minister and I acknowledge that there are teething problems when one opens a new facility of that size, but literally thousands of people have gone through the emergency department and 600 surgeries have already been completed. I invite the Leader of the Opposition to get a briefing and to tour the facility. I ask him to go in and talk to the patients to whom I spoke, to the staff and to little Harley in paediatrics. I ask the Leader of the Opposition to meet all the patients and the staff in order to get a proper understanding of what is happening. But I guess that would require his doing some work.

I noted the comment on health. This hospital was built on time—in fact, six weeks ahead of schedule—and on budget. It is one of 94 that this Government has built across the State. This Government has built 94 hospitals or health facilities. I am very pleased to say that 50 of those—I know that the Deputy Premier is excited about this—are in rural and regional communities. Compare that to Labor's record, when those opposite closed 2,000 hospital beds. That is their record. They promised so many things but closed maternity wards, especially in the bush. Those opposite had no regard for people living outside of Sydney or in Sydney when it came to health.

Now I am extremely proud to say that we have so many hospitals which are either open or under construction, including in Bega, Blacktown, Mount Druitt, Bulli, Byron, Campbelltown, Concord, Dubbo, Forbes, Gosford, Lismore, the northern beaches, Parkes, Port Macquarie and hospitals such as the Prince of Wales, Royal North Shore, Royal Prince Alfred, Shellharbour, St George, Sutherland, Tamworth, Tweed—the local member there is 100 per cent for the Tweed—Wagga Wagga, Westmead, Wollongong, and the list goes on.

**The SPEAKER:** Nowra.

**Ms GLADYS BEREJIKLIAN:** Yes, there is also Nowra, and how could I forget Coffs Harbour? The member for Coffs Harbour has been here for 29 years and he is getting his hospital. The list goes on, and I am incredibly proud of our investment in health.

**Mr Mark Coure:** St George Hospital.

**Ms GLADYS BEREJIKLIAN:** Exactly. If the Leader of the Opposition wants to give me an extension of time I am sure I can get a longer list of all the hospitals we have delivered and all the different things we have done. Were it not for this Government so many communities would be getting second-class health services, but the Government has not only made sure that the State is in a strong budget position but also made sure that it has the right priorities. The Government is investing in those things that matter to our communities.

I forgot Gosford Hospital, which was also opened recently. That was not in my earlier list. It is all here; the Minister for Health has handed me the whole list. Nothing gives me more joy than to go to a community that has just been delivered a major hospital upgrade, or a new hospital, and to speak to community members about

what it means for them. It means not having to travel longer distances. It means having access on their doorstep. It also means having the support of family and loved ones around them, especially when they are going through very intensive treatments. That is why we do it. We do not do it because we can; we do it because we care. We do it because we want to improve the quality of life of every one of our citizens.

**The SPEAKER:** I remind the member for Port Stephens that I can hear every word she says.

**Ms GLADYS BEREJIKLIAN:** Those opposite do not like to hear the truth, but I am happy to compare our record on health against theirs any day of the week.

### REGIONAL POLICE NUMBERS

**Mr GEOFF PROVEST (Tweed) (14:38):** My question is addressed to Deputy Premier. How is the New South Wales Government prioritising law enforcement to make regional communities safer and better places to live?

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:39):** I start by saying thank you to those colleagues in this place who reached out last week about some of my health issues. I acknowledge the Premier, who has been on the journey with me. The journey has taken four months and she has dealt with those emotional issues. I thank all my colleagues who have reached out—Robbo, the member for Bega, Thomas George and so many more. I also acknowledge those on the other side of the Chamber, including the Leader of the Opposition, who rang me last week. I thank him. Sophie sent me a very touching message, which made me quite emotional. I thank Nick, Sonia, Guy, Jenny and even Phil for reaching out. It was nice. Often we come to this place and do the argy-bargy across the political aisle, but we are all real people and we have families. We are individuals and we all have trials and tribulations, no different from people outside this building. I thank those people very much; I am happy to be back.

I will put that aside, and now start the attack! All jokes aside, I thank the member for Tweed for his question. He is a member who was passionate about policing and keeping our communities safe in regional New South Wales in his former role as Parliamentary Secretary for Police and Emergency Services. He has been instrumental in relation to the cross-border issues that we face with Queensland in the northern parts of this State, especially in Tweed and at a time when the Queensland Labor Government has been cutting the numbers of police in the command in the southern part of Queensland. That puts significant pressure on the northern rivers region, starting in the Tweed. I acknowledge how important this question is for the member for Tweed.

I acknowledge the Premier and the Minister for Police for what they said this morning in their fantastic announcement of more men and women in blue. A significant amount of 1,500 more officers will be on the ground serving our communities. Today's announcement was about the future, but often we forget to celebrate the wonderful achievements of this Government when it comes to law and order and police. The Minister for Police has done a wonderful job in making sure that we invest in the assets—the upgrade of police stations right across the State—and, at the same time, making sure that we invest in the people: our fantastic police men and women who keep our communities safe.

The Premier just touched on a range of redevelopments, and there are more planned going forward. A lot of redevelopments and projects are in progress at the moment, including in places like Gunnedah, Port Macquarie, Broken Hill, Cessnock, Taree, and even in Queanbeyan. In Queanbeyan we are now transitioning the police out of the existing police station into temporary accommodation. Quite early in January there will be a big hole in the ground where the old 1970s police station was. I am proud that we will be delivering a new police station, as we said we would.

But this is not just about police in general; it is also about what they do in a focused and direct way. The regional enforcement squads were announced recently for places like the northern rivers, Coffs Harbour, Tamworth, Dubbo, Bathurst, Wagga Wagga and Queanbeyan. They are specialist units that are focused on issues and will conduct investigations around drug supply, firearms offences, property crime and criminal syndicates. In regional New South Wales, as we deal with the issues of substance abuse—including the abuse of ice—this investment is important to make sure that the police can focus on the stuff that really makes a difference.

I want to promote the police for their action on law and order—locking up the crooks and the crims. That is what we want to see. The police in regional New South Wales play an important role; they are part of the community and are often involved in the local footy clubs as coaches or as part of the teams. More importantly, the police play an active role, for instance, in the police citizens youth clubs [PCYCs] in regional New South Wales. Those clubs are valuable assets. Often we forget how important the PCYCs are. In this year's budget, the Minister for Police announced \$40 million over four years as a continued investment in PCYCs. In the budget

there was an announcement that the Hawkesbury would get a brand new PCYC facility and the Government is going to replace PCYCs in Wagga Wagga, Walgett and Dubbo.

PCYCs form focal points in our communities, where young people and others can come together. They are youth hubs, where people can share some of the issues that they are facing and where police have opportunities to create partnerships, friendships and connections with the community, especially with the young members of the community. Members will have heard me talk in this place about youth in regional New South Wales. For us it is important that those partnerships continue. We do not have many places for youth to come together, but it is clear that wherever in regional New South Wales there is an investment in a PCYC that club becomes a focal point for young people. [*Extension of time*]

I might add that last month the refurbishment of the Maitland Police Citizens Youth Club [PCYC] was officially unveiled. In addition, five regional clubs in Albury, Bourke, Kempsey, Griffith and Moree will receive significant upgrades as part of the latest four-year funding commitment by the Minister for Police. As I said earlier, this is about keeping our community safe; but our police play an important part in our community generally and that partnership is very strong. Through the Indigenous Police Recruitment Our Way Delivery [IPROWD] program, we are giving young Indigenous people an opportunity to participate in training to become part of the NSW Police Force. The program has been expanded to become a great partnership with TAFE NSW. It all plays out in the space for our youth in regional areas of New South Wales.

The aim of this Government is to create an environment for young people to consider options before they find themselves in trouble. That is why the Government is increasing resources and having more police on the ground. Dealing with crime is always the focus of our police officers in regional areas of New South Wales, but our police are important to regional areas of New South Wales because of their partnerships, their collaboration and their connection, which can never be undervalued. Right across the regions in New South Wales, in every youth forum I have run this year and at all meetings, I can assure the House that the police have been there, leading the charge, putting forward ideas, and building networks and partnerships to ensure that we give our young people the best start in life and the best opportunities in regional areas of New South Wales.

Isolation creates its own problems. New South Wales is unique in that people who live in regional areas do not have the same types of options in education and employment opportunities. For example, public transport is not available in regional areas. The Government needs to build a fantastic environment in which young people can thrive, and our police are the fabric and the foundation stone of what I consider to be a healthy and strong regional community. Let us not lose sight of the investment that this Government already has made over the past eight years. But today's announcement is an indication of how this Government backs its men and women in blue.

### **CORRECTIVE SERVICES PAROLE REGULATIONS**

**Mr CHRIS MINNS (Kogarah) (14:46):** In directing my question to the Premier, I refer to an arrest of a parolee in my electorate on Thursday night. I ask: Given that this man was sentenced in 2013 for a violent sex attack, why was he not adequately supervised or fitted with a global positioning system ankle monitor?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:46):** If the question of the member for Kogarah refers to the circumstances that have been in the news in the past few days, I reiterate my comments to the member for Kogarah that I made publicly yesterday—that I was aghast at the circumstances and completely support the Minister for Corrections getting to the bottom of exactly what happened in those circumstances. If more needs to be done the Government will do it. However, as a Government, we have strengthened our laws regarding parole. If there is anything more the Government needs to do we will do it. Our heart goes out to the family of the young victim. Of course, the Government will do everything it can to keep the community safe. As soon as the Minister for Corrections gets to the bottom of exactly what happened, the Government will ascertain whether anything specific needs to be done.

### **NUMBERS**

**Mr THOMAS GEORGE (Lismore) (14:47):** My question is addressed to the Minister for Police, and Minister for Emergency Services. How is the Government delivering a stronger, better police force to ensure that the most vulnerable members of the community are protected?

**Ms Jodi McKay:** Oh no.

**Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (14:47):** I note the moaning interjection by the member for Strathfield.

**The SPEAKER:** Indeed. We all did.

**Ms Jodi McKay:** I didn't moan. That is not a moan.

**The SPEAKER:** The member for Strathfield should hear herself.

**Mr TROY GRANT:** I acknowledge the member for Lismore and thank him for his question. The member for Lismore is one of the great supporters of the police in our State. Approximately 10 days ago in Lismore I had the pleasure of attending his farewell function that also was attended by a small crowd of police officers who were there to wish him well in the future, which shows the enormous esteem with which the member for Lismore is held. Today I was enormously proud, beside the New South Wales Commissioner of Police, Mick Fuller, APM, and in the presence of the President of the Police Association of New South Wales, Tony King, when the Premier of this State announced an additional 1,500 men and women police officers would be added to the ranks of the NSW Police Force.

I was proud because obviously throughout my career I have had the opportunity to work in policing, so I have an intimate understanding of police work. But over the past four or five years as the Minister for Police I have visited nearly all the commands across the State and have spoken to current commanders about the pressures they encounter in performing their roles. Potentially, New South Wales would be the most diverse policing jurisdiction in the world with its outback communities, very small and isolated communities, coastal communities, regional city communities, and metropolitan communities. Our communities are extremely diverse even by their demographics alone. Today I was proud because this Government has undertaken significant reform in the NSW Police Force to ensure that our commands and our structure are more able to resemble the communities in which the police operate.

Re-engineering is all about metropolitan commands in Fairfield not having to look the same as metropolitan commands on eastern suburb beaches, and South Coast commands not having to look the same as commands in Orana in the mid-west because our communities are different. I acknowledge that there are commonalities among communities in what police respond to and how they respond, but with the additional capacity of 1,500 police officers—the commissioner constructed the model, did the mathematics, and did the assessment of the number of additional police required—the Government will be announcing in the forthcoming days, weeks and months the types of duties that police officers will be undertaking.

New South Wales has an ever-changing crime landscape as well as an ever-changing community safety landscape. How the police responded to events when I was a police officer is very different from how police respond currently, not only because of the aid and use of technology but also because of the expectations that communities have of our police. Multicultural demands are different and more intense than they were 30-odd years ago. In our State we have seen the impact of terrorism, how we need to respond to that, how that has shaken the innocence of our community and whether the community perceives the police playing a role in that domain. But what we have seen from the current Commissioner of Police through re-engineering and increased capacity are new units and new styles of policing that previously have not been seen in New South Wales.

The Premier alluded to the elder abuse squad that was announced today. For the first time a royal commission is about to inquire into what is becoming a real problem in our society—a really sick crime characterised by some of our most vulnerable people being preyed upon, and often by those who are closest to them. The Government has decided that every electorate's local commands will have a specialist elder abuse police officer to give specialist advice in an effort to overcome this horrible type of offence. I know that overcoming elder abuse is a massive passion of Tony King, President of the Police Association of New South Wales. In a separate announcement made today, every command will have a specialist child protection register officer who will prevent the horrible human beings on the register from continuing to prey on our kids. That has been made possible by the increase in the number of offices in the NSW Police Force.

I pause to share the horror of the member for Kogarah about what happened to the young girl in his electorate. I hope that with the assistance of additional police officers, more of the people who commit those types of crimes will be held to account and put behind bars, where they belong, for a long period. As the Deputy Premier mentioned, policing is not only about catching the crooks and locking them up. The Commissioner of Police is really a man of his time. He has examined international experiences, spoken to law enforcement agencies across the world and is now shaping the NSW Police Force to not only respond to calls for assistance but also be involved in the disruption of crime that is occurring in our communities. [*Extension of time*]

By having additional police officers, each command will have the ability to respond more effectively and efficiently to calls for service; but the increased police strength is also about disruption of crime. The commissioner has provided a couple of great examples. For the first time in the history of this State, the Commissioner of Police has established regional enforcement squads in the country. Enforcement squads used to exist only in the city. Earlier the Deputy Premier alluded to how important enforcement squads are in tackling mid-level crime. There are people in our community who are manufacturing and supplying methamphetamines and other types of illicit drugs. There are also people in regional areas who essentially are engaged in organised

crime. The increased police strength will disrupt those criminal activities and make a dent in the operation of those criminal groups. That will have a massive impact on community safety as a whole.

Today's announcement, as will be alluded to in the coming days and weeks, will give the NSW Police Force its greatest ability to prevent crime. The commissioner has some very exciting plans. We have heard about the investment into the PCYC and the RISEUP program that is getting kids jobs under the mentorship of police officers. The crime prevention capability of the NSW Police Force over next four years and those going forward will never be as great as it is about to be. We have the right commissioner at the right time to lead this charge. I have every confidence that he will continue to make our State as safe and secure as it can be.

### ELECTRICITY ASSETS PRIVATISATION

**Mr RYAN PARK (Keira) (14:54):** My question is directed to the Premier. Following her privatisation of the New South Wales electricity assets she said, "In relation to the electricity prices ... leasing the network businesses will put further downward pressure on electricity prices for consumers." Why then, under her watch, have electricity prices now risen by 60 per cent?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:55):** That is the question from someone who wants to be the Treasurer of this State. He either forgets or does not know that when we dealt with the networks we legislated that the network prices in 2019 would be lower than what they were in 2015—and they are. He does not have to believe what we say; Allan Fels, who is perhaps one of the best-known consumer advocates in the nation, oversees that process every period. The Labor Party is again misleading the community.

**The SPEAKER:** The member for Keira will come to order. He should listen to the answer to the question he asked.

**Ms GLADYS BEREJIKLIAN:** Labor Party members have—and I do not use this word lightly—lied and they continue to lie to the community about this point. In fact, when the member for Maroubra was the finance Minister and they sold the electricity generators, they did not get value for money. He appointed his union mates—

**Mr John Barilaro:** Who are in jail.

**Ms GLADYS BEREJIKLIAN:** Exactly—they are now doing time. Many of the board members resigned in disgust. That is what the Labor Government did to the electricity generators. It privatised them at the eleventh hour and did not get value for money. The Labor Government is the reason that prices go up. I ask the people of New South Wales how they can trust the shadow Treasurer when he cannot even ask an honest question in this House. How can they trust him? I say also to the people of New South Wales that we appreciate the cost-of-living pressures across New South Wales, especially when it comes to electricity. That is why we are the first government anywhere in Australia to have a proactive policy where any resident can go to Service NSW or call on the phone—the Minister for Finance, Services and Property can provide any information to anyone regarding their constituents—and a Service NSW customer service person will go through every retailer and do the work to switch them to a better deal.

As a result of this process we have seen people save hundreds and hundreds of dollars a year on their bill. We know that for many people not having that information is what makes it very difficult for them to make the savings that are available. But the savings are there to be had. We say to every citizen in New South Wales that they have a State Government that not only cares about their cost-of-living pressures but also has the policies to reduce their electricity bills. We say the same to small businesses. If they purchase a new product or part of the business they will get massive discounts under many of the Government's schemes. We appreciate that for households and businesses, higher electricity prices are a burden. That is why we have done everything we can to not only put downward pressure on prices but also provide cost-of-living measures that can save people hundreds of dollars.

In fact, recently I was in the electorate of Oatley at the Hurstville service centre with the Minister for Finance, Services and Property and also with the member for Oatley, where we met a lovely woman who ended up saving \$1,300 because she spent 20 minutes talking to a Service NSW customer service person who went through all the things she pays for and then went through the Government's 40 programs. She was able to walk out of there with an extra \$1,300 in her pocket. She said that for someone in her circumstances that meant the world. She talked about the fact that she was able to support her elderly father and do a number of other things because of the dollars she saved. Opposition members lie. They have come into this House and lied. They mislead the public. I notice that not a single Opposition member has taken a point of order. They are embarrassed by their shadow Treasurer.

**The SPEAKER:** I call the member for Port Stephens to order for the third time. She will cease interjecting. The member for Fairfield will cease interjecting. It does not contribute to any kind of debate.

**Ms GLADYS BEREJIKLIAN:** I am incredibly proud of the fact that network prices, which are the part of the bill that the State Government does control, are going down. That is our record. Labor members' record is abysmal but they should tell the truth; they should not lie.

#### STATE INFRASTRUCTURE

**Mr BRUCE NOTLEY-SMITH (Coogee) (14:59):** My question is addressed to the Minister for Transport and Infrastructure. How is the Government delivering a stronger, better infrastructure future for New South Wales, and are there any threats to this critical investment?

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:00):** Madam Speaker—

**The SPEAKER:** I call the member for Keira to order for the first time. His interjections are childish, as always.

**Mr ANDREW CONSTANCE:** Before I get to the threat part—which just happens to be the Leader of the Opposition—I will update the House on the state of the infrastructure program, because it is incredible.

**The SPEAKER:** The member for Strathfield will cease interjecting.

**Mr ANDREW CONSTANCE:** I note that the shadow Treasurer just asked a question about poles and wires, which the Opposition opposed. What gave this Government the headroom to get on and build the incredibly important congestion-busting infrastructure that we are building today were transactions such as the poles and wires, the transaction to local courts, the refinancing of the desalination plant and the asset recycling. We have recycled capital, while those opposite have recycled former Labor Ministers. There is no doubt that as we continue to roll out what is an incredible program—\$87 billion over the next four years—we can also point to our record of delivery. I was bemused yesterday to hear the Leader of the Opposition saying that we had not opened any projects. How wrong he was. We have opened 840 projects. He missed the 840 projects that we have opened—just a couple of small ones, including the International Convention Centre and the South West Rail Link.

**Mrs Melinda Pavey:** State highways.

**Mr ANDREW CONSTANCE:** Yes, a couple of highway upgrades. He missed those. What is telling about this—

**Mr Brad Hazzard:** Ninety-four hospitals.

**Mr ANDREW CONSTANCE:** Yes, 94 hospitals. Anybody else? The Leader of the Opposition stood up yesterday and announced that he will have public inquiries into every project worth more than \$1 billion. What effect will that have? The average inquiry time in this place is approximately 18 months to two years. I do not know whether the idea of having 36 public inquiries into the \$1 billion-plus projects that we have been building since 2015 will do anything other than delay projects, slow down construction and drive up the costs.

**The SPEAKER:** Order! Government members are not helping the Minister.

**Mr ANDREW CONSTANCE:** One would think that someone who has spent the past few years as the shadow Minister for Planning might understand State significant development and the planning process, and its importance in delivering some of these incredible projects. With an eye to the future, the \$87 billion that we will deliver in infrastructure over the next four years will contribute to some 600 projects across the State. The Leader of the Opposition will cancel most of them and for those that are already underway he will have an extensive public inquiry process. I do not know what all that means, but one thing I do know is that he stood up publicly next to Luke Foley—does everyone remember Luke Foley? Interestingly, the Labor Party still has him in its caucus. Labor members have not got around to removing him, despite the member for Maroubra saying on the Friday following the resignation of the former Leader of the Opposition that he would remove him from his caucus. But Luke Foley is still there.

I say to the Leader of the Opposition that if he is going to delay projects based on his extensive planning experience, we will have a look at his experience in planning and some of his relationships with the development sector in this State. That then brings us into interesting territory. I cannot begin to imagine how the Leader of the Opposition felt this year when he was exposed for a developer donation back in 2010-11. It is okay, and we will need to understand—

**Ms Jodi McKay:** Point of order: My point of order is under Standing Order 73. Obviously, if the Minister wants to attack the Leader of the Opposition, he has to do so by way of substantive motion.

**The SPEAKER:** I do not think he has yet; I will listen further. There is no point of order. The member for Strathfield will desist from raising points of order.



**Mr ANDREW CONSTANCE:** The good point I was going to make was to help out the member for Strathfield, and it is that the Leader of the Opposition must have been somewhat relieved when the Electoral Commission had a look at Metropolitan Demolitions, which he had to admit publicly was a developer contribution. Guess what? The Electoral Commission actually cleared him—

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** I will not continue to entertain these continual points of order from the member for Strathfield when the Leader of the Opposition is not even listening to this alleged personal attack.

**Ms Jodi McKay:** Madam Speaker, I am entitled to take a point of order, with great respect to you.

**The SPEAKER:** If I see fit, quite frankly. What is the member's point of order?

**Ms Jodi McKay:** It is under Standing Order 129, relevance—

**The SPEAKER:** The Minister remains relevant to the question.

**Ms Jodi McKay:** —and Standing Order 73, which is a substantive motion that is required if the Minister attacks the Leader of the Opposition.

**The SPEAKER:** The Minister remains relevant to the question he was asked. The member for Strathfield will resume her seat.

*[Extension of time]*

**Mr ANDREW CONSTANCE:** As I said, the Electoral Commission investigated the matter and found that Metropolitan Demolitions was not a developer and could donate. It got more interesting. Guess what? This has not been revealed publicly: In the course of the review, the Electoral Commission identified other political donations made to individuals in the same financial year, including to Mr Daley, which were illegal. This from a bloke who used to be the State's police Minister back in 2010-11. Now, all of a sudden, he has to start to be accountable for the time when he was a Labor Minister.

**Ms Kate Washington:** Point of order—

**The SPEAKER:** I will not entertain Opposition members taking points of order. I remind the member for Port Stephens that she is on three calls to order. I warn her not to repeat her behaviour from last week with her theatrics at the microphone. The Minister remains relevant to the question he was asked.

**Ms Kate Washington:** My point of order is under Standing Order 73. The Minister is clearly imputing improper motives to the Leader of the Opposition. If he wants to continue to do that he must do so by way of separate substantive motion.

**The SPEAKER:** There is no point of order. The Minister has the call.

**Mr ANDREW CONSTANCE:** Here we have a Leader of the Opposition wanting to delay infrastructure, although he has some questionable relationships across the Planning portfolio. He was a police Minister who at the time blew his budget by \$700 million, yet he is lecturing us on the delivery of infrastructure. What we have from those opposite is a leader who should not be in the job; it should have gone to the member for Kogarah and then we might have had a contest. But guess what? We will not hesitate to reveal the past of the Leader of the Opposition when it comes to his time on Randwick City Council, where there were some questionable approvals, or his time as police Minister, or the time when he received illegal political donations, which are now being reviewed by the Electoral Commission with no explanation from the Leader of the Opposition. Let us go to the heart of the matter and to the true test—his failure to sack Luke Foley from the caucus which, despite some members opposite demanding it, he is ignoring.

#### SYDNEY TRAIN SERVICES

**Ms JODI McKAY (Strathfield) (15:08):** My question is directed to the Premier. Given the further peak hour chaos on our train network today, will the Premier join Labor in committing to refund commuters for avoidable delays?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:08):** I saw a press release about a meltdown, so I asked the Minister for Transport and Infrastructure what was going on. He showed me a photo of the meltdown, with people on a platform waiting for their train. What the shadow transport Minister wants everybody to forget is that when those opposite were in government, even though the population was increasing, they cancelled 400 daily rail services because they did not have enough money. Let us figure this out: population going up, people need to catch trains. What did they do? They cancelled 400 daily rail services. I know that because I counted those services on a timetable when I was shadow transport Minister. When it came to buses,

they did not have enough money to increase the number of bus services. Therefore, they cancelled about 1,500 weekly bus services across the network. When it came to ferries, they did a great report. They got Bret Walker—

**Ms Jodi McKay:** Point of order: The question relates to refunding commuters for avoidable delays.

**The SPEAKER:** And the Premier is being entirely relevant to the question.

**Ms Jodi McKay:** Will the Government do that or not?

**The SPEAKER:** The member for Strathfield will resume her seat. The member for Strathfield will not take a point of order again.

**Ms GLADYS BEREJIKLIAN:** We all remember when former Premier Morris Iemma asked Bret Walker, a very highly regarded person, to do a report into the future of ferry services and whether those services should be franchised. Those opposite cut services and ignored that report. Then we came to government and we changed all that. We are providing really good value for money for our commuters and we appreciate that the system needs further improvement. Because of our strong budget position and because of the outstanding work by the Minister for Transport and Infrastructure not only do we have billions of dollars to invest in a brand new metro; we also have billions of dollars to invest in upgrading the current system. We know there is more work to do in transport, but we inherited a system that was broken and underfunded by those opposite for 16 years. In the time since we came to government, we have built the South West Rail Link, we have nearly finished the Sydney Metro Northwest, we have upgraded the systems and we have built the Rail Operations Centre.

**Dr Geoff Lee:** What about the Opal card?

**Ms GLADYS BEREJIKLIAN:** Of course, the member for Parramatta makes a good point. The list goes on. I note that last night the Leader of the Opposition was a guest in celebrating the premiership of Nathan Rees, and we wish him well. But let us not forget the mini-budget they handed down. Under the Rees mini-budget, when the Leader of the Opposition was the Minister for Finance, they wanted to cancel free transport for students. They wanted to cut public transport services. They can say all they like now, but we know their record in public transport, and it is a shocker. We will continue to deliver for the people of this great State when it comes to public transport. We just need to look at their record to see what they would do if they had the chance again.

**The SPEAKER:** The House will come to order.

#### STATE ECONOMY

**Ms MELANIE GIBBONS (Holsworthy) (15:11):** My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the Government delivering stronger, better leadership in financial management for the people of New South Wales? Are there any alternatives?

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (15:11):** I wonder how new staffing arrangements are going for that side of the House. We have had the Premier League, as called by Kayla. Their number one recruit was someone by the name of Claire March. She marches in, meets Michael, marches out straightaway. They have gone from Premier League to second division in one week.

**Mr Paul Lynch:** Point of order—

**The SPEAKER:** I do not know what he is talking about yet, therefore I will have to listen further. The Clerk will stop the clock.

**Mr Paul Lynch:** We can cease stopping the clock when the Treasurer adheres to the standing orders. My point of order is taken under Standing Order 75. The Treasurer cannot refer to the Leader of the Opposition as "Michael". That is neither his electorate nor his proper title.

**The SPEAKER:** Thank you, that is noted.

**Mr DOMINIC PERROTTET:** The Berejiklian-Barilaro Government is focused on delivering the best that it can for the people of our great State. Today, as we know, New South Wales is firing on all financial fronts with a budget that is strongly in surplus. We have kept taxes low. We are building more schools, more hospitals, more road and rail than any other government in our State's history. We are investing record amounts in the services that matter: health, education and public transport. These achievements are no accident; they are the direct result of the financial decisions that we have made to manage money well. That is why we can see, with our announcement on police today, more frontline staff than ever—nurses, teachers, police and paramedics. In 2011 under Labor, frontline staff made up about 85 per cent of our workforce; today they make up 90 per cent. There are thousands more public servants on the front line because we can afford to employ them. There is a

reason for that: Those opposite took this State from first to last when they did not build anything. The Labor Party has never learned how to manage money well.

Even now they still oppose asset recycling—the one policy that has generated capital and freed up our balance sheet for this once-in-a-generation building revolution. That is why, while we are busy building, they are busy running and cancelling projects because they do not have the capacity to continue to fund them. Those opposite need to state clearly before the election what schools and hospitals they will be cancelling over coming months. Let us take, for example, the Victorian election that is occurring at the moment. Victorian Labor is copying New South Wales in building infrastructure and recycling assets but NSW Labor remains stubbornly stuck in the past—the most backward parliamentary party in the country.

That is no surprise as we all know the architect responsible for the failed finances of the Labor Government was none other than Michael John Daley, sponsored by Eddie Obeid and Joe Tripodi. When he was last in government he destroyed the budget and he is back to do it all again. What have we seen from him so far? He will scrap the wages cap which will cost the budget more than \$7.6 billion and get rid of the M4 voter buyback scheme which will cost \$800 million. It is reverse user pays: those who use the road do not pay and those who do not use the road do pay. That is Labor economics. Already the policies of the Leader of the Opposition are costing the budget more than \$8 billion. The budget surplus is gone. This is the first time in the history of this State that a Leader of the Opposition has plunged the budget into deficit before the campaign has even started. Deficit Daley and Recessionary Ryan are already at work destroying New South Wales.

**Mr Paul Lynch:** Point of order—

**The SPEAKER:** The Clerk will stop the clock.

**Mr Paul Lynch:** My point of order is under Standing Order 75. The references the Treasurer has just made to the Leader of the Opposition and the member for Keira are clearly in breach of Standing Order 75.

**The SPEAKER:** Indeed. The Treasurer will refer to members by their correct titles.

**Mr DOMINIC PERROTTET:** We should not be surprised that those opposite have no vision. They have a leader from the past who is looking back at the past. Let us see how we got here. In 2011 the member for Maroubra begged for the leadership but his party rejected him in favour of John Robertson. In 2015 he begged again but NSW Labor knows how bad he is so it got Luke Foley to resign from the upper House, to come into this place and to lead it to the election. Twice Labor members have had the opportunity to choose the member for Maroubra and twice they have rejected him because they know he is not up to the job. But now Mediocre Michael has fooled them all again.

**Ms Kate Washington:** Point of order—

**The SPEAKER:** I caution the Treasurer about referring to members by their correct titles. The member for Port Stephens will resume her seat.

**Mr DOMINIC PERROTTET:** Labor needs to remember that the leaders a party rejects make that party the best. Labor is now a second-rate party run by a third-rate leader. He needs all the help he can get, which is why he has brought in Hawker Britton. The member for Summer Hill knows Hawker Britton well. [*Extension of time*]

Bruce Hawker is the man who brought down the first female Prime Minister of this country and was responsible for Labor losing 17 seats at the subsequent election. The *Australian* reported on Hawker Britton's first move to help the member for Maroubra. Andrew Clennell leaked that some of the leadership rivals were in trouble. According to him the electorate of the member for Kogarah was in trouble and the member for Strathfield was going to lose her seat. If I were the member for Keira I would be very worried. A mate of mine from Bulli called me the other day. Bulli is in the electorate of the member for Keira, is it not?

**Mr Ryan Park:** A beautiful part of my electorate.

**Mr DOMINIC PERROTTET:** He called me last night and said that he had received a phone call from Hawker Britton. He was asked, "Are you going to vote for Ryan Park at the next election? Press one for no, and press two for definitely no." For the record, he pressed two. I do have hope and I share in the hope of some of those opposite as we all await the second coming of Chris. Blessed are the young, for they shall inherit the Opposition. In 120 days the Messiah will ascend to his rightful place as Leader of the Opposition. There will be those on his left and those on his right but, most important, those who voted for the member for Kogarah will be here and they will be there.

**Mr Paul Lynch:** Point of order—

**The SPEAKER:** The Clerk will stop the clock.

**Mr Paul Lynch:** For the record, "Messiah" is not the proper title of the member for Kogarah.

**The SPEAKER:** The member for Liverpool will resume his seat.

**Mr DOMINIC PERROTTET:** Nathan Rees held a big fundraiser last night. Labor Values just tweeted:

A great night celebrating the 10th anniversary of the Rees Government. An underestimated Premier.

Said no-one ever.

### *Committees*

#### **COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

##### **Report: Cosmetic Health Service Complaints in NSW**

**Mr ADAM CROUCH:** As Chair: I table the report of the Committee on the Health Care Complaints Commission entitled "Cosmetic Health Service Complaints in New South Wales", report 4/56, dated November 2018. I move:

That the report be printed.

**Motion agreed to.**

#### **COMMITTEE ON COMMUNITY SERVICES**

##### **Report: Support for new parents and babies in NSW**

**Mr KEVIN CONOLLY:** As Chair: I table the report of the Committee on Community Services entitled "Support for new parents and babies in NSW", Report 2/56, dated November 2018. I move:

That the report be printed.

**Motion agreed to.**

#### **LEGISLATION REVIEW COMMITTEE**

##### **Report: Legislation Review Digest No. 65/56**

**Ms FELICITY WILSON:** As Chair: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 65/56", dated 20 November 2018. I move:

That the digest be printed.

**Motion agreed to.**

**Ms FELICITY WILSON:** I also table the minutes of the committee meeting regarding Legislation Review Digest No. 64/56.

### *Business of the House*

#### **SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (15:23):** I move:

That standing and sessional orders be suspended to amend the resolution of Thursday 15 November 2018 regarding the routine of business by omitting paragraph (3) (d).

**Mr PAUL LYNCH (Liverpool) (15:24):** The Opposition is delighted to support the motion to suspend standing and sessional orders. If the Government had bothered to show me the original motion I would have pointed out the mistake at that stage.

**Motion agreed to.**

#### **VALEDICTORY SPEECH**

**Mr ANTHONY ROBERTS:** I move:

That the business of the House be interrupted after the conclusion of consideration of the motion accorded priority to permit the presentation of a valedictory speech by the member for Epping.

**Motion agreed to.**

*Petitions***PETITIONS RECEIVED**

**The SPEAKER:** I announce that the following petition signed by more than 10,000 persons has been lodged for presentation:

**Luna Park**

Petition calling on the Government to protect the long-term future of Luna Park by reaffirming its regulatory scheme and introducing a scheme of exempt and complying development to provide legal certainty to move or replace amusement park rides, received from **Ms Felicity Wilson**.

**The SPEAKER:** I set down discussion on the petition as an order of the day for a future day.

**The CLERK:** I announce that the following petitions signed by fewer than 500 persons have been lodged for presentation:

**The Star Casino**

Petition opposing construction of a proposed residential and hotel tower on The Star casino site, received from **Mr Alex Greenwich**.

**Sydney Metro Pitt Street Over-station Developments**

Petition rejecting the current proposed Sydney Metro Pitt Street over-station developments, received from **Mr Alex Greenwich**.

**Holsworthy Electorate Rezoning**

Petition requesting a moratorium on further development applications for high-rise buildings under R4 zoning in Moorebank, Holsworthy, Hammondville and Wattle Grove until Liverpool council completes its zoning review and a full report is provided to the Minister for Planning, received from **Ms Melanie Gibbons**.

**Leppington Railway Station Car Park**

Petitions calling for the construction of a multi-level commuter car park at Leppington railway station and the provision of temporary car parking in the interim, received from **Mr Paul Lynch**.

**Inner-city Ferry Services**

Petition calling on the Government to fast-track project work for ferry wharves and services at Glebe Point; Johnstons Bay, Pyrmont; Woolloomooloo; and Elizabeth Bay, received from **Mr Alex Greenwich**.

**Stormwater Drainage Legislation**

Petition requesting that Parliament pass the Local Government Legislation Amendment (Stormwater Drain Filters) Bill 2017, thereby ensuring that all existing drains lead to a waterway, received from **Ms Tamara Smith**.

**Sydney Football Stadium**

Petition requesting that the Government upgrade rather than rebuild the Sydney Football Stadium and invest the money saved into health, education and community sports facilities, received from **Mr Alex Greenwich**.

**Sydney Stadiums**

Petition calling on the Government to redirect funding from Sydney stadiums to schools, hospitals and other essential community services, received from **Ms Jo Haylen**.

**Petersham Pedestrian Safety**

Petition calling for improved pedestrian safety measures at the intersection of West Street and Railway Terrace, Petersham, received from **Ms Jo Haylen**.

**Short-term Letting**

Petition calling on the Government to give owners corporations the authority to control short-term letting in strata buildings, received from **Mr Alex Greenwich**.

**The CLERK:** I announce that the following petitions signed by more than 500 persons have been lodged for presentation:

**Edmondson Park Development**

Petition requesting that the Government construct necessary infrastructure, including commuter car parking, in Edmondson Park and that the consideration period for a local planning application be extended until 60 days after the 2019 State election, received from **Mr Anoulack Chanthivong**.

**West Byron Development**

Petition calling on the Government to ensure that the proposed development of West Byron Bay will not detract from Byron Bay tourism, will enhance koala population connectivity and will not adversely affect the efficient operation of Ewingsdale Road, State significant wetlands and Cape Byron Marine Park, received from **Ms Tamara Smith**.

**Edmondson Park and Leppington Railway Stations Car Parking**

Petition calling for the construction of multi-level commuter car parks at Edmondson Park and Leppington railway stations, and for improved commuter car parking at railway stations in south-western Sydney, received from **Mr Anoulack Chanthivong**.

**Griffith to Sydney Rail Service**

Petition requesting that the mid-week passenger rail service between Griffith and Sydney be reinstated, received from **Mr Austin Evans**.

**Wingecarribee Shire Council**

Petition requesting the appointment of an independent administrator to run Wingecarribee Shire Council, received from **Ms Pru Goward**.

**RESPONSES TO PETITIONS**

**The CLERK:** I announce that the following Ministers have lodged responses to petitions signed by more than 500 persons:

The Hon. Brad Hazzard—Yass Valley Hospital—lodged 18 October 2018 (Ms Pru Goward)

The Hon. Brad Hazzard—Tocumwal Ambulance Service—lodged 24 October 2018 (Mr Austin Evans)

The Hon. Mark Speakman—Child Sex Offences—lodged 16 October 2018 (Mr Gareth Ward)

The Hon. Stuart Ayres—Haberfield Public School Pedestrian Crossing—lodged 27 September 2018 (Ms Jo Haylen)

*Business of the House***BUSINESS LAPSED**

**The DEPUTY SPEAKER:** I advise the House that in accordance with Standing Order 105 (3) General Business Notices of Motions (General Notices) Nos 3041 to 3074 and 3076 to 3094 have lapsed.

*Motions Accorded Priority***POLICE NUMBERS****Consideration**

**Mr ALISTER HENSKENS (Ku-ring-gai) (15:27):** My motion should be accorded priority because the people of New South Wales should be reminded that at the 2019 election they have a clear choice on law and order and crime. Governments have a clear duty under their social contract to keep their citizens safe and free from crime. But Labor has a black heart when it comes to crime and law and order. As we are debating this motion the serious context in which this debate is being conducted includes two former Labor Ministers, Eddie Obeid and Ian Macdonald, and a former Labor member of Parliament, Milton Orkopoulos, lying in jail today convicted of serious crimes.

Six NSW Labor members of Parliament have been found corrupt by the Independent Commission Against Corruption [ICAC] including, Eddie Obeid, Ian Macdonald, Tony Kelly, Joe Tripodi, Angela D'Amore and Karyn Paluzzano. By contrast, no Liberal member of Parliament in the history of ICAC has been found corrupt in the performance of his or her duties as a State member of Parliament. This is not the only reason why the Australian Labor Party [ALP] has trouble dealing with crime. The ALP is the political wing of the union movement which has an apparent problem with the rule of law. Australian Council of Trade Unions Secretary Sally McManus said in 2017 about obeying the law:

I believe in the rule of law where the law is fair and the law is right but when it's unjust, I don't think there's a problem with breaking it.

A major union backer of the State ALP, the Construction, Forestry, Maritime, Mining and Energy Union [CFMMEU] has been fined \$8.2 million for breaches of the law since 2003, committing more than 100 offences. Suggesting a link between the CFMMEU and organised crime is hardly difficult when that organisation has accumulated more than \$90 million in assets in completely unexplained circumstances. In Victoria the State ALP systematically broke the law with its so-called red shirts group, and none of the Victorian members of Parliament, including the Attorney General, have agreed to be interviewed by the police. It is with this history of rampant lawlessness by the ALP that this motion examines the history of the Leader of the Opposition. I am not referring to his on-again, off-again appeal in 2017 after he was fined \$880 for speeding and lost five demerit points; I am referring to the Leader of the Opposition's terrible record—there is no other word for it—as Minister for Police when he was part of that stinking, corrupt Labor Government with Eddie Obeid, Ian Macdonald, Tony Kelly and Joe Tripodi. [*Time expired*]

## STATE INFRASTRUCTURE

### Consideration

**Mr RYAN PARK (Keira) (15:30):** A common theme is occurring across New South Wales at the moment and Opposition members are hearing a simple message: People want schools and hospitals before stadiums. Anyone listening to Karen McKeown, the Labor candidate for Penrith, would be aware that she constantly says that people in the far west of Sydney, in particular in the eastern suburbs, want schools and hospitals before stadiums. Anyone listening to Craig Elliott in the Tweed would be aware how much the Tweed would benefit from a new stadium in Sydney. People in his community are telling him time and again that they want schools and hospitals before stadiums. Closer to Sydney, anyone talking to the fantastic Labor candidate for Coogee, Marjorie O'Neill, would be aware that she has been telling Bruce Notley-Smith that the Coogee community wants schools and hospitals before stadiums.

Lucy Mannering, a top candidate in Oatley, is saying over and over again that the Oatley community is telling the member for Oatley they want schools and hospitals before stadiums. That community also wants things such as transport upgrades. Recently I was in Riverstone with the Labor candidate, Dr Annemarie Christie, a fantastic asset to our party, who is advocating time and again for improved public transport. People in Riverstone, who are getting on crowded trains and parking their vehicles in crowded commuter car parks, are not asking for new stadiums in the eastern suburbs. Dr Annemarie Christie is fighting for what people want. Government members should take the time to listen to their communities. If they did they would know that they want schools and hospitals before stadiums.

**The DEPUTY SPEAKER:** The question is that the motion of the member for Ku-ring-gai be accorded priority.

### The House divided.

Ayes .....46  
Noes .....34  
Majority.....12

### AYES

Anderson, Mr K  
Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Mrs T  
Elliott, Mr D  
Fraser, Mr A  
Grant, Mr T  
Hazzard, Mr B  
Kean, Mr M  
McGirr, Dr J  
Patterson, Mr C (teller)  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Wilson, Ms F

Aplin, Mr G  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provost, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Ayres, Mr S  
Conolly, Mr K  
Crouch, Mr A  
Donato, Mr P  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Marshall, Mr A  
O'Dea, Mr J  
Perrottet, Mr D  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## NOES

Aitchison, Ms J  
 Barr, Mr C  
 Chanthivong, Mr A  
 Dib, Mr J  
 Harris, Mr D  
 Hoenig, Mr R  
 Lalich, Mr N (teller)  
 McDermott, Dr H  
 Mihailuk, Ms T  
 Piper, Mr G  
 Warren, Mr G  
 Zangari, Mr G

Atalla, Mr E  
 Car, Ms P  
 Crakanthorp, Mr T  
 Finn, Ms J  
 Harrison, Ms J  
 Hornery, Ms S  
 Leong, Ms J  
 McKay, Ms J  
 Minns, Mr C  
 Scully, Mr P  
 Washington, Ms K

Bali, Mr S  
 Catley, Ms Y  
 Daley, Mr M  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mehan, Mr D  
 Park, Mr R  
 Smith, Ms T.F.  
 Watson, Ms A (teller)

## PAIRS

Berejiklian, Ms G  
 Cooke, Ms S  
 Johnsen, Mr M  
 Roberts, Mr A

Cotsis, Ms S  
 Doyle, Ms T  
 Foley, Mr L  
 Tesch, Ms L

**Motion agreed to.****POLICE NUMBERS****Priority**

**Mr ALISTER HENSKENS (Ku-ring-gai) (15:39):** I move:

That this House:

- (1) Notes that as Minister for Police, the member for Maroubra lost control of law and order across New South Wales.
- (2) Recognises that during his time as Minister for Police, offences across 16 key categories increased.
- (3) Remembers the now Leader of the Opposition closed nine police stations across the State.
- (4) Recalls the Auditor-General found that New South Wales police were understaffed by 489 officers under the member for Maroubra's time in charge.
- (5) Acknowledges today's announcement by the Government to deliver an extra 1,500 police.

When I gave notice of this motion to be accorded priority, the Leader of the Opposition cavilled with the propositions of fact it contained. That surprises me because I have documents in front of me that make good all of those propositions, and I will read them onto the record in due course. As I said when seeking to have my motion accorded priority, the Opposition has a real problem with law and order and reducing the rate of crime. Its history is akin to that of an outlaw motorcycle gang rather than a major political party. There is no doubt that when the Leader of the Opposition was the Minister for Police he lost control of law and order across New South Wales. In contrast, paragraph (5) of my motion states that the Coalition Government today announced that over the next four years it will appoint 1,500 new police officers That is in addition to the 1,000 new appointments over the past eight years.

That is in stark contrast to the lamentable statistics when the member for Maroubra was the Minister for Police. I remind the House that the Leader of the Opposition was the Minister from September 2009 until March 2011, except for about four days in December 2010 during the chaotic period of Labor administration when it changed Premiers. The NSW Police Force issues annual reports that list the number of police stations. In 2009-10, the report stated that there were 435 police stations. The 2010-11 report states there were 426 police stations, which is a decrease of nine police stations when the member for Maroubra was the Minister for Police. The Auditor-General's report to Parliament in 2010, volume 8, page 87, notes that at 30 June 2010, during the term of the member for Maroubra as the Minister, there were 489 fewer police officers than the authorised full-time equivalent positions; that is, the number of police officers had decreased by 489.

Over 12 years the Coalition Government will create 1,500 new police officer positions and during the first 12 months that the member for Maroubra was the Minister for Police there was a decrease of 489 police



officers. That is a stark contrast. I know people can have short memories, but I do not think any victim of crime would forget about the tenure of the Leader of the Opposition as the Minister for Police, given the crime statistics at the time. I refer to the statistics on page 11 of the Bureau of Crime Statistics and Research 2011 report, which was the quarterly update to March 2011.

While he was Minister, domestic violence-related assaults went up by 1.2 per cent; harassment, threatening behaviour and private nuisance went up by 3 per cent; stock theft went up by 21.7 per cent; other theft went up by 1.4 per cent; possession of cannabis and/or use of cannabis went up by 11.1 per cent; possession and/or use of amphetamines went up by 23.9 per cent; possession and/or use of other drugs went up by 22.1 per cent; dealing in and trafficking cannabis went up by 28.3 per cent; and dealing in and trafficking amphetamines went up by 7.5 per cent. It is a terrible record of a terrible Minister.

**Mr GUY ZANGARI (Fairfield) (15:44):** I speak in debate on a motion moved by a desperate government seeking to smear. It is all smear and fear from a Government that is not announcing any positive plan for New South Wales but is instead attacking the Leader of the Opposition, because that is all it can do now. All that is left is personal attacks. I note the presence of the Minister for Police, the Hon. Troy Grant. I know that he is listening intently, although he appeared to be just sitting there, not paying attention to the member for Ku-ring-gai. The Minister is a man of integrity and he knows that the member for Ku-ring-gai was making a personal attack on the member for Maroubra, Leader of the New South Wales Labor Opposition.

Let us go through some of this Government's glorious hits when it comes to policing. Government members beat their chests and say that they have delivered 1,000 police officers over eight years. Guess what? That equates to 125 officers for each of the eight years. But let us put it on the record: The Federal Government's own "Report on Government Services" basically said that this Government had the lowest spend per capita on police than governments in other jurisdictions.

**Mr Troy Grant:** Point of order—

**Mr GUY ZANGARI:** The Minister cannot take a point of order because he knows it is true.

**Mr Troy Grant:** —the member is misleading the House. The Productivity Commission report that he refers to did, in fact, say that the Government was expending less. The Government did not cut any budgets from the police. The reason it expended less is that fewer officers were going out of the police force on workers compensation and on extended leave. It is a positive, not a negative.

**Mr GUY ZANGARI:** I have the Australian Government Services Productivity Commission report. The Minister probably failed to read it; someone else read it for him. It talks about the expenditure on police services per person. Do not take my word; take this report's word for it. It says that in 2016 the NSW Government spent \$388.60 compared to the Northern Territory, which spent \$1,391, Western Australia, which spent \$551, and Victoria, which spent \$442.90. It says it in this document.

I will talk about the achievements of the Labor Government when it came to policing. By 2010 the New South Wales Labor Government had delivered almost 1,500 additional officers in four years to bring the NSW Police Force to nearly 16,000. The 17 major crime categories at that time were either stable or falling, according to the NSW Bureau of Crime Statistics and Research. Property crime had halved in the 10 years to that point. There was an increase in numbers under the Labor Government of more than 22 per cent since the last Coalition Government was in power in 1995. In 2010-11 the then Labor Government allocated a record \$2.8 billion in the budget to the NSW Police Force. That is a wonderful record.

The New South Wales Labor Government rebuilt Fairfield police station and Cabramatta police station. It introduced the Cabramatta intervention, which now sees Cabramatta thriving and as a tourist destination for people across New South Wales. That is thanks to a Labor Government. Shamefully, this Government took away the very team of the NSW Police Force that looked after vulnerable children in Cabramatta, the Cabramatta Street Team. The former Labor Government put it in, and this lot took it away. This Government is not covered in glory regarding looking after police. In the 2018-19 budget, it funded only 100 extra officers. Regarding other police stations, the Government was supposed to go to Queanbeyan's council regarding Queanbeyan police station. That did not happen. Now it has gone back to the Farrer Place proposal. Has that police station been built? It has not been built, even though the Deputy Premier is the member for Monaro. That lot is unbelievable.

**Mr KEVIN ANDERSON (Tamworth) (15:50):** I support my good friend the member for Ku-ring-gai in outlining what the New South Wales Government has done over the past seven years to not only boost frontline police services but also make sure that it has the tools and resources it needs to do a better job, particularly when it comes to the premises that it operates out of. Most police stations across regional New South Wales were in very poor shape prior to this. In 2004-05 the annual report indicated that there were more than 500 police stations. In 2009-10 the report indicated that the NSW Police Force had 435 police stations, meaning the then Labor

Government closed police stations. The 2010-11 annual report said there were even fewer stations, at 426. This Government has been reinvesting in regional New South Wales because it knows that our police officers want to work in an environment conducive to doing their job to keep our communities safe.

Some of the police stations that have been upgraded, rebuilt or built brand new are in Toronto, Moree, Walgett, Belmont, Morisset and Riverstone. We are building a number of others in regional New South Wales, in places such as Queanbeyan, Taree, Gunnedah and Parkes. We are about to open the station at Gunnedah. The New South Wales police Minister is sitting at the table now. We look forward to welcoming him to Gunnedah to open the brand-new \$8 million police station that was built on the back of community support and to support our frontline police.

**Mr Troy Grant:** Great local member advocacy.

**Mr KEVIN ANDERSON:** It was great local member advocacy—I note the interjection by the Minister for Police, and I thank him for that. The Government is making sure that our police have the resources they need. We are committed to maintaining the pressure on crime, investigating new ways to help police get on top of crime in a changing environment and helping keep our communities safe. With the re-engineering, the Government is ensuring that there is a commonality across the commands, zones and areas that our police work in although each one is unique and different. Local cops play a big part in a small regional town where they need to ensure that they have communication skills and infrastructure, such as the radio networks we are putting in to help our emergency services maintain contact in emergency situations. I support the member for Ku-ring-gai because the Government is supporting our police. The police Minister from regional New South Wales has made sure that the Government provides our police with the resources that they need to do the job and keep our communities safe.

**Mr RON HOENIG (Heffron) (15:53):** The hide of this Government to criticise the Leader of the Opposition about police matters going back eight long years, when the management of the police force in this State over those eight long years has been nothing but shameful! Do I have to remind the House that in 2012 and 2013 in Western Sydney the outlawed motorcycle gangs were shooting each other like it was the *Gunfight at the O.K. Corral* while there was an internal dispute within the police force? It took six months for Deputy Commissioner Kaldas to get out there to stop it, and it took him two weeks to do so. Do I have to remind this House that the Government allowed a dispute to go on for years between the two deputy commissioners of police?

The Government could not make an appointment of police commissioner, leaving the NSW Police Force leaderless. A committee of the upper House recommended an apology be given to the then Deputy Superintendent Kaldas, which has not been given by the Government to this day. It took the Government years to make the right appointment to the position of Commissioner of Police. Then, having made the right appointment, it did not provide Commissioner Fuller with the staff he should have had—and Government members know it. An independent report of the Productivity Commission reported to the Commonwealth that New South Wales has the lowest number of police per head of population, of all the six States. What is the response of the Government? Its response in the 2018-19 budget is to fund only 100 more officers. This Government is endeavouring to condemn the Leader of the Opposition for something that occurred eight long years ago, when the Government's management has been shameful.

Those opposite talk about supporting our wonderful police, and they are wonderful. Those who represent the police—police associations throughout the entire Western world—are hardly supportive of the progressive side of politics, but on 24 September this year the Police Association of New South Wales said that police shortages are leaving paedophiles unmonitored, putting the State's children at risk. Our police are saying that our children are at risk because there are not enough police to monitor paedophiles. On 10 September this year the Police Association said an urgent increase was needed to stop the ice terror that is occurring in our community. Our police are saying there is a shortage of 2,500 police. The NSW Police Force has been in crisis for eight long years under this Government. As good a fellow as the current police Minister is, there is no excuse for this shambles.

**Mr ALISTER HENSKENS (Ku-ring-gai) (15:56):** In reply: This may be the last time I speak while Deputy Speaker Thomas George is in the chair, so I wish you the very best for your retirement. We have again heard nothing but confected outrage from the member for Heffron, who has completely ignored the words of the motion. He has gone off on his usual tangent because he does not want to debate the lamentable performance of his leader when he was police Minister. He wants to go off on every tangent possible rather than address the motion, which the House, by majority, agreed would be debated. The member for Heffron ignored that and went off on a tangent to talk about irrelevant matters. By the way, he completely ignored what the police association's president Mr King said today about the announcement:

I am thrilled the Government has listened and worked with us to deliver 1,500 additional police, which is the largest increase in over 30 years.

He also said:

This boost to operational capacity will ensure police are well supported and can maintain the sort of protection our community expects and deserves.

Those are not my words. Those are not the words of the police Minister. Those are the words of the president of the Police Association. I acknowledge the great performance of our police Minister over more than four years in that portfolio. I wish him the very best after today. The member for Fairfield said that this motion is about smear. The motion is not about smear: Government members have put to the House hard facts that demonstrate a lamentable performance by Labor in the area of law and order when Labor was last in charge of this State.

The Labor Government closed nine police stations, crime went up in 16 key offence categories and there were 489 fewer police officers under the watch of the Leader of the Opposition. These are hard statistics. They are statistics that the deflection and obfuscation by the member for Heffron cannot avoid. It is regrettable that the member for Heffron talked about shameful management of the police. It is lamentable that he does not support our police officers—the most efficient and effective police force in Australia, as shown by the Productivity Commission report.

**The DEPUTY SPEAKER:** The question is that the motion as moved by the member for Ku-ring-gai be agreed to.

**The House divided.**

Ayes .....45  
Noes .....32  
Majority.....13

**AYES**

Anderson, Mr K  
Bromhead, Mr S (teller)  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M  
Griffin, Mr J  
Henskens, Mr A  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Aplin, Mr G  
Conolly, Mr K  
Crouch, Mr A  
Donato, Mr P  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Marshall, Mr A  
O'Dea, Mr J  
Perrottet, Mr D  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Ayes, Mr S  
Constance, Mr A  
Davies, Mrs T  
Elliott, Mr D  
Fraser, Mr A  
Grant, Mr T  
Hazzard, Mr B  
Kean, Mr M  
McGirr, Dr J  
Patterson, Mr C (teller)  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Wilson, Ms F

**NOES**

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Harrison, Ms J  
Hornery, Ms S  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T.F.  
Watson, Ms A (teller)

Atalla, Mr E  
Car, Ms P  
Crakanthorp, Mr T  
Greenwich, Mr A  
Haylen, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Warren, Mr G  
Zangari, Mr G

Bali, Mr S  
Catley, Ms Y  
Dib, Mr J  
Harris, Mr D  
Hoenig, Mr R  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Scully, Mr P  
Washington, Ms K

**PAIRS**

Barilaro, Mr J  
Berejiklian, Ms G  
Brookes, Mr G  
Cooke, Ms S

Cotsis, Ms S  
Daley, Mr M  
Doyle, Ms T  
Foley, Mr L

## PAIRS

Johnsen, Mr M

Tesch, Ms L

**Motion agreed to.***Members***VALEDICTORY SPEECH**

**The DEPUTY SPEAKER:** Before giving the call to the member for Epping, I welcome to the gallery this afternoon Diane and all his family. It is with great pleasure that I call the member for Epping to give his valedictory speech.

**Mr DAMIEN TUDEHOPE (Epping) (16:06):** I commence by thanking my family for being here today because, if I left them until last, I would end up like the member for Camden! One of the benefits of having a large family is that it is the equivalent of a rent-a-crowd. If any of you are not members of one of my branches, then you should be. I could have done with your help in a recent endorsement meeting—of which I will say no more. This is an unusual valedictory speech. In a sense I feel somewhat self-serving and fraudulent in using the time of this House to make a farewell speech in circumstances in which I hope to be elected to another place, which I will not grace with the name of a retirement village.

But this speech is not about me—rather, it is about the incredible people who have been with me over the past four years and the friends I have made along the way. Of those who have gone before me, having taken their leave—and that includes you, Mr Deputy Speaker—we have to be impressed by the impact that their life of service has had on their communities and on them personally. Mr Deputy Speaker, you are moving on and I pay tribute to your selfless contribution to public life. I say that this is an unusual valedictory speech because most will be aware that I am seeking election to the red benches. I will miss Michael Johnsen greatly when I have to move over to that place. I hope to return, albeit in another guise. However, it is important that I acknowledge the constituents of my electorate, my branch members, my State Electoral Conference [SEC], my staff and my family for the four years during which I have had the privilege of representing them as the member for Epping.

The mark of good government is the gift you bequeath to the generations that rely on you to ensure the improvement in their quality of life. It strikes me that governments fall into three categories. First, there are those governments that do nothing or very little. The gift that such a government bequeaths is no gift but, rather, a betrayal. The second is a government that seeks to deliver prosperity in the present but tells the generations of the future that they must pay for it. Such governments are inherently driven by debt and deficit. Finally, there are governments that deliver to the future a quality of life by improvements in all aspects of public infrastructure delivery. Such governments are visionary and deserving of the community they serve. Additionally, they do not burden the future generations with the obligation to pay for it. It has been my privilege to be part of a government that fits into that final category. There can be no doubt that the record of this Government is one of vision and opportunity for the people we serve in circumstances in which we have delivered an economy that is the envy of the world.

In the electorate in which I have been privileged to serve we have shared in that vision. It would have been easy to do nothing. To do nothing does not bring out the activists and it does not cause disruption; to do something is always the subject of criticism. Someone always knows how to do it better or more efficiently, and that is just part of the cost. Epping is a microcosm of every electorate in Sydney. Four years ago we were beset by housing affordability. Today it is overdevelopment, and how migration and population are managed. How quickly the issues change, and the need for governments to be agile is an inherent part of an effective government.

Four years ago when I commenced this journey the town centre at Epping had been declared a priority precinct and the Government was well underway in delivering the Northwest Metro and the NorthConnex motorway. The hallmark of both those projects is the commitment of the Government to delivering on its promises. Promises were made in 2011 and their realisation is nearing completion. Of course, I will expect an invitation to the ribbon-cutting for both those projects. There are aspects of both projects of which we ought rightly be proud. First, they have created tens of thousands of jobs for the people of our State and contribute significantly to our record unemployment rate. Secondly, these projects have created a workforce that has skills that are irreplaceable. I have had the opportunity of visiting the training facility for the NorthConnex at West Pennant Hills. We have trained a workforce in tunnelling that is unrivalled.

While on the subject of the Metro, I acknowledge the role of the much-maligned Minister for Transport and Infrastructure. If you ever wanted a poisoned chalice as a Minister, you probably would be given Health or Transport. I have had the opportunity of seeing firsthand the hard work of the Minister for Transport and

Infrastructure in connection with the Metro. We waited in trepidation for the closing of the Epping to Chatswood line. All the pundits and critics were predicting traffic catastrophe. Many wanted it to be so for their political advantage. The opposite has been the case. The implementation of Station Link has been a credit to the Minister, and Marg Prendergast and her team. And where are the doomsayers now?

The delivery of the Metro has played an important part in the decision to increase the density of development in Epping. The skyline in Epping is dominated by cranes. However, development on this scale does not come without cost. The disruption in the community has been significant, and many of the residents of Epping who have resided there for many years are disconcerted by the change to their suburb. The managing of that change is one of the greatest challenges for a local member. In this regard, therefore, I have campaigned against the approval of high density development unless there is appropriate infrastructure. When the decision was made for the delivery of the urban activation plan, the consultants engaged by the Government identified some of the essential infrastructure that was needed to ensure that the suburb could cope with the increased number of dwellings. Not surprisingly, the take-up rate for the development outstripped the delivery of the infrastructure. This outcome equals very unhappy residents.

However, I am pleased to be able to say that I will count as one of my major achievements the delivery of the widening of the Epping bridge. This was the key recommendation of the work to be done to relieve congestion in Epping. Both my predecessors, Andrew Tink and Greg Smith, had campaigned for it. The planning Minister was no doubt sick of me, but it was a great day when the Minister for Roads, Maritime and Freight, and the Minister for Planning came to Epping to announce the funding of \$50 million to widen that bridge.

While on the subject of development in Epping, I cannot let this opportunity pass without renewing my plea for greater consideration to be given to the preserving of open space. Established suburbs have little in the way of identifiable areas that can contribute to open space. In my electorate, we have large sporting clubs with insufficient sporting facilities. Where there is open space, we must ensure that steps are taken to preserve it from development. One plea I make is that where land is zoned for recreational use that zoning cannot be changed by a planning proposal. Recreational land is for the benefit of the community. If it is to be developed then the developer must be required to replace it. For example, there is a bowling club in Epping that the Government contributed significant funds to by way of community grants. The club closed and a developer bought the site. They now want to turn that land, which is zoned recreational, into multistorey units. We must change the way zoning is looked at and require developers to replace open space.

Heritage items have also been of significant for my constituents. There is a cottage in the town centre of Epping that residents campaigned to have preserved as a heritage item. I attended five meetings of an independent hearing and assessment panel to represent the concerns of the community to the panel. We were ultimately unsuccessful; however, I gave it my best shot. How heritage is assessed remains a vexed question. I acknowledge that heritage can be weaponised with a view to opposing development. However, the other side of that coin is that developers often seek to minimise heritage importance. That is very important in older suburbs such as Epping.

Council amalgamations was a very testing issue for the Government. In my submission there were significant benefits for the electorate of Epping, not least of which was that it brought the Epping town centre under one local government authority and resulted in the very able administrator Amanda Chadwick conducting the Epping planning review. The conduct of the review has now helped inform the City of Parramatta Council in relation to the planning strategy ahead. The delivery of community space, car parking strategy and heritage were all addressed in consultation with the community. It now remains for local government to update its planning instruments to reflect those outcomes.

I express my gratitude to the mayors of both the Hornsby Shire Council, Philip Ruddock, and the City of Parramatta, Andrew Wilson, for the cooperative way in which they have worked with me and each other not only in resolving outstanding issues that have arisen from the amalgamation but also in their vision for my electorate generally. It behoves us all to acknowledge the stand taken by the Premier on immigration. She is the daughter of immigrant parents and can speak like no other of the benefits of immigration to this country. Having said that, she also knows of the pressures that exist on infrastructure and are inextricably linked to immigration. The Federal Government controls the levers of immigration; however, it is the States that must bear the responsibility of building the roads, hospitals and schools to accommodate our increasing population. I welcome her call to have a say in the process.

I have spent some time talking about the big outcomes that are being delivered for the electorate; however, it is often the small things that we campaign for and succeed in delivering that have the most impact on people's lives. I will talk about just some. I have lost count of how many conversations I have had with local residents about the need for a lift at Beecroft station. From elderly residents to mothers with prams, "When are we getting a lift at Beecroft?" is usually the first question asked. Fortunately, our relentless campaign was successful and we have received full funding for a new lift at Beecroft in the previous two budgets. That is why

it was so satisfying to be at Beecroft station with the Treasurer in October this year to promote the new lift and invite residents to comment on the design before construction begins.

We are delivering three major upgrades to local schools, which will be able to accommodate hundreds of new students. At Carlingford Public School we are delivering 20 new classrooms, as well as 22 new classrooms at Epping Public School. Last week, the education Minister and I inspected the new classrooms that have already been delivered at Cherrybrook Technology High School. We have also provided a significant amount of funding for a local cycleway network that will connect Epping to Pennant Hills and Carlingford to Parramatta. The Government will provide a significant amount of funding to upgrade the Epping Aquatic Centre, which is known as Dence Park pool. In 2015, during the election campaign, there was no bigger issue than saving Dence Park, which Hornsby Shire Council had resolved to close because of its age and the cost of maintenance. My children can attest to many hours spent at Dence Park with the Epping Bullets swimming club and regular squad swimming practise. The pool is still open and has received a new lease on life because of the community campaign and my advocacy. Together we can achieve a great deal.

Small things do matter. The delivery of the new cenotaph in Boronia Park at Epping is something that my community is proud of. We have a wonderful sub-branch of the RSL that works tirelessly to ensure that our heritage is preserved and acknowledged. I thank John Curdie and his team for their efforts to organise the milestone events of Anzac Day and Remembrance Day. But it is not only those two days. In their quiet way, they bring together a spirit that epitomises why we should be proud to be Australian. Each of us has an opportunity to assist our communities through Community Building Partnership grants. I am pleased to have been able to help deliver a new fire truck to the Cherrybrook Rural Fire Brigade, a new covered outdoor learning area at Carlingford High School, new playground equipment at Roselea Public School and many more smaller grants to Scouts, Guides, churches and sporting clubs. That makes such a difference to the morale of our community.

We have done all this and can achieve much more because we possess the fundamentals of good governance. I am proud to be part of a government, under Gladys Berejiklian, that is excelling in every category by which one would measure a good government. We are producing the seemingly counterintuitive outcomes of living within our means and ensuring significant surpluses while also delivering record spending on schools, hospitals, and transport infrastructure, all while increasing the total net assets of the State. No government in the country can boast of such an outstanding record and it represents achievements that should be neither underestimated nor taken for granted.

We also have been the first to sign up for a compensation package for survivors of sexual abuse arising out of the recommendations of the royal commission. That was an issue that I highlighted in my inaugural speech and I am proud to be part of a government that takes it seriously. I make one observation in relation to our achievements. In the midst of telling people about all of the outstanding achievements of this Government, we must also to continue to remind people why we do it. It is the "why" that is most important. Why do we embark on major infrastructure projects? Why is it so important to set up a future fund? Why do we cause disruption when it would be so easy to do very little, which seemed to be the hallmark of the previous Labor Government?

We do those things because ultimately we are here to make a difference to the lives of the people of New South Wales. We want to get people home quicker so they can spend more time with their families. We want to address housing affordability so that young couples can realise the dream of owning their own home—that is for you, James. We invest in schools and hospitals, and create jobs so that we can improve the lives and livelihoods of the people we represent.

I have had the opportunity of being involved in a number of committees of this Parliament. None was more important than my role as Chair of the Committee on the Independent Commission Against Corruption [ICAC]. I thank all those who were part of that committee. We have achieved some significant reform of the ICAC that makes it a stronger body and will ensure that public confidence can be retained in its operation. I thank the committee staff for the work they do. The Parliament is well served by the quality of people behind the scenes to make our work look so good. I thank also Chief Commissioner Peter Hall and the ICAC commissioners for the way they have responded to the committee's recommendations. We have also been well served by two diligent inspectors of the ICAC—namely, David Levine and Bruce McClintock. I am proud also to have played a part in the Committee for Children and Young People, which recently reported on the tragic incidence of youth suicide. The Government is to be congratulated on the strategic framework for suicide prevention, which it has announced recently.

I now turn to saying thank you. My Epping SEC has more than 300 members. I am grateful to them all and I am sure they will excuse me if I do not mention them by name. However, there are four I want to mention particularly today, as they have been warriors for our party. Ross Barwick is my SEC president, and what a stalwart the man is. I can truly say that he has always had my back. Agnes Evans is a member of the Epping branch and she turned 100 this year. She has recently moved out of her home where she lived and supported

herself. Michael Brereton has been president of the North Epping branch for nearly 40 years. Despite his best efforts, he can find no-one to replace him. He has been responsible for the booth at North Epping for longer than most can remember. Joan Wilcox has been my representative on the City of Parramatta Council traffic committee. Before that she did the same job for Greg Smith. She is about to move to Queensland to live with her sister, and we will miss her.

Local community groups have supported me, although sometimes we have had our issues. I acknowledge Beecroft Cheltenham Civic Trust, Pennant Hills Civic Trust, Epping Civic Trust as well as the various Lions, Rotary and Probus clubs, and Epping Chamber of Commerce. I particularly acknowledge the work done by Tony Hackett and Betty Ockerlander, my woman of the year, in this regard. I also acknowledge the great work done in my electorate for children with disability—namely, Karonga School and Inala, which look after those with most need. I am proud to support them. Epping is a popular electorate primarily because of our wonderful schools. Real estate agents often remark that the demand in Epping is driven by education. I have enjoyed a great relationship with all the wonderful local schools in my electorate. I thank all of the principals and teachers who work to make that success happen.

I thank all my staff: Margaret Moore, Bene Kang, Claude Perrottet, Tim Abrams, Scott Gumley, Anthony Harb, Damian Wilks, Liam Garman, Paul Kim, Rebecca Kazzi, Andrew Santucci, Anastasia Abrams and Lauren Gumley. One should not perceive from that list that I have had a large staff turnover. All those mentioned have been very loyal to me and I am very grateful for their commitment. I turn to my colleagues. As a member of Parliament, it makes your job so much easier when you have good neighbours at all levels of government—I am looking at the member for Parramatta. This is where I use parliamentary privilege, but do not be too concerned! The current member for Berowra, Julian Leeser, and I have been a formidable team. Together with Minister Kean in Hornsby, we have been able to deliver significant outcomes for our electorates.

I have enjoyed the support of John Alexander [JA], the hero of the Bennelong by-election. We still need to catch up for a game of tennis, but he keeps defaulting on me. We had a hit and I did pretty well; on a few points I was well ahead. JA would attest to the fact that you could not ask for a better neighbour than the member for Ryde, Victor Dominello. Victor, thank you for your friendship and support in kicking goals for our electorates. It is my view that you have the pretender mayor of Ryde licked. That brings me to the member for Parramatta, a strong supporter. All the interaction I have had with the member for Parramatta has been jovial. I appreciate his support.

Epping is a multicultural community. I thank Jenny Lau and the Cherrybrook Chinese Community Association, Hugh Lee, Tony Tang, William Sueng, Shubha and Aksheya Kumar, Dave Passi, Sreeni Pillamarri, Parveen Gupta, and Bishop Antoine-Charbel Tarabay and the wonderful Maronite community. I have also enjoyed a particularly strong friendship with the Consul General of Korea, Mr Sangsoo Yoon, and his predecessor, Mr Whie-jin Lee. I have a wonderful relationship with the Indian Consul General, Mr Shri B. Vanlalvawna.

As a government we have so much to be proud of and our achievements in delivering infrastructure speak for themselves. But as a society there is plenty to be concerned about for our nation's future. I believe governments, both State and Federal, have an obligation to do more in preserving and promoting what is good about our culture. Our Judeo-Christian tradition continues to pay social dividends, despite the contempt it is often shown in contemporary Australia. Leaving a cultural legacy is equally as important as delivering infrastructure and keeping the State's finances in order. We ought, wherever possible, celebrate the successes and achievements of our past because we too often take for granted that we live in one of the most successful, tolerant and free societies in human history. This was no accident, and these achievements are why people from all over the world seek to call our country home.

The cultural challenges we face in the next few years include preserving free speech, religious freedom, and parents' rights. Speaking of cultural fights, I do not resile from the role that I played in highlighting the attack on parents' rights by the introduction into our schools of the program known as Safe Schools. Whatever your views are in relation to the rights and wrongs of that program, I stand by the proposition that parents are primarily responsible for the education of their children. The program represented an entirely unacceptable incursion by the State in relation to those rights and in fact was an attempt to usurp them. I thank Dr Pansy Lai for the role she played in that outcome. Cultural battles are important. We stayed up until 2.00 a.m. debating exclusion zones. Unfortunately, my side of the argument lost; however, I compliment all in this Chamber on the courteous way in which the debate was handled, although there were significantly divergent views held by members.

So what have I learnt in my four years as the member for Epping in my cosy spot in the back corner? First, I deny that I was ever asleep. I hope you got that, Hansard. This job is both big and small—we are responsible for presiding over significant decisions and legislation that could potentially impact everyone in New South Wales. Concurrently we are also required to listen to the concerns of our constituents, however small and trivial those concerns are—in fact, just yesterday I was asked to resolve a dividing fences issue. Both duties are

important, and I have enjoyed both. Secondly, relationships are everything. I would not have been able to achieve any of this without the support and friendship of others, many of whom I have already thanked.

Patience is indeed a virtue. Things do not always happen quickly in government—ask the Minister for Planning—and you need to be both patient and persistent to deliver outcomes. A day in politics is a very long time. If you had told me six months ago I would be standing here delivering this speech, I never would have believed it. Finally, this job is tough on families, and time away from home is the most significant price all of us pay for doing our job well. So I wish the next member for Epping good luck. I am grateful to all of you for taking the time to come here this afternoon.

*Members stood in their places and applauded.*

**The DEPUTY SPEAKER:** On behalf of all members, I congratulate and thank Damien and wish him a bright future in the other place. May he, Diane and all their family be blessed with good health and happiness in the times ahead.

### *Bills*

## **CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018**

### **NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018**

#### **Second Reading Debate**

**Debate resumed from 15 November 2018.**

**Ms TANIA MIHAILUK (Bankstown) (16:34):** I resume my contribution leading for the Opposition in debate on the Children and Young Persons (Care and Protection) Amendment Bill 2018 and the National Disability Insurance Scheme (Worker Checks) Bill 2018. The Opposition will not oppose the National Disability Insurance Scheme (Worker Checks) Bill 2018, but it will seek to separate the cognate bills prior to the completion of the debate. As I stated in this place last week, the Opposition will oppose the Children and Young Persons (Care and Protection) Amendment Bill 2018. I foreshadow that we will propose a number of amendments.

I echo the words of my colleagues in the other place on 14 November. These bills were introduced in cognate in an attempt to ram them through Parliament in the dying days of this Parliament. Introducing the bills in cognate removes the ability of members to properly scrutinise, consult on and debate the legislation. Separating the bills would give members the adequate time required to address them and afford them the opportunity to consult with all appropriate stakeholders as well as allow for the appropriate consideration of all amendments proposed by all parties.

The Children and Young Persons (Care and Protection) Amendment Bill 2018 was introduced after it was revealed that more than 92,000 children were reported as being at significant risk of harm in the past year. More than 65,000 of those children are yet to receive a face-to-face assessment. I note the Department of Family and Community Services [FACS] is still finalising more than 800 claims from adults concerning allegations of sexual and physical abuse when they were in care as children. It is clear that the Minister for Family and Community Services is out of her depth. This last-ditch effort to cement her legacy is at the detriment of the most vulnerable and marginalised children and families in the State.

After eight long years of neglecting the child protection system, the Berejiklian Government is now, in its dying days, attempting to ram through draconian adoption and guardianship laws, knowing that more and more opposition to this legislation is mounting each day. There is also an open letter, which I will address later in my contribution, asking the Premier to intervene and not proceed with the legislation. Premier Berejiklian reinstated the worst Minister for Family and Community Services this State has ever seen, even after former Premier Baird had the decency to remove Minister Goward from her portfolio. Minister Goward was reinstated into her position in January 2017, following her first failed attempt as Minister.

**Mr Jonathan O'Dea:** Point of order: It is one thing to criticise the bill and the Government, but attacks of this nature on the Minister should be made by way of a substantive motion.

**The DEPUTY SPEAKER:** I uphold the point of order.

**Ms TANIA MIHAILUK:** The Opposition and the vast majority of stakeholders have serious concerns about the detrimental impact of this legalisation not only now but also in the near future and for many years to come. NSW Labor does not want any child left to languish in care. The number of children currently in care is not acceptable. Last night I spoke with former Premier Nathan Rees. When he introduced the Keep Them Safe reform, following the Justice Wood inquiry, approximately 14,000 children were in care. Now, something in the order of more than 18,000 children are in care.



**Ms Pru Goward:** And that number is going down.

**Ms TANIA MIHAILUK:** I am delighted that the Minister has entered the Chamber and has decided to state that the number of children in care has gone down. I note that the Government used to include children who are in guardianship in its out-of-home care figures. The Government no longer recognises children under guardianship orders in those figures. Many risk of significant harm [ROSH] figures are yet to be made public. We are yet to learn the precise ROSH figures for 15 FACS districts.

**Ms Pru Goward:** Better than you did in your day. You didn't publish anything. It was a secret service.

**Ms TANIA MIHAILUK:** The ROSH figures have been made available since 2009. Fortunately for this State, the Minister for Family and Community Services was not a Minister at that stage. We have not had an accurate description or any thorough information as to how many children have been assessed in the past year. It is especially important to assess this by seeing how each district is travelling. That information has been asked of the Minister, her department and her secretary. I await their response and expect there will be a further review of those figures. We hope to get a proper answer sometime before Christmas.

I thank Opposition members and The Greens for their contributions to the debate in the upper House. I acknowledge the Hon. Adam Searle, who represents me in that Chamber. I thank him for what was an extensive debate. I also thank Mr David Shoebridge. He and I have held a number of rallies together with Community Legal Centres, the University of Technology Sydney Jumbunna Institute for Indigenous Education and Research, and Grandmothers Against Removals. It is clear that many people within the sector and within many Indigenous organisations have serious concerns about the bill. I also thank the Hon. Mick Veitch, the Hon. Courtney Houssos, the Hon. Penny Sharpe, the Hon. Shaoquett Moselmane, the Hon. Lynda Voltz and the Hon. John Graham for their contributions in the upper House.

I acknowledge Helen Eason of Grandmothers Against Removals. I thank Mark Riboldi of Community Legal Centres, which represents 37 legal centres in New South Wales. I thank Mark and his staff for providing assistance with the preparation of amendments. I also thank him for his amazing advocacy. I acknowledge Paddy Gibson from the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney for speaking openly against the bill and for rallying the troops. I also acknowledge the Public Interest Advocacy Centre, the Aboriginal Child, Family and Community Care State Secretariat [AbSec], and Unions NSW. I note that the Public Service Association and the Australian Services Union have been vocal in sharing their concerns. I also acknowledge the many carers, foster carers, families and parents who have written to me directly. I thank them for their contributions and their courage to step forward. They are entitled to step forward.

Many from the other side have said to me in the corridors that if this legislation had been brought forward earlier in the year and there had been a draft exposure bill, the sector may have been more comfortable with what was being proposed. It is understandable that people do not feel comfortable with the process, given that it has been introduced in the last two weeks of this Parliament. The Minister knows all too well the discussion paper was first circulated in December 2018—correct me if I am wrong. I made it very clear at the beginning of my speech last week that there was an opportunity at that stage for stakeholders to have some consultation. The stakeholders that I have spoken to had an expectation that there was to be a draft exposure bill. I cannot understand why, when dealing with something so incredibly sensitive, a draft exposure bill was not prepared.

I also note that the discussion paper was circulated in December 2017. Nothing was heard about this legislation for almost 11 months. There should have been more opportunity for debate. At least a draft exposure bill would have given people an opportunity to see specifically what the changes were. The other option that the Minister and the Government had was to have a short inquiry, but that was rejected. There was also an opportunity to send this legislation to a committee, but that was rejected. There have been plenty of opportunities to provide more scrutiny, but they have been rejected at every stage. It is understandable that there are some very real and genuine concerns.

I outline some of the changes in the bill and some of the concerns. The changes in this bill enable the secretary to ask the department or government-funded agencies to provide prioritised services to children and families assessed as being at risk of significant harm. The Children and Young Persons (Care and Protection) Act is also amended to provide that the secretary must, on determining that a child or young person is at risk of significant harm, offer alternative dispute resolution processes to the family of the child or young person prior to seeking care orders, subject to certain exceptions. Many of the stakeholders do not object to that. I think everybody would agree that offering alternative dispute resolution measures is necessary, so long as the parties come to those alternative dispute resolution processes on equal footing.

The bill also amends the Children and Young Persons (Care and Protection) Act to allow the Children's Court to make guardianship orders by consent without the need for a care application or a finding that a child

needs care and protection. The proposed changes allow the court to make a guardianship order by consent without first finding that there is no realistic possibility of restoring the child to his or her family. The bill inserts a new section into the Act that gives responsibility to the secretary for 21 days for a child whose guardian or carer has died, or until the court makes an order allocating parental responsibility for the child, during which time the secretary must investigate and assess the most appropriate care arrangements for the child.

The bill also provides that once a court has approved a permanency plan, which identifies restoration, guardianship or adoption as a preferred outcome for the child, it can make an order giving full responsibility to the Minister for a maximum of 24 months only. This is the arbitrary 24-month time frame that has caused considerable concern, to say the least. The time frame of 24 months is completely unachievable for the vast majority of marginalised families who, on many occasions, are required to meet certain standards or demonstrate that they are seeking assistance and help, for obvious reasons. We know that there are long waiting lists, for example for housing, rehabilitation and mental health support, particularly in regional New South Wales. Last week I mentioned that there is a very real difference between the support that is available in Sydney compared with some regional parts of New South Wales. In my capacity as shadow Minister for Family and Community Services, I know there are some regions in New South Wales where one would be lucky to find a clinical psychologist. I can only imagine how high that bar is being set for these parents and families.

The Children and Young Persons (Care and Protection) Act is amended to insert the phrase "within a reasonable period" in relation to the possibility of restoration and the preparation of permanency plans. A reasonable period for those purposes is defined as not exceeding 24 months. The bill also allows the Children's Court to make contact orders of more than 12 months, allowing a child subject to a guardianship arrangement to have contact with their parents or family for the duration of that guardianship order. Amendments proposed also state that the name of any child or young person who is currently or has previously been in out-of-home care must not be published or broadcast in any form that may be accessible by a person in New South Wales, with the exclusion of any inquest by the Coroner's Court.

I will continue to explain the bill in detail from where I was interrupted last week. Schedule 1 amends the Children and Young Persons (Care and Protection) Act 1998. Schedule 1 [44] alters the review of out-of-home care arrangements by removing the requirement of the designated agency to conduct a review of the out-of-home care arrangements for any child or young person who has been in supported out-of-home care for an aggregate period of more than three months during any 12-month period. It retains the requirement that the authorised carer of the child or young person must submit a self-assessment report to the designated agency at least once every 12 months, that, in addition to the annual review, the designated agency must conduct a review if the authorised carer dies before a plan change of placement within 21 days after an unplanned change of placement, and that at the conclusion of the review the designated agency is to determine whether restoration of the child or young person is possible and whether a care application should be made to reallocate parental responsibility.

Schedules 1 [47] and 1 [48] insert imprisonment for two years into the maximum penalty for child and young person abuse, or neglect of children and young persons. Schedule 2 makes amendments to the Adoption Act, which outline the circumstances in which the Supreme Court can dispense with parents' consent when considering an application for adoption. The changes extend the court's current powers to dispense with parents' consent when the adoption application is made by a child's current guardian. A number of major concerns with the bill have been identified by key stakeholders and community organisations.

I have mentioned and will reiterate my concern about the imposition of an arbitrary time limit of two years, effectively restricting the amount of time that families are able to work towards restoration. A time frame in which the court will consider the realistic possibility of restoration and their family is limited to two years. This effectively limits the court's discretion to grant flexible care and protection orders on a case-by-case basis. The two-year time frame ignores the systemic barriers that many families face when trying to achieve restoration within two years. I have mentioned that, including the chronic and well-documented lack of public housing and access to support and rehabilitation services.

There are also significant concerns about the impact of the time limit on Aboriginal and Torres Strait Islander children who are already vastly overrepresented in the child protection system. These arbitrary time limits set families up to fail by imposing restrictions without introducing corresponding obligations on the department to provide intensive, holistic support to families to achieve restoration within the proposed period. The Government has failed to introduce comprehensive legislation supports to prevent removals in the first place and to provide support for restoration that is tailored to family needs. Concerns about the two-year time frame have been echoed by the Legislation Review Committee, which states:

... the Committee has concerns that a mandated timeframe reduces the Children's Court's discretion and puts an arbitrary timeframe on efforts for restoration and may result in some families having inadequate time to establish a realistic possibility for restoration.

It further states:

While the Children's Court may impose a longer time period where it finds special circumstances, there is no guidance in the Bill as to what may constitute special circumstances, and this may lead to an inconsistent application of the provision.

It is a shame the Minister has not read this part of the report because it might address some of the comments she is making during my contribution to this debate. I reiterate that there is no guidance in the bill as to what may constitute special circumstances. A judicial officer who is attempting to impose a longer period has no basis on which to do so nor any guidelines about how to do so. That is without question something that could have been addressed, and the Minister may still amend the legislation in that regard. The committee also states:

The Committee also notes Article 3 of the Convention on the Rights of the Child which provides that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The Committee considers that mandated timeframes on any work towards restoration, guardianship or adoption may detract from the primary consideration being the best interests of the child. The Committee refers this issue to Parliament for its consideration.

Given that we do not have much time to debate this bill, I hope the Minister will propose some amendments to rectify the concerns raised by the Legislation Review Committee. The imposition of an arbitrary time limit of two years effectively restricts the amount of time during which families are able to work towards restoration. That is clearly articulated in the Legislative Review Digest. Perhaps the Minister can avail herself of a copy and read the committee's concerns. The time frame in which the court will consider the realistic possibility of restoration for a child and their family will be limited. We now know that the legislation affects the court's discretion to grant flexible care and protection orders on a case-by-case basis.

I will reiterate a couple of issues brought to my attention by Community Legal Centres NSW relating to an email exchange and a suggestion by the Minister's office that the two-year time frame gives families more opportunity to achieve restoration. I have been advised by Community Legal Centres NSW that the court is not now constrained by a time frame when determining what a realistic possibility of restoration means in the circumstances of any particular child. The proposed amendments would change that by requiring the secretary and the court to decide whether there is a realistic possibility of restoration within a reasonable period, which we know will be 24 months. No such limit currently exists.

I understand that the email exchange between the Minister's office and Community Legal Centres NSW suggested that the new statutory test overcomes the requirement for the Children's Court to assess whether there is a realistic possibility of restoration on the date of the hearing, and Community Legal Centres NSW has again advised that the court will still be required to make a decision about whether there is a realistic possibility of restoration at the time of the hearing based on the present evidence. The explanation appears to assume correctly that making a decision about restoration at the time of the hearing means that the court must either restore the child immediately or make a finding of realistic possibility of restoration.

Community Legal Centres NSW advises that the court is clearly already able to make a finding of realistic possibility of restoration when the intention is that restoration will occur at some point in the future. The bill does not change the current situation in that regard. Case law interpretation of the words "realistic possibility of restoration" in section 83 of the Act requires that any possibility must be realistic and not fanciful, sentimental or idealistic, or based upon unlikely hopes for the future. I refer to the Harper children's case and many other cases. Community Legal Centres NSW advises that the bill does not amend this phrase in the Act, and so does not change how these words will be interpreted. That is an important point.

I have been advised that a court considering restoration under new section 83 will still be required to decide whether the possibility of restoration is realistic and not fanciful or based on unlikely hopes for the future. However, the court is required to undertake that exercise in the context of the new time limit; that is, is restoration realistic and not fanciful within the two-year time limit? During the upper House debate on this bill, Mr Shoebridge highlighted why the two-year period is completely unrealistic. He stated:

Public housing waiting lists in this State are lengthy and it can be six years before a house is allocated, not two years. If a child has been removed from his or her parents because of so-called neglect—mum may not have a house, is living in a car but is on the waiting list to get a home—and a court is told that the waiting list will mean a wait of three or four years before a house is available, the children are gone. In most areas of regional and rural New South Wales, parents who experience addiction problems, who have faced their concerns and who are trying to find rehabilitation, have at least a 12-month waiting list for a rehabilitation course. If a judge is aware of that and knows the length of the rehabilitation course, and if it is more than two years, their children are permanently removed from them. The obscene increase in the number of Aboriginal and non-Aboriginal women going to jail in this State will almost certainly see those women having their kids ripped off them as soon as they are sentenced. The two-year time limit is hard and fast. Reality is much more complex than this legislation makes it out to be.

The proposed changes to guardianship orders allow the court to make a guardianship order under section 83 with the parent's consent even when the department has made no finding that a child is at risk of significant harm or should be subject to a care and protection order. That is concerning in itself. Although the bill attempts to provide

safeguards by stating that the court must be satisfied that the parent has had independent legal advice, it does not contain any provision to assist parents in accessing that legal advice. Once the Children's Court has made a guardianship order with the parent's consent, there are no provisions that require the department or the Children's Court to have oversight of the placement to ensure the safety and welfare of vulnerable children.

The proposed changes to the Adoption Act broaden the Supreme Court's power to dispense with parental consent where a guardian seeks adoption of the child, creating a fast-track pathway to adoption without adequate safeguards for children, parents and families. This is a particular concern for Aboriginal and Torres Strait Islander children for whom adoption is not often a culturally appropriate option. These two proposals create a pathway to adoption without an adequate regulatory framework to provide oversight and to protect the best interests of vulnerable children. The Legislation Review Committee, which commented on the extension of the ability to dispense with parental consent, states:

The Committee notes that the Bill extends the current power of the Supreme Court to dispense with obtaining consent to a child's adoption if an application has been made by a guardian.

The Committee further states: However, the provisions concern an important issue concerning consent for adoption and it is important for the Committee to note where the rights of parents and families may be impacted and draw these issues to the attention of Parliament. The changes to section 90 of the Act may make it more difficult for parents to apply to vary or to dismiss a care and protection order by creating additional barriers. That has been vehemently opposed by many and it is now extremely difficult to submit an application by allowing the court to dismiss such applications, including applications where the applicant cannot demonstrate an arguable case, the possibility of restoration to families is greatly diminished. I again note that the Legislation Review Committee also made a comment on these changes, which are now divided into primary and additional. The committee notes that consideration of the applicant's case is now only an additional circumstance and may lead to insufficient weight being given to that consideration. Applicants can include a person having parental responsibility for the child or young person or a person from whom parental responsibility for the child or young person has been removed, such as birth parents or family members.

While the requirement of the secretary to offer alternative dispute resolution prior to initiating court proceedings is a step towards early intervention, a major concern is that families will not be able to participate in the processes on equal footing with the department without accessing independent legal advice and representation. The provision of safeguards for families with specialist needs, including those with disabilities and Aboriginal and Torres Strait Islander people, have not been considered in this bill. The Opposition foreshadows that it will propose a number of amendments to this bill to help ensure that at-risk children and young people are adequately protected and supported by our system without destroying the opportunity for restoration within families.

The Opposition will seek to alter guardianship orders by consent by removing the proposed changes that allow the Children's Court to make guardianship orders by consent without the need for a care application or a finding that a child needs care and protection. The addition of the changes causes great concern, as once a guardianship order is made, neither department has any adequate oversight of whether the arrangement is in the child's best interest. Parents under significant stress, such as the fear of losing their child, may not fully understand that if they consent to a guardianship arrangement, their child could be adopted by that guardian without their consent under proposed changes to the Adoption Act. The vast majority of stakeholders and the community support this amendment, with Community Legal Centres noting:

Consent is the cornerstone of adoption, essential to ensuring a child's best interests and protecting parents' rights. Consent should only be dispensed with in exceptional circumstances. The current grounds on which the Supreme Court can dispense with consent in adoption applications are sufficient or even arguably too broad. The Government did not raise these specific changes to the Adoption Act during the consultation process last year.

As the Minister suggested, it started in October. The quote continues:

There are significant changes and proper consultation is needed to understand their full impact.

Unless the Minister is suggesting that Community Legal Centres are being misleading or are not being truthful, I suggest that what it has stated is accurate. The Opposition will also seek to ensure that primary caregivers are afforded the same opportunity as parents to request assistance from the secretary to obtain services that will enable the child or young person to remain in or return to the care of their family. The Opposition will propose amendments to alternative dispute resolution to ensure that if the family of the child or young person accepts an offer for alternative dispute resolution, the family is provided with assistance to access independent legal advice and representation in any alternative dispute resolution process. The Opposition will also move amendments that require the secretary to provide the Children's Court with all evidence of any alternative dispute resolution processes engaged in and—

**The ASSISTANT SPEAKER:** Are you going to table those amendments?

**Ms TANIA MIHAILUK:** Not just yet, but I will. I do not have them. The Opposition will also move amendments that require the secretary to provide the Children's Court with all evidence of any alternative dispute resolution processes engaged in, and assistance to independent legal advice provided prior to submitting a care application and to ensure that the Children's Court does not dismiss a care application or discharge a child or young person from care by reason that they are of the opinion that these were not offered or adequate assistance was not provided. These changes are vital to ensure that families are able to participate in these processes on an equal footing to the secretary and are fully informed of the potential legal impacts for themselves and their children.

The Opposition will also move that if the Children's Court determines that appropriate support and assistance were not provided prior to making a care application, the secretary must resubmit the application and provide details, and results of any additional efforts made to provide appropriate support and assistance. This amendment will also propose that the Children's Court may make an interim order after the initial care application is made and before the application is resubmitted. The imposition of clear obligation on the secretary to provide support to families before a child is removed and after a court order for restoration is crucial in ensuring that children and families are afforded the supports they need to work toward restoration. These changes are crucial in ensuring that families are provided with all possible support. The Opposition will also seek to remove the arbitrary two-year time frame as this time limit is inadequate and inappropriately—

**Ms Pru Goward:** Better tell Victoria and Queensland. They've done exactly the same.

**Ms TANIA MIHAILUK:** The Minister had the opportunity to speak as she commended the bill, but she chose not to. She chose to rely on the Hon. Scott Farlow's second reading speech in the other House.

**The ASSISTANT SPEAKER:** I suggest to the member that the Minister can and will have an opportunity to reply.

**Ms Pru Goward:** Yes, of course. What a stupid thing to say!

**Ms TANIA MIHAILUK:** Perhaps you could wait till your reply. I think the Minister has been quite rude and disorderly in this Chamber. I am trying to speak to the bill. The Minister has had the opportunity in the initial stages to speak and she will have a right of reply.

**The ASSISTANT SPEAKER:** There are orders of the House and I will rule and govern the way this House is ordered. If you have amendments, you should supply them to the Government so the Government can consider those amendments even while you are speaking.

**Ms TANIA MIHAILUK:** There will be plenty of time to provide the amendments. As the Minister would be aware, the amendments have already been discussed in the upper House—

**Ms Pru Goward:** And lost.

**Ms TANIA MIHAILUK:** That is right, because the Minister is not prepared to address any of the faults in her bill. The Opposition will also seek to remove the arbitrary two-year time frame, as I just mentioned, because it inappropriately limits the court's discretion to make orders on a case-by-case basis to ensure that the potential for restoration is not unnecessarily restricted. The Opposition will seek to remove the restriction on the suitability of care and protection arrangements that admits guardianship orders, so that the Children's Court may order a party to the relevant proceedings to prepare a written report or reports concerning the suitability of the arrangements for the care and protection of the child or young person for any type of care order. The amendments will also extend the duration in which a report concerning the suitability of the arrangements for the care and protection of a child or young person must be provided to the Children's Court from 12 months to 24 months, and to permit the Children's Court to order more than one report relating to the suitability of arrangement of care and protection of the child or young person.

The Opposition will seek to amend the bill to allow the Children's Court to make a directive order for the secretary to provide or arrange for services to facilitate restoration of a child or young person to their family. This enables the court to order that certain services be provided to families to facilitate restoration, a critical step to ensuring that where a court has ordered restoration, parents are adequately supported to achieve that goal. The Opposition will also propose amendments to ensure that the Children's Court considers the risk of harms to the child or young person on being removed from the current circumstances and the risk of leaving the child or young person in the current circumstances prior to making a removal order.

The Opposition will also seek to remove all changes to the current section 90, a view that is strongly supported in the sector. I have already mentioned that the current section 90 already imposes very high standards to vary or rescind care orders. The additional limitations in the bill are not only unnecessary but also severely restrict the court's decision-making. During the consultation process conducted last year, there was strong

opposition to any further changes to section 90. However, clearly, the Minister chose to ignore that opposition that the sector raised last year.

The Opposition will seek to omit all changes to the Adoption Act with regard to dispensing with consent to adoption, and ensure that adequate safeguards are in place for Aboriginal and Torres Strait Islander children and young people. The changes proposed in the bill are over-reaching. Consent is the cornerstone of adoption and essential to ensuring it is in a child's best interest and protecting parents' rights, and should only be dispensed with in exceptional circumstances. The current grounds on which the Supreme Court can dispense with consent in adoption applications are sufficient and are fairly broad; however, these changes further expand the court's power to dispense with the parents' consent. The Government had the opportunity to raise these changes to the Adoption Act during the consultation process last year but it failed to do so, which should not come as a surprise to anybody in this Chamber. They are significant changes and consultation is needed.

Again I reiterate that proper consultation is needed to understand their full impact. We could have had an inquiry. We could have allowed this bill to go to a committee. All of these options were rejected by this Government. I want to put on the record the open letter to the Premier that has been online now for close to two weeks. It was posted almost immediately after the bill was introduced in the upper House. If the Minister was so passionate about this legislation I cannot for the life of me understand why she did not introduce it in this House. That way we could have had the debate in the Legislative Assembly before the upper House debate occurred. That choice of the Minister indicates how passionate she is about this legislation if she allowed the debate to take place first in the upper House.

I mentioned in my speech in the second reading debate that started last week that the legislation was introduced on the same day that the report on the discussion paper was released. The stakeholders were waiting for a particular report to be made public following consultation last year. That report was provided only on the day that the Minister decided to announce this legislation and have Minister Mitchell introduce it in the other place. Is that consultation? Stakeholders participated in the process around that discussion paper in good faith, and probably would have liked to see the report before the legislation was tabled. The letter to which I referred earlier is from a number of community organisations and stakeholders. It states:

Dear Premier,

We are writing to urge the NSW Government to act in the interests of children and communities in NSW, by turning away from the path of forced adoptions and avoiding the mistakes of the past.

Forced adoptions played a central role in the trauma that led to the National Apologies to Survivors of Institutionalised Child Sexual Abuse, the Forgotten Australians, and the Stolen Generations. There was also a specific national apology to victims of forced adoptions in 2013 and a NSW Government apology in 2012. It is our collective responsibility to learn from these mistakes and ensure that children are safe and families have the supports they need to be part of creating strong, safe and healthy communities.

The NSW government is on track to repeat these mistakes, with potentially devastating consequences for children and their communities. The Care and Protection Amendment Bill (2018) is currently being rushed through NSW parliament without genuine input and engagement with Aboriginal communities and other organisations that work with the children and families who will be impacted by these reforms.

Decades of research, and multiple Royal Commissions and inquiries have provided strong recommendations about meeting the needs of children and young people. Reducing the number of children in out of home care requires community development and the provision of early support services that families need when they are going through hard times. The NSW government is ignoring this advice and returning to the failed policy of forced adoptions.

The NSW government is on a dangerous path to ruining lives and tearing families apart. The legacy of these reforms will be another government apology for traumatizing another generation of children.

We urge the NSW government to put these reforms on hold and engage in genuine dialogue with all stakeholders, including Aboriginal communities and community organisations supporting children in families in this area.

The letter concludes, "We look forward to your response." Organisations that have signed the letter include Community Legal Centres NSW; AbSec—NSW Child, Family and Community Peak Aboriginal Corporation; Jumbunna, University of Technology Sydney; and other stakeholders, which include the Northern Rivers Community Legal Centre; Mid North Coast Community Legal Centre; Domestic Violence NSW; Hunter Community Legal Centre; Australian Lawyers for Human Rights; Family Inclusion Strategies in the Hunter; the Human Rights Law Centre; Homelessness NSW; Shoalcoast Community Legal Centre; No To Violence; Link Up NSW Aboriginal Corporation; Redfern Youth Connect; Kinchella Boys Home Aboriginal Corporation; Platform Youth Services; Grandmothers Against Removals; Elizabeth Evatt Community Legal Centre; Community Restorative Centre; Western Sydney Community Legal Centre; Immigration Advice and Rights Centre; Mountains Community Resource Network; Western NSW Community Legal Centre; Binaal Billa Family Violence Prevention Legal Service; Women's Legal Service NSW; AbCare—Coffs Harbour Aboriginal Community Care Centre; and Burrun Dalai Aboriginal Corporation.

Other organisations include Women's Health NSW; Woomera Aboriginal Corporation; Yindi Community Services; Australian Services Union NSW; Belong Blue Mountains Community and Neighbourhood Services; Intellectual Disability Rights Service; Redfern Legal Centre; The Women's Cottage; Calm Assist; Carrie's Place Domestic Violence and Homelessness Services; Lou's Place; Maari Ma Health Aboriginal Corporation; ANTaR; National Tertiary Education Union NSW; Alliance for Family Preservation and Restoration; Women's Domestic Violence Court Advocacy Services NSW; the Shopfront Youth Legal Centre; the National Justice Project; Kingsford Legal Centre; SNAICC—National Voice for our Children; YWCA Australia; Adoptee Rights Australia; Justice Connect; Equality Rights Alliance; Good Shepherd Australia New Zealand; Just Reinvest NSW; the National Aboriginal and Torres Strait Islander Legal Services; Public Interest Advocacy Centre—I acknowledge PIAC's role in advocating against this bill—the Aboriginal Legal Service NSW/ACT, Armidale ANTaR, People with Disability Australia; the Tenants' Union of NSW; Southern Youth and Family Services; Mums4Refugees; Tumut Regional Family Services; the Healing House Network and InterCountry Adoptee Voices.

Among the many lecturers who have spoken out about this legislation, I acknowledge Dr Nicola Ross, a senior lecturer at the University of Newcastle, and Teresa Libesman, an associate professor of law at the University of Technology Sydney, who wrote an opinion piece in the *Sydney Morning Herald*, which I encourage all members to read. Besides many more lecturers, the names of countless numbers of individuals are on this list—people who not only have experienced being in care but also have been foster carers and people who work with marginalised and vulnerable families. I will not read the entire list's countless names. Suffice it to say that the list contains the names of an extensive number of caseworkers and non-government organisations [NGOs] who work in the sector. I encourage members to examine the list online to see how many individuals and representatives of organisations have signed on to the open letter to the Premier.

At this stage the letter has received no response from the Premier. Certainly, there has been no response from the Minister for Family and Community Services. I can understand how upsetting that must be for those who have signed the open letter. I would have thought there would have been at least some response from the Government to the concerns that have been expressed. I reiterate that the Law Society of New South Wales has expressed concerns about the legislation. On balance, the Law Society opposes the passing of the Children and Young Persons (Care and Protection) Amendment Bill 2018. The Law Society states that the bill proposes substantial changes to the child protection system in New South Wales yet key stakeholders, including the Aboriginal community organisations and stolen generation organisations, have not had the opportunity to review or comment on the bill. Given the significant time constraints the Law Society set out its concerns in brief.

I will summarise the Law Society's views and recommendations: first, the Government should facilitate public consultation on provisions of the bill. The bill should be referred to an inquiry. We know at this stage that the Labor Opposition's attempt to refer the bill to an inquiry was rejected. The Law Society states that it opposes the maximum two-year time limit. Items [20], [25] and [27] of schedule 1 should be removed or should be amended to exclude Indigenous children. The Law Society further states that it opposes guardianship orders by consent and dispensing with parental consent where adoption is sought by the child's current guardian. Items [13] and [14] of schedule 1 and all items in schedule 2 should be removed or should be amended to exclude Indigenous children. The Law Society also believes that the Government should state that each party other than the secretary should be provided with independent legal advice and, in the case of Indigenous parties, advice that is culturally competent.

The Law Society also says that it opposes additional limitations on applications to vary or dispense with care and protection orders. Section 90 of the Children and Young Persons (Care and Protection) Act 1998 should remain unchanged at the very least. The Law Society further stated that the factors set out in item [29] new subsections (2A) and (2B) should be given equal weight, and the reference to the stability of present care arrangements in item [29] new subsections (2B), (2E) and [32] (c) should be removed. All of those concerns could have been sorted out if this bill been referred to an inquiry, or at least a parliamentary committee, or if we had a draft exposure bill.

Clearly the comments of stakeholder groups are critical of this legislation. If the bill had been referred for closer scrutiny, their concerns could have been properly considered. The Law Society further states, "We support the requirement for ADR processes"—which is something that the Opposition also supports—"but they must be supported by the provision of independent legal advice. Item [12] of schedule 1 should be amended to require the provision of independent legal assistance to the family of a child or young person at risk of significant harm. In the case of Indigenous parties, the legal advice provided must be culturally competent.

The Law Society further states that it is deeply concerned about the lack of opportunity for public scrutiny of the bill. The Law Society notes that the Government carried out consultation on broad proposals—I emphasise the term "broad"—in October 2017 and that the report on the outcome of that consultation was not made public

until the day the bill was introduced. That is the issue I raised earlier. Some of the proposals in the bill were opposed during the consultation process and some were not included in the consultation process at all. I note specifically that the Law Society recommends that the bill should be referred to a New South Wales parliamentary committee for inquiry to allow for adequate public engagement and scrutiny of what appear to be significant reforms to the care and protection system. The Law Society goes on to State:

Substantive concerns: The Law Society's longstanding position is that the best form of permanency is to support families to stay together. Child protection services in New South Wales require a cultural change to provide adequate and effective investment in early intervention efforts to assist the parents and families of children at risk to address those risk factors.

I note that the targeted early intervention contracts have been delayed and that the district plans that were before the Minister for a number of months have been effectively disbanded. The Minister is not proceeding with those district plans and the targeted early intervention contracts that the Opposition expected to be considered this year have now been delayed. I will summarise the Law Society's views. The Law Society also notes that the other recommendation—the society made several recommendations that they certainly support—is that items [20], [25] and [27] of schedule 1 should be removed or should be amended to exclude Indigenous children, and an amendment made to impose a positive burden on the FACS to emphasise best efforts to support each child's restoration on a case-by-case basis.

**Ms Pru Goward:** Point of order: I point out to the House that the contracts to which the member for Bankstown has referred have been extended in full until 2020. If we are going to get this debate right, we might as well stick to the facts and not make things up.

**The ASSISTANT SPEAKER:** Minister, I hear what you say. It is not a point of order, but obviously you will have the opportunity to refute statements made by the member for Bankstown during your reply.

**Ms TANIA MIHAILUK:** I did not suggest that the current contracts have not been rolled out and extended. I know that they are extended. I am suggesting that the Minister has not embarked on initiating new contracts, which is what the community or stakeholders expected. The Law Society states in recommendation 3 that items [13] and [14] of schedule 1 and any other consequential provisions including items [1] and [19] and all items in schedule 2 should be removed or should be amended to exclude Indigenous children and state that each party, other than the secretary, should be provided with independent legal advice, and in the case of the Indigenous parties advice that is culturally competent. I reiterate the Law Society's recommendation about section 90 of the care Act, which is that at the very least the section should remain unchanged. The Law Society recommends the factors set out in item [29] (2A) and (2B) should be given equal weight and that the reference to stability of present care arrangements in items [39] (2B), (2E) and item [32] (c) should be removed. I thank the President of the Law Society, Doug Humphreys, OAM, for his correspondence. Recommendation 5 of the Law Society states:

Clause 12 of schedule 1 should be amended to require the provision of independent legal assistance to the family of a child or young person at risk of significant harm and in the case of Indigenous parties the legal advice be culturally competent. A number of stakeholders have expressed their concerns and have written letters. I state for the record that some of the letters were written before the bill was introduced to this House. For that reason, there was plenty of opportunity for the Minister to respond to some of the concerns and to undertake further consultation. For example, in September 2018 a letter was sent to the Minister from the following organisations: the Aboriginal Legal Service (NSW/ACT), Community Legal Centres NSW, Public Interest Advocacy Centre, Women's Legal Service NSW, Hume Riverina Community Legal Service, Far West Community Legal Centre, Inner City Legal Centre, Macarthur Legal Centre, Illawarra Legal Centre, Hunter Community Legal Centre, Justice Connect, Northern Rivers Community Legal Centre, Western NSW Community Legal Centre, Kingsford Legal Centre, Central Coast Community Legal Centre, Mid North Coast Community Legal Centre, Central Coast Community Legal Centre, Tenants' Union of NSW, Intellectual Disability Rights Service and Warra Warra Legal Service. I will read the letter onto the record:

Dear Minister Goward,

We refer to the Shaping a Better Child Protection System Discussion Paper (October 2017), which proposed a suite of legislative amendments to support the Their Futures Matter reforms.

We understand a bill regarding these amendments is imminent and we are writing to express concern regarding the lack of opportunity to provide further input into the proposals since submissions closed last year. In particular, we are concerned that our organisations have not been consulted on draft provisions which we understand have been circulated to some stakeholders.

We ask that an exposure draft of the bill be released for comment prior to the bill's introduction into Parliament, and that particular effort is made to seek the input of Aboriginal and Torres Strait Islander organisations.

In making this request, we note the significance of the amendments proposed in the 2017 Discussion paper, which included proposals to transfer jurisdiction to decide adoption matters from the Supreme Court to the Children's Court and—

which is not correct; I reiterate that the letter was sent in September—



to dispense with parental consent in these matters. Many of the proposed reforms will disproportionately impact on vulnerable and disadvantaged families, including Aboriginal and Torres Strait Islander families, victims of domestic and family violence, parents with disabilities and families living in regional or rural parts of New South Wales.

We further note that these reforms are intended to address findings of the 2016 independent review of out-of-home care in New South Wales led by David Tune, AO, PSM, which included that the New South Wales child protection system had failed to improve long-term outcomes for children, particularly Aboriginal and Torres Strait Islander children.

The Tune report was only publicly released in June of this year and our organisations have not had an opportunity to provide input on the proposed amendments with the benefit of access to the report itself.

In light of the significance of the reforms and consistent with the principle of transparency in this important policy area, we again call on the New South Wales Government to release an exposure draft bill and to commit to considering submissions from all stakeholders.

That letter was sent in September 2018. I am not aware—perhaps the Minister could note in her speech in reply—whether she responded to those organisations. I put on record concerns raised by Community Legal Centres NSW. The organisation also wrote a letter to the Minister, who responded to the correspondence on 14 October. She advised the organisation that the New South Wales Government consulted extensively with stakeholders on possible legislative changes. She also advised that the consultation process was integral to the New South Wales Government's consideration of possible legislative changes to improve the safety, permanency and wellbeing outcomes for vulnerable children and young people. She suggested that the consultation process involved the engagement of a broad range of stakeholders across New South Wales and that there were more than 100 written submissions in response to the discussion paper. On 14 October the Minister advised the organisation that a report detailing the outcomes of the consultation process and the New South Wales Government's response would be released later this year.

Nowhere in the letter did the Minister state that she would propose a bill in the immediate future. What she did promise in the letter was that she would provide the organisation with the report. That report—we now know—eventuated on the same day that the bill was introduced in this House. I again reiterate some of the concerns of Community Legal Centres NSW. It is a peak body and it represents 37 community legal centres in New South Wales. Over the past 40 years community legal centres have been a cornerstone of access to justice for people experiencing social and economic disadvantage in New South Wales, particularly in regional and rural New South Wales. Most community legal centres provide legal support to families on a wide range of child protection matters, including ROSH reports, care and protection orders, and out-of-home care.

The child protection services are client-centred, focused on early support and embedded within key at-risk communities. Community legal centres work collaboratively with government and non-government agencies to help parents, children, grandparents, carers and guardians navigate the system to access early support services, solve problems quickly and prevent issues from escalating. Community Legal Centres NSW notes that only 12 community legal centres are funded as care partners by FACS. That means the majority of them are not. That makes it far more difficult for some families to access this type of support. Community Legal Centres NSW was particularly concerned about the lack of consultation on these significant changes. While stakeholders, including Aboriginal organisations, were advised of the broad areas for amendment in the discussion paper released last year, they have not been given an opportunity to comment on the wording of the bill.

A number of the proposed changes in the bill were opposed in the consultation following the release of the discussion paper and some go beyond what was outlined in the discussion paper. I reiterate that on 24 September, more than 20 community legal centres and the Aboriginal Legal Service wrote to the Minister, expressing their concerns about the lack of genuine, ongoing and transparent consultation on these reforms since the submissions process closed in December 2017 and the lack of engagement with Aboriginal organisations. On 11 October the Minister wrote a letter back, which I read out earlier, stating that there would be a report. Community Legal Centres NSW stated, "There was no mention at all of the pending legislation", which is incredibly misleading. I find it incredibly hard to believe that on 11 October the Minister wrote a letter that said she was about to release a report and that she did not know that on 23 October—less than 13 days later—she would introduce legislation to Parliament.

I can understand why people do not have any trust in the Government. Portfolio Committee No. 2—Health and Community Services—released a report on child protection in March 2017. I remember that report and its 28 recommendations. One of the recommendations concerned proper oversight and the Auditor-General having oversight of non-government organisations. It is interesting that the bill largely ignores many of the committee's 28 recommendations. I note that Aboriginal and Torres Strait Islander children represent at least 38 per cent of children in out-of-home care in New South Wales. Given the significance of the reforms and their likely disproportionate impact on Aboriginal and Torres Strait Islander children and families, proper and genuine consultation was critical.

I will not go through all the points raised by Community Legal Centres NSW, but I will reiterate the issues raised about the two-year maximum time limit, the guardianship orders by consent, the changes to the Adoption Act, the additional barriers to seeking variation of care and protection orders, the inadequate provisions for independent legal advice and representation and the lack of consultation. I put on record that another letter was sent to all members of the New South Wales Parliament, which I hope most members received. This letter from Community Legal Centres, dated 14 November, is clearly trying to ensure that members are well informed of their concerns, and states:

Dear Member of the New South Wales Parliament, We are writing to raise serious concerns about the Children and Young Persons (Care and Protection) Amendment Bill 2018, which we understand is being rushed through Parliament today.

That is correct: The legislation was rushed through the upper House.

Community Legal Centres is the peak body for 37 community legal centres in New South Wales. Most of our members provide support to families on a wide range of child protection matters.

We are concerned these reforms are being unnecessarily rushed through Parliament without consultation or consideration of their impact and without support of the members of legal, Aboriginal and community sectors who work with children, families and communities. Similar changes to care orders and adoptions were floated vaguely in the discussion paper in 2017 and were near universally opposed. Reforms along these lines were also rejected in 2012, the same year the Government apologised for New South Wales' history of forced adoptions.

As professionals and practitioners our main concern with the reforms are the two-year maximum time limit for restoration, which restricts the court and unnecessarily forces children into adoption; garnishee orders by consent; and changes to the Adoption Act, which creates a fast-track path to adoption with no regulatory oversight or legal assistance for families; and changes to section 90 applications, which make an already difficult process to return children to their parents even harder.

The centres refer to an open letter to the Premier, which was signed by more than 60 organisations. The letter has now been signed by many more organisations. The letter goes on to reiterate a strong commitment to providing safe futures for children:

However, the changes being rushed through Parliament pose serious risks to children and communities in New South Wales.

They urge the New South Wales Parliament not to rush these crucial reforms and to refer this legislation to an inquiry so the practical consequences of proposed reforms on children and families with complex needs can be fully investigated and understood. I am not aware of any response, but I note the Minister referred to the situation in Victoria, where the Victorian Law Reform Commission made key findings in reviewing that State's Adoption Act.

First, consent is the cornerstone of the adoption process and crucial to ensuring adoption is in the child's best interest and that the parents' rights are protected. The grounds for dispensation with consent in the Adoption Act should be narrowed to exclude its use for child protection matters because adoption is an extreme and highly interventionist order. It permanently severs the legal ties between a child and their natural family and results in the cancellation of the child's birth certificate and the issuing of a new birth certificate, which creates a new identity for the child. Adoption negatively affects the likelihood of social relationships between the child and their family of origin being preserved, even when contact arrangements are in place at the time of the adoption.

Many of the child protection dispensation grounds align with the grounds of finding a child in need of protection. This means that if a child is found to be in need of protection it seems likely that it would be possible to make a ground for dispensation with consent under the Adoption Act. Victoria has provided specific alternatives to adoption for children in the child protection system in permanent care orders to achieve stability and permanency. The Victorian Law Reform Commission reiterates that consent should be dispensed with in only exceptional circumstances. I turn to some of the concerns raised in the media by academics and other specialists. Brooke Greenwood, a senior solicitor in the Indigenous Child Protection Project, a joint initiative of the Public Interest Advocacy Centre [PIAC] and the Aboriginal Legal Service, in article headlined "Why we should be concerned about the NSW adoption reforms", wrote:

This week, the NSW Government will seek to pass sweeping changes through Parliament that will make it easier for children to be adopted without the consent of their parents and harder for parents to have their children restored to their care after they have been removed.

These changes have been promoted as enabling the Department of Family and Community Services (FACS) to fast-track children into permanent placements. While this may sound appealing, it is an approach that comes with serious risks.

For Aboriginal and Torres Strait Islander children, who enter the child protection system at over ten times the rate of non-Indigenous children in NSW, the stakes are particularly high.

The NSW Government conceded last week that over 800 Aboriginal and Torres Strait Islander children currently under guardianship orders could be adopted without the need for parental consent under the new proposals.

This is despite the fact that the Australian Human Rights Commission's *Bringing Them Home* report concluded that adoption is contrary to Aboriginal custom and inter-racial adoption is contrary to the best interests of Aboriginal children in the great majority of cases.

The *Bringing Them Home* report, released more than twenty years ago, recommended that statutory adoption be a last resort for Aboriginal and Torres Strait Islander children. Recent reviews of adoption laws in both South Australia and Victoria have affirmed this recommendation. The Victorian Law Reform Commission recommended restricting the circumstances in which adoption can occur without parental consent, concluding "consent is the cornerstone of the adoption process".

Aboriginal organisations have, understandably, called for a greater focus on supporting families to avoid removals. These calls are not reflected in the proposals.

The proposed amendments pay lip service to the notion of early intervention, making minor changes to the ability of FACS to request services from other agencies. At the same time, the changes would introduce an arbitrary two-year maximum time limit for restoring a child to their family, restricting the Court's flexibility to consider the best interests of each child on a case by case basis.

This approach risks severing children from their families and culture before all efforts have been made to keep them together.

Crucially, there is nothing in the proposed amendments to ensure that families are provided with additional support to meet this new strict timeframe. For many families in a time of crisis and upheaval, two years simply may not be enough time to get the assistance they require and be in a position to welcome their children home again. This is especially so given the chronic underfunding of support services and notoriously long wait times for housing and rehabilitation.

Many Aboriginal families must also contend with a legacy of inter-generational trauma from the Stolen Generations, memories of which are revived by the notion of adoption without consent.

Nobody wants to see children languish in unstable short-term foster placements. Under current laws, the Children's Court can already make orders that support a stable placement while still allowing for important judicial and Government supervision, and safeguarding contact between a child and their birth family.

NSW is alone in fast-tracking adoption as a solution for children in out-of-home care. While it will take children off the Government's books, this approach does nothing to address the systemic problems that lead to the over-representation of Aboriginal children in out-of-home care.

Across Australia, there is growing recognition that we need to invest more in early support for families to reduce the number of children in care. Our child protection laws can and should support this re-orientation of the care system.

This includes placing a clear legislative obligation on FACS to support families prior to the removal of children, consistent with international best practice. It may be surprising to many that such an obligation does not already exist.

Unfortunately, the changes proposed by the NSW Government do little to support families. They also reduce accountability for a vulnerable group of children. If we have learned nothing else from the multitude of recent reports about child protection, it is the importance of accountability and oversight of vulnerable children. Yet, when children are adopted, neither FACS nor the Courts have a role in overseeing the placement or in ensuring that a child continues to have contact with members of their biological family.

It is, then, no surprise that the amendments are strongly opposed by the community legal sector and Aboriginal organisations. Notably, even the Public Service Association, the union representing FACS caseworkers, are opposed to the amendments. These changes risk repeating past mistakes with devastating consequences for the children and families involved. This is not a call for things to stay the same. The rates of removal of Aboriginal children from their families in NSW are unacceptable. The answers, however, are not to be found in fast-tracking permanent removal. Instead, we should be doing all we can to support Aboriginal families to provide a safe and stable environment for children. I note again that that article was prepared by Brooke Greenwood. It summarises the situation quite well. I also acknowledge AbSec, the Aboriginal Legal Service and Community Legal Centre, PIAC, Kinchela Boys Home Aboriginal Corporation, Professor Terri Libesman, Save the Children Australia, Armajun Health Service Aboriginal Corporation and Burrin Dalai Aboriginal Corporation. Together they released a statement which voiced their concerns about this bill's potential impact on Aboriginal children and young people and in particular the way it pushes for adoption as the solution to the crisis in the current system.

They also raised concerns about adoption becoming a blanket solution and repeating devastating past practices, which caused intergenerational trauma to Aboriginal communities. They are concerned that there is no evidence that shorter term orders for children entering care would result in better outcomes for their future, that unwarranted time frames do not adequately take account of a child's life and circumstances, and that the bill does not provide adequate active support to strengthen families. I note for the record that these concerns were raised directly in response to the legislation before the House.

They also note that we need to take a deeper look at how the system is operating. We need greater safeguards and investment in early intervention and restoration. They note the need to strengthen self-determination and participation, and grant full recognition. They are concerned about having to repeatedly call for greater transparency and consultation with respect to reforms that go to the heart and soul of our society, our treatment of the most vulnerable members of our community, the Government's disturbing silence on the scope and substance of the proposed changes and the Government's disdain for the views of those individuals and organisations that engaged with the consultation opportunities provided. Media reports, including the Government's, focus on efforts to impose time limits and rush permanent care orders like adoption as well as providing increased opportunities for family involvement. However, there is a distinct lack of detail necessary for the public to make an informed assessment of the proposals.

A number of organisations have also raised their concerns. I note that even the Australian Aged Care Quality Agency and UnitingCare have reiterated some of the concerns that many of these organisations raised. The Australian Lawyers for Human Rights are also concerned there is a risk of another stolen generation. The bill is set to streamline court applications for guardianship. However, it also includes measures aimed to facilitate

faster adoption of children in foster care and to be placed in permanent homes within two years. Stakeholders are concerned about the arbitrary figure of two years and the surrounding consultation.

I do not wish to suggest that there is no support for this bill. I am sure the Minister can reiterate in her reply that one or two organisations have supported the media in this, including Adopt Change and Ozchild. On many occasions throughout this process, AbSec released a number of statements seeking proper consultation. I understand how difficult that is for AbSec, seeing as it is funded by FACS. It is always difficult for peak bodies that are funded by the government of the day to speak out for their organisation or members. Thankfully, AbSec has felt in recent days that it has been able to be a lot more open about its view in relation to this legislation.

It was also caught off-guard by the fact this legislation was introduced on the day that the final report became available. AbSec had expected that there would be a draft exposure bill. However, as we now know, that never eventuated. I will read a couple of letters of concern onto the record. They are from organisations such as Grandmothers Against Removals. I thank them for their emails to me. I understand they have emailed a number of members this House. They have gone so far as to suggest that Pru Goward resign, but I will not read that into *Hansard*.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I remind the member for Bankstown to refer to the Minister by her correct title.

**Ms TANIA MIHAILUK:** I apologise. Is the correct title "Minister Goward"?

**TEMPORARY SPEAKER (Mr Adam Crouch):** "Minister" will be fine.

**Ms TANIA MIHAILUK:** Grandmothers Against Removals have been really vocal at rallies, and understandably so because they have lived experience within the system. I do not suggest their lived experiences were only under this Government; they have lived in the system for many years and have a lot to say. They have the right to come forward and speak about a system that they view as having torn up many of their families. I understand why they have come forward on this occasion. They too feel they have not been consulted with and are understandably deeply upset. They have written to the Premier on a number of occasions. In August they wrote a letter raising their concerns that the David Tune report was not published and that they were not clear about which of David Tune's recommendations would be recommended or finalised by the Government. They have raised their concerns on many occasions.

For a number of years the Government has neglected the child protection system in New South Wales. I reiterate that I had a conversation with former Premier Nathan Rees yesterday that caused me to think back to the work he embarked on following Justice Wood's report into child protection and the number of children who were in care at that stage. I reiterate that it was about the 14,000 mark. The Government made an incredible effort to address this report into child protection and it is part of the legacy of Nathan Rees. There is no question that he was very passionate about protecting vulnerable children, especially Indigenous children and their families.

He worked to provide these families with support, not only through the department and the Government itself but also by ensuring that NGOs were encouraged and financially supported to work with families and open up opportunities within the NGO sector for specific Aboriginal or Torres Strait Islander organisations that would work with Koori families. He knew that 40 per cent of children who end up in care are Aboriginal and how critical it is that those families are not neglected, and their culture not lost in the process of trying to ensure that there is proper early intervention in the early stages as issues arise before they reach a crisis point. It was the work initiated by the Keep Them Safe reform that ensured we would embrace the NGO sector to work with Government in delivering much-needed services and support.

I acknowledge the efforts of the then Premier Nathan Rees, who was very passionate about ensuring that there was child protection reform. I also acknowledge that many of these peak bodies were established at that time and are today raising concerns. They were empowered by the then Premier and the former Labor Government in the sense that they were given the opportunity to become peak bodies, to represent members and directly provide services to families, and to ensure that the connections that they had with the community could be embraced in a variety of programs.

It is these organisations that now stand in opposition to this legislation. That so many of these organisations have raised concerns about this bill should stop the Government proceeding with this legislation. Some of these organisations supported the reform that this Government has undertaken. It is quite concerning when one sees organisations that were working in good faith with this Minister and this Government now making clear that they have serious reservations about this legislation proceeding. It is hard to understand why anybody would want to ram this legislation through under these circumstances. I do not understand why anybody would do this when we know that there is a lot of fear and concern. We are not talking about a couple, or a couple of dozen organisations; we are talking about hundreds of organisations that are raising concerns.

I reiterate that these are organisations that have worked with the Government to deliver the much-needed services on the ground. We desperately need these organisations to work with our marginalised and vulnerable families to protect children. We cannot deliver child protection in this State without having these organisations feel that they are partners with government. This legislation and the way that it is being rammed through this Parliament demonstrates a lack of respect on the part of the Government towards these organisations that have not campaigned against the Minister or the Government. They are not political. They are vocal as issues arise, irrespective of the government of the day. They are genuinely raising concerns about this legislation. I think their concerns are valid.

Again, I reiterate that there is still an opportunity to amend this bill. I hope we are not being impacted by somebody's need to cement a legacy for herself. Why would one want to do that at the expense of vulnerable children and marginalised families in this State? There is an opportunity to be a bit humble in all of this and say, "I accept that perhaps we could go to an inquiry, go to committee or come back in the reserve week to allow for more debate and sit down with some of the many stakeholders." I think they would be more than willing to sit down in a respectful way with the Minister and the Government. That is obvious to me. None of the material that I and members in this place have received is personal or attacking the Minister in any way.

**Ms Pru Goward:** You could have fooled me.

**Ms TANIA MIHAILUK:** The Minister is suggesting that the community legal centres have attacked her. I hope that later in her reply she withdraws that, because it is not the case. I am speaking about the stakeholders who have been involved in this process, I am not referring to my personal view of the Minister. I am speaking about the stakeholders who last year entered into discussions with the Minister and her department in good faith. When they wrote to the Minister on 24 September asking for an update on the discussion paper that was released in October 2017, and after 12 months of not hearing from the Minister received a reply on 11 October that a report was imminent, with no suggestion of legislation, they took her response in good faith. They did not attack the Minister or the Government in a media release. They did not disparage the Minister or the Government in any way. They truly believed that the Minister, in a timely fashion, would provide them with a report. They genuinely believed there would be a draft exposure bill. That is how they came to the table.

These organisations are partners with government. I reiterate that they are partners with government in trying to deal with the child protection system and trying to protect children in New South Wales. In any business or personal relationship one respects one's partners. The way these organisations have been treated in this process is appalling. I hope that there are no repercussions for any of these organisations—who are funded by FACS through government funds—for their vocal opposition to this legislation. Again, I reiterate that they have done it in a very respectful manner. I know: I have been at a number of their rallies, and they have been respectful. They are rightfully distressed at what has been proposed.

Some of these people are lawyers, and they are seeking further legal advice. The legal advice they are getting back is at odds with advice that the Minister's office is providing. There are ways of dealing with this—by going to committee or an inquiry where the different legal opinions can be fleshed out about the proposed legislative changes. The Minister is not prepared to do that. I cannot understand why. I do not see how this is so critical that it needs to be done now. If the Government is so confident of its re-election next year and believes that it will be back in March, it can continue its great work then. If it is so confident that the child protection system it has been running in New South Wales over the past eight years will lead it to being re-elected next year, then why would it not allow this legislation to go to a committee? I cannot understand why a short-term inquiry, at the very least, was not permitted by the Legislative Council. For the benefit of the House, the Legislative Council has the opportunity to hold a one-day, a two-day or sometimes a half-day inquiry to flesh out any of the concerns or amendments proposed in legislation. That was rejected by this Government.

Throughout the upper House debate only two government members, the Hon. Scott Farlow and the Hon. Matthew Mason-Cox, spoke on the legislation. No other government members chose to speak on it. No other members chose to explain why these amendments were being rejected. I am not trying to avoid the Minister seeing the amendments. For her benefit I will propose very similar amendments in this House. I hope that some of those amendments will be genuinely considered by the Minister. I remember when Minister Hazzard was Minister for Family and Community Services. On one occasion he incorporated two of my amendments into legislation—I cannot remember the name of the bill, but it might have been regarding the Working With Children Check. Admittedly, he put them in as his own amendments, but at least he amended the legislation. I thought that he genuinely wanted to improve the legislation, and he did. That is the sort of character Minister Hazzard is, and it is why he was so widely respected in the Family and Community Services sector.

I will put a couple of articles on the record because they are important. I met research fellows Alison Whittaker and Teresa Libesman at a forum The Greens and I held a couple of weeks ago, before Community Legal Centres NSW organised rallies with Jumbunna Institute for Indigenous Education and Research. The Greens

and I held a bipartisan sit-down with the stakeholders so that we could get a full understanding of their concerns. As a member of the Opposition, I do not receive briefings from the Minister or her office. I believe The Greens might have, but I did not. The forum was a good opportunity for me to sit down with a number of stakeholders in the Jubilee Room and to hear their concerns. Alison and Teresa, who were there that day, have given a great deal of thought to this legislation. One of their articles, entitled "Why controversial child protection reforms in NSW could lead to another Stolen Generation", states:

Among the most significant powers exercised by governments is that of removing children from their families. Potential reforms before the NSW parliament would expand this power in frightening ways.

The reforms contained in the Children and Young Persons (Care and Protection) Amendment Bill represent a radical shift in basic child welfare principles. These changes could make removals more permanent, while dispensing with core safeguards and transparency measures. It is Aboriginal communities who stand to lose the most.

Children are already being removed from Indigenous communities at an unprecedented rate. Indigenous children make up 36.9% of children in out-of-home care in Australia, despite being just 3% of the population.

And stakeholders ranging from the Kinchela Boys Home Aboriginal Corporation to the peak body Community Legal Centres NSW are fearful that, if passed, the NSW legislation will force adoptions and create another Stolen Generation.

Teresa Libesman raised a couple of issues, one of which is permanent placement within two years. She also referred to concerns about guardianship orders by consent outside of courts. She mentioned the Minister's views in particular, but I will not reiterate them because it is up to the Minister to do that in her reply. Alison Whittaker and Teresa Libesman are specifically concerned about four fundamental proposed changes: First, the two year limit on creating a permanent arrangement for a child, which I have mentioned a number of times; secondly, making guardianship orders by consent outside of courts; thirdly, amending how families can apply for restoration; and, fourthly, removing parental consent to adoption of children on permanent orders. I understand that there are concerns about children languishing in care, and these academics have considered that and how we can avoid it. No-one in this House wants that. We all understand that moving children from one foster care arrangement to another is not conducive to any good outcome, nor does it lead to good government policymaking.

The Opposition is just as passionate as anyone about addressing that issue. There is no question that we cannot have children languishing in care. That is why I believe we must focus on early intervention and provide support for restoration. It is all about targeting early intervention; that is where we can make a real difference to the lives of these children. It is early intervention that will make the difference in reducing the likelihood of a child entering care and, even more importantly, ensuring that they do not languish there. Lorena Allam has written a number of articles in *The Guardian* on this legislation, and I acknowledge her work. Her latest was published on Monday 19 November and is entitled "Adoption groups beg NSW to back down on adoption changes". She is right; people are now begging the Government not to proceed with this legislation. It is a tragedy that despite the despair of the organisations, the Minister is refusing to address their concerns or, sadly, even to meet them. Ms Allam states:

Aboriginal organisations, legal groups and thousands of community members are pleading with the New South Wales government to abandon its controversial changes to child protection, which are due to be passed into law on Tuesday.

Not if I have any say. The article continues:

The Berejiklian government says the amendments will ensure a permanent home for all children within two years, so they are not bounced around the out-of-home care system for years on end.

But the government is on a "dangerous path to ruining lives and tearing families apart" ...

An open letter to which she refers in the article has now been signed by more than 1,600 individuals. It is extremely significant. I hope in years to come that we remember there was an opportunity not to proceed with this legislation, and the letter articulates why we should not. Despite that powerful letter being penned by many organisations and individuals, it appears the Government will proceed to pass this legislation. I will put on record some of the signatories' comments in the letter. Hannah Gillard, a researcher at the University of Sydney, states:

The number of Aboriginal kids in out-of-home care has risen remarkably since Kevin Rudd's apology in 2008. Thus the fast-tracking of adoptions through this legislative change would have a specific harmful impact on Aboriginal communities.

Elizabeth Evatt states, "Better family support is needed to keep families together." Roberta Burke states, "Have we learnt nothing from the Stolen Generation's report?" Patrice Moriarty states:

Adoption it is an extremely serious and life-changing decision. Two years is not enough time and it cannot take the child's preference into account.

Eunice Kizmaz, the Chief Executive Officer of the International League of Women, states:

Please urge the Liberal Government to reconsider this bill. It will mean greater disadvantage and inequality of the families and children this bill aims to protect.

None of the comments is rude; the signatories simply state their concerns about the legislation. Terrance Pritchard, the director of Gun Gula, states, "Learn from the past. Support families." Joanna Alexandris, a support worker from Kamira Alcohol and Other Drug Treatment Services, states, "Please reconsider such mammoth reform that will only lead to the same trauma as in our historical past." Lisa Keith, a community mother, states, "Families need support to create stronger, healthier communities. Children are our future." Agnes McMillan, a retired clinical psychologist, states: Definitely a slippery slope to repeating errors of the past. Talk to communities, families, professionals and researchers. Understand meanings of family and support for children.

Megan Williams, senior lecturer at the University of Technology Sydney, said, "Draw on evidence and decision-making and provide more support options for families to be well." Deanne Dale, independent child protection social work consultant, said

Your Government and departments are lacking cultural competency. Consult Aboriginal communities before making this kind of change that will prolong the trauma and suffering of our First Nations.

Toni Smith, Principal Aboriginal Health Worker at the Sydney Local Health District, said, "As a descendant of the stolen generations, please do not repeat a horrendous government mistake." Amanda Rose, School Learning Support Officer for Disability and Aboriginal Students at the Department of Education, said:

Sorry means you don't do it again. This is a continuous forced assimilation policy that will further destroy and malign Aboriginal families and culture. It is already evident that policies forced on Aboriginal people in the past do not work in their best interest. They cause generational trauma that has not healed from the past attempts. This policy will only deepen and cause further trauma.

The other day I met Laurie Matthews, the Chief Executive Officer of Caretakers Cottage. She said, "We don't want another stolen generation and we need young people to be actively driving the outcomes they desire." That is a really good point. Business owner Belinda Greentree said:

Forced adoptions or any alteration to child protection laws for children is not right. Any child should never be taken from their family or community and never jailed either, no matter where or what background they come from. Australia needs to lead the world in human rights for all people.

I also acknowledge Lisa Roberts from the science faculty at the University of Technology Sydney. In simple words, she said, "Slow down, consult with the community." Pagan Kael, customer service representative of Access Sydney Community Transport, said:

Do not continue to traumatise Aboriginal people. Do not continue stolen generations. Do not place Aboriginal children in danger while saying it's for their own good. Provide support, not punishment for families.

Pamela Herring, a grandparent, said:

This looks like a deja vu. Where is the consultation with communities? Who knows about this? It is alarming to say the least. I object very strongly to this proposal.

I reiterate Pamela's point. The discussion paper last year was not publicly available. It was not publicly released, but issued only to a select group of stakeholders in a confidential manner. The bill has really caught many in the community off guard because the discussion paper was not in the public realm whatsoever. I can understand why those who are only hearing about this now are alarmed that legislation is being rushed through in the dying days of a Parliament and government. Adrian Doyle, a school chaplain, said:

This is so wrong. These kids need family intervention, not forced adoption. I was adopted and went through the DOCS system and it only worked out when I was with family members, not strangers. Kids need their family.

Zoe Miller, a teacher, said, "Stop this action. Seek alternatives for the past." Dr Sharlene Leroy-Dyer, Program Coordinator at the University of Newcastle, said:

In 2018 greater numbers of Aboriginal and Torres Strait Islander children are now in care, with the doubling of Aboriginal and Torres Strait Islander children in out-of-home care since the apology to the stolen generations in 2008. In addition, a breakdown of out-of-home care rates shows they have increased in all States and Territories. I am appalled and ashamed that the removal of Aboriginal and Torres Strait Islander children continues at alarming rates 21 years since the 'Bringing Them Home' report and a decade since the apology to the stolen generations. This is simply not good enough.

In simple words, Raymond Weatherall, an Aboriginal educator in Blacktown, said, "Sorry means you don't do it again." Vivienne Martin, a community worker at Connect Marrickville, said:

While adoption may well suit some children and families, having a one-size-fits-all approach perpetrates the very same thing that Kevin Rudd apologised for.

Nicola Clarke, a disability support worker, said:

Support families. This will create so much trauma and will further disadvantage Indigenous Australians. Section 90 must say the way it is. Do not create another stolen generation.

Janis Denman said:

Leave First Nations children's with their families. Address the real issues: generational trauma and systemic racism and oppression." Kim Sattler, a domestic violence worker at Illawarra Women's Health Centre, said, "Those who do not learn from the mistakes of the past risk repeating them."

Mary Moore is the convener of the Alliance for Family Preservation and Restoration. She said:

Our alliance totally agrees with this open letter constructed by the Community Legal Centres NSW. It is clear Pru Goward has learnt nothing from history except how to legalise the crimes of the past. Before any further legislative changes are made to the failed child protection system for forced adoptions, FACS itself must be fixed.

She has a lengthy submission that people can read online. Mary Moore is a strong local community advocate. I have come to know her very well. I appreciate her comments on this. In her comment she talks about family preservation and the court system that she is involved with. I know she advocates for a number of families. Maria Losurdo, the manager at the Women's College, said:

All Aboriginal clients we see are distressed about these changes. We are all distressed about the number of Aboriginal children moved from their families, many for reasons that could be addressed with adequate support. Poverty, homelessness, domestic violence where mum is a safe parent, misunderstanding of cultural family issues and then to make it worse, New South Wales funding criteria make these families no longer eligible for support from services that could help them make changes needed to get their children home.

Troy Dunn, a case manager, said:

How many policies can you legislate that mimic past horrendous mistakes? Is evidence and expert opinion ever incorporated or do you think compounding the pressures and issues for vulnerable people will somehow produce a better outcome?"

Pan Pemberton, a solicitor, said:

I left my family at 18 months and never did a day go by that I did not want to be with my parents together again. Leave children with their mothers and enable the families.

Lily Arthur, Director of Origins Support People Affected by Adoption, said, "When is the State going to stop removing children as a means to fix social problems?" Bev Henwood, a retired social worker, said:

Words cannot express the alarm and disgust I feel at this attempt to take us back to the days of stealing children from poor people. In my youth I saw firsthand the harm done to children at the hands of people who lost interest in the child who was no longer a cute little baby. The racism component for First Nations children was a compounding factor. Children are not commodities for sale. Pru Goward, I am suspicious of your motives in driving this.

Lyn Bevington, the manager of Mountains Outreach Community Service, said:

I completely agree that Aboriginal communities and organisations need to be deeply involved with any decisions made in relation to policy in this area so that mistakes of the past are not repeated.

Merilyn O'Neill, a grandparent adviser, said:

Most grandparents are concerned about the drastic changes that are taking place within two years of putting in place a permanent placement. Guardianship is one thing that most grandparents end up with, but adoption is another. We feel that this is being rushed into, with not enough care taken about the concerns and the future.

Jenny Davidson, Chief Executive Officer of the Council of Single Mothers and their Children, said:

As an organisation that was founded in 1969 by the men who are fighting against the legal, social and financial imperatives that drove the forced adoptions of 30,000 babies in the 1950s, 1960s and 1970s, we are adamantly against any legislation that undermines the rights of mothers and children to be a family if not in the present then sometime in the future.

Isabell Collins said:

I worked in mental health for some 25 years and met more adopted people in my first 12 months of work than my 40 years of life.

Allanna Smith said:

Stop the cash for kids. Listen to the voters and learn from the lessons of the past.

There are so many comments to the open letter. I have read them onto *Hansard* because I doubt that the Minister or the staff in her office will read them, and it is important that as many as possible are put on the record. I do not suggest that I agree with every comment, but it is important that people's views are placed on record, given that there was no proper consultation. I thank Community Legal Centres NSW for putting forward the open letter, giving people an opportunity to sign the letter to the Premier and to put their views forward. It appears that it will be the only opportunity for them to make their views known because there was no draft exposure bill.

There will be no opportunity for members of the public to have their say on this legislation. That is how the Government wants to proceed, although it had all year to allow public debate and scrutiny of the bill. The Government cannot always please everybody, but it should not be afraid of allowing public debate and discourse. That is why we live in a democracy. People want the opportunity to contribute. An exposure draft of the bill would have enabled the people who are impacted by it to make a contribution. I do not know what it is like to be a foster carer or what it is like to be in care. I do not know what it is like to be within the system. Like the Minister, I sit



outside the system, but I want to hear from people within the system. A draft exposure bill would have given people that opportunity.

It seems that the only opportunity that there will be for people to make a contribution—other than the debate in this House and the five-hour debate in the upper House—is for people to pen or type their concerns online as an attachment to the open letter. The letter is still available online, and people can raise their concerns there directly with the Premier. I hope the Premier responds to it. I expect that the Minister will respond to the letter, or at least acknowledge that it exists and that many passionate people have signed it. Kim Sedick, Chief Executive Officer of National Voice for our Children, reiterates:

The NSW government is on a dangerous path to ruining lives and tearing families apart. The legacy of these reforms will be another government apology for traumatizing another generation of children.

We urge the NSW government to put these reforms on hold and engage in genuine dialogue with all stakeholders, including Aboriginal communities and community organisations supporting children in families in this area.

He says that the destructive consequences of these actions are foreseeable, and that:

there is no excuse for pushing the Children and Young Persons (Care and Protection) Amendment Bill through the New South Wales Parliament without genuine input and engagement with Aboriginal communities and other organisations that work with the children and families who will be impacted by these reforms"

That is a reasonable request. It is hard for any reasonable person to understand why a request like that would be ignored. Terese Edwards, Chief Executive Officer of the National Council of Single Mothers and their Children, quoted Julia Gillard's speech in 2013, when there was a formal apology:

Today, this Parliament, on behalf of the Australian people, takes responsibility and apologises for the policies and practices that forced the separation of mothers from their babies, which created a lifelong legacy of pain and suffering.

We acknowledge the profound effects of these policies and practices on fathers.

And we recognise the hurt these actions caused to brothers and sisters, grandparents, partners and extended family members.

That was a very profound national apology with respect to forced adoptions, and I will quote it more fully later, but I will add a couple of comments. Cristy Clark, a legal academic at the Southern Cross University School of Law and Justice, said:

It is very clear the Indigenous children are being removed from their families at unacceptable rates due to bias and a failure to put in place appropriate community-based early interventions or programs.

*[Interruption]*

I am reading comments that people have made with respect to the open letter. Cristy Clark continued:

These proposed changes to adoption laws will only compound an already damaging and reprehensible situation. Instead of this terrible approach, the Government must find better support programs and cultural training for staff. Sorry means you don't do it again.

Alison Elizabeth Russell Ingram, a PhD candidate at Monash University, said:

I am a white woman and an adoptee born in 1961, who was taken, through illegal dealings, from my mother and adopted by a married, dual-income couple, both teachers deemed fit as adoptive parents, who qualified to adopt two white babies. No-one wants to see children neglected, abused or missing their education thus perpetuating cycles of poverty that may lead to acts of crime and incarceration."

She said:

No-one wants to see these ongoing problems made worse by making forced adoption legal. Can government not see what abuses of power will be generated if this policy is enacted?

That signatory has a very lengthy comment. As an adoptee she has a view on what it meant for her. I reiterate my view, though, that adoption is successful on many occasions. It needs always to be a viable option. Last year I think there were 140 adoptions—the Minister might correct me during her reply—but we are dealing with a system with about 18,000 kids in care. The vast majority of them will probably never be able to benefit from an adoption process. Trying to fast-track this legislation when there are presently processes and protections in place for a reason is a concern.

The vast majority of children in care probably want to be restored to their own families if they can be, and I appreciate that they cannot always be returned. I will not read any more of those comments, although I encourage people to go online and read them. The number of comments is an indication of how many people wanted to contribute to this debate, but will never be given the opportunity to do so by the Berejiklian Government. I will put on record the apology that was made in the Australian Parliament five years ago. I note that the Minister, who is in the Chamber, made her own apology on behalf of New South Wales with respect to forced adoptions. It was a very profound time. Care Leavers Australia Network is an organisation that is based in Bankstown, and

I am very aware of its work. It drove much of the work behind the significance of the apology about forced adoptions.

The profound comments in Julia Gillard's speech to Parliament were recognised in the open letter. The speech acknowledged the profound effects of policies and practices on fathers, recognised the hurt caused to brothers and sisters, grandparents, partners and extended family members, and deplored the shameful practices that denied individual mothers their fundamental rights and responsibilities to love and care for their children. The apology said that the mothers were not legally or socially acknowledged as mothers and the children were deprived of care and support. Ms Gillard also apologised to the mothers who were betrayed by a system that gave them no choice, and subjected some of them to manipulation, mistreatment and malpractice. The apology was very profound. Many of those mothers were given false assurances and were deprived of their own rights. The apology was extended in both faith and humility.

All three apologies have had a tremendous impact over the past 10 years beginning with the Stolen Generations, forced adoptions and our recent national apology for victims and survivors of institutionalised child sexual abuse and physical abuse. It is hard to believe that the third apology was given only three weeks ago because, while people were still wiping away the tears from that apology made in response to the work of the royal commission, this legislation was dropped into Parliament less than 48 hours later. There was a big drop by the media on Tuesday night. I often read what is in the newspaper at about midnight, as one does in Opposition—sometimes it is the only way we can find out what the Government will be doing the next day—and I remember thinking as I read the Minister's announcement of her intention to change adoption laws catastrophically that I should get on the radio as soon as possible to express my concerns about where this legislation was heading.

On the Tuesday I contacted a number of organisations. I also contacted Mr David Shoebridge because I know that he also is very passionate about this issue. Although the Opposition had not seen the legislation at that stage, my initial reaction to what was being proposed caused me concern right from the get-go. I thought that if the Minister was very proud of what she was suggesting, there are ways and means of making the legislation public. The fact that very few stakeholders supported the Minister at the time rang alarm bells for me because ordinarily a Minister would not rush legislation like this, if that Minister was proud and comfortable about what was being proposed. There are ways of proposing reform that bring the community with a Minister, but this legislation is not an example of that. To drop legislation to specific media outlets, knowing that people literally were fresh from coping with the raw apology made on the Monday by Prime Minister Scott Morrison and that people literally had been waiting for that apology for a number of years, was extraordinary.

On the Monday there was a gathering at the Opera House, which the Minister would know because she was there. I believe the Premier might have been at the gathering as well. In fairness to the Government, that Opera House gathering was to watch the official apology taking place in the Australian Parliament. People were invited and encouraged to come along to the gathering at the Opera House to view the screening of the apology. The Government knew that potentially more than 800 claims by adults who were formerly in care were being dealt with by the legal team of FACS. There are probably more than 800 claims, but that was the figure provided in budget estimates by the Secretary of the Department of Family and Community Services. But instead of addressing how the Government would fast-track processing or dealing with the claims so they were not caught up in red tape or long-term administrative or legal processes, I thought the Government would have made an announcement about this legislation at that time.

What I thought the Government would do in the 48 hours after the national apology was make an announcement about fast-tracking or dealing with the allegations and claims and, in cases where the Government could obviously do so, provide support for the claimants. As I said, there were so many of them—800 that we know of. If the Government fast-tracked dealing with those claims in the dying days of this session of Parliament, that would be something that every member of this House could understand. It would be understandable that prior to the cessation of Parliament the Minister would make a commitment, on behalf of the New South Wales Government, to doing everything possible to ensure that the 800-plus claims that have been received would be processed to support the individuals who had submitted claims. That was the sort of announcement I would have expected the Government would make in the 48 hours following the national apology. I acknowledge that the Government made other announcements in relation to supporting the royal commission—I am not suggesting it has not—but with respect to the specific number of claims, the Government has not addressed them and the time to do that was when the national apology was made.

Instead, the Government rushed the introduction of this legislation into the Parliament. After complete silence for approximately 12 months in relation to what has been proposed in the bill—that is a long time to be silent on this issue—and despite the Minister having had a number of media opportunities to address the views of stakeholder organisations, the Minister failed to do so. The Minister instead discussed the virtues of adoption. Of

course, there are many virtues of adoption and I am not suggesting there are not. The introduction of this legislation not only caught off guard the entire sector and the public, but in many respects it disrespected them. That is the only way I can describe it. I reiterate that 12 days earlier the Minister sent a letter to stakeholder organisations stating that she would provide the report imminently, but she did not mention the legislation. For that reason, it is understandable why people are concerned.

The Minister has form for acting in a similar manner in relation to other policy announcements she has made. It is not the first time that the Minister has tried to ram things through Parliament that caused concern for people. Other Ministers have had to take over from her and fix up the issues. I recall the hard time that Minister Hazzard had trying to clean up the mess. It was extraordinary. I felt for him, as did the entire sector, for what he had to do during that period to calm down a large proportion of the sector.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! The member for Bankstown will confine her remarks to the leave of the bill. I have been listening intently to this debate for the past hour.

**Ms TANIA MIHAILUK:** As I said earlier, I will provide the Minister with the specific amendments. I believe there will be 28 amendments. I also advise the Minister—I am not sure she was in the House when I said this earlier—that I will move a motion to separate the two bills, which is quite appropriate. I understand that was not objected to in the upper House; in fact, it was agreed to. If that is the case, I hope that the same will apply in this House. I will deal briefly with the National Disability Insurance Scheme (Worker Checks) Bill 2018.

I understand that the member for Port Stephens will speak to the National Disability Insurance Scheme NDIS bill, but it is important that I speak to it also. I make it very clear that we will not oppose the NDIS bill, which will give effect to New South Wales obligations under the Intergovernmental Agreement on Nationally Consistent Worker Screening for the NDIS. All NDIS workers will be required to apply for a check consistent with the Working With Children Check. The bill is designed to protect people with disability from abuse, violence, neglect and exploitation. Understandably, the Opposition does not want to oppose that legislation. I make it clear that we will seek to separate the bills, and I will seek some guidance from the Clerk on how to proceed with that. I would like to separate the two bills to be able to support the NDIS legislation.

I reiterate that should our amendments not go through tonight—if we are dealing with amendments tonight—the New South Wales Opposition will oppose the legislation. I make clear that some of the elements of the legislation should not be opposed. The alternative dispute resolution process change is one example of a change that the Opposition would have supported. We would be willing to support those changes, provided that the foreshadowed amendments are passed to ensure that all parties are on an equal footing and are provided with the necessary independent legal advice. If there were an opportunity for the bill to go to a committee of the upper House, we would have been able to flesh out what is acceptable to the Opposition and what changes were acceptable. We will not be given that opportunity. I put that on the record.

I imagine the Minister will jump up and down to attack me and the Opposition in response to this, but parts of the legislation are worthy of further work, alongside the organisations. That does not apply to the arbitrary time frames, section 90 or proposing guardianship and adoption orders. Those are unacceptable provisions and if this bill is passed, and should we be elected to government next year, I will repeal this legislation. I will sit down and work with organisations on how we can move forward to ensure that whatever good came out of the original discussion paper could be worked on, together with the suggestions and recommendations made in the David Tune report. The public, the Opposition and many in the sector were deprived of the opportunity to really comprehend and understand what Tune was proposing in his report.

The report was kept under lock and key by the Minister for 18 months. It was released in June. Many within the sector have not had the time to understand and really appreciate the many recommendations made or to properly flesh out some of those recommendations. The real issue is that some of the proposals in the recommendations required further scrutiny and development. The sector has been deprived of that opportunity. The past 18 months—particularly the past 12 months—would have been the ideal time to comprehend the issues with out-of-home care and to understand what reform is necessary. Because of the Minister's decision to not make the report public until only a few months ago, we have been deprived of that opportunity. The Minister and the Government have not suggested anything in response to some of the more profound recommendations made by David Tune in that report. That issue has been raised with me by a number of stakeholders because of their concerns with the legislation.

David Tune made the point that too many Aboriginal children are within the system and too many children are in care, and that reform is needed. The sector has never had the opportunity to seek further input into what David Tune proposed. If we are elected next year, I hope that we conduct further reviews into David Tune's proposal and work with the sector and many of the partners that work hand in hand with government to try to reduce the number of children currently in care and the number of children who are reported on a regular basis as

being at risk of significant harm, knowing all too well that too few of those children are ever assessed face to face. I make clear that we respect the level of commitment of non-government organisation workers and the many case workers at FACS, and the work that they undertake. There is no question that to work in the sector you have to have a lot of belief and have to be passionate, caring and driven to provide opportunities, protection and better outcomes for children. I am not suggesting that anyone enters the sector without the fundamental desire to improve the system.

If we can play a role in ensuring that this legislation is delayed—as I have said very clearly, we will repeal this bill next year—we will do so, because the manner in which this legislation has been introduced to this House and the upper House in the dying days of this Government is wrong. Proposals in the bill have been rejected by the Law Society and Community Legal Centres NSW on the back of very clear legal advice, which this Government is choosing to ignore. Despite the concerns raised by many stakeholders within the sector, the Minister refused to hold an inquiry and refused to allow the bill to go to a committee. We are now in the last sitting week of this Parliament and are two days away from the end of this term of Government, which means there is almost no time for a committee to conduct a thorough investigation and inquire into the potential detrimental impacts of this proposal.

I will conclude shortly, but I reiterate my thanks to Mark Riboldi from Community Legal Centres NSW and the many organisations that have participated in the rallies. I know that on Friday of last week a rally was held outside the office of the member for Penrith, Stuart Ayres. A number of community groups at the rally were very distressed about these changes. Western Sydney and south-western Sydney have a very large number of children in care. We know this and the Minister knows this. Certain parts of regional New South Wales, the Central Coast and the Hunter also have large numbers of children in care.

These are the areas that are struggling. Some of these areas are struggling with the types of services and supports that are available. We know that in Western Sydney and in south-western Sydney there are issues surrounding housing and other services that are not readily available, as is the case in regional New South Wales. This lack of services makes it much harder for families to receive the necessary support in the early stages. As a result, high numbers of children are taken into care. In these areas, very large numbers of Aboriginal children are taken into care. Sadly, they are overrepresented in out-of-home care statistics. It does not surprise me that representatives of those communities attended rallies on Friday. I was unable to attend, but I thank the organisers for the kind invitation.

It is clear to me that organisations in Western Sydney, in particular, work with many marginalised and vulnerable families. These organisations have real concerns about these bills before the House. They would have liked to have had an opportunity to have a say on this legislation. I understand that earlier this afternoon there was a vigil outside Parliament. I thank the member for Wyong, the shadow Minister for Aboriginal Affairs, for representing the Labor Party at the vigil along with representatives of a number of organisations. It was not a rally; it was a vigil, a recognition that this Government was not prepared to backtrack on passing this draconian legislation. Organisations that attended recognised that despite their best efforts in trying to communicate with the Minister, she simply is not interested in communicating with them and, despite the concerns that they have raised, it appears that this Government will persevere with ensuring that this legislation is fast-tracked.

For some reason, this Government has decided that it is vital that this legislation is completed at the end of its term in government. It is bizarre, given the many other issues that this Government currently faces, particularly in child protection. I would have thought that a more pressing concern for this Minister would be why we have had up to 92,000 ROSH reports in this past year, while only 28 per cent of those families found to be at risk of significant harm had a face-to-face assessment by a caseworker. That is a decrease from the figure of 32 per cent in the previous year, despite the Minister boasting that numbers have improved under her watch. We now know that the figure has gone backwards in the past 12 months. Initially, the Government refused to allow these reports to be made public on the back of the ChildStory and a claim that the information technology system required further reviews. I understand the collation of these reports will once again be reviewed, with this review being undertaken by one of the contractors from FACS.

I do not know why the department does not trust the figures already released, but I would have thought this would be the most pressing issue in child protection. We know that fewer children at risk of significant harm are being dealt with than was the case a year ago, two years ago, three years ago or five years ago. If I were the Minister I would have been pretty angry that the number of families being seen by a caseworker had dropped so significantly. I believe this number has dropped because the Minister underspent the FACS budget by \$100 million over two years. We know that this Minister spent her first term implementing significant cuts, and there are to be further cuts on the back of a drive by this Government to achieve efficiency savings, which the Treasurer requires every Minister to make. In sensitive areas, such as child protection, these efficiency savings should not be required, particularly when results are worse than they were previously.

Instead of addressing why the number of children being assessed by a caseworker has dropped, the Minister is attempting to pass legislation such as the bills before us tonight. We may appear to be cynical in thinking that there is a cost-saving measure within this legislation; I sincerely hope that that is not the case. There is a cost saving with respect to what parents will be paid, but there are also issues in the sorts of additional supports for children that foster carers are provided with. It is not clear whether those same supports will exist under a guardianship order or if the children are adopted. This legislation was not accompanied by any financial statement. When the secretary of the department was questioned about this during supplementary budget estimates, at which the Minister did not appear, the secretary said that as far as he knew there had been no announcement of financial resources allocated once this legislation is in place.

If these families are expected to meet the two-year time frame, which in my view is an arbitrary time frame, resources must be in place to ensure that this is a realistic time frame or these families will fail; we know that. These families will not achieve this goal, and the Government appears to be setting up these families to fail. It is quite clear that no additional resources have been allocated to ensure that families will be given the necessary legal advice so that they are on an equal footing with FACS if they need to attend alternative dispute resolution processes. No resourcing has been put in place to ensure that legal assistance will be available. No support is being provided to ensure the resourcing of the rehabilitation services, mental health services or the variety of other counselling services that families may need to undertake to have their children returned. I do not recall the Minister announcing any additional resources for any of these services. For the Minister's benefit I reiterate that when the secretary of her department was asked about these additional resources, he said that no additional resourcing had been announced.

The Minister could have said that that was not true and she was allocating resources for certain services, but she has not. Perhaps in her reply she could advise the House what additional money will be put forward to ensure that these families are supported. This legislation represents the Minister's legacy, which she is trying to cement. To ensure that these families achieve their goal of getting their children restored to them within two years, she must make sure that the services they require are resourced properly. We all know that is not the reality, and anyone who has an inkling of understanding of the situations of these families would know that. At some point all members of Parliament have had contact with marginalised and vulnerable families who come into our electorate offices seeking help in relation to FACS. We all know that it is incredibly difficult to deal with the department. We know about the sensitivities in play and that these families are required to meet certain measures to make it clear that they are in a position to have a child returned.

I am not suggesting that we should not be tough in assessing those requirements; we need to be confident that the child will be safe if returned to the family and not at risk of significant harm. That is why there are requirements to provide evidence that they are undertaking the directions that the court might give them or that FACS asks or seeks of them, to be clear that they have the capacity and ability to have their child or children restored to their home. To give an example, a young woman lost her child four or five years ago. I do not suggest it was for the wrong reasons; she was on ice and clearly was not in a position to look after her child. Since then, she has undertaken rehabilitation and is now completely drug free.

She has found a home, is working part time and is trying to put her life together. She has been told to find a home with two bedrooms. Her current home has one bedroom. She does not meet the criteria. She has put herself on the waiting list for housing. Housing NSW says, "You have to wait. You have to wait." Every year, the child has been longer and longer in care. This woman is desperate to have her child back and clearly—certainly to my mind—has demonstrated that she is capable and able to have her child restored, but the system does not allow it. There are just too many systemic barriers in place—one being how long people spend on the public housing waiting list. One bedroom is not sufficient for her and her six-year-old son; she has to have a home with two bedrooms.

I do not dispute the criterion, and I saw that particular correspondence so I know that was the criterion. FACS has a right to determine that and I can appreciate the requirement. There are certain housing requirements and I am sure that ensuring the child has their own bedroom is one of them. But irrespective of what this young woman does, she simply cannot meet that particular requirement at this stage. If this bill is passed and she does not find a home within two years, or if a judicial officer of the Children's Court decides that there is no realistic possibility of restoration within two years, then the child is removed permanently. There will be a guardianship order or potentially an adoption. This young woman has demonstrated that she is completely drug free and has her life in order. She has employment and a roof over her head. But because she can only afford to rent a one-bedroom flat—understandable in the Sydney market—the child cannot be returned to her.

This is an example of the sorts of barriers I refer to and why the arbitrary time frame of 24 months is absurd. There are families in which people are unwell—mental health and the support needed by families in that situation often play a huge role in the removal of children from their parents. Incarceration is another factor. With

respect to the two-year arbitrary time frame, I can only imagine that judicial officers would like discretion. I can only imagine that they would want to address each case individually; that is what the courts do. Why would the Government want to restrict what judges do in those instances, when they need to be confident and make the difficult judgments that they have to make? Once this legislation is passed, they will be told, "If you don't believe that that child can be restored or that there is any realistic possibility of restoration within two years, then out; that's it."

It is clear why the Law Society of New South Wales is saying that this legislation is draconian. It is clear why people in the legal fraternity are raising concerns. It is clear to those on this side of the Chamber; I am not sure if it will be clear to those opposite or whether they are even receiving any additional advice whatsoever on this legislation. It does not appear to be the case, judging from the email exchange I have seen between Community Legal Centres and the Minister's office and the dispute that they have over what the two-year time frame will mean and what sort of burden it will place on the court system.

As I mentioned earlier, the bill has received a backlash from stakeholders. I reiterate that the open letter contains 78 signatures of stakeholders and 2,000 signatures of individuals at this stage. Social workers, counsellors, case workers, domestic violence specialists, academics, medical professionals, solicitors and advocates all have raised their concerns about the legislation. Some 10 years ago the nation apologised to members of the stolen generations. I quote Kevin Rudd:

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

These words have been echoed countless times over the past few weeks: at the rallies that I have been to, in the many emails I have received, in written correspondence and calls that my office has received from so many women and men who were impacted by this horrific policy from the past. They call, in tears, desperate to ensure this legislation is not passed. "Sorry" means you do not do it again. It is a simple term that a young child could understand. It is a shame that adults on that side of the Chamber do not understand it. The apology of 10 years ago was a commitment from the Australian Government to turn a page in history. I assure this House that this bill, should it be passed, will be just the opposite.

We are not turning a new page or writing the history of our great continent; we are on the verge of repeating the failures of our past. If Labor wins government next year, we will repeal this legislation because we have to. We are on the verge of creating another stolen generation: more victims of forced adoptions. I know what the Minister's view of me is personally. But the Minister might have some good intentions in her desire to see "forever families" and permanence. I do not suggest that there is not some good intention on the part of the Minister. I have known the Minister for many years. In fact, I remember when she was the Sex Discrimination Commissioner; she knows I worked with her as a policy officer for about six months.

A lot of people in this place might not know that. This, of course, was before she joined the Liberal Party. I reiterate that just to clarify that. I never would have expected this of the person I worked for then, who was the Sex Discrimination Commissioner, who appeared on the face of it to be someone who wanted to consult with and talk to communities and who I believe would have had generally good intentions about the sort of policy direction she wanted to take to improve the lives of families.

With her drive to increase the number of adoptions—there is nothing wrong with wanting to do that in instances of proper parental consent and when adoption is without question the best option for a child due to exceptional circumstances—I have no doubt her desire for those forever families is genuine. But one must question whether she has fully thought through this legislation. I cannot believe that if she had, she would push it through. She is bright, she understands legislation, she has had a long history in public service and it is hard to believe she would proceed to push this legislation through.

I understand Berejiklian pushing it through, as she has never really had any interest in child protection and I do not expect her to understand what is being proposed, but I believe Minister Goward understands exactly what is being proposed. With all the information before her, her ability to access legal counsel and advice as

a Minister and the many years she has been in her role—she has been a Minister for 7½ or eight years, and the vast majority, although not all of the eight years, in FACS—it is difficult to understand why she would propose this legislation, knowing full well that it would have such a profound impact on families in New South Wales.

**Ms Pru Goward:** Point of order: I deeply object to having my personal history, considerations and motivations speculated on in this ignorant way when we are debating a critically important bill. I would ask the member to return to the bill.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The Minister has part of a point of order. The member for Bankstown will return to the leave of the bill. We have established that the member is contravening Standing Order 59 at the moment because we have heard the same item mentioned three or four times. I ask the member to refer to the bill.

**Ms TANIA MIHAILUK:** I am more than happy not to praise the Minister.

**Ms Pru Goward:** You have nothing to say—that's your problem.

**Ms TANIA MIHAILUK:** No, I have plenty to say. I have plenty of other documents that I would like to read into *Hansard*. There are a couple of other articles that I think should be put onto the record. One is an article entitled "NSW Groups Fear Second Stolen Generation Over Adoption Reforms". The article states:

Aboriginal and Torres Strait Islander legal and community groups fear a bill reforming child protection and adoption laws in New South Wales will sever Indigenous children's connection to culture, and result in a second stolen generation.

NSW Parliament will consider amending the Children and Young Persons (Care and Protection) Act and the Adoption Act on Tuesday, which if passed would make it easier to adopt without the consent of parents, meaning children could be taken away from the care of extended family, and place a two year limit on finding a permanent home.

Principal legal officer at the Aboriginal Legal Service (ALS) Nadine Miles, [said] the two year limit was particularly concerning, because it would mean there was less chance children could be placed back with their family if the court decided it was appropriate.

"It will essentially make it easier for Aboriginal children to be adopted out of the care and protection system and placed with a brand new family, where those connections to culture and family will not take precedence as they do now," Miles said.

Community and legal organisation have criticised the rushed nature of the bill, which has been pushed through parliament without any actual engagement of communities or groups that work with children and families affected by the changes.

Acting ALS CEO, Janelle Clarke, said the fact there had been very little consultation with groups was shocking.

"The NSW government must listen to the voices of Aboriginal people and recognise that the solutions for our children rest with us," Clarke said.

"These reforms are based on outdated policies which risk permanently severing Aboriginal children from their families and culture. They will do nothing to address the crisis in child protection for Aboriginal and Torres Strait Islander children in NSW," Clarke said.

Myles said she understood the current system wasn't perfect, but there needed to be consultation.

"We have no issue with the need for there to be reform ... but the community services sector including the Aboriginal Legal Service and others have not been given a proper opportunity to make comment and to engage on these reforms in a genuine way," she said.

Tim Ireland ... suggested that investments in early prevention methods were needed to engage families and communities in ensuring the safety of children, rather than these proposed changes.

"Speeding up adoptions through artificially imposed timeframes will undermine rather than uphold the best interests of vulnerable children," Ireland said.

State Minister for Aboriginal Affairs, Sarah Mitchell—

I will quote her because for some reason she was given carriage of this in the upper House rather than the Minister herself introducing it here—

believed Aboriginal children should maintain a strong connection to culture ...

It is bizarre to get a message from one Minister that they want to maintain a strong connection to culture yet the Government proposes legislation that in no way puts protections in place to ensure that that connection to culture is protected. I mentioned earlier a point made by the Law Society that at all stages all of their recommendations made very clear the need to be mindful of any of these amendments excluding Indigenous children, because if they are not excluded their culture or connection to culture will not be protected. That is why some of the amendments I will propose later tonight will be about ensuring Indigenous children are not subject to this legislation. Should this Minister and the Government choose to proceed with this legislation it is critical that it does not include Indigenous children.

**Ms Pru Goward:** You didn't do that in 2000 when you passed the Adoption Bill.

**Ms TANIA MIHAILUK:** Minister, you will be able to reply in a couple of hours.

**Ms Pru Goward:** Stop reading other people's stuff and tell us what you think.

**Ms TANIA MIHAILUK:** For the benefit of the House, I have actually been asked by a number of these organisations to ensure their letters and their concerns are put on record. I want to put on record Teresa Libesman's *Sydney Morning Herald* article entitled "We all want our children to be safe—but reforms risk repeating mistake". It states: In the week after the national apology to survivors of institutionalised child abuse, the notion of permanent, stable homes for the state's most vulnerable children is alluring. It's exactly that language the NSW government is banking on to help sweep through reforms to the child protection system which seek to rapidly move children from out-of-home care into adoptive placements. While all of us want safe futures for our children, many First Nations communities hear the echoes of past failed policies in these proposed new laws. New reforms are set to be debated by Parliament next week and if passed, these laws will make it easier to adopt or place children on adoption-like guardianship orders. These are significant changes in legal status which remove State oversight without changing the vulnerability of those permanently placed.

With such important consequences at stake, the lack of meaningful dialogue about proposed reforms has been alarming. Stakeholders including Aboriginal community organisations and community legal advocates said in a joint statement they were stunned by the bill. They took part in good faith in a preliminary submissions process more than a year ago but the legislation was introduced without warning and contrary to the expectation of further consultation.

I will repeat that point before I continue with Teresa's opinion piece. I have had a number of stakeholders make the point clear to me that they were of the belief that that was the beginning of a consultation process that began in October last year. It seemed to have begun in October and ended in October 2017. But there was an expectation that that process would continue. I refer again to Teresa's opinion piece.

This process reflects a broader failure of transparency and accountability in child welfare in New South Wales. In 2016 the Government commissioned the independent Tune review into the child protection system only to keep its findings secret for two years. The review was finally made public in June this year after extensive calls and it provides a justification for these and other wide-reaching child welfare reforms.

Such secrecy and a lack of meaningful consultation are particularly troubling for First Nations communities where a history of breaches of trust through forced and unjustified removals continues to be felt. The substantive provisions in the bill match the process in terms of opacity. The proposed amendments which extend previous reforms to fast track children off the Government books and remove them from out-of-home care statistics undermine fundamental legal protections.

I will speak to that point Teresa makes in her opinion piece. We hope that the real agenda behind this legislation is not about just trying to reduce the number of out-of-home care statistics just to change those statistics. That is what it appears to be. It is about removing them off Government books. I can understand why there are many within the sector who do not trust the Government's intentions because it appears, on the face of it, that it is about simply fudging those figures, removing these children off the books so the Government can say, "We don't even need a FACS department anymore, all the children have guardianship orders or have been adopted out. There's no longer a need. We don't have any children in care". It is a fundamental fear that many of these organisations have. What is the true agenda? Why is there such a fixation on why children—

**Mr Kevin Conolly:** We're helping kids, seriously.

**Ms TANIA MIHAILUK:** Children cannot be helped when it is decided that they have only two years for their families to get it together for them to be restored to their birth parents. That is not helping children. That is pretty clear. Ask families in Western Sydney and the electorate of Riverstone how much they value families. Everybody values their family—one way or another they value their family. To have an arbitrary two-year limit and to suggest there is not some other type of agenda behind this legislation—

**Mr Kevin Conolly:** There isn't.

**Ms TANIA MIHAILUK:** I reject that. It is quite clear there is another agenda and it is about being able to jump up and down about different types of statistics. We have seen the fudging of all sorts of statistics in the past few years by this Government, such as the housing waiting list which went from 65,000 to 55,000. When we scrutinised the figures we found people had been temporarily removed from the list because they had not responded to a letter within 14 days. It was not because they had found a home. They did not respond to a letter because they might have been in hospital, moved house or lived in a car and therefore could not receive a letter or respond to the department within two weeks. Those people were removed from the waiting list. That is what the Government decided: anyone who was temporarily suspended would be removed from the waiting list. I know how good this Government is at fudging the figures

In 2016 the Auditor-General stated there were 21,500 children in care. Those figures changed to 18,500 because the Government, in its wisdom, no longer included children who were under guardianship orders. Children under a guardianship order were no longer classified in the out-of-home figures. That is why there is cynicism in the community that perhaps that is the agenda. If more and more children are on guardianship orders they do not come up in the out-of-home care statistics and the Government does not need to worry about resourcing



Family and Community Services properly to ensure these children no longer languish in out-of-home care. I will return to Teresa's opinion piece because it is important. Every paragraph summarises what is behind the intention of the bill. I reiterate the concerns about fast-tracking children off the Government books and removing them from out-of-home care statistics and undermining fundamental legal protections.

The laws prescribe timeframes in which courts can consider restoring children to their families. Like mandatory sentencing in the criminal justice system, this reduces judicial discretion in making decisions which affect the best interests of children and families.

Another concern is the transfer of decision-making to alternative dispute resolution, where significant rights are at stake, further undermining accountability.

While negotiated solutions are ideal in many legal forums, the innate power imbalance between families and the department means it is problematic to assume, as the proposed laws do, that parents can give genuine consent to orders for the permanent removal of their children. While the bill provides limited safeguards, these are no substitute for public accountability.

These issues are compounded by the proposal to do away with parental consent to adoption for children who are on guardianship orders. By first enabling such orders by consent through alternative dispute resolution and then eradicating the need for parental agreement to adoption, the bill seems to provide a conduit for permanent legal removal of children with little or no opportunity for parents to be heard by a judicial decision-maker.

That point is consistent with the fact that the section 90 changes, varying these orders, will make it that much harder for parents to do so and the fact that there will be no independent legal advice provided for parents in the processes of alternative dispute resolution. The concern that Teresa raises there is valid: The bill also prohibits publishing or broadcasting of the names ever the children or young persons in any way that identifies them as being in out of home care or under the parental responsibility of the Minister. Teresa also makes the point that media exposure triggered many public inquiries into abuse of children and young people while in residential and other forms of out-of-home care. I recall the exposure by the *Daily Telegraph* of the tragic case of Girl X. Her name was not printed for obvious reasons. It was an horrific case where a young girl was in residential care and was raped by one of the workers who worked in that facility. She later passed away from a heroin overdose not too long after that abuse—how horrible to have a child in residential care and in need of support to go through something as horrific as that. There is no question that the exposure in the media of her horrible tragic life did lead to a review of residential care in New South Wales. It led to significant reform. We have not yet seen all that reform implemented.

It has taken some time to establish the therapeutic care model or intensive care units that are to replace residential care in New South Wales. Had it not been for the exposure of Girl X's tragic life and the horrific abuse that she suffered at the hands of the people who should have been looking after her, we would not have seen any reform in that place. We already have significant protections in place with respect to the publication of the details of children in care. In her opinion piece, Teresa is asking whether these protections are directed at protecting children or protecting the department. It is a fair question to ask because many protections are already in place that prevent children's names from being publicised. She asks why the bill contains more provisions with respect to tightening up legislation. There could be some valid reasons and perhaps the Minister could address them in her reply.

There can be no doubt that these reforms will have a grossly disproportionate impact on First Nations children who made up 36.9 per cent of children in care nationally in 2016-17. Law reform needs to extend accountability to those people who are marginalised as the result of historic and systemic factors that are outside their control. The proposed reforms punish families and communities for past harms caused by State failings. Let us not forget that we recently apologised to members of earlier stolen generations who experienced forced adoptions and institutional sexual abuse. We cannot afford to keep repeating our mistakes. Terri Libesman is an Associate Professor at the Faculty of Law at the University of Technology Sydney. Tim Ireland has been a fantastic advocate for AbSec.

I note that the shadow Minister for Aboriginal Affairs, who has been in the Chamber for the duration of my speech, has a strong relationship with Tim and AbSec, and understands how tirelessly Tim and his team work at the forefront of a peak body that not only provides advocacy for many of its members but also works closely with the government of the day. We would never hear any disparaging remarks from Tim Ireland; he is an absolute gentlemen. He works with both parties not only to provide support for his many organisations but also to provide proper direction for the government of the day so that it may understand what Aboriginal families and communities need, require, expect, and hope for.

It took Tim Ireland a day or two to enter this debate, for obvious reasons—as a representative of a peak body working with Government he wanted to be clear on exactly what the Government was proposing. The Government did not drop this legislation straightaway; it simply dropped a media announcement, so it was not clear what was being proposed. Tim Ireland gave the Government the benefit of the doubt, but that changed once he saw the proposed legislation. He was quoted in an article in *The Guardian*:

"Most people don't have an intimate knowledge of the child protection system and I understand that the idea of adoption and a 'forever family' sounds really nice" ...

"The reality is, Aboriginal children already have a forever family—their extended family, kinship network and community back home."

For adoption to be used as a last resort, Ireland said, is to rely on a child protection system that reports have identified as failing children and families.

"When a child is adopted, they are issued a new birth certificate, their surname is changed and there's no longer any departmental oversight to ensure that their cultural connections or even their basic health and safety are being upheld," he said. "It's a permanent, legal move that completely separates them from their existing extended family."

Just five years after Prime Minister Julia Gillard apologised on behalf of Australian people to the people affected by forced adoption, New South Wales is set to make forcibly adopting kids official policy. It is as though we have learned nothing from history. There is a shortage of foster carers. I distinctly remember during budget estimates last year the Minister for Family and Community Services made it clear that there was a shortage of 660 foster carers. We need to reform the way we attract foster carers. What can we change in the system to provide opportunities for families who are thinking about becoming foster carers? What do we need to do to make it easier while keeping in place the oversight measures to encourage and enable communities, families and individuals to consider foster caring? I am not suggesting that it is easy. I have never been a foster carer, though I respect that some of my colleagues have.

The Hon. Mick Veitch and the Hon. Penny Sharpe have both been foster carers and they understand the system. Mick Veitch has fostered 49 children, many of whom had profound and severe disabilities. That tells of the calibre of somebody like the Hon. Mick Veitch and why he is vehemently opposed to this legislation. He was shocked that the Government would propose something like this. It is clear that foster carers have not been given an opportunity to express their thoughts about this legislation. What role do they want to play in the future in providing care for vulnerable children? Foster carers are significant stakeholders in the child protection system. We cannot protect children unless foster carers feel that the Government and NGOs embrace their assistance and value their contributions. Foster carers make life easier for the government of the day by providing a safe home for many children who would otherwise be at risk of significant harm if they remained in their own homes.

Everyone should read the Hon. Mick Veitch's contribution to the debate on this bill in the upper House. He has significant insight into what it is like to be a long-term foster carer for children who, given their levels of disability, are unlikely ever to benefit from any type of adoption policy. Some of the children he mentioned are in desperate need of a loving home, but unfortunately it is just not realistic to expect that they will ever be adopted out. It is just not realistic. Decent foster carers such as Mick Veitch and his family who are prepared to perform this role in the long term are the sorts of persons we need to be encouraging into the system—professionals who are prepared to be foster carers. It beggars belief that those opposite have not thought of more innovative ways of encouraging individuals to be short-term temporary or emergency foster carers or respite carers, that more imminent reform should have been considered by this Government as there is a severe shortage of foster carers and so many children in care.

Every day many children who have not had face-to-face assessments by caseworkers are still at risk of significant harm. Last year alone 65,000 children did not have face-to-face assessments. Despite teachers, doctors or nurses making mandatory substantiated reports that they were concerned about the welfare of these children—to be considered at risk of significant harm means that a report has been substantiated—65,000 of 92,000 children whose reports were substantiated did not have face-to-face assessments. That should ring alarm bells for this Government, which should immediately try to address what is going wrong in the system. We are seeing fewer children despite the fact that more children are being reported as being at risk of significant harm. It is a travesty that that is not the concern right now. We should be addressing this issue not marginalising vulnerable families, isolating communities, and disrespecting stakeholders who play such a vital role.

We desperately need these stakeholders on board. We knew 10 years ago after Justice Wood handed down his report on the commission of inquiry that governments alone cannot cope with the pressures of child protection; they have to work hand in hand with non-government organisations. If we dismiss the thoughts, concerns and opinions of many in the sector it is a recipe for disaster. That is where we are heading with this legislation. I am speaking at length on this legislation because all this needs to be put on the record. I will not let the Government get away with this horrible legislation. Minister Ray Williams, who I believe will be speaking in debate on the National Disability Insurance Scheme, which the Opposition supports, is in the House. I appreciate the work he is doing and I understand why that legislation needs to be passed.

I am sure Minister Williams did not decide that these bills would be debated cognately as that stifles debate and avoids proper scrutiny. The upper House has an opportunity to scrutinise legislation in the Committee stage. I would have liked this legislation to have gone to a committee such as the Committee on Children and Young People or the Standing Committee on Law and Justice. A short-term inquiry would have been a decent Government response as we would have heard from all stakeholders. I refer to two other articles that I think should

be put on the record. In the past few weeks there has been a desire by many in the sector to have their voices heard. They are desperate to get their voices heard and to express their concerns. I refer to the difficult issue facing families when siblings are involved.

One concern that I have with this legislation is that it does not address children who also have siblings in care. This issue has not been addressed by the Minister or the Government. There is no provision to ensure that siblings are kept together. In many instances siblings are not placed together, but there are efforts by the department to ensure that they have visitation rights. There are efforts also by NGOs to ensure that some sort of connection is retained. I am not saying that the system is perfect—it is not by any means—but there are some attempts to keep siblings together and for them to have visitation rights. What do these orders mean for those siblings as there is no mention of keeping siblings together? It is far more likely that siblings will be separated, probably permanently, because of what this Government is proposing.

I refer to the case of an eight-month old baby in foster care in New South Wales—a story that really touched me. This baby had been denied the right to live with his three siblings because the Government was more focused on boosting adoption numbers. The baby's five-year-old, four-year-old and two-year-old siblings were all living together in foster care and were removed 10 months before the baby's birth. Last August the family's youngest member was placed with another family who lived three hours away while a permanent adoption process was undertaken. This was against the will of the biological mother and the foster carer of the other three children, who expressed her desire to care for the baby should he be removed from his parents when she discovered the mother was pregnant in May 2017. The biological mother did not want this to happen, the foster carer was prepared to take on the baby, yet the department was still proceeding with the adoption process.

In correspondence between the woman and Family and Community Services she pleaded with them to keep the siblings together and said, "My understanding has always been that the best practice is to keep siblings together." She was already approved by the department to care for up to four children. She had three children, but she had approval to have four. Last year she upgraded her car and modernised everything in preparation for a baby. Child and developmental psychologist Rose Cantali said:

The best thing for the youngsters would be for all of them to be together. This is the worst thing they could be doing by splitting these children up. All you are breeding is trauma for those kids and a horrendous sense of loss. It is not about the safety of a home; it is about safety of relationships and being with their siblings together is more important.

The then Minister for Family and Community Services said it was in the baby's best interests to remain with a separate foster family. While the foster carer was considered to be a suitable carer for the baby, it was determined that his safe home for life should be with other foster carers. The foster carer claimed that the baby had been earmarked for adoption, and likened the circumstances to forced adoption "because they are more concerned with boosting adoption numbers". In November, the biological mother said she was asked by the Department of Family and Community Services whether she would consider allowing the foster carer to adopt the baby. Neither of the biological parents wished their children to be permanently adopted by another family.

There are more than 40,000 children living in out-of-home care in Australia, and the Federal and State governments are pushing for adoptions to provide permanency for the most vulnerable of them. A departmental spokesman said that the department worked hard to ensure the best outcomes for children and to maintain contact with family. However, this case clearly highlighted a broken system. I remember reading an alarming article last year that contained a photograph of the back of a young boy's head. He was standing with his carer; he would have been about 12 years old. He was living in a motel and being cared for by carers. I think there was a roster with three eight-hour shifts a day. He had been in and out of care for a number of years. It was a terrible situation and a horrible story.

The article seemed to suggest that if someone was interested in caring for him then he could be considered for adoption. If someone were prepared to do so, the process could begin. It appeared that the best interests of the child would be served if he had a permanent home. On the basis of the article and given his situation, that seemed to be the case. Living in motels and having a different carer every eight hours is the worst thing I could imagine for a child. It would be extremely unstable and traumatic. A little while later I had a call from a mother and a grandmother who wanted to meet with me and their advocate.

I met with them and established that that 12-year-old had a mother and a grandmother. His birth mother had had two or three children since the boy had been removed. Her partner had been violent and there were good reasons for the Department of Family and Community Services to remove him. Her partner had passed away and she was seen to be a good parent in that she had been able to retain the other children; there were no concerns about her looking after the other children. The grandmother was actively in their life and there were no alcohol or drug abuse issues. The grandmother made it clear that she was prepared to take the child and the mother was also clear that she could take him, and they had been trying for some time to regain him.

I was alarmed about the way the newspaper article was presented. It made it look as though the child had no-one in his life; there was no biological mother or extended family. To find that he was being kept in a motel on the outskirts of Sydney while his biological mother and his biological grandmother could both provide him with a safe home was extremely disturbing. In fact, it made me question what sort of system we have when it is suggested that a child needs to be adopted, but we fail to provide the vital detail that he has a biological mother who is deemed able to look after her other children, and a biological grandmother who is more than capable of providing him with a safe home.

I accept that I may not have had all the details that the Department of Family and Community Services had about the family. However, the circumstances that led to the child being removed in the first instance—that is, the mother's partner was violent to her and the boy—had been resolved when he passed away. What efforts were made to restore that child to his family? I am not suggesting that everything is clear-cut and simple and I know that sometimes families do not tell the complete story. However, when I met this family it was difficult to understand why the child and grandchild was being paraded in a newspaper article as available for adoption. That was such poor taste. It was horrible that a child could be paraded like that in a Sunday newspaper article. It would be interesting to know whether the child has been adopted and where he is now.

It is hard to imagine that adoption is that simple, particularly when a child has experienced a great deal of trauma and has many issues. His need for extensive support would make it much more difficult for him to be considered for adoption. There is an onus on the Government or a non-government organisation to provide support if a child needs counselling, medical attention, speech therapy and so on. That support is generally provided—although the system is not perfect—when children are in foster care. It will not be provided when a child is adopted or is the subject of a guardianship order. The adoptive parent or the guardian is given some monetary assistance, but they must provide the bulk of the support the child needs. A limited number of adoptive parents would be able to do that. People will probably take up guardianship orders, but it would be interesting to see how many would be able to abide by the conditions of adoption orders.

Many of the families that now provide foster care, and who have provided safe homes for children for many years, may not be in a financial position to comply with the conditions of either a guardianship order or an adoption order. That issue has not been addressed, nor has there been any commentary about the fact that instead of the Government or non-government organisations—in effect, the government of the day—bearing costs incurred for those families, there will be a requirement that those families administer those additional costs. The burden will be placed on those families. It will be a question of who will be able to be an adoptive parent in reality should this legislation proceed in the manner in which this Government is presenting it.

I reiterate that there were many stories about stolen generations in Care Leavers. I acknowledge that many other organisations that fought the battle for the past apologies are now also reiterating their concern with the legislation. For example, while Care Leavers is a good example of an organisation that has battled crimes of the past, it, like many organisations which fought hard to get a national apology with respect to stolen generations, understands the sensitivities of this legislation. In the public there has been a lot of support of the legitimate concerns that stakeholders have raised, and it is unfortunate that this Government chooses to ignore those concerns. I reiterate that the Opposition will move many amendments.

I reiterate that we still do not know the risk of significant harm [ROSH] figures for the FACS districts. The FACS districts are Central Coast, Far West, Hunter New England, Illawarra Shoalhaven, Mid-North Coast, Murrumbidgee, Nepean Blue Mountains, Northern New South Wales, Northern Sydney, South-Eastern Sydney, South-Western Sydney, Southern New South Wales, Sydney, Western New South Wales and Western Sydney. I mention those areas because information about those FACS districts gives an idea of the sorts of supports that those districts require to cope with the number of children reported as being at risk of significant harm. The fact that we do not have any valid statistics for more than 12 months that indicate the number of children who are being reported at the risk of significant harm in those districts makes it difficult to decide or determine the services that need specific support and whether there needs to be an injection of resourcing to particular districts.

The FACS district in the Hunter has failed accreditation a number of times and is now on a lifeline in terms of accreditation. The Hunter New England FACS district has the largest number of children reported as being at risk of significant harm and one of the lowest, if not the lowest number of reports. The last figure we have, from October 2016 to September 2017, indicates that only 23 per cent of the children reported at risk of significant harm are being seen by a caseworker. We do not have any update on that figure in more than a year. We know only a general figure but have no recent statistics of the ROSH reports. It is alarming that the Government has budgeted, for example, for FACS yet it is not clear to the public where the additional resources are needed. Without the ROSH figures being made public for each individual district, it is hard to appreciate where the real additional resourcing is required.

Last year's figure—and why I mentioned Hunter New England—of 23 per cent is so low it is horrific. It tells us that virtually four out of five children being reported at risk of significant harm in the Hunter New England region are never seen by a caseworker. There is no face-to-face assessment. How can we tell whether those children are in a safe environment? We already know they are not. We already know that they are at risk of significant harm. They are not even in care. Potentially they are still at home in those horrible conditions. I said earlier that that should have rung alarm bells for the Government. That is where real reform needed to have taken place. The Minister should have rushed into this Parliament and desperately asked the Premier, "Instead of building these bloody horrible stadiums, why don't we put some money into child protection in New South Wales?" Never have we seen this Minister take on her Cabinet; never has there been a real fight for proper resourcing.

In the parliamentary inquiry into child protection in March 2017, one of the unanimous recommendations was that there be an immediate injection of funding into the child protection system in New South Wales. That never happened. The Minister later claimed that the money she allocated in the budget—the general funding—was the injection of funds. It was not. That is required of her; she is supposed to run the FACS department and she is supposed to provide resources. But that is not what the parliamentary inquiry unanimously determined in March 2017. It determined that there needed to be an injection of funds. That recommendation was rejected by the Government. It never, ever genuinely considered or adopted it. That might explain the reluctance and refusal to adopt a unanimously agreed motion.

I note that the Hon. Matthew Mason-Cox was a member of that committee. I believe the rejection of those recommendations might have led to the anger he felt towards the Minister and the Government. As a member of that committee, he expected in good faith—as did every other member of the committee—that the Government would properly consider and commit to the committee's 28 recommendations, but that injection of funds never happened. That might explain, in part, why we have the numbers of face-to-face assessments have dropped in the past 12 months. It is a case that needs to be made. I have made it before and I will make it again because it is almost as if this Government wants to ignore an inquiry that was made up of members from the Opposition, The Greens, the Christian Democratic Party and the Government. The recommendations were unanimously agreed to and completely ignored.

Ordinarily—can I say—I am really patient. Probably not, but I will patiently wait to see whether the ROSH figures will be made public. In the supplementary budget hearing the FACS Secretary seemed to make a commitment that it will be made public sometime before Christmas. It is absurd to wait until then to make those figures public. It seems clear that they already have the figures. If they have the overall figure, then they have the figures by FACS districts too. They are just not prepared to make them public. The Government talks about transparency and accountability and being open and honest. A requirement in the Keep Them Safe reforms of more than 10 years ago was to have transparency around this. Why deprive the public and the sector of this information? Why deprive fellow members of the Cabinet—the health Minister and education Minister, for example—of these figures? They also need to know these figures in order to determine the type of supports to provide, in their respective portfolios, to those districts.

Health, education and policing play significant roles in protecting children, and they all need to be resourced properly. The Ministers responsible for those portfolios need to know the regions where the numbers are high for children being reported as being at significant risk of harm or where fewer children are being assessed. It is important to understand why that is happening. Last September, in the Hunter New England region, why were only 23 per cent of children receiving a face-to-face assessment? Why on the Central Coast were only 27 per cent of children receiving a face-to-face assessment? We do not know what the current figures are. We know that the overall figure for the State has dropped to 28 per cent. It was 31 per cent or 32 per cent last year, but it has dropped to 28 per cent.

Whether the figures are 31 per cent or 28 per cent, they are horrible. This should warrant real, immediate attention. The Government still cannot properly resource FACS or the whole sector to ensure that children are properly assessed by a caseworker in these instances. That is the only way to determine how best to support children who have been reported at risk of significant harm. I understand that some of these children are referred to different services and that for some, because of competing priorities, their cases are shut. It appears to me that at least 40 per cent of these cases are shut because of competing priorities. That does not mean that the child is safe; it means that the resources are not there for particular cases.

Deep in FACS reports and reviews I often read that cases are shut because of "competing priorities". What does "competing priorities" mean? It is a term that is used to say, "We don't want to use the resources to support these children", "We're not willing to provide those resources", or "We don't have those resources". The Government is saying that it is not willing to prioritise child protection in this State and will therefore shut these cases because of competing priorities. This warrants further attention. It is clear that the safety and wellbeing of

vulnerable children is not being prioritised by this Government. The constant veil of secrecy coupled with regular media spin and doctoring of all sorts of vital data demonstrates that child protection is not a priority.

It is appalling that almost 2,000 more children in New South Wales who were reported to be at risk of significant harm have failed to have a face-to-face assessment. The Government has been stalling on releasing the data. The Government has had time to push through this legislation—I repeat that I think that this is about cementing someone's legacy—instead of addressing the shortfalls in funding statutory care and other care that is needed. This needs to be funded to a level that will rectify the situation in the Hunter, where four out of five children who are at risk do not get a face-to-face assessment. That statistic is not okay.

**Ms Yasmin Catley:** It's shameful.

**Ms TANIA MIHAILUK:** It is shameful. I note the concerns of the member for Swansea, who advocates very strongly on this issue. Many members, including the members for the electorates of Swansea, Charlestown and Port Stephens and many members in the Hunter area, have raised this with me on many occasions, as have Labor members on the Central Coast. They are not happy and are genuinely concerned about the low levels of face-to-face assessment in their respective districts. How can the Government claim that there is a shortage of resourcing on the Central Coast? It is only an hour's drive from Sydney. The Central Coast FACS district should be able to tap into resources in Sydney or obtain supports from other districts. Why does it have such a low level of face-to-face assessments? This should have the immediate attention of the Government in its dying days.

We should be seeing more progressive reforms that would see better supports for these districts and the caseworkers. I have met a lot of caseworkers from FACS and from the NGO sector and I know that they have a hard job. I have met a number of caseworkers from the Central Coast region and I know that they have a very difficult job. They need support. Many of them leave the sector because they find the job too difficult. I cannot imagine how horrible it is. When I first became the shadow Minister and started familiarising myself with many of the issues faced by this sector I could not sleep at night. It must be very difficult for these caseworkers, who often need counselling and support because they are traumatised by what they witness. Caseworkers should not be vilified; they should be supported. I want to pay tribute to the Public Service Association [PSA] of New South Wales and the Australian Services Union [ASU], which are the unions that have carriage of the caseworkers in the respective sectors, government and non-government.

**Mr Chris Patterson:** Point of order: I ask that the member return to the leave of the bill.

**TEMPORARY SPEAKER (Mr Lee Evans):** The member will return to the leave of the bill.

**Ms TANIA MIHAILUK:** The PSA and the ASU have raised objections to this bill. If the member for Camden had let me finish that sentence, I was leading to the unions' opposition to this bill.

**TEMPORARY SPEAKER (Mr Lee Evans):** If the member has a copy of the bill she can read from the bill.

**Ms TANIA MIHAILUK:** When stakeholders raise concerns, it does not need to relate to a provision in the bill.

**TEMPORARY SPEAKER (Mr Lee Evans):** I clarify that the member's speech has to be concerned with the bill.

**Ms TANIA MIHAILUK:** Members of the PSA and ASU spoke eloquently at the rally held last week outside Parliament—on Wednesday, I think, at 12.30—in relation to this bill. I acknowledge Troy Wright, Assistant General Secretary of the PSA, who spoke at the rally and another rally outside Parliament. He specifically raised the concern about the pressure that caseworkers would find themselves under. That is where I was leading before I was interrupted. The caseworkers will feel the pressure of the arbitrary two-year time frame. The PSA is concerned that caseworkers are already under immense pressure performing a difficult job in that sector. Troy Wright raised specific concerns that the caseworkers have raised with him. As caseworkers try to support families to meet the two-year arbitrary time frame, what pressure will be placed on them?

The caseworkers cannot speed up the ability of these families to find a home. They cannot make it any easier or quicker for these families to obtain a house from the housing waiting list. They cannot shorten the rehabilitation queues that currently exist in New South Wales. They cannot shorten the queues for mental health services. The caseworkers cannot change the situation for the children if, for example, their parent is incarcerated or is subject to specific parole conditions. The caseworkers do not have the means to support them if this two-year arbitrary time frame becomes law. The PSA objected to the bill because inevitably pressure will be borne by the caseworker. It is the caseworker who is meeting with vulnerable and marginalised families and who has to make an assessment of what should happen in the best interests of the child. The caseworker will have to decide whether the child should be removed or whether the child can be restored to the family in the first instance.

Further, there is the inevitable pressure on judicial officers when they have to ignore the discretion they currently have when considering the realistic possibility of restoration. Judicial officers do not have a two-year restriction now but they will have that restriction when the legislation is passed. When we think about the people who have to make the tough decisions, it is those who work in the courts and the caseworkers who attend court to justify their recommendation to remove the child or the care order that should be adopted by the court. The caseworkers and staff from FACS who work at the coalface and make decisions in the best interests of the child will be under tremendous pressure.

Caseworkers will make decisions in the knowledge that a judicial officer has an arbitrary two-year time frame and can consider the realistic possibility of restoration only on the basis of that two-year time frame. That is the difficulty faced by the entire sector. Public Service Association Assistant General Secretary Troy Wright made a passionate speech at the rally because he genuinely feels for his members. He knows that the FACS staff will be under enormous pressure to ensure they are not incorrect in relation to a realistic possibility of restoration. FACS staff as well as courts have to make assessments. Currently FACS is required to finalise its investigations. That will no longer be required under guardianship orders. To meet the two-year time frame, FACS staff will have to speed up their judgement on whether there is a realistic possibility of restoration.

Without question, there will be enormous pressure on caseworkers, which is why I raised this matter before I was interrupted by the member for Camden. I am right to raise the concerns expressed by caseworkers, who are represented by these two unions: the PSA in the public sector and the Australian Services Union in the non-government organisations [NGOs] sector. The ASU has raised concerns about this bill because it realises the inevitable pressure that will be placed on staff who work in the NGO sector. I think the two-year arbitrary time frame is the most repugnant part of this legislation. It is extraordinary. I believe that the former Minister, the Hon. Brad Hazzard, might have considered it at some stage but chose not to go down that path. Anyone who comprehends the system knows that requiring a judge to make an informed decision about the prospect of a realistic possibility of restoration within a two-year time frame—accepting the Minister's opinion on how the legislation will operate or the opinion of the Community Legal Centres—will impose significantly increased pressure on staff.

Nobody wants children to languish in care. Nobody wants barriers created that make restoration impossible while placing undue pressure on everybody who works in the system—in FACS, in an NGO or in the court system. It is highly irregular to impose a time frame when what is required is proper and thorough judicial review on a case-by-case basis. We want to ensure that the best interests of the child are always paramount in our considerations. It is clear that an arbitrary time frame of two years cannot deliver an outcome that is in the best interests of the child. It will create a system that is unworkable. The fact that the two-year time frame proposition has been rejected by the vast majority of people involved in the sector should be enough to justify a committee of inquiry as to whether a two-year time frame is in any way feasible, acceptable or achievable. We should not be legislating in this place a system that we know will fail. If we set a time frame that is unachievable—and all the information provided points us in that direction—we are setting these families up to fail.

The 24-month time frame is the most objectionable part of this legislation. It is almost cruel in its intent because it says to families that the Government does not want to legitimately give restoration a go. The lack of support for restoration by this Government, particularly in recent years, tells us that the Government is not interested in committing resources to restoration. Earlier in my speech the Minister interjected, stating that the targeted early intervention contracts had been extended. I do not suggest that that has not happened, but targeted early intervention is a critical part of the support needed for families from the get-go. A great deal of time and effort and a lot of resources had been devoted to setting up those district plans, which were shelved by the current Minister. I am not suggesting that everybody was happy with those district plans—there were mixed views—but the district plans and the discussion paper sat on the Minister's desk for a very long time and then were distributed to a few selected stakeholders last year.

The Minister decided to extend the existing contracts that had been set up by Minister Hazzard and the current Minister, despite the efforts and money that had been devoted to set up those district plans. It would be interesting to know whether any of the district plans will be utilised for the next round of contracts. I doubt it. Given that the contracts have been extended to May 2020, it is unlikely that the Minister will use those plans. I ask the Minister: What was the cost to the taxpayer of developing those plans? We now know that she has shelved them and has extended the targeted early intervention because she does not want to concern herself with supporting families when issues first arise and before they reach crisis point. The Opposition wants to support families in the early stages as issues arise in order to prevent children from being removed in the first instance. The Minister's priority is to push through this legislation, which will have impacts for many years to come.

Despite the Minister claiming that she has support from the legal system, it is clear from the Legislation Review Digest that there is no support. The digest raises concerns with the legislation. It would be interesting to

know who the Minister's legal advisers were and what their legal advice was in relation to this legislation. The Law Society and Community Legal Centres NSW have raised concerns. We have not yet been provided with any legal advice from the Minister as to why this legislation should proceed in its current form. Given that there has been no inquiry or attempt to send this legislation to a committee, we have not had the opportunity to examine it. We have no way of deciphering the legal position on issues of contention that have been raised by the Law Society. It should not come as a surprise to members that the Minister has chosen to ram this legislation through. It is unfortunate because it will have profound impacts on many of our marginalised families today and for many years to come.

I will raise a final issue in respect of the amendments I have foreshadowed. Some of the amendments will need to be moved in globo. I cannot move all of the amendments in globo because if some amendments are agreed to others will not be required. That being the case, I will move some amendments separately in the hope that the Government will agree to them or put forward its own amendments. I thought the Government would have proposed amendments to the bill. I said earlier that Minister Hazzard corrected legislation when he needed to. I praise him for that because it is not easy for a Minister to amend his or her own legislation. It takes a lot of humility to do that. Minister Goward gave the impression through her earlier interjections that she will not be considering any of the foreshadowed amendments. I would love to know what deal was struck in the upper House to get crossbenchers to support this legislation. We received information from some stakeholders that the Christian Democratic Party was going to move amendments, but, in the end, that did not happen. That was hearsay; I did not hear it directly from the Christian Democrats. Let us hope that some deal was not tied up with Zoe's law or something more sinister to get the legislation passed.

The Law Society made a couple of suggestions with regard to my foreshadowed amendments. As a result, there may be variation to what was proposed in the upper House, where both The Greens and the Opposition moved amendments. The Opposition decided, for a variety of reasons, that a couple of amendments be moved in the lower House. That means that we will have extensive debate on those amendments. I am waiting for further advice from Community Legal Centres NSW as to what it regards as a reasonable period. For example, if the time limit is retained, there has been a suggestion that clause 27 of schedule 1 to the bill be amended to preserve the court's discretion, in appropriate cases, and to exclude Aboriginal and Torres Strait Islander children from the limit. The amendments will insert the following subclauses:

- (8A) A reasonable period for the purposes of this section must not exceed 24 months unless the court is satisfied that additional time is required due to the particular circumstances of the child or young person and their family.
- (8B) Does not apply if the child or young person is an Aboriginal or Torres Strait Islander child or young person.

We also consider that any time limit on restoration should be balanced with clear obligations on the secretary to provide support to families prior to the removal of children and following a court order for restoration. This is consistent with international best practice and the object of the original Act in section 8C and reflects the Government's position that the first preference is to keep families together whenever possible. I hope that the Government's first preference is to keep families together when possible, but it does not appear to be the case from the material provided by the Minister. I am not sure if all members of the Government understand the Minister's motivations. Keeping families together is the real requirement of international best practice.

The true object of the original 1998 Act was to ensure that families be kept together when possible. That is crucial to understand. It is not clear whether the object of the original legislation will remain intact should the bill be passed tonight. There has been no mention of the preservation of that object of the original legislation. It is not referred to in the bill before the House. It has been missed in this debate, in some respects, because there has been so much concern about the contentious part of the legislation, which is the object of the original Act and whether that object is still intact and is still the object of this new legislation. By legislating for this arbitrary time frame, for guardianship orders that no longer require a FACS investigation and for adoption orders that do not require parental consent, it is clear that the original object of the Act, which was to keep families together wherever possible as the first preference, is no longer the case.

The Minister is yet to speak on this legislation in this House. She had the opportunity to speak when she introduced the bills but instead referred to the second reading speech delivered in the upper House. The Minister was not prepared to speak on the record in this Chamber. I hope that the Minister directly addresses the many concerns raised in the debate in her reply. She has an obligation to respond to the concerns raised by members of Parliament and organisations and she has a duty to respond to the concern I have raised in relation to whether this legislation fundamentally alters the original object of the Act. If that is the case, then this is completely new legislation, not an amending bill, and it should be referred to as such. The Minister must be clear about what this legislation proposes, because amending legislation cannot alter the object of the original Act.

As I said, we need to be consistent with international best practice and the object of the Act. A way of achieving this is by amending section 63 of the Children and Young Persons (Care and Protection) Act and



inserting a significant new section 8 (4) (a) to read as follows: "Section 63 Evidence of prior alternative action: When making a care application, the secretary must furnish details to the Children's Court of: (a) support and assistance provided the safety, welfare and wellbeing of the child or young person." It is important that the secretary is able to demonstrate that the department is providing that assistance. Secondly, the secretary must furnish details of the alternatives to a care order that were considered when the application was made and the reasons why those alternatives were rejected. That is fundamental; there needs to be an explanation of what alternatives were being considered when dealing with the important issues of where a child is going to live and with whom the child is going to live. What the authorities considered before making their decision must be clear. Did they explore every possible alternative? What were the reasons for rejecting alternatives?

The amendment would continue: "The Children's Court must not (a) dismiss the care application in relation to a child or young person or (b) discharge a child or young person who is in the care responsibility of the secretary from that care responsibility, by reason only that the Children's Court is of the opinion that an appropriate alternative action that could have been taken in relation to the child or young person was not considered or taken. If the Children's Court is of the opinion that appropriate support and assistance has not been provided or an appropriate alternative action that could have been taken in relation to the child or young person was not considered or taken, the Children's Court must (a) adjourn the care proceedings to enable further support and assistance to be provided for the safety, welfare and wellbeing of the child or young person and (b) require the secretary to resubmit the care application with details of the additional efforts made and the results of these efforts before proceeding to consider whether the child or young person is a child or young person in need of care and protection pursuant to sections 71 and 72 of this Act."

This amendment is important because pursuant to the legislation before us the secretary is not required to resubmit the care application or to demonstrate the efforts of the department to undertake any investigation or provide assistance. The fact that the current amending legislation does not require additional measures to be considered in court proceedings scrutinising care orders effectively means that this Government is no longer of the view that the department has to undertake a thorough investigation and provide assistance. That goes against the original object of the Act and calls for an amendment to the bill to ensure that the Children's Court can adjourn the care proceedings to enable further support and assistance for the family and to require the secretary to resubmit the care application. That is an important power for the judicial officer of the court to have. Given the restrictive time frame, the judicial officer must have the power to order the secretary to resubmit the care application and demonstrate that additional effort has been made. I believe this is a fundamental amendment if this Government is intent on passing this legislation. I would expect that the lawyers on the Government benches would want to ensure that discretion is not removed from court proceedings.

I turn now to new section 84A and the order for services to facilitate restoration. It says, "An order may be made by the Children's Court directing the secretary to provide or arrange the provision of services to a child or young person." Again, the department will be required to provide services. That is an obvious amendment. An order under subsection (1) may be made by the Children's Court on application made by any party to proceedings before the Children's Court with respect to a child or young person or, with leave of the Children's Court, an application made by any person or persons who are parties to care proceedings with respect to a child or young person or, with leave of the Children's Court, on application made by any person who considers himself or herself to have a sufficient interest in the welfare of the child or young person. The Children's Court may grant leave under subsection (2) (b) or (c) if it appears to the court that there has been a significant change in any relevant circumstances since a final order was made in the proceedings. That is also a critical amendment.

After a final order is made, the Children's Court should be able to grant leave under specific circumstances where relevant or if particular changes have occurred in that child's life or in the family's life that warrant a change. Denying the Children's Court that opportunity is a denial of justice for the child and their family because circumstances often change. I gave the example of a 12-year-old boy whose abusive stepfather passed away. Those circumstances clearly warranted a change. I do not know what care order there was in that instance or if there was one at all, but significant changes such as the death of an abusive parent should warrant the court amending an order that was made in the initial proceedings. There will always be circumstances that are so significant that a court order or a care order should be altered, whether it is final or not. That is why I believe the amendment is significant and should be debated in this House.

The Minister has not addressed the type of oversight that is adequate for children under guardianship and adoption orders. It is not addressed in the bill or in any of the media material issued by the Government. I have not seen anything from the Government that addresses whether there is adequate oversight for children under guardianship and adoption orders. I ask the Minister to address that because it is a no-brainer: there needs to be adequate oversight. We propose that courts be able to make a guardianship order with parental consent even when there is no finding that the child is at risk of significant harm. The court does not have to make that final finding, nor should it be subject to a particular care or protection order.

Deciding to steer down the path of a guardianship order, even though it requires parental consent, does not require a finding that a child will be at risk of significant harm or that a child should be subject to a particular care or protection order. That raises the issue of adequate oversight. Once a guardianship order is made, neither the department nor the court have oversight over placement to ensure the safety of vulnerable children. Let us be clear about that. We can only hope somebody down the track reports their concerns about a child's welfare and that the child falls into the 28 per cent of children who get a face-to-face assessment by a caseworker. Only then would we find out whether the child is okay under their new guardianship order. That is, in effect, what the change means.

The bill should be amended to ensure that either the court or the department has oversight over the placement or to ensure that there is a process of review by the court. For example, once a child has been placed under a guardianship order, if there has been no final finding of risk of significant harm and if there is no care order in place there should still be a process of review by the court. The court could review the child's circumstances every 12 months. If the court cannot do it the department could do it—although I worry about whether the department would have the capacity, given the pressure it is under as a result of under-resourcing by this Government. Nevertheless, how could the Government fail to include an oversight mechanism for guardianship orders in the bill?

It is an absolute disgrace that the Minister has put legislation forward and not explained it to Government members. Every one of them would have children in care in their electorates and marginalised families who come to their offices for assistance. They will now have children placed on guardianship orders that are not subject to any kind of oversight. It is outrageous. If this bill were presented by a Labor Government, it would be met with outrage, but it seems okay for the Government to put forward guardianship orders with no final finding on whether the child is actually at risk of significant harm. There is no requirement for the child to be subject to a care order and no oversight. The change should be taken together with the provision that allows the Supreme Court to dispense with parental consent when a guardian seeks to adopt a child.

Let us look at the next stage after a guardianship order is made. Once a child is under a guardianship order, if the guardian has originally had parental consent—and there are many circumstances where parents will agree to a guardianship order—the proposed legislation will allow the Supreme Court to dispense with parental consent if the guardian then seeks to adopt that child. Consent is required for a guardianship order but then it will not be required for adoption. It is almost like a backdoor adoption. It is disturbing that the Government has found a way of tweaking the legislation to enable a two-step adoption process. It will effectively mean that once a guardian has a child in their care under a guardianship order, they can make an application for adoption without parental consent. Many Aboriginal or Torres Strait Islander organisations and communities are rightfully concerned about that, as are other organisations that look after non-Indigenous kids. To allow for an adoption order without parental consent in this way raises concerns that we are fast-tracking adoption without adequate safeguards for children, parents or families.

One then has to ask: Is it in the best interests of the child anymore? We already know that there has not been a final finding as to whether the child is at risk of significant harm. We know there is no care protection in place. We know that the investigations have not been finalised in the first instance when the child was placed under a guardianship order. We know that the guardian can make an application to the Supreme Court for an adoption order, knowing all too well that this almost fast-tracks the whole process without any real consideration or any provisions in place for the paramount interests of the child. These changes, quite rightly, are concerning for Aboriginal and Torres Strait Islander children, for whom adoption is not a culturally appropriate option. I have made very clear that I am not opposed to adoption being considered for some children in care. Of course, it is a legitimate option but not for the vast majority of children, and it raises real concerns for the Aboriginal community, which opposes any form of adoption, and rightfully so, given the horrible history of the atrocities that the stolen generations experienced.

In the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles, which are enshrined in section 13 of the Children and Young Persons (Care and Protection) Act, it is very clear that adoption is not a culturally appropriate option for Aboriginal and Torres Strait Islander children. The original care Act makes it very clear in the placement principles. How can that now be scrapped after the efforts over the past 10 years to ensure that we support Aboriginal and Torres Strait Islander communities, and particularly since the national apology? It is atrocious how section 13 of the Act is completely ignored.

I make it very clear that my position is that these changes should be opposed, specifically that items [13] and [14] in schedule 1 and any other consequent provisions and all items in schedule 2 should be deleted from the bill. If that cannot happen we need to exclude at the very least Aboriginal and Torres Strait Islander children from this atrocious legislation. That could be done by amending section 67 of the Adoption Act, "When can Court

dispense with consent of person other than the child?" We are looking at how we can make that amendment. Section 67 states:

- (1) The court may make a consent dispense order dispensing with the requirement for consent of a person to a child's adoption (other than the child) if the court is satisfied that:
  - (a) the person cannot, after reasonable inquiry, be found or identified, or
  - (b) the person is in such a physical or mental condition as not to be capable of properly considering the question of whether he or she should give consent,
  - (c) or if the person is a parent of, or person who has parental responsibility for, the child—there is serious cause for concern for the welfare of the child and it is in the best interests of the child to override the wishes of the parent or person who has parental responsibility, or
  - (d) if an application has been made to the Court for the adoption of the child by one or more persons who are authorised carers for the child:
    - (i) the child has established a stable relationship with those carers, and
    - (ii) the adoption of the child by those carers will promote the child's welfare,
- ...
- (2) The court must not make such a consent dispense order unless satisfied to do so is in the best interests of the child.

The court must not make such a consent dispense order under subsections 1 (c) and (d) if the child or young person is Aboriginal or Torres Strait Islander. There are two other amendments to the Adoption Act that will ensure appropriate oversight and protection for Aboriginal and Torres Strait Islander children. One is omitting section 35 (4) of the Adoption Act to ensure the same cultural considerations apply to Aboriginal children with one Aboriginal parent and one non-Aboriginal parent as apply to Aboriginal children with two Aboriginal parents. These are changes that Community Legal Centres NSW has proposed. They would also like to see amendments to section 90 (1) of the Adoption Act that before making an adoption order for an Aboriginal or Torres Strait Islander child the court must be satisfied that an adoption plan has been made in relation to the child that provides ways in which the child's cultural heritage will be fostered.

This is a reasonable recommendation. Why would we not ensure that provision? I cannot understand why, when the stakeholders proposed some of these amendments, it would not be considered as a way of demonstrating good faith in the process of consultation that the Minister apparently took a year ago. Why would minor amendments not be made, such as this one in particular, that would at least ensure that the adoption plan considers how the child's cultural heritage is encouraged and supported? It is utterly dogmatic behaviour to ignore these recommendations. Some of them are so simple and should at least have been considered in good faith. I doubt they will be, certainly not by this Minister. Probably some Ministers would have considered them but, unfortunately, they do not have carriage of this legislation.

I propose how that would be done. If the child is an Aboriginal or Torres Strait Islander child, an adoption plan is made in relation to the child that provides for ways in which the child's cultural heritage will be fostered and appropriate contact will be maintained with the child's extended family. The shadow Minister for Aboriginal Affairs—who has in the Chamber—will speak on this further. Why would one not ensure that if an Aboriginal child is to be adopted under this horrific process and there is an adoption plan that the legislation is clear that connection for that child with their extended family is maintained? Kinship care is extraordinarily important for our Aboriginal communities.

Community Legal Centres NSW also recommended an amendment to section 82 of the Children and Young Persons (Care and Protection) Act to allow a court to receive reports on a placement, including a guardianship placement, for at least 24 months following final orders. I spoke earlier about having a provision in place that requires that there be some sort of review. This would be one way of reviewing the placement. Should there be a guardianship order, there would be a requirement to allow the court to receive reports about the placement. Who provides those reports could be restricted so that there are no vexatious claims before the court. Including a provision requiring a basic report on how the child was travelling under the guardianship order after at least 24 months would have been a simple amendment. Surely the Government would want to be confident that the guardianship order was in the best interests of the child. That would be the bare minimum. The period could be made longer, which would give the court an opportunity to review the placement.

People in the sector are justified in their concerns about this legislation. If the Government were serious about ensuring the wellbeing of these children, it would want to be confident that when a guardianship order was in place it was in the best interests of the child. Whether it is for 12 months, 24 months, 36 months or 48 months, an assessment could be made and a report prepared indicating whether the child had been placed with the right

family or in the right home; whether their needs, such as in education or health, were being met; whether they were achieving well; and whether they were receiving the support they needed.

The bill does not contain a requirement for a report to be prepared for the court about the placement. According to the bill, the court effectively signs off on the guardianship order and neither the department nor the court has any further role in the child's life and has no way to assess their wellbeing. That is not the court's doing; it is a fact of the legislation. That makes it clear to me, to the Opposition, to The Greens and to everyone else who opposes this legislation that the wellbeing of the child is not the paramount consideration in this legislation. If it were, this simple amendment would have been incorporated in the bill in the first place.

We can accept that this might simply be an oversight on the part of the Minister. However, the fact that the Government did not agree to the Opposition's amendment in the upper House tells me that the paramount consideration of the child's wellbeing is not the Minister's focus when guardianship orders are issued. It is obvious to members on this side of the House and to the sector that we should require a report on a child's placement. I would think that if anyone had asked the court, it would also have said it wanted such a report. The Children's Court makes these decisions with limited information, and it should be remembered that it is making critical decisions based on a two-year time frame. The court would be more confident of this legislative change knowing it would receive a report on a child's placement at least 24 months later or following the final order. Section 82 of the Act increases oversight of the welfare of children after final orders are made and provides:

- (1) The Children's Court may, when making an order other than a guardianship order in any care proceedings (the "relevant proceedings") allocating parental responsibility of a child or young person to a person (including the Minister) other than a parent, order a party to the relevant proceedings to prepare a written report concerning the suitability of the arrangements for the care and protection of the child or young person.
- (2) The report must:
  - (a) be provided to the Children's Court within 12 months or such earlier period as the Court may specify.

That is the sort of assistance Community Legal Centres NSW has provided to me, to the crossbench and to the Government. The Government had the opportunity to consider this amendment and to propose its own amendment but it did not do so. I draw the attention of the House to variation of care and protection orders. This was strongly opposed in respect of section 90 of the Act, and I have not yet had a chance to speak in detail about it. The sector believes that section 90 presents a considerable hurdle for families in trying to vary a care and protection order. I understand the reason for that hurdle; of course the court wants to avoid frivolous or vexatious claims. It is very difficult to bring an application to vary or to rescind a care order under section 90. The Children's Court is already empowered by section 90 (2A) (e) to dismiss applications that do not have merit at an early stage.

Given that section 90 presents such a high bar, there was strong opposition to the amendments, and that opposition was put to the Minister. I understand that the submissions in response to the discussion paper overwhelmingly made that opposition clear. I believe the Minister's own report, which was handed down on the day the bill was introduced, also indicated opposition to any amendments to the section. Knowing that profound objection, why would the Minister not then proceed with further consultation? Given that the Minister had 12 months, why did she not undertake further consultation, particularly with the stakeholders directly affected by the amendments?

The 37 Community Legal Centres NSW offices across New South Wales often provide legal assistance, support and advice to parties wanting to amend a care order or a protection order. Why would the Minister not consult with the stakeholders who are directly impacted by the amendments she is proposing? Those stakeholders are at the coalface dealing with people every day and are providing the legal assistance and support they need. The Government should be delighted they are providing that assistance because it removes that burden from it. Only 12 of those 37 legal centres have been provided funding by the Department of Family and Community Services.

The bulk of those legal centres provide assistance to the court, not just to the party that is making the application, during the process of trying to provide representation to the party making the application. If that legal assistance was not in place, these sorts of proceedings would take an enormous amount of time. The court would want to ensure that the parties making the applications are actually being provided with legal assistance so that the court's time is not taken up with vexatious and often difficult claims that perhaps should not be presented in the first instance. It would be interesting to know why the Government is proceeding with this particular amendment and who is asking for it. It does not appear that it is the court and we know now that the stakeholders also object to it. I am struggling to understand why any variation is being proposed to section 90 of the Children and Young Persons (Care and Protection) Act.

It is proposed that items [29] to [33] of schedule 1 to the bill cannot be remedied without further amendment; they must be deleted. That is the proposal I will put forward in my amendment later this evening.

The reason is clear, and I have sought advice on this. It is impossible to try to remedy what the Government is proposing. It should be deleted; it has to be deleted. In relation to ensuring that families are provided with legal advice and representation in alternative dispute resolution [ADR] process, as I have mentioned, the Opposition and everybody is happy that there is a process for ADR prior to any initial court proceedings. Again, I propose that we must amend section 37 (1) of the Children and Young Persons (Care and Protection) Act through schedule 1, item [12] to the bill for the purposes of ensuring that all parties are on an equal footing so that in those instances the parties—for example, the parents—have independent legal advice. They need to.

Remember, they are consenting to a guardianship order and they need to understand the legalities behind that consent. They need to understand that down the track there will not be a report on that child's placement and they also need to understand that the guardian can make an application to the Supreme Court for an adoption order without parental consent. That is what parents must understand. It is not just a guardianship order; in those instances it can also lead to and, should this legislation not be amended, will lead to potentially an adoption order without parental consent. That is why legal advice at those early stages in the ADR process is so important. These individuals and families need to understand thoroughly what is being proposed. Again, clearly, it is a denial of natural justice to deprive any individual of proper, independent, legal advice in those instances. When making an offer under subsection (1A):

- (1E) The Secretary must ensure that, if the family of the child or young person accepts an offer under subsection (1A), the family is provided with assistance to access independent legal advice and representation in any alternative dispute resolution processes.

It is also recommended that new section 63A be inserted into the Children and Young Persons (Care and Protection) Act to ensure compliance with the new obligation to offer alternative dispute resolution and assistance to access legal representation. I put on record the amendment that the Opposition will move:

**63A Evidence of alternative dispute resolution**

- (2) When making a care application, the Secretary must furnish details to the Children's Court of the following:
- (a) the alternative dispute resolution processes that were offered to the family of the child or young person before making the application or, if not offered, the reasons why they were not offered,
  - (b) if alternative dispute resolution processes were so offered and the offer was accepted by the family, any assistance that was provided to the family to access independent legal advice and representation in those processes.

That is obvious because we want to know if that offer was not made why was no alternative dispute resolution process enabled for that family. Why was that decision made and for what reasons. It is important that it be recorded as to why that process was denied to that family. There are reasons why that process is not always possible. It is quite clear that there will be obvious instances why the alternative dispute resolution process cannot be genuinely considered or embarked upon. The Children's Court must not dismiss a care application in relation to a child or young person, or discharge a child or young person who is in the care responsibility of the secretary from that care responsibility by reason only that the Children's Court is of the opinion that alternative dispute resolution processes were not offered to the family of the child or young person, or that the family of the child or young person were not assisted to access independent legal advice and representation in accordance with section 37 of the Act.

If the Children's Court is of the opinion that alternative dispute resolution processes were not offered, or assistance provided to access independent legal advice and representation in accordance with section 37 of this Act, the court may adjourn the care proceedings to enable alternative dispute resolution to occur. If the child is an Aboriginal and Torres Strait Islander child, any adoption plan in relation to the child should provide the ways in which the child's cultural heritage will be fostered and appropriate contact will be maintained for the child's external family. It also should require that the secretary resubmit the care application. I have referred to that because it is important that the secretary resubmit a care application with revised information in accordance with subsection (1) before proceeding to consider whether the child or young person is a child or young person in need of care and protection pursuant to sections 71 and 72 of the Act.

Subsection (3) does not prevent the Children's Court from making an interim care order in relation to the child pursuant to section 69 or 70 of the Act for the duration of the adjournment. It has also been recommended that the New South Wales Government commit to additional funding for Community Legal Centres, the Aboriginal Legal Service and other organisations that provide families with that alternative dispute resolution process because there is no point in having the process in place if the Government cannot ensure that the very organisations that deliver assistance are properly funded. I repeat that only 12 out of 37 legal centres get FACS funding in New South Wales even though I am sure most of those legal centres are required to provide assistance in that area at some point.

I reiterate the question that was put to the FACS Secretary in the supplementary hearing: Will there be additional funding to support these legislative changes? The answer was no, there would not be any additional resourcing. I hope that in her reply the Minister can correct the FACS Secretary and say that she will be providing additional funding, particularly to Community Legal Centres and the Aboriginal Legal Service which, as a result of this legislation and because of the way the guardianship orders and adoption orders will now be made, will have to provide additional legal support for these families and anyone who is a party to these sorts of proceedings that is not the department itself.

The parliamentary inquiry into child protection in 2017 recommended amendments that should be considered. If the Children and Young Persons (Care and Protection) Act is to be amended, other provisions need to be included in order for the department to be able to present strength based evidence when presenting a case in the care and protection proceedings. There is also an opportunity to include a specific provision requiring the Children's Court to consider the known risks of harm to a child on being removed from his or her parents or carer and placed into care, together with the risks of leaving the child in its current circumstances when making a decision on potential child removal in care and protection proceedings.

The Children and Young Persons (Care and Protection) Act could also be amended to provide a clear, non-discretionary responsibility on the Minister to provide ongoing support for young adults up to the age of 21 when that young person requests support. That point was raised recently with me by UnitingCare and a number of organisations that are campaigning to ensure that responsibility for these young people is extended to the age of 21. That has not been considered or, if it has, it has not been reported. There have been suggestions that the Ombudsman Act could be amended to provide the NSW Ombudsman with the power to investigate complaints relating to child protection matters, where appropriate. I am not going to go too much into the changes being proposed by this Government in relation to the Ombudsman and the Children's Guardian, except to say that there is real contention about what the Government is proposing in regard to those changes.

I turn now to proposed new section 21, request for assistance by a parent or child or young person or funded non-government agency to extend the class of persons in section 71 to include a primary carer of the child. The Community Legal Centre has asked the Government to consider amending the Care and Protection Act to include a comprehensive framework for alternative dispute resolution [ADR], guaranteed specialist legal and non-legal support for people and to take into account specialist needs including for people with cognitive disabilities. Those special needs have not been considered at all in this legislation. Aboriginal and Torres Strait Islander people also need to be taken into account so that people have early legal advice, case management and support tailored to their needs.

An issues paper was released in 2014 regarding changes to child protection laws in New South Wales. That identified the key elements of a comprehensive framework for ADR, and that involved legal advisers where appropriate, as well as other support persons throughout the process to properly address the power imbalance that often exists between the parents and the department, for example. In instances of family violence, it would be important sometimes to provide support persons. It is also important to take into account cultural sensitivities and languages other than English. There are a whole range of situations where it is necessary to have a support person, and it is not clear whether, when this legislation is enacted, a policy or framework will be in place and that there will be guidelines about how it will be delivered. It is not clear what sorts of tools will be put in place to assess the risks and suitability of the process.

There are issues surrounding the core process and the process for review. All this needs to be properly addressed by the Government and the Minister. These are genuine concerns that have been raised by people in the sector. The staff of the legal centres, in particular, are concerned because they will be required to work with the parties to ensure that the process is successful. The whole point of having alternative dispute resolution is to ensure that court proceedings can be avoided. If legal support for all parties is not provided and if there is no framework in place the system will fail and the matter will have to go to court anyway. In the legislation there is no real obligation on the department or the Government to provide support. That is why the Opposition will move an amendment in this respect.

There is a lot more that I could say. I could read a lot more onto the record with respect to the speeches that have been made throughout the years. For 10 years, since we first heard the national apology for the stolen generation and the media reports that that engendered, people were encouraged to come forward and talk about their experiences. At the time of the Kevin Rudd apology there was a real sense that the nation wanted to apologise to the Stolen Generation. There were very few people in Australia who were not moved by that apology and what that apology offered for Australians.

There was also a profound apology in 2013 about forced adoptions. It recognised the pain that was caused to tens of thousands of women in particular. More recently, only weeks ago, the nation made an apology to victims and survivors of institutional child sexual abuse. These apologies have had an impact and will continue to have

an impact for many years to come. Governments must be mindful that this is not just about saying sorry; it is about ensuring that all government legislation, policies and actions take into account the pain that has been caused. Governments have a responsibility to be aware that these apologies are rare because they carry so much significance. There is so much significance in what it means to individuals and communities who have experienced so much trauma. The apology meant a lot to those communities.

In respect of the Stolen Generations, we know that there are still so many wrongs that must be put right for the Aboriginal and Torres Strait Islander communities. If this House passes this legislation, without question that will set back the Aboriginal and Torres Strait Islander community. But what is also horrible for me to think about is that at a time when we have just said sorry to the victims and survivors of institutional child sexual abuse, we have not even finalised the 800 claims submitted to FACS. There are 800 claims that they have not been dealt with. The Premier and the Minister for Family and Community Services should have given a commitment to deal swiftly with those claims. The information I have obtained indicates that some of the claims are at least five years old.

The royal commission inquired into how many claims submitted to FACS by adults who previously were in care would be based on allegations of sexual and physical abuse. Those claims are yet to be finalised, but there is no commitment by the Government to do that. I would have expected that that commitment would have taken precedence, but the Government refuses to commit and uses competing priorities as an excuse. Those cases desperately need proper assessment. We know that there are cases of children being at risk of significant harm and those children are not being assessed. I note the presence in the House of the shadow Minister for the Hunter. On previous occasions in this House I have mentioned that the Hunter has a horrific record in relation to the number of face-to-face assessments with children at risk after a mandatory report had been made and the report had been substantiated. The system is broken because it is not receiving the attention it deserves and warrants. Despite that, the Government has done nothing to address the shortfalls in our broken child protection system.

I spoke at length during this debate because what is being proposed will definitely send the State backwards. It will be impossible for families to meet the arbitrary time frame and it will set up families to fail. At this stage, legislation of this type should not be the priority for the Government. Why the Government is attempting to ram legislation through in its dying days is incomprehensible and outrageous. I make it very clear that should Labor be elected to govern next year it will repeal this legislation. I state on the record for the information of many stakeholders and individuals who I know are watching this debate at home and who will read this speech—hopefully, not all at once—that their fight was not in vain.

They put up an amazing fight against this legislation. The rally that was held outside the electorate office of the member for Penrith, who has left the Chamber, the rally that was held outside Parliament and the vigil that was held earlier this evening have not been in vain. The articles, the opinion pieces and the online open letter to the Premier and the Minister—which they are yet to respond to—were not in vain. I thank all the signatories to the open letter. I thank them also for putting up a great fight. I thank them for their courage. I reiterate that Labor in government will repeal this legislation. The Labor Opposition will oppose this legislation in its entirety if my amendments are not accepted by the Government. I thank the House.

**Debate adjourned.**

## **COMMUNITY PROTECTION LEGISLATION AMENDMENT BILL 2018**

### **Second Reading Debate**

**Debate resumed from 13 November 2018.**

**Mr PAUL LYNCH (Liverpool) (22:00):** I lead for the Opposition in debate on the Community Protection Legislation Amendment Bill 2018. The Opposition will not oppose the bill. The purpose of this bill is to amend some of the legislation dealing with the supervision and detention of high risk offenders and to make a number of amendments to the Crimes Act and an amendment to the Crimes (Appeal and Review) Act. This bill is a grab bag of lots of unconnected issues that are compressed into one bill to deal with the logjam of legislation the Government has created at the end of eight years in power.

I begin with schedule 2 to the bill, which consists of proposed amendments to the Crimes Act. A new offence is established by proposed new section 25C, which has a heading of "supply of drugs causing death." It is explained that this provision makes it an offence to supply a prohibited drug for financial or material gain if the self-administration of the drug by someone else causes or substantially causes that other persons death. It is a requirement to prove that the person who engaged in this supply knew or ought reasonably to have known that the supply would expose a person to a significant risk of harm. The offence is punishable by imprisonment for 20 years.

The elements of that are obvious: there must be gain to a supplier, the supplier must have or ought to have a particular sort of knowledge and it applies to prohibited drugs. Proposed new section 25C (4) provides that prosecutions can be instituted only with the approval of the Director of Public Prosecutions. That is clearly designed as an extra precaution, which is appropriate with a quite novel offence that may have unintended consequences. Proposed new subsection (5) states that section 18 of the Crimes Act does not apply to an offence under section 25C. Section 18 is headed "Murder and manslaughter defined."

As I indicated, Labor does not oppose this bill and I am persuaded that perhaps there is a lacuna in the law where quite serious criminal behaviour is not murder, manslaughter or a conspiracy, and this provision is aimed at that. However, I received representations from the New South Wales Bar Association recommending opposition to this section. Granted the seriousness of this issue, it is appropriate to place the Bar Association's concerns on the record of the Parliament. I ask the Attorney to respond to the association's concerns in his reply. I quote from the association's briefing note, which states:

The New South Wales Bar Association strongly opposes the proposed amendment for the following reasons.

The first reason is that the proposed provision breaches a fundamental principle of the criminal law in this country and around the common law world that an accused person should only be held criminally responsible for events that the accused caused.

The note also states:

So far as the Bar Association is aware, it has never been the law in this country or in other common law countries that a person can be made criminally responsible for a homicide where no such causal relationship can be established. This is because, for all offences involving prohibited results, it is a fundamental principle that a causal relationship between the actions of the accused and the occurrence of the event must be established.

I also note the association's reference to *Royall v The Queen* (1991) 172 CLR 378 and *Burns v The Queen* (2012) 246 CLR 334. The briefing note quotes High Court authority that argues that the voluntary and informed act of an adult negates causal connection. What an adult of sound mind does is not in the law treated as having been caused by another. The association also stated:

This legislation holds another individual responsible for the choice and act of self-administration of the second person in circumstances where there is knowledge of exposure of the other person to a significant risk of death should the second person take the drug. The association also argues this: A second reason for opposing the introduction of this new provision is that it may catch friends/acquaintances of the deceased who are involved in the drug supply and have absolutely no idea of the risk with the particular drugs involved (where there may have been some kind of contamination, an unusual concentration of drugs or an unexpected allergic reaction), notwithstanding a general awareness that there is a 'significant risk of death as a result of the self-administration of the drug'. Those persons may also have no idea of whether the person who the drug is supplied to has already ingested other substances or later consumes further substances which may be the substantial reason for death by virtue of a lethal combination. In some cases, it may be the combination of ingestion of alcohol with the drug use that makes for a lethal combination where the drug itself may otherwise be dangerous but not lethal. Those persons may also have no idea whether the person to whom the drug is supplied has already ingested other substances or later consumes further substances, which may be the substantial reason for death by virtue of a lethal combination. In some cases it may be the combination of ingestion of alcohol with the drug use that makes for a lethal combination, where the drug itself may otherwise be dangerous but not lethal. As I indicated, the Opposition does not oppose the bill, but I seek the Attorney's response in reply to those arguments from the Bar Association. Schedule 2.2 makes amendments to the concealment offences of sections 316 and section 316A of the Crimes Act. As I have noted in previous debates, historically there has been controversy over a concealment offence.

For example, in a 1999 report, the Law Reform Commission argued to abolish section 316 (1) with a dissenting minority view. Self-evidently, the Government did not accept that view. Some submissions to the inquiry argued that the moral duty to actively assist the police in their investigations should not be extended to a legal one. In June this year the Parliament debated the Criminal Legislation Amendment (Child Sexual Abuse) Bill, which introduced a new concealment offence in section 316A. That new provision was aimed at the concealment of child abuse offences and was not restricted to serious indictable offences as was section 316. The level of knowledge required of the offenders was lesser, extending not just to knowing or believing as in section 316 but also to reasonably ought to know—an objective test rather than that higher bar in section 316. This reflects the heinous nature of offences concealed under section 316A.

The amendments in this bill rewrite section 316 so that its structure more closely mirrors the more recent section 316A. Importantly, the amendment does not alter the knowledge element of section 316 and does not extend to the objective test in section 316A. A graduated penalty regime is instituted for both section 316 and 316A for both types of offences under these sections; that is, concealment and concealment for benefit. The current maximum penalties for these offences are respectively two and five years' imprisonment. The sliding scale makes for a greater maximum sentence if the offence being concealed is more serious. The maximum penalty under section 316 (1) remains at two years if the maximum penalty for the concealed indictable offence is not more than 10 years. It is three years if the maximum penalty for the concealed offence is more than 10 years but not more than 20 years, and a five year maximum if the penalty for the concealed offence is more than 20 years. Similar but larger scales apply to section 316 (2) offences.



For section 316A the scale is simpler: the current penalty remains in place for concealing a child abuse offence with a maximum penalty of less than five years imprisonment, with a penalty of five years imprisonment where the concealed offence has a maximum penalty of five years imprisonment or more. There are similar changes to the benefit offence in section 316A. One has a sense that Job and his wisdom have been busy here. The increased penalties are not retrospective. Item 3 of schedule 2.2 makes what seems are sensible changes by adding section 316A (2) (g) to provide a member of staff of a school with an alternative method of reporting comparatively minor assaults at school. Schedule 2.3 increases the maximum penalty under 203E (1) of the Crimes Act to 21 years from 14 years. This is the offence of intentionally causing a fire and being reckless as to its spread to vegetation on public land or land belonging to another person. Item 2 of schedule 2.3 adds items to schedule 1A to the Crimes Act. Schedule 1A is entitled "Former Sexual Offences."

Schedule 3 amends the Crimes (Appeal and Review) Act, which allows the release of information concerning mercy petitions, particularly petitions requesting the exercise of the prerogative of mercy. There are a reasonable number of petitions that are considered for mercy. It is a power resting with the Governor, although in practical terms applications are considered by the Executive Council, with the real work and consideration being done by the department. In September last year I asked the Attorney General on notice on how many occasions since April 2011 had the Governor exercised the royal prerogative of mercy. I was advised in reply that between 1 April 2011 and 19 September 2017 the royal prerogative of mercy was exercised in relation to 123 applicants. I was further advised that during that period the department received 434 applications.

I know from my own experience in practice that in practical terms it is very difficult to receive a pardon, and granted the total number of criminal proceedings, 123 pardons over six years is a comparatively small number. There are undoubtedly cases where it is entirely appropriate for a pardon to be issued. However, as I said publicly when Janet Fife-Yeomans wrote about the issue last year, there seems to be something wrong about the lack of transparency surrounding the exercise of the prerogative. The vast majority of convictions and penalties are handed down in open courts. One would think logically that a comparable amount of public scrutiny should be available relating to pardons. Following the Fife-Yeomans article, the Attorney General announced a review. Submissions to the Department of Justice were called, with a closing date in February. Granted that nothing then happened for months, I placed a question on notice on 16 October asking what progress has been made. The next thing that happened was the introduction of the bill before the House.

Schedule 1 to the bill provides amendments to the Children (Detention Centres) Act and regulation, the Crimes (Administration of Sentences) Act, the Crimes (High Risk Offenders) Act, the Criminal Procedure Act, the Surveillance Devices Act, the Surveillance Devices Amendment (Statutory Review) Act—an Act we dealt with only a couple of weeks ago—and the Terrorism (High Risk Offenders) Act and regulation. The Attorney noted in his second reading speech that the amendments in schedule 1 facilitate the implementation of the Terrorism (High Risk Offenders) Act from last year. There are a number of technical and clarifying provisions and at least two more substantive changes. Proposed new section 17 (1A) allows for application of the issue of a surveillance device in a correctional centre. This relates to the possibility of a continuing detention order or an extended supervision order against someone within the Terrorism (High Risk Offenders) Act. This is an expansion of the current categories for which surveillance devices can be sought. The second substantive change relates to the imposition of a standard form of conditions and obligations upon those subject to an extended supervision order. As I indicated previously, the Opposition does not oppose the bill.

**Mr ALEX GREENWICH (Sydney) (22:10):** I strongly oppose the Community Protection Legislation Amendment Bill 2018. I will focus my contribution on the new drug-related offence proposed in the bill, which is completely contrary to harm minimisation and evidence-based drugs policies and will have no safety benefits for drug users whatsoever. The bill creates a new criminal offence for supplying a prohibited drug for a financial or material gain if someone who takes the drug dies from it. The drug must have been self-administered and the supplier will have had to have known or ought reasonably to have known that supplying the drug would expose a person to a significant risk of death. The maximum penalty will be 20 years in prison.

This is a dangerous response to the recent deaths of young people associated with taking drugs at music festivals. It may look tough but it will not protect anyone. We cannot arrest our way out of this problem and the continuous cycle of inventing more and more new offences that eventually put anyone associated with drug use behind bars is causing significant harm. The bill will put low level dealers who deal drugs because they use drugs in prison for most of their life while having no impact on the underground criminal syndicates that traffic and manufacture illegal substances for substantial profit or the growing demand for mind-altering substances. Last year my colleagues on the NSW Parliamentary Cross-Party Harm Minimisation Roundtable and I held a harm minimisation summit with health workers, academics and legal experts. We all agreed that the "war on drugs" is only causing harm and that a new approach is urgently needed.

A paramedic who attended the summit told us how common it is for young people to leave a friend after they have called an ambulance for them because they are worried about being questioned about what drugs they took and where they got them from. As a result, paramedics may not be able to find the person who needs immediate medical attention. We discussed how sniffer dogs at festivals encourage drug users to take higher doses because if they stagger their consumption they will have to carry the rest of their substances in pockets or bags and risk being detected by dogs, followed by court, legal costs and potentially a criminal conviction. Drug and alcohol workers also stressed how the criminal approach to drug use stops people who develop a drug problem from getting help because of the stigma and fear of criminal sanctions.

These are just some examples of how law and order responses to illegal drug use make people unsafe and this bill continues that tradition. People who take drugs usually get them from people in their social network. Their dealer is likely to be a friend or relative and is often likely to take the same drugs, often at the same places together. They may make a profit, but it is not necessarily a lucrative operation. The real earnings happen up the chain of command. But this friend or relative could be held responsible for a death that he or she did not cause and end up in prison for 20 years. The friends to whom they supplied will try to protect them from this outcome and that may put them or others at risk if someone gets sick because people will be scared to call an ambulance.

Getting drugs from a friend or a relative who takes the same drugs is likely to be safer than soliciting them on the street, in clubs or at festivals. Increasing the risks for low-level dealers will not change demand for drugs, but it could redirect young people to get their drugs in different ways, such as from hard-core criminals and faceless strangers who will have few commercial risks from selling a bad batch. A lot has been said about recreational drug users, but these laws will also capture people with serious drug addiction problems—people who deal as part of their addiction, with the need to repay their own suppliers. They are already disadvantaged and may end up incarcerated for most of their lives if something goes wrong with the drugs they supply.

From a legal perspective, the proposed new offence is at odds with a fundamental principle that links responsibility for death with causation. There is a common law concept that a person must be held responsible for a death that they did not cause. I understand that this bill's disregard for this principle is unprecedented in criminal law in Australia and much of the world. A person will be held responsible for the personal and free actions and decisions of someone who chose to buy drugs and chose to take them. When the only intention of a dealer was to supply drugs, they could be punished for up to 20 years in prison, essentially for homicide. This is equivalent to penalties for violent actions done with intent.

Someone who supplies drugs to their friend or relative may be held responsible for their death without having had any knowledge of unexpected risk factors that could have contributed to the death such as contamination, concentration, allergies or consumption with alcohol or other drugs. In the vast majority of cases, the person who takes the drug has the same knowledge of the risks involved—that is, they would have known or ought to have known—as the person who supplied them. Because a person who takes drugs is making a voluntary action, the law has generally considered that suppliers do not have a duty of care. This is reflected in the decision of *Burns v The Queen* where the High Court determined that the nature of supplying drugs lacks responsibility.

If the Government wants to argue that a low-level dealer who supplies a drug that they did not manufacture or traffic into the country is responsible for any death that happens by someone who freely buys the drug from them and freely takes it on their own, I think it should start to look at its own responsibility in this matter. Illegal substances are dangerous because we do not know what is in them. If the Government permitted pill testing, people could access a quick toxicology report about the make-up of their drugs and make an informed decision on whether or not to take them. It will not guarantee safety, but it helps inform people about drugs and drug taking.

The Government cannot deny that telling people that a drug they intend to take has a dangerously high concentration or poisonous contaminants could change their behaviour and discourage them from taking that substance. Pill testing also provides an opportunity to educate people and link them to services. We saw good results for pill testing at the Groovin the Moo festival in Canberra this year, and pill testing has been successfully conducted in European nations including Sweden, Switzerland, Austria, Germany, Spain and France. The claim that pill testing encourages drug use is naive and out of touch. Demand for drugs continues to grow in this zero-tolerance environment. The war on drugs is a failure, and we need to do something else to keep people safe and to stop choking our criminal justice system with drug users and low-level dealers.

Portugal decriminalised recreational drug use in 2001, with even the possession of hard drugs attracting a small fine and referral to a treatment program. Drug use has not soared as a result, but overdose deaths, problematic drug use, drug-related harms, drug-related HIV, the burden on the criminal justice system and the social costs of responding to drugs have all decreased. The use of legal highs is lower than it is in any other European country. Since the reforms, police in Portugal report that they have been able to refocus attention on the

upper end of the market. Meanwhile, in Australia the overdose death rate is rising and 20 times higher than in Portugal.

Last month the Uniting Church and Uniting, backed by a coalition of 60 organisations of health workers and legal professionals, launched a campaign for the decriminalisation of personal use of illegal drugs called Fair Treatment. I attended the launch with my roundtable colleagues Jo Haylen, the member for Summer Hill, Shayne Mallard, MLC, and Cate Faehrmann, MLC. We support their call and will continue to work towards harm minimisation and for a comprehensive drug summit that brings together stakeholders and decision-makers, like the 1999 summit that led to the life-saving Medically Supervised Injecting Room Kings Cross, in my electorate.

While the bill represents a phenomenal change in our legal system with far-reaching impacts, there has been no consultation with drug and alcohol stakeholders or legal practitioners. It is being rushed through in the last week of Parliament with no evidence to show it will work. I understand that similar provisions exist in 20 states in the United States. This is nothing to be proud of, as it is well documented that people with substance abuse and addiction problems are crowding American prisons. The bill is contrary to expert advice that, to keep people safe, we need to scale back the criminal approach to drugs. I again implore the Government and Opposition to stop the empty talk about being tough and to start listening to the experts and move towards decriminalisation of drugs for personal use and the introduction of pill testing. I oppose the bill.

**Ms JENNY LEONG (Newtown) (22:20):** On behalf of The Greens I speak in debate on the Community Protection Legislation Amendment Bill 2018. I will also speak briefly on another bill in relation to the concealment of child sexual abuse. I state up-front that The Greens support the concealment of child sexual abuse legislation but we oppose the Community Protection Legislation Amendment Bill 2018 because we have serious concerns, particularly with issues around the new offence of drug dealing causing death. We share the serious concerns articulated by the member for Sydney. We believe that when it comes to addressing the harm caused by the use of drugs in our society we should do whatever we can to reduce harm. We should not introduce serious additional offences and approach this matter in a law-and-order manner but instead take a harm minimisation approach.

In relation to schedule 2, amendment of the Crimes Act 1900 No. 40 proposed section 25C, supply of drugs causing death, The Greens oppose this amendment in line with the New South Wales Bar Association for a number of reasons. First, there is no precedent that we are aware of to make a person criminally responsible for a homicide where no such causal relationship can be established. This direct causal relationship has to be established, and this amendment does not and cannot ensure that this is the case. Our second concern in relation to this amendment is that it assumes that the person who dies has self-administered the drug and is of sound mind. There is no suggestion that the person supplying the drug has any role in the decision of the other person to take the drug, but this legislation would make them responsible for the voluntary and informed choice of the person who actually takes the drug.

The third reason that we oppose this change is that, as was articulated by the member for Sydney, in many cases friends or acquaintances of the person who dies as a result of taking the drug will be caught up even though they have no idea of the potential risk from or contamination of the substance. We are not in this Chamber to vote in favour of a perceived solution to reducing risk when a person makes a stupid or an informed decision to supply an illegal drug and finds themselves subject to serious penalties as a result to causing the death of a friend who took the illegal substance they supplied. Additionally, these people may not have any idea about any other drugs or alcohol having been taken prior to taking the drug which leads to a death.

The final reason The Greens oppose section 25C is that no evidence has been provided to support this radical and highly punitive change to the criminal law. There is absolutely no evidence that this new offence will actually save lives or in any way deter the supply of drugs. We know that a number of recommendations were made in a full report of the inquiry into the deaths of two people at a music festival. I joined the member for Sydney and others as the representative of The Greens to speak to the expert panel established by this Government in relation to the safety of people at music festivals. I expressed my disappointment that pill testing was ruled out of that consideration.

We asked what the best approach was and how we could genuinely address the tragedies that are occurring and the safety of people who participate in music festivals with the full spectrum of available actions. Instead, that element was ruled out before the expert panel was even established. But it was positive and reassuring to have the opportunity, with a range of people across the political spectrum, to discuss solutions with and present other views to that panel. While there may be disagreement tonight in this place, it is clear that there are points of common agreement across party political lines when it comes to taking a harm minimisation approach to drugs.

We also need to be able to push the boundaries on this issue. When it comes to cannabis, I am proud and pleased to note that the Australian Greens has made its views clear: We have a "legalise it" approach to certain

drugs. I believe that any form of drug use needs to be approached in a way that reduces harm and provides serious education, information and support to people who choose to take drugs. The solution is not to increase criminal sanctions and penalties, and it is for that reason that The Greens oppose new section 25C.

I turn now to items [1], [2] and [3] of schedule 2.2, which relate to the concealment of child sexual abuse. The Greens support these amendments, which will increase penalties for concealing or failing to report child sexual abuse. The amendments will allow an increase from two years to seven years maximum imprisonment for concealing or failing to report child sexual abuse. The maximum penalty increases are in line with the severity of the child sexual abuse. This amendment is long overdue. At present, enablers of child predators have managed to avoid the punishment they deserve. This country has watched the slow, horrible and painful stories of many people who are survivors of this abuse. Here the law is working to protect the community, and The Greens support that change. However, on the whole The Greens oppose this bill because the proposed changes to the matter of supply of drugs causing death and associated penalties have raised serious concerns from the NSW Bar Association.

**Ms JO HAYLEN (Summer Hill) (22:27):** I make a brief contribution to the Community Protection Legislation Amendment Bill 2018. This bill makes a number of reforms purporting to strengthen community safety in the areas of terrorism, high-risk offenders, bushfires, child abuse and the supply of drugs causing death. I will address schedule 2, which amends the Crimes Act 1900 to establish a new offence for supplying a prohibited drug to another person for material or financial gain, who then self-administers that drug and dies as a result.

I strongly believe we need a holistic, evidence-based response that acknowledges illicit drug use as a health issue. After decades of trying, it is clear that we cannot arrest our way out of the challenges posed by illicit drug use. That position is widely accepted in the community, including by experts and stakeholders working in the areas of medical, legal and law enforcement. This view is also shared by the countless residents in my community who have spoken to me over the past few years about this issue, including the parents of young people who want to ensure their children are safe. The amendment proposed in this bill is in response to the recommendations of the Premier's expert panel on music festival safety, which was formed following the tragic deaths of two young people at the Defqon.1 music festival in Penrith.

Following news that the Premier was forming the panel to look at new offences and other measures, I and the other members of the NSW Cross-Party Harm Minimisation Roundtable, including the member for Sydney, wrote requesting an opportunity to meet with the panel. The Premier acquiesced to our request and we met with the expert panel to discuss the merits of harm minimisation as a fundamental part of the Government's response. Although pill testing was ruled out of consideration, we advocated a number of measures to the expert panel.

First, we recommended that the Government not introduce any new offences or penalties; secondly, we recommended that the panel speak with organisations and researchers in the harm minimisation space and with the Australian Capital Territory Government's Safety Testing Advisory Service at Festivals and Events, the consortium that conducted pill testing at the Groovin the Moo festival; thirdly, we recommended the Premier support a reputable not-for-profit organisation trial of a roving peer education program akin to the AIDS Council of NSW's successful Rover program; fourthly, we recommend a trial of amnesty bins at music festivals; fifthly, we recommend a trial of real-time reporting on drug safety; sixthly, we recommend ending the use of sniffer dogs at music festivals; and, finally, we recommended that the New South Wales Parliament convene a drug summit following the 2019 State election.

The panel recommended a number of harm minimisation measures designed to improve safety at music festivals, including the funding of non-government organisations to provide peer education and medical support at music festivals and the development of best practice guidelines on harm reduction approaches and messaging. This bill legislates the panel's recommendations with regard to the creation of new offences. I note the strong objections of the New South Wales Bar Association to these provisions in the bill, rooted in strong concerns about the fundamental principle of criminal law in this country and in common law around the world that an accused person should only be held criminally responsible for events that the accused caused. The Bar Association also refers to *Burns v Queen* [2012], where the High Court of Australia found that:

... the voluntary assumption of the risk by an adult person may negate or confine any duty of care arising between two persons engaged in an illegal drug supply transaction.

The Bar Association notes in its objection that:

This legislation holds another individual responsible for the choice and act of self-administration of the second person in circumstances where there is knowledge of exposure of the other person to a significant risk of death should the second person take the drug.

The Bar Association also notes that the legislation cannot account for the specific circumstances or risks of taking an illicit drug. Previous speakers have discussed some of those possible circumstances—for example, does the supplier know if a drug is in a higher concentration, the consumer has an allergy to elements of the drug, the

consumer has a previously undiagnosed condition or previous illness that reacts with that drug or the consumer has taken other illicit drugs or alcohol? It is clear that the supplier would not know those circumstances.

The Bar Association urges the Government to increase investment in harm reduction and demand reduction strategies and take measures to decriminalise individual possession of small amounts of illegal drugs. These measures should be the foundation of future policy on illicit drug use, as guided by the drug summit that this side of the House supports and that I hope all parliamentarians would support following the 2019 election. That summit should look at every option available to us as we rise to meet the challenges posed by illicit drug use. Those options include pill testing, amnesty bins, peer education and ending the use of sniffer dogs at music festivals. A summit should also re-examine legislation like this—free from the hurly-burly of politics and the current period of the political cycle—and put forward innovative and creative approaches that reduce harm and will fundamentally save lives.

I reiterate my strong support for a drug summit, because politicians are not the experts when it comes to illicit drug use. As I have said before, we can read reports, we can analyse statistics and we can make assumptions based on stories in the media. But the truth is that we cannot fully fathom the cost of illicit drug use or make sense of the solutions unless we talk to those who are most affected by it. We must respect and work with drug consumers. We must listen to doctors, nurses, paramedics, social workers, drug and alcohol specialists, academics, legal professionals and the police, who rise to the challenge of illicit drug use each and every day. They are the experts. They deserve our support and respect and must be listened to. I look forward to prosecuting the case for a harm minimisation response as part of a drug summit, as part of a future Labor Government.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (22:34):** In reply: I thank the members representing the electorates of Liverpool, Sydney, Newtown and Summer Hill for their thoughtful contributions to this debate. I give notice that I will move a Government amendment to this bill during the consideration in detail stage. That amendment has been circulated to members, and I will detail it later. I now address some matters raised in debate by members. A number of members raised the comments of the New South Wales Bar Association in relation to causation issues that have been identified in a brief that the Bar Association had provided. This is in relation to the proposed offence of drug dealing causing death.

In proceedings for this offence it will be necessary to prove beyond reasonable doubt that an accused person knew, or ought reasonably to have known, that supplying the prohibited drug would expose another person, whether or not the person to whom the drug was supplied, to a significant risk of death as a result of the self-administration of the drug. This offence will attribute responsibility to a person in circumstances where the threshold that I have just outlined is met, who has supplied a prohibited drug to another person, which is already an offence under the Drug Misuse and Trafficking Act 1985, for financial or material gain where the drug was self-administered by a person and caused, or substantially caused, their death. This offence introduced by this bill addresses a gap in the criminal law in New South Wales. Currently, drug dealers who supply prohibited drugs for profit can avoid responsibility for the deaths of people in our community caused by the self-administration of the drugs that they have supplied.

Reference has been made in debate to the Burns case in the High Court. There, a five-judge majority referred to the affront of morality that the supplier of a prohibited drug should not bear responsibility for the callous disregard for the life of the drug user. It also referred to the desirability of making drug suppliers responsible for the deaths of drug users and said it was open to the legislature to enact a statutory offence. The court raised the possibility of a different one to the one proposed in this bill. The Chief Justice in the High Court separately also explicitly said there may be a cause for specific legislation to cover culpable drug-induced homicide. In September two young adults tragically lost their lives at the Defqon. 1 music festival in Penrith.

The Premier established an expert panel to advise on, relevantly, whether new offences or increased penalties are required to stop drug dealers endangering lives. The panel recommended that the Government investigate the creation of a new offence for those who supply illegal drugs for financial or material gain to people who then self-administer the drugs and die as a result. The Government seeks to give effect to this recommendation by introducing this new offence. Some members, in particular the members for the electorates of Liverpool and Newtown, referred to concern about the new offence of drug dealing causing death applying to friends and families of drug users. The offence only applies where the drug supply is for financial or material gain.

The expert panel recommended that the Government have regard to limiting the new offence of drug supply causing death to those who supplied the drug for financial or material gain. The panel went on to say that the offence should be targeted towards drug dealers, rather than the young friends scenario where one friend is tasked with obtaining or sourcing drugs for a group of friends and is then reimbursed rather than seeking profit. The offence that this bill introduces clearly reflects that recommendation and will only apply in circumstances where a person has supplied the relevant drug for financial or material gain. It is not intended that the offence apply to young people who are sharing drugs between each other. A requirement has been included in the new

provision that proceedings for the offence may only be instituted by or with the approval of the Director of Public Prosecutions [DPP]. This is an important safeguard to ensure that all relevant factors can be considered, consistent with the prosecution guidelines by the DPP.

Guideline 4 provides that the general public interest is the paramount criterion in the decision to prosecute. The question of whether or not the public interest requires that a matter be prosecuted is resolved by determining: first, whether or not the admissible evidence available is capable of establishing each element of the offence; secondly, whether or not it can be said that there is no reasonable prospect of conviction by a reasonable jury or other tribunal of fact properly instructed as to the law; and, if not, thirdly, whether or not discretionary factors nevertheless dictate that the matter should not proceed in the public interest. The third matter requires consideration of many factors, which may include the following: the youth, age, maturity, intelligence, physical health, mental health or special disability or infirmity of the alleged offender, a witness or a victim, and the alleged offender's antecedents and background, including culture and language ability.

I note the comments of the member for Sydney about pill testing. The Government has no plan to introduce pill testing at music festivals. Pill testing gives people a false confidence that drugs are safe. I note that the expert panel made seven recommendations focusing on three key areas: first, improving the regulation of music festivals by introducing a new, specific and consistent licensing regime to improve safety and to provide certainty for the music festival industry and other stakeholders; secondly, strengthening drug and alcohol education and providing more support for frontline health workers at music festivals; and, thirdly, strengthening laws to target drug suppliers by introducing a new offence that will hold drug dealers responsible for deaths they cause and trialling on-the-spot fines for drug possession at music festivals.

I emphasise that the new offence relates to drug suppliers, not drug users, and is part of a holistic set of recommendations that have been adopted by the Government. This is not just a law and order approach but part of a holistic approach that addresses the issue of safety at music festivals specifically and drug use generally for the three aspects of the expert panel: regulation, health and law enforcement. I thank the panel for its efforts and advice. In its executive summary the panel said it was proposing a new offence for drug supply causing death to highlight its strong view that the intention is to target drug supply for profit rather than the young friends scenario. The panel wanted to reserve the harshest penalties for drug dealers rather than drug supply between friends. The panel said that, if the Government accepts this recommendation, it wants to ensure that this intent is met. I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that this bill be now read a second time. A division has been called for. There being fewer than five members against the question, the question is resolved in the affirmative.

#### **Noes, 4**

Mr A. Greenwich

Ms J. Leong

Mr G. Piper

Ms T. Smith

**Motion agreed to.**

**Consideration in detail requested by Mr Mark Speakman.**

#### **Consideration in Detail**

**TEMPORARY SPEAKER (Mr Adam Crouch):** By leave, I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 to 3 be agreed to.

**Clauses 1 to 3 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedules 1 to 3 be agreed to.

**Schedules 1 to 3 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedule 4 be agreed to.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (22:46):** I move Government amendment No. 1 on sheet C2018-167:

No. 1      **Types of liquor licences**

Page 28. Insert after line 25:

**Schedule 4 Amendment of Liquor Act 2007 No 90**

**[1] Section 10 Types of licences and authorisation conferred by licence**

Insert after section 10 (1) (f):

- (g) any other type of licence that is prescribed by the regulations.

**[2] Section 159 Regulations**

Insert after section 159 (2):

- (2A) The regulations may provide that a particular type of licence is not to be granted if the Authority is of the opinion that the sale or supply of liquor under the licence would more appropriately be provided under another type of licence.

The Premier's expert panel provided advice on how to keep people safe at music festivals. The report "Keeping safe at music festivals" made seven recommendations. The Community Protection Legislation Amendment Bill already implements recommendation No. 7. New schedule 4 as proposed by the amendment will amend the Liquor Act 2007 to enable regulations to be made to implement recommendations Nos 1 and 2 in the expert panel's report. Those recommendations are, first, to develop a consistent approach to the regulation of music festivals, which could be through the introduction of a new category of liquor licence specific to music festivals. Recommendation No. 2 requires organisers to develop and to adhere to a safety management plan for their event supported by a two-tiered system of risk with variable regulatory provisions.

The amendment will allow new licence types to be made by regulation. It will also allow the Independent Liquor and Gaming Authority and Liquor and Gaming NSW to impose new conditions on music festival organisers, including expanded obligations regarding safety management plans. While Liquor and Gaming NSW and the Independent Liquor and Gaming Authority have been working with festival organisers to respond to risk, under the existing regulatory framework it is considered appropriate that a clear set of obligations be prescribed in regulation, and the proposed changes to the Act provide for that. I am advised that music festival organisers, health professionals and the NSW Police Force will be consulted on the development of the proposed regulation.

**Ms JENNY LEONG (Newtown) (22:47):** The Greens will not oppose this amendment. However, we are slightly concerned about its general nature. While we acknowledge that the Attorney General has outlined the reason for it, and The Greens support many of the changes made as a result of the live music inquiry and want to see provisions that will encourage live music in venues, there is no mention of live music in this amendment. It allows for any other type of licence prescribed by regulation. Although it addresses those regulations, it does not provide any detail. The Greens would be concerned to see the introduction of prohibitively expensive licences. We would also be concerned if this amendment were to be used to expand the scope of the reasons the Attorney General has provided. As I said, The Greens are concerned about the broad scope of this amendment. Of course, the regulations will be considered in the other place, where they can be disallowed if those concerns are realised.

**Mr PAUL LYNCH (Liverpool) (22:49):** The Opposition does not oppose the amendment.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Government amendment No. 1 on sheet C2018-167 be agreed to.

**Amendment agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedule 4 as amended be agreed to.

**Schedule 4 as amended agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** Pursuant to Standing Order 211, and as an amendment has been made to necessitate an amendment to the long title, the question is that the long title of the bill be agreed to.

**Mr MARK SPEAKMAN:** I move Government amendments Nos 2 and 3 on sheet C2018-167 in globo:

No. 2 **Long title**

Omit "and to amend". Insert instead "to amend".

No. 3 **Long title**

Insert "; and to amend the *Liquor Act 2007* to make provision for new types of licences" after "petitions".

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Government amendments Nos 2 and 3 on sheet C2018-167 be agreed to.

**Amendments agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that the long title of the bill as amended be agreed to.

**Motion agreed to.**

### **Third Reading**

**Mr MARK SPEAKMAN:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **SNOWY HYDRO CORPORATISATION AMENDMENT (SNOWY 2.0) BILL 2018**

### **First Reading**

**Bill received from the Legislative Council, introduced and read a first time.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** I set down the second reading of the bill as an order of the day for a later hour.

### *Community Recognition Statements*

#### **NORTH SHORE YOUTH MENTAL HEALTH FORUM**

**Ms FELICITY WILSON (North Shore) (22:51):** It is said that if someone does something once it is a trial, twice it is a good idea, and three times it is a tradition. I am very pleased to be one step closer to establishing the tradition of addressing mental health issues in North Shore students, having recently hosted the North Shore Youth Mental Health Forum. The day was a great success, with students from eight local schools throughout the electorate of North Shore taking part and focused on ensuring that they and their peers are able to monitor and to address their own and their friends' mental health throughout high school and in young adulthood.

A panel included some of our nation's best minds discussing matters of mental health, including Dr Suzy Green from The Positivity Institute, Garth Callender from the Australian Army Reserve, Lucy Brogden from the Mental Health Commission, Vicki Condon from the Raise Foundation, and the team from Burn Bright, which was able to assist students and to answer their questions. I thank the students, teachers and volunteers from North Sydney Girls High School, North Sydney Boys High School, Marist College North Shore, Queenwood School for Girls, Cammeraygal High School, SCECGS Redlands, Monte Sant'Angelo Mercy College, and Mosman High School. Mental health is incredibly important. I am grateful to be able to support these sorts of events, which help to minimise the risk of mental health issues being left undiagnosed.

#### **GRASS SKIRT PROJECT**

**Mr NICK LALICH (Cabramatta) (22:52):** Last week I was delighted to attend a reception acknowledging the great work of the Grass Skirt Project, which collects used sporting equipment from Australia and sends it to Papua New Guinea. The equipment and clothing is distributed throughout communities to encourage and to enable men, women and children to play sport. The aim is to promote gender equality, to eliminate gender-based violence, to empower women and girls, and to build stronger communities around and through participation in sport. We were joined at the event by Grass Skirt founder Ms Tahina Booth, a Papua New Guinea Orchids rugby league player and a brave survivor of sexual abuse who spoke passionately about the project. It is easy to contribute to the Grass Skirt Project—any old sporting equipment or sports clothing that is gathering dust is welcomed. Donating one football gives the gift of sport to about 20 children. I congratulate Ms Booth and the Grass Skirt Project.

#### **SINGER NATALIE ABBOTT**

**Mr GARETH WARD (Kiama) (22:53):** I celebrate the incredible achievements of Natalie Abbott, a Shoalhaven local taking on the world. Hailing from Bomaderry on the South Coast, Natalie was singing before she could talk, according to her mother. Natalie has competed in various singing competitions and eisteddfods in the Shoalhaven area throughout her high school years. In 2013, after winning the Bell Shakespeare Regional Performance Scholarship, Ms Abbott realised her dream and spent the next few years studying a Bachelor of Music, majoring in Musical Theatre at the Australian Institute of Music.

In 2018 Natalie shocked the performance world when she was successfully cast as Muriel in the 2019 production of *Muriel's Wedding, The Musical*. This will mark her professional debut and I have the utmost confidence that Natalie will do our community proud. I applaud Natalie for following her dreams and I wish her well for what I am sure will be a bright and promising future. She is incredibly talented and another great musical



product of the South Coast. We are all extremely proud of her and I wish her all the very best in her future endeavours.

#### **BORNEO COAST TO COAST TREK FUNDRAISERS PAUL HARRAGON AND BILL PEDEN**

**Ms JODIE HARRISON (Charlestown) (22:54):** I congratulate my constituents former Knights players Paul Harragon and Bill Peden, who participated in the 12-day Borneo Coast to Coast trek to raise funds for the Mark Hughes Foundation. The group, comprising more than 30 participants, faced temperatures ranging from zero degrees Celsius to 45 degrees Celsius and 90 per cent humidity as they followed in the footsteps of Australian prisoners of war on the Sandakan Death March before tackling Mount Kinabalu, one of South-East Asia's highest peaks. More than \$340,000 was raised, which will go towards vital research for brain cancer, the biggest killer of children under 10 and adults under 40 in Australia. Brain cancer has unfortunately been left behind in all the advancements in medicine over the past 30 years. Brain cancer survival rates have increased by just 1 per cent in the past 30 years. I thank Paul and Bill for raising much-needed funds for an important cause.

#### **ST GEORGE TAFE**

**Mr MARK COURE (Oatley) (22:55):** Recently I was at St George TAFE with the Assistant Minister for Skills, the Hon. Adam Marshall, to turn the first sod at the \$4.2 million facility. The works are delivering on the New South Wales Government's plan to ensure that TAFE NSW is well equipped for the future so it can continue to deliver high-quality, industry-relevant and innovative training that leads to jobs in local communities. When completed, the state-of-the-art specialist health facility will provide a contemporary simulated learning environment and enable co-locating of campus training in nursing, and ageing and disability. The multimillion-dollar investment in education is a boon for the St George community. The new facility will equip students with job-ready skills that local employers are calling for in the St George area. The investment in St George TAFE is a huge win.

#### **MAITLAND ELECTORATE HIGHER SCHOOL CERTIFICATE ACHIEVERS**

**Ms JENNY AITCHISON (Maitland) (22:56):** I congratulate all of our year 12 students on completing their high school education. I know that many of them and their parents, teachers, siblings and grandparents are relieved that they have finally finished their exams. They are now looking forward to their Higher School Certificate [HSC] results and are planning for their future. I have always been impressed by the quality of the young people who make up Maitland's class of 2018. I say to them as they await results and plan for their future they should take the opportunity to reflect on all of their achievements and accomplishments over the many years of education that they have completed. They all count. Education is a gift that will stand them in good stead throughout their life. I encourage them to keep learning, keep trying new things, and keep asking for help and support. We are there for them. I hope they remember that their HSC mark is only a number; it is not a measure of them as people. It will not determine their future; it is they who will determine their future. Whatever the number is, they are enough. I congratulate them. I hope they feel proud and will face the future with confidence.

#### **INVICTUS PEACE PROJECT**

**Ms MELANIE GIBBONS (Holsworthy) (22:57):** I acknowledge Defence School Transition Aide from Wattle Grove Public School Ms Kim Lazarevic. Recently, Ms Lazarevic and 60 students from Wattle Grove and Hammondville Public School attended many Invictus Games events and activities. Ms Lazarevic accompanied both school choirs to participate in the Invictus Peace Project at New South Wales Government House—what an honour for the students. They were also lucky enough to meet Cobber, the Invictus Games mascot. I am pleased to note that through the New South Wales Government I was able to secure 60 tickets for students of both schools to attend the Invictus Games. It is great to hear positive feedback about how the students thoroughly enjoyed their experiences. Students from both schools got to participate in and enjoy the education workshops. They also watched the swimming heats. It was a fantastic opportunity for them. Once again, I recognise Ms Lazarevic and her efforts in taking the students to experience the Invictus Games. The students will remember it forever.

#### **SYDNEY DRAGWAY EAST COAST THUNDER**

**Dr HUGH McDERMOTT (Prospect) (22:58):** On 3 November 2018 I attended the East Coast Thunder, part of the 400 Thunder Australian Professional Drag Racing Series at Sydney Dragway, Eastern Creek. It was a thrilling event showcasing the ingenuity of all the teams involved. The 400 Thunder sportsman categories included Pro Radial, Super Stock, Supercharged Outlaws, Super Sedan, Modified Bike, Junior Dragster and Super Gas, and the extreme feature brackets of Pro Extreme and Extreme Bike. I congratulate all the day's winners, especially Wayne Newby and the Rapisarda Autosport International team on winning the Top Fuel event. The Sydney Dragway continues to provide a high-quality venue, run by a first-class team led by general manager Peter Beaumont, to host the races. Events like these continue to bring more entertainment and recreational options to

Western Sydney families, ensuring that Western Sydney remains an exciting place to live. I congratulate everyone involved in running such a high-quality event for our community.

#### **CENTRAL COAST ENVIRONMENTAL SCHOOLS OF THE YEAR**

**Mr ADAM CROUCH (Terrigal) (22:58):** I congratulate Chertsey Primary School and Holgate Public School on their recognition as Environmental Schools of the Year on the Central Coast. Chertsey Public School received the small school of the year award for the second year running. Holgate Public School was also the lucky recipient of an award for innovation. Central Coast Council's environmental program builds a better awareness for our local environment. It occurs alongside the professional teaching and learning within our schools. It also complements State funding that I have secured for our local community, such as the \$4,000 recently provided to Pretty Beach Public School to commence its Stephanie Alexander Kitchen Garden program. I congratulate Chertsey Public School and Holgate Public School on the recognition of their efforts and achievements. I hope that they keep up the great work.

#### **BOOM LOGISTICS PAY EQUITY**

**Mr TIM CRAKANTHORP (Newcastle) (22:59):** I congratulate the workers at Boom Logistics on their victory in their battle for a fair day's pay for a fair day's work. Workers were forced off the job for five weeks after their employer refused to grant them a pay rise for five years. Initially the workers had agreed to a pay freeze when the company was going through tough times. However, when the company's fortunes turned around and it started making profits, it offered nothing to the workers. Senior executives of the company granted themselves double-digit pay raises while workers were left high and dry. With the support of the Construction, Forestry, Maritime, Mining and Energy Union, and Dean Riley and his team at the CFMEU in particular, workers have been able to bring management to the table and negotiate a fair and reasonable outcome. It would not have been possible without the strong resolve of the workers who stood firm and in the end achieved their goal of a fair day's pay for a fair day's work.

#### **CRICKETER MAX BRYANT**

**Mr GEOFF PROVEST (Tweed) (23:00):** I congratulate Tweed Heads local Max Bryant on being selected to make his debut with Brisbane Heat in the next round of the Big Bash League. Currently part of the Gold Coast Dolphins team, Max was a popular pick with the Heats fan base, winning their votes to be the fourteenth man for the upcoming season. Max has been a talented cricketer from a young age, credited with encouraging many youth in the Tweed area to follow their cricket dreams. I am sure Max will go on to do amazing things over his cricket career.

#### **FESTA DELLA MADONNA DI LORETO**

**Mr NICK LALICH (Cabramatta) (23:01):** Recently I had the great pleasure of attending the twenty-fifth annual Festa della Madonna di Loreto at Fairfield Showground. I congratulate Madonna di Loreto Association President Tony Mittiga and the organising committee on hosting another incredibly successful festa and achieving their twenty-fifth anniversary. The local community turned out in force to celebrate and experience the cultures and traditions that many Italian Australians hold dear to their hearts. The day began with the traditional religious ceremony before the local crowd was treated to some authentic Italian food, entertainment and culture. The Italian Australian community has a lot to be proud of in south-western Sydney and continues to make outstanding contributions to everyday lives. It is with great pleasure that I congratulate my friends Tony Mittiga, Tony Trimboli and their team and I wish them every success in the future.

#### **KU-RING-GAI STATE EMERGENCY SERVICE**

**Mr JONATHAN O'DEA (Davidson) (23:02):** On the evening of 8 December the Ku-ring-gai State Emergency Service [SES] will celebrate its sixtieth anniversary. One of the longest established and most active in New South Wales, the Ku-ring-gai SES provides many local people in the Ku-ring-gai Council area, which is largely covered by my electorate, with valuable assistance and support following storms and other emergencies. The sixtieth anniversary dinner celebration will be held at the Pymble Golf Club, with some individual members also being recognised for their years of service with the SES. I commend all those involved with the Ku-ring-gai SES, including approximately 100 current volunteers, for using their time and skills for their local community in difficult times. In particular, I recognise Ku-ring-gai SES Commander David Catterall and Community Engagement and Media Officer, Greg Rappo.

#### **GRACE NEW LIFE CHURCH**

**Dr HUGH McDERMOTT (Prospect) (23:03):** On 16 November 2018 I had the honour of attending the Grace New Life Church as it held its dedication service for its new House of Jubilee. It was a fantastic event highlighting the importance of faith in bringing together a community. I congratulate the entire Grace New Life

Church community on opening such a beautiful building and hosting such a moving event. I also thank Pastor Gideon Jesudoss for inviting me to officially open the House of Jubilee and to talk about the role that faith plays in my life and in our diverse community. As the Lord's messenger, King David, wrote in Psalm 27:4:

One thing I ask from the Lord, this only do I seek: that I may dwell in this House of the Lord all the days of my life, to gaze on the beauty of the Lord and to seek him in his temple.

I look forward to seeing the continued contributions that the amazing Grace New Life Church makes to the Western Sydney community. May God bless them all.

#### **CRICKETER SOPHIE PARSONS**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (23:04):** I recognise 10-year-old Ben Venue Public School cricketer Sophie Parsons for her recent selection to the New South Wales Primary Schools Sports Association [PSSA] cricket team to contest the National Primary Schools Carnival in Bunbury, Western Australia, next month. It is a very rare feat for a 10-year-old student to be selected in a PSSA team, particularly in the sport of women's cricket. Sophie is currently a member of the New South Wales country under-14s indoor team, the Central North under-15s team and the Armidale under-12 boys and girls combined representative team. I congratulate Sophie again and wish her every success at the national championships. I assure her that everyone in Armidale is wishing her all the best. She can be very proud of her achievements.

#### **CARDIOLOGIST DR VAIRAMUTTU MANOMOHAN**

**Ms JODI McKAY (Strathfield) (23:05):** I bring to the attention of the House the work of Dr Vairamuttu Manomohan from Strathfield, who is not only a well-respected cardiologist but also an active member of the Tamil Australian community. I have seen the great regard in which he is held and have witnessed his commitment to helping others. Since moving to Australia in the early 1990s, Dr Manomohan has worked as a cardiologist in Western Sydney. In 2000 he established the Australian Medical Aid Foundation, an organisation that has raised millions of dollars for medical equipment, beds and surgical support in developing countries including for Jaffna Hospital in northern Sri Lanka. Dr Manomohan has also served as president of the Sydney Murugan Temple, where he actively works to improve the temple's facilities for all its members. He has been president of the Tamil Resource Centre and chairperson of the Australian Tamil Electoral Lobby. I thank Dr Manomohan for his tireless work and for his dedication to the Tamil Australian community. As a member of Parliament who represents a significant Tamil Australian community, I am very grateful for his compassion and selfless commitment to my community.

#### **NSW FARMER OF THE YEAR FINALISTS GAVIN AND KARINA MOORE**

**Mr JAI ROWELL (Wollondilly) (23:06):** I acknowledge Gavin and Karina Moore for being announced as finalists in the NSW Farmer of the Year awards. The awards identify outstanding farmers, recognising environmental sustainability, profitability, agricultural management skills, use of innovation and community involvement. The winner will be announced at State Parliament on 5 December, and will receive \$10,000. The Moores have innovated by using computer-operated milking machines and rapid exit stalls. The Moores have shown community involvement by hosting tours of their farm to educate people about agriculture. They have a herringbone pit with a viewing platform for visitors.

The Moores have been facing a tough 18 months of drought conditions. Their farm produces 1.8 million litres of milk each year and, on average, they milk 220 Holstein cows. The Moore family has run its farm at Glenmore in the Wollondilly electorate for more than 100 years. I wish the Moore family all the best for the finals and thank them for their service to the community. I also thank my son Will, who is here in the staff box. He is doing work experience and has drafted his first community recognition statement—this one.

#### **RAINBOW FAMILIES NSW**

**Ms JO HAYLEN (Summer Hill) (23:07):** Having a baby for the first time can be a daunting and stressful prospect. That is particularly true when you feel excluded from the supports our health system offers to prospective and expecting parents. Rainbow Families NSW is the peak organisation in Australia representing LGBTIQ parents and carers, and will be holding Australia's first ever LGBTIQ-focused antenatal classes later this week, in partnership with the Sydney Local Health District. The classes will help parents with the birth process, caring for the newborn baby, postnatal care, feeding and recovery, adjusting to parenting, and sleep and settling—some of the things new parents really need. The class also marks another positive development in the relationship between Rainbow Families and NSW Health. I congratulate all those in NSW Health and Rainbow Families on undertaking this important program. As a fellow parent of young bubs, I wish the participants the very best of luck.

### **MAYFLOWER PRESCHOOL JANNALI**

**Ms ELENI PETINOS (Miranda) (23:08):** I congratulate Mayflower Preschool Jannali on its fortieth anniversary. Mayflower Preschool Jannali provides quality education and care for children aged three to five years. The preschool is in a close-knit community, working in partnership with families to educate and nurture each child to develop a lifelong love of learning. The fortieth anniversary fete was held in September and included many fun and engaging activities. They included lucky-dip bags, kindi farm, face painting, a Mayflower history display, market stalls, as well as music and performances to keep everyone entertained. It was an absolute pleasure to join the many past and present families, centre staff, Jannali Uniting committee and church members to celebrate the momentous occasion. Mayflower should be very proud of their team of educators who work tirelessly to ensure each child is encouraged to explore, create and develop in a positive social environment. I congratulate Mayflower Preschool Jannali on reaching this fantastic milestone, and thank and acknowledge director Karen Ezzy, founding director Ingrid Persson and founding chairperson Frank Street.

### **OURIMBAH RSL PUBLIC MURAL CREATOR ROSIE WOOD**

**Mr DAVID MEHAN (The Entrance) (23:09):** I bring to the attention of the House the work of my constituent Rosie Wood of Berkeley Vale. Rosie is the creator of Ourimbah RSL public mural, which was officially unveiled on the occasion of the 100th anniversary of the Armistice of the Great War. The mural includes photos of two local ex-service people, Des Forter and Barbara McNab, and a collection of photos of the Light Horse troopers departing Ourimbah train station for the First World War. It is finished off with photos of Flanders poppies and the sunrise over Tuggerah Lakes. On behalf of the community I thank Rosie for this fine public art work which nicely sets off the facade of the Ourimbah RSL Club.

### **WENONA SCHOOL FUNDRAISER**

**Ms FELICITY WILSON (North Shore) (23:10):** Wenona School has come together to raise money for drought-affected communities. Everyone in the school was invited to donate \$5 to wear their jeans, checked shirts and boots to school and take part in a lunchtime line dance. The idea came from two 17-year-olds, Annabelle Hamilton and Sophia Scolari, who are boarders at Wenona. Some people may think that in a community like the North Shore, which is bounded on three sides by water, it would be easy to forget about the drought, but I thank those girls who made it their mission to raise the issue with their school and peers. I thank the school community which came together to support them. On the day, students also organised a sausage sizzle and bake sale, with the whole event raising more than \$27,000 for rural communities affected by the drought. That is a significant contribution. Thank you to the school, staff, parents and everyone from Wenona who contributed to a fantastic fundraiser.

### **MURIEL AND JOHN FENWICK SEVENTY-FIFTH WEDDING ANNIVERSARY**

**Ms JENNY AITCHISON (Maitland) (23:11):** I acknowledge the remarkable Muriel and John Fenwick from Maitland, who celebrated 75 years of marriage on 13 November. At the start of 1943 John was in Darwin, where he lived through the war-time bombings. He soon left and travelled to Adelaide where he and Muriel met by chance. Life milestones came quickly. They were married mere months later and welcomed their first child, Tony, in 1944. Tony's three siblings, Lorraine, Trevor and Brian, followed soon after, and the family of six lived contentedly in Adelaide before they moved home to East Maitland in 1962, where they built their dream home. Muriel and John both believe that "putting up with each other" is the secret to a happy and long marriage—a valuable lesson for us all. They also say that love, teamwork and an active life have kept them so happy and together for so long. I congratulate them on an amazing love that has truly lasted a lifetime.

### **KIAMA CARERS COTTAGE**

**Mr GARETH WARD (Kiama) (23:12):** On Friday 16 November I was absolutely delighted to officially open the Kiama Carers Cottage, a place for carers to go and get some respite from their very demanding but also very important roles. I thank those who were involved in making the project a reality—Ray Redgrave, Tony Grainger and Jerry Granger-Holcombe on the project committee and Steve Poddy, Richard Longford and David Robson for their contributions, which are much appreciated. I also commend the work of Peter Scifleet, as Lions district governor and Michael Forsyth in his role as the former general manager of Kiama Council. Those people were pivotal in making this project happen.

Furthermore, the Australian Lions Foundation and the Illawarra Community Foundation played an extensive role in providing major supports for the project, with the assistance of A Plus Plastics, P&D Envirotech, CSR and BlueScopeWIN community partners program, alongside the Kiama Matinee Theatre, the New South Wales ClubGRANTS and the New South Wales Government. The cottage is a wonderful initiative of the community. I congratulate them on the initiative, which I am sure will make a great difference.

### **TAMIL CHAMBER OF COMMERCE AND ENTERTAINMENT NIGHT**

**Dr HUGH McDERMOTT (Prospect) (23:13):** The Tamil community plays a significant part in building Western Sydney's strong economy. It was an honour to speak at the Tamil Chamber of Commerce Network and Entertainment Night on 17 November 2018 congratulating so many fantastic businesses and entrepreneurs. This event highlighted businesses and entrepreneurs from all across the Tamil business community, for categories such as business leadership, business ethics, sustainability, innovation, export, small business and contribution to the Tamil Community. I congratulate all of the businesses who were recognised, and thank them all for their contributions, not just to our Western Sydney community but to the whole of New South Wales. I also congratulate the Tamil Chamber of Commerce President Sam Thevasaeyan, and vice-presidents Thiru Arumugam, Anita John, Vindran Vengadasalam, and Lawrence Paulraj on hosting such an outstanding event, and well as everyone else involved in organising and hosting the incredible evening.

### **SOUTH SYDNEY INDIAN ASSOCIATION**

**Mr MARK COURE (Oatley) (23:14):** I acknowledge the South Sydney Indian community. The South Sydney Indian Association is an outstanding local organisation that encourages participation and holds regular activities that bring the community together. The association is particularly strong in advocating for women's health and domestic violence issues, as well as promoting access to services for seniors. It holds regular events and activities along with cooking classes, and of course weekly dance groups. The Minister for Multiculturalism, the Hon. Ray Williams, recently announced funding would support the association's upcoming Diwali celebrations this month.

The Government is proud that the Australian Indian community is growing in New South Wales—particularly in my electorate of Oatley. The South Sydney Indian Association's President, Jagrati Lalchandani, said the organisation was delighted to receive support from the New South Wales Government. The association is run by a group of passionate women, who aim to support South Sydney's Indian community across the St George and Sutherland shire. One of the association's core pillars is to care, celebrate, connect and collaborate with community. The association holds a number of regular community activities that bring its community together. On behalf of both sides of this House, I thank the South Sydney Indian Association.

### **BUSINESS ACTIVATORS WORKSHOPS**

**Ms JENNY AITCHISON (Maitland) (23:15):** I congratulate the efforts and hard work of four Hunter businesswomen in their recent endeavour to collaborate to help small business owners in regional New South Wales through the Business Activators workshops. For many years Sarah Jane Dunford, Amanda Gascoigne, Holly Martin and Stacey Kelly have all been proactive members of the Hunter business community. I have personally encountered the committed efforts of these women locally within the Maitland community and across the wider Hunter in a variety of issues and initiatives.

This latest brainchild takes workshops and expertise, which usually is reserved for large metropolitan areas and often is inaccessible to small town businesses, on the road to deliver much-needed expertise and assistance in understanding and growing small businesses. It is truly wonderful to see these women collaborating in such a way as to ultimately deliver more comprehensive and much-needed mentoring and assistance to small businesses throughout regional New South Wales that for so long under the Berejiklian-Barilaro Government have been neglected. Well done ladies. I look forward to watching your success with great interest.

### **LIVERPOOL CITY POLICE AREA COMMAND**

**Ms MELANIE GIBBONS (Holsworthy) (23:16):** I congratulate the Liverpool City Police Area Command on its hard work in looking after our community. On Monday 19 November the Liverpool Highway Patrol detected a vehicle allegedly being driven at 115 kilometres an hour in a 40-kilometre-an-hour school zone at 8.35 in the morning. I can only imagine how many young children would have been around at 8.35 in the morning. I thank the Liverpool Highway Patrol for carrying out its speed enforcement duties, spotting that car and ensuring that our community will be safe from that driver from now on. The driver has had his licence confiscated and his vehicle registration cancelled. I know that he will soon be attending court in relation to this offence. I thank Adam Whyte, who is the Commander of the Liverpool City Police Area Command, for his hard work. I also thank his officers.

### **MAITLAND CITY PIPES AND DRUMS LIFE MEMBER JOHN DUNCAN**

**Ms JENNY AITCHISON (Maitland) (23:17):** "Nature's Gentleman" is how the Maitland City Pipes and Drums members describe John Duncan who, after 25 years, has called it a day. John was awarded life membership with the corps at the recent Maitland Tattoo held at the Town Hall earlier this year and recognised for his service. He received his uniform on 28 October 1994 and assumed the position of tenor drum—a role he

fulfilled in the 1998 Australian Pipe Band Championships. He then stepped in to fill the role of mace and realised his full potential—to play to the crowd!

John has always taken great pride in his involvement with the group, and has been a source of joy and strength for its members. He has served in a number of administrative roles, but his main job has been keeping everyone happy with his amazing stories, his fondness of tartan and his happy nature. John is fondly known for becoming a little bit distracted when waving to the crowd and often has ventured as far away as 30 metres. I have even heard that he wandered off the floor at his farewell—only to realise the band was still playing, and he had to hurry back. I am sure John will be missed by the band and the community. Good on you, John Duncan.

#### **TERRIGAL ELECTORATE FANTASEA FERRY SERVICE**

**Mr ADAM CROUCH (Terrigal) (23:18):** Yesterday I was thrilled to join my parliamentary colleagues at Wagstaffe wharf for the first morning of the Fantasea cruising ferry services between Wagstaffe, Ettalong and Palm Beach, which follows the end of the third round of emergency dredging, which resulted in 25,000 cubic metres of sand being removed. The channel is now 30 metres wide and 2½ metres deep. It is able to be used by all recreation and commercial vessels.

Since the ferry services stopped, it has been a priority of mine to ensure it could recommence as quickly as possible. It is particularly important for my constituents in Wagstaffe, Killcare and surrounding suburbs, who had to travel to Patonga to continue using this ferry service. We have also secured the long-term future of this local waterway by providing \$1.225 million to the Central Coast Council to implement a long-term maintenance dredging plan. Despite Labor trying to stand in the way of progress, this Government is committed to putting the community, and the safety of the community, first.

#### **AUSTRALIAN HISTORY COMPETITION WINNER FINN SLATTERY-O'BRIEN**

**Ms JENNY AITCHISON (Maitland) (23:19):** I acknowledge Hunter Valley Grammar School year 7 student Finn Slattery-O'Brien for his extraordinary achievement of being named joint year 7 champion for New South Wales at the Australian History Competition in July. Prepared by the History Teachers' Association and run in conjunction with Giant Classroom, the competition aims to provide a challenging competition for students in the field of history. The competition requires students to sit an exam broadly based on the Australian curriculum of history for both years 7 and 8 schooling, and includes a variety of questions addressing knowledge, skills and understanding of the material. Approximately 23,000 students across the country sat the test this year. I congratulate Finn on participating in the competition and representing his school and broader community in this academic field. It is wonderful to see Maitland students competing and achieving such great results at a State and national level. I congratulate Finn on his achievement and encourage him to keep up the great work.

#### **ARMIDALE AND REGION ABORIGINAL CULTURAL CENTRE AND KEEPING PLACE**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (23:20):** I recognise and congratulate board members and members of the Armidale and Region Aboriginal Cultural Centre and Keeping Place and members of the community who gathered last Saturday in Armidale to celebrate the thirtieth anniversary of the opening of the keeping place. It is one of only 12 keeping places established in New South Wales and is one of very few that is still operating today. I acknowledge the Director of the Armidale and Region Aboriginal Cultural Centre and Keeping Place, Dr Daisy William, Chair of the Board of Custodians Dr Rose Lovelock and all members of the board both past and present who have made an enormous contribution to keeping the cultural centre and keeping place going as a repository for wonderful Aboriginal cultural artefacts from around the region and State. I acknowledge Thelma McCarthy, who was chair of the board that opened the facility back in 1988. She was there on the day looking bright as a button. It was wonderful to have her as part of the celebrations. I congratulate all involved on keeping that important part of our culture and heritage alive.

#### **CALLEBAUT SYDNEY ROYAL CHOCOLATE SHOW CHAMPION RACHAEL KING**

**Ms JENNY AITCHISON (Maitland) (23:21):** I speak on a delicious note to acknowledge the sweet achievement of Lorn resident and chocolatier Rachael King, owner and creator at Myrtle and Pepper Chocolate. For the second year in a row, Rachael has been awarded the coveted Callebaut Sydney Royal Chocolate Show Champion Chocolate Perennial Trophy. Rachael has been keeping the sweet tooth of the Maitland electorate satisfied with her delicious offerings and is a highlight of our annual Aroma festival, where the finest chocolate and coffee in the area are on offer over one special weekend.

I am not surprised that her native inspired and hand-painted chocolates outclassed more than 120 other entries to win the grand prize once again. Not only are her offerings delicious, they are also a visual delight. Not satisfied with the main award, Rachael also took out a gold award for her lemon myrtle and pink salt bar, and

bronze for her whiskey and soda inspired chocolate. Her prize for being crowned champion is a return flight to complete a chocolate course at the Callebaut Institute in either Belgium or Chicago. I congratulate Rachael on her continued success and eagerly anticipate sampling the spoils of her overseas learnings.

#### **PICTON RURAL FIRE BRIGADE**

**Mr JAI ROWELL (Wollondilly) (23:22):** I am proud to recognise three local firefighters who have been part of the volunteer efforts to get farmers in the State's central west back on their feet after devastating bushfires earlier in the year. Andrew Hain, Mark Davis and Jamie Smith are all members of the Picton Rural Fire Brigade who pitched in on 12 and 13 March at Cassilis as part of BlazeAid, which helps families and residents in the wake of natural disasters. Their volunteer work included the vital task of rebuilding fences that had been destroyed, which enabled farmers to contain their stock or get new stock in and get on with farming. All three firefighters are keen to return to Cassilis to continue to help the community. They have seen firsthand the devastation and how difficult it is to recover from such destructive circumstances. From a grateful community, I thank the three men.

#### *Private Members' Statements*

#### **CENTRAL COAST MARINE PARK**

**Mr DAVID MEHAN (The Entrance) (23:23):** On 16 August, in response to a question from the member for Coogee, the Premier announced that the Liberal-Nationals Government would create a marine park stretching from Wollongong to Newcastle. The Premier noted at the time that the member for Coogee could not wipe the smile from his face. Just over a month later, on 17 September, the Ministry for Primary Industries announced that the centrepiece of the marine park proposal, fishing restrictions in 25 sanctuary zones within the proposed park, was now off the table.

As seven of the proposed lockout zones were located on the Central Coast and two were located in waters adjacent to The Entrance electorate, I wanted to outline my concerns about the proposal. Fishing, both commercial and recreational, is an important part of the economy of the Central Coast. Recreational fishing is central to the tourist economy of The Entrance township, which remains an affordable coastal tourist destination for thousands of people from Western Sydney, especially over the summer months.

All Central Coast members of Parliament were invited to a public meeting organised in response to the proposal by a variety of fishing groups. The meeting was held on 23 August at the Breakers Country Club in the Terrigal electorate. It was agreed amongst my Labor colleagues on the coast that I would attend on their behalf. Also in attendance was the Labor candidate for Terrigal, Jeff Sundstrom. The member for Terrigal did not attend, which was surprising, because he found time that day to speak to the local television media about the proposal. In the piece that aired that night he referred to the proposal as "a great opportunity for the Central Coast". He also welcomed the proposal in an article posted by *Central Coast Newspapers* dated 30 August. If he had attended he would have heard my initial concerns about the Government's proposal, which were influenced by the impact I could see the large number of sanctuary zones being located on the Central Coast would have on commercial fishers in the area.

These commercial fisherman have just gone through the Commercial Fisheries Business Adjustment Program. The program required them to buy a share of the coastal fishery in our area, which they were told would result in a sustainable fishery but which they were now being told they would be locked out of part of under the Government's marine park proposal. The Government's proposal will have a huge social and economic impact on my electorate. Importantly, the proposal as outlined in the Government's discussion paper is poorly argued. It outlines 32 threats to the marine environment. Threat number one is urban stormwater discharge. Recreational and commercial fishing are way down the list at 18 and 22 respectively. The discussion paper contains no proposal to address threat number one. Its centrepiece, as I said, was fishing lockouts at the sanctuary zones outlined earlier. On 13 September I attended a second public meeting, at Davistown RSL. The member for Gosford attended with me. After consulting with my colleagues, at that meeting I outlined Labor's policy on the Central Coast. I said:

There will be no marine park on the Central Coast under a Labor government.

At the meeting the member for Terrigal stated his personal opposition but then blamed the whole marine park proposal on the Marine Estate Management Authority, a body established under this Government's legislation. What a hide he has. He had nothing to say about the main threat to our local marine environment, urban stormwater discharge. There is nothing in the proposal to address that threat in our region, even though two of the most polluted beaches in the State—Terrigal and Avoca—are in his electorate. There is a better way to address this issue. Threat number one, urban runoff, needs to be addressed. We also need to work to achieve agreement at a regional level on the other risks. The fishing industry has done this recently with the bag limits imposed on

mulloway. We then need to resource the enforcement of the existing rules. The Premier has criticised this side of the House. She said:

When they promised a marine park they did so by drawing a few lines on the map. They never did the science. They spoke a lot about using the environment, but did not deliver anything.

The marine parks Labor delivered still exist. The member for Coogee has not smiled since 16 September. We will see how much of this Government's proposal exists when this process has run its course. On the Central Coast Labor has made its position clear. The Government, through its spokesman the member for Terrigal, has not.

#### **NORTH SHORE ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS**

**Ms FELICITY WILSON (North Shore) (23:28):** I acknowledge 14 exceptional groups that go above and beyond to serve the community in my North Shore electorate and have in turn been acknowledged through the 2018 Community Building Partnership program. None of the organisations I speak about today would have the funding without the support of the Berejiklian Government. These organisations are driven by extraordinary people who often volunteer their time in various capacities and roles, each being immensely important to our community and those who rely on their services. These organisations work in areas representing important parts of our community: faith and companionship, charity, compassion, sport and teamwork, and learning and knowledge. Despite being a wide variety of groups, they all have one thing in common—that is, they bring together the community of North Shore.

These clubs, churches, charities, councils and schools have been recognised with funding under the latest release of the Berejiklian Government's Community Building Partnership program. I have been closely involved in some of these organisations during my time as the member for North Shore. I note that the funding will enable the organisations to undertake projects that will benefit the broader electorate of North Shore. The North Sydney Community Centre has received more than \$3,600 for a new cubby house for Community Centre Adventure Playground. I met with Jo Goodwin recently acknowledging the work of the community centre.

Mosman Rugby Club received funding for an outdoor permanent barbecue facility at Rawson Park. The facility will be used not only by the rugby club but also for local sporting clubs and schools to access for training and game days. I acknowledge club president Michael Flude for the support of the club in particular for the Sydney Breast Cancer Foundation. One investment at Scots Kirk Mosman is \$23,500 for disability ramp access. A concrete ramp will replace steps at the western side of the church. Another grant is for a playground for toddlers, including soft fall with artificial grass and a safety fence. I acknowledge the minister and chairman of committee of management, Brett Graham.

One of my wonderful local public schools is Middle Harbour Public School, whose P&C has received funding of \$30,000 for a landscape for learning, a designed bushland corridor and planting to create outdoor seating and passive play areas for flexible learning. It will improve the streetscape and safety of children with a high fence. Congratulations must go to Sally Hogan, Carole Jaye and Alexandra Fentoulis. I have had the opportunity of spending time at Middle Harbour Public School and I thank them for putting forward this funding request.

Many members will have visited the Balmoral Wishing Well historical site, which was installed to raise money for the Melanoma Institute. The Rotary Club of Mosman has done an outstanding job in the daily maintenance of the site, displaying the weather and tides as a public service while raising funds for the Melanoma Institute. The \$9,000 grant is to support the erection of a sandstone garden around the existing wishing well, with upgrade to signage of names to ensure Mosman Rotary is recognised. I thank Peter Young for his ongoing work on the site. The Government has contributed \$50,000 to the Sydney Flying Squadron for an elevator installation and bathroom facility. One of the club's goals is to be accessible for people with disability and provide convenient access from the ground floor to the first floor. I acknowledge Peter and Adrienne Jackson, Commodore Bill Loader and Veronika Lindnerova for their application.

North Sydney Demonstration School P&C received \$80,000 for the purchase of new outdoor play equipment and a soft fall area following an application from P&C president David Bond. North Sydney Boys High School P&C received almost \$35,000 funding for a wellbeing sensory garden thanks to an application from Roslyn Grant. A couple of North Shore churches have benefitted from funding grants. St Thomas Anglican Church received \$30,000 for rectification of sandstone walls bordering Church Street. Catholic Parish of St Mary North Sydney Lavender Bay received \$12,000 for digital signage at the front of the parish. St Augustine's Anglican Church Neutral Bay received \$12,500 for solar panel installation, with St Clement's Anglican Church Mosman receiving \$10,000 for a similar installation.

**Mr GARETH WARD (Kiama) (23:33):** On behalf of the Government I thank the member for North Shore for bringing to the attention of the House a number of very important projects in her local community.



I commend the member on being such a fabulous and hardworking local member. She addressed a number of issues, particularly grants for schools. As the Parliamentary Secretary for Education, I was impressed to hear that the member is backing in P&Cs in her local community. I have no doubt that her hard work and her constant effort resulted in her recent preselection as the Liberal candidate. I congratulate her on the preselection; I am absolutely delighted. I know the member will work incredibly hard for many years to come on behalf of the Liberal Party and North Shore residents. She is a strong advocate and the people of North Shore are lucky to have someone who has been as effective in the short time she has been a local member of Parliament. I congratulate her on all the work she is doing for the North Shore today, tomorrow and, I am sure, for many years to come.

### COOTAMUNDRA ELECTORATE INFRASTRUCTURE

**Ms STEPH COOKE (Cootamundra) (23:34):** Soon I will celebrate an upcoming milestone. Since coming to office on 14 October 2017 I have clocked up almost 100,000 kilometres on the road. In this role I have been lucky enough to fight for, and witness, 402 days of investment in the people of the Cootamundra electorate. Not all these battles have been pretty, but government is not all about cheques and smiles; it is about getting in and backing one's community to deliver. By now most members will know that I am not afraid to get my hands dirty. In the by-election campaign, I stood firm in my support for police re-engineering and its benefits for regional New South Wales. As a direct result of re-engineering, we have new Rural Crime Investigation team members including a detective sergeant and an intelligence analyst. Officers in charge have been returned to our smaller towns and villages and we are witnessing, in real time, more police patrolling our roads and streets.

In August in Cowra we saw our police strike due to under-resourcing. I am proud to say I stood beside the Police Association members, working to deliver an extra four probationary constables to service Cowra and the surrounding small communities of Woodstock and Gooloogong. Today we announced an extra 1,500 police for New South Wales and the Commissioner of Police is currently assessing the allocation of these resources. My support for re-engineering has not wavered—our communities are feeling the benefits. When I came to office closure of the Temora Hospital operating theatre was imminent but thanks to a lot of hard work behind the scenes, and supported by this passionate community, we were able to prevent that closure. In August I had the pleasure of opening the brand new \$2.3 million operating theatre.

Across the electorate we have new ambulance stations planned and funded for Cootamundra, Grenfell and Cowra following builds at Harden, Ardlethan and Coolamon which will open later this month. We also have a new hospital for Harden which is currently at the tender stage. In June a forum for service providers and individuals impacted by suicide was held in Cootamundra. The results and feedback of the forum were fed directly into the recently published Strategic Framework for Suicide Prevention in NSW. The small and oftentimes isolated communities that make up the Cootamundra electorate tragically bear a disproportionate weight of suicides across the State. In 2016 the Murrumbidgee Local Health District had the second highest suicide rate in New South Wales. To compound that tragedy, a number of these suicides involved young people. I am encouraged by the commitment of our leader John Barilaro to regional youth strategies and I welcome consultation in Grenfell to discuss how to tackle this problem.

When I came to office I inherited two amalgamated councils, Hilltops and Cootamundra-Gundagai. I also inherited a discrepancy in their funding. There is no mincing words—our country councils were disadvantaged. In August I delivered the \$1.9 million costed gap for Cootamundra-Gundagai and the \$2.67 million gap for Hilltops, as well as \$7 million additional funding for community infrastructure in these two new local government areas. I cannot understate the impact that fixing the pavilion at a showground, or installing change rooms at the local footy ground makes. This win was momentous for these communities.

In education, the State Government and Hilltops Council have joined forces to plan and deliver an exceptional whole-of-community library for the Hilltops community. All of the 63 schools within my electorate will receive air-conditioning in their classrooms and libraries and our Resource Allocation Model funding has increased annually by \$1 million with \$17 million flowing to our students in 2019. We have enabled a mobile preschool service for Holmwood to open, funded the vital expansion of Gundagai Preschool Kindergarten and negotiated behind the scenes to ensure that Junee's Out of School Hours care service stays operating in this fantastic community.

Last month in this House I spoke extensively about roads and rail, some highlights of which include \$60 million for the Junee to Griffith line upgrade and \$7 million for the Lignum Creek Bridge. We are near the end of time today but there is still so much to say. It has been a big year for me and for "Team Cootamundra", based in Young and Junee. The team tirelessly supports our people, whether it is helping an individual appeal an unfair government fine or fighting for the reopening of hundreds of kilometres of closed railway lines. It is safe to say, "There is still a lot to do, but we are making ground."

### M4 EAST TUNNEL

**Ms JODI McKAY (Strathfield) (23:39):** I speak on behalf of residents in Homebush, North Strathfield and Concord who have had their lives turned upside down by the construction of the M4 East tunnel as part of the WestConnex project. For the past three years the construction of this tunnel has occurred beside and underneath their homes. They have put up not only with constant noise and dust but also with their streets being overtaken by workers' trucks and being kept awake by 24-hour work shifts. But most concerning is that homes have also been damaged inside and out by the tunnel's construction. It is this matter that I bring to the attention of the House tonight.

The M4 East tunnel is a Government project managed by the Sydney Motorway Corporation, which has contracted the joint venture of John Holland, Leighton Contractors and Samsung C and T for the construction works. Somewhere in that complex mix of responsibility are Roads and Maritime Services, the Minister for WestConnex and the Minister for Roads. One would think that with such a large and expensive project as WestConnex—which at \$17 billion is the largest infrastructure project in the State's history—residents could at least be assured that if their house was damaged there would be a fair, independent and transparent process to seek rectification.

But for residents in my area the property assessment process is not just flawed; it is actively working against them. In a clear conflict of interest, the joint venture of John Holland, Leighton Contractors and Samsung C and T is assessing the damage claims. This means that those companies that created the damage are assessing the damage and deciding whether they will pay for rectification of the damage. How on earth is that acceptable? There is no independence or transparency and no review mechanism for residents in my area if their claim is denied. Residents have no confidence in the process and nor do I. It is a shockingly conflicted process that the Government is aware of but has done nothing to fix. To date, not one resident's claim has been accepted despite obvious cracks in walls and damage to homes.

On Saturday I hosted a community forum attended by more than 100 residents from north Strathfield, Homebush and Concord. They came to hear from representatives of the M4 East project. To be fair, the Sydney Motorway Corporation has always attended my community meetings, and I am grateful for that. It has never refused my requests. However, I now believe its response is only lip service. Unsurprisingly, representatives from the joint venture did not attend and face residents of my electorate, even though they are critical to this whole dreadfully conflicted process. If they had attended they would have heard countless stories and experiences from residents and they would have received a clear message that residents are furious with the way they have been treated. I am proud of my community for taking a stand and saying, "We have a right to defend our homes."

I am not making judgements in a case-by-case manner on each house but it is self-evident that an independent process is needed. This process is already in place on the M4-M5 Link construction. An independent property impact assessment panel is responsible for overseeing property damage disputes. The panel was included as a consent condition of the M4-M5 Link, yet it has not been included for the M4 East tunnel. How is that fair? The Minister for WestConnex must implement the same assessment process for residents impacted by the M4 East tunnel construction.

It is true that all large projects have a cost—not only a monetary cost but also a social cost. Surely the Government learned this lesson with the compulsory acquisition process which it finally changed after many months of Labor highlighting the terrible way in which residents were being treated. I urge the Sydney Motorway Corporation and the joint venture to reflect on the social cost on these residents who continue to experience high levels of stress, anger and uncertainty. The residents are fed up with their treatment and they are tired of lip service and, frankly, so am I.

If the Minister for WestConnex and the Minister for Roads have a shred of respect for residents living close to the M4 East construction they will direct the Sydney Motorway Corporation and the joint venture partners to establish an assessment process that is impartial, independent and, most of all, fair. I thank those residents who attended the community meeting for their patience during the construction of the tunnel. If the Minister for WestConnex and the roads Minister have a shred of respect for residents living close to the M4 East construction, they will direct the Sydney Motorway Corporation and the joint venture partners to establish an assessment process that is impartial, independent and, most of all, fair. I thank those residents who attended the community meeting. I thank them also for their patience during the construction of the tunnel.

### CORONIAL AUTOPSIES

#### KOORINGAL HIGH SCHOOL ASBESTOS REMOVAL

**Dr JOE McGIRR (Wagga Wagga) (23:44):** I wish to speak about two issues affecting the people of my electorate: coronial autopsy delays and potential asbestos exposure at Koorimal High School. In August 2017

Sam Hardwick, from Adelong, died suddenly and tragically two days before his eighteenth birthday. Because of the circumstances, a coronial autopsy was required. His parents, Matthew Hardwick and Gina Caton, were told that the body would be transported to Newcastle and would not be returned for three to four weeks. Gina and Matthew, in their words, took legal action and contacted every member of Parliament they could think of so that the body could be returned sooner. In their case, this was done. However they believe strongly that no family should have to endure the uncertainty and distress they faced.

Coronial autopsies for people from rural New South Wales are conducted in Newcastle. It can be up to three weeks or more before the body that is sent away is returned to grieving loved ones. The deaths are sudden and tragic and delays are distressing, and not only families but entire communities are affected. Just last week, a Wagga Wagga family was advised of a possible delay of up to three weeks. While I personally have followed this up and believe it has been addressed, I cannot emphasise enough how distressing it is that this sort of intervention is needed. For country people it is an issue that symbolises the divide from the city.

I acknowledge the advocacy of other members of parliament on this issue but it remains unaddressed. I also note that previous statements on this matter have emphasised the need to train additional specialist pathologists. Given the length of the training program and the workforce shortages that currently exist, this is a long-term solution. I have met with NSW Pathology and the health Minister's office to push for a solution to this problem. I believe there are actions that can be taken now to improve the situation, and I note them as follows.

There must be early and regular communication with those affected outlining the times involved at each stage of the process. Triage and processing must ensure that bodies are transported only when necessary and must give priority to rural patients to ensure there are no unwarranted delays. The transport of the bodies must be prompt. There should be sufficient staff so that autopsies are done as soon as practicable. Finally, I believe that a system of regional coronial medical officers, supported by specialists in Newcastle, could be established in the medium term to further assist in managing the issue. I urge the Government to focus on this and to take whatever steps necessary to reduce the suffering of rural families, which is great enough in these circumstances without the indignity that delays in coronial autopsy inflict.

I turn now to asbestos at Koorringal High School. I have been approached by staff, students and parents from Koorringal High School who have expressed concern over what they believe to have been potential exposure to asbestos. It follows building works at the site earlier this year. I have been told by the office of the Minister for Education that the health, safety and wellbeing of the school community have been given the highest priority, which I applaud, and that asbestos is currently contained, with further recommendations from SafeWork NSW being actioned. However, I am not reassured that asbestos has always been contained. The concerns expressed to me can be summarised in an email I have received from a student, which states:

I, along with many other students have witnessed work done on asbestos areas without adequate protection, consisting solely of a cloth mouth guard on numerous occasions. I have been informed that teachers have only been given a script of what they are to tell to us, stating that the school is safe, and have not themselves been informed of anything. Not once has the school been evacuated due to asbestos, whilst we have had major science and office renovations during school hours, over the last year and a half. These renovations were supposed to occur solely during school breaks, however this did not occur. I have heard consistently that our school is "safe", however new areas are always being blocked off after they are deemed to be ridden with exposed asbestos, which is not being properly concealed. Some cracks have been sealed with black tape. I, along with everyone in my school, are desperately asking for this threat to our safety to be removed.

According to the Minister's office, the asbestos materials are to be removed in strict accordance with legislation in December. But I have reports from parents saying that they were told it would be removed last holidays, and it was not. I am concerned it might be delayed again. In the meantime, I wonder if duct tape covering exposed fibres is considered appropriate containment. The communication that residents in my electorate have received thus far has not been enough to reassure them or me.

**Mr GARETH WARD (Kiama) (23:49):** As the Parliamentary Secretary for Education, I thank the member for Wagga Wagga for bringing to the attention of the House both matters he has raised. I specifically address the second matter and give him an undertaking that I will speak with the office of the Minister for Education tomorrow in order to do all we can to address his concerns. I certainly hope in all of our schools that we would be complying with legislation regarding the management of asbestos. We certainly put the safety and security of our students, teachers and staff at the top of the list of priorities. I appreciate that he is doing what any good local member should do and that is raise these concerns in the House. I will endeavour to take up the matter with the Minister and I will respond to the member personally tomorrow.

#### PATIENT CARE

**Ms JENNY AITCHISON (Maitland) (23:50):** Recently I met with Mr Josef Krausert-O'Connor who had just lost his grandmother, Elizabeth O'Kane. I am absolutely appalled by what has happened to his family and

as a mark of respect for them and their suffering I would like to read Josef's letter into *Hansard* tonight. No-one should have to go through what they have gone through. He states:

My Grandmother, Elizabeth O'Kane, passed away peacefully and cared for by her family at our family home in Rutherford NSW on the evening of the 6th November 2018, having been diagnosed with a terminal illness in April. While her passing has brought great sadness to our family, our sadness has now turned to anger as we are left questioning why a beloved family member's Verification of Death was issued in a car park—in a funeral director's van—for the public to see.

Twelve hours after Nan's passing, my mother (Anna Krausert) and I attended the Medical Centre that treated Nan in her final months and were left distressed with the advice that no other General Practitioner at the Medical Practice, less than 5 minutes and 5 kilometres away, would attend our house to verify her death, despite having made arrangements with her General Practitioner who was away until Friday 9th November 2018.

The only alternative that was offered to us by the Centre staff was to organise to have her body transported to the Medical Centre, so another General Practitioner could perform the clinical procedure for verifying death. Furiously, we conceded, despite the unsympathetic and unprofessional misinformation provided by the Medical Practice and had her transported to the Medical Practice, as if she meant nothing to them.

In addition to having to bow to such a heartless and barbaric request, the first General Practitioner had claimed to have found a heartbeat, requiring a second General Practitioner to verify her death. This experience took place in public, only metres from a public skate park, supermarket and busy highway, for the general public to witness for approximately one hour. We were not afforded the chance to have Nan verified in a room in the practice; instead, Medical staff deemed that she was only worth verifying in the back of a funeral director's panel van.

While the above story is distressing and abhorrent in nature, our family has been contacted by Funeral Directors, Registered Nurses and other families within the local community, who have given their condolences and testimony to similar, if not the same circumstances regarding their loved ones, in the death industry. Funeral Services are allegedly being exploited, as if they were a taxi service for the deceased, to transport the deceased to be issued a Verification of Death. Registered Nurses, in conjunction with Palliative Care and Paramedics are allegedly not empowered to issue a Verification of Death, despite the NSW Government Ministry of Health Policy Directive—Death—Verification of Death and Medical Certificate of Cause of Death stating their capacity to do so.

I implore all Members of the NSW Parliament, regardless of political affiliation, to show bipartisan support to have these alleged practices investigated by all relevant agents and address the social and professional behaviours and attitudes of our most trusted medical professionals with regards to those who have deceased. Our deceased loved ones deserve the right to dignified treatment, even after death.

My grandmother's story and the events that took place will now be on record. With this Private Member's Statement, I bring to the attention of the Honourable the Speaker and Members of the Legislative Assembly of New South Wales, how the health system, particularly the protocol regarding the NSW Government Ministry of Health Policy Directive—Death—Verification of Death and Medical Certificate of Cause of Death, has failed my family in giving Nan the dignity of dying at home. I hope this statement will ensure the practices undertaken regarding the verification of death be investigated, the policy directive from NSW Ministry of Health unequivocally understood across the death industry and suitable protocols implemented so that this experience will not be endured by another family again. I implore the Honourable the Speaker and members of the Legislative Assembly of New South Wales, to take action as soon as practicable.

I hope the Government and the Minister for Health take serious notice of what has happened. That is the most shocking, abhorrent and disgraceful story I have ever heard. This woman was in palliative care, and this was what she had to go through. Her family had been dealing with this since April. Not being given enough information about other available options in the event of the failure of the general practitioner to service patient needs is an absolute disgrace. It beggars belief.

### KIAMA ELECTORATE

**Mr GARETH WARD (Kiama) (23:55):** I am a proud product of our local community, having grown up, lived and worked in our region my entire life. From being part of a local small business family to attending local schools and the local university, through to serving on our local council, my journey to this Parliament has always been about the pursuit of local outcomes. My focus has always been to work hard to realise the potential of our region and to support and care for local people. When I arrived in this place almost eight years ago, the Princes Highway looked very different to the way it does today. For years we were promised investments and upgrades. There were meetings, there were glossy brochures, there were promises made and promises broken. Today, the Princes Highway through my electorate looks a lot different than it did eight years ago.

The Gerringong upgrade has been delivered with much safer access to Gerringong. It divided the highway through a notorious stretch that took too many lives, particularly young lives. The \$340 million upgrade was completed in 2015 and has improved travel times and safety for motorists in our community. The community walk over the Omega Bridge is something I will long remember. I will never forget the day we officially opened the bridge, when local identities Murray and Robyn Alcock drove me across it in one of their classic vintage cars. The Berry bypass is something that people have talked about since 1955. For more than half a century, governments made excuses as to why this project could not be done. When I announced this commitment, the cynics emerged, saying, "I'll never see it." The less cynical said, "I'll never drive it." Today, this bypass has been delivered and given Berry its village back. I have no doubt that the changes through Foxground in particular have

saved countless lives and prevented numerous accidents. This upgrade not only saves motorists time and money but makes this section of the Princes Highway an incredibly attractive drive.

The \$62 million upgrade at South Nowra is working well. I look forward to continuing to campaign alongside my friend and parliamentary colleague Shelley Hancock on the upgrade to the intersection at Jervis Bay Road. The Berry to Bomaderry Princes Highway upgrade is well under construction. Many did not believe the Government could secure this commitment, but in the most recent State budget \$450 million was nailed down to get on with this job. Once the Berry to Bomaderry upgrade is complete, I will have secured the duplication of the Princes Highway throughout my entire electorate. The Albion Park Rail bypass project, costing \$630 million, will bypass six sets of traffic lights and reduce congestion at one of the worst pinch points on the Princes Highway. Sadly, the Opposition voted against this project. It wanted the money to go to projects in Sydney, not our community. Its 10-year infrastructure plan for the State did not mention the Illawarra once. Labor would have wanted another 10 years to go by before any action took place on the Princes Highway at Albion Park. Let me make it clear that getting things done for our community will always be my focus.

In a few weeks' time, I look forward to turning the first sod on the \$251 million upgrade of Shellharbour Hospital. This upgrade will see a major injection into local health services and will deliver more doctors, more nurses and more staff. When one compares this to Labor's commitment of a mere \$30 million—just 12 per cent of the Government's commitment—I am sure members will understand how important it is to me to fight for local health improvements. This commitment was underscored by the recent announcement, made with my friend the member for South Coast and the Premier, that the Government will commit \$434 million to upgrade Shoalhaven District Memorial Hospital. That is in addition to a host of extra services at Shoalhaven hospital, such as cancer services, aged care, suicide prevention, mental health and the emergency department. This commitment has come after the tabling of petitions and speeches made in this Chamber, not to mention countless meetings with the local health district, the Minister for Health, local doctors and local health professionals. The scale of these investments has never been seen before. I am proud to have worked hard and represented the interests of our community by playing my part in securing this commitment.

It is fair to say I have not always agreed with my side of politics while I have been in this Chamber. I will be blunt: Whenever the interests of my community are compromised by the actions of this or any other government, it will be the community that sent me to this place with which I will stand. I was proud to stand with my community in fighting off unwanted and unjustified council mergers in my region. I offer sincere thanks to my friend and the former Mayor of Kiama, Councillor Brian Petschler, who was a relentless advocate for the Kiama community. While I will have disagreements with my local councils from time to time, since coming into this place, and even in my inaugural speech, I have advocated for the important role of local government in regional communities, and I will never support mergers that do not enjoy the support of our local community.

Be it standing up and fighting for better environmental outcomes and securing a moratorium on coal seam gas mining in the Sydney water catchment, opposing overdevelopment in our towns and villages, advocating for the needs-based and sector-blind Gonski school education funding reforms, fighting for more carriages for regional rail services, which are hitting the line early next year, or simply using the time of this Parliament to give a voice to people and issues in my community, I am humbled and honoured to have had the enormous privilege of representing the good people of the Kiama electorate. Their trust and confidence is an inspiration for a lifetime. I know I have been as much an advocate for them as they have been my friends and supporters. I thank them.

**The House adjourned, pursuant to standing and sessional orders, at 00:02  
until Wednesday 21 November at 10:00.**