



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Thursday, 22 November 2018**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE ASSEMBLY

**Thursday, 22 November 2018**

**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 10:00.

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

## *Bills*

### **CRIMES LEGISLATION AMENDMENT BILL 2018**

#### **Returned**

**The SPEAKER:** I report receipt of a message from the Legislative Council returning the abovementioned bill with amendments. I order that consideration of the Legislative Council's amendments be set down as an order of the day for a later hour.

### **CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT BILL 2018**

### **MENTAL HEALTH (FORENSIC PROVISIONS) AMENDMENT (VICTIMS) BILL 2018**

### **VICTIMS RIGHTS AND SUPPORT AMENDMENT (MOTOR VEHICLES) BILL 2018**

#### **Returned**

**The SPEAKER:** I report receipt of a message from the Legislative Council returning the abovementioned bills without amendment.

## *Documents*

### **AUDITOR-GENERAL**

#### **Reports**

**The CLERK:** In accordance with section 63C of the Public Finance and Audit Act 1983, I announce receipt of the Auditor-General's Financial Audit Report entitled "Justice 2018", dated 22 November 2018, received on 22 November 2018 and authorised to be printed.

## *Visitors*

### **VISITORS**

**The SPEAKER:** I welcome to the public gallery guests from Junee Public School. You have come a long way. [*Notices of motions given.*]

## *Business of the House*

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

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (10:14):** I move:

That standing and sessional orders be suspended at this sitting:

- (1) To permit Government Business to take precedence of General Business until 1.30 p.m.
- (2) To permit, should Government Business conclude before 1.30 p.m., the House to consider General Business Notices of Motions (not being bills) in the remaining time.

Let me make it quite clear that the Government does not wish to curtail the right of members to speak on legislation, especially bills that members feel passionately about. To that end we are seeking this morning to suspend general business notices of motion for bills and complete the last bill before the House. The member for Bankstown provided the House with a lengthy Opposition reply on Tuesday evening, which has required Government business to be substantially delayed. So I think it is only appropriate and fair that we make up the time today in private members' business. That is not to take anything away from the member for Bankstown's impressive achievement—we all doff our caps to her—but the Opposition must understand that actions have consequences and that the logical consequence of delaying Government legislation by six hours is that we use the Opposition's time to complete it. The Greens—whichever faction it is—in the other place have foreshadowed on social media another attempt to filibuster today. So I say clearly to members that we will not seek to gag debate in any way today, but we are willing and able to sit for as long as possible to complete this important bill.

**Mr PAUL LYNCH (Liverpool) (10:16):** The Opposition obviously opposes this nonsense. It is entirely fitting that, on the last day of sitting of this Parliament, we get this sort of antidemocratic gag from the Government. It reveals the melancholy essence of this lazy Government. It has run out of time for Government business. That has happened because for four years—indeed, for eight years—the Government has done almost nothing by way of legislation. The Government does not have a legislative agenda. This Government's legislative agenda could be a proper subject for investigation by the Productivity Commission. The reality is that the Government has, all of a sudden, discovered a few bills that, towards the end of the year, it wishes to introduce. Because of that there is a logjam. Because of that, the Government has run out of time. That is why the Government is taking away private members' day.

The Government is proceeding to have a debate on a reactionary, appalling bill that will do immense damage to the fabric of our community. The Government wishes to debate that rather than having a debate about banning exploitative cash loan machines, having a debate about plastic bags, having a debate about the introduction of the Walama court—which the Labor Opposition supports, which the Attorney supports but which the Premier opposes—or having a debate about the rort from the member for Murray. The member for Murray made a promise during the by-election campaign to do various things about parts of his electorate. He moved a private member's bill at the last minute, but now the Government is not even going to allow him to do that. That is what those opposite are wiping out by getting rid of private members' day. This is a rort, and a classic example of the antidemocratic tendencies of this Government.

### The House divided.

Ayes .....47  
 Noes .....31  
 Majority.....16

#### AYES

Anderson, Mr K  
 Bromhead, Mr S (teller)  
 Constance, Mr A  
 Crouch, Mr A  
 Elliott, Mr D  
 Fraser, Mr A  
 Goward, Ms P  
 Hazzard, Mr B  
 Johnsen, Mr M  
 Marshall, Mr A  
 Pavey, Mrs M  
 Provest, Mr G  
 Sidoti, Mr J  
 Taylor, Mr M  
 Upton, Ms G  
 Williams, Mrs L

Aplin, Mr G  
 Brookes, Mr G  
 Cooke, Ms S  
 Davies, Mrs T  
 Evans, Mr A.W.  
 George, Mr T  
 Griffin, Mr J  
 Henskens, Mr A  
 Kean, Mr M  
 Notley-Smith, Mr B  
 Perrottet, Mr D  
 Roberts, Mr A  
 Speakman, Mr M  
 Toole, Mr P  
 Ward, Mr G  
 Wilson, Ms F

Ayres, Mr S  
 Conolly, Mr K  
 Coure, Mr M  
 Dominello, Mr V  
 Evans, Mr L.J.  
 Gibbons, Ms M (teller)  
 Gulaptis, Mr C  
 Humphries, Mr K  
 Lee, Dr G  
 O'Dea, Mr J  
 Petinos, Ms E  
 Rowell, Mr J  
 Stokes, Mr R  
 Tudehope, Mr D  
 Williams, Mr R

#### NOES

Aitchison, Ms J  
 Barr, Mr C  
 Crakanthorp, Mr T  
 Greenwich, Mr A  
 Haylen, Ms J  
 Kamper, Mr S  
 Lynch, Mr P  
 Mehan, Mr D  
 Park, Mr R  
 Smith, Ms T.F.  
 Zangari, Mr G

Atalla, Mr E (teller)  
 Catley, Ms Y  
 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

Bali, Mr S  
 Chanthivong, Mr A  
 Donato, Mr P  
 Harrison, Ms J  
 Hornery, Ms S  
 Leong, Ms J  
 McGirr, Dr J  
 Minns, Mr C  
 Scully, Mr P  
 Washington, Ms K

## PAIRS

Barilaro, Mr J  
Berejiklian, Ms G  
Grant, Mr T  
Patterson, Mr C

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

**Motion agreed to.**

*Bills***CRIMES LEGISLATION AMENDMENT BILL 2018****Consideration in Detail****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 21 November 2018*No. 1 **CDP No. 1 [C2018-181]**

Page 4, Schedule 1 [3] (proposed section 73A (2) (b)), line 15. Omit "application". Insert instead "immediate application to an appropriate court".

No. 2 **CDP No. 2 [C2018-181]**

Page 4, Schedule 1 [3] (proposed section 73A (3)), line 18. Insert "each of the following to the extent that the police officer has knowledge of those matters" after "had regard to".

No. 3 **CDP No. 3 [C2018-181]**

Page 4, Schedule 1 [3] (proposed section 73A). Insert after line 34:

- (10) Despite subsection (9), the matter is to be listed on a domestic violence list at the appropriate court if it is possible to do so within 28 days after the police variation takes effect, even if the matter could have been listed on an earlier day on another list.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (10:24):** I move:

That the Legislative Council amendments be agreed to.

**Mr PAUL LYNCH (Liverpool) (10:24):** The Opposition supports the amendments.

**The SPEAKER:** The question is that the Legislative Council amendments be agreed to.

**Motion agreed to.**

**Message forwarded to the Legislative Council advising it of the resolution.**

**CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018****NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018****Second Reading Debate**

**Debate resumed from 21 November 2018.**

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (10:24):** In reply: I will address the debate of the cognate Children and Young Persons (Care and Protection) Amendment Bill 2018 and the National Disability Insurance Scheme (Worker Checks) Bill 2018. I acknowledge the member for Bankstown, my ministerial colleague the member for Castle Hill, the member for Wyong, the member for Shellharbour, the member for Maitland, the member for Charlestown, the member for Port Macquarie, the member for Mount Druitt, the member for Fairfield, the member for Blacktown, the member for Cessnock, the member for Newcastle, and the member for Lake Macquarie, who contributed to debate in this Chamber.

I note the absence of some members of the Opposition, including the member for Keira, who has been advocating positively for some of the legislative changes—changes that I understand the member for Bankstown refuses to consider, which, I have to say, says more about her than it does about Opposition members who want the best for vulnerable children and families. I thank the member for Keira for his advocacy for tougher penalties where harm is caused against a child. I am sorry his own shadow Minister has let him down. I acknowledge that the National Disability Insurance Scheme (Worker Checks) Bill 2018 has the support of Opposition members, for which I am grateful. Today I will speak in reply to the lies told in the Legislative Council and in this House on the Children and Young Persons (Care and Protection) Amendment Bill 2018.

Much has been said in the upper House and in this House about the intention behind the care and protection amendment bill. I begin by saying Labor and The Greens are a disgrace for opposing this bill. Five months out from the election, they have engaged in a political stunt. They object to shorter care orders for permanency. They object to adoption. They object to law reform that will improve the lives of vulnerable children and families. They clearly have no real interest in reform and I think they never have: For them, it is just all a stunt.

We are elected to this place to make decisions, and that is what we are doing today. I have listened carefully to the debate in both Houses. Mr Deputy Speaker, I want to share with you what I find most concerning: That there has been little focus from anyone—I repeat: anyone—from the Opposition on consideration of the child and a child's need for safety and certainty. Many grandiose statements have been made about parents and their loss and their needs, but very little has been said about the impact of child abuse and neglect that these children experience—sadly, at the hands of those who say they love them most. It is true that parents may be affected by mental ill-health, drug and alcohol problems, and I could go on; but Opposition members seem to forget that the children who are the subject of this debate are hurt by their parents, despite the love that they have for their children. Their actions cause their children harm.

The statutory responsibility I hold as the Minister is for the child—I repeat: for the child. No other agency in government is tasked with considering first and foremost the child. I thank the member for Lake Macquarie, who recognised that that is the role of the Minister. As the Minister, I am responsible for the lives of vulnerable children. I alone carry that responsibility for this Parliament, for the parents, the community, and the families who cannot. Let me remind the House of the facts: Under this Government over the past two years since 2015-16, the number of children entering into out-of-home care has been reduced by 44 per cent, which includes a 42 per cent reduction in the number of Aboriginal children entering care. That is the largest decrease in the number of children entering out-of-home care in at least a decade. Over the same period, since 2015-16, we are now starting to see a reduction in the total number of children in care, which has decreased by 2.5 per cent.

This Government wants children to remain safely with their families. The figures I have cited show that this Government is delivering on that determination. More than 900 Aboriginal children are living in guardianship arrangements with almost all of those children living with family members or Aboriginal people as per the Aboriginal placement principles, and the family members are receiving guardianship support payments. Over the past five years, there have been 501 adoptions from care. Only 13 of those adoptions were Aboriginal children, and eight of them were adolescents and consented to their own adoption. The Government is not creating another stolen generation. To say so is an outrageous slur. This Government is working hard to keep children at home with their families. Those opposite cannot stand that the Government is leading with policy and legislative reform, working to keep families together and give vulnerable children permanency.

I remind the House that under the former Labor Government, the number of children in out-of-home care tripled from 1996 to 2010. Under Labor's watch the number of children in care increased from almost 5,000 in 1996 to 17,400 in 2010. Over that same period, the number of Aboriginal and Torres Strait Islander children in care quadrupled. That is Labor's record. Under Labor, record numbers of children went into care. Under this Government, large numbers of children are safely staying out of care. I am not going to accuse Labor of creating another stolen generation. It is cheap, and using that language is inappropriate and disrespectful to the families of the stolen generation, who suffered so much and faced so much trauma. The stolen generation involved children being dragged, kicking and screaming, from their mothers, put into homes, abused, turned into domestic servants and unskilled labourers, and left to fend for themselves, never to see their parents again. They were lied to time and again. They were appalling times in our history and they must never be forgotten. But that is not what we are doing here.

There are very vulnerable people listening to the lies and scaremongering of Labor and The Greens. It is reawakening the trauma. The only people the lies serve are those opposite. They do not serve the people we are here to represent, support and protect. It is a political tactic by those opposite to grab cheap media headlines by exploiting the history of some of the most vulnerable people in this State and turning it to fear. They should look at their own record and what they did. They should not comment on legislation and reform that they clearly do not understand, have not read and do not care to read. I will continue speaking about the record of the former Labor Government. Under Labor, caseworkers saw just 12,702 children who were reported as being at risk of significant harm in 2010-11. We have more than doubled that, with 26,196 seen in 2017-18. There is more to do to keep that number rising.

Under Labor, the caseworker vacancy rate ballooned to 13 per cent in 2009-10. No wonder they did not see many children. In the June quarter of this year the casework vacancy rate was 0 per cent across the State. We now have more caseworkers on the ground than ever before. This debate has shown what Labor really stands for. It shows it is opposed to reform. It shows that it believes that statutory force is more desirable than working early to keep families together. Labor stands for children being on long-term orders and the parental responsibility

of the Minister until they are 18, rather than being restored safely to their parents sooner or finding stability with another family through guardianship or open adoption if it is in the child's best interest.

Labor stands for a big foster care system and does not encourage supports to be brought in to help keep families together. Labor has promised to repeal these amendments when it comes to government. It will see a new chapter in Labor's long history of mismanagement and failure of child protection. I have no doubt that we will see a return to the bad old days of removing children first and asking questions later, or just not seeing children at all. That is what Labor did over its 16 years in government. It is little wonder it ended up with a special commission of inquiry. The member for Bankstown and other Labor members have become obsessed with my legacy. I have a message for Labor and The Greens: My legacy will be how this Government has transformed the child protection system over the past 7½ years through permanency, seeing more children, a 44 per cent reduction in the number of new entries into care, record low caseworker vacancies, more caseworkers on the frontline and record child protection funding.

During the debate here and in the other place, Labor and The Greens have lied. Despite the dishonest rhetoric of those opposite, this bill is not about adoption. There is only one amendment to the Adoption Act, which relates to an existing provision. This bill is about ensuring vulnerable children have the certainty of a family, whether it is their birth family, a guardian or an adopted family. It is about imbuing the child protection system with an urgency commensurate with the fleeting nature of childhoods and with a compassion that recognises the deep and human need in each child to belong, to love, to be loved and to have stability. The Opposition members will not listen and learn. They are far too busy playing political games to really care about what they should support in the bill.

Those opposite, including The Greens, are opposed to alternative dispute resolution processes. They say that legal advice must be inserted into alternative dispute resolution processes. Alternative dispute resolution processes help families solve their problems so the family can be kept together without the need for litigation. Is that not what we all want? I remind the House that alternative dispute resolution processes can already be ordered by the court, including a dispute resolution conference. Parties can already be legally represented at dispute resolution conferences. Families can already request legal advice from Legal Aid, community legal centres or Law Access. Why the lies? Why move amendments that are based on lies?

In both the consultation paper and the report back on these reforms, the Government has referred to the use of family group conferencing. This is the preferred model for families as it is a family-led process. Families develop a plan and families implement the plan. Families address child protection risks and families keep their children safe. Does the Opposition understand what that means for poor, vulnerable families? It gives them the power to come up with a solution to their own crisis. Labor believes that the State knows best, but that is wrong. More than 900 family group conferences have taken place over the last three years. The evidence is strong: Children are less likely to enter care and less likely to be reported to FACS if the family has a family group conference. That is the power of the family, the basic social unit of Western society. It is something the left has always feared and fought and wanted to tear down to replace it with the State.

Families report that the process is empowering and that they felt, sometimes for the first time, that they had a voice and control. That is what empowering families is all about. Those opposite might want to think about that, instead of trying to insert themselves and the State into the decision-making of families. We can empower—a very fashionable word on the left—families to do it for themselves. Labor equals big government and big intrusion, which means big contempt for the people they say they serve. Let us move on to the opposition to the provision to allow the court to consider whether restoration is realistic within two years. The member for Bankstown and The Greens referred to this. They are opposed to ensuring that children have a chance at permanency.

It was shocking to hear The Greens members in the other place challenge the opinion of the President of the Children's Court. Despite admitting in debate last week that, "This is not an area of law I have had much involvement with," Mr Shoebridge was surprised by the view of the President of the Children's Court, a man who sees these cases day in and day out. Mr Shoebridge said, "The advice given to the Government is ... plain wrong." I am not a lawyer but I understand the binding effect of case law and precedent. The current Act does not provide the court with the opportunity to give families a decent chance of a realistic possibility of restoration. That is what we seek to rectify. We act in the best interests of the child. In the Supreme Court case of *Campbell* [2011] NSWSC 761, Justice Slattery stated: ... s83(1) makes clear at what time the "realistic possibility" of restoration should be assessed. When the application for rescission or variation of a care order is before the Court, it is at that time the Court must assess "whether there is a realistic possibility" [Emphasis added]. It must not at the time of the rescission or variation application be merely a future possibility. It must at that time be a realistic possibility.

I repeat: It must at that time, the time of the court hearing, be a realistic possibility. For further clarity in the matter, in *Department of Family and Community Services and Nathan* [2018] NSWChC 1, the President said:

What I do wish to emphasise in this judgment is the requirement in the decision of *Slattery J in Re Campbell* that the finding in relation to restoration has to be made as at the day of the hearing, that is today. What may or may not eventuate in the next year or two years is not the point.

In other words, this part of the Act has urgently needed reform to give families a better chance at restoration. That is why it has the support of the President of the Children's Court. I remind the House that the Tune review showed children and young people on average stay in out-of-home care for 12.6 years, and many children experience multiple placements. This Government says that is unacceptable. It is too long. It is a lost childhood. Labor and The Greens' opposition to this bill mean they would rather see children languish in care. I remind those opposite of what Associate Professor Amy Conley-Wright and Professor Judith Cashmore wrote in the *Sydney Morning Herald* on 29 October this year:

Delays in permanent arrangements can result in adverse consequences for children's development. Longitudinal research has demonstrated that the longer children remain in homes inadequately protected from abuse and neglect, the more likely there will be long-term consequences. Harm can be compounded in the out-of-home care system if children experience temporary placements and frequent moves. Children, particularly young children, are likely to become attached to interim carers and can experience further loss if they are moved. It is therefore crucial to place children in caring and stable homes that will become their permanent homes, as soon as possible."

The professors go on to say:

A child who is returned home unsuccessfully and has to come back into care or bounces from one temporary carer to another experiences loss and faces uncertainty. It is critical that decisions are made within the children's timeframe."

Tragically, this is the experience of thousands of vulnerable children in the care system. I want to read the words of a wonderful young woman, Bobby, who has left care and is now 23. I spoke to her a couple of days ago.

After being removed from my family when I was seven years old, it wasn't until I was fifteen that I found a home and family I could call my own. In those eight years, I lived in over sixteen homes. Sixteen different families with sixteen different dynamics and sets of rules to learn and assimilate to. There came a time where being dropped by a stranger's door in front of a home with unfamiliar architecture wasn't scary anymore; it was just the way life was. I felt like I moved so frequently that there was no point unpacking my bag.

I was a really tough kid. I know that I didn't make it easy for foster families to love me. I was angry and overwhelmed by how little control I had in my life. I was dependent on those around me to make good decisions on my behalf, and dependent on them to provide and care for me. And sometimes, they fell short. There'd be days when the things I had experienced were too big for my young brain to wrap around, and I'd explode with the inability to communicate what I needed and what I was feeling. I know this made it really hard for foster parents to want to keep me in their family.

Now that I'm an adult, I can see clearly how a childhood of displacement and uncertainty has affected me. I get scared when I stay in one place for too long, I get itchy feet. I worry people get sick of me, and I overanalyse everything those around me do and say that could indicate whether or not they're deciding I'm worth keeping around. I constantly live with the fear of being a burden again.

Finding my final foster family made all the difference to my life. They provided me with stability, something I hadn't felt before and something that I desperately needed. A broken branch grafted onto a new family tree, I finally felt like I could grow, like I wouldn't be ripped out again. It took a while, but their house eventually felt like a home. There was something profound about walking through their front door after school and feeling like I actually belonged, and feeling like it was my front door too. Stability made all the difference.

It is children and young people like this young woman that this bill is intended to help. I will now turn to the lies told about this bill being a fast track from guardianship to adoption, another lie told to frighten vulnerable people and draw media attention for those opposite. Guardianship and open adoption, as I have said time and again, are permanency options for children who cannot live safely with their parents. The assertion made by those opposite and in the other place that guardianship and open adoption cut family and cultural ties are absolute lies. They show their ignorance of existing law. They show their deep lack of the legislation, the Supreme Court and practice in this area. Labor should know better.

It was in fact Labor in 2000, with the full support of this side of the House, which repealed the Adoption of Children Act 1965 and replaced it with the modern Adoption Act 2000 with appropriate safeguards for Aboriginal children. That Act gives an opportunity to the Supreme Court to dispense with parental consent in certain circumstances. That was Labor's law and we have not changed it. Eighteen years later, Labor and The Greens have suddenly decided it is wrong—another pre-election stunt. This debate has proven one thing: It is evident Labor is now opposed to adoption. It is opposed to permanency for vulnerable children. There are certainly existing safeguards in the current law, in the Care and Protection Act and the Adoption Act.

The Permanent Placement Principles and the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles clearly outline in current law the preferred placement pathway and hierarchy for children and young people. For Aboriginal and Torres Strait Islander children and young people adoption is the last resort for permanent placement. If a child is an Aboriginal or Torres Strait Islander child, section 90 of the Adoption Act requires that the court must not make an adoption order unless the relevant Aboriginal and Torres Strait Islander placement principles have been properly applied. In addition, clause 75 of the Adoption Regulation specifies what must be included in an adoption plan. This includes details of the ways in which the child is to be

assisted to develop a healthy and positive cultural identity and of ways in which links with the child's cultural heritage are to be fostered. The existing safeguards around the adoption of Aboriginal and Torres Strait Islander children and young people remain unchanged.

The Adoption Act currently makes specific provisions that address the needs of Aboriginal children, families and communities and sets out additional legislative requirements specific to the preparation of an adoption application for an Aboriginal child or young person. If the child is placed with a person who is not within an Aboriginal family or community, the adoption plan must provide for the child to have the opportunity to develop an identity with the Aboriginal community to which they belong. In fact, the obligations on an adoptive parent are far greater than those on a foster carer to ensure connection to birth family and culture. Adoption sets the very highest bar for a person wanting to parent a child.

Without a demonstration and willingness to support positive birth family contact and cultural connection, the Supreme Court, not this Parliament, is unlikely to make an adoption order. Similarly, a guardian must be able to demonstrate the same: a willingness to support a positive birth family relationship and connection to culture. In addition, FACS will not support an assessment for guardianship or open adoption where there is resistance to birth family and cultural connection. There is nothing in this bill that changes this. I do not know how Labor can even look the Aboriginal community in the eye over this. As I said, under Labor the number of Aboriginal children and young people in care quadrupled over 16 years, much more than that for non-Aboriginal children. Under this Government, the number of Aboriginal children entering care has reduced by 42 per cent over the last two years.

It is clear that those opposite and The Greens are hell-bent on painting a picture that Aboriginal people do not support this bill. I recognise the Aboriginal perspective on adoption due to the stolen generation and appalling past practices of forced adoptions. I apologised in this very place to those who were forcibly removed through forced adoption practices. Like all members in this place, I do not want this to happen again. Claims that this bill does that are just wrong. I acknowledge some of the support we have received for the bill. Deidre Cheers, chief executive of Barnardos, said: The Amendments to the Children and Young Persons (Care and Protection) Act and the Adoption Act will streamline processes to provide vulnerable children with much-needed permanency as quickly as possible. Children cannot wait for adult time frames for decisions to be made about their future. We welcome these reforms that will introduce child-centred timeframes for children.

Associate Professor Dea Delaney-Thiele said:

This is a positive move to help ensure Aboriginal children and young people are supported in culturally safe environments ...

It will give the extended family the opportunity to be involved in decisions about the care of their children and reduce the number of Aboriginal children and young people being removed into Out-of-Home Care.

Life Without Barriers New South Wales State Director Roderick Best said:

Life Without Barriers welcomes all attempts ... to help children in out-of-home care secure safe and permanent homes. The Bill tabled in Parliament by Minister Goward this week attempts to address some of the big legislative issues currently faced by children in out-of-home care. It is really important to see the emphasis in this Bill on involving families through alternative dispute resolution, as well as removing court processes that impede reaching orders to help a child have a long-term forever home.

I could go on. I have had correspondence from members of the public, including the Aboriginal community, encouraging these reforms. They have said:

First of all Minister Goward, bless you for helping our families on this issue. As a grandmother this is just too important to be silent. The legislation gives parents more time to have their children restored.

Another said:

Minister, as a Father and Grandfather of two I wanted to provide my support to you on these important amendments. The safety, care and protection of our children must be at the heart of our child protection system and so I thank you for these amendments that further embed that principle. Power, authority and responsibilities for decision-making for our children in the system must be restored to families. We are the people who love and care for them. Stand strong and focused and know that there's many more people with this view in our community, but unfortunately remain silent.

I will not name these people, as I know too well why it can sometimes be hard to speak up when the loud voices around you are drowning out your own words, especially when those loud voices ignore the facts. Let there be no doubt: The non-government sector knows its fate if Labor were to return to the Treasury benches. Forget about foster care agencies caring for our most vulnerable children, forget about evidence-based practice to keep families together and out of the statutory care system: Labor is determined to cut the non-government sector out and return to an in-house model with the same poor results it delivered over 16 years. Let us not forget that under Labor not one FACS community service centre was accredited to deliver out-of-home care, despite requiring that of the non-government sector—not one. It is only under this Government that FACS out-of-home care service delivery has to be held to the same standard as the non-government sector.

I have been encouraged and supported to deliver this reform, to stand strong in the face of being accused of doing awful things that there is no evidence to support. In fact, over the course of the debate no member in either place has been able to take one clause of this bill and show why it is wrong. The level of debate, even at a technical level, has been trite and paltry—so much for the barristers and lawyers in the upper House. Contrary to the claims of the member for Bankstown and those opposite, consultation was not with a select few. The discussion paper was released for public consultation. In October 2017 the New South Wales Government sought comments, feedback and ideas on the changes outlined within the Shaping a Better Child Protection System Discussion Paper, and this was done through the New South Wales Government's Have Your Say website. It was widely discussed and widely promoted.

FACS received submissions from a diverse range of stakeholders, and engagement with the discussion paper was strong. More than 100 written submissions were received from a range of non-government agencies, peaks, government agencies, public offices, other sector and industry groups, academics, as well as members of the public. FACS held seven stakeholder workshops across the State in November 2017 targeting key government agencies, regulatory and accountability bodies, legal and civil rights groups, adoption peak bodies and nominated member organisations. Aboriginal peak bodies and key Aboriginal organisations were obviously critical.

I acknowledge Greg Piper, the member for Lake Macquarie, for his considered and thoughtful approach to the debate. I acknowledge his concerns about ongoing consultation and I make a commitment here today to continue to work with the sector, to consult as we move forward to implement these reforms. I will do this first and foremost through the ministerial advisory group, which is a forum I have convened with non-government peaks and providers, which includes AbSec. This is where we can bring the sector together to deliver these reforms and allay the concerns that those opposite have shamefully flamed. I will also ensure that the secretary of FACS requires the executive district directors to work collaboratively with communities to ensure that they are working locally across the State with our many stakeholders, local panels and community members. I will work hard to dispel the fear created by those opposite and allay concerns through action.

Labor says it will repeal this law if it comes to Government. What will it repeal? Will it stop families from having family group conferencing so they can keep their children safe? Will it stop requiring FACS to move with urgency to restore children to their families over 24 months, as they now also require in Victoria and Queensland? Will it condemn Labor State governments for already doing what we are merely seeking to do? Will it shrug its shoulders at the thousands of children drifting through foster care and emerging at 18 years old, so often lost and troubled, into the frightening world of adulthood alone? Will it wash its hands of the intergenerational dysfunction and abuse and continue to blame someone else? Will it close its eyes to the lost lives and lost opportunities for these children?

There is much work ahead to continually improve the child protection system, and this Government will stay focused on reform. We will not play politics with vulnerable people, like Labor and The Greens do. This bill will result in continued demonstrated success and keeping children with families where it is safe to do so. I remind those opposite, who say there is no new investment in child protection, that the 2018-19 budget invests more than \$2 billion to protect and support our most vulnerable children, young people and families. I am advised that the 2018-19 budget allocates \$740 million more for child protection and out-of-home care services than our first budget in 2011-12. That is a 66 per cent increase in our investment in child protection and out-of-home care since we came to government.

I remind the House that, as part of our response to the Tune review, the Government is investing \$90 million over four years for 900 families each year to keep them together through evidence-based models: Multisystemic Therapy for Child Abuse and Neglect, and Functional Family Therapy through Child Welfare. These are internationally tried and tested programs which keep families together safely and out of care. We are providing more money for more caseworkers. This Government is leading social policy reform and, understandably, those opposite cannot stand it. We will continue, despite Labor's lies and political game-playing, to improve the lives of vulnerable children and young people in New South Wales. This bill will do that. This bill will strengthen the ability of children to be supported to stay safely with their families. This bill will mean fewer children will languish in foster care for the best years of their childhood.

This Parliament must be determined to break the intergenerational cycle of poverty that has emerged since the war. This Parliament must be determined to break that cycle by doing what is right, not what is easy. Sometimes it has been true that parliamentarians, such as all of us here, have been overwhelmed by the noisy voices of social media and intimidated by the desperate or the dishonest. But in this case it has been parliamentarians—those opposite, including The Greens—who have led the distortion, the lies and the manipulation of vulnerable people for no purpose other than the cheap thrill of a headline or virtuous public chest beating. That is to their undying shame, and history will judge them darkly for it because they have betrayed the people who need them the most.

I would not want to conclude debate on this important bill without reiterating the importance of permanency for a child and of a family in supporting and nurturing them into adulthood and independence. This bill is vital, the reform that ties our other reforms together, and ensures they are given life for all our children. The bill ensures the Department of Family and Community Services has a strong sense of urgency and focus on the needs of children and the bill ensures families are given every opportunity to play a part in protecting their own children—all powerful changes for good any decent opposition would be happy to endorse.

Finally, to my Liberal and National colleagues, and to Reverend the Hon. Fred Nile, MLC, and the Hon. Paul Green, MLC, of the Christian Democratic Party, who have so fiercely supported not only this bill but my endeavours to reform and improve the child protection system over the past eight years, thank you for your support and encouragement and thank you for your belief that this is the right thing to do. As I am fond of saying, the purpose of government is to make people's lives better, and that includes breaking the cycle of intergenerational abuse and poverty that has become such a sorry feature of Australia over the past 50 years. It is not easy to change practice and culture that has grown up over such a long time, especially when there are tragic legacies that generate distrust in government and fear of further change. In a good, effective democracy it is our responsibility as parliamentarians to listen to all sides of the debate, as we have done. However, ultimately we must decide what is right.

Members need to know that when they vote in this Chamber they have done what is right; that is, what is right for children and right for the people of New South Wales. They need to know that the Government's reforms have always been driven by data, facts and evidence; not by false ethical or moral arguments but by a clear focus on one outcome, which is making the lives of vulnerable children better than they are today. It would have been a lot easier to have caved into the arguments put by the noisy few and pushed off reform into yet another inquiry and ultimately delay helping vulnerable families. How much more comfortable life would have been if we had pushed the real facts off to fight on another day just to keep Labor and The Greens quiet. If we had done that we would not be a Liberal-Nationals Government; we would be Labor-lite. We would have no courage and no ticker, and we could not look these children and families in the eye.

If dependency on the State is in the DNA of the Labor Party then aspiration is in ours—aspiration that every child and person we serve is entitled to be and to want to be the best they can be, to have the same dreams and opportunities as others, to live their lives independently, free of government interference, but supported by government when they need help. That is the great goal of our side of politics; that is, to bring opportunity where there was none and hope where there was none. It is by encouraging ambition that we will break down the class barriers so fulsomely lamented by Labor and The Greens, not envy or despair. That is what this legislation finally brings to the most disadvantaged children in New South Wales: ambition, aspiration, hope, and a safe and loving home for life. I commend the bills to the House.

**Ms TANIA MIHAILUK (Bankstown) (11:02):** I move, pursuant to Standing Order 195:

That the second reading of the cognate bills be put as separate questions.

**Mr David Harris:** That is disgraceful.

**The DEPUTY SPEAKER:** The member for Wyong is disgraceful. I call the member for Wyong to order for the first time. I call the member for Wyong to order for the second time. The question is that the second reading of the cognate bills be put as separate questions.

**The House divided.**

Ayes .....30  
Noes .....44  
Majority..... 14

**AYES**

Aitchison, Ms J	Atalla, Mr E (teller)	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Chanthivong, Mr A	Crakanthorp, Mr T	Dib, Mr J
Greenwich, Mr A	Harris, Mr D	Harrison, Ms J
Haylen, Ms J	Hoening, Mr R	Hornery, Ms S
Kamper, Mr S	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Park, Mr R
Piper, Mr G	Scully, Mr P	Smith, Ms T.F.
Warren, Mr G	Washington, Ms K	Zangari, Mr G

## NOES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Brookes, Mr G	Conolly, Mr K
Constance, Mr A	Cooke, Ms S	Coure, Mr M
Crouch, Mr A	Davies, Mrs T	Donato, Mr P
Elliott, Mr D	Evans, Mr A.W.	Evans, Mr L.J.
Fraser, Mr A	Gibbons, Ms M (teller)	Goward, Ms P
Griffin, Mr J	Gulaptis, Mr C	Hazzard, Mr B
Henskens, Mr A	Humphries, Mr K	Johnsen, Mr M
Lee, Dr G	Marshall, Mr A	McGirr, Dr J
Notley-Smith, Mr B	O'Dea, Mr J	Pavey, Mrs M
Perrottet, Mr D	Petinos, Ms E	Provest, Mr G
Roberts, Mr A	Rowell, Mr J	Sidoti, Mr J
Stokes, Mr R	Taylor, Mr M	Toole, Mr P
Tudehope, Mr D	Upton, Ms G	Ward, Mr G
Williams, Mr R	Williams, Mrs L	

## PAIRS

Cotsis, Ms S	Barilaro, Mr J
Daley, Mr M	Berejiklian, Ms G
Doyle, Ms T	Dominello, Mr V
Finn, Ms J	Grant, Mr T
Foley, Mr L	Kean, Mr M
McKay, Ms J	Patterson, Mr C
Tesch, Ms L	Speakman, Mr M
Watson, Ms A	Wilson, Ms F

**Motion negatived.**

**The DEPUTY SPEAKER:** The question is that these bills be now read a second time.

**Motion agreed to.**

**Consideration in detail requested by the member for Bankstown.**

**Consideration in Detail**

**The DEPUTY SPEAKER:** By leave: I will deal with the Children and Young Persons (Care and Protection) Amendment Bill 2018 in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**The DEPUTY SPEAKER:** The question is that schedule 1 be agreed to.

**Ms TANIA MIHAILUK (Bankstown) (11:10):** By leave: I move Opposition amendments Nos. 1, 4, 8 and 21 on sheet C2018-172 in globo:

- No. 1     **Guardianship orders by consent—consequential**  
Page 3, Schedule 1 [1], lines 3–5. Omit all words on those lines.
- No. 4     **Guardianship orders by consent**  
Page 5, Schedule 1 [13] and [14], lines 1–28. Omit all words on those lines.
- No. 8     **Guardianship orders by consent—consequential**  
Page 6, Schedule 1 [19], lines 35–37. Omit all words on those lines.
- No. 21    **Guardianship orders by consent—consequential**  
Page 12, Schedule 1 [53], lines 16–19. Omit all words on those lines.

These amendments make a fundamental change to one of the most concerning aspects of the bill, which are guardianship orders by consent. Amendment No. 4, which will remove lines 1–28 on page 5 of the bill, permits guardianship orders to be granted by consent without a contested hearing and without testing the merits of the guardianship order in the traditional manner. It is essential to remove the right to an untested consent hearing when parents or other carers purportedly are consenting to permanently handing over the guardianship of their children. Given that the stress and pressure placed on parents can be significant, his or her ability to genuinely consent is questionable. Allowing for consent orders without testing the case, particularly without establishing not only consent but also the merits of the case and the rationale and reasons behind the application, is deeply concerning. The other night I spoke in detail about concerns relating to a case or an investigation not being finalised before the courts.

It is even more disconcerting that granting of guardianship can lead to adoption of a child without the parents' consent. Numerous legal and advocacy organisations have acknowledged significant difficulties in this bill, particularly in regard to the changes in guardianship orders by consent. The changes also do not contain any provisions to ensure that the department or court has oversight of whether the arrangement is in the child's best interest. In moving these amendments the Opposition does not dispute the concept of guardianship. The Opposition recognises that in a number of cases, particularly in kinship care, guardianship can be a useful mechanism to provide stability and safety for a child. The Opposition also acknowledges that guardianship orders, as they currently stand, play a genuine and meaningful role in the system. However, the Opposition cannot support proposed changes that would allow guardianship orders to be granted by consent without sufficient testing of the application, particularly as it provides for adoption to be granted without parental consent.

Contrary to the Minister's claims, these changes did not eventuate from any form of consultation that took place more than a year ago. For more than a year the Government could have introduced these bills but it did so only in the dying days of this Parliament. Many stakeholders strongly oppose these changes—a slippery slope towards the easy and unjustified removal of children in this State. Thirty-seven community legal centres in New South Wales bear most of the responsibility of providing support to parties for these sorts of consent hearings. Community Legal Centres NSW had this to say about this aspect of the bill:

Community Legal Centres NSW opposes the introduction of guardianship orders by consent. The proposal would allow the court to make a guardianship order under section 38 with a parent's consent even where FACS has made no finding that a child is at risk of significant harm or should be subject to a care and protection order. The requirement that parents considering consenting to guardianship orders have access to free legal advice does not go far enough to ensure appropriate accountability once such orders are made.

Community Legal Centres NSW further says, "We are concerned about the proposal to allow the court to make a guardianship order with the parents' consent even where there is no finding that a child is at risk of significant harm or should be subject to a care and protection order. We note that once a guardianship order is made, neither the department nor the court currently has oversight over the placement to ensure the safety and wellbeing of vulnerable children. We also note that these changes, taken together with the provision allowing the Supreme Court to dispense with parental consent where a guardian seeks adoption of the child, create a fast-track pathway to adoption without adequate safeguards for children, parents and families.

These changes are particularly concerning for Aboriginal and Torres Strait Islander children for whom adoption is not a culturally appropriate option. This is reflected in the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles currently enshrined in section 13 of the care Act. I echo the words in a letter addressed to the Minister which was written before this bill was passed in the upper House, which suggested that the Minister should amend this legislation. She has an opportunity to do so today. The letter states:

We oppose guardianship orders by consent and dispensing with parental consent where adoption is sought by the child's current guardian: Clauses 13 and 14 of Schedule 1, and all clauses of Schedule 2, should be removed, or should be amended to (1) excluding Indigenous children; and (2) states that each party other than the Secretary should be provided with "independent legal advice, and in the case of Indigenous parties, advise that it is culturally competent

The Law Society and Community Legal Centres NSW recommend exclusion for Indigenous children, a matter that I will address at a later stage. The Law Society's letter also says:

Government MPs in this debate stated that the bill is based on insights and feedback provided in response to the New South Wales Government's October 2017 paper "Shaping a better child protection system." However, these reforms were not supported by stakeholders during that consultation process and were not raised by the department in this form. In fact, some of the more controversial changes, including a guardianship order by consent and dispensing with parental consent in adoption applications made by a child's current guardian, were not even addressed in the discussion paper or consultation process as the Minister claims. The Opposition is proposing significant amendments, particularly to ensure that FACS finalises these investigations. It concerns the Opposition and many of the stakeholders that the legislation does not provide for a finding that a child is at risk of significant harm prior to a guardianship order being made. It is also concerning that it is likely that these orders will be made in the absence of a care and protection

order. This has not been addressed properly by the Minister, and I believe she should address it. There was an opportunity in the upper House to debate this matter.

This matter has not been addressed properly, including by the Minister in her speech in reply. Not one Government member in this House has spoken in debate on this legislation, apart from the two Ministers. Not one Nationals member in this House has spoken in debate on this bill. If Government members believe in this legislation and they are trying to convince people, including the Independents, to support it, why has not one member of the Government, in particular, The Nationals, taken the opportunity to speak in debate? In fact, Minister Williams spoke in the second reading debate for only five minutes. He touched on Minister Goward's legislation for two minutes and he spoke longer about his own legislation—and rightly so. It is disturbing that not one Government member has supported this legislation.

**Mr Andrew Constance:** Point of order: The member for Bankstown well and truly outside the leave of the amendments.

**The DEPUTY SPEAKER:** I uphold the point of order. I ask the member for Bankstown to return to the leave of the amendments.

**Ms TANIA MIHAILUK:** I commend the amendments to the House.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (11:21):** The Government does not support any of these amendments. I begin by pointing out that the Adoption Act 2000, which was introduced and supported by a Labor government, already allows for non-consensual adoption. The Government does not support amendment No. 1 with respect to the definition of a prospective guardian. The bill clarifies that "prospective guardian" as defined in the Act includes a prospective guardian who is party to any alternative dispute resolution and consent orders under section 38.

The Government does not support amendment No. 4, guardianship by consent. The bill strikes the right balance so that families are empowered with decision making about who is best to parent their children if they recognise that they are unable to do so. Legal advice must be provided, and the need to find no realistic possibility of restoration is therefore not required. The amendments do not limit judicial scrutiny of care plans that allocate parental responsibility away from the parents of the child or young person under section 38. Section 38 has been amended to ensure that all parties and children must obtain independent legal advice where the care plan involves a change in parental responsibility, not just independent advice as is currently the case.

The Children's Court can appoint a legal representative for the child or young person in accordance with sections 98 and 99 of the Act. In the case of guardianship orders by consent, the legislative protections relating to probity checks and documentation have been maintained. Family and Community Services must still ensure that proper assessments are undertaken on prospective guardians. The Children's Court must be satisfied that the parties understand the legal effect of a proposed order and that their consent has been freely given. The court must be satisfied that the proposed order will not contravene the principles of the care Act. Section 38 is subject to the paramount principle that the safety, welfare and wellbeing of the child is the paramount consideration. Amendment No. 8 is with respect to guardianship orders by consent—consequential. This Government does not support this amendment. This amendment empowers families to make decisions within the family unit following alternative dispute resolution, and for consent orders to be made without adversarial litigation.

Finally, I turn to amendment No. 21, guardianship orders by consent—consequential. The Government does not support this amendment. Under the current legislation it is at the time the matter is before the court when it must make the decision about whether there is any realistic possibility of restoration—that is, there must be a realistic possibility of restoration at that time, not merely a future possibility. The possibility must not be fanciful, sentimental or idealistic, or based upon unlikely hopes for the future. It cannot be a mere hope. With the current reform this possibility will be far clearer. The New South Wales Government is recommending that for section 83 realistic possibility of restoration of the child or young person being restored to his or her parents is within a reasonable period not exceeding two years. This new statutory test overcomes the requirement for the Children's Court to assess whether there is a realistic possibility for restoration at the date of the hearing. We oppose the amendments.

**Mr ALEX GREENWICH (Sydney) (11:24):** I support Opposition No. 4. New provisions that would allow guardianship orders by consent, even when a child is not found to be at risk of significant harm or is not the subject of care and protection orders, are problematic because they are being proposed with new powers for the courts to dispense with the parents' consent if a guardian seeks to adopt the child. Parents may consent to a guardianship order thinking it will be only temporary—to give them an opportunity to get back on their feet or to work through some issues—without knowing that it could lead to permanent removal. The Government must

guarantee that all parents applying for guardianship by consent are given access to free, independent legal advice so that they know what is involved and can make informed decisions. I support the Opposition amendments.

**Mr DAVID HARRIS (Wyong) (11:25):** I support Opposition amendments Nos 1, 4, 8 and 21. As I said in my speech yesterday, this legislation affects some of the most vulnerable people in our community. They are sometimes the least educated and may not understand how systems work. The legislation, as it currently stands, puts those people in the system at great risk. As was mentioned, Community Legal Centres NSW opposes the introduction of guardianship orders by consent. I am deeply upset by the Minister's proposition that this is just Labor and The Greens leading lies. We have taken advice from people who work in the system—the Law Society of New South Wales and Community Legal Centres NSW. Community Legal Centres NSW says that this proposal would allow the court to make a guardianship order under section 38 with a parent's consent, even where FACS has made no finding that a child is at significant risk of harm or should be subject to a care and protection order.

The requirement that parents considering consenting to guardianship orders have access to free legal advice does not go far enough to ensure appropriate accountability once such orders are made. There is great stress on the system and a lot of those people cannot access free legal services. The services are not available; they do not exist because they cannot be fitted into the caseloads. Quite often these people try to represent themselves and in this system generally they fail. I have spoken to many of them who have been through the system. They say, "I didn't understand what was going on. I was given advice. That advice was wrong. This is not what I wanted to have happen." That is why we have to accept what the people at Community Legal Centres say. They work with these people and they know. I have spoken to representatives of Community Legal Centres and attended public meetings in the past few weeks where people have come to me and told me of their concerns.

Community Legal Centres says that it is concerned that the proposal "would allow the court to make a guardianship order under section 38 with a parent's consent even where FACS has made no finding that a child is at risk of significant harm or should be subject to a care and protection order". This is fundamental as it could be part of something called coercion. A parent could be coerced into making a decision not fully understanding the ramifications. Government members might say that these Opposition amendments are a political ploy, but they need to understand the people we are talking about. They should visit these communities and sit with the people in order to understand the distances they have to travel, their lack of understanding of the system and why they are in this situation. Maybe then the Government would understand why this legislation is so fraught.

As I said yesterday, the Opposition and all those who oppose this legislation are not saying that it is totally wrong. I was insulted when the Minister said that that was the case as it is not true. We should hit the pause button so we can talk to these people and make sure they are comfortable with the legislation and understand what it means before it is introduced. Make sure that people truly understand. As I suggested yesterday, if this House cannot do that on such a fundamental issue when very vulnerable people are put into a position to make a decision that will affect their lives and their children's lives forever without proper support and without proper understanding, what are we actually doing in this place? I support the amendments. Government members should be very careful about the consequences of what this bill might do.

**Ms TAMARA SMITH (Ballina) (11:29):** I am very pleased to be able to contribute to this debate. Last night, with the kerfuffle with the Government and this bill, I was unable to contribute to the debate. On behalf of The Greens, I am pleased to support Opposition amendment Nos 1, 4, 8 and 21. There really is no good reason to rush through such important changes to legislation that affects the most vulnerable people in our community, in particular, guardianship orders made by consent and changes to the Adoption Act. We know that the community legal centres across the State, in particular Aboriginal advocates and indeed in my own community the Grandmothers Against Removal—as well as dozens and dozens of other groups—are opposed to the introduction of guardianship orders by consent.

The proposal would allow the court to make a guardianship order under section 38 with the parents' consent, even when the Department of Family and Community Services [FACS] has made no finding that a child is at risk of serious harm or should be subject to a care and protection order. The requirement that parents who are considering consenting to guardianship orders have access to free legal advice does not go far enough to ensure appropriate accountability once such orders are made. The Greens also oppose the proposed changes to the Adoption Act that broaden the Supreme Court's power to dispense with parental consent when an adoption order is sought by a child's current guardian.

Together those two proposals—and the amendments address this—create a fast-track pathway to adoption without an adequate regulatory framework to provide oversight and protect the best interests of vulnerable children. It is important for me to state on the record that I have received written advice from the Bunjum Aboriginal Corporation in my electorate raising significant concerns regarding changes to the Children and Young Persons (Care and Protection) Act and the Adoption Act 2000, and the significant adverse effect those

changes will have for Aboriginal children and young people. The general manager of the Bunjum Aboriginal Corporation, Nita Roberts, states:

Tamara, I am deeply concerned that these amendments are being rushed through the Parliament without sufficient review or public consultation. Given that more than 37 per cent of all children in out-of-home care are Aboriginal children, it is extremely worrying that these amendments are being progressed without adequate consultation with Aboriginal communities and without significantly strengthening safeguards to uphold the rights and best interests of Aboriginal children and young people.

I will share more of their concerns later, but at this stage I reiterate that The Greens certainly support Opposition amendment Nos 1, 4, 8 and 21.

**Ms TANIA MIHAILUK (Bankstown) (11:32):** I thank the member for Wyong and the member for Ballina for their contributions. I understand that the member for Newtown intends to also contribute to debate on these amendments. I make it very clear that to not have a FACS investigation finalised to determine that that child in fact is at risk of significant harm essentially absolves this Government from having to resource FACS properly. That is what this legislation is about. It is absolutely vital that in allowing a guardianship order by consent to proceed to ensure that either a care and protection order has been made already or that FACS has finalised its investigation into that specific child and is able to substantiate that that child is at risk of significant harm. It is important that everyone understands this. For a year we have not had the final statistics from FACS on the number of children at risk of significant harm in this State. On so many occasions I have had to ask the Minister many questions, including during budget estimates hearings and through questions on notice, in an effort to understand why statistics that ordinarily would be available every three months for the public to peruse—

**Ms Pru Goward:** Point of order: We are now drifting well beyond the remit of the amendments.

**The DEPUTY SPEAKER:** I ask the mover of the amendments to confine her remarks to the amendments.

**Ms TANIA MIHAILUK:** The amendments specifically refer to the need for the FACS investigation into whether a child is at risk of significant harm to be finalised. The amendments are actually relevant to precisely what I am saying. The point I am trying to make is that we only now have very generic information statewide— not by FACS districts, but statewide—on how many children have been assessed by the department. That is why the legislation is causing concern.

**Ms Pru Goward:** Point of order: All of these questions were answered by the secretary in supplementary estimates. I again ask the Opposition spokesperson to come back to the point of the amendments.

**Ms TANIA MIHAILUK:** I reiterate my point that it is absolutely vital when allowing guardianship orders to proceed that the FACS investigation is completed. We need to be certain that the child is in fact at risk of significant harm.

**The DEPUTY SPEAKER:** Is the member for Bankstown coming back to the amendments?

**Ms TANIA MIHAILUK:** Yes. I am talking about the amendments.

**The DEPUTY SPEAKER:** No, not in a minute. I am asking you whether you are addressing the amendments.

**Ms TANIA MIHAILUK:** I am specifically referring to the amendments. This is specifically about the amendments. That is what my amendment is about—ensuring that the FACS investigation is completed before the guardianship order is proceeded with. That is amendment No. 4 out of the four that are being considered. That is a very critical element of what we are attempting to amend. The amendment is simple. I would have thought the Minister would have brought the amendment forward. In fact, I would be delighted if she brought forward her own amendments to this. On Tuesday I said in my contribution to the second reading debate that the former Minister for FACS, when he saw fit to amend his own legislation, he did so in this House. I pay credit to him for doing so.

**Ms Pru Goward:** Point of order: The member's remarks again are straying from the debate. Could you please address your amendments?

**Ms TANIA MIHAILUK:** I again address why it is so critical for the amendments to be supported. For the first time we will be allowing guardianship orders to proceed without the finalisation of an investigation into whether a child is in fact at risk of significant harm. It has to be understood by every member of this House precisely what we are voting on today and why we have community legal centres and the Law Society raising concerns, and why 78 organisations across this State signed an open letter to the Premier demanding that these amendments be made to this legislation. Those 78 organisations that work at the coalface of protecting children in this State have signed an open letter to the Premier demanding that amendments be made urgently to this legislation, or that the legislation be permitted to go to an inquiry.

A proposal was put in the upper House for this legislation to be referred to a committee or to be subject to an inquiry. At all stages that was rejected. I reiterate to the Minister that that would have been best. It would have provided members with an opportunity to flesh out what amendments are desperately needed. As the member for Wyong stated, there are some parts of this legislation that would have been worth holding onto. Nobody disputes the need to have alternative dispute resolution and streamlined processes, but what the Opposition disputes is that the Minister is making fundamental changes in this State to how guardianship orders proceed. That is what the Minister has failed to explain. I invite the Minister to explain it now, if she wishes. Will she allow a situation in which investigations by FACS no longer will need to be finalised? That means that FACS no longer will need to be resourced properly to ensure that the department determines whether or not a child is in fact at risk of significant harm.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (11:38):** Mr Deputy Speaker, may I take that opportunity? In the case of guardianship orders made by consent, as I have already said, the legislative protections—which of course the Opposition spokesperson knows nothing about—relating to probity checks and documentation have been maintained. FACS must still ensure the proper assessments are undertaken. The Children's Court must be satisfied that the parties understand the legal effect of the proposed order and that their consent has been given freely. That addresses her concerns.

**Ms JENNY LEONG (Newtown) (11:39):** The Greens support Opposition amendments Nos 1, 4, 8 and 21 on sheet C2018-172 regarding guardianship orders by consent. I offer my support to the member for Ballina for placing on the record the concerns of Grandmothers Against Removal, which she has heard from community members in her electorate. We hear the real concerns raised and pointed out by the member for Bankstown. As the member for Bankstown outlined, the purpose of these amendments is to ensure that we do not have a situation where guardianship can lead to adoption without consent. This issue should concern all members of this place. The member for Bankstown pointed out the absolute silence of The Nationals and other Liberal members on this bill.

**Ms Pru Goward:** Mr Deputy Speaker, I ask you to direct the member for Newtown to address the amendments and not stray from the amendments we are discussing. This is just a waste of time and is irrelevant.

**Ms JENNY LEONG:** Mr Deputy Speaker, I ask you to direct the Minister to wait until she has the call before she speaks into the microphone and interrupts my time.

**Ms Pru Goward:** You are wasting time.

**Ms JENNY LEONG:** Mr Deputy Speaker, I ask you to ask the Minister to withdraw that offensive comment. She accused me of wasting time in the Chamber. I feel that is disrespectful to the significance of this debate.

**The DEPUTY SPEAKER:** The Minister has been asked to withdraw the comment.

**Ms Pru Goward:** The member has been asked to talk about the amendments. I have asked her to not stray into material that has nothing to do with the amendments. In that sense, she is wasting the time of the House.

**Ms JENNY LEONG:** The Minister knows that that was not the concern I raised, but I am happy to talk to the amendments, specifically, the amendment dealing with guardianship orders by consent outside of courts. I will provide some commentary that was provided by the Law Society regarding the provisions in an article in the *Conversation*. The article, entitled "Why controversial child protection reforms in NSW could lead to another Stolen Generation", states:

Under the bill, permanent care orders can be made "by consent" in alternative dispute resolution without necessarily establishing a child is at risk. As the Law Society of NSW says in its submission to the State Government:

"While the child's safety and best interests are of course paramount, these provisions would allow the court to make a guardianship order with the parents' consent, even where there is no finding that a child is at risk of significant harm or should be subject to a care and protection order."

We know that these are just some of the amendments that the Opposition will move. It is important to note what the member for Wyong said about the lack of understanding that some vulnerable and marginalised communities have of the system. And it is not just a lack of understanding of the system, it is also that the systems themselves have inflicted harm and trauma on the individuals and people who we are talking about, who are going to suffer further harm as a result of this. It is not only a lack of understanding of the system, it is also that a lot of these communities are choosing to not engage with the systems, the Minister for Family and Community Services, and her department because they are not there to provide support. They are, and have historically been known to be, part of the problem. They cause more harm and more issues.

**Ms Pru Goward:** Mr Deputy Speaker, we are considering four amendments and they are all connected to the question of guardianship. The historical role of the department is not relevant. I ask you to direct the member to return to the discussion about guardianship.

**Ms JENNY LEONG:** I will explain why it is relevant. My understanding of what the member for Bankstown said was that her concern was that these orders could go ahead even if a FACS investigation or process had not been continued. It absolutely goes to the heart of the relevance of these things. We are talking about the competence of the department, overseen by this Minister, to protect children, and to provide family and community support to people living in New South Wales. We know that there are broad concerns with this. I urge the Minister to reconsider the issue and to support the Opposition amendments.

**The DEPUTY SPEAKER:** The question is that Opposition amendments Nos 1, 4, 8 and 21 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....29  
Noes .....47  
Majority.....18

**AYES**

Aitchison, Ms J	Atalla, Mr E (teller)	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Chanthivong, Mr A	Crakanthorp, Mr T	Dib, Mr J
Greenwich, Mr A	Harris, Mr D	Harrison, Ms J
Haylen, Ms J	Hoening, Mr R	Hornery, Ms S
Lalich, Mr N (teller)	Leong, Ms J	Lynch, Mr P
McDermott, Dr H	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Park, Mr R
Scully, Mr P	Smith, Ms T.F.	Warren, Mr G
Washington, Ms K	Zangari, Mr G	

**NOES**

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Barilaro, Mr J	Bromhead, Mr S (teller)	Brookes, Mr G
Conolly, Mr K	Constance, Mr A	Cooke, Ms S
Coure, Mr M	Crouch, Mr A	Davies, Mrs T
Dominello, Mr V	Donato, Mr P	Elliott, Mr D
Evans, Mr A.W.	Evans, Mr L.J.	Fraser, Mr A
Gibbons, Ms M (teller)	Goward, Ms P	Griffin, Mr J
Gulaptis, Mr C	Henskens, Mr A	Johnsen, Mr M
Kean, Mr M	Lee, Dr G	McGirr, Dr J
Notley-Smith, Mr B	O'Dea, Mr J	Pavey, Mrs M
Perrottet, Mr D	Petinos, Ms E	Piper, Mr G
Provest, Mr G	Roberts, Mr A	Rowell, Mr J
Sidoti, Mr J	Speakman, Mr M	Stokes, Mr R
Taylor, Mr M	Toole, Mr P	Tudehope, Mr D
Upton, Ms G	Ward, Mr G	Williams, Mr R
Williams, Mrs L	Wilson, Ms F	

**PAIRS**

Cotsis, Ms S	Berejiklian, Ms G
Daley, Mr M	Grant, Mr T
Doyle, Ms T	Hazzard, Mr B
Foley, Mr L	Humphries, Mr K
Tesch, Ms L	Marshall, Mr A
Watson, Ms A	Patterson, Mr C

**Amendments negatived.**

**Ms TANIA MIHAILUK (Bankstown) (11:52):** I move Opposition amendment No. 2 on sheet C2018-172:

No. 2      **Request for assistance by primary care-giver**

Page 3, Schedule 1. Insert after line 34:

[6]      **Section 21 Request for assistance by parent or primary care-giver or by funded non-government agency**

Insert "or primary care-giver" after "parent" in section 21 (1).

This amendment deals with requests for assistance by inserting "or primary care-giver" into section 21 (1) to allow caregivers to request assistance from the secretary to obtain services that will enable the child or young person to remain in or be returned to the care of their families. This amendment ensures that the request is not limited to a parent, but includes the broader addition of primary caregiver. This amendment is critical because it is clear from the way the legislation has been written that only a parent can request assistance. That is why it is so important to include the words "or primary care-giver", given that we know that many vulnerable and marginalised children are being cared for by grandparents, aunts and uncles, and other members of their extended family.

We have been asked by the Community Legal Centres to move this amendment, because these centres provide parties with assistance in trying to restore a child to their family. The centres know all too well that some parents are under age and residing with their own parents, who are the primary caregivers, or the parent is incarcerated or is suffering from a mental health condition or has substance abuse issues that require other caregivers to take more responsibility for the child. This amendment will recognise those primary caregivers as in the legislation as persons who can request assistance. There are many situations where the primary caregiver of a child is somebody other than the parent. This amendment expressly ensures that the same rights that are available in response to a request for assistance by a parent are also available to the primary caregiver. The Community Legal Centres said:

Currently section 21 of the Act allows parents to request material assistance from FACS to help them support their children. This assistance does not extend to non-biological primary caregivers, who may be caring for an underage parent, a child or an adult parent who lives with their child but is unable to care for them—for example, Redfern Legal Centre has been assisting an old woman who is a primary carer for a mother with significant mental health issues and her young child, neither of whom are biologically related to her. Due to her age, she does not want to legally adopt the child; instead, she wishes to continue caring for both mother and child under the same roof. To do so, she needs assistance; however, due to the current wording of section 21, she is excluded from requesting material assistance from FACS. The proposed amendment would expand the class of persons who can apply to FACS for assistance under section 21 to primary carers. This would enable people who have strong and committed relationships with children to receive the support they need to keep families together.

This is particularly important for Indigenous families. We know that a biological relationship is not necessary in indigenous culture, but aunts and uncles often care for children although they are not part of the extended family. It is critical to understand that the way the legislation currently stands, it would make it almost impossible for these caregivers to obtain assistance. They will not be recognised under the law, if this legislation is not amended. This is a minor amendment, which I think the Minister could agree to, to be confident that when we are ensuring the provision of support to all parties, we recognise that primary caregivers may not be parents in some instances.

**Mr DAVID HARRIS (Wyong) (11:57):** I support Opposition amendment No. 2, which is a very basic amendment. The provision of assistance to primary caregivers should have been in the legislation, because anyone who knows about how extended Aboriginal families operate would know that often several families live in the same household and children are cared for under shared arrangements, with the caring provided by aunts or grandparents. This amendment simply allows for these primary caregivers to be acknowledged so that they can apply for assistance, as a parent can. The shadow Minister rightly said that many parents in difficult situations are not in a position to apply for assistance, and it is often left to extended family members, like grandparents who may be quite elderly, to step in to take over the role as primary caregiver.

If our aim is to keep children with their families, not take them away and place them in foster care or put them up for adoption, then this amendment is fundamental to ensuring that primary caregivers can apply for assistance to make sure that children can stay with their extended family in their homes. I was hopeful that the Government would accept this amendment. It is not "out there" or asking for anything incredible; it is an acknowledgement of the real world that Aboriginal people live in. If we really are talking about the children, as the Minister said, then this amendment should be accepted.

**Ms JENNY LEONG (Newtown) (12:00):** I speak on behalf of The Greens in support of Labor amendment No. 2, which states:

No. 2      **Request for assistance by primary care-giver**

Page 3, Schedule 1. Insert after line 34:

[6] **Section 21 Request for assistance by parent or primary care-giver or by funded non-government agency**

Insert "or primary care-giver" after "parent" in section 21 (1).

Members who spoke in favour of the amendment indicated that it is a sensible amendment. It does not change the intentions of the bill. I urge the Minister to consider supporting this Labor amendment. It is very important to recognise that in this Chamber there are things that we are ideologically and fundamentally opposed to. We have completely different views on some issues, such as about how the world should work, how systems should work, how legislation and bills should work. But this is not one of those issues. I will demonstrate my genuine commitment to this reasonable, sensible amendment by refraining from speaking about any of the things I might usually say about this area of work. Instead, I urge the Minister to consider supporting this amendment because it will have a serious impact on people's lives.

To expand the request for assistance beyond a parent to include a primary caregiver is a significant and necessary change. Many young Aboriginal people are living in out-of-home care and are caught up in the systems that the Minister oversees. In many cases it is a grandma, aunty, cousin, brother or a person other than a parent who is their primary caregiver. I know full well that there are real challenges around people who have complex, intricate and interwoven family relationships which do not comply with our understanding of a mum, a dad and two kids—the "meat and three veg", heteronormative kind of society that I grew up in in suburban Adelaide.

That is not the norm for many people, as how families work and integrate is very different. In making these significant changes we must recognise people's connection to family and that the person who is the primary carer for an individual could be someone who is not their parent. It is important that, if we make these significant changes—which I fear will occur at some point today—at the very least we empower the person who is the primary carer for a child, even if they are not the parent, to have a say regarding the child and to be considered in the way as is a parent. When it comes to Aboriginal families and their amazing networks and connections, the definition of family is much broader than our understanding and does not fit into the regular definition.

Many non-Aboriginal people also have family situations that do not fit the usual description of parent, and it is important for us to look at that complexity. Genuine and valid concerns have been raised about what parts of this bill have and have not been consulted on. Everyone in this place would agree that, when we consult widely with stakeholders, we sometimes find things that can never be delivered. The stakeholders will say, "We want you to do this; we want you to do that," but there is no way the Liberal-Nationals will take that on. Sometimes there is no way that the Labor Opposition will take those things on, even though the stakeholders might want it.

This amendment is the kind of issue that comes up in good consultation with the community. This little fix to extend assistance from parent to parent or primary caregiver is a shift that allows us to make an improvement to legislation, even if we do not agree with the legislation overall. I strongly urge Government members and the Minister to consider accepting this change to show they have the desire to make this bill the best that it can be, even if there are concerns about significant other elements of the bill.

**Ms TAMARA SMITH (Ballina) (12:04):** I support Opposition amendment No. 2 to amend section 21 relating to the request for assistance by a parent or primary caregiver or by a funded non-government agency to insert "or primary care-giver" after "parent" in section 21 (1). This is relevant for informal care arrangements. I have seen this in my community with many grandparents who have informal care arrangements because their son or daughter may be incarcerated or is a teenage parent, as I have seen many times in more than 21 years of teaching. I have seen informal care arrangements that are very sensitive and nuanced because a parent has a drug or alcohol addiction. Those informal arrangements have saved the Department of Family and Community Services [FACS] and our broader communities a lot of money. In many cases it is volunteering, because grandparents have already raised their children, may be on pensions and are doing something that they never thought they would do, which is looking after their grandchildren in an informal care arrangement, often because of sad circumstances.

This is a simple amendment for the Minister to agree to. Perhaps she can see past thinking that these are attacks and realise that this is bringing the legislation in line with community standards and the lived experience of many. I am sure the Minister and the shadow Minister know how many informal care arrangements there are, although I do not. I have some friends in my inner circle who are grandparents and raising two of their grandchildren in exactly this circumstance. We recently all helped financially because one of the children suffered a severe asthma attack and has ongoing lung issues, and they did not have the extra \$120 to have the right things at home for him to sleep better. For material assistance to be denied in those informal arrangements is an oversight. Material assistance would make a difference to any grandparent or caregiver who is not a parent in an informal arrangement.

In the end, those nuanced and very sensitive arrangements are in the best interests of the child. They are about looking after the child. We need to support those informal arrangements, because if we do not it will be a burden on the Department of Family and Community Services and the taxpayer. Why are we not seeing generosity? It is a very simple amendment. I commend the Opposition for this amendment because it seems that there has been an oversight in drafting the legislation. Because the legislation has been rushed, things may have been missed. Surely offering material assistance to primary caregivers in informal care arrangements is something we can all agree on. This ensures that the request is not limited to a parent. Currently the fact that it is often grandparents who are involved in informal care arrangements is ignored. It is a huge burden on them, but they do it for love. Why would we not support them in those unusual and difficult circumstances? The Minister could support this simple amendment to demonstrate the spirit she encourages us all to bring to these legislative changes.

*[Interruption from gallery]*

**The DEPUTY SPEAKER:** Order! I request that the gentleman be removed from the gallery. He has been taping the debate and taking photographs.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (12:09):** If there is one amendment that has been proposed today that demonstrates the cynicism of members opposite and their lack of genuine concern it is this amendment. It relates to a section that has been in the Act since 1998. At no stage did the member's Government—she was a government member until 2011—

**Ms Tania Mihailuk:** I was not a member of that Government.

**Ms PRU GOWARD:** Do not be ridiculous; you know exactly what I meant. You are sitting up there every day: You have all day to read the Children and Young Persons (Care and Protection) Act 1998. You could have seen it was there. You could have moved one of your sanctimonious amendments a year ago, but you did not. This is about politicking by members opposite.

**Ms Jenny Leong:** Point of order: Mr Deputy Speaker, I urge you to ask the Minister to direct her comments through the Chair.

**The DEPUTY SPEAKER:** The Minister will direct her comments through the Chair.

**Ms PRU GOWARD:** The sanctimoniousness of those opposite on an amendment they could have made at any point since 1998—

**Ms Tania Mihailuk:** Who's the Minister?

**Ms PRU GOWARD:** —that nobody made! The member for Bankstown and the member for Newtown have been here for this entire parliamentary term. They have had every opportunity to move this amendment but they did not. There are two reasons the Opposition parties did not move the amendment. First, because they did not care. However, we are now five months out from an election and it is an opportunity to be sanctimonious. Secondly, they have never had a complaint about it. If they had people coming to them saying, "I'm a grandparent and I haven't been provided with a service," they would be told that that is not the way the Department of Family and Community Services operates.

When people, whether they are caregivers, parents or guardians, come to us with concerns about a child, the department is obliged to act. There is a very strong history of our providing appropriate services to children. I remind members of the Opposition that the Government funds an enormous range of services and provides hundreds of millions of dollars to support families, including parents and others who care for children. Members opposite should not move amendments that they have had every opportunity to move in the past. It has never occurred to them before that it was a problem. It is the fact that we are now five months out from an election that is a problem and members opposite are simply cynics.

**Ms TANIA MIHAILUK (Bankstown) (12:13):** The Minister is now proposing changes that will fast-track the removal of many of these children from their families. That is why this amendment is so important. There are more informal arrangements today than there were 20 years ago, and the Minister knows that. She boasts about improvements in out-of-home care statistics, but the reality is that she does not recognise the many informal arrangements in place in this State. Primary caregivers may not have legal parental responsibility but they are caring for vulnerable children and they need support. The only way they can avoid their child being removed in accordance with this legislation—which includes the two-year arbitrary time frame—is to meet certain requirements. They will need to provide housing and clear a high bar. They will need to address the barriers that this Government has put in place and ensure they are providing appropriate support for the child. They will need to demonstrate that they have undertaken counselling and that they have supports for themselves and that they have employment and a home.

The Government is changing the requirements for these parents and imposing a two-year time frame. That is the difference between now and 1998. It is now more likely that these children will be removed from their families. Many carers are grandparents, aunts or uncles who are on the waiting list for social housing. They are doing their best to look after vulnerable children when they may not have legal parental responsibility. It is a failure on the Minister's part that the Department of Family and Community Services has assessed only 28 per cent of children at risk of significant harm. It is a failure on her part that so many children—more than 65,000 last year—remain in unsafe homes. The Minister will not ensure that funding is available to carry out assessments and that caseworkers meet these families.

**Ms Pru Goward:** Point of order: The member is straying from the amendment. As the member well knows, the department sees 10,000 more children than it did.

**Ms TANIA MIHAILUK:** The Minister raised totally irrelevant matters from 20 years ago. She has decided to use historical information.

**The DEPUTY SPEAKER:** The Minister referred to changes made in 1998.

**Ms TANIA MIHAILUK:** That is not what I am proposing.

**The DEPUTY SPEAKER:** I draw the member back to Opposition amendment No. 2.

**Ms TANIA MIHAILUK:** The Opposition is referring to the sorts of family arrangements that now exist in New South Wales, particularly in regional and rural areas. More primary caregivers who may not have legal parental responsibility are caring for vulnerable children—sometimes a number of vulnerable children. The Opposition is asking that they be given the support they need to ensure that those children are not unnecessarily removed by way of a guardianship order. That is why this amendment is critical. It simply seeks that primary caregivers be recognised so that they receive material support in caring for these children.

**Ms JENNY LEONG (Newtown) (12:17):** It is important that members acknowledge the reality of the situation that calls for this amendment. Someone has been removed from the gallery because they have strong views and feel passionately about this issue. I feel sad that people feel so strongly that they must yell out in the Chamber because their concerns are not being acknowledged. Many concerns have been raised about this bill. I take issue with the Minister's explanation for not supporting this amendment—that is, that Labor governments did not make these amendments. When we make amendments that increase risks for some sections of the community we must consider whether they will have ramifications in other areas. As we have seen in many previous cases, that happens all the time. For a moment there, I felt as if we had the Minister on board with the idea of making this change. That is the hard thing about being in this place: We might think we are having a genuine debate, but this is the last sitting day of the term and we know that there is no option now to genuinely make reasonable amendments and for the Government to refer them to the other place and pass the bill.

Why are we here rushing the bill through when the Parliament can sit next week? We know that we can do this if we care about making laws in the interests of the community. But have we seen that care from the Liberals and the Nationals today? Are they making laws in the interests of the community, or are they making laws in the interests of the people they are connected with to protect their own authority and power? Those questions have to be asked. It is not that some members are being sanctimonious; they are genuine in wanting to make the changes proposed today. If we are genuinely debating amendments, let us actually genuinely debate them. The Government should commit to providing the time to accept some of the amendments, for the upper House to consider them and for them to return to this Chamber.

It does not feel like we are having a genuine debate on the amendments because the Minister seems to have made up her mind that she does not want to listen to the 74 groups that have signed the open letter to the Premier, which raises serious concerns about this piece of legislation. The Minister does not want to listen to the proposed amendments, particularly this reasonable one relating to primary caregivers, which would have come out of a public consultation process that had engaged the stakeholders anyway. Let me be clear: A consultation process means that you actually listen and change your mind as a result of what the experts and the community say. A consultation process does not mean that you meet with them, tell them what you will do and then tick the box and say that you have consulted. We need to ensure that we are improving the legislation in the interest of those people.

Finally, I respond to the Minister's suggestion that it is somehow the fault of the Opposition or myself as a crossbencher for not improving this legislation until this point. I would welcome the opportunity to have the resources of a Minister to make a whole gamut of changes to the huge area of family and community services. I could start by introducing changes to having a Housing First policy in New South Wales. I could introduce legislation that would address a range of issues, but the idea of putting that responsibility back on the non-government parties and suggesting that any member in this place does not have the right to move an

amendment because they did not think of it previously is a huge concern and disrespectful to our democratic process.

**Ms TANIA MIHAILUK (Bankstown) (12:22):** I thank the member for Newtown for her contribution. She is right: It is disingenuous of the Minister to tell the Opposition and The Greens that somehow they should have brought forward legislation in the past eight years. The Minister knows all too well that she has an entire department at her disposal. She has a Minister's office—they are all around here somewhere—comprising 13 or 14 staff or what have you. She has the capability to introduce legislation. I remind the House that, sadly, the initial consultation was in October 2017 when the Minister issued the discussion paper, although it included only part of what is in the legislation that is being debated today. The Minister has had 12 months to introduce this bill to the House—12 months in which we could have had a proper debate about the concerns with the legislation.

If the Minister is concerned that the Opposition did not introduce changes beforehand, I note that we are moving amendments right now. We have a reserve week next week in which we could continue to debate this legislation. I commit that I will be here to continue the debate on this legislation, because it is critical. The amendments mean more today than they did years ago, because the Government is proposing changes that will make it almost impossible for many primary caregivers to keep their children. The possibility of restoration within the two-year time frame is unrealistic, which makes it difficult for caregivers to demonstrate that they can provide for those children. This amendment to seek material support for the primary caregivers who may not have legal parental responsibility is now more important than ever, because you are now changing laws about how guardianship orders and, subsequently, adoption orders will proceed. That is why this amendment deserves your support and attention.

Had you consulted properly with the sector, the amendments would not be being moved today. If you had done a draft exposure bill, as you suggested to some of your stakeholders—there was certainly an understanding that there would be a draft exposure bill—then you would not be in this situation where we have to try to fix up your legislation. This Government claims that the bill has taken away from its other core business, but it has had an opportunity for more than a year to introduce this legislation so that it could have been amended.

**Ms Pru Goward:** Point of order: The member is straying from the debate on this amendment. There is nothing to be gained from discussing what consultation she thinks may or may not have been appropriate a year ago. Let us get on with debating this amendment.

**Mr David Harris:** To the point of order: It was the Minister who questioned the intentions of the Opposition and suggested what it should or should not have done. The shadow Minister has every right to respond to that.

**The DEPUTY SPEAKER:** I uphold the point of order. I have been listening, and I let it go until now. The shadow Minister did start to respond to the Minister and she had a pretty good go at it—she has been speaking for four minutes. The shadow Minister will return to the leave of the amendment.

**Ms TANIA MIHAILUK:** The Opposition is moving this amendment because the bill proposes changes that require the amendment to be adopted by this Government. I reiterate that there has been some concern about not having a draft exposure bill, but I caution the Minister that passing this legislation opens her up to the fact she has, I believe, misled this community. There is no question about that. On 24 September the Community Legal Centres NSW wrote to her.

**Mr Kevin Conolly:** Point of order: The member should return to the leave of the amendment.

**The DEPUTY SPEAKER:** I ask the shadow Minister to return to the leave of Opposition amendment No. 2, as I asked her to do earlier.

**Ms TANIA MIHAILUK:** Had the stakeholders that the Minister originally consulted with in October last year been aware of the specific changes she is proposing now, they would have sought this amendment. If we had had a draft exposure bill in advance, we would not be in this situation because the Minister would have heard directly from the stakeholders—in fact, she has heard directly from the stakeholders since the legislation was introduced into the upper House. The stakeholders have written to the Premier and every member of this House about their concerns with the bill. This amendment has been proposed to the Opposition by the Community Legal Centres NSW because it predominantly supports the parties in these sorts of proceedings. It is asking for this amendment because it knows that many families are likely to lose their child because of this bill and the circumstances and the arbitrary time frame it places on these families for restoration. That is why Community Legal Centres NSW is quite right to seek this representation. It is often charged with providing support for primary caregivers who may not necessarily have legal parental responsibility. Had this legislation, which the Minister decided to drop into this place only in the past two weeks, been put before stakeholders—as the discussion paper was in October 2017—they could have spoken to the Minister, her staff and departmental representatives, and

advised her why this amendment is so necessary, given the other changes that the Minister is making through this legislation.

**The DEPUTY SPEAKER:** The question is that Opposition amendment No. 2 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....33  
Noes .....44  
Majority..... 11

**AYES**

Aitchison, Ms J	Atalla, Mr E (teller)	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Chanthivong, Mr A	Crakanthorp, Mr T	Dib, Mr J
Finn, Ms J	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Hornery, Ms S	Kamper, Mr S	Lalich, Mr N (teller)
Leong, Ms J	Lynch, Mr P	McDermott, Dr H
McGirr, Dr J	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Park, Mr R
Piper, Mr G	Scully, Mr P	Smith, Ms T.F.
Warren, Mr G	Washington, Ms K	Zangari, Mr G

**NOES**

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Barilaro, Mr J	Bromhead, Mr S (teller)	Brookes, Mr G
Conolly, Mr K	Constance, Mr A	Cooke, Ms S
Coure, Mr M	Crouch, Mr A	Davies, Mrs T
Dominello, Mr V	Donato, Mr P	Elliott, Mr D
Evans, Mr A.W.	Evans, Mr L.J.	Fraser, Mr A
Gibbons, Ms M (teller)	Goward, Ms P	Griffin, Mr J
Gulaptis, Mr C	Hazzard, Mr B	Henskens, Mr A
Humphries, Mr K	Johnsen, Mr M	Kean, Mr M
Notley-Smith, Mr B	O'Dea, Mr J	Pavey, Mrs M
Petinos, Ms E	Provest, Mr G	Roberts, Mr A
Rowell, Mr J	Sidoti, Mr J	Stokes, Mr R
Taylor, Mr M	Toole, Mr P	Tudehope, Mr D
Upton, Ms G	Ward, Mr G	Williams, Mr R
Williams, Mrs L	Wilson, Ms F	

**PAIRS**

Cotsis, Ms S	Berejiklian, Ms G
Daley, Mr M	Grant, Mr T
Doyle, Ms T	Lee, Dr G
Foley, Mr L	Marshall, Mr A
Tesch, Ms L	Patterson, Mr C
Watson, Ms A	Perrottet, Mr D

**Amendment negatived.**

**The DEPUTY SPEAKER:** As this division has concluded, I will now be leaving the chair for the last time. I thank members for the privilege. I wish everyone a safe, happy and holy Christmas and good health for next year.

*Members stood in their places and applauded.*

**Ms TANIA MIHAILUK (Bankstown) (12:38):** By leave: I move Opposition amendments Nos 3 and 6 on sheet C2018-172 in globo:

No. 3 **Alternative dispute resolution**

Page 4, Schedule 1 [12]. Insert after line 45:

- (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.

No. 6 **Alternative dispute resolution**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63A**

Insert after section 63:

**63A Evidence of alternative dispute resolution**

- (1) This section applies to a care application in relation to a child or young person the family of whom is required to be offered alternative dispute resolution processes under section 37.
- (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.
- (3) The Children's Court must not:
  - (a) dismiss a 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 alternative dispute resolution processes were not offered, or assistance to access independent legal advice and representation in those processes was not provided, to the family of the child or young person.
- (4) If 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, if an offer was accepted by the family, assistance to access independent legal advice and representation in those processes was not provided to the family, the Court may, before determining whether the child or young person is in need of care and protection:
  - (a) adjourn the proceedings to enable alternative dispute resolution processes to be offered and, if accepted by the family, assistance to access independent legal advice and representation in those processes to be provided, to the family in accordance with section 37, and to enable those processes to be conducted, and
  - (b) direct the Secretary to re-submit the care application and furnish revised details in accordance with subsection (1).
- (5) Subsection (3) does not prevent the Children's Court from making an interim order in relation to the child or young person after the initial care application is made and before the re-submitted application is finally determined.

*Business of the House*

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

**Mr ANTHONY ROBERTS:** I move:

That standing and sessional orders be suspended at this sitting to permit the consideration of Government Business to continue until 2.10 p.m.

**Motion agreed to.***Bills***CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018****NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018****Consideration in Detail****Consideration resumed from an earlier hour.**

**Ms TANIA MIHAILUK (Bankstown) (12:39):** Opposition amendment No. 6 relates to alternative dispute resolution and states:

No. 6 **Alternative dispute resolution**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63A**

Insert after section 63:

**63A Evidence of alternative dispute resolution**

- (1) This section applies to a care application in relation to a child or young person the family of whom is required to be offered alternative dispute resolution processes under section 37.
- (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.
- (3) The Children's Court must not:
  - (a) dismiss a 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 alternative dispute resolution processes were not offered, or assistance to access independent legal advice and representation in those processes was not provided, to the family of the child or young person.
- (4) If 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, if an offer was accepted by the family, assistance to access independent legal advice and representation in those processes was not provided to the family, the Court may, before determining whether the child or young person is in need of care and protection:
  - (a) adjourn the proceedings to enable alternative dispute resolution processes to be offered and, if accepted by the family, assistance to access independent legal advice and representation in those processes to be provided, to the family in accordance with section 37, and to enable those processes to be conducted, and
  - (b) direct the Secretary to re-submit the care application and furnish revised details in accordance with subsection (1).
- (5) Subsection (3) does not prevent the Children's Court from making an interim order in relation to the child or young person after the initial care application is made and before the re-submitted application is finally determined.

One critical part of this bill has broad support. That has been confirmed by comments made by the member for Wyong, the member for Ballina and the member for Newtown. I am referring to the broad support for alternative dispute resolution processes. There is no question that we want to be able to increase the utilisation of those processes prior to any care orders being made. It would be quite obvious to any member of this House, who I am sure can appreciate this, that ensuring the availability of a robust dispute resolution process will increase the chances of avoiding unnecessary experiences, such as parents having to be forced before a court in relation to care

proceedings. There is no question that the Opposition wants to avoid those types of proceedings at all costs. That is why the Opposition has made very clear its purpose in moving the amendment.

The Government's amending provisions in the bill in schedule 1 item [10] and onwards fail to provide information or content about what the alternative dispute resolution model will involve. I think that is an oversight in the drafting of this legislation. A proper framework should have been put in place relating to how alternative dispute resolution processes will work and what types of supports are available throughout that process for the purpose of avoiding unnecessary court proceedings. Processes of alternative dispute resolution, albeit in courts dealing with the care of children or in any other court, cannot be effective if one of the parties is disempowered or cannot articulate or express his or her views and opinions. Nobody is disputing that we are dealing with very marginalised families and communities. There is no question about the degree of difficulty faced by many of the families in understanding and properly appreciating the processes in which they are involved and the potential seriousness of court outcomes, should the alternative dispute resolution process fail.

Currently a dynamic exists between FACS and a parent or primary caregiver as a starting point to alternative dispute resolution processes, which is that the parents are not on an equal footing with the department. It is clear that parties involved in alternative dispute resolution processes are aware that they are not on an equal footing with the other party to the proceedings. From feedback I know of from the child protection sector, which I am sure the Minister is familiar with, there must be appropriate support available. There must be adequate resourcing and basic legal protection available to parties who enter into alternative dispute resolution processes. That relates specifically to amendment No. 3. It should be noted that an aspect that may be present during alternative dispute resolution is whether the parent may consent to guardianship orders. The amendment is important because the eventual outcome for the vulnerable child is likely to be discussed in those processes. Is it likely that the child will be returned to the home? Will there be a guardianship order?

At that point, the parent or the primary caregiver must understand how serious the situation is. For many of the individuals involved in these processes, a lot of it is legal jargon. Of course it is. We know that many of them have low levels of education and literacy. There are many examples of people who have come through horrible circumstances and then find themselves in legal proceedings without appropriate legal representation. They are being forced to understand some difficult legal terminology. Without the appropriate support in place, there is no way that those people can enter into alternative dispute resolution processes on an equal footing with the department. That is why it is critical to ensure that the House supports the amendments that I have moved. At that point legal representation must be provided to the parents or primary caregivers. The law should expressly provide for that legal assistance to be given. I reiterate that community legal centres are asking this Parliament to consider the Opposition's amendments. Community legal centres are at the coalface.

It is not the Minister or I who is sitting through alternative dispute resolution proceedings; nor is it any member of this House. Most members have been educated at a university and can read and understand documentation as well as the consequences, but we are dealing with families that need all the support we can give them to deal with difficult and burdensome proceedings. There is no question that guardianship orders will be discussed. There is no question that separation issues will be discussed. I reiterate that the Opposition welcomes the idea of more reliance on alternative dispute resolution processes. The Opposition is in favour of the increased use of alternative dispute resolution processes because we do not want unnecessarily to place families in a position in which they are forced to go before a court, which will be a daunting, horrific and traumatic experience for everybody involved.

It is difficult to fathom why the Government would not want to ensure that these families, individuals and carers are given all the legal support necessary or why it would propose such legislation. Many Government members are legally qualified and have practised in courts of law. They can appreciate and understand that anything that can be done to avoid placing vulnerable families and children before a court is necessary. It is our duty to ensure that we encourage and support processes that avoid unnecessary court hearings. The bill will put families in a position where they do not have the necessary supports, including a support person, legal assistance and other supports, that individuals might need during the process. The people involved have often been subjected to traumatic experiences which is why they end up in these positions. This simple amendment should be supported. Community Legal Centres NSW stated:

While we welcome the amendments to require the secretary to offer alternative dispute resolution prior to initiating court proceedings, we are concerned that families will not be able to participate in these processes on equal footing to the secretary without access to independent legal advice and representation.

I moved these amendments in globo as they provide that when a care application has been lodged with regard to a child or a young person and an offer of alternative dispute resolution has been made under section 37, the department must advise the 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.

It is important to provide reasons why the support was not offered. These amendments will implement a number of protections. That is what this is about. The Children's Court must be satisfied, in respect of the alternative dispute resolution, that by the time the matter comes before the court all other options to avoid the matter coming before the court have been taken. We need a proper dispute resolution process that empowers and supports all parties involved. If the support was rejected that information should be recorded as well. It is important to know whether it has been rejected. If it was not offered in the first place we need to know why it was not offered. All these issues need to be put before the court before it gives consideration to whether a guardianship order should be consented to by the parents.

It is necessary to ensure that the secretary provides to the Children's Court all evidence of any alternative dispute resolution processes and that the court does not dismiss an application simply because a family was not offered assistance or because inadequate assistance was provided. These amendments also ensure that the court is empowered to take other measures, for example, adjourning the proceedings until a proper alternative dispute resolution process has been undertaken. The proposed amendments get the balance right and are necessary to make this new regime successful. Community Legal Centres NSW supports the amendments and states:

We also recommend that a new section 66A be inserted into the Care Act to ensure compliance with the new obligation to offer alternative dispute resolution and assistance to access legal representation. The need for the provision of assistance to access independent legal advice and representation in any alternative dispute resolution process is again supported with the sector.

The Law Society has also been supportive of this and states:

Clause 12 of schedule 1 should be amended to require the provision of independent legal assistance for 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.

That is critical and we must be mindful of it. Why would we not take on the Law Society's advice? This is direct advice to the Government.

**Mr DAVID HARRIS (Wyang) (12:54):** I support Opposition amendments Nos 3 and 6. People who have studied the effects of law on Aboriginal people not only in this State but also across the country have found that Aboriginal people had processes inflicted on them that they often did not understand, which added to their trauma. Any legislation that we pass now should be specific in ensuring there are protections for Aboriginal people—and all people—when we are dealing with custody issues involving children. The shadow Minister rightly pointed out the power imbalance in these processes. One of the parties is always at a disadvantage. Some people in the room have legislation, education and law behind them while others are in a vulnerable position.

A young kindergarten-aged boy from Moree who was quite violent and who had medical issues came to the school where I was school principal. His mother, the school counsellor, his teacher and I got together and were being as friendly as we possibly could. His mother sat silently and nodded in response to everything we said. I went through the issues carefully and slowly and at the end of the process I looked at her and said, "You don't understand what we just said to you, do you?" She said, "No," and burst into tears. We have to be very specific.

As the shadow Minister said, the alternative dispute resolution provision is broadly supported. Despite what the Minister said earlier about Opposition members being against everything, that is not the case. The sector is not against this. Parts of this legislation are completely supportable and it is the right thing to do. But when we enact these provisions we have to ensure that precise procedures are in place to protect communities and those vulnerable people with whom we are dealing. We owe them that. History has taught us that when those protections are not in place it is traumatic for all those involved. It is for others to argue what is in the best interests of these children. As legislators we should learn from the past and ensure that anything we do protects all parties, including these vulnerable children.

Community Legal Centres NSW said that it welcomes amendments that require the secretary to offer alternative dispute resolution prior to initiating court proceedings. But it is concerned—it is a concern that we share—that families will not be able to participate in these processes on an equal footing to the secretary without access to independent legal advice and representation. Things will happen and those who are involved will nod their heads in agreement even though they do not understand the likely consequences. Most people just want to get out of the room as quickly as they can as it is an ordeal for them; it is stressful and traumatic and they are under the microscope. They will agree to anything that is proposed unless they have someone with them who can give them proper legal advice and ask, "Do you understand the consequences?" As the shadow Minister said, amendment No. 6 will ensure that all the proper procedures have been followed. All parties must have access to an equal footing. I hope the Government agrees to these sensible amendments. When people have an unequal

footing they can be intimidated into saying yes to anything without an understanding of what they are agreeing to.

**Ms TAMARA SMITH (Ballina) (12:59):** I support Opposition amendments Nos 3 and 6, which relate to alternative dispute resolution. These amendments provide extra protection for the most vulnerable point in all of these sequences, which is about placing a child in out-of-home care, which is obviously considered an intervention of last resort. The consequences of a child going into out-of-home care can never be underestimated and all of the flow-on that that involves for the family and for that young person. In respect of alternative dispute resolution, it is recognised that the commitment to early intervention that underpins the proposal requiring the Department of Family and Community Services [FACS] to engage families in alternative dispute resolution before seeking care and protection orders from the court is a good provision.

However, it does not replace guaranteed free, independent, accessible legal advice. That is what is required to address power imbalances between parents and institutions. That is not being disrespectful to FACS; it is an institution. We are talking about the imbalances of power and supporting parents to fully participate in a culturally safe process. As my colleague Mr David Shoebridge, a member of the upper House, pointed out, there are grossly inadequate provisions for independent legal advice for representation in regards to this very positive element of the legislation. The requirement for alternative dispute resolution before the matter goes to the Children's Court is necessary, but no-one knows what the content of that will be. There is no guaranteed legal representation and there has been no meaningful consultation with the community.

In respect of families with complex needs, including people with cognitive disabilities and Aboriginal and Torres Strait Island people, there is an even higher duty of care to guarantee access to specialised advice and to support them engaging with FACS. Community legal centres are perfectly placed to support families participating in alternative dispute resolutions with FACS, as is the Aboriginal Legal Service in New South Wales and the Australian Capital Territory, Family Violence Prevention Legal Services and Legal Aid NSW, should they be adequately funded to provide these services. Having worked at Redfern Legal Service and the North Australian Aboriginal Justice Agency [NAAJA], that is not the case.

I have worked with children in out-of-home care and seen the trauma that that involves for all parties. That trauma is so serious, cannot be undone and has such long-term consequences that alternative dispute resolution cannot replace legal advice. In respect of watching mediation processes and alternative dispute resolution processes, the best intentions can be there but, as was pointed out by the member for Wyong, there are so many assumptions underlying those processes. It is not because people do not have good intentions, but those power imbalances, cultural imbalances, the prejudice of able-bodied people, et cetera, are extremely hard to overcome in those processes.

Many times my office has dealt with people who were not aware of what they were agreeing to or what consequences would flow. I have seen it in this area and I have seen it with farmers agreeing to loans. This is across society. Where we have the most serious intervention of last resort at stake, coupled with the history of the Stolen Generation, it is tremendously important that legal advice is offered at every stage.

**Ms TANIA MIHAILUK (Bankstown) (13:04):** I thank the member for Wyong and the member for Ballina for their contribution to debate on these amendments and I concur with their sentiments. I reiterate that the Law Society has made a significant contribution to evaluating this legislation. It stated:

While the Law Society supports provisions requiring FACS to engage families in ADR before seeking care and protection orders, this process must be a meaningful one. Given that most families in this situation are unlikely to be well-resourced, the legislation should require that independent legal assistance be provided in respect of Indigenous families in particular, the Law Society's long-standing position is that in order to be effective, legal assistance will require culturally competent legal advisers, supported by Aboriginal community and therapeutic workers.

Earlier the Minister made reference to the eight years Labor was in government and said it should have been amending the legislation or moving bills to fix it. The Community Legal Centre made a submission to the Department of Family and Community Services in a consultation process in 2014. That submission made clear the need for adequate access to independent legal advice. That being the case, the Minister has had this information that there is a requirement for access to independent legal advice for four years. It stated:

Without free, independent legal advice prior to signing any agreement, parents may not understand:

- that they can negotiate what is in the agreement and have a say about what is realistic and achievable;
- what is required of them;
- what is required of Family and Community Services or the NGO service they are working with;
- the consequences of not following the agreement.

While not all agreements are legally binding, a failure to follow an agreement can be used as evidence of a failure to engage, which may lead to removal of children.

Early, robust legal advice is likely to increase parental participation and improve positive outcomes for children by ensuring that parents understand what is needed.

This advice and the calling for this type of assistance has been on the Minister's table for four years and has been ignored. It is disingenuous for the Minister to suggest that it was up to the Opposition, The Greens and others in this House other than herself to improve the legislation that this State uses to govern these circumstances. It is inappropriate for the Minister to make those comments. Commentary has been provided by stakeholders who consider themselves partners with the Government in trying to ease the situation for these families and vulnerable children. Stakeholders want to improve the system and entered into the October 2017 consultation with the Government in good faith, assuming the Minister would genuinely consider their views. I refer to the Women's Legal Service NSW submission to the Shaping a Better Child Protection System, which stated:

There needs to be a comprehensive framework for ADR in the legislation. The framework must include:

- involving legal advisors where appropriate as well as other support persons in the ADR process to properly address power imbalances between parents and child protection authorities (particularly important where family violence is present) It is surprising that this amendment has not been given any genuine consideration by the Minister when one considers the submissions from organisations that work tirelessly to support families, particularly in those circumstances where there is family violence, seeking a comprehensive framework and the fact that they made those submissions to the Minister in good faith more than 12 months ago. The amendment was rejected last week in the upper House by way of a very simple response from the Parliamentary Secretary. There was certainly no mention of it in the Minister's reply to the second reading debate. It is concerning that there has been a call for a more comprehensive framework to be put in place and that the legislation is not being amended by the Minister.

I will wait to hear from her directly on whether she chooses to do so, but I reiterate that it is not the Opposition asking for these amendments—although we are technically asking for them by moving them in the House. The Opposition would not have had to move these amendments if the Minister had spoken to these stakeholders directly or read their submissions herself and taken on board the genuine recommendations from stakeholders, who are partners with government. They want to work with government to improve the child protection system in New South Wales. They have asked for a comprehensive framework that demonstrates that there will be proper provisions in place for independent legal assistance and other culturally appropriate assistance for families, particularly for Indigenous families.

This is an oversight the Minister can still correct today. It is evident that the sector has consistently called for such access to legal advice for families of children and young persons engaged in any child protection services. This amendment seeks to fulfil that need. I hope the Minister can understand that. The Women's Legal Service NSW recommends:

Parents and primary caregivers need an enforceable right to services in legislation that are meaningful, available, accessible and at very low or no cost ...

The sorts of organisations that are more than willing to provide this sort of assistance exist, but they need to be supported by the Government. I reiterate the concerns I raised in the second reading debate about the fact that during the supplementary budget estimates hearing—for which the Minister did not make herself available—when the Secretary of the Department of Family and Community Services [FACS] was asked what additional resourcing this new regime or reform would put in place in New South Wales, he made clear there would not be any. And we have heard nothing from the Minister.

The initial media drop to announce these changes took place less than 48 hours after the national apology to victims and survivors of institutional child sexual abuse. The Minister attacked me and The Greens in saying that we were trying to seek media. I have not in fact tried to seek media and I reject that notion. I did not jump around doing a media alert or stand in front of a camera and demand that changes be made without any consultation with the community or a sector, and I did not drop a response to a discussion paper on the very day that I introduced legislation, as the Minister did. That is what eventuated.

The Minister committed to many of these organisations that she would provide a discussion paper imminently after they wrote to her on 24 September. In fact, in the letter from the Minister dated 11 October the Minister advised that there would be a discussion paper made publicly available. Instead that discussion paper was provided after the Minister's media alert stating she was making these changes. It was provided on the very day the legislation was introduced—not by the Minister herself, mind you, but by another Minister in the other House.

I would think that when someone has carriage of legislation and they believe in that legislation, when they profoundly support that legislation and are quite confident it is accurate and does not need any kind of amendment, they would want to introduce that legislation themselves. The Minister chose not to do that. It went through the upper House and we are now trying to amend and fix up legislation. That would not be necessary had

the Minister listened to organisations such as the Women's Legal Service, Community Legal Centres and the Law Society, all of whom have clearly stated that there needs to be an amendment to this legislation to ensure proper provisions for independent legal advice.

Community Legal Centres provided advice to the Minister and to the department in 2014 that there was a requirement for more legal assistance. The most upsetting thing about this part of the legislation is that there is broad support for the process of alternative dispute resolution [ADR]. We want to see more alternative dispute resolution processes—of course that is being supported. I am sure many stakeholders within the sector are commending the Minister for embarking on this path. When this support exists within the sector from stakeholders who are the Government's partners in trying to improve the child protection system in New South Wales, why not listen to their recommendation to ensure that there are provisions in place for independent legal advice and a proper framework for the ADR process?

I will await the Minister's reply before I make further comments, but I hope this provision can be made, given that it has been called for by the very partners that the Government works with. It is a very simple request to ensure that the ADR process is robust and effective and that there are no power imbalances. As the member for Wyong and the member for Ballina made clear earlier, there are power imbalances. We are kidding ourselves if we think there is not a power imbalance when parties are meeting with FACS. Independent legal advice might not always fix that but it certainly assists the process.

It is also critical that there is a provision in place to ensure information about the outcomes of that process and whether proper assistance was afforded to the party be made available to the court at a later stage. The court needs to know that all efforts have been made to provide all parties with support to ensure court hearings are avoided at all costs and agreements that are reached in those circumstances, whether they are legally binding or not, are made in a manner such that nobody is denied their natural justice of having legal support and advice. The court must be able to be confident that any decision made or any agreement reached in that process has been fair and just. That is why we on this side are asking the Minister to support Opposition amendments Nos 3 and 6.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (13:18):** The Government does not support Opposition amendments Nos 3 and 6. In relation to amendment No. 3, alternative dispute resolution [ADR] prior to court proceedings is generally a non-legal process. It allows families to discuss and resolve issues in an informal environment and formulate solutions that are in the best interests of their children. Family Group Conferencing, the preferred form of ADR being used by Family and Community Services [FACS], is family-led with an independent facilitator. The family develops its own plan and the information revealed at the conference is protected under the Children and Young Persons (Care and Protection) Act 1998 and is not to be used against the family in any future proceedings. Families can seek legal advice and representation from Legal Aid, Community Legal Centres or other legal practitioners.

In relation to amendment No. 6, the bill proposes to make it mandatory for FACS to offer ADR to a family before filing an application in the Children's Court. Under section 63 of the Children and Young Persons (Care and Protection) Act, the secretary is already required to provide the Children's Court with evidence of prior alternative action when making a care application—this would include whether ADR was offered and accepted. ADR can already be ordered by the court, including as a dispute resolution conference. Parties can be legally represented at these dispute resolution conferences, as set out in section 65 (3). Families can request legal advice from Legal Aid, Community Legal Centres or Law Access. Parents can apply for legal representation through Legal Aid.

Section 99 of the Children and Young Persons (Care and Protection) Act allows the court to appoint a legal representative for a child or young person. If a party to the proceedings is not legally represented and not capable of representing themselves, the court may require the party to be represented. If they are incapable of giving instructions, a guardian ad litem can be appointed as set out in paragraphs (2) and (3) of section 98. The court cannot make a guardianship order by consent unless it is satisfied that the parties have received independent legal advice.

**Ms TAMARA SMITH (Ballina) (13:21):** I speak on behalf of The Greens in support of Opposition amendments Nos 3 and 6. These amendments raise a poignant issue with regard to alternative dispute resolution. What the Minister said is all fairly reasonable. A family care plan that includes alternative dispute resolution is very progressive, but it cannot replace resourcing and access to the best legal advice when it comes to the most serious and extreme consequences of a child being in out-of-home care. Let us reflect on what is at stake. Last year was the twentieth anniversary of the Bringing Them Home report. Today, 20 years on, we are grappling with the disturbing fact that 37 per cent of children in out-of-home care are Aboriginal or Torres Strait Islander.

Sadly, this legislation is missing—and this goes to the heart of the amendments—the Aboriginal and Torres Strait Islander principles. The Minister outlined why the Government will not support the amendment that relates to access and resourcing of legal advice for families going through decisions about out-of-home care. However, I heard nothing in her contribution about the Aboriginal or Torres Strait Islander principles. Numerous inquiries—including the recent inquiry into child protection conducted by General Purpose Standing Committee No. 2 of the New South Wales Parliament—have made repeated recommendations for greater self-determination across the system for Aboriginal and Torres Strait Islander people. The bill is silent on this issue. We need to strengthen the existing Aboriginal and Torres Strait Islander principles in the Act.

Given the over-representation of Aboriginal and Torres Strait Islander young people in the care and protection system, and based on previous and current provisions in the Act that do not adequately afford a tailored approach to bringing about change, it is the view of every peak Aboriginal organisation in the country that the following areas need to be addressed: We must amend the exclusion of Aboriginal children and young people in permanency goals of the statutory child protection system. We must strengthen the Aboriginal and Torres Strait Islander principles, specifically subsections 11 through 13, so as to reflect the devastating impact that past and current provisions within law have had on Aboriginal children, families and communities. This would include establishing provisions that require the Minister to establish relevant Aboriginal community-controlled decision-making processes. That is not the same as a family care conference. It means having Aboriginal and Torres Strait Islander people use culturally appropriate processes in partnership with Aboriginal communities. It means using Aboriginal community-controlled mechanisms and evolved decision-making regarding the case plans, permanency goals and placements of Aboriginal children and young people.

Having worked for the North Australian Aboriginal Justice Agency, which is a wholly Aboriginal legal profession, I have seen the difference that these things make. It is incumbent on the Minister to provide that supports and services for the benefit of Aboriginal children and families are designed and delivered through the community-controlled processes of Aboriginal communities. All the Aboriginal peak advocates in this space are saying, "No. Do not do this. Absolutely no way." This flies in the face of where we were when we passed those principles that support all of the cultural appropriateness required with such extreme measures as taking children from their homes. This bill is disappointing. There is no need for it to have been rushed. We should not need to be here today, painstakingly reminding the Minister of her responsibilities. This will affect 37 per cent of children in out-of-home care as of tomorrow.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that Opposition amendments Nos 3 and 6 be agreed to.

**The House divided.**

Ayes .....31  
Noes .....45  
Majority.....14

**AYES**

Aitchison, Ms J	Atalla, Mr E (teller)	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Chanthivong, Mr A	Crakanthorp, Mr T	Dib, Mr J
Finn, Ms J	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Hornery, Ms S	Kamper, Mr S	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	McKay, Ms J
Mehan, Mr D (teller)	Mihailuk, Ms T	Minns, Mr C
Park, Mr R	Parker, Mr J	Scully, Mr P
Smith, Ms T.F.	Warren, Mr G	Washington, Ms K
Zangari, Mr G		

**NOES**

Anderson, Mr K	Ayres, Mr S	Bromhead, Mr S (teller)
Brookes, Mr G	Constance, Mr A	Cooke, Ms S
Coure, Mr M	Crouch, Mr A	Davies, Mrs T
Dominello, Mr V	Donato, Mr P	Elliott, Mr D
Evans, Mr A.W.	Evans, Mr L.J.	Fraser, Mr A
George, Mr T	Gibbons, Ms M (teller)	Goward, Ms P

## NOES

Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
Henskens, Mr A	Humphries, Mr K	Johnsen, Mr M
Kean, Mr M	Marshall, Mr A	McGirr, Dr J
Notley-Smith, Mr B	O'Dea, Mr J	Pavey, Mrs M
Petinos, Ms E	Piper, Mr G	Provest, Mr G
Roberts, Mr A	Rowell, Mr J	Sidoti, Mr J
Speakman, Mr M	Stokes, Mr R	Taylor, Mr M
Toole, Mr P	Tudehope, Mr D	Upton, Ms G
Ward, Mr G	Williams, Mrs L	Wilson, Ms F

## PAIRS

Cotsis, Ms S	Berejiklian, Ms G
Daley, Mr M	Conolly, Mr K
Doyle, Ms T	Hazzard, Mr B
Foley, Mr L	Lee, Dr G
Lalich, Mr N	Patterson, Mr C
Tesch, Ms L	Perrottet, Mr D
Watson, Ms A	Williams, Mr R

**Amendments negated.**

**Ms TANIA MIHAILUK (Bankstown) (13:32):** I move Opposition amendment No. 7 on sheet C2018-172:

No. 7 **Alternative dispute resolution**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63A**

Insert after section 63:

**63A Evidence of alternative dispute resolution**

- (1) This section applies to a care application in relation to a child or young person the family of whom is required to be offered alternative dispute resolution processes under section 37.
- (2) When making a care application, the Secretary must furnish details to the Children's Court of 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.
- (3) The Children's Court must not:
  - (a) dismiss a 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 alternative dispute resolution processes were not offered to the family of the child or young person.
- (4) If 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, the Court may, before determining whether the child or young person is in need of care and protection:
  - (a) adjourn the proceedings to enable alternative dispute resolution processes to be offered to the family in accordance with section 37 and, if accepted by the family, to be conducted, and
  - (b) direct the Secretary to re-submit the care application and furnish revised details in accordance with subsection (1).
- (5) Subsection (3) does not prevent the Children's Court from making an interim order in relation to the child or young person after the initial care

application is made and before the re-submitted application is finally determined.

If Opposition amendment No. 7 is passed, I will withdraw Opposition amendment No. 5. Opposition amendment No. 7 proposes to tighten up the provisions relating to the alternative dispute resolution process. It seeks to require the secretary to furnish all details of the alternative dispute resolution process offered to the family of a child or young person to the court before making an application or, if not offered, the reasons why they were not offered. This is a critical element because we do not want the alternative dispute resolution process undertaken in vain. All of the details of the alternative dispute resolution process should be available to a court when it is considering an application. The court will be restrained from dismissing care applications, or discharging a child or young person in the care or responsibility of the secretary by reason of an alternative dispute resolution not being offered.

This amendment will empower the court to take further reasonable action, depending on the circumstances, to adjourn the proceedings to enable alternative dispute resolution, to direct the secretary to resubmit the care application and to furnish revised details. If we are unable to ensure that families are provided with independent legal advice and representation, then we can only attempt to ensure that these particular safeguards are in place. Given that Opposition amendments Nos 3 and 6 have not been passed, we now know that there will be an obligation on Family and Community Services to provide any legal assistance during the alternative dispute resolution process. In fact, the Minister has said people can find their own way to Legal Aid or to a legal centre and seek their own assistance. So we need to ensure that there are other safeguards in place to prevent injustice for these families. For instance, safeguards to ensure that all of the details of the alternative dispute resolution process are put before the court so it can make a thorough assessment of all the available information.

We now know that guardianship orders will proceed without the final investigation by Family and Community Services being completed into whether a child is at risk of significant harm and whether there is a care or protection order in place. So knowing that it is no longer a requirement for these investigations to be complete, it is critical that all details from the alternative dispute resolution process should be furnished to the courts. The Women's Legal Service NSW, which I imagine must be providing legal support for countless numbers of women, made a submission to a discussion paper titled *Shaping a Better Child Protection System*, which supports this amendment, and the Minister has a copy of it. In speaking of their desire for a comprehensive framework they said: ... comprehensive screening and risk assessment frameworks and tools to assess risks, and suitability of matters for ADR and impartiality of the mediation, a court process or similar review mechanism where an outcome at ADR has the potential to affect the rights of the parties.

In this bill, the Government inserted a requirement for the secretary to offer alternative dispute resolution, but did not include any clear statutory role or obligation for the court to provide oversight. The proposed amendment will ensure that the requirements the government is intent on legislating are actually met. I refer to the experience of the Women's Legal Centre, as outlined in its submission to the Families Culture Independent Review:

It has been the experience of several of our clients that FACS did not contact them to offer early support and the opportunity to address issues of concern prior to the sudden removal of their child. It is particularly traumatic when babies are removed from their mother's care in hospital immediately after birth. While we recognise that there are times when child safety necessitates the emergency removal of children from their primary caregivers, the fact that there are so few consequences for failure to undertake prior alternative assistance before taking this step means that there is a lack of accountability of FACS and NGO child protection services. Prior alternative action must include parents and primary caregivers being provided formal written notification of the issues of concern that need to be addressed, referral for early legal advice and a plan developed with the parents and primary caregivers about how issues will be addressed, including parents and primary caregivers being provided assistance to engage with relevant services.

It is evident that a clear legal obligation to offer these services and accountability is absolutely necessary. We have been forced to move this amendment because the Government did not support Opposition amendments Nos 3 and 6. These amendments would have obligated the Government to provide independent legal advice. It is critical that the court, as it makes assessments about the future of a child, has all of the details. I appreciate the Minister's earlier words that the parties come to these processes voluntarily, but in reality it is obvious that the parties have to enter these processes.

For that reason, it is difficult to argue that their participation is voluntary. If the parent or primary caregiver refuses to enter alternative dispute resolution [ADR] processes, that information could be made available to the Children's Court by way of FACS recording a refusal by a parent to enter that process. It is important to note why the parent has refused to participate and the details behind that reason must be made available to the court. To me it is a no-brainer that legislation would ensure that the court is furnished with all of the details, so that the court can make a thorough assessment.

Quite clearly there is no longer a requirement for FACS to finalise its own investigation. Therefore, there is an obligation on the court to make a determination in the absence of a complete investigation by FACS. For that reason, all of the details of the processes leading up to the ADR should be made available to the court.

Furnishing those details would give the court the opportunity to return proceedings if it is of the view that not enough effort had been made to assist the family in the ADR process. If the court is of the view that the family has not been provided with appropriate levels of assistance, it would be important to return proceedings and perhaps direct parties to reconvene their ADR process.

Different courts, such as the Land and Environment Court and the Industrial Relations Commission, have the opportunity to adjourn proceedings for this reason. They direct parties to go to mediation or at least to attempt mediation to resolve the issues. The court should be able to adjourn proceedings and investigate ADR, and having all of the information about what transpired in the process before it is critical for the court to make a proper assessment. Labor is moving amendment No. 7 because the Government rejected our amendments Nos 3 and 6. There is no statutory obligation on the Government to provide independent legal assistance to countless numbers of families who will be forced into this position. We need to know that, before proceedings happen, the necessary processes are in place because our primary concern has to be the best interest of the child—that is clear.

I reject any assertion that the Opposition and The Greens are not mindful of the need to put the best interest of the child first. There is no question that this amendment is about ensuring that the outcome for the child is in the child's best interest. We want those children to be in a safe environment; that is obvious. But we must be confident that the processes this Minister has embarked upon in the dying days of this Government will not have a catastrophic impact on families, including vulnerable children, who have no access to independent legal assistance. We know that the Minister has rejected the statutory obligation to provide independent legal advice, and therefore we now seek the support of the Minister to ensure that the court is made cognisant of all the details of the ADR process so that it can be satisfied that the parties have entered that process voluntarily and have made every effort to reach agreement before court proceedings are initiated. This is why this amendment should be supported.

**Mr DAVID HARRIS (Wyong) (13:47):** I support Opposition amendment No. 7 and acknowledge the contribution of the shadow Minister. This amendment requires the secretary to furnish to the court all details of the alternative dispute resolution processes offered to the family of a child or young person before making the application, or if not the reasons they were not offered. I acknowledge that if Opposition amendments Nos 3 and 6 had been agreed to, this amendment would not be necessary. My interest in this amendment was sparked by the support of the Women's Legal Service NSW in its submission on Shaping a Better Child Protection System. The service clearly said that the legislation must include comprehensive screening, risk-assessment frameworks, and tools to assess risk and suitability of matters for ADR. That is important, because we know that one size does not fit all. In assessing what is put forward to families in the best interest of children, understanding the practicalities of what is being suggested cannot be a standard set of conditions; what is being put forward has to be suitable.

I recently visited the Cummeragunja community, which is about an hour from Moama, on the Murray River. One of the biggest issues being faced by this community is that most of the people living in that community right on the Victorian border—in fact, if you drive out of the gate and turn right, you are in Victoria—is isolation. Most of the people there do not have a driver licence, for example. If, during that ADR process, conditions are placed on them to do certain things, they may not have the ability to put those things in place because of their isolation. The legislation should clearly outline that suitability has to be addressed. They suggested impartiality of mediation and a court process or similar review mechanism where an outcome at ADR has the potential to affect the rights of the parties. Their submission to the Families Culture Independent Review also deals with babies being removed from the mother's care in hospital.

I was a member of the Committee on Community Services, which was looking into birthing services in New South Wales. It was raised with us that it is particularly traumatic when babies are removed immediately after birth. I admit, I was quite naive, I did not think that happened, but it does. Many Aboriginal mothers do not seek pre-birthing services in case they are flagged for their child to be removed. They had a terminology, there is a "book" that their name is put in and as soon as the baby is born it is taken away. Many people in this place do not know that these things happen. When they look at this legislation they bring their experience to the legislation, not the lived experience of people who are dealing with these issues every day.

We know there is discrimination and race-related matters. One only has to look at what has happened on the South Coast where a young, pregnant girl was turned away from hospital 18 times before she passed away. That incident is being investigated. Her mother was the Australian Capital Territory mother of the year. We have moved these amendments because the groups that deal with these situations every day of the week say that they are necessary. I hope the Government considers amendment No. 7. It has rejected amendments Nos 3 and 6. Amendment No. 7 is an attempt to put protections in the bill because the groups that work with these people say they are necessary.

**Ms TAMARA SMITH (Ballina) (13:52):** I support Opposition amendment No. 7. As the shadow Minister for Aboriginal Affairs reminded us, this has escalated because the amendments that were before the

Minister and the Government regarding alternative dispute resolution acknowledged that using those structures is progress; however, they should not replace legal advice. Amendment No. 7 is a safeguard to try to reign in what so often happens in courts, where the family gets completely lost in the processes of that huge institution.

I remind the Minister of what is at stake. The provisions in amendment No. 7 provides that if the alternative dispute resolution process is part of FACS policy and it has not been undertaken, it is a show cause event and there are consequences for that not occurring. The court can dismiss a care application, discharge a child or young person who is in the care or responsibility of the secretary, and adjourn the proceedings and direct the secretary to resubmit the care application. What worries me, as the shadow Minister for Aboriginal Affairs described, is that incredibly heartbreaking things happen all the time to many vulnerable people, particularly young Aboriginal and Torres Strait Islander women. Nothing in this legislation addresses what Aboriginal or peak organisations are asking for to strengthen the Aboriginal and Torres Strait principles.

In particular, they are calling for provisions to enable the delegation of any function under the Act with respect to Aboriginal children and young people to an appropriate Aboriginal community-controlled body. This is what self-determination means; it does not mean that you participated in a family care conference. Self-determination means that Aboriginal people, Aboriginal organisations, Aboriginal advocate groups and community are at the heart. Those principles include a general principle in the administration of the Act, values of prevention, and enduring connection for Aboriginal children and young people to complement other existing provisions such as self-determination, participation and placement, and achieving full application of the Aboriginal and Torres Strait Islander placement principles.

Aboriginal people are asking for specific grounds requiring the secretary to work in partnership with Aboriginal communities to enable the participation of Aboriginal families, representative organisations and communities, as currently required by the Children and Young Persons (Care and Protection) Act, to strengthen those provisions. They also seek to have established a role for Aboriginal advocates to assist Aboriginal families and communities to participate fully in child protection decision-making with direct accountability to community through Aboriginal community-controlled processes. A family can find itself in court without having had legal advice, because, as the shadow Minister said, the onus is on them, instead of the department and the secretary.

We do not see the cultural change, the complete change in approach where Aboriginal people are at the heart of these processes and are providing oversight. It is so disappointing. They would like to have a provision that requires the secretary to present evidence at each level of the placement hierarchy of efforts to place Aboriginal children prior to the consideration of other placements, to show that everything has been done. That is not what we see, and we do not see it in this legislation that is being rushed through and is overwhelmingly opposed. We do not see any of those important, fundamental changes that are required. None of that is happening. It is so disturbing to think that the apologies to the stolen generation are hollow words when this will affect people on the ground.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (13:57):** The Government does not support this amendment. This bill proposes to make it mandatory for Family and Community Services [FACS] to offer alternative dispute resolution [ADR] to a family before filing an application in the Children's Court. The secretary is already required to provide the Children's Court with evidence of prior alternative action when making a care application under section 63. This would include whether ADR was offered and accepted. If the Children's Court considers that ADR would be appropriate, the Children's Court already has power to refer or order parties to a dispute resolution conference, which is a form of alternative dispute resolution.

**TEMPORARY SPEAKER (Mr Lee Evans):** The question is that Opposition amendment No. 7 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....28  
Noes .....45  
Majority..... 17

**AYES**

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Harrison, Ms J  
Hornery, Ms S

Atalla, Mr E (teller)  
Car, Ms P  
Crakanthorp, Mr T  
Greenwich, Mr A  
Haylen, Ms J  
Leong, Ms J

Bali, Mr S  
Catley, Ms Y  
Dib, Mr J  
Harris, Mr D  
Hoenig, Mr R  
Lynch, Mr P

## AYES

McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Washington, Ms K

McKay, Ms J  
Minns, Mr C  
Scully, Mr P

Mehan, Mr D (teller)  
Park, Mr R  
Warren, Mr G

## NOES

Anderson, Mr K  
Bromhead, Mr S (teller)  
Constance, Mr A  
Crouch, Mr A  
Donato, Mr P  
Fraser, Mr A  
Goward, Ms P  
Gulaptis, Mr C  
Johnsen, Mr M  
McGirr, Dr J  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Williams, Mr R

Aplin, Mr G  
Brookes, Mr G  
Cooke, Ms S  
Davies, Mrs T  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Henskens, Mr A  
Kean, Mr M  
Notley-Smith, Mr B  
Piper, Mr G  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mrs L

Ayres, Mr S  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Humphries, Mr K  
Marshall, Mr A  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Ward, Mr G  
Wilson, Ms F

## PAIRS

Cotsis, Ms S  
Daley, Mr M  
Doyle, Ms T  
Foley, Mr L  
Lalich, Mr N  
Tesch, Ms L  
Watson, Ms A

Barilaro, Mr J  
Berejiklian, Ms G  
Hazzard, Mr B  
Lee, Dr G  
Patterson, Mr C  
Perrottet, Mr D  
Upton, Ms G

**Amendment negatived.**

**Ms TANIA MIHAILUK (Bankstown) (14:05):** I move Opposition amendment No. 5 on sheet C2018-172:

No. 5 **Evidence of further prior alternative action**

Page 6, Schedule 1. Insert after line 31:

**[18] Section 63 Evidence of prior alternative action**

Omit section 63 (3). Insert instead:

- (3) If the Children's Court is of the opinion that appropriate support and assistance were not provided, the Children's Court must, before determining whether the child or young person is in need of care and protection:
- (a) adjourn the proceedings to enable appropriate support and assistance to be provided for the safety, welfare and well-being of the child or young person, and
- (b) direct the Secretary to re-submit the care application with details of any additional efforts made to provide appropriate support and assistance, and the results of those efforts.
- (4) Subsection (3) does not prevent the Children's Court from making an interim order in relation to the child or young person after the initial care application is made and before the re-submitted application is finally determined.

This amendment will provide the Children's Court with certainty that all efforts have been made by the Secretary to provide appropriate support in the first instance prior to making a care application. This is a critical amendment. The purpose is to ensure that the court is empowered before making any interim order after the initial care application is made and before the application is resubmitted.

**Debate adjourned.**

## **WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018**

**Returned**

**TEMPORARY SPEAKER (Mr Lee Evans):** I report receipt of a message from the Legislative Council returning the abovementioned bill with amendments. I order that consideration of the Legislative Council's amendments be set down as an order of the day for a later hour.

I will now leave the chair. The House will resume at 2.15 p.m.

*Visitors*

### **VISITORS**

**The SPEAKER:** I welcome guests in the public gallery to the final question time of the Fifty-Sixth Parliament. I extend a warm welcome to Joe Andrade, who is looking relaxed. People who have been here for some time would know that Joe was an invaluable member of the Speaker's Office and now he is enjoying retirement. He worked for five Speakers—who is the best one, Joe? Joe is a guest of the Speaker and member for South Coast. I welcome Lisa Nagle and Noelene Barrell from the Wakehurst electorate office, guests of the Minister for Health and Minister for Medical Research and member for Wakehurst, who are joined by Jill Dubois from the Pittwater electorate office, a guest of the Minister for Education and member for Pittwater.

I welcome Sel Sofianidis, a student of St Andrews Cathedral School and a Clubs NSW and Premier's Anzac Ambassador, a guest of the Parliamentary Secretary for Regional and Rural Health, and member for Port Macquarie, and the Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs, and member for Baulkham Hills. I welcome students and their teachers from Epping Boys High School, St Therese's Catholic Primary School and Ryde Public School, guests of the Minister for Finance, Services and Property, and member for Ryde.

I welcome Gael Duplouch, Dana Young, Deb O'Connor, Alyse Peacock and Sarah Quinn from Destination NSW, guests of the Minister for Tourism and Major Events, and Assistant Minister for Skills, and member for Northern Tablelands. I welcome Marie and David Ranson, guests of the Parliamentary Secretary for Education and the Illawarra and South Coast, and member for Kiama. I welcome Anne Bali, Charles Bali and Roland de Pree, guests of the member for Blacktown. I also welcome the captains and vice-captains of Strathfield South High School, guests of the member for Strathfield. I welcome Rebecca Ho, chief executive officer of Libby's Place, who is here with Lisa Whinnen. They are in Parliament for the Kidsafe Keep Calm and Play Conference. We welcome you to the Chamber.

*Question Time*

### **CRIMINAL JUSTICE REFORM**

**Mr MICHAEL DALEY (Maroubra) (14:20):** My question is directed to the Premier. In May 2017 the Premier announced the so-called tough and smart justice reforms, introducing mandatory supervision of parolees. At the time, the Government said:

Following these changes offenders in the community will be under active supervision and tougher conditions designed to prevent reoffending.

In light of the horrific Kogarah attack, how can anyone believe the Premier or her Government again?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:21):** As I have said already—I will say it again—we are all absolutely shocked and disgusted by the alleged conduct of the offender in the case that everybody knows about. I cannot imagine—none of us can imagine—the pain and suffering of the victims involved, or the impact on their families and loved ones. That goes without saying.

There is no higher responsibility for any government than the safety of its people. We build systems and safeguards to keep the community safe. We are continually monitoring their effectiveness and integrity. Of course, those systems and safeguards depend on the thousands of men and women who serve on the frontline, implementing these safeguards. Sometimes, unfortunately, someone gets it wrong. It has been reported that on 26 October this year, a woman spoke with a police officer in the Kogarah area to alert the officer to concerning phone calls she had received from a man who was later identified as a convicted criminal on parole.

It has also been reported that the same man allegedly sexually assaulted a young girl at a Kogarah dance studio weeks later on 15 November. Earlier today, as some may be aware, the Commissioner of Police, Mick Fuller, spoke publicly about this matter, stating amongst other things that it appears that, at best, the relevant police officer failed to notify parole authorities about the concerning phone calls reported to the officer in October and, at worst, the relevant police officer's failure to notify parole authorities and potentially take other appropriate action may constitute a serious neglect of duty.

On this occasion, getting it wrong may have resulted in the most terrible of circumstances, and we are deeply sorry to everybody affected. But I want to be clear that this incident is not a reflection on the thousands and thousands of hardworking men and women in the New South Wales Police Force. Every day they put themselves on the line to support us, and we deeply appreciate that. However, the community must be protected from criminals, especially those who have previously been convicted. It is absolutely not acceptable for those standards to slip because we know what the consequences can be. That is a point that both the Commissioner and I reinforce today.

I note that the Commissioner and his team have been as open and transparent with the public in relation to this matter as they have been able to be. It is important to recognise that police took public action as soon as this incident was identified. All of us want justice to be served in every way. The Commissioner has advised me that, first, the relevant officer has been placed on non-operational duties, which means the officer has no professional contact with members of the public and, secondly, additional resources have been provided for the internal police investigation so that it can be resolved as soon as possible.

I said earlier this week that we will leave no stone unturned in ensuring that all relevant information is considered as part of this process. Last year this Government announced a package of criminal justice reforms, including parole reforms, to improve community safety. Those reforms, which made changes to make community safety the paramount consideration of the State Parole Authority, had all commenced by May 2018. Should it emerge that there are further measures we can implement to keep our community even safer, we will not hesitate to act again.

#### STATE FINANCES

**Ms MELANIE GIBBONS (Holsworthy) (14:24):** My question is addressed to the Premier. How is the New South Wales Government delivering a stronger, better future for the people of New South Wales, and what are the risks to that future?

**The SPEAKER:** I ask the member for Keira to come to order.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:24):** I thank the member for Holsworthy for her question because her community appreciates the difference that we have made since being in Government. Those on the opposite side of the Chamber do not want to know; they moan before we even answer the questions. This Liberal-Nationals Government inherited a State budget with the worst economy in the nation.

**Mr Ryan Park:** That is not true.

**Ms GLADYS BEREJIKLIAN:** It is true.

**The SPEAKER:** I ask the members for Keira, Londonderry, Cessnock and Rockdale to cease interjecting. I remind them that they, and all members, risk being asked to leave the Chamber for the rest of the final day of the session.

**Ms GLADYS BEREJIKLIAN:** It is telling that those on the opposite side of the Chamber are trying to rewrite history.

**The SPEAKER:** I call the member for Londonderry to order for the first time. I call the member for Rockdale to order for the first time.

**Ms GLADYS BEREJIKLIAN:** They left us with the worst economy in the nation; we were last.

**The SPEAKER:** I call the member for Kiama to order for the first time. I ask that, on this last day of sitting, we do not have an example of poor behaviour. I call the member for Rockdale to order for the second time.

**Mr Clayton Barr:** Point of order: My point of order relates to standing order 74. In the interests of preventing quarrel, could the Speaker please ask the Premier to tell the truth.

**The SPEAKER:** There is no point of order. The member will resume his seat.

**Ms GLADYS BEREJIKLIAN:** Labor cannot handle the truth. Those opposite left New South Wales in the worst economic condition in the history of New South Wales. When we came to government we worked

our guts out to make New South Wales number one. Every time the Government took a position, those opposite opposed it.

**The SPEAKER:** I ask the members for Prospect and The Entrance to come to order. They will be asked to leave the Chamber for the rest of the day if they continue.

**Ms GLADYS BEREJIKLIAN:** Every time this Government wanted to reduce the number of middle managers in the back office, those opposite opposed it. Every time we wanted to get our finances in order, they opposed it.

**The SPEAKER:** I call the member for Rockdale to order for the third time.

**Ms GLADYS BEREJIKLIAN:** Every time we made a difficult decision to bring our budget into surplus, those opposite opposed it. We made those decisions that brought our budget into the black and made ours the strongest economy in the nation. Having the strongest economy means that we can deliver the infrastructure and services that the people of New South Wales deserve. What those opposite cannot handle is that we are the party of the workers, we are the party for families and we are the party for infrastructure.

**The SPEAKER:** The House will come to order, including those on the Government benches.

**Ms GLADYS BEREJIKLIAN:** If we were looking for an example of why they are not fit to govern we need only look at what has occurred over the last few weeks. Those opposite cancelled projects; I am incredibly proud to say that the Government has completed 840 projects since we have come to government.

**Ms Yasmin Catley:** Point of order: The question was about regional New South Wales.

**Ms GLADYS BEREJIKLIAN:** No it was not.

**Ms Yasmin Catley:** Yes it was. The Premier will have the opportunity to stand up for workers in this place later today when we discuss firefighters. Let us see what the Premier does then.

**The SPEAKER:** The member for Swansea should listen to the questions that are asked. That was not the question at all. The member for Swansea should be very careful. She should put on her listening ears instead of yapping. If she had done so, she would have heard the question and would have known that her point of order was entirely out of order. I call the member for Swansea to order for the first time.

**Ms GLADYS BEREJIKLIAN:** The Labor Government cancelled project after project whereas this Government has built 840 projects since coming to government. There will be 600 more projects over the next four years. In New South Wales there are 320 cranes across the skyline. That is what the people of New South Wales need and deserve. The Opposition cannot handle the truth. I invite people to recall Labor's example.

**The SPEAKER:** I call the member for Maitland to order for the first time. Does the member for Maitland wish to miss out on the remainder of today's proceedings?

**Ms GLADYS BEREJIKLIAN:** In contrast to the failed Labor roads Minister, this Government has either built or upgraded 2,500 kilometres of road across New South Wales—from the city to the bush and everywhere in between.

**The SPEAKER:** The member for Kiama will be quiet.

**Ms GLADYS BEREJIKLIAN:** This Government is proud that so many of our residents across the State are driving on safer roads and are spending less time in traffic congestion. In our regional communities, the roads are safer. The Government's aim is to have safer roads across the State. When it comes to safety, we immediately think of health.

**The SPEAKER:** I call the member for Strathfield to order for the first time.

**Ms GLADYS BEREJIKLIAN:** This Government has either upgraded or built 94 hospitals across the State, 50 of which are in regional areas of New South Wales—something that Labor could never deliver. In education, the Labor Government closed schools whereas this Government has delivered more than 60 new schools since being elected to govern.

**The SPEAKER:** The member for Londonderry and the member for Lakemba should be careful not to interject.

**Ms GLADYS BEREJIKLIAN:** Over the next four years and beyond there will be 230 new schools. This Government is just building up.

**The SPEAKER:** Order! Members on one or two calls to order are now deemed to be on three calls to order.

**Ms GLADYS BEREJIKLIAN:** As I said earlier, this Government not only is delivering infrastructure and services that our communities need but also is providing them with 40 cost of living savings across the State. *[Extension of time]*

Government concessions include free registration for seniors, the Active Kids and Creative Kids grants and measures that reduce the cost of living such as the FuelCheck app, compulsory third party [CTP] reforms and energy rebates. The list of the ways this Government is helping to reduce the cost of living is too long to mention here. However, this Liberal-Nationals Government knows that all that I have mentioned is at risk. We all know what Labor does in government.

**Mr Brad Hazzard:** Cut, cut, cut.

**Ms GLADYS BEREJIKLIAN:** That is right. I acknowledge the interjection. Labor governments slash projects and have budget blowouts but in the past few weeks we have had a taste of what it will be like under a Labor government again in New South Wales. We do not have to go back too far to go back to the future.

**The SPEAKER:** I remind the member for Rockdale he is on three calls to order.

**Ms GLADYS BEREJIKLIAN:** The Labor Party response to dealing with traffic congestion in Sydney is to cancel the F6, cancel the West Harbour Tunnel and cancel the South West Metro rail project. Why anybody would want to cancel a South West Metro project is beyond me. The Labor response to infrastructure is not to build anything; rather, it is doing 36 reviews—review after review after review. We know that past inaction is an indicator of future inaction. We know that the last four years of the Labor Government were the worst in the history of New South Wales. Who was at the centre of that government? It was the member for Maroubra who, in his first speech in this House, thanked Joe Tripodi and Eddie Obeid.

**Mr Ryan Park:** No-one cares.

**Ms GLADYS BEREJIKLIAN:** The member for Keira says that nobody cares, but he is wrong. Everybody cares.

**The SPEAKER:** I call the member for Keira to order for the third time. This is his last warning.

**Ms GLADYS BEREJIKLIAN:** Members of this Liberal-Nationals Government get up every morning and deliver for the people of New South Wales because we are the party of the workers, we are the party of families, and we are the party for New South Wales.

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

#### CORRECTIVE SERVICES PAROLE REGULATIONS

**Mr MICHAEL DALEY (Maroubra) (14:34):** In directing my question to the Minister for Corrections, I point out that a May 2017 government parole fact sheet stated: "Supervision will be a mandatory parole condition. Supervision is the best method of reducing reoffending. Less crime means fewer victims in our community." I ask: Precisely what were the supervisory arrangements for Anthony Sampieri?

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (14:34):** What the Leader of the Opposition again has failed to understand is that the parole conditions put on Mr Sampieri were previous reforms. The Leader of the Opposition has got his time line mixed up. In trying to score a political point, clearly he has misunderstood the role of the Parole Board. What the Leader of the Opposition has forgotten to appreciate is that that offender, albeit repugnant and disgusting, was sentenced and granted parole under Labor's regulations. Has the Leader of the Opposition forgotten about that?

**The SPEAKER:** I advise members who interject that they will not receive any further warnings. If they continue to interject, they will be removed from the Chamber for the remainder of the day.

**Mr Michael Daley:** Point of order: Anthony Sampieri offended in 2013. Is the Minister saying that the system does not take into consideration changed circumstances?

**The SPEAKER:** I point out to the Leader of the Opposition that this is not a debate and that he should raise a breach of standing orders. The Leader of the Opposition should know that a breach of standing orders constitutes a point of order. The Leader of the Opposition did not cite a breach of standing orders. I call the Leader of the Opposition to order for the first time.

**Mr DAVID ELLIOTT:** I conclude my answer by saying to the Leader of the Opposition that he should do his research before embarrassing himself in this Chamber. The reforms were introduced post this particular

Parole Board decision. I suggest the Leader of the Opposition may wish to check that when he next asks a question about this matter.

### REGIONAL INFRASTRUCTURE

**Mr KEVIN ANDERSON (Tamworth) (14:34):** My question is addressed to the Premier. How is the New South Wales Liberal-Nationals Government delivering a stronger and better future for regional communities to make regional New South Wales a better place in which to live? Are there any alternatives?

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:36):** I thank the member for Tamworth for his question. We all know that he is a strong local member who is delivering for the people of Tamworth. Under the Regional Growth Fund, one of the great advantages in New South Wales is a Stronger Country Communities Fund. We also know that the Tamworth electorate has benefited from the Government's investment in that community. I recall when I met with the Treasurer to carve up the Regional Growth Fund of \$1.6 billion I said, "We are going to spend this over the next two years. I don't think we can do it." Guess what? This Government is doing it. This Government is investing in \$1.6 billion worth of grassroots infrastructure projects that have been driven by the community for the community across New South Wales.

I can update the House today in relation to the Government's projects. This week we embarked on the one thousandth project in regional New South Wales, and that was announced in the Cootamundra electorate. One hundred thousand dollars has been allocated to the upgrade of the Cootamundra squash courts to install insulation, air conditioning, new lights under solar power and a new carpet. That is an example of many projects in which this Government has invested in communities across New South Wales. Those projects have been delivered by this Liberal-Nationals Government. Many people talk about what they can do for regional areas in New South Wales but the track record of the Labor Government tells us that a Labor government will do nothing for regional New South Wales. The reality and what people see now is that there are genuine and great projects being constructed right across regional communities. Every corner of this State has received investment under the Regional Growth Fund.

The projects include upgrading of the Riverbank Oval amenities block in Dubbo, upgrades to the Great Lakes Aquatic Centre in Forster, redevelopment of the Kyogle Aquatic Centre, building a new skate park at the Viaduct in Tamworth, building a new skate park in Oberon, refurbishing the Sandhills Early Childhood Centre in Byron Bay, providing shade to playgrounds right across the Cessnock local government area [LGA], and modernising and refurbishing the Scallywags Child Care Centre in Bathurst.

**The SPEAKER:** Members will cease interjecting.

**Mr JOHN BARILARO:** Other projects include the upgrade to the Griffith Memorial Park, putting solar on the Spears Point Pool in the Lake Macquarie electorate, upgrading the lighting in the Orange central business district [CBD], revitalising the Grenfell main street, improving Port Macquarie sporting fields, putting a council one-stop shop in Barraba, providing a new playground and toilet block in the Gladstone Memorial Park, building a new water park in Moree, providing new change rooms at the Bungendore Park, putting a solar system in the Tweed Regional Aquatic Centre and upgrades at the Bombala Platypus Reserve. I have given just a snapshot of the types of projects in which the Government is investing across regional areas of New South Wales. As I alluded to earlier, this week in Cootamundra the Government announced its one thousandth project. The performance of this Government is unbelievable. The projects have been delivered in partnership with local government and the community. It is a fantastic day for regional New South Wales. Those investments will continue. There are more to be announced and more investment is in the pipeline.

**Mr Troy Grant:** Not from them.

**Mr JOHN BARILARO:** That is the threat. Those opposite are the threat. Under their leadership, in their time in government, they pulled money out of the regions. I talked about the big projects yesterday. During their time in government they spent \$23 billion in the regions, while this Government has spent almost \$50 billion. The Labor Government's actions speak for themselves. I am proud of the work we have done in regional New South Wales. We do not sit in the electorate of Maroubra and pretend to understand regional New South Wales. Government members live in regional New South Wales every day. We are part of our communities, our kids go to the same schools, we attend the same events and our local clubs service our communities.

**The SPEAKER:** There is too much audible conversation in the Chamber.

**Mr JOHN BARILARO:** This Government represents New South Wales. Over the past two years my hectic diary shows that my Ministers and I have taken on the challenge on behalf of the Government to sell the message in regional New South Wales. We have not turned up as Johnny-come-lately like the Leader of the

Opposition who is now talking about visiting regional New South Wales. He said that after the Parliament rises he will spend next week in regional New South Wales. People may be surprised but I welcome that. I invite the member for Maroubra, the Leader of the Opposition, to regional New South Wales.

The Leader of the Opposition should come and explain his track record and his party's policies. This week I got my office to do something very different. I said, "Stop working on my diary and planning what I will be doing over the next four months. Let us help the Leader of the Opposition. He has not been in the regions and he may not know where some of these communities are. We should give him some guidance." I got my office to put together an itinerary for the Leader of the Opposition so that he does not miss out on any opportunities to talk about the direction in which we should be going in regional New South Wales.

**Mr Clayton Barr:** Point of order—

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

**Mr Clayton Barr:** The Deputy Premier should stop using a prop.

**The SPEAKER:** That is not a prop.

**Mr JOHN BARILARO:** It is not a prop; it is an itinerary that I am reading from so that I can help the Leader of the Opposition. The first stop for the Leader of the Opposition should be Deniliquin. I always send him down to Deni. [*Extension of time*]

I am sure that the member for Murray will welcome the member for Maroubra with open arms. He has arranged for him to meet the local timber industry representatives, so he can explain why Labor does not support the timber industry and why it does not matter. That will be a fantastic visit. He should then go to the electorate of the member for Upper Hunter and go to Muswellbrook. The member for Upper Hunter is preparing for the Leader of the Opposition to meet mineworkers to explain to them why the Labor Party no longer supports the coal industry or mining industry and why their jobs do not matter.

**The SPEAKER:** I call the member for Prospect to order for the third time.

**Mr JOHN BARILARO:** We made sure that Tweed was on his itinerary. He can go to Tweed and explain to that community why he wants to delay Tweed hospital by two years, with the possibility of more than \$100 million in overruns so that the Labor Party can meet the needs of a party donor to put the hospital site on a developer's block. We will make sure he can do that and that is why Tweed is on the list. While he is visiting North Coast electorates we want him to visit Lismore where he has some explaining to do about why, under his watch as a Minister in that rotten Labor Government, he littered the North Coast with coal seam gas licences. He needs to explain that as well.

While the Leader of the Opposition is on the North Coast he should visit Ballina, Grafton, Coffs Harbour, Kempsey, Port Macquarie and Myall Lakes and explain to those communities why he cut hundreds of health jobs and shut down beds in the hospital system on the North Coast. There are plenty of other places for him to visit in regional New South Wales. I encourage the Leader of the Opposition to come to the regions and to stop referring to the regions as "other parts of the State." He talks about the suburbs of Sydney and then he refers to regional New South Wales as "other parts of the State." I encourage him to come out and spend some time. He is a Johnny- come-lately. We have not seen him in the regions. We will welcome him but there is a bit of explaining for him to do about what the Labor Party did to regional New South Wales in its 16 years in government.

#### CORRECTIVE SERVICES PAROLE REGULATIONS

**Mr MICHAEL DALEY (Maroubra) (14:44):** My question is directed to the Minister for Counter Terrorism, Minister for Corrections, and Minister for Veteran Affairs. Yesterday, the Minister admitted that he is holding onto a report into the Kogarah attack. Will he now release it?

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (14:44):** Madam Speaker—

**The SPEAKER:** The Minister has the call. If members want to miss the rest of the day, which is the last day, they are heading in the right direction.

**Mr DAVID ELLIOTT:** I said the day before yesterday that if people in the gallery had seen the performance of the Leader of the Opposition in the last Parliament they would understand why it took him 24 hours to catch up. He is not going to be happy unless he subverts the judicial process. The Leader of the Opposition will not be happy until he creates such confusion and disharmony in this investigation that he subverts the judicial process.

**Dr Hugh McDermott:** Rubbish! The confusion has come out of your office.

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

**Mr David Harris:** It is about your department and your failings.

**Mr DAVID ELLIOTT:** The shadow police Minister clearly has never been involved in a criminal investigation. As I said yesterday, my department provided me with advice that if the inquiry was made public it could easily be used by a smart lawyer to get alleged offenders off. I will not create an aura around this investigation that suggests that information that has not been tested under the Evidence Act will be put in the public domain. The investigation that I called for on Monday, that was delivered to me on Tuesday, suggested to me that everything that Corrective Services has done has been done in accordance with the rules. The offender was arrested in 2012 and subsequently released on parole. His parole conditions were all complied with. Today, the Commissioner of Police provided a statement that made it clear that as far as he is concerned the conduct of the police now has to be in question. I will not engage in some sort of ongoing political debate with the Leader of the Opposition.

**Mr Michael Daley:** Point of order: Rather than throwing the Minister for Police and his troops under the bus, the Minister should release the report and end the cover-up.

**The SPEAKER:** Does the Leader of the Opposition have a point of order? The Leader of the Opposition does not have a point of order.

**Mr Michael Daley:** It cannot continue forever.

**The SPEAKER:** The Leader of the Opposition needs to understand the standing orders. He will resume his seat.

**Mr Michael Daley:** It will come out when I am the Premier and we have a public inquiry.

**The SPEAKER:** So much for good behaviour. I call the Leader of the Opposition to order for the second time.

**Mr DAVID ELLIOTT:** I have answered the Leader of the Opposition's question. He could not even get the timetable right when he asked that question. I refer him to the Premier's earlier answer.

#### HEALTH INFRASTRUCTURE

**Mr MARK COURE (Oatley) (14:47):** My question is addressed to Minister for Health, and Minister for Medical Research. How is the New South Wales Liberal-Nationals Government delivering a stronger, better future for our State's health system and rectifying the failings of the Labor Government?

**Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (14:47):** Madam Speaker—

**The SPEAKER:** Members will cease interjecting. Some members clearly do not want to be here for the rest of the day.

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** What does the member for Cessnock want?

**Ms Jodi McKay:** He is entitled to take a point of order.

**The SPEAKER:** The member for Strathfield will stop telling me how to do my job. I will gladly get out of the chair if she wishes and she can have a go.

**Ms Jodi McKay:** This is your last day.

**The SPEAKER:** This might be the last day for the member for Strathfield. That would be good would it not? What does the member for Cessnock want? The Minister has not commenced answering the question.

**Mr Clayton Barr:** It is not to do with the response; it is to do with the question. Standing Order 128 (2) (a) states that questions should not contain irony, epithets and—

**The SPEAKER:** The question does not include either epithet or irony. Standing Order 128 has several clauses—the member for Cessnock is right—but he does not understand any of them.

**Mr Clayton Barr:** No, but they are really big words, Madam Speaker.

**The SPEAKER:** Get a dictionary.

**Mr BRAD HAZZARD:** I thank the member for Oatley for his question. He has done an incredible job in his electorate and without him St George Hospital would not have seen the massive upgrade that has occurred. As they say, "Hooray Couré." Well done!

**The SPEAKER:** I remind the member for Rockdale that he is on three calls to order.

**Mr BRAD HAZZARD:** The member for Oatley is entitled to be proud of the fact that since 2011, \$332 million has been spent in his community. I thank all the medical staff at St George Hospital who have been part and parcel of the upgrade—a new 52-bed intensive care and high dependency unit, a cardiac catheterisation unit, 128 inpatient beds, a new sterilising department, and an atrium linking the emergency department, the Tower Ward Block and the Clinical Services Building. I acknowledge Associate Professor Theresa Jacques, a great intensivist who has a four-pod intensive care unit. If I did not acknowledge her I would be in trouble. It is worrying that we now have an Opposition that thinks it could do the job of being in government but clearly it does not have the goods. What has happened in the past eight years as opposed to the previous 16 miserable years of a Labor government that did nothing in health.

**The SPEAKER:** This is the final warning for the member of Rockdale.

**Mr BRAD HAZZARD:** Let us pick a date right in the middle of those miserable 16 years. In 2008, 2009 and 2010, 65 per cent of ambulances did their offload of patients, thus meeting their requirement of looking after patients within the prescribed 30 minutes. Under the Coalition Government 92 per cent—closing in on 100 per cent—of ambulances get their patients in for care quickly, which was completely beyond Labor. In addition to ambulance offloads there are a number of other indicators. During the Labor years I was told by people working in the hospitals that they all dreaded the fact that the toecutter gang would arrive and start decimating the staff.

**Mrs Leslie Williams:** It is true.

**Mr BRAD HAZZARD:** It is true, as the member for Port Macquarie, who was a nurse at the time, knows. Getting rid of staff is what got Labor through those 16 years. I am told that in one area it had a \$73 million budget overrun. In other words, it could not run the hospital system so it started sacking people. What has happened since the New South Wales Government got the economy working well? There has been a slight difference. Have we been sacking staff? Have we been doing that?

**Government members:** No.

**Mr BRAD HAZZARD:** No. Have we employed another 1,000 people in our hospitals?

**Government members:** No.

**Mr BRAD HAZZARD:** Have we employed another 2,000 people in our hospitals?

**Government members:** No.

**Mr BRAD HAZZARD:** Have we employed another 3,000 people in our hospitals?

**Government members:** No.

**Mr BRAD HAZZARD:** Have we employed another 4,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 5,000?

**Government Members:** No.

**Mr BRAD HAZZARD:** Another 6,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 7,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 8,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 9,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 10,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 11,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 12,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 13,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 14,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 15,000?

**Government members:** No.

**Mr BRAD HAZZARD:** Another 16,000?

**Government members:** Yes.

**Mr Paul Lynch:** Point of order—

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

**Mr Paul Lynch:** Standing Order 49 means that, Madam Speaker, has to attempt to keep order in this Chamber. It is impossible to do that when the Minister for Health behaves in that manner.

**The SPEAKER:** I agree with the member for Liverpool. The member for Liverpool will resume his seat.

**Mr BRAD HAZZARD:** I agree. If I could I would uphold the point of order. In addition to the hospitals—

**The SPEAKER:** The member for Fairfield will cease interjecting. The Minister has the call.

**Mr BRAD HAZZARD:** This Government has increased the number of staff and it has improved ambulance offloads. Let us take another year in the middle of those horrible 16 years. In 2004 under Labor more than 19,000 people were waiting for operations. Today, under a Liberal-Nationals Government there are 260. [*Extension of time*]

In 2004, 19,000 patients were waiting beyond clinically approved times for surgery. Today, after eight years of a Liberal-Nationals Government, 260 people are waiting. On any criteria whatsoever that is an amazing change. On top of that, as the Premier observed earlier, across our hospital system we have had 94 hospitals either upgraded or rebuilt. Under Labor effectively nothing was being built. There was a closure—

**The SPEAKER:** Members who are on three calls to order are calling out.

**Mr BRAD HAZZARD:** Effectively under Labor nothing was being built. Labor used other people's money to build infrastructure as it had no money. Rebuilds include the Dubbo Base Hospital, Shellharbour ambulatory care expansion centre, Hillston Multipurpose Centre, Peakhill Multipurpose Centre and Walgett Multipurpose Centre. We are spending \$750 million on the Blacktown Mount Druitt Hospital redevelopment and the Lismore Base Hospital redevelopment is in the final stage. We have built stages one and two of the Wagga Wagga Rural Referral Hospital and amazing work is being done at Hornsby and Artarmon. So many hospitals and ambulance stations are being built. I thank all the doctors and nurses who work in our hospital system across New South Wales. I also thank my electorate officer Noelene Barrell and Lisa Nagle. I thank all the amazing electorate officers who have looked after all members of Parliament over the past four years.

#### **MINISTER FOR COUNTER TERRORISM, MINISTER FOR CORRECTIONS, AND MINISTER FOR VETERANS AFFAIRS**

**Mr MICHAEL DALEY (Maroubra) (14:56):** My question is directed to the Premier. Multiple recent events have exposed the Minister for Corrections as unfit to hold office. Why is the Premier protecting him when she cannot protect the people of New South Wales? Will the Premier now sack David Elliott?

**The SPEAKER:** The Premier has the call.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:57):** I refer the Leader of the Opposition to my previous response in the House. The Leader of the Opposition talks about higher standards but the only standards he knows about are double standards. He made a commitment to his caucus colleagues and the people of New South Wales the day before he was elected their leader and he has already broken that commitment. He told everybody—

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

**Ms Kate Washington:** Point of order: My point of order is taken under Standing Order 129.

**The SPEAKER:** There is no point of order. The Premier has been relevant. The member for Port Stephens will resume her seat.

**Ms Kate Washington:** The question was why the corrections Minister is still sitting in this Chamber—

**The SPEAKER:** The member for Port Stephens will resume her seat. I call the member for Port Stephens to order for the first time. The member for Port Stephens will resume her seat.

**Ms Kate Washington:** —when families across this State are concerned—

**The SPEAKER:** For the third time, the member for Port Stephens will resume her seat.

**Ms Kate Washington:** —about why he is not protecting children in the State.

**The SPEAKER:** Order! I direct the member for Port Stephens to remove herself from the Chamber under Standing Order 249A for a period of three hours. The member for Port Stephens was not on three calls to order, but defied my three requests that she resume her seat. That is dangerous. The Premier has the call.

*[Pursuant to sessional order the member for Port Stephens left the Chamber at 15:00.]*

**Ms GLADYS BEREJIKLIAN:** It is very concerning that when I called out the Leader of the Opposition on what he is quoted as saying, he said that he did not say it. I have his words right here. He said, "If I'm the Leader of the Labor Party, I don't want Luke Foley in my ranks."

**The SPEAKER:** The Premier has the call. I remind members on three calls to order who continue to interject that they will be removed from the Chamber for the day, including the member for Keira and the member for The Entrance.

**Ms GLADYS BEREJIKLIAN:** This goes to the heart of the Labor Party. Those opposite are now saying in this place that because Luke Foley is not in the Chamber today, the Leader of the Opposition has delivered on that commitment.

**Mr Guy Zangari:** Point of order—

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

**Mr Guy Zangari:** I take my point of order under Standing Order 129, relevance.

**The SPEAKER:** I have already ruled on that.

**Mr Guy Zangari:** The Leader of the Opposition has nothing to do with the question. The question was clearly about the corrections Minister and his failings, and whether the Premier is going to take action, sacking him from his portfolio.

**The SPEAKER:** There is no point of order. The Premier is being relevant to the question she was asked.

**Ms GLADYS BEREJIKLIAN:** Hand on heart, the member for Maroubra made a commitment to the people of New South Wales and he has not kept that. When I quoted his words, he said that he did not say those words. He said those words.

**Mr Paul Lynch:** Point of order—

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

**Mr Paul Lynch:** My point of order is taken under Standing Order 73. This is clearly a substantive attack upon the Leader of the Opposition. If the Premier wants to do that, she must do so by substantive motion.

**The SPEAKER:** Given the substantive attacks in the question the Premier was asked, I would not raise that point of order. There is no point of order.

**Ms GLADYS BEREJIKLIAN:** How can members of the Labor caucus trust the Leader of the Opposition? How can the people of New South Wales trust him? He failed as a Minister and he is failing as the Leader of the Opposition. He cannot even tell the truth in this place, when his words are in black and white.

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. Member for Cessnock, did you read the dictionary?

**Mr Clayton Barr:** My point of order is taken under Standing Order 73. Surely the comments from the Premier have been an attack on the Leader of the Opposition?

**The SPEAKER:** That was the previous point of order taken by the member for Liverpool. I indicated that the question contained substantive attacks on another member. I would not raise that issue, if I were you.

**Mr Clayton Barr:** Respectfully, Madam Speaker—

**The SPEAKER:** When people say "respectfully", they do not mean it. The member for Cessnock will resume his seat. The Premier has the call.

**Mr Andrew Fraser:** Point of order: This is probably my last point of order in this House.

**The SPEAKER:** They are lovely people; ill-mannered, uncouth.

**Mr Andrew Fraser:** Madam Speaker, I draw your attention to Standing Order 250:

A member may be named by the Speaker for:

(1) Persistently and wilfully obstructing the business of the House;

**The SPEAKER:** Are you suggesting that I name somebody on the last sitting day?

**Mr Andrew Fraser:** The standing order continues:

(4) Persistently and wilfully refusing to conform to any Standing Order; and

(5) Persistently and wilfully disregarding the authority of the Chair.

Madam Speaker, I would request—

**The SPEAKER:** Are you nominating somebody, anybody?

**Mr Andrew Fraser:** —that you utilise that standing order this afternoon.

**The SPEAKER:** That would be uncharitable; I would never do that on the last sitting day.

**Mr Andrew Fraser:** They would then not be back in the House until the new Government is formed.

**The SPEAKER:** I could not do it. I thank the member for Coffs Harbour for reminding me of the standing orders. I have contemplated using that standing order, but I am always reluctant to use it. The Premier has the call. The Leader of the Opposition will stop calling out.

**Ms GLADYS BEREJIKLIAN:** I do want to—

**The SPEAKER:** The Leader of the Opposition does not need to be aggressive. I call the Leader of the Opposition to order for the third time.

**Ms GLADYS BEREJIKLIAN:** So much for the high standards of the Leader of the Opposition; what a hypocrite, what a grub. I want to say very clearly again to the people of New South Wales that when I raised the issue that the Leader of the Opposition said, "If I'm the Leader of the Labor Party, I don't want Luke Foley in my ranks". First of all he said to me, "I didn't say that." He did say it. Secondly, he said, "Well, he's not here, is he?" His definition of keeping that commitment is having somebody absent from the Chamber. Luke Foley is still a member of the Labor Party, a member of this place. That is contrary to what the Leader of the Opposition said. Not only did the Leader of the Opposition breach the trust of his caucus and the people of New South Wales, but he came in here to lie about it.

**The SPEAKER:** Members who continue to interject will be removed from the Chamber. I cannot hear the Premier.

**Ms GLADYS BEREJIKLIAN:** They always say that past performance is a measure of future performance. I want to quote what Carl Scully said—

**Mr Guy Zangari:** Point of order—

**The SPEAKER:** The member for Fairfield will resume his seat. I am reluctant to entertain these frivolous points of order. I will listen to the member for Fairfield because he is usually sensible. The Clerk will stop the clock.

**Mr Guy Zangari:** Once again, I take a point of order under Standing Order 129, relevance.

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

**Mr Guy Zangari:** The question was about the Minister for Corrections, not the Leader of the Opposition.

**The SPEAKER:** In my view, the Premier has been relevant the entire time. The member for Fairfield will resume his seat. There is no point of order.

**Ms GLADYS BEREJIKLIAN:** On page 459 of his book, Carl Scully said, "The period of March 2007 to February 2010 was about as damaging and wasteful as any three-year period in the history of the government of New South Wales." Who was part of that government? The member for Maroubra. He could not be trusted then, he cannot be trusted now and he can never be trusted by the people of New South Wales.

### TRANSPORT INFRASTRUCTURE

**Mr LEE EVANS (Heathcote) (15:06):** My question is addressed to the Minister for Transport and Infrastructure. How has the Government delivered new and improved transport infrastructure? What leadership is required to maintain that level of delivery and any related matters?

**The SPEAKER:** That is a wideranging question and everything can be relevant to that question.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:07):** I thank the member for Heathcote, an outstanding and hardworking member of Parliament, for his question. He is a guy who gets things done, and he gets things done because he is part of a Government that gets things done. This Government has been delivering for eight years. This Government has rebuilt the State's transport infrastructure. This Government has delivered the South West Rail Link and other infrastructure like Wynyard Walk. This Government has invested \$1½ billion in more trains and services—infrastructure—on the existing heavy rail line. This Government has made a major investment in the Metro, with some \$20 billion invested.

We are going to get on with the job. We are going to keep building. We have WestConnex underway, we have NorthConnex underway. We have added more than 30,000 new transport services to the network. We are going to keep building a better future for this State. That is what this is about; it is about making sure we can build Metro West, the new Metro train for Western Sydney airport. This Premier was the transport Minister and then the Treasurer, and she is making sure that at the heart of everything we do we have the finances to get on with the job. That is what counts for the people of this State. This Government was led by Barry O'Farrell, then Mike Baird and is now led by Gladys Berejiklian. We are making sure that every community across this State is benefiting from the incredible investment we are making. Our investment in infrastructure is unmatched worldwide, with \$87 billion to be invested over the next four years and \$110 billion already delivered.

There is no doubt that those opposite, if they get back into government, will cancel major projects such as the Northern Beaches Tunnel, the West Harbour Tunnel, the F6 and Metro South West. They will cancel stadium rebuilds that will generate construction jobs and major events that the people of this State will enjoy. There is a lot on the line, come March next year. I say to those opposite, the best thing they could do for us is go out and make sure the people of New South Wales know who they are, because it will help our vote. In doing that, I want to go to the heart of leadership, which is what this question was about. If I put a spotlight on the Leader of the Opposition and his record, he can deliver. He can deliver all right. He can deliver only to his Labor mates. The fact that we have seen Hawker Britton lobbyists seconded to his office is a shame. He has done that from Opposition.

**The SPEAKER:** I warn the member for Rockdale not to call out. I also warn the members for Prospect, Londonderry and The Entrance.

**Ms Prue Car:** No-one cares about that.

**Mr ANDREW CONSTANCE:** It is interesting. I want it noted that the member for Londonderry does not care about integrity; she said, "No-one cares about that." I think the people of this State do care about it. Because they remember what incompetent, corrupt Labor Government means for them—and we will remind them of it every day between now and March. I will tell you what else, the Leader of the Opposition will have a party in March—this is bloody terrible.

**Mr Greg Warren:** Point of order—

**The SPEAKER:** The Minister will resume his seat. The clock is stopped.

**Mr Greg Warren:** My point of order is under Standing Order 73. I agree, it is bloody terrible. Just sit down.

**The SPEAKER:** That is unparliamentary of the member for Campbelltown.

**Mr Greg Warren:** I am sure the Leader of the Opposition is flattered by his infatuation and rolling out how he has good management skills.

**The SPEAKER:** What is the member's point of order?

**Mr GREG WARREN:** It is Standing Order 73. The Minister can move a substantial motion and debate how much of a good administrator and manager the Leader of the Opposition is.

**The SPEAKER:** There is no point of order under Standing Order 73. The Minister has the call.

**Mr ANDREW CONSTANCE:** There will be a party in March—it will not be an election party—a homecoming party, because guess who is off parole come March? Michael Williamson. Who is Michael Williamson? When the Leader of the Opposition was on Randwick City Council he approved an extension to Michael Williamson's place, his Labor mate, against the advice of the staff of the council.

**The SPEAKER:** The Minister will resume his seat. The Clerk will stop the clock.

**Ms Jodi McKay:** Point of order: My point of order is under Standing Order 129. This is a question about transport. Given I am going to be the Minister for Transport I would like to know what is going on.

**The SPEAKER:** The Minister has been talking a lot about transport.

**Mr ANDREW CONSTANCE:** I've got news, you won't be. The thing about Williamson is that we will never ever forget that three days before the caretaker period in 2011, guess who appointed Michael Williamson to the board of State Water?

**Mr Michael Daley:** Eric Roozendaal.

**Mr ANDREW CONSTANCE:** The member for Maroubra. Signed it off. It is interesting you mentioned Roozendaal, because guess who bought property in Maroubra and when you were sitting on council you approved a development application for a cheap apartment? Eric Roozendaal. This is a vicious web of Labor mates.

**Mr David Harris:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. The Minister will resume his seat.

**Mr David Harris:** My point of order is under Standing Order 73. If this is not breaching Standing Order 73, then nothing ever does.

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

**Mr ANDREW CONSTANCE:** The Leader of the Opposition is in a web of Labor mates from Pittard, Roozendaal and Williamson. [*Extension of time*]

Who, in Maroubra, ran financial rackets through the council with developments. Michael Williamson has been in jail for 7½ years for ripping off healthcare workers to the tune of \$1 million. He was in Michael Daley's—

[*Interruption*]

**Ms JODI MCKAY:** Point of order: My point of order is under Standing Order 129. The question was about transport. This has absolutely nothing to do with transport.

**The SPEAKER:** There is no point of order.

**Mr ANDREW CONSTANCE:** The only transport you will be interested in is prison transport, because Michael Williamson might be out in March, and the only party that Michael Daley will be holding in March is a homecoming party, because this Government will take it up to him every day. Michael Daley has a history that is not good for the people of this State. Let us look at this. He wants to talk about his record. When he was Minister for Police he blew his budget.

**Ms Prue Car:** Point of order—

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

**Ms Prue Car:** My point of order is under Standing Order 73. This is clearly a breach. It is an attack on the member for Maroubra, which must be done by way of substantive motion.

**The SPEAKER:** There is no point of order. It is not relevance?

**Ms Prue Car:** It is clearly a breach of Standing Order 73.

**The SPEAKER:** That is your view. The member for Londonderry will resume her seat. I do not think it is a substantive attack, and it is relevant. If members listened to the question they would understand it was relevant. It was not just about transport. If members wish to raise a point of order about relevance, they should listen to the question before demonstrating that they have not listened, and they are not relevant. It was also about the level of leadership.

**Mr David Harris:** Point of order: My point of order is Standing Order 73. I request a written interpretation of what Standing Order 73 is and how it does not relate to this.

**The SPEAKER:** No. The member for Wyong will resume his seat. The Minister has the call

**Mr ANDREW CONSTANCE:** Here is the record of Michael Daley when he was Minister. When he was the Minister for Roads—

**The SPEAKER:** The member for Strathfield will remove herself from the Chamber for three hours.

*[Pursuant to sessional order the member for Strathfield left the Chamber at 15:17.]*

**Mr ANDREW CONSTANCE:** I won't miss you. When he was the Minister for Roads how much do you think he blew his budget by? Three hundred million dollars. But it got better. If that is added to the budget blowout when he was Minister for Police, he did not deliver his budget as a Minister and he blew his budget by \$700 million. That is the Leader of the Opposition. A hopeless Minister. I say to the member for Kogarah—

**The SPEAKER:** Order! I cannot hear the Minister.

**Mr ANDREW CONSTANCE:** What a great shame that he turned to Minns. Vote Liberal-Nationals in the next election, that is my message.

#### RACIAL VILIFICATION

**Ms TAMARA SMITH (Ballina) (15:17):** My question is directed to the Attorney General. Given his efforts to improve vilification laws in New South Wales, will the Attorney General commit to removing religious exemptions from the Anti-Discrimination Act to protect LGBTIQ-plus people from discrimination?

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (15:18):** I thank the member for Ballina for her question. I did not expect to get a Dixier this week. What a pleasure it is to get a question from such a congenial, courteous, engaging, thoroughly nice member of Parliament. But it will be a much greater pleasure when the next Dixier from Ballina comes from Ben Franklin after 23 March. I was delighted to join the Hon. Ben Franklin, the Parliamentary Secretary—

**The SPEAKER:** Members should come to order. This was a serious question. I call the member for Kiama to order for the third time.

**Mr MARK SPEAKMAN:** I was delighted to join Ben Franklin in visiting local courthouses in Ballina last month. We announced a \$75,000 grant for Byron Shire Council. It is important when ensuring community safety to have not only the right law on the ground but also the right infrastructure.

**Ms Jenny Leong:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. I do not know why the member for Newtown would be taking a point of order.

**Ms Jenny Leong:** I do not believe the question was about what is going in Ballina. It was about reforms to the antidiscrimination legislation.

**The SPEAKER:** It is very early in the answer. We will listen to what the Attorney General has to say. I know he will answer the question. There is no point of order.

**Mr MARK SPEAKMAN:** I am coming to that. Community safety at a practical grassroots level can be improved with better street lighting in Byron Bay. Along with Ben Franklin, I announced a \$250,000 grant for the Byron Youth Service, which does great work with the Byron Shire First Offenders' Program. It deals with antisocial behaviour at local crime hotspots during festivals and schoolies season, and educates school students about appropriate behaviour. I thank the member for Ballina for her interest in vulnerable groups. This

Government is committed to protecting vulnerable groups through its antidiscrimination legislation. That is why early this year we got rid of the exemption that allowed employers to fire or to refuse to hire women who knew they were pregnant when they applied for a job. I acknowledge the member's former colleague Dr Mehreen Faruqi's advocacy in that regard.

Earlier this year the Government legislated a new offence of publicly advocating or inciting violence on grounds of race, religion, sexual orientation, gender identity, or intersex or HIV/AIDS status. The legislation, which was passed unanimously, expanded the grounds already in the Act, and the offence is now in the Crimes Act. That demonstrates how seriously the Government takes this sort of behaviour. The offence also now attracts a maximum of three years' imprisonment. The police will now investigate alleged offences rather than the Anti-Discrimination Board NSW and the veto the Attorney General had over prosecutions has been repealed. That legislation represented a fundamental reform of our protection of vulnerable groups in New South Wales facing the threat of violence. The then President of the New South Wales Jewish Board of Deputies, Jeremy Spinak, stated:

The government has put a line in the sand and said that incitement to violence on the basis of race will not be tolerated. This measure protects our community and allows us to act to meet brewing threat of violence before they occur.

I note the sadness of all members at Mr Spinak's recent passing. I extend the condolences of the House to his family, Michael, Richard and Jason, whom I know, and the Jewish community. It is a great loss for everyone in New South Wales. Mr Spinak was an advocate for these reforms, as was Vic Alhadeff, and for tolerance, inclusion and diversity. The member's question was about vulnerable minorities. Of course, one vulnerable minority is Labor members who think that having Michael Daley as Leader of the Opposition is a good idea. I make one thing clear—

**The SPEAKER:** Order! I cannot hear the Attorney General for the audible conversations. If members are not interested in the information, they should leave the Chamber.

**Mr MARK SPEAKMAN:** The health and welfare of our State's children is a high priority for this Government. No child should be made to feel inferior, inadequate or unsafe. That is why we will have the strongest possible anti-discrimination laws in New South Wales. Against that, we have the traditional values of a liberal democracy: freedom of speech, freedom of association and freedom of religion. Of course, in the case of the Leader of the Opposition, freedom of religion meant freedom to worship Joe Tripodi and Eddie Obeid in his inaugural speech, and ever since.

We await with interest the Ruddock review and the Commonwealth Government's response. We want to learn whatever we can from the review and we will analyse it carefully to ensure that, to the extent possible, New South Wales harmonises its legislation with the Commonwealth legislation. We want to ensure we have the balance right between protecting the fundamental values of liberal democracy on the one hand and ensuring that vulnerable groups in our community are protected against discrimination on the other. I thank the member for Ballina for her question and her interest in LGBTI protection. I do not believe she will be getting a reference from Jeremy Buckingham come 23 March. However, she is such a nice and decent person that she should come to see me after the election and I will be happy to give her one.

#### STATE FINANCES

**Mr GARETH WARD (Kiama) (15:23):** I address my question to the Treasurer, and Minister for Industrial Relations. After eight great years of transforming New South Wales and making our State number one again, how is going back to Labor the greatest risk to a stronger, better future for the people of New South Wales?

**The SPEAKER:** I warn members, including the member for Rockdale, that they are already on three calls to order.

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (15:24):** I thank the great member for Kiama for his question. As we end this Fifty-Sixth Parliament, this term will always be remembered for the resurgence of New South Wales with a Liberal-Nationals Government. In just eight short years we have worked hand in hand with the people of this great State to move from last to first. The results are there for all to see. Our economy is number one; our budget is back in the black; our triple-A credit rating—

**Mr Paul Lynch:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. If we are going to do this for the next five minutes, it will get tiresome and I will get cranky. I will throw out members I do not want to throw out and I will regret it. Despite that, the member for Liverpool can take his point of order.

**Mr Paul Lynch:** My point of order relates to Standing Orders 103 and 104. This is clearly a ministerial statement. There is a time set aside for that in the Order of Business.

**The SPEAKER:** There is no point of order. It is not a ministerial statement. If the Treasurer wanted to make a statement, he could have done so earlier.

**Mr DOMINIC PERROTTET:** During question time news has come out that more than 200,000 jobs have been created in Western Sydney for the first time. Since the Coalition has come to office, 212,000 jobs have been added to Western Sydney. That is more new jobs than have been created in South Australia, Tasmania and Western Australia combined. The number of women in work has increased by 237,000 since the last election. That is more female jobs in 3½ years than were added during Labor's last two terms in government.

**The SPEAKER:** Order! All I can hear is the member for Prospect's voice. He and the member for The Entrance have been recalcitrants today.

**Mr DOMINIC PERROTTET:** This Government has delivered record numbers of nurses, teachers and police, record health, education and transport funding, and more schools, hospitals, roads and rail than ever before. We have helped families, boosted businesses and cared for the vulnerable. On every measure, on every front and in every respect, New South Wales is a better place today than it was eight years ago. We are just getting started. Our State is back in business because this Government keeps its commitments. In 2011, we promised to fix the budget and make New South Wales number one again, and we did. In 2015 we promised to lease the poles and wires and to invest the proceeds to revitalise and rebuild New South Wales, and we did that too. The people of New South Wales will never forget the shameful record of the Labor Government and the role the Leader of the Opposition played in it. There was a conga line of corruption, cover-ups and chaos. They had a deep and abiding contempt for the people they were meant to represent.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. We will sit and wait here for another half an hour.

**Mr Ryan Park:** My point of order relates to Standing Order 129. The answer must be somewhat relevant to the question. I do not know what a conga line or anyone in the past have to do with the economic—

**The SPEAKER:** That is what the question was about.

**Mr Ryan Park:** —prosperity or lack thereof of this State.

**The SPEAKER:** That is precisely what the question asked; it asked about the past—going backwards. The member for Keira should listen. There is no point of order.

**Mr DOMINIC PERROTTET:** Members should not take my word for it. Kristina Keneally confessed, "We lost our way because we were too focused on ourselves, and for that I am sorry." The Australian National University said, "This was the biggest mess in the history of public administration in Australia." Even the current Leader of the Opposition admitted after the election that the "voters have done their job and got rid of a bad government". It was not a bad government; it was a toxic government.

**Dr Hugh McDermott:** They will do the same on 23 March.

**The SPEAKER:** Order! The member for Prospect will leave the Chamber for an hour.

*[Pursuant to sessional order the member for Prospect left the Chamber at 15:29.]*

**Mr DOMINIC PERROTTET:** The member for Maroubra was in the thick of it. He was Obeid's and Tripodi's loyal lackey just following orders.

**Mr Greg Warren:** Point of order: My point of order relates to Standing Order 59, tedious repetition.

**The SPEAKER:** There is no point of order. The member will resume his seat. I have not heard any of this information before.

**Mr Greg Warren:** Also Standing Order 73—

**The SPEAKER:** If the first point of order is not successful, the member cannot raise another point of order.

**Mr Greg Warren:** I was taking two points of order and explaining why.

**The SPEAKER:** The member failed on one and decided to take another point of order. He should not be impertinent. The member will resume his seat.

**Mr DOMINIC PERROTTET:** Instead of looking to the future, Labor has decided to bring back its sordid past. For the past eight years, the Labor Party has tried to block every reform that the Government has introduced to get our State back on track. All the progress made in New South Wales is not been because of them; it has been in spite of them. The Opposition has learnt nothing, done nothing and contributed nothing. No wonder the Labor Party has chosen the laziest member in this place to lead it to the next election. The truth is that members opposite are not ready. It is a B-grade team with a C-grade leader—a shadow Treasurer who cannot count, a shadow transport Minister who sabotages projects and a Leader of the Opposition who is protected, promoted and groomed by criminals.

**Mr Clayton Barr:** Point of order: My point of order relates to Standing Order 73. The Treasurer cannot make attacks on the front bench of the Opposition unless it is by substantive motion.

**The SPEAKER:** At this stage, I am not sure that they are substantive attacks—no more than what usually occurs during question time and has occurred for the past four years. The member will resume his seat.

**Mr Clayton Barr:** To be fair, only one side of the Chamber gets to stand at the lectern—

**The SPEAKER:** I am being fair; I am always fair. Every day I am fair. The member will resume his seat or be removed from the Chamber for no other reason than he annoys me—that is fair!

**Mr Ryan Park:** Point of order—

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

**Mr Clayton Barr:** Point of order: My point of order relates to Standing Order 49. I have just checked standing orders for the Government and every page is completely blank. I do not know whether that is a fair, reasonable and balanced Chamber.

**The SPEAKER:** That is a little scribble notepad for the member for Keira, who likes to do colouring-in during question time on occasion.

**Mr Ryan Park:** Point of order—

**The SPEAKER:** There will be no further points of order; let's get it over and done with.

**Mr Ryan Park:** Could the Treasurer take his seat?

**The SPEAKER:** If I ask him to.

**Mr Ryan Park:** The Treasurer said that the Leader of the Opposition was groomed by criminals. I ask that he withdraw that comment.

**The SPEAKER:** It is up to the Treasurer.

**Mr DOMINIC PERROTTET:** That is the truth. The reality is that the dregs of 2011 are now running the show in 2018. The member for Kogarah knows it. The last two weeks have shown it. Labor has no vision, no plan, no product and no purpose. It is desperately trying to spin itself back into government. It is not ready because it has not changed: Eddie Obeid, Joe Tripodi, Ian Macdonald, Milton Orkopoulos, Tony Kelly, Sam Dastyari, Jamie Clements, Emma Husar, Shaoquett Moselmane and now Luke Foley. This is not a political party; it is a police line-up, aided and abetted by those opposite. [*Extension of time*]

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

**Mr Paul Lynch:** Point of order: The Treasurer's last comments were in breach of standing orders 73 and 72.

**The SPEAKER:** I am sorry I did not hear them.

**Mr Paul Lynch:** It is impossible to maintain order if the Speaker is not listening to what is being said. It is also impossible to maintain order with comments like that.

**The SPEAKER:** I apologise. I was talking to the Leader of the House. I will listen further. I caution the Treasurer on his use of language.

**Mr DOMINIC PERROTTET:** They are a bunch of spivs, lurk merchants and ratbags. It is a party that is rotten to its core with no need to change.

**Mr Clayton Barr:** Point of order: Dom, you need to withdraw that. I wasn't even here during that time, nor were most of these people. You're labelling everyone—

**The SPEAKER:** The member will resume his seat. The member for Cessnock knows that a lot of things are said during question time that are offensive to both sides. No one side is innocent, so the member should not play the innocent, affected party.

**Mr Clayton Barr:** I ask the Treasurer to withdraw the comments.

**The SPEAKER:** The member for Cessnock has asked the Treasurer to withdraw his comments.

**Mr DOMINIC PERROTTET:** I am not withdrawing. Labor is not ready because, instead of looking to the future, it has gone to a man who is handcuffed by the party's toxic past. He plans to take us back to 2011—projects cancelled, jobs gone, budgets in deficit—a party that knows how to promise everything and deliver nothing. Members opposite are not ready. They know it—you can see it in their eyes. Labor does not deserve to serve the people of this great State.

**Mr Greg Warren:** Point of order—

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

**Mr Greg Warren:** My point of order relates to Standing Order 73. If the Treasurer wants to debate how good the next Labor government can be, then he should do it by substantive motion.

**The SPEAKER:** There is no point of order.

**Mr DOMINIC PERROTTET:** There will not be one, because time is up for NSW Labor. The people of New South Wales have worked Labor out and they will not be screwed over again by the Labor Party. That is why it will not be just us; every single person in New South Wales will come after you and you and you and you—every single last one of you. We have the team, we have the vision, we have the plan, we have the record. We have taken New South Wales from bad to good, and now we will take it from good to great.

#### *Business of the House*

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

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (15:35):** Madam Speaker, I thank you for upholding the standards of the House without fear and favour in such a bipartisan way. I congratulate you again.

**The SPEAKER:** It's the same every day.

**Mr ANTHONY ROBERTS:** It is. I move:

That standing and sessional orders be suspended to amend the resolution of Thursday 15 November 2018 regarding the routine of business so that paragraph (3) (a) reads as follows:

- (a) Provide for the following routine of business after the Placing and Disposal of Business:
- (i) The moving and consideration of the motion "That the House take note of Christmas felicitations" with the Premier, Deputy Premier, the Leader of the Opposition and the Leader of the House to address the motion, after which the debate shall be interrupted;
  - (ii) Government Business;
  - (iii) At 4.30 p.m., Business of the House—Petitions;
  - (iv) Further consideration of Government Business (if not concluded);
  - (v) Further consideration of the motion "That the House take note of Christmas felicitations";
  - (vi) Private Members' Statements; and
  - (vii) The House to adjourn without motion moved.

**Motion agreed to.**

#### *Visitors*

#### **VISITORS**

**The SPEAKER:** I welcome Judy Newland and Erica Lodge from the Hawkesbury electorate, guests of the Treasurer, Minister for Industrial Relations, and the member for Hawkesbury, who are here today to have lunch with the Treasurer.

*Documents***DEPARTMENT OF THE LEGISLATIVE ASSEMBLY****Reports**

**The ASSISTANT SPEAKER:** I table the report of the Department of the Legislative Assembly for the year ended 30 June 2018. I order that the report be printed.

**DEPARTMENT OF PARLIAMENTARY SERVICES****Reports**

**The ASSISTANT SPEAKER:** I table the report of the Department of Parliamentary Services for the year ended 30 June 2018 (Volumes One and Two). I order that the report be printed.

*Committees***STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS****Reports**

**Mr JAI ROWELL:** As this might be the last time I speak in this Chamber I take this opportunity to thank everybody who turned up yesterday to listen to my valedictory speech.

I table the report of the Standing Committee on Parliamentary Privilege and Ethics entitled "Review of the Pecuniary Interests Register", Report 2/56, dated November 2018. I move:

That the report be printed.

**Motion agreed to.**

**LEGISLATION REVIEW COMMITTEE****Report: Inquiry into the Operation of the Legislation Review Act 1987**

**Ms FELICITY WILSON (North Shore) (15:40):** As Chair: I table the report of the Legislation Review Committee entitled "Inquiry into the Operation of the *Legislation Review Act 1987*", Report 1/56, dated November 2018. I move:

That the report be printed.

**Motion agreed to.**

*Documents***PRINTING OF PAPERS**

**Mr ANTHONY ROBERTS:** Assistant Speaker Fraser, as this may be your last opportunity to sit in that chair, I pay tribute to you and acknowledge the fantastic work that you have done during your time in this place, not just for your electorate but for New South Wales. There are lot of people who come through this place and leave no imprint on the way people live, nor better the lives of the people. You, sir, have left a legacy that generations will look upon and thank you for. I move:

That the following papers be printed:

Office of Transport Safety Investigations Report entitled "Fantasea 8 Seasons Grounding, Broken Bay, NSW, 27 July 2017".

Office of Transport Safety Investigations Report entitled "Bus Safety Investigation Report, School Bus Fire, Sawyers Gully, NSW, 6 March 2017".

Report on the Statutory Review of the Human Tissue Act 1983.

Report of the Independent Pricing and Regulatory Tribunal entitled "Annual Compliance Report, Energy network operator compliance during 2017-18", dated October 2018.

Report of the Independent Pricing and Regulatory Tribunal entitled "Licence compliance under the Water Industry Competition Act 2006 (NSW), Report to the Minister, Water – Annual Compliance Report", dated October 2018.

Annual Report and Determination of the Parliamentary Remuneration Tribunal on Additional Entitlements for Members of the Parliament of New South Wales, dated 16 May 2018.

Report and Determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled "Court and Related Officers Group Annual Determination", dated 7 August 2018.

Report and Determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled "Governor of New South Wales", dated 4 October 2018.

Report and Determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled "Judges and Magistrates Group Annual Determination", dated 7 August 2018.

Report and Determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled "Public Office Holders Group Annual Determination", dated 7 August 2018.

Report of the Public Service Commission - State of the NSW Public Sector Report 2018.

Report of the Independent Pricing and Regulatory Tribunal entitled "Maximum prices to connect, extend or upgrade a service for metropolitan water agencies: Sydney Water Corporation, Hunter Water Corporation and Central Coast Council", dated October 2018.

Statutory Review of the Fiscal Responsibility Act 2012.

Report of the Department of Family and Community Services entitled "Child Deaths 2017 Annual Report".

Reports for 2017 – Serious Offenders Review Council; and the State Parole Authority.

Reports for the year ended 30 June 2018 – NSW Department of Finance, Services and Innovation (including reports for: Registrar-General; Board of Surveying and Spatial Information; Geographical Names Board of New South Wales; Surveyor-General; Valuer-General; NSW Procurement Board; and the Annual Reports for Rental Bond Board; Building Professionals Board; NSW Government Communications (Telco) Authority; Mine Subsidence Board; State Archives and Records Authority of New South Wales; Office of the Valuer-General and Long Service Corporation); Service NSW; State Insurance Regulatory Authority; Property NSW; Teacher Housing Authority of New South Wales; Place Management NSW (including the report for Luna Park Reserve Trust); Waste Assets Management Corporation; Workers Compensation Independent Review Officer; Cemeteries and Crematoria NSW; Greyhound Racing NSW; Greyhound Welfare and Integrity Commission; Harness Racing New South Wales; Racing NSW; Wentworth Park Sporting Complex Trust; NSW Architects Registration Board; Professional Standards Councils; Destination NSW; Mental Health Commission of New South Wales; Mental Health Review Tribunal; New South Wales Aboriginal Land Council; Multicultural NSW; Jobs for NSW; NSW Skills Board; Art Gallery of New South Wales Trust; Australian Museum Trust; Coal Innovation NSW Fund; Trustees of the Museum of Applied Arts and Sciences; Library Council of New South Wales; Historic Houses Trust of New South Wales; Sydney Opera House Trust; Department of Planning and Environment; Independent Planning Commission; Central Coast Regional Development Corporation; Hunter Development Corporation; Ministerial Development Corporation; NSW Education Standards Authority; Anti-Discrimination Board of New South Wales; Department of Justice; Judicial Commission of New South Wales; Legal Aid New South Wales; Legal Profession Admission Board; Legal Services Council (incorporating the report of the Commissioner for Uniform Legal Services Regulation); New South Wales Bar Association; NSW Civil and Administrative Tribunal; NSW Crown Solicitor's Office; New South Wales Law Reform Commission; NSW Trustee and Guardian (incorporating the report of the Public Guardian); Office of the Director of Public Prosecutions; Office of the Legal Services Commissioner; Cobar Water Board; Dams Safety Corporation; Department of Industry (including the Report of the Independent Liquor and Gaming Authority); Local Land Services; NSW Food Authority; New South Wales Rural Assistance Authority; Rice Marketing Board; Veterinary Practitioners Board of New South Wales; Water NSW; Trustees of the ANZAC Memorial Building; New South Wales Institute of Sport; Office of Sport; State Sporting Venues Authority; Sydney Olympic Park Authority; Venues NSW; Barangaroo Delivery Authority; Department of Premier and Cabinet; Greater Sydney Commission; Infrastructure NSW; Independent Pricing and Regulatory Tribunal; Natural Resources Commission; New South Wales Electoral Commission; Parliamentary Counsel's Office; Public Service Commission; UrbanGrowth NSW Development Corporation; New South Wales Treasury (incorporating the Restart NSW Fund; Social and Affordable Housing NSW Fund; Electricity Retained Interest Corporation - Ausgrid (ERIC-A) Fund; Electricity Retained Interest Corporation - Endeavour (ERIC-E) Fund; State Rail Authority Residual Holding Corporation; Liability Management Ministerial Corporation; Ports Assets Ministerial Holding Corporation; Electricity Assets Ministerial Holding Corporation; Electricity Transmission Ministerial Holding Corporation; Ministerial Holding Corporation; Alpha Distribution Ministerial Holding Corporation; Epsilon Distribution Ministerial Holding Corporation; Electricity Retained Interest Corporation - Ausgrid; and Electricity Retained Interest Corporation - Endeavour Energy) (Volumes One to Three); Essential Energy; Forestry Corporation of NSW; Hunter Water Corporation; Insurance and Care NSW (including the financial statements for Lifetime Care and Support Authority NSW, Workers Compensation (Dust Diseases) Authority, NSW Self Insurance Corporation, Sporting Injuries Compensation Authority, Home Building Compensation Fund, and Building Insurers' Guarantee Corporation) (Volumes One and Two); Landcom; Trustees of the Parliamentary Contributory Superannuation Fund; Port Authority of New South Wales; SAS Trustee Corporation for the year ended 30 June 2018 (containing the separate reports for: A-Train Unit Trust; Alfred Unit Trust; Buroba Pty Ltd; Duquesne Utilities Trust; EG Core Plus Fund No. 1 (Head Trust); EG Core Plus Fund No. 1 Holding Trust Nos. 1-8; EG Core Plus Fund No. 1 Ownership Trust Nos. 1-8; IPG Unit Trust; LBC Unit Trust; Pisco STC Funds Unit Trust Nos. 1 and 2; Project Cricket State Super Unit Trust; Southern Way Unit Trust; State Infrastructure Holdings 1 Pty Ltd; State Infrastructure Trust; Valley Commerce Pty Limited; and Triennial valuation report); Sydney Water Corporation (trading as Sydney Water); New South Wales Treasury Corporation; NSW Trains (Volumes One and Two); Rail Corporation New South Wales (Volumes One and Two); Roads and Maritime Services (Volumes One and Two); State Transit Authority of New South Wales (Volumes One and Two); Sydney Trains (Volumes One and Two); Department of Transport (including the report of Transport for NSW, Transport Service of New South Wales and Sydney Ferries) (Volumes One and Two); Office of Transport Safety Investigations; Office of the National Rail Safety Regulator; Ministry of Health (incorporating the Financial Statements of Public Health Organisations under its control) (Volumes One and Two); New South Wales Health Foundation; Health Care Complaints Commission; Combined New South Wales Health Professional Councils (Volumes One to Three); Australian Health Practitioner Regulation Agency and the National Boards, reporting on the National Registration and Accreditation Scheme; National Health Practitioner Ombudsman and Privacy Commissioner; Administrator of the National Health Funding Pool (Volumes One to Three); NSW Police Force; New South Wales Crime Commission; Fire and Rescue NSW; NSW Rural Fire Service; New South Wales State Emergency Service; Biodiversity Conservation Trust; Centennial Park and Moore Park Trust; NSW Climate Change Fund; Office of Environment and Heritage (incorporating the report of the Heritage Council); NSW Environment Protection Authority; New South Wales Environmental Trust; Jenolan Caves Reserve Trust; Office of Local Government; Lord Howe Island Board; Parramatta Park Trust; Royal Botanic Gardens and Domain Trust; Zoological Parks Board of New South Wales (trading as Taronga Conservation Society Australia); Western Sydney Parklands Trust; and the Department of Family and Community Services (Volumes One to Three).

**Motion agreed to.**

**The ASSISTANT SPEAKER:** I thank the Leader of the House for what he has said but I point out to members, especially those on the Opposition benches, that I am now in the chair and that standing order 250 will be applied!

*Business of the House*

**SPECIAL ADJOURNMENT**

**Mr ANTHONY ROBERTS:** I move:

That the House at its rising this day do adjourn until Tuesday 5 March 2019 at 12 noon.

**Motion agreed to.**

*Petitions*

**PETITIONS RECEIVED**

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

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

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

**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**.

**Leppington Railway Station Car Park**

Petition 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**.

**Edmondson Park, Leppington and South-western Sydney Railway Stations Car Parking**

Petitions 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** and **Mr Paul Lynch**.

**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**.

**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:

**Surry Hills Light Rail Station**

Petition calling on the Government to build a second light rail station in Surry Hills at the Wimbo Park-Olivia Gardens site, using appropriate landscaping to minimise visual and noise impacts and provide a quality park for the local community, received from **Ms Jenny Leong**.

**International Students Concessional Opal Cards**

Petition calling for Transport for NSW to grant Concession Opal cards to all international students, received from **Ms Jenny Leong**.

**Cannabis Legalisation**

Petition calling for a referendum on legalising cannabis to be held at the time of the 2019 New South Wales election, received from **Mr Alex Greenwich**.

**Waterloo Metro Station**

Petition calling on the Government to fund an independent advocacy service to provide advice for public housing residents affected by the Waterloo metro station development, negotiate with residents and incorporate their feedback into any plans, and increase investment in public housing in New South Wales, received from **Ms Jenny Leong**.

#### **Northern Macarthur Region Koala Protection**

Petition requesting the protection of koalas in the Northern Macarthur region, received from **Mr Greg Warren**.

#### *Petitions*

#### **RESPONSES TO PETITIONS**

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

The Hon. Niall Blair—Marine Parks—lodged 16 October 2018 (Mr Philip Donato).

#### *Motions*

#### **CHRISTMAS FELICITATIONS**

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:42):** I move:

That the House take note of Christmas felicitations.

This is a time of year when we thank so many people in this place whom we rely on to ensure that democracy is served well in New South Wales. We do not do it enough—on every day of the week—but at least today we can take time out to make these important points. I want to start by acknowledging the Speaker, the Deputy Speaker, the Assistant Speaker and the acting speakers for the important role they play in presiding over this Chamber and in ensuring order in this place and ensuring that all members are heard well. I extend my gratitude to all of them.

I extend our gratitude to the Leader of the House and the shadow Leader of the House, who facilitate, as much as possible, the smooth running of the House. I appreciate how hands-on both those roles are and I acknowledge Leader of the House Anthony Roberts and new shadow Leader of the House and his predecessor the member for Maroubra. I thank the Leader of the Government in the other place and his counterpart in the Opposition. We rely on the other place to pass important legislation and to represent the State. We are deeply grateful for their role in that.

I acknowledge the Government Whip the member for Camden, Assistant Whip the member for Holsworthy and National Party Whip the member for Myall Lakes. I acknowledge the role they play. I also acknowledge the whip's team, ably led by Rebecca Cartwright. A few people have mentioned Rebecca this week and I reiterate that she recently received a service recognition award, having been in this place in excess of two decades. I recognise her contribution and that of the whip's team. I also acknowledge the Opposition whips, who similarly work long hours to ensure the smooth running of this place.

I turn now to the clerks who are sitting here in the Chamber. I can only apologise for our unruly behaviour from time to time. The way in which they conduct their roles so professionally is deeply appreciated. I thank the Clerk Helen Minnican for personally assisting me on many occasions when I have needed it. I know every member feels the same way. I thank Leslie Gönye so much for everything he does. I also congratulate him on his 40-year service certificate. I was very pleased to be there when he received it. It was incredibly encouraging to know that someone can continue to give service to the people of this State for so many years. I thank Clerk-Assistant Jonathan Elliott and everybody else who takes on the clerk-assistant role in the place. We deeply appreciate your efforts.

I thank the Hansard reporters. There are two of them in the gallery at the moment. I know that Hansard staff will be recording this assiduously, as they always do. We deeply appreciate their efforts. Sometimes they must shake their heads at what we say and the way we conduct ourselves in here, but we deeply appreciate the way in which, as someone described it this week, they turn mere words into Churchillian speeches. We hope that everybody in the Hansard team accepts the sense of gratitude that we have for all of you.

I also thank everybody in the tabling office, the committee secretariats, and the parliamentary attendants. Thank you so much for your patience and your care. I also thank the parliamentary librarians whom we rely on daily. The attendants, in particular, do a wonderful job in supporting all members of this place. They do it professionally and with great dignity. We deeply appreciate everything they do. I also thank the members of the press gallery, led by their president Alex Smith. We thanked them last night but I do it again today, perhaps less tongue-in-cheek. They have their role to play, and we appreciate their efforts and wish them well in this Christmas and holiday period. I thank, in this building and more broadly, all the IT support teams, the administration staff,

the facility staff and the catering staff. It is deeply appreciated that all these individuals collectively make sure, in a professional way, that members have every bit of comfort whilst we are in this place so that we can do our jobs to the best of our abilities. Their efforts do not go unnoticed.

I also thank the security teams and the New South Wales police for keeping this place safe, for keeping members safe and also for ensuring that the public has access to this Chamber as they should. I also, in particular, thank the cleaners and the maintenance workers. I appreciate that these people come in very early and work very hard. We deeply appreciate their efforts and what they do for us. I take this opportunity to thank all of our staff, including the staff in our electorate offices who, when we are here doing parliamentary or ministerial business, really step up and represent us and make sure that our constituents are well served whilst we are not in our electorates. I thank my parliamentary colleagues in the entire Liberal-Nationals team.

In particular, I note the Deputy Premier, and Leader of The Nationals, John Barilaro. I thank him for his support, vigilance and hard work. I believe he has made a difference in the way that our regions receive support and the way our regions are represented in this place. I pay tribute to him for that. I thank all of our ministerial office staff, including my own diligent team. I appreciate the long hours they work and the hard effort they put in—not for me or this Parliament but for the people of New South Wales. I am deeply grateful for that. I also extend my best wishes to every single member in this place. I know when we come off a fiery question time, we sometimes leave a lot to be desired in ensuring we care sufficiently for each other. On this occasion I wish every member of Parliament the very best over this season and the holiday period, and I hope everybody has a safe time at this time of year.

Mr Assistant Speaker, as this the last time we will see you in the chair, I wish you well for the future. You have served in this place for 29 years, and very few people have been in this place for 29 years. We will have to find a new Father of the House. They will have big shoes to fill, but we congratulate you for your efforts and wish you well for the future.

I express my deepest Christmas and holiday felicitations to all members of this Chamber, our staff and all people in this Parliament who keep the place going. I must say what an honour it is to serve as the Premier of New South Wales and to have all of you alongside us. Thank you.

**Mr MICHAEL DALEY (Maroubra) (15:50):** Mr Assistant Speaker, I begin my speech on felicitations by wishing you well in your retirement. We have had some great clashes in this Chamber over the years and I have enjoyed every minute. I wish you well. I know that one of the problems members have when they retire from this place is that, given they have been political combatants for so long, they find it difficult to get employment in other fields. But I reckon you will just probably go fishing or grow bananas.

**The ASSISTANT SPEAKER:** I assure the Leader of the Opposition that I have my future well planned.

**Mr MICHAEL DALEY:** If you live in Coffs and you do not go fishing, you are mad. It is a privilege to contribute to Christmas felicitations, particularly as the Leader of the Opposition. The past couple of weeks have been interesting. I begin by thanking all my colleagues who have supported me in this position. I also thank the people from all over New South Wales who sent me good wishes and congratulations. I received approximately 250 text messages and 500 voicemails, and there were lots of messages on Facebook and on similar applications. At the beginning I tried to respond to them one by one, but that is impossible. I will use my speech as an all-points bulletin and broadcast my thanks to everyone who wished me well.

I thank the team I have around me, particularly my deputy, the Hon. Penny Sharpe, and all my colleagues in both Houses. We have had a good year. Our shadow Cabinet has done what it has always done, which is conduct itself as one of the most hardworking and probably the most well-travelled Opposition that the New South Wales Parliament has seen for decades. When the Parliament rises, even for short periods, the shadow Cabinet is out, all over New South Wales and in every corner of the State. I thank the Opposition Whip, Nick Lalich, for his terrific work. He has been unwell, but it is great to see him back. It is also good to know that the member for Canterbury, Sophie Cotsis, is on the mend as well. I wish them both well. They are both terrific people. I thank the Deputy Opposition Whip, and the member for Shellharbour, and who always attends to her duties with a smile. She is a good friend and a loyal trouper.

I also thank the Government Whip, the deputy whips, and all the people who, despite the competition in this House and the other House, work well behind the scenes to get things done. I particularly thank Dylan Parker from my office, who has run Opposition proceedings for me as the Deputy Leader of the House for the past 7.8 years. He does a terrific job and so do his government counterparts. I also thank the Leader of the House, who is my friend. We have had some competitions as well. I thank the Leader of the Opposition in the Legislative Council, the Hon. Adam Searle, the Hon. Walt Secord, the Hon. Shaoquett Moselmane and the Deputy Whip, the Hon. Greg Donnelly, for the work they do.

I also thank the Clerks, Helen Minnican and Les Gönye, and all the troops who help us to make sense of this place. I thank all the people who work for Hansard. I also thank the cleaners, particularly Irma. I have a fish tank in my office and every day she makes sure that the fish are happy and well, that they do not die and that there have been no casualties in the fish tank. For years that there have been no casualties in my fish tank, and it is all thanks to the work that Irma does by feeding them, even when I am on holidays.

I thank the staff in the Office of the Leader of the Opposition: My new chief of staff, Kris Neill, my deputy chief of staff, Bruce Hawker, Chloe Bennet, Michael Buckland, Julian Lee in the media team, Lizzie Arnold, Leon Fry-Kontaxis, James Hammerton, Maegen Sykes, Sravya Abbineni, James Evans, David Sligar, Jenny O'Hare, Mick Poppo, Jenny Williams and Liam O'Callaghan. I thank them all for the work that they have done, particularly during the past couple of weeks with things upside down. We made a very good transition to a new leadership team and just kept moving forward. I also thank Colleen in the Opposition Whip's office. She is probably listening now. Thank you, Colleen, for the glazed peanuts. It is good that they are back when we need a sugar hit. You and the Whip have looked after us for a very long time. We are all where we are supposed to be because of you, so thank you very much.

I must thank my electorate office staff. Lisa Williams and Karen Brown have worked for me since I took over from Bob Carr in 2005, along with a few others such as Kevin McDonald. My electorate office is a great place in which to work. From time to time it is interesting and eclectic, like the people of Maroubra, but we get the job done. I also thank Liam Caulfield, Wayne Leach and Pat Callaghan. I also thank the people of Maroubra, who have been electing me to public office in one way or another since 1995. Maroubra is God's country.

I conclude by thanking, most of all, my wife and family, my mum and dad and my brothers and sisters. The last two weeks have been very testing. They have rallied around me with great pride. I want to thank them for making everything worthwhile. I thank all the members of this House for their various contributions to their electorates. It is a tough gig. We make it hard on ourselves sometimes. I think we are in a race to the bottom and, as I said last night at the press gallery party, that is a discussion we need to have. If we proceed to conduct ourselves as we do, there will be a flaw and it will not be pretty. But Christmas is a time for us all to have a break. We can resume hostilities when the campaign starts in earnest in January. I wish all members of this House well. I hope everyone has a very safe and happy Christmas.

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (15:58):** I join the Premier and the Leader of the Opposition in thanking the many people who make the Parliament of New South Wales possible. To all the people in the units of the Department of Parliamentary Services—Hansard, maintenance, the Table Office, the library and all the attendants—thank you for your hard work. I also thank the catering staff who sustained us this year. I also thank the cleaners, who are vital to this place.

I thank all of the special constables, who are at the forefront of ensuring that each and every day we remain safe. Regardless of our roles, without the people I have mentioned none of what we do here would be possible. I make special mention of the Clerks, the Speakers and the Whip's Office for their support for the members of this House. I thank Bec Cartwright, Annie Savage and the Whip's Office for keeping us members in line. I also thank the Government Whip, and the member for Myall Lakes, "Brommy", and I especially thank the member for Camden, "Patto"—this place will not be the same without you.

I wish the press gallery staff a happy Christmas. I hope they can all take a well-deserved break so they are in good spirits to write great things about me when I return next year. I thank all of the people in this Parliament for their ongoing work and wish them all the very best over the Christmas season. It is a great honour to be able to represent your community in the Parliament. As Nationals, time spent in Parliament means we do not return home to our families at the end of a long day. However, we do this job because we believe we can make a difference, a sentiment that is held by everyone in this Parliament. I thank my National Party colleagues, their families and their communities for the sacrifices that come with extended periods away from home. We have a big task ahead of us. I encourage my colleagues to take the time with their families over the Christmas break to reset, re-energise and reconnect with one another.

I sincerely thank the staff at the National Party head office, led by Ross Cadell, for the support they show our parliamentarians and the support they provide our membership, which makes us the strong party we are—a party that will celebrate its 100th anniversary next year. I thank the National Party members and supporters for continuing to turn up and give up their time for our party. This would not be possible without them driving the direction of our party. It would be remiss of me not to mention Michael Hansen—who wrote this speech—who is possibly the greatest person to ever walk through the doors of Parliament. Sometimes, with all the madness that this place seems to unleash, I have to take a quiet moment to myself to remember why we are here. It is not for the money; it is not for the fame; it is for the people we represent.

Outside of this Chamber and the walls of this Parliament are people. They are not politically charged or looking to see who can get a "gotcha moment" against somebody else; they are just people who want to get ahead in life and live in peace—people like those in "Moffs Harbour". I thank each and every one of those people. Whether they know it or not, they contribute every day to our public life and allow us the privilege to represent them in this House. I thank the communities across the Monaro for their continued support and for putting their trust in me to get the best for our community.

I know Christmas felicitations are usually pretty light and are an opportunity for us to give thanks to all of the people who make this place and our State great, but I do want to take a moment to address something quite serious. This Christmas, most of us will spend time with our families and will likely share a good meal—there may be a bit too much on the plate for some of us. But imagine if you could not provide a meal for your family, or even a home? That is a reality for some families in New South Wales this Christmas. It is also a reality that some of our farming families have been facing for some time. It is not only families living in poverty that we should remember; there are many broken families that will feel the pressures that come with Christmas. As a community we need to recognise this and give a little piece of ourselves to hopefully improve the lives of those around us. I encourage all members in this place to find their own way to support those around them this Christmas, and hopefully many small acts of kindness will achieve large-scale results.

All members in this place owe a large debt of gratitude to the hardworking staff around us. Not only are they trusted advisors; they are also our counsellors and friends. They help us keep a degree of sanity through all the madness. I make special mention of my electorate office staff members: Belinda Strahorn, Rohan Carter, Alysia Smith and Emma O'Keefe, who make sure the cogs still turn when I cannot be there. I rarely name my ministerial office staff, but tonight I acknowledge my chief of staff, Mark Connell; my deputy chief of staff, Laura Clarke; Daniel Newlan; Victoria Dawson; Olivia Graham; Kailee Shaw; Joseph Brayford; Olivia Falkiner; Michael Hansen; Alex Tooth; Annie Hazelton; Ellie Laing; James Jooste; Georgina Kentwell; Anna Hindson; and Stuart Bocking. I thank our fantastic department liaison staff: Trish Pascuzzo, Angeline Nguyen, Simon Hanna, and Kate Attwells, and my drivers, Brad Miles and Stephen O'Keefe.

This is the final time I will address this Parliament in this term of government. I take the opportunity to acknowledge the hard work of this Liberal-Nationals Government, led by an incredibly strong, hardworking Premier. I am privileged to serve under a Premier like Gladys Berejiklian. She brings to this place a high level of intellect, fight and passion. She has a work ethic that is representative of the people and communities we represent. I acknowledge the Premier and wish her a very merry Christmas and happy time with her family so she can recharge to continue to do what she does for the people of New South Wales. I acknowledge my Deputy Leader, Niall Blair, and the work that he does. I thank all my ministerial and party colleagues. I thank the Assistant Speaker, the member for Coffs Harbour. He is not only a fantastic local member, but also a friend and mentor. He has committed and dedicated his life to public service, the people of Coffs Harbour and the State of New South Wales. He has had an incredible journey and will leave an incredible legacy. That legacy will continue and the seat of Coffs Harbour will remain in National Party hands post the 2019 election because he will be there right until the end.

I wish the Assistant Speaker and his family a very merry Christmas and a fantastic retirement. I acknowledge the Leader of the House, who has just tapped me on the leg. I thank Robbo—"Robbo the good" we call him—for the work he does not only as Minister for Planning, Minister for Housing, and Special Minister of State but also as the Leader of the House. He keeps this place functioning, which is very important. I acknowledge the retiring members from all sides, but particularly those from the National Party—Troy Grant, Thomas George, Rick Colless, Kevin Humphries, and Andrew Fraser. They all leave strong legacies. It is the changing face of The Nationals. With those members leaving, particularly Thomas, Rick and Andrew, the average age of the National Party has just dropped by 35 years.

**The ASSISTANT SPEAKER:** As has the IQ.

**Mr JOHN BARILARO:** Whilst The Nationals are different from the Liberals—and I make sure we always remind people of that, because it is important—we form a great partnership. It is not easy to be in coalition and work in partnership, but I believe it creates the perfect recipe for success for the people of New South Wales. I wish all members a very merry Christmas. We are often separated from our families and loved ones, but at Christmas all roads lead to home. Christmas is not a time nor a season, but a single state of mind. To cherish peace and goodwill and to be plenteous in mercy is to have the real spirit of Christmas.

**The ASSISTANT SPEAKER:** I can understand why the Deputy Premier confuses the name of Coffs Harbour with "Moffs Harbour". I am sure that will be replayed on more than one occasion. The electorate is called Coffs Harbour, but is often thought of as "Moffs Harbour" for whatever reason. I call the Leader of the House.

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (16:06):** The year of 2018 has come to end and with it the Fifty-Sixth Parliament of New South Wales. As Leader of the House, I start by thanking all members for their contributions on behalf of their constituents, their respect for the traditions of Parliament and each other, and their friendship, as we are, regardless of party, bound together as members of this place. It has been an emotional few weeks as we have farewelled many friends who will not be returning to this place next year. And, as is always the case with the vagaries of our democratic institutions, there will be some members who will not return next year after the election. One theme that was clear in all the contributions of all members in their valedictory speeches was the harsh toll politics takes on the personal lives of members and those close to them.

I put on the record my sincere thanks to my beloved wife, Alicia, without whom I could not stand in this place. The sacrifices I make to represent the people of Lane Cove and to serve on the Executive of the New South Wales Government pale in significance to the sacrifices Alicia makes to care for our three beautiful boys and make a home for us while I am here. I thank the boys, John, Sam and Tom, or, as I affectionately call them, Search, Seek and Destroy. I thank my mother and father, Barbara and Don, for their support, and Alicia's mother and father, Colleen and John. I could not find better in-laws in the world. I thank our friends and extended family outside of this place. Without those connections beyond these four ancient walls, we cannot possibly hope to understand and empathise with the people we represent. There have been many occasions in the last four years that may have given us pause to reflect upon the conduct of politics in New South Wales and our role in it.

Even in the darkest moments in New South Wales politics—and there have been a few—it is the sacred nature of this Parliament, this hallowed institution, and the people in it, that give all of us faith to endure. There is no greater steward—nay, sentinel—who stands watch over this Parliament, apart from our Queen, than our fantastic and great Speaker, Shelley Hancock. I thank Madam Speaker for all her work, and sincerely from the bottom of my heart, pay tribute to the way she has endured a trying year for herself and her family. I thank her office, in particular Brigid O'Brien and Jane Boag, who liaise with my office on matters of the House. I thank our Deputy Speaker, the member for Lismore Thomas George, whose valedictory speech will surely go down in the history of this place as one of the greatest. Thomas, you will be missed, but you will never be forgotten.

I thank our Government whips, the departing member for Camden Chris Patterson, the member for Holsworthy Mel Gibbons, and member for Myall Lakes Steven Bromhead. Thank you for your friendship and your counsel. You have definitely done your jobs with distinction this year because to date we had no-one cross the floor. Thank you to the Whip's office staff, the wonderful and beautiful Rebecca Cartwright, Alex Carne and Anthea Savage. Without you this place simply would not function. Special thanks and a fond farewell to the father of the House, Andrew Fraser, another titan of politics moving on and leaving a legacy of greatness. Thank you, sir.

I also farewell Scot MacDonald and thank him for his service as my Parliamentary Secretary for Planning, the Central Coast and Hunter. To my dear friend and Cabinet colleague Troy Grant, thank you. He is a good and dear friend, and arguably the best police Minister this State has ever had. Farewell to the departing member for Epping Damien Tudehope, who is going to that other place where they serve tea and digestive biscuits three times a day, with a bowl of prunes and oatmeal when you arrive for your early morning work at 11 a.m. To the member for East Hills Glenn Brookes, I have never met a more decent bloke and gentleman in my life. We will miss you.

I thank the now Leader of the Opposition Michael Daley, who was the manager of Opposition business, for always being approachable and assisting us in landing the planes in legislation, where appropriate. Of course Councillor Dylan, his sidekick—any issues that anyone has with Randwick Council, go to Dylan and he will sort them out for you. If you need your lawn mown—Dylan will do it. If you need a tree lopped—Dylan will do it. Congratulations Dylan on being elected as councillor. I thank our Clerk Helen Minnican for all her hard work in ensuring that the processes of the House are adhered to and the functionality of this place is maintained. Thank you to the Deputy Clerk and Sergeant-at-Arms, and all the Clerks for everything you do—it is appreciated. Thank you to the Table Office and committee teams. To the other Clerks at the table—Jonathan Elliott, Elaine Schofield, Carly Maxwell, Simon Johnston, Rohan Tyler, Clara Hawker, Catherine Watson, Jason Ardit and John Hatfield—I thank you for your contribution and everything you do for us.

Thanks to our wonderful Chamber support team who greet us every morning, led by Ian Delahunty: Danny, Peter, Tom, Ian, Chris, Monica, Hayley Jarrett and the delightful April, who delivers my mail and, Lynne, who has now retired. To our wonderful Hansard team. I try to speak slowly and clearly, unlike some of my contemporaries. It is a message from us to you. We appreciate the work you do. What you do is lay the foundations of a message from one generation to the next. It is wonderful going through *Hansard* back to the 1800s. We greatly appreciate what you do. I thank the catering staff—obviously—led by the current and former directors, Lee and Philip, who keep us well fed and particularly Gary Chan, from the parliamentary bar, who is always smiling and ready for a chat to inform you of the latest management failures of the Parliament. To the team at the

switchboard, Gina, Julie, Grace, Margaret and Caterina Sciara, I note and appreciate their huge contribution to the House.

Importantly, I pay particular acknowledgement and recognition to the special constables who put their lives on the line each and every day to look after us and keep us well in this Parliament, protecting us and ensuring this is a safe workplace in what are difficult times. I thank them on behalf of this House for all their efforts. To the cleaners and to our facilities team, thank you for keeping this place functioning. A heartfelt thanks to Sue Clark, my long-serving personal secretary. It is hard enough being private secretary to a busy Minister, but Sue also finds herself as mother to an office full of boys and she performs both tasks with a quiet dignity that we are quite in awe of. To my office, I am blessed—or some may say cursed—to have an office of some of the most impressive political staff of our generation. Led by my new thoughtful and considered chief of staff, Simon Babbage, thank you also to Norm Lipson, Sahil Prasad, Callum Fountain, Camillus O'Kane, Doug Revette, Graeme Gilbert, Emily Ward and Ben Moylan. Thank you to Brenden O'Brien, on loan to me from the Department of Planning for the year, whose counsel has been vital to many of the significant reforms we have conducted. I particularly thank my former chief of staff, Rob Vellar. Thank you to my departmental liaison officers: Jarrad, Nestor and Marty. [*Extension of time*]

Thank you also to my electorate office staff: Zorica Kaye-Smith, Andrew McIntyre, Christopher Sullivan and Cindy Blaney for their dedication. Thank you to my drivers: Mal Bargh, Craig Peacock and Greg Nettle. Thanks also to John Macgowan, Secretary of the department of Special Minister of State, and his team for all their work behind the scenes in the vital portfolio area of Special Minister of State. This is the decade of decentralisation and what a tremendous job they did in so effectively shifting the department as we decentralised to new offices. The real work in my portfolio happens in the Department of Planning and Environment. It has been an incredible year for us; passing significant legislation and major regulatory changes to get our State moving and responding to the challenges of growth, with an emphasis on liveability and transparency. With that in mind, a sincere thanks to Carolyn McNally. She is probably the finest public servant I have ever come across and someone who has made a huge difference to this State, and at times the nation. Carolyn McNally, the Secretary of the Department of Planning and Environment. Her frank and fearless advice is always welcome. I also thank the staff she leads. I could not hope for better public servants.

It being Christmas, I wish everyone, in the spirit of that holy day, a well-deserved break filled with happiness. The Catholic lesson of Christmas is one of irony—the incomprehensible comprehended; the divine made real; the idea of a helpless child whom kings would kneel before, and of a king who would kneel before the weak. The Christmas spirit is one that transcends colour or creed, but it is especially salient for the business of government. Let us go forward into the New Year, as well as an important election campaign, remembering that the greatest king who ever lived kneeled before the weak, listened to the poor, and cared for the sick. God bless you all and may God save the Queen.

### *Bills*

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

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

#### **Consideration in Detail**

#### **Debate resumed from an earlier hour.**

**Ms TANIA MIHAILUK (Bankstown) (16:19):** Opposition amendment No. 5 omits section 63 (3) and provides the Children's Court with specific powers to adjourn proceedings. It also strengthens the obligation placed on the department. This amendment addresses the support provided to families that is not specific to the alternative dispute resolution [ADR] process by allowing the court to adjourn any proceedings in relation to a care application, if the court is of the opinion that appropriate support and assistance were not provided prior to the care application being brought before the court. The amendment also permits the Children's Court to direct the secretary to resubmit the care application after additional efforts to provide appropriate support and assistance have been offered. This amendment specifically ensures that the court has some control at this point to allow traditional discretion for the court to determine that, should the court find that appropriate supports have not been provided to the family in question, the court will direct the secretary to resubmit the care application.

For example, when a parental responsibility agreement is reached and there is a breach of that agreement, this amendment will allow the court to examine why there was a breach and ask that further support be provided to the family in order to remedy that breach or to ensure that the family is provided with appropriate support prior to the care application being put before the court. This is a significant amendment. The proposed section also permits the Children's Court to make an interim order after the initial care application is made and before the application is resubmitted. The proposed section places the imposition of a clear obligation on the Secretary to

provide support to families before a child is removed and after a court order for restoration. This step is crucial in ensuring that children and families are given the supports they need to work towards restoration.

Subsection (3) is expressly drafted so as not to prevent the Children's Court from making an interim order in relation to the child or young person after an initial care application is made and before resubmitting the actual application. It does not remove the power of the court because this oversight is essential as there is far too much discretion in the Government's bill. It is more appropriate that the Children's Court has the ability to determine that appropriate support and assistance are being provided. Should the court be of the view that appropriate support has not been provided, it can direct the Secretary to resubmit the care application and provide details of any additional efforts made to provide appropriate support and assistance as well as a result of that process. Section 63 of the Act does not provide accountability for the department in this instance. The reason we are moving this amendment is that there have been so many alterations to the existing legislation that require amendment because of the two-year time frame that the Government wants to make law. This means there should be more scrutiny of the process to ensure that appropriate levels of support have been provided to families that are subject to care applications. In essence, this amendment empowers the court.

I again refer to the submission of the Women's Legal Service NSW to the family is culture independent review: "While parents and primary caregivers can ask for support, there is currently no obligation to provide support. FACS and NGO child protection services are only required to use best endeavours to comply with the request." A further recommendation by the Women's Legal Service NSW states that it is important "to establish accountability mechanisms to ensure that FACS and NGO child protection workers must inform parents if there are issues that may lead to the removal of their children and to provide culturally safe and appropriate support to them to address these issues as well as referrals for early advice".

Community Legal Centres NSW also supported this amendment, stating: "This is critical to ensure that children and families get the support that they need to work towards restoration and are not simply written off and abandoned." This amendment places a clear statutory obligation on the department to demonstrate that it has actively offered appropriate support and assistance to the child, young person or family prior to the commencement of proceedings. It empowers the Children's Court to direct that the Secretary resubmit the care application orders. It also empowers the court to make its own determination, should it believe that the appropriate support for the family has not been provided by either FACS or NGOs prior to any of these proceedings being initiated.

**Mr DAVID HARRIS (Wyong) (16:26):** I support Opposition amendment No. 5 and acknowledge the shadow Minister's contribution. I will try to bring some of my lived experience to show why this is an important amendment. Many people, particularly those on the fringes of society, are often quite mobile; they do not stay at the same address. This amendment is designed to make sure that the department continues to provide services after families move home. I know of one case of a family that moved from Western Sydney to the Central Coast and it took 12 months for the Western Sydney FACS office to transfer the family's file to the Central Coast office so there was continuity of service for that family. Back then, there were no time limits, but the law as it stands at the moment is imposing a 24-month time frame. It means that if a family moves and FACS loses touch with the family it can create problems and result in the family losing services. I support the submission of the Women's Legal Service NSW to the Family is Culture independent review, which stated, "Whilst parents and primary caregivers can ask for support, there is currently no obligation to provide support. FACS and NGO child protection services are only required to use best endeavours to comply with the request." That is relevant because we know about sorry business. A family may move temporarily because of sorry business to attend the funeral of a family member, which can take up to three months or even six months. In a case of which I am aware, a family asked that their information be supplied to the area they were moving to. However, they were told that was not possible because they were coming back again. During that time they also lost contact with their schools. They did not attend school because they were living temporarily in another place. This important amendment is supported by the Women's Legal Service NSW and Community Legal Centres NSW. Community Legal Centres NSW stated: This is critical to ensure that children and families get the supports they need to work towards restoration and aren't simply written off and abandoned.

The family I referred to earlier, which moved from Western Sydney to the Central Coast—

#### **Business interrupted.**

**The ASSISTANT SPEAKER:** I am about to leave the chair for the last time. I wish members all the best for the future. I wish all Coalition members success in the next election and in their future lives. By the time I leave this place it will have been a rocky 28½ years but I have enjoyed every minute of it. I look forward to my retirement and catching up with all members at some stage in the future.

*Petitions***DROUGHT ASSISTANCE****Discussion**

**Mr KEVIN ANDERSON (Tamworth) (16:30):** Almost all of New South Wales is suffering from an extended dry period, which is expected to continue throughout the winter and potentially into spring and summer. Some of the worst hit areas have been the Hunter, Central Tablelands, Central West and Far West of the State. We are dealing with one of the most severe agronomic droughts in memory, with producers quickly approaching a critical decision point around sowing, de-stocking and other farm business. Unfortunately, it also appears unlikely that the seasonal conditions will improve in the short term. This petition is only playing politics, misrepresenting the approach of the New South Wales Government to this important issue and playing down the support and assistance measures available to our primary producers.

The New South Wales Government has prioritised our farmers and allocated more than \$1 billion in drought assistance measures. In February the Minister for Primary Industries, Niall Blair, met with drought-affected farmers in the Hunter, as well as other regions across the State to hear how they were dealing with conditions and to hear their opinions on the New South Wales Government's initial \$300 million NSW Drought Strategy. In April Deputy Premier John Barilaro also travelled across the State, visiting drought-affected farmers in the Tamworth region to see first-hand the effects of the drought. In May the primary industries Minister and Deputy Premier visited farmers in the Bathurst region, where they were joined by the member for Bathurst, Mr Paul Toole. Later in May, the Premier visited farmers in Dubbo to announce the appointment of the NSW Drought Coordinator.

What we heard, and what we continue to hear from farmers, both in person and through the work of the NSW Drought Coordinator, is that the Government's drought strategy is having real benefits but more can be done. That is why in June the Premier announced a boost of \$284 million to the support already available for drought-affected farmers, which I note was welcomed by the NSW Farmers Association. This boost included \$250 million for the Farm Innovation Fund to improve farm infrastructure; \$25 million to build doppler radar weather stations in the Central West and Far West to deliver fast, accurate and live weather updates to help our farmers make timely business decisions about when to sow, harvest crops or move stock; \$4 million for mental health support in communities facing natural disaster and drought; and a streamlined kangaroo management plan to reduce kangaroo numbers in drought-hit areas.

The Government recognises the importance of our farmers and will continue to stand by them through this challenging time. That is why in July this Government released a \$500 million emergency drought relief package, which includes \$190 million for drought transport subsidies, as called for in this petition; \$100 million for cutting the cost of farm fees and charges by waiving Local Land Services rates; waiving fixed water charges in rural and regional areas; waiving class one agricultural vehicle registration costs, among other initiatives; and \$150 million to bolster the Farm Innovation Fund infrastructure program. The New South Wales Department of Primary Industries has also been working with new technology, data sources and tools to better predict changes in seasonal conditions. It has brought these data sources and technologies together in a new system to better inform farmers, industry and government.

The State seasonal update provides us with a picture of how New South Wales is travelling and what our farmers are facing, while providing a useful tool to assist decision-making around livestock management, cropping and farming. The State seasonal update includes a new combined drought indicator, which is more sensitive to deteriorating conditions than other methods so that producers can make better informed farm and stock management decisions earlier than was previously possible. Right now the combined drought indicator is painting a grim picture, with almost half the State in drought and more than 15 per cent in intense drought.

The situation is serious and this Government is taking it seriously indeed. The actions we have taken are the actions of a government whose most senior members are keenly engaged with the challenges faced by our farmers, as are members in regional communities. Those are the actions of a government whose members are determined to listen and to see for themselves how these conditions are affecting people so that they can respond appropriately. I encourage primary producers, their families and communities to visit the DroughtHub website or to contact the NSW Rural Assistance Authority for assistance.

**Ms JENNY AITCHISON (Maitland) (16:35):** What we just heard is so indicative of the way in which this Government operates. The member for Tamworth spoke in debate on a petition that was given to me to lodge in this place. He besmirched the name of Belinda-Jane Davis, the Walkley Award nominee who is in Brisbane tonight, for bringing this drought to the attention of the Government. The disgusting politics that Government members go on with really gets me going. This is the icing on the cake. This Government and its Federal mates

have failed to do anything for people in rural Australia. That is what we have seen at all the by-elections over the past 18 months. People in the bush know that The Nationals do not stand up for them. They know about the intergovernmental agreement and how it was supposed to fix things but Deputy Prime Minister Barnaby Joyce would not do anything to get it up and running.

The Hon. Mick Veitch and I have been listening to people in our community. In December last year we attended roundtable conferences; we did not wait until May, June or July. The member for Port Stephens, and shadow Minister for the Hunter, the Federal member for Paterson and I met with the Hon. Scot MacDonald. We said, "How about getting some tankers from emergency services? How about sharing some water?" Some people have no water to put on the vegetables that they are growing for market, some are going broke and some do not have water to drink. Many letters were written and many representations were made but this Government sat on its hands. The money that it subsequently allocated was too little, too late. That has been the Government's response in the past. Some people in my community have had to sell the last of their breeding stock. What will happen to them? How will they sustain their businesses and retain jobs on their farms? What will happen to all the businesses that will be impacted by this drought and lose their livelihoods because farmers have gone broke?

These are badly targeted programs. Childcare centres around the State are saying, "We don't know what to do with this money. We don't know how to get it into the hands of the farmers." People in the far corners of this State who do not have a cent received no help—a completely botched and mismanaged process from day one and it was six months too late. At recent Rural Aid, Buy a Bale fundraisers in my electorate The Nationals member for the Upper Hunter did not bother to turn up. All the Labor people were there and all the traditional Nationals voters were saying, "Where is our local member? Where are The Nationals on this?" They were not there because they do not care two hoots about people in their communities. This petition was signed by 13,000 people. They were not inner city trendy types, The Greens or people not seen as Nationals voters—they were Liberals. They were the people who in 2015 probably, and sadly, put No. 1 next to the names of these candidates on the ballot paper. How they have been let down. I hope they will make their feelings known on 23 March 2019. I also hope they will read the disgusting speech made by the member for Tamworth. He has not lifted a finger to help these people. We have been advocating for the community and for farmers only to be confronted by the deafness of this Government.

Billions and billions of dollars have been wasted on overspends on big infrastructure projects while our farmers have struggled to the point where they no longer want to be here. All they hear from this Government is that it will provide some counselling. Apparently that will fix it. What will fix it is funding to enable them to continue their businesses, to keep their animals alive, to ensure their families have water, and to ensure that their kids do not have to go without at Christmas because this Government is too lazy to act.

We knew that this would be a big dry. Could members opposite not read the Bureau of Meteorology statistics and work out what was coming? In December 2017 our people were in crisis and they were telling us that Local Land Services could not help them. A motion was moved in the other place yesterday calling for help for local councils and for the Government to do anything it could to help our rural communities. What happened? Yet again this Government closed its ears and eyes. It simply will not help. I encourage everyone to make that clear on 23 March next year. [*Time expired.*]

**Mr STEPHEN BROMHEAD (Myall Lakes) (16:41):** That is the typical rubbish that comes from the Labor Party. Members opposite are playing politics with a critical issue for rural and regional New South Wales. Too little, too late. The member for Maitland has done no research on this issue. If she had she would know that this Liberal-Nationals Government put \$300 million on the table in 2015 for the Drought Strategy. The strategy focuses on preparedness, improved decision-making and targeted support of rural communities. The Government has also provided \$1.2 billion in drought assistance, and it continues to review the situation. That has been done in support of and together with the community and the NSW Farmers Association. As they have raised issues, the Government has responded. In addition, \$1 billion of the proceeds of the sale of the poles and wires has been provided to ensure water security. Of that, \$500 million has been allocated to build a pipeline to Broken Hill. That might not matter to the member for Maitland, but the people of Broken Hill are very happy about it.

**Ms Jenny Aitchison:** They are not.

**Mr STEPHEN BROMHEAD:** The member for Maitland was heard in silence; no-one was rude or crude enough to interject. However, as soon as someone says something she does not like, she interjects and carries on. The Government has also introduced transport loans, animal health subsidies and a rural resilience program. The NSW Farmers Association advised the Government not to reintroduce fodder and transport subsidies, but it did so and made them retrospective to January this year. That demonstrates how fair dinkum this Government is about helping.

The member for Maitland flies in and out, but we live and breathe the drought all the time. I have dairy farmers in my electorate whose feed bills have gone from \$300 a tonne to \$500 a tonne. Their milk costs them 59¢ a litre to produce but they get only 50¢ for it. Every community is feeling the impact of the drought, even communities on the coast. The member for Maitland said that The Nationals do not care. The people in rural and regional New South Wales know that we care and that we are working with them to make our communities better. This Government has invested more money in those communities than ever before, not only in infrastructure but also in improved services and amenities. The dairy farmers and other farmers in my electorate are very happy with what the Government is doing. We know we are in drought and we know there will be another one— [*Time expired.*]

**Mr CLAYTON BARR (Cessnock) (16:44):** I thank and acknowledge the people who took the time to organise the petition and to voice their concern about this Government's inaction. If the job is being done and being done well, no-one will sign a petition. To say that the petition was pointless and that people do not know what is going on or do not understand is to say that the 10,000 people who signed it are silly. That is what Government members who have spoken in this debate have suggested. That is a good summary of the past eight years of this Government, particularly the past 12 months. People are saying the Government is not doing a good job and it is not doing enough.

The Government makes announcements and expects people to applaud it. The reality is that people's lived experience is not connected in any way to the language being used in this debate. I draw members' attention to the efficiency dividends this Government has been rolling out. In the eight years members opposite have been in office they have cut 15 per cent out of the recurrent budgets of every government agency, and The Nationals have been asleep at the wheel. While that was happening, 6,000 regional public service jobs have gone. Those jobs generate recurrent income that is spent in local economies. It is no longer being spent in regional New South Wales because The Nationals have been asleep.

We all know that farmers are doing it tough because of the drought. A great deal is being done for them through the generosity and charity of the broader community, and some assistance has been provided by both the Federal and State governments. However, money has become scarce in local regional economies. It is not changing hands and passing through businesses because farmers have no money because of the drought. A good, strong public service sector in a regional community would normally be able to carry the economy of a drought-affected community during the hard times.

Those 6,000 jobs pay, on average, \$50,000 a year each. That means \$300 million has been taken out of regional communities that could have been spent at hairdressers, cafes, service stations, tyre dealers or the local bowling club. Guess where it has gone? It is being spent on the Sydney Metro Northwest in northern Sydney. The Liberal Party and the Liberals in tan pants who call themselves The Nationals have sold out their communities at the worst possible time—during a drought—to build a rail line in Sydney. Shame on them.

**Mr Michael Johnsen:** I seek leave to make a contribution.

**Leave not granted.**

#### *Bills*

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

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

#### **Consideration in Detail**

**Consideration resumed from an earlier hour.**

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that Opposition amendment No. 5 on sheet C2018-127 be agreed to.

**Mr DAVID HARRIS (Wyong) (16:48):** Opposition amendment No. 5 places a clear statutory obligation on the Department of Family and Community Services to demonstrate that it has actively offered appropriate support and assistance to the child, young person or family prior to commencing proceedings for the reasons I previously outlined.

**Ms JENNY LEONG (Newtown) (16:48):** Opposition amendment No. 5 deals with prior alternative action. The amendment seeks to give the Children's Court discretion to assess whether or not appropriate support and assistance was provided. If it was not provided there would be a requirement to adjourn proceedings to enable appropriate support and assistance to be provided for the safety, welfare and wellbeing of the child or young person. Who is involved in this process? Many experts have strong views about how the Children's Court works to assist children and young people connected with our justice system. I took part in a powerful inquiry into

juvenile justice diversionary programs. Committee members met with a number of legal advocates, academics and experts and heard from young people about their experiences with the court system, which can be incredibly daunting. The Children's Court and other courts that support young people are aware that they are at the frontline of understanding how best to provide protection to children and young people caught up in our court system. This Labor amendment seeks to provide the court with the ability to assess whether or not appropriate support and assistance was provided, to adjourn proceedings when the court is not satisfied that that was the case, and to ensure that that support could be provided.

We must take the time to assess each of these amendments and put our views on the record because Community Legal Centres NSW has significant concerns about this legislation. Thirty-seven community legal centres do the heavy lifting when it comes to representing the most vulnerable people, advocating on their behalf and providing constructive input to deal with the systemic policy changes needed to improve the lives of people in New South Wales. When Community Legal Centres NSW is concerned we should be listening. Its letter to all members of Parliament says, in part, "We are concerned that these reforms are being unnecessarily rushed through Parliament without consultation or consideration of their impact and without the support of the members of the legal, Aboriginal and community sectors who work with children, families and communities." The letter continues, "Similar changes to care orders and adoptions were floated vaguely in a 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."

Today when the Parliament rises I hope that the passage of this bill is not the final business of the Fifty- Sixth Parliament. I am sickened by the fact that the last bill we pass in this place is one to which no Liberal or Nationals members, except for the Ministers responsible, have spoken. Why are those members so silent? Why are they not speaking up? Maybe they are concerned about the ramifications or about the 37 community legal centres in New South Wales that are opposed to this bill. Maybe they are concerned about the 74 organisations that signed an open letter to the Premier. I am concerned about this bill and I will continue to speak out. I have supported all the Opposition's amendments as they propose necessary changes.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (16:54):** The Government does not support the Opposition amendment No. 5. The Government does not propose changes to section 63 in the bill. The Secretary is already required to provide the Children's Court with evidence of prior alternative action when making a care application under section 63. The Children's Court has broad discretion to adjourn proceedings in circumstances where it is in the child's best interests. The court is also able to order a parent to attend services through a parent capacity order. The bill also proposes that FACS may request prioritised access from government and non-government services to a child or young person. Under section 74 the Children's Court can already direct a person or an organisation to provide support for a child or young person. The Government opposes the amendment.

**TEMPORARY SPEAKER (Mr Geoff Provest):** The question is that Opposition amendment No. 5 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....29  
Noes .....46  
Majority.....17

**AYES**

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Harris, Mr D  
Hoening, Mr R  
Leong, Ms J  
Mehan, Mr D (teller)  
Park, Mr R  
Warren, Mr G

Atalla, Mr E  
Car, Ms P  
Crakanthorp, Mr T  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Scully, Mr P  
Zangari, Mr G

Bali, Mr S  
Catley, Ms Y  
Daley, Mr M  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Minns, Mr C  
Smith, Ms T.F.

## NOES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Brookes, Mr G	Conolly, Mr K
Constance, Mr A	Cooke, Ms S	Coure, Mr M
Crouch, Mr A	Davies, Mrs T	Dominello, Mr V
Donato, Mr P	Elliott, Mr D	Evans, Mr A.W.
Evans, Mr L.J.	Fraser, Mr A	George, Mr T
Gibbons, Ms M (teller)	Goward, Ms P	Grant, Mr T
Griffin, Mr J	Gulaptis, Mr C	Hazzard, Mr B
Henskens, Mr A	Humphries, Mr K	Johnsen, Mr M
Kean, Mr M	Marshall, Mr A	Notley-Smith, Mr B
O'Dea, Mr J	Pavey, Mrs M	Petinos, Ms E
Piper, Mr G	Roberts, Mr A	Rowell, Mr J
Sidoti, Mr J	Speakman, Mr M	Stokes, Mr R
Taylor, Mr M	Toole, Mr P	Tudehope, Mr D
Upton, Ms G	Ward, Mr G	Williams, Mrs L
Wilson, Ms F		

## PAIRS

Cotsis, Ms S	Barilaro, Mr J
Doyle, Ms T	Berejiklian, Ms G
Foley, Mr L	Lee, Dr G
Hornery, Ms S	Patterson, Mr C
Tesch, Ms L	Perrottet, Mr D
Watson, Ms A	Williams, Mr R

**Amendment negatived.**

**Ms TANIA MIHAILUK (Bankstown) (17:01):** By leave: I move Opposition amendments Nos 9, 13 and 22 on sheet C2018-172, in globo:

- No. 9     **Realistic possibility of restoration—consequential**  
Page 6, Schedule 1 [20], line 42. Omit "restoration,".
- No. 13    **Realistic possibility of restoration**  
Page 7, Schedule 1 [23]–[27], lines 21–34. Omit all words on those lines.
- No. 22    **Realistic possibility of restoration—consequential**  
Page 12, Schedule 1 [53], lines 29–34. Omit all words on those lines.

I make it very clear that these amendments are critical because if there is one part of this legislation that is deeply offensive and that the Opposition utterly opposes, it is the arbitrary two-year time limit that the Minister has decided will be law should this legislation be passed and should she not agree to the amendments that I have proposed. The child protection sector is fairly unified in opposition to the Government's proposition of a two-year limit within which restoration can be made to carers or parents. Opposition amendment No. 13 is the most substantive of these amendments. It removes items [23] to [27] in schedule 1 to the bill, which introduces for the first time in New South Wales the concept that if the court is to restore a child or young person to his or her parents then it must be satisfied that this restoration can be achieved within a 24-month period. This time limit is arbitrary. I have mentioned this on a number of occasions, and I will keep saying this for the benefit of the House.

Section 83 of the Act requires the court to consider whether restoration is realistic, and this inevitably requires consideration of the appropriate time frame for children to be restored. Setting this arbitrary time frame adds a significant, disproportionate impact on the time limit, particularly for Aboriginal children, who are vastly overrepresented in the system. This time limit should be removed from the bill to allow the court to retain the discretion to deal with the complexities of real life, which is what we are dealing with. Setting a 24-month time frame sets these families up to fail. There is no question about that. I raised this emphatically in my speech last night.

A 24-month restoration period, where a judge or judicial officer has to make an assessment about whether there will be a realistic possibility of restoration within a two-year time frame, effectively sets the bar so high that

families will not be able to achieve that target. Why? Because there is a housing waiting list of five to 10 years. There are waiting lists for mental health support, particularly in regional New South Wales. There are often queues for people seeking help for substance abuse and rehabilitation support. There are not even enough clinical psychologists in regional New South Wales. The judicial officer no longer has the discretion, but has to consider whether restoration is possible under this new 24-month time frame.

It effectively means that many of these families will be set up to fail. It is simply an unachievable part of the legislation that the Minister proposes. I think it will be worth reviewing this legislation in years to come to see how achievable this provision is. The Government certainly has not announced any additional resources to support families to meet this two-year time frame. I note that very considerable concern has been expressed by people in the sector about this part of the bill. The Legislation Review Committee's findings were that the 24-month time frame places a limit on judicial discretion with regard to the rights of families and young people. The committee noted:

... the Bill restricts the Children's Court from allocating parental responsibility solely to the Minister for a period longer than 24 months unless the Children's Court finds special circumstances that warrant a longer period.

The Committee notes the intention of the provision in encouraging parties to work towards restoration, guardianship orders or adoption within a defined timeframe. However, 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. 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.

This should ring alarm bells for the Minister, her office and her department. She is, in effect, asking the Parliament to pass legislation when she knows that there is no guidance within the bill around what constitutes special circumstances that will enable a court to extend the time period. It will lead to an inconsistent application of this provision. There is no question of that. 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. That is a finding of the Legislation Review Committee, a committee which has a government majority. The Government members on this committee were not willing to amend view in the digest. I also acknowledge the Law Society of New South Wales' contribution:

From a rule of law perspective, these provisions are concerning because they limit the discretion of the court in relation to restoration time limits and limit the court's discretion to consider each matter on a case-by-case basis."

We have a whole Parliament full of lawyers. Where is the Attorney General on this? I noticed that he did not participate in the debate on this bill. Only two government Ministers have spoken during debate on this legislation, and one of them did so because he had to. No other government members have contributed to debate on this legislation in this House. The Law Society also stated:

We also oppose the provisions proposing to interfere with judicial decision-making by requiring the courts to make a determination regarding the secretary's assessment of where there is a realistic possibility of restoration within a reasonable period.

The Law Society notes that the two-year maximum time limit may in fact set families up to fail, given the significant waitlist for access to services, including rehabilitation, which I mentioned earlier, public housing and other social support services. The Law Society said further:

In our view, rather than setting an arbitrary time limit on restoration, the current legislation should be amended to impose a positive burden on FACS.

How about that! The Minister and her department have to exercise their best efforts to support a child's restoration on a case-by-case basis where it is possible. FACS should be resourced appropriately to meet this obligation. The Law Society further recommends that "clauses 20, 25 and 27 in schedule 1 should be removed" so it excludes Indigenous children. I highlight that Community Legal Centres NSW also has raised serious concerns in relation to this provision. On Tuesday I noted that there had been an expression of views, to which I am sure the Minister will refer, by the President of the Children's Court in relation to the court's take at this stage on the two-year time frame. I am not disrespecting that. I appreciate the wise counsel of the Children's Court, but I also understand that the community legal centres have a different view and have formed a different legal opinion. All of this could have been fleshed out if this legislation had been referred to a committee, or at the very least was the subject of an inquiry, or if there had been a draft exposure bill in the first instance so that there could be a clear understanding of what this imposition of a time frame actually will mean for the courts.

Community Legal Centres NSW advises that the court will still be required to make any decision about whether there is a realistic possibility of restoration at the time of the hearing, based on the evidence that is

presented. They still have to make a decision based on whatever evidence is presented at the time. The community legal centres also advise that the explanation appears to assume incorrectly that making a decision about restoration at the time of the hearing means that the court either has to restore the child immediately or make a finding of no realistic possibility of restoration. They advise that the court is clearly already able to make a finding of realistic possibility of restoration where the intention is that restoration will occur at some point in the future. The bill does not change the current situation in this regard.

There is case law on the interpretation of "a realistic possibility of restoration". Section 83 of the Act requires that any possibility must be realistic and not fanciful, sentimental, idealistic or based upon unlikely hopes for the future. The community legal centres advise that the bill does not amend this phrase in the Act and so does not change how these words will be interpreted. I have been advised that, essentially, a court considering restoration under the new section 83 will still have to consider 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 the exercise in the context of the new time limit; that is, is the restoration itself realistic and not fanciful within the next two years.

The Opposition's amendments are critical. Very reputable stakeholders have raised concerns. Quite rightly, they are concerned that, should we not amend this provision of the legislation, it will make it almost impossible for some of these families to be able to demonstrate that restoration is realistic within that time frame. The onus is on the court to make that judgement based on whatever evidence is available that day. The courts will try to make a judgement, based on what the court perceives to be the case in two years' time, of whether restoration is at all realistically possible. I think that puts incredible pressure on the courts and certainly deprives the court of the discretion they should have when dealing with such sensitive cases. The courts should have the ability to utilise discretion on a case-by-case basis, given how truly sensitive and unique every family's circumstances are.

The fact that the Minister has not considered that, and certainly 12 months ago did not give any inkling that the provision will be incorporated as part of her legislation, are the reasons that so many stakeholders are stunned that a proper explanation has not been given by the Minister and the Government as to why they are proceeding with this time frame, if their argument is that the court can disregard that time frame. If the courts can disregard it, why is it in the legislation? If there are special circumstances upon which the courts can rely to ignore that provision, why is it in the legislation? I urge the House to agree to the amendments I have moved.

**Mr DAVID HARRIS (Wyong) (17:16):** I support Opposition amendment Nos 9, 13 and 22. The provision relating to the 24-month time frame is the most controversial part of the bill. Recently in the Hunter Valley I addressed the State conference of the New South Wales Aboriginal Land Council. When I raised the this bill, there was seething anger in the room. After my speech people came up to me outside and said, "You cannot let this pass. This is just wrong." They said to me, "How did the 24 months come about? Where did it come from? What research is there to say that that arbitrary figure of 24 months is backed up by any sort of evidence?" We know that every situation is different. The courts have a discretion based on individual cases. But by putting a 24-month time limit on restoration, there is an implied pressure on the courts to wrap things up in that two-year time frame.

The shadow Minister has cited comments made by the Law Society and community legal centres, but also from the Parliament's Legislation Review Committee that call into question the 24-month period. The shadow Minister rightly said that if the courts still have discretion to extend the two-year period, why is a specific number mentioned in the legislation? When we spoke to groups in front of Parliament House, that was the biggest issue. It is why they wanted the Government to hit the pause button and explain to them why that provision is in the legislation and why it is so necessary to set a time frame. None of them could understand where that number had come from.

As the shadow Minister already has said, we know in complex cases that a range of factors experienced by families are an inhibitor that prevents them doing what they need to do to have family restoration in a specific time frame. She mentioned chronic homelessness, addiction, mental illness and imprisonment as some of the tragedies that can befall families. We know that families are mobile and move around, particularly in Aboriginal communities. We know that if domestic violence is involved, once the perpetrator has moved away it can often take time to prove that someone is back on their feet. I cannot comprehend why, with all the lessons learnt about what has happened in this space in the history of our nation and State, we would put a number in there. It virtually says, "The court has discretion but 24 months would be pretty good." That is the signal it is sending out there. It puts a perceived pressure on families that if they are not able to meet what they need to meet within 24 months it is over.

In some cases taking the children away is very justified. Nobody on this side has said anything different from that. We understand that. But the time frame can cause trauma. It can be an inhibitor to restoration because of the mental state it creates and the pressure it puts on people to comply. As I said, we do not live these

experiences and we cannot understand the trauma that the parents go through, the children go through, and the rest of the family goes through. I can only imagine how difficult it is. I have dealt with students when this has happened and it is heartbreaking enough looking into the situation from the outside, let alone living it 24/7. People from my electorate are watching this debate on the webcast and are sending me messages. I have made representations to the Minister on behalf of one of those families on multiple occasions. They are trying to get their young one back. They think they have done all of the right things, but they are still being denied. I have never made a judgement on whether that is right; but I have advocated their perception of how they are being treated. FACS might be right but— [*Time expired.*]

**Mr ALEX GREENWICH (Sydney) (17:21):** I support the amendments moved by the Opposition. Under the bill, the secretary and the courts will only be able to consider whether children can be restored to their families within a two-year time frame. This time limit does not currently exist. When a child is the subject of a care plan that is being considered by the courts, it is because at that time they cannot be cared for by their parents. The courts, in approving a care plan for permanency, must determine if there is any realistic possibility of restoration. There are limits on how the term "realistic" can be interpreted, with exclusions for expectations that are fanciful, sentimental, idealistic or based on unlikely hopes. This will not change under the bill; however, what will change is that a realistic possibility of restoration will be limited to two years.

The prospect of restoration in two years may not be possible for some families because of serious challenges such as the need to escape domestic violence, addiction, mental illness, intergenerational disadvantage, trauma, poverty, housing and incarceration. The chronic lack of social housing, which has resulted in more than 60,000 people waiting for a safe and stable home, with many having to wait more than 10 years, is a significant barrier to restoration. Parents who need housing to secure restoration will have no hope under this plan. Without their children, they will not be able to access social housing that is suitable for a family, and without suitable housing, they will not be able to get their children back. This is a common and impossible problem faced by many parents who have contacted my office.

It is fundamental that the courts have broad discretion to make determinations that aim to achieve what is in the best interests of the child. Two years is an arbitrary period and is not realistic for many parents. I understand the intention is to provide children with stability in their foster homes without regular court reassessments, but this is not necessarily in each child's best interest. Why should the court not revisit whether a child's parents can look after them after more than two years? The barriers for restoration are complex and it is not clear whether the courts will consider them special enough to exercise the powers that enable the period to be exceeded beyond two years. The time limit will set many parents up for failure. I support the amendments.

**Ms TAMARA SMITH (Ballina) (17:24):** I support Opposition amendments Nos 9, 13 and 22, which go to the heart of the issues raised by the 37 community legal centres, the Aboriginal organisations and the many people and groups that have contacted us, including Grandmothers Against Removal. These amendments go to very heart of what is causing so much angst in the community. The amendments deal with a provision in the bill that sets up an arbitrary time frame. Have we learnt nothing from institutional failures? Have we learnt nothing about trying to tell people that they have to squeeze themselves through certain hoops within a specific time frame? It is just not good enough for the Minister to suggest in her second reading speech that the courts have the discretion. I know very well what the court systems are like. With all due respect to the judiciary, the courts can be like sausage factories. To think that judges and magistrates are the people who have to sort this out within an arbitrary time frame of two years is absolute madness.

The two-year maximum time limit for restoration is opposed by pretty much all experts outside of the Department of Family and Community Services [FACS]. They oppose the introduction of an arbitrary time limit for families to work towards restoration. The very idea of restoration is quite at odds with a fixed time frame. The proposal restricts the court to consider whether children can be restored to their families within a maximum period of two years. This effectively limits the court's discretion to grant flexible care and protection orders on a case-by-case basis. It is concerning that the proposal fails to impose corresponding obligations on FACS to provide intensive, holistic support to families to achieve restoration within the proposed time frame. My colleagues have described the ludicrous situation where a parent who has a child in out-of-home care has been told what hurdles they need to jump through to have their child returned to them, including securing appropriate housing, when their current house size is completely inappropriate for the restoration with the child and they cannot secure alternative housing.

When I look at the massive waiting list for public housing—in my area the wait is five to 10 years—I can see the catch 22 that people find themselves in. Let us not forget that we are talking about families that already have systemic barriers to achieve restoration within the time frame, including a chronic and well documented lack of public housing. There is a whole raft of other issues that people, particularly in regional, rural and remote New South Wales face, including accessing appropriate and timely services. Rather than setting up families to fail

by imposing arbitrary time limits, the Government should introduce a scheme of comprehensive legislative supports that prevent removals in the first place or provide support towards restoration that is tailored to families' needs.

I worked with a lot of organisations over the years and they take time. There is a really good example in the Lismore electorate. Ngunya Jarjum is an organisation that works from a holistic, family perspective. It will work with a family for 12 months. When there is a red flag for a child—but they have not yet interfaced with the Department of Family and Community Services—the service will spend a year working with the family. Those are the sorts of commitments that we need. We need a commitment to adhere to and adopt the Aboriginal and Torres Strait Islander cultural, self-determination principles. We need this clause removed. Opposition amendments Nos 9, 13 and 22 would at least take us back to the status quo, which is that the time frame is open-ended and nuanced.

**Ms JENNY LEONG (Newtown) (17:29):** The Greens support Opposition amendments Nos 9, 13 and 22, and I acknowledge the contribution of my colleague the member for Ballina. The Jumbunna Institute for Indigenous Education and Research at UTS has directly raised serious concerns with this legislation and I note that other organisations have also raised concerns about this legislation. This institute works specifically with Aboriginal families to try to bring children home to their families. Jumbunna has worked on many cases, and many have resulted in successful restoration of children and young people to their families. But often this process has taken much longer than two years. One of the mothers who has experienced such a situation has given me permission to share her story on the record to demonstrate the importance of these amendments.

Jumbunna is currently working with a family on a case resulting in the successful outcome of a child coming home next week. That child was first removed five years ago. While the court originally placed the child in guardianship thinking that there was no prospect of restoration, the mother, with support, has managed to turn around her life. This child was abused by the guardian and five years later all parties, including FACS, now support restoration. The child has been enjoying sleepovers recently and cannot wait to move back home. Under the amendment bill as it stands, it is clear that the child I am talking about—remembering it has taken five years for the restoration to take place during which time the mother has turned around her life—would not have been given time to be restored to her family in the two-year time frame in the legislation. This child would have been adopted out in that time, so it is clear that two years is just not long enough in some cases.

I wish the family all the best and I thank them for sharing their story. I urge Government members listening to this debate, although they are not in the Chamber, but we know that televisions are on in offices—

**Ms Tania Mihailuk:** They're in the bar.

**Ms JENNY LEONG:** They might be in the bar, but we know that members are listening to this debate. I acknowledge that some Government members are in the Chamber. We have the chance to put an end to this measure in the legislation. This Minister has the chance to acknowledge that this is neither the time nor the place to rush through legislation of this significance. It has been pointed out to us in this Chamber and in other places that this legislation contains the risk of creating a new stolen generation.

There is an easy way to put this legislation aside: That could be achieved if the Leader of the House moved that it was time for us to move to Christmas felicitations and he put an end to the Fifty-sixth Parliament in New South Wales. We could then debate this legislation after the next election. We could come back and give this legislation the proper attention it deserves in the Fifty-seventh Parliament. Some of us will be re-elected and some of us will not, but we should put faith in our democracy and acknowledge that we would make a better decision on significant legislation like this if we did not rush through legislation when only the Minister with carriage of this legislation is in this Chamber.

No other Liberal or Nationals member beside the Minister has spoken in debate on this legislation. That concerns me greatly, because I do not believe that there is majority support in this Chamber for this legislation. If we allowed a conscience vote on this legislation, I believe that there would not be majority support for this bill being rushed through this House. I believe that it is crucial for us to support these Labor amendments. I believe that it is crucial for us listen to the community concerns and to give people the chance to turn around their lives and be reconnected with their children. [*Time expired.*]

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (17:34):** The Government does not support Opposition amendment No. 9. This amendment was requested by the President of the Children's Court. Under the current legislation it is at the time the matter is before the court that it must make the decision about whether there is any realistic possibility of restoration—that is, there must be a realistic possibility of restoration at that time, not merely a future possibility. The possibility must not be fanciful,

sentimental or idealistic, or based upon "unlikely hopes for the future". It cannot be a mere hope for the current reform that this possibility will be far clearer.

The New South Wales Government is recommending that for section 83 "realistic possibility of restoration" means a realistic possibility of the child or young person being restored to his or her parents within a reasonable period not exceeding two years. This new statutory test overcomes a requirement for the Children's Court to assess whether there is a realistic possibility of restoration at the date of hearing. Where the permanency plan is restoration, a short-term court order will be sought to provide FACS and the restoration service provider with sufficient time to gradually restore a child or young person to the care of their parents. This provides greater accountability for FACS and service providers, which leads to better outcomes for children and young people. The Children's Court can make an order longer than 24 months in special circumstances. The duration of the court order will always be determined by what is in the child's best interests.

The Government also does not support Opposition amendment No. 13. The proposed amendment to section 83 provides greater flexibility for the court and families to determine whether a child can be safely restored within a period of two years. Under the current legislation, it is at the time a matter is before the court when it must make the decision about whether there is any realistic possibility of restoration—that is, there must be a realistic possibility of restoration at that time, not merely a future possibility. The possibility must not be fanciful, sentimental or idealistic, or based upon "unlikely hopes for the future". It cannot be a mere hope for the current reform that this possibility will be far clearer. The New South Wales Government is recommending that for section 83 "realistic possibility of restoration" means a realistic possibility of the child or young person being restored to his or her parents within a reasonable period not exceeding two years. This new statutory test overcomes a requirement for the Children's Court to assess whether there is a realistic possibility of restoration at the date of hearing.

The Government does not support Opposition amendment No. 22, realistic possibility of restoration consequential. The Government does not support the amendment of this transition provision.

**Ms TANIA MIHAILUK (Bankstown) (17:37):** I note that the Minister said that the President of the Children's Court has supported this amendment, and I seek clarification on that statement. I am not sure whether submissions were made on that amendment a year ago, when the original discussion paper was put. I seek clarification from the Minister on whether it was clear from the original discussion paper that this provision was sought by the Children's Court.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (17:38):** As I understand, the President of the Children's Court requested that amendment. I am not sure whether that was made clear in the discussion paper, but it has certainly been made clear subsequently on a number of occasions.

**Ms TANIA MIHAILUK (Bankstown) (17:38):** I could not understand whether the Minister said that the President of the Children's Court actually supported this amendment a year ago and this amendment was put to all stakeholders 12 months ago as part of the submission process. I am not sure whether it was clear that the Children's Court supported the change to a two-year time frame.

**Mr DAVID HARRIS (Wyong) (17:39):** People are watching this debate on the Parliament's website and I have been sent a message from Kirsten, who lives in my electorate. Her son, Bailey, was taken away from her on 5 January 2008. She has now been informed by FACS that they will go to court on her behalf to have a restoration take place. That is great news, but she was told that in July and is still waiting to hear back. This illustrates that these are very complex matters. She is quite distraught watching this. She says that she believes her son is having family days and cultural days on the Aboriginal calendar denied to him.

**Ms Pru Goward:** Point of order: To refer to tweets and texts is not an appropriate way to conduct this debate.

**Mr DAVID HARRIS:** I will finish there, but it illustrates that this time limit is arbitrary. In January this case will have been going for 11 years. Hopefully, if what she has been told is right, there will be a restoration. Under this bill, that might not be possible.

**Ms JENNY LEONG (Newtown) (17:40):** I also seek clarification, because I think it is important, given the significance of this debate. In response to why she did not support the Opposition amendments, the Minister mentioned that there had been some communication with the President of the Children's Court. The member for Bankstown rightly raises the question of whether or not this was part of the consultation process that happened in 2017 and what the responses were. It is important to put on the record that the member for Wyong was not speaking about tweets or social media; he was specifically talking about one of his constituents who is watching.

Constituents who live in the electorate of Newtown can come into the gallery and watch these debates, but I imagine it is slightly harder for people in Wyong to witness it.

As our Nationals colleagues would be aware, it is important for everyone in the State to feel that they have access to and a voice in this Chamber. The member for Wyong was raising the concerns of his constituents. To see the Minister rudely interrupt and dismiss those concerns as a tweet disrespects many people and demonstrates that this Minister does not have a clear understanding of the impact this issue is having on people's lives. We are hearing the story of a mother who is about to have restoration with her child after five years. The Jumbunna case I mentioned, and this is a case where restoration is to take place from 2008, demonstrates the significance. I do not think we should underestimate the connection of people to their children. There is a connection that comes back in circumstances where we believe restoration is a possibility.

A bureaucratic arbitrary time frame of two years is being set when in some cases people are denied restoration because they cannot provide adequate housing for their children. Yet this Minister is responsible for a public housing waiting list that extends more than 10 years. There are situations where people are told that they do not have adequate accommodation for their children, but they cannot get a transfer because they are on a transfer list that is too long. There are situations where people are questioned as to why they need a second bedroom when they have one, but they need a second bedroom to have restoration with their child. This is a horrible revolving door situation that is inflicting pain on families. That pain should not be inflicted; families should instead be getting support.

I urge members listening to reflect that right now we could make a really powerful decision to put an end to this debate, to walk away. I am sure the member for Bankstown and I would happily walk away from this. If we want to forget it was ever there, if we want to pretend it was back to a consultation in 2017 that everyone agreed was a very bad idea to implement, I think we could move on. People who turn their lives around could then have their child come back to live with them. That is surely what we should be doing in this place, not setting some bureaucratic timeline so we can tick off key performance indicators on what we are doing about deliverables regarding who is in what kind of care at what time.

This is not the solution. We need to ensure that parental consent and support are provided at a time when people are making decisions about what is in the best interests of their child. We also need to recognise that sometimes people are in a bad state and cannot make a decision in the best interests of their child. They then turn their life around and can again be the parent, the primary carer for the child. The idea that we set an arbitrary deadline is completely unacceptable. The fact that we are in here debating this on the final day of the last term of the Fifty-sixth Parliament is even more disgusting and makes me feel sick to my stomach.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (17:45):** For the benefit of those opposite I will read that part from my speech again so that it is quite clear. I said:

The current Act does not provide the court with the opportunity to give families a decent chance of a realistic possibility of restoration. That is what we seek to rectify. We act in the best interests of the child. In the Supreme Court case of *Campbell* [2011] NSWSC 761, Justice Slattery stated:

"... s83(1) makes clear at what time the 'realistic possibility' of restoration should be assessed. When the application for rescission or variation of a care order is before the Court, it is at that time the Court must assess 'whether there *is* a realistic possibility' [Emphasis added]. It must not at the time of the rescission or variation application be merely a future possibility. It must at that time be a realistic possibility."

I repeat: It must at that time, the time of the court hearing, be a realistic possibility.

This has obviously been very frustrating to the judge because he cannot give people the chance that we want to give them. It must at that time be realistic—that is what the law says. This is why the judge has raised his concerns. I stated further:

For further clarity in the matter, in *Department of Family and Community Services and Nathan* [2018] NSWChC 1, the President said:

"What I do wish to emphasise in this judgment is the requirement in the decision of Slattery J in *Re Campbell* that the finding in relation to restoration has to be made as at the day of the hearing, that is today. What may or may not eventuate in the next year or two years is not the point."

In other words, this part of the Act has urgently needed reform to give our families a better chance at restoration. That is why it has the support of the President of the Children's Court, and that is why it is here.

**Ms TANIA MIHAILUK (Bankstown) (17:47):** I make it clear that the Minister stated earlier that it was the President of the Children's Court who sought this amendment. That is not what was put before stakeholders in the initial discussion paper a year ago. It may or may not have been in a submission—we will not know because the submissions have never been made public. This is the first time that I have heard that the request

that a two-year time frame be placed on this provision came from a judge. It was not mentioned in the Minister's second reading speech or speech in reply and has not been in any of the material that I have seen to date. I would have thought that if there was such a request, it would have been placed in the initial discussion paper for all stakeholders to understand and appreciate. I understand at the time of the discussion paper some views were sought from stakeholders around the general idea of time frames. Many organisations, and obviously a judge, put their view as to whether there needed to be a specific time frame in the legislation.

I have been told this issue was raised in one of the submissions. It is important for me and the House to understand what additional research was undertaken by the Minister and her office and why they persevered with the 24-month period. They are now saying the court is supposedly restricted by the information now available. I find it difficult to understand why having a 24-month period will provide more discretion to a court. How can the Minister argue that this new specific time frame broadens the discretion available to a judge? As I understand it, the court has discretion. Obviously there are opportunities to adjourn proceedings to allow for more ADR processes, for example.

The court can also seek more information from the Department of Family and Community Services. At the moment the court can direct the department to finalise its investigations and to provide more detail should it want more information in relation to a care and protection order. For that reason, the court is not bound by any time limit prior to making a final determination on whether a child will be removed. For that reason, it is difficult to understand why the Minister is now arguing that the court is bound or restricted when it is clear that under the current legislation it is not because it can seek a variety of different orders before making a final determination.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that the Opposition amendments Nos 9, 13 and 22 on sheet C2018-172 be agreed to.

#### The House divided.

Ayes .....28  
Noes .....44  
Majority.....16

#### AYES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Chanthivong, Mr A	Crakanthorp, Mr T	Dib, Mr J
Finn, Ms J	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Kamper, Mr S	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	Mehan, Mr D (teller)
Mihailuk, Ms T	Minns, Mr C	Park, Mr R
Scully, Mr P	Smith, Ms T.F.	Warren, Mr G
Zangari, Mr G		

#### NOES

Anderson, Mr K	Ayres, Mr S	Bromhead, Mr S (teller)
Brookes, Mr G	Conolly, Mr K	Constance, Mr A
Cooke, Ms S	Coure, Mr M	Crouch, Mr A
Davies, Mrs T	Dominello, Mr V	Donato, Mr P
Elliott, Mr D	Evans, Mr A.W.	Evans, Mr L.J.
George, Mr T	Gibbons, Ms M (teller)	Goward, Ms P
Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
Hazzard, Mr B	Henskens, Mr A	Humphries, Mr K
Johnsen, Mr M	Kean, Mr M	Notley-Smith, Mr B
O'Dea, Mr J	Pavey, Mrs M	Petinos, Ms E
Piper, Mr G	Provest, Mr G	Roberts, Mr A
Rowell, Mr J	Sidoti, Mr J	Speakman, Mr M
Stokes, Mr R	Taylor, Mr M	Toole, Mr P
Tudehope, Mr D	Upton, Ms G	Ward, Mr G
Williams, Mrs L	Wilson, Ms F	

## PAIRS

Cotsis, Ms S  
 Daley, Mr M  
 Doyle, Ms T  
 Foley, Mr L  
 Hornery, Ms S  
 Tesch, Ms L  
 Watson, Ms A

Barilaro, Mr J  
 Berejiklian, Ms G  
 Lee, Dr G  
 Marshall, Mr A  
 Patterson, Mr C  
 Perrottet, Mr D  
 Williams, Mr R

**Amendments negated.**

**Ms TANIA MIHAILUK (Bankstown) (17:58):** I move Opposition amendment No. 14 on sheet C2018-172:

No. 14 **Realistic possibility of restoration** Page 7, Schedule 1 [27], line 34. Insert ", unless the Children's Court is satisfied that a longer period is reasonable due to the particular circumstances of the child or young person and his or her family" after "24 months". This amendment seeks to provide a safety net to the 24-month period, which the Government is insisting upon. I could not move this amendment until it became clear that the Minister was not going to amend the two-year arbitrary time frame. The amendment will insert that unless the Children's Court is satisfied that a longer period is reasonable due to the particular circumstance of the child or young person and his or her family after 24 months, the provision is to allow the Children's Court to waive the time limit if it is satisfied that there is a need to afford families extra time to prepare for restoration due to special circumstances. It is claimed that there will be an opportunity for the court to rely upon special circumstances. If that is the case, as the Minister claims, why not ensure that the provision is in the legislation?

The Opposition has moved this amendment to ensure that the court has the flexibility to make appropriate orders on a case-by-case basis, taking each child's and each family's circumstances into account, including whether the services and supports that they need are available within two years. The amendment will give the court some discretion to consider the complex needs and circumstances of some families. If members agree to this amendment families can rely on a specific provision that will enable the court to extend that time frame. As the legislation reads at present no such provision is in place. That is why I have moved this amendment.

**Ms TAMARA SMITH (Ballina) (18:01):** I support Opposition's amendment No. 14. Opposition amendments Nos. 9, 13 and 22 go to the heart of concerns in the sector about the two-year limit on creating a permanent arrangement for a child. This amendment is sensible. As I was trying to make sense of the Minister's logic I would have appreciated seeing the submission by the judge. I am not a legal genius but I could not tell whether the judge was saying there was concern about the time within which the court was meant to make an assessment. With all due respect to the Minister, I have been told by much smarter people than me that this bill will have unintended consequences—a commonly criticised feature of the bill.

Because governments are increasing outsourcing their child welfare responsibilities to private agencies there is a danger that this will become a market-driven process. There is an incentive to place children in permanent arrangements regardless of their suitability to meet performance indicators and targets. Grandmothers Against Removal and many other organisations in my community are beside themselves because of the implications of this arbitrary time frame. Nita Roberts, a wonderful Aboriginal elder in my community and general manager of Bunjum Aboriginal Corporation, has written me a letter, which states in part:

The proposed amendments are a missed opportunity to strengthen existing safeguards to address the over-representation of Aboriginal children and young people in out-of-home care, an issue that has been described by human rights advocates as a national crisis. Specifically, there must be stronger provisions to ensure Aboriginal children and young people are not severed from their family, community and culture through forced adoption and to achieve Aboriginal self-determination and decision-making across all levels of the system. Without such safeguards and with the increased push to adoption and other permanent orders, governments are repeating past policies that devastated Aboriginal communities.

I do not suggest for one minute that the Minister wants to see that happen. Nobody on this side of the Chamber suggests that the Minister intends to exacerbate what has been described by human rights advocates as a national crisis. More than 60 community legal centres, Aboriginal legal centres and advocates across the country are worried about the bill's unintended consequences. Why not say, "You know what? That's a lot of smart people". Several studies and reports in Victoria and New South Wales show that placement services for Aboriginal children do not include sufficient care planning, with children and young people remaining in out-of-home care for inordinate lengths of time with no clear vision for the future. I would understand it if the Minister was trying to work on a clear vision for permanency. In my humble opinion the unintended consequence of this arbitrary time frame will mean that at the end of the two-year mark, or before the two-year mark, the court will make an assessment that simply will not support Aboriginal and Torres Strait Islander families in their potential restorative journey, given all the things that we know about the stolen generation.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (18:05):** The Government does not support Opposition amendment No. 14. The bill already extends the time in which the court can assess realistic possibility of restoration from a point of time to two years. It is not in a child's best interest to have that time frame delayed further.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that Opposition amendment No. 14 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....26  
Noes .....44  
Majority..... 18

**AYES**

Aitchison, Ms J  
Catley, Ms Y  
Dib, Mr J  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
Mehan, Mr D (teller)  
Park, Mr R  
Warren, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mihailuk, Ms T  
Scully, Mr P  
Zangari, Mr G

Car, Ms P  
Crakanthorp, Mr T  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Minns, Mr C  
Smith, Ms T.F.

**NOES**

Ayres, Mr S  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Bromhead, Mr S (teller)  
Constance, Mr A  
Crouch, Mr A  
Donato, Mr P  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Notley-Smith, Mr B  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Brookes, Mr G  
Cooke, Ms S  
Davies, Mrs T  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Johnsen, Mr M  
O'Dea, Mr J  
Piper, Mr G  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

**PAIRS**

Atalla, Mr E  
Cotsis, Ms S  
Daley, Mr M  
Doyle, Ms T  
Foley, Mr L  
Hornery, Ms S  
Tesch, Ms L  
Watson, Ms A

Anderson, Mr K  
Barilaro, Mr J  
Berejiklian, Ms G  
Fraser, Mr A  
Lee, Dr G  
Marshall, Mr A  
Patterson, Mr C  
Perrottet, Mr D

**Amendment negatived.**

**Debate adjourned.**

**WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018****Consideration in Detail****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message 22 November 2018***No. 1 OPP No. 1 [c2018-163]**

Page 5, Schedule 1 [3] (proposed clause 1 (2) (a) and (b) of Part 19K of Schedule 6), lines 14–21. Omit all words on those lines. Insert instead:

- (a) a claim for compensation has been made under the relevant compensation Act in respect of the disease before the commencement of the eligibility provision, and liability for the claim has been denied on the ground that:
  - (i) the disease was not contracted in the course of the worker's employment, or
  - (ii) the employment was not a contributing factor, or a substantial contributing factor, to contracting the disease, or
- (b) a claim for compensation is made under the relevant compensation Act in respect of the disease within 6 months after the commencement of the eligibility provision.

**No. 2 OPP No. 2 [c2018-163]**

Page 5, Schedule 1 [3] (proposed clause 1 (4) of Part 19K of Schedule 6), lines 25–34. Omit all words on those lines. Insert instead:

- (4) A further claim for compensation may be made under the relevant compensation Act in respect of an existing disease if the claim has been made, and liability for the claim has been denied, as referred to in subclause (2) (a) (whether or not the claim has also been the subject of proceedings in the Commission or a court).

**No. 3 GRNS No. 2 [c2018-179B]**

Page 6, Schedule 1 [3] (proposed clause 2 of Part 19K of Schedule 6). Insert after line 9:

- (4) As soon as practicable after the period of 12 months from the commencement of this clause, the Law and Justice Committee of the Legislative Council is to review the operation of clause 1.
- (5) The review under subclause (4) is to consider:
  - (a) the cost of claims for compensation resulting from the operation of clause 1, and
  - (b) the equity and ongoing costs of extending the application of the eligibility provisions to existing diseases contracted on or after 4 July 2011 as provided by that clause.
- (6) The Law and Justice Committee is to report to Parliament on the outcome of the review under subclause (4).

**Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:14):**

I move:

That the House disagree with the Legislative Council amendments.

The Government has been in extensive discussions with Reverend the Hon. Fred Nile and the Hon. Paul Green from the other place regarding an agreement that would ensure that proper due diligence is done on the full cost of total retrospectivity, which was agreed to by the Legislative Council earlier today. It is important that the full cost of this policy and the flow-on impacts for the budget bottom line, for emergency services levy [ESL] insurance policies and for council rates be understood fully and interrogated independently before they are introduced. Updated Treasury figures suggest that retrospectivity could cost up to \$1 billion.

If an agreement had not been reached with the Christian Democrats, the Government would have no option but to withdraw the bill in its current form. This would mean that firefighters would have no presumptive coverage until Parliament resumes after the election in 2019. To that end, I inform the House that the Government has committed to conduct an inquiry into the full cost of retrospectivity within the first 100 days following the upcoming election.

This inquiry of the Legislative Council will be chaired by Reverend the Hon. Fred Nile and will review and report on the total cost of retrospectivity. In accordance with this agreement, we will vote to remove the amendments agreed to in the Legislative Council and return the bill as originally introduced by the Government back to the Legislative Council for consideration. The Government wants to adjourn the Parliament this year with the protections that our firefighters want and deserve. This provides certainty and I urge members of the other place to vote for the Government's bill.

**Mr GUY ZANGARI (Fairfield) (18:17):** One thing is for sure: When it comes to protecting frontline firefighters this Government is not there. The Opposition says that the Government should accept the amendments that were agreed to in the upper House. This Government is making a class of those who will have the presumption of workers compensation rights and another class of those who will not. This Government had to be dragged into this Chamber kicking and screaming in order to protect our frontline firefighters.

The New South Wales Labor Opposition, on 27 September, introduced a private member's bill, only to have this Government say that it was intending to introduce a bill. The Government did not have a bill. It had nothing. The Government had not consulted with the 70,000 volunteers in the NSW Rural Fire Service, the 7,000 firefighters in Fire and Rescue NSW and the many other agencies that are fighting fires on behalf of the State and keeping the community safe. This is very disappointing. It is a very sad day. I ask that the Government accepts the amendments that were passed in order to protect the firefighters.

We are not asking the Government to do the impossible. We are asking the Government to ensure that those firefighters who were employed before 20 September 2018 have the presumption that should they be diagnosed with cancer that it was directly attributable to their work as a firefighter. It is as simple as that. This Government does not prioritise the firefighters. I ask Minister Dominello to speak to his constituent Gino DeBono, who will not be covered by this Government. Firefighters do not do their job so they can seek millions of dollars from this Government. They just want to be protected so they can go about their duty of protecting the community. They are the ones walking and running into burning buildings and bushland while others are running out. That is what they want to do. We have had debates about Relay For Life and protecting those who are diagnosed with cancer, yet at the eleventh hour this Government stumps up here after losing the debate in the upper House saying it will not agree to the amendments. Shame on the Government! Shame on Minister Troy Grant! Shame on Minister Dominello!

I would love to see Minister Dominello face his local firefighters in Ryde and say, "I am sorry, ladies and gentlemen, my Government could not get the deal over the line to protect you." I can tell Minister Dominello that those firefighters will campaign in every electorate with their colleagues and tell everyone that he has walked away from them. Today is the day that the Berejiklian-Barilaro Government has walked away from hardworking firefighters in this State. The Government should support those amendments. The Opposition will not support what the Government is dishing up at the eleventh hour, which is absolute rubbish. We have been debating another piece of legislation to protect the vulnerable, yet this Government keeps shutting the door. Now it is shutting the door on our firefighters. It is unacceptable. The Opposition will not accept what the Government proposes in this House tonight.

**Mr CLAYTON BARR (Cessnock) (18:21):** I concur with my good friend the member of Fairfield who originally introduced legislation into this House and which the Government voted down. If my memory serves me correctly, and I am 100 per cent willing to be corrected if I am wrong, at the time the Government suggested retrospectivity was going to cost somewhere in the vicinity of \$378 million, which is the number floating around in my head. The Minister has now indicated that could be up to \$1 billion. Let us consider that range of \$378 million to \$1 billion in the context of some of the infrastructure projects in place at the moment. WestConnex has blown out from \$10 billion to \$20 billion. No questions were asked about that piece of infrastructure. Without batting an eyelid, the Government has been able to find an extra \$10 billion. We have been able to find billions and billions of dollars for the light rail and other road projects. We have found \$100 million here and \$400 million there, \$600 million there and \$1.2 billion here. This has been an ongoing theme.

Without batting an eyelid, the money can be found easily for those pieces of infrastructure for which no-one has seen a business case. But we cannot find the money for firefighters who are dying from cancer as a result of serving this State? The retrospectivity money that we are talking about should not be seen as a burden on any of us in this Chamber. It is money that should have been made available if this legislation had been enacted earlier. It is money that would have been paid over that time had this piece of legislation been enacted at an appropriate time. This legislation could have been in place since 2011 when the Commonwealth Government enacted it. That is the first point I want to make. I reiterate, we seem to be able to find endless money for infrastructure projects, but we can find no money for our firefighters who are dying from cancer. The second thing I wish to focus on is the Legislative Council. Sometimes under the Westminster system it is called the House of review.

The Legislative Council is supposed to be the place where, if the rabble in the land of representative assembly are unable to get their stuff sorted out, decisions will be reviewed. The reality is that over the past two decades governments of all political persuasions have had to deal with the crossbench in the upper House to get their legislation passed. Essentially, it became something of a referee's call. Sometimes legislation gets through and sometimes legislation is knocked on the head. But we have to live with the referee's call. I know the Government did not want that to happen. I appreciate that. But the Government relied on the vote of the Christian

Democratic Party to get all of its legislation agenda through Parliament over the past eight years. On this occasion, the Government cannot accept the referee's call and cannot accept the vote going against the Government. To my mind, that is a blight on the journey of the past eight years. It is like kicking toys out of the cot, and we cannot do that. We cannot abandon the firefighters. We have an incredible impasse.

The legislation went through the lower House in one particular form, despite the Opposition seeking to amend it. It has been amended in the House of review, the Legislative Council, and it has been returned to the Legislative Assembly. Government members in the Legislative Assembly now are saying that they will not accept the amendments. To my mind, that is nuts. The legislation will go back to the Legislative Council, which will say, "We are not going to accept that the Legislative Assembly does not accept our amendments." And then what? We have to cop the amendments on the chin. I go back to the remarks I made at the outset of my speech. The costings that have been given seem to be rubbery and at least pretty diverse, but the Opposition supports the amendments. The Opposition will not support refusal of the amendments in this Chamber on the very last sitting day of the Fifty-sixth Parliament.

**Ms JENNY LEONG (Newtown) (18:26):** On behalf of The Greens, I join in debate on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018 to express our disgust that on the last day of the Fifty-sixth Parliament the Liberal-Nationals Government is debating care and protection legislation to try to introduce forced adoptions at the last minute, and now the Government is rejecting amendments agreed to by the Legislative Council on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. We know that some of the Legislative Council's amendments are pretty reasonable.

I think it is pretty reasonable to expect that all firefighters who suffer from an occupational cancer deserve protection, not just those diagnosed from September 2018, which is what the Government proposes. The idea of saying that only firefighters who from September 2018—an arbitrary date—suffer an occupationally caused cancer deserve protection is unreasonable. I appreciate that sometimes in legislation we have to stipulate arbitrary dates, but the idea that we would set the date at September 2018 is completely offensive and disgusting.

As other members have pointed out, the amount of money being spent on infrastructure, private contractors and public relations consultants and the number of times the Government has talked up its budget surplus highlight the Government's lack of compassion when it comes to hardworking firefighters of New South Wales. I assure Government members that the firefighters at Fire and Rescue NSW's Newtown fire station will be most unimpressed by this move. I know that firefighters across the State will be very concerned. I note the presence in the Chamber of the member for Ballina. I am sure that the firefighters in Ballina would be very concerned about The Nationals and this Government not caring about compensation and care for firefighters who are suffering from occupationally caused cancer.

The Greens believe that as a minimum retrospectivity should operate from 4 July 2011, which was the first date that the Commonwealth laws in relation to firefighters took effect. The Greens are committed to working with all parties to closely review the extraordinarily inflated actuarial costs provided to the Government and the claim that retrospectivity would cost more than \$300 million. Given the amendments only allow retrospective claims to be made within six months from the passing of these laws, it is incredible that these figures are being put forward. The Greens oppose the fact that the Government is presenting this inflated cost to try to talk it up. Even if the cost is not inflated, let us think about \$300 million. On the latest estimate I think \$300 million would probably be the cost of one-third of a kilometre of the WestConnex tunnel. The Government could take one-third of a kilometre from the WestConnex tunnel and pay outright the full compensation, even at its overblown estimate.

The Greens are appalled that on the very last sitting day we are not just rushing through legislation but also rejecting amendments agreed to in the Legislative Council. I can say one thing: I do not want to live in Queensland. The Queensland Government has one Chamber only and I do not want to be a part of Queensland. We in New South Wales should be proud that we have two Houses of Parliament—a lower House and an upper House. The upper House, the Legislative Council, is a House of review. People might know my feelings about some members in the upper House, but I know that the upper House members pay a lot of attention to legislation and its details.

When the upper House agrees that amendments should be made, then we should listen and take them seriously. When it comes to looking after the people who put their lives on the line every day, that is, our firefighters, the idea that the Government would put a figure on it, even on its inflated cost of \$300 million for retrospective costs, is just insulting. To me, it is insulting and it is insulting to many members. I want to put a call out to firefighters: We should be providing legislation that protects them. I also want to put a call out to the Fire Brigade Employees' Union, which does amazing work to represent and protect the interests of firefighters. It is crucial to recognise that in this Chamber the Liberal Party and The Nationals are uniting to do something that is not in the interests of firefighters but is in the interests of their bottom line and the finances of the State. They

keep talking up their budget surplus. Why not use it to do something good? For example, use it to help our firefighters in this State.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Minister Dominello has moved that the House disagree with the Legislative Council amendments. The question is that the motion be agreed to.

**The House divided.**

Ayes .....38  
Noes .....29  
Majority.....9

**AYES**

Aplin, Mr G  
Brookes, Mr G  
Cooke, Ms S  
Dominello, Mr V  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Notley-Smith, Mr B  
Petinos, Ms E  
Sidoti, Mr J  
Toole, Mr P  
Ward, Mr G

Ayres, Mr S  
Conolly, Mr K  
Coure, Mr M  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Johnsen, Mr M  
O'Dea, Mr J  
Provest, Mr G  
Speakman, Mr M  
Tudehope, Mr D  
Wilson, Ms F

Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Mrs T  
Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Pavey, Mrs M  
Roberts, Mr A  
Taylor, Mr M  
Upton, Ms G

**NOES**

Aitchison, Ms J  
Catley, Ms Y  
Donato, Mr P  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Scully, Mr P  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D (teller)  
Park, Mr R  
Smith, Ms T.F.  
Zangari, Mr G

Car, Ms P  
Crakanthorp, Mr T  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Piper, Mr G  
Warren, Mr G

**PAIRS**

Anderson, Mr K  
Barilaro, Mr J  
Berejiklian, Ms G  
Fraser, Mr A  
Lee, Dr G  
Marshall, Mr A  
Patterson, Mr C  
Perrottet, Mr D  
Stokes, Mr R  
Williams, Mrs L

Atalla, Mr E  
Bali, Mr S  
Cotsis, Ms S  
Daley, Mr M  
Dib, Mr J  
Doyle, Ms T  
Foley, Mr L  
Hornery, Ms S  
Tesch, Ms L  
Watson, Ms A

**Motion agreed to.**

**Mr VICTOR DOMINELLO:** I move:

That a message be sent to the Legislative Council advising of the Legislative Assembly's disagreement with the proposed amendments.

**Motion agreed to.**

**Message forwarded to the Legislative Council advising it of the resolution.**

**CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2018  
NATIONAL DISABILITY INSURANCE SCHEME (WORKER CHECKS) BILL 2018**

**Consideration in Detail**

**Consideration resumed from an earlier hour.**

**Ms TANIA MIHAILUK (Bankstown) (18:37):** I move Opposition amendment No. 15 on sheet C2018-172:

No. 15     **Realistic possibility of restoration**

Page 7, Schedule 1 [27]. Insert after line 34:

- (8B)     Subsection (8A) does not apply if the child or young person is an Aboriginal or Torres Strait Islander child or young person. This amendment seeks to exclude from this regime children or young persons with an Aboriginal or Torres Strait Islander background. It is very important that this amendment be enacted. It is evident that Indigenous and Torres Strait Islander people are grossly overrepresented in the child care and protection system. Approximately 40 per cent of children in care are of Aboriginal descent and it is clear that the reforms in this legislation are very likely to disproportionately affect their communities. We have repeatedly been told of the deep disadvantage that Aboriginal communities face in terms of poverty, homelessness, mental health and other concerns. This amendment allows the courts to determine what is a reasonable time frame for restoration of Aboriginal and Torres Strait Islander children and young people. A joint statement issued by the National Family Violence Prevention Legal Services and National Aboriginal and Torres Strait Islander Legal Services states:

Our children have the right to live in safety, and in stable and supportive family and community environments. For Aboriginal and Torres Strait Islander children who are harmed or at risk of harm and in need of alternative care, their protection is our priority. However, we are deeply concerned that the New South Wales Government views adoption as a solution to the crisis in the child protection system. The move runs counter to key recommendations of the *Bringing Them Home* report that called for building a system that provides adequate and appropriate support to Aboriginal and Torres Strait Islander families to ensure that our children grow up connected to their family, community, culture and country.

The proposed legislation is based upon a misguided understanding of what stability means for Aboriginal and Torres Strait Islander children. It assumes that a permanent legal arrangement can generate a sense of safety and belonging for children in out-of-home care. Rather, permanence for Aboriginal and Torres Strait Islander children is developed from a communal sense of belonging; experiences of cultural connection; and a stable sense of identity including knowing where they are from, and their place in relation to family, mob, community, land and culture.

**Mr DAVID HARRIS (Wyong) (18:41):** I support Opposition amendment No. 15. In my speech last night I outlined the history of dispossession and persecution of Aboriginal people, not just in New South Wales but also across Australia. The key groups are asking whether, if this legislation goes through, Aboriginal and Torres Strait Islanders and people who identify as Aboriginal or Torres Strait Islander are excluded from that restrictive 24-month system. Those groups are fearful that it will speed up adoption for Aboriginal and Torres Strait Islander children and young people because they are overrepresented in the system and because they come from some of our most vulnerable communities. I am sad to have to talk about this tonight. This bill was roundly condemned by all of the key groups. I quote Tim Ireland, Chief Executive Officer of the Aboriginal Child, Family and Community Care State Secretariat, who stated:

We need greater safeguards and investment in prevention, early intervention and restoration, with proactive efforts to engage families and communities in the safety, welfare and wellbeing of children. Speeding up adoptions through artificially imposed time frames will undermine rather than uphold the best interests of these vulnerable children.

These groups say that the changes go against the key recommendations of the *Bringing Them Home* report, which called for building a system that provides adequate and appropriate support to Aboriginal and Torres Strait Islander families to ensure that their children grow up connected to their family, community, culture and company. I spoke about my constituent who said that her son, who had been removed for 11 years, had been taken away from his culture, and his culture had been denied to him as part of that removal. Interestingly, that mother, Kirsten, has had custody of her daughter for years, but she has not been able to get her son back. So what is actually happening here? What is going on that for 11 years she cannot get her son back but for eight years or more she has had her daughter living with her?

Mrs Cheryl Axleby, Co-Chair of the National Aboriginal and Torres Strait Islander Legal Services, said:

Instead of introducing policies which would fast-track permanent child removals, the New South Wales Government should be held accountable for implementing the recommendations of the *Bringing Them Home* report and other landmark reports including *Family Matters* to offer support to families and community-led solutions which ensure our kids are safe and thriving in community and in culture.

The Community Legal Centres support this amendment, saying:

This recognises the over-representation of Aboriginal and Torres Strait Islander children in the child protection system as well as the significant additional barriers that exist for Aboriginal and Torres Strait Islander families, which mean that these families should not be subject to a strict time frame for restoration.

As has been said, the Law Society of New South Wales recommends that clauses 20 and 27 of schedule 1 should be removed or amended to exclude Indigenous children. Stakeholders who deal with these families say with one voice that Aboriginal and Torres Strait Islander children will be further disadvantaged by this system, and yet this Parliament apparently is deaf to these cries. Members of this Parliament are not learning the lessons from these reports. Why have inquiries and reports when we ignore them? That is clearly the message stakeholders are giving. Not enough was done to address issues before this legislation was brought before the House. We must address all of those issues and then look at legislation like this. But clearly this legislation is putting the cart before the horse. It is not in the best interests of Aboriginal and Torres Strait Islander children because it does not recognise their cultural differences. Instead it suggests to these people the image of a future stolen generation. Let us not make the same mistakes of the past.

**Ms TAMARA SMITH (Ballina) (18:46):** I note that colleagues on this side of the House are being encouraged to get on with this debate and are being warned that if we do not we will be here until two o'clock tomorrow morning. I blame the Minister, quite frankly, because this bill contains important legislative changes that will affect the most vulnerable people in our community. We know there is opposition to this legislation from every community legal centre in the State and every Aboriginal advocacy organisation in the State. We are at the twelfth hour of this parliamentary sitting, and we are being told to get this debate done and to hurry up.

It is just not good enough, it is not democratic and it is not the way things should be done. Opposition amendment No. 15 states that if we persist with the arbitrary two-year time frame for the realistic possibility of restoration, we must at least insert a subsection 8A to state that this time frame does not apply if the child or young person is Aboriginal or Torres Strait Islander. That would go a long way to appeasing the concerns of this sector. As my colleague in the other place, Mr David Shoebridge, said:

It is an obscene and false dichotomy to suggest that somehow those who do not support an increase in adoption are supporting children being thrown into foster care in a dysfunctional system. It is playing politics with Aboriginal families and communities, because we all know that the foster care system is in crisis. We know that there is not enough funding to ensure that foster families can survive and thrive and, more importantly, we know from the Tune report what the answers to the system are. It is not stealing more children, or adopting out more children, or removing parental consent. There is one simple, comprehensive answer, and it is providing greater self-determination to Aboriginal communities.

I keep repeating the Aboriginal and Torres Strait Islander principles. There is so much research about Aboriginal and Torres Strait Islander children in out-of-home care, and we know that the *Bringing Them Home* report, which was released 20 years ago, spoke of the same things that are relevant today. I think that the Minister is trying to address some of those significant issues, but why do so in such a hurried way? Why do it despite so much opposition to the legislation?

I refer to some of that research. Aboriginal children are less likely than non-Aboriginal children to have contact with their families, particularly in the first few months after being placed into care, and are also less likely to be reunified with their families. That is a finding from extensive reports and research. Placement services for Aboriginal children do not include sufficient care planning, and children and young people are remaining in out-of-home care for inordinate lengths of time. Serious consideration must be given to the creation of a cultural plan for Aboriginal Indigenous wards in care to explore ways in which children can remain connected to their families of origin and their culture.

Caseworkers, carers and residential workers need training regarding the value of connecting Indigenous children and young people to their culture. The inadequacy of current systems and procedures for preparing and supporting Aboriginal and Torres Strait Islander carers has been noted across a vast number of studies. There are an insufficient number of Indigenous carers to meet demand, and so on. Of all of the amendments, for me this is the one that would allow us more time to consider the impact of these provisions on Aboriginal and Torres Strait Islander young people.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (18:51):** The Government does not support Opposition amendment No. 15. This amendment removes any time frame to work

towards restoration of Aboriginal children to their family. This would disadvantage Aboriginal children as it would place them at risk of drifting in care. Families may not receive the intensive support required to enable their child to return home in as short a time frame as possible.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendment No. 15 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....28  
Noes .....42  
Majority..... 14

**AYES**

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T.F.  
Zangari, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D (teller)  
Park, Mr R  
Warren, Mr G

Car, Ms P  
Crakanthorp, Mr T  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Scully, Mr P  
Washington, Ms K

**NOES**

Aplin, Mr G  
Brookes, Mr G  
Cooke, Ms S  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Toole, Mr P  
Ward, Mr G

Ayres, Mr S  
Conolly, Mr K  
Coure, Mr M  
Donato, Mr P  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Humphries, Mr K  
Notley-Smith, Mr B  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Tudehope, Mr D  
Williams, Mr R

Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Mrs T  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Hazzard, Mr B  
Johnsen, Mr M  
O'Dea, Mr J  
Piper, Mr G  
Rowell, Mr J  
Taylor, Mr M  
Upton, Ms G  
Wilson, Ms F

**PAIRS**

Atalla, Mr E  
Bali, Mr S  
Cotsis, Ms S  
Dib, Mr J  
Doyle, Ms T  
Foley, Mr L  
Hornery, Ms S  
Tesch, Ms L  
Watson, Ms A

Anderson, Mr K  
Barilaro, Mr J  
Berejiklian, Ms G  
Lee, Dr G  
Marshall, Mr A  
Patterson, Mr C  
Perrottet, Mr D  
Stokes, Mr R  
Williams, Mrs L

**Amendment negatived.**

**Ms TANIA MIHAILUK (Bankstown) (18:57):** By leave: I move Opposition amendments Nos 10 to 12, 16 and 17 on sheet C2018-172 in globo:

Page 6, Schedule 1. Insert after line 45:

**[21] Section 82 Report on suitability of arrangements concerning parental responsibility**

Omit "other than a guardianship order" from section 82 (1).

No. 11 **Section 82 reports**

Page 6, Schedule 1. Insert after line 45:

**[21] Section 82 (2) (a)**

Omit "12 months". Insert instead "24 months".

No. 12 **Section 82 reports**

Page 7, Schedule 1. Insert after line 18:

**[22] Section 82 (4A)**

Insert after section 82 (4):

- (4A) The Children's Court may order more than one report under this section and, accordingly, this section applies to each report so ordered.

No. 16 **Considerations before making removal order**

Page 7, Schedule 1. Insert after line 34:

**[28] Section 83A**

Insert after section 83:

**83A Considerations before making order to remove child or young person**

Despite section 83, the Children's Court must not make a final care order to which that section applies unless it has considered:

- (a) the known risks of harm to the child or young person on being removed from the care of his or her parents or primary care-givers, and
- (b) the risks of leaving the child or young person in his or her current circumstances.

No. 17 **Order for services to facilitate restoration**

Page 7, Schedule 1. Insert after line 34:

**[28] Section 84A**

Insert after section 84:

**84A Order for services to facilitate restoration**

- (1) The Children's Court may make an order directing the Secretary to provide or arrange for the provision of services to a child or young person or his or her family to facilitate restoration.
- (2) The Children's Court may make the order:
  - (a) on application made by any party to proceedings before the Children's Court with respect to a child or young person, or
  - (b) with leave of the Children's Court—on application made by any person who was a party to care proceedings with respect to a child or young person, or
  - (c) 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.
- (3) The Children's Court may grant leave under subsection (2) if it appears that there has been a significant change in any relevant circumstances since a final order was made in the proceedings. To explain briefly, the Community Legal Centres NSW has sought these amendments to provide more flexibility and powers to the Children's Court in dealing with reports on the suitability of arrangements concerning parental responsibility. The amendments also propose considerations that the Children's Court must take into account prior to making a final order. The current system considers the risks only to the child in remaining in their current circumstances. These amendments enables the court to consider the potential harm in removing the child. The amendments also amend section 83 to require that the court consider the known risks to the child and also that the Children's Court may make an order directing the secretary to

provide or arrange for the provision of services to a child or young person, or his or her family to restore or facilitate restoration.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (19:01):** The Government does not support Opposition amendment No. 10. This would be an unnecessary intrusion into the private lives of the children and guardian, especially after a comprehensive assessment of suitability of the guardian has been approved by the court. The Government does not support Opposition amendment No. 11. The existing time frame of 12 months is adequate and allows for any issues in relation to the child's placement to be identified and acted upon quickly. It also gives the court greater opportunity to oversight the progression of the case plan goal for the child. A party can also bring a section 90 application at any time. The Government does not support Opposition amendment No. 12. The Children's Court can already order more than one report under section 82.

The Government does not support Opposition amendment No. 16. This amendment is not necessary as there is established law that requires the Children's Court to make an assessment of whether a child is at an unacceptable risk of harm in relation to placement decisions, for example, *M v M* [1988] HCA. In addition, section 9 (2) (c) of the Act requires that the least intrusive intervention in the life of the child be taken in order to protect a child from harm, consistent with the paramount concern to protect the child from harm and promote their development. The Government does not support Opposition amendment No. 17. The bill proposes that FACS may request prioritised access from government and non-government services to a child or young person. Under section 74 the Children's Court can already direct a person or organisation, including FACS, to provide support for a child or young person.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendments Nos. 10 to 12, 16 and 17 on sheet C2018-172 be agreed to.

**Amendments negated.**

**Ms TANIA MIHAILUK (Bankstown) (19:03):** By leave: I move Opposition amendments Nos. 18 to 20 and 23 on sheet C2018-172 in globo:

No. 18 **Rescission and variation of care orders**

Page 8, Schedule 1 [29]–[32], lines 1–44. Omit all words on those lines.

No. 19 **Rescission and variation of care orders**

Page 9, Schedule 1 [33], lines 1–4. Omit all words on those lines.

No. 20 **Rescission and variation of care orders**

Page 9, Schedule 1 [34]. Insert after line 14:

(3) An interim care order may also be varied under section 90.

No. 23 **Rescission and variation of care orders—consequential**

Page 13, Schedule 1 [53], lines 1–5. Omit all words on those lines.

These amendments omit the proposed changes to section 90 for rescission and variation of care orders including the new sections 2 (d) and 2 (e) which permit the Children's Court to dismiss an application for leave if the court believes that the application has no reasonable prospect of success and the applicant has previously made a series of applications for leave under this section that the court has dismissed. These amendments omit all words from the lines 1 to 44 in schedule 1 [29] to [32] in relation to the variation orders. The proposed changes to section 90 were, without question, the part of the legislation that stakeholders objected to the most.

It is already an incredibly difficult task to obtain the leave of the court under section 90 to seek a variation of a care and protection order. Submissions to the consultation paper put forward by the Government in October last year demonstrated that stakeholders and many of those who had made submissions did not wish for section 90 to be made more difficult. This amendment strips all the changes proposed in clauses 29 to 32 of the bill, including the additional requirement that one of the primary considerations as to whether or not leave would be granted is the length of time for which a child or young person has been in the care of the present carer and the stability of present care arrangements. The reference to "stability of present care arrangements" may lead to the defeat of many genuine applications brought by families who are seeking to restore children to their families.

This part of the legislation was also questioned by the Legislation Review Committee and by the Law Society of New South Wales. The Law Society had grave concerns about section 90 applications and made the point that it is already very difficult to seek a variation of a care and protection order. As I mentioned earlier, the Law Society also noted that most submissions opposed this part of the legislation. Community Legal Centres NSW has raised concerns in relation to the variations to section 90 that are being proposed by this legislation.

Amendment No. 18 seeks to stop any variation occurring in relation to section 90. As none of the amendments moved by me has been supported by the Government, I concede that amendments Nos 19 and 20 are also likely to be opposed. Amendments Nos 19 and 20 are in respect of the rescission or variation of care orders. The Government's new section 90 (9) states:

This section does not apply to an application to vary an interim care order.

Currently, variations to any care order can be sought by any person who considers himself or herself to have sufficient interest in the welfare of the child or young person. This is not restricted to individuals who are party to care proceedings but extends to any other family members who may be in a position to care for a child. The introduction of section 90 (9) removes the opportunity for these individuals to make an application and be considered in the care order. This is quite critical and we have mentioned it many times today and in the preceding debates. There are likely to be other individuals who may want to be party to these proceedings. Should they wish to make a variation to a care order but have not been party in the initial stages they will find the changes that the Government proposes to be much more burdensome and much more difficult. I reiterate that there was serious opposition to this section of the bill and I ask that the Government consider these amendments.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (19:07):** The Government does not support amendment No. 18. The bill is consistent with Article 12 of the United Nations Convention on the Rights of the Child. Article 12 requires the views of the child to be sought, heard and given weight in accordance with their age and maturity. This amendment is necessary to ensure primacy is given to a child's or young person's need for permanency, stability and security at the leave stage of a section 90 application. The Government does not support amendment No. 19. The bill will make it easier for parents and others to make an oral application to vary an interim order. At present they may be required to file a section 90 application and seek leave. The Government does not support amendment No. 20. The bill will make it easier for parents and others to make an oral application to vary an interim order. The Government does not support amendment No. 23. This is a transitional provision.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendments Nos 18, 19, 20 and 23 be agreed to.

**The House divided.**

Ayes .....28  
Noes .....40  
Majority.....12

**AYES**

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Harris, Mr D  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T.F.  
Zangari, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Warren, Mr G

Car, Ms P  
Crakanthorp, Mr T  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Scully, Mr P  
Washington, Ms K

**NOES**

Aplin, Mr G  
Brookes, Mr G  
Cooke, Ms S  
Donato, Mr P  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Henskens, Mr A  
Kean, Mr M  
Petinos, Ms E  
Roberts, Mr A

Ayes, Mr S  
Conolly, Mr K  
Coure, Mr M  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Hancock, Mrs S  
Humphries, Mr K  
Notley-Smith, Mr B  
Piper, Mr G  
Rowell, Mr J

Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Mrs T  
Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Hazzard, Mr B  
Johnsen, Mr M  
O'Dea, Mr J  
Provost, Mr G  
Speakman, Mr M

## NOES

Taylor, Mr M  
Upton, Ms G  
Wilson, Ms F

Toole, Mr P  
Ward, Mr G

Tudehope, Mr D  
Williams, Mr R

## PAIRS

Atalla, Mr E  
Bali, Mr S  
Cotsis, Ms S  
Dib, Mr J  
Doyle, Ms T  
Foley, Mr L  
Hornery, Ms S  
Tesch, Ms L  
Watson, Ms A

Anderson, Mr K  
Barilaro, Mr J  
Berejiklian, Ms G  
Lee, Dr G  
Patterson, Mr C  
Pavey, Mrs M  
Perrottet, Mr D  
Stokes, Mr R  
Williams, Mrs L

**Amendments negatived.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedule 1 be agreed to.

**Schedule 1 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedule 2 be agreed to

**Ms TANIA MIHAILUK (Bankstown) (19:16):** By leave: I move Opposition amendment Nos 24 to 29 on sheet C2018-172 in globo:

No. 24 **Dispensing with consent to adoption**

Page 14, Schedule 2, lines 2–23. Omit all words on those lines.

No. 25 **Placement principles for Aboriginal children**

Page 14, Schedule 2. Insert after line 1:

[1] **Section 35 Aboriginal child placement principles**

Omit section 35 (4) and (5).

No. 26 **Prerequisites to making adoption orders**

Page 14, Schedule 2. Insert after line 1:

[1] **Section 46 What is an adoption plan?**

Insert after section 46 (2B):

(2C) An adoption plan for an Aboriginal child or Torres Strait Islander child must make provision for the ways in which the child's cultural heritage will be fostered and appropriate contact will be maintained with the child's extended family.

No. 27 **Placement principles for Aboriginal children—consequential**

Page 14, Schedule 2. Insert after line 1:

[1] **Section 47 How is an adoption plan made?**

Omit "sections 35 (5) and" from the note to section 47 (1).

Insert instead "section".

No. 28 **Dispensing with consent to adoption**

Page 14, Schedule 2. Insert after line 5:

[3] **Section 67 (1) (d) (ii)**

Omit "and".

[4] **Section 67 (1) (d) (iii)**

Omit the subparagraph.

[5] **Section 67 (1A)**

Insert after section 67 (1):

- (1A) Subsection (1) (c) and (d) do not apply if the child is an Aboriginal child or Torres Strait Islander child.

No. 29 **Prerequisites to making adoption orders**

Page 14, Schedule 2. Insert after line 10:

**[4] Section 90 Court to be satisfied as to certain matters**

Insert after section 90 (1) (f):

- (f1) if the child is an Aboriginal or Torres Strait Islander child—that an adoption plan has been made in relation to the adoption that provides for the ways in which the child's cultural heritage will be fostered and appropriate contact maintained with the child's extended family, and

Opposition amendment No. 24 is very critical. This is the amendment that seeks to entirely delete the provision that will dispense with consent to adoption. The reason I move this amendment is that a number of stakeholders and community members have signed an open letter to the Premier. Moreover, 78 organisations and more than 2,000 community members have signed the open letter to the Premier as well. People are utterly shocked and concerned about the provision in the bill that will amend the Adoption Act. The bill as it stands will remove consent to adoption, which is highly controversial. The provision removing consent from adoption is opposed almost unanimously by all Aboriginal organisations as well as Aboriginal individuals and Aboriginal elders in our community. They have approached my electorate office, The Greens and the Minister for Aboriginal Affairs. Many community members are disgusted with this provision.

Once the guardian can make an application directly to the Supreme Court, the guardian will no longer require parental consent for adoption. I know that the Legislation Review Committee also raised concerns about extending "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 amendment is an extension to an existing power ...". It does not take into consideration that it is the guardian who has already received an order under circumstances where there is a two-year arbitrary time frame and where the parents have given parental consent to the original guardianship order without any independent legal advice. This particular amendment ensures that parental consent is not dispensed with. Community Legal Centres NSW also raised concerns. It stated:

Consent is the cornerstone of adoption, essential to ensuring the child's best interest and protecting parents' right. Consent should only be dispensed with in exceptional circumstances.

The Opposition understands that there are circumstances in which consent could be dispensed with, but removing the requirement for consent entirely is completely objectionable. Opposition amendment No. 28 also deals with the dispensing of consent to adoption and states that the Opposition will omit references to Aboriginal and Torres Strait Islander children. The Law Society reflected these concerns and our view that adoption is not a culturally appropriate option for Indigenous children in New South Wales. It also reiterated its concerns, along with a number of other organisations. I note that today members would have received a letter from the Aboriginal Child, Family and Community Care State Secretariat, which has also raised concerns with this particular provision, as have many other organisations that have emailed members of Parliament. They are absolutely devastated that these provisions are being put forward by the Minister without any amendment.

Opposition amendments Nos 25 and 27 deal with placement principles for Aboriginal children. They amend the bill to ensure that we enshrine the placement principles for Aboriginal children. We need to understand that at times there may be only one Aboriginal parent. We believe that it is essential that Aboriginal children with one Aboriginal parent are afforded the same protections relating to their cultural identity as Aboriginal children who have two Aboriginal parents. Opposition amendments Nos 26 and 29 ensure that there is an adoption plan for an Aboriginal and Torres Strait Islander children. This was an area of contention amongst many of the stakeholders. It is quite obvious that there should be an adoption plan. There should be a plan to ensure that the cultural identity of Aboriginal children is respected in any care protection order or any order that is made by a court.

In this instance, adoption and guardianship orders should be required to not only ensure that the placement principles for Aboriginal children are always at the forefront of considerations but also that there is an adoption plan that provides an opportunity for that connection to remain so that the child's identity is not lost and there is a connection kept with the extended family of the child. I commend the amendments to the House.

**Mr DAVID HARRIS (Wyang) (19:23):** I support Opposition amendments Nos 24 to 29 on sheet C2018-172 in globo. I congratulate the shadow Minister on her Herculean efforts in this process. As the shadow Minister said at the start of the debate, because there was a lack of consultation on this bill the community asked

that we go above and beyond the call of duty to ensure that all of their concerns were placed on the record. I thank the shadow Minister for doing that. I also recognise The Greens and the member for Sydney for their contributions. The timing of this bill is really disappointing. I know that members are getting a bit cranky because they are caught here. But at the end of the day this is our job. This is what we are here to do. Whether it is the first day or the last day of the Parliament, it is the duty of every member to ensure that issues such as these are recognised and put on the record and that every voice is heard.

We have not agreed with every issue that has been raised, but our job is to represent the community; it is not necessarily to put our personal views out there. When I look at this last set of amendments, in particular amendment No. 24, the groups are pleading for change. Aboriginal communities, organisations, individuals and elders are saying, "Do not make it easier to adopt our kids and do not remove the need for parental consent before adoption can occur." They are pleading, and we have a duty to ensure their voices are heard. For some people that is inconvenient, but I stand proudly with the members on this side of the House and say that, despite knowing that the numbers were against us the whole time and that we were very unlikely to win on any of the issues, we stood for the voiceless people in the community. I support the amendments. I thank all of the speakers who have put the time in to ensure that all of the issues have been canvassed. I am so sorry to all of the people affected that this bill will pass tonight.

**Ms JENNY LEONG (Newtown) (19:25):** I speak on behalf of The Greens in this place. We support Opposition amendments Nos 24 to 29. I place on the record my disappointment that the pressures of this place have meant that we have not given each of the amendments the time that they deserve to be debated properly and to hear the Minister put on the record her reasons and justifications for opposing the amendments. The gallery is empty, the Chamber is relatively empty and, as the member for Wyong said, lots of members would like us to move on. But it is important for us to remember that we are not here as individuals: We are here because we were elected to represent communities and to represent a whole range of people who share our values and principles. Even though we may feel slightly lonely on this side of the Chamber, with the same voices speaking in support of these amendments—and speaking against this draconian bill, which raises huge concerns for many in the community—we are not alone.

An open letter to the Premier urged the New South Wales Government to act in the interests of children and communities in New South Wales by turning away from the path of forced adoptions and avoiding the mistakes of the past, and flagged the fact that the New South Wales Government is on a dangerous path to ruining lives and tearing families apart. The legacy of these reforms will be another government apology for traumatising another generation of children.

We stand here voicing the concerns of the organisations that signed the letter, including: Community Legal Centres NSW; the NSW Child, Family and Community Peak Aboriginal Corporation; Jumbunna; the Kinchella Boys Home Aboriginal Corporation; Domestic Violence NSW; Platform Youth Services; Grandmothers Against Removals; the Elizabeth Evatt Community Legal Centre; Homelessness NSW; the Community Restorative Centre; the Animal Defenders Office; the Western Sydney Community Legal Centre; Taldumande Youth Services; the Immigration Advice and Rights Centre; the Mountains Community Resource Network; the Western NSW Community Legal Centre; Women's Health NSW; the Mid North Coast Community Legal Centre; the Binaal Billa Family Violence Prevention Legal Service; Family Inclusion Strategies in the Hunter; Australian Lawyers for Human Rights; the Women's Legal Service NSW; the Bunjum Aboriginal Corporation; the Katungul Aboriginal Corporation; AbCare; the Burrun Dalai Aboriginal Corporation; Link-Up NSW Aboriginal Corporation; the Woomera Aboriginal Corporation; Yindi Community Services; Shoalcoast Community Legal Centre; the Australian Services Union NSW; Belong Blue Mountains Community and Neighbourhood Services; Intellectual Disability Rights Service; Redfern Legal Centre, which is in the electorate of Newtown; Redfern Youth Connect; and the Northern Rivers Community Legal Centre.

I note the member for Ballina is in the Chamber. I know that The Greens candidate for Lismore, Sue Higginson, will be supporting us. I hope that, when we return to this Chamber after the election, she will be sitting with us in this place alongside members representing electorates on the mid North Coast and the upper northern regions of the State. We are taking a stand for the rights of Aboriginal people. We should not be introducing another generation of forced adoptions. Other signatories are: The Women's Cottage, Calm Assist, Carrie's Place Domestic Violence and Homelessness Services Inc., Hunter Community Legal Centre, 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, Baabayn Aboriginal Corporation, No To Violence, Soroptimist International, Equality Rights Alliance, ID Know Yourself, Western Sydney Community Legal Centre, Good Shepherd Australia New Zealand, Just Reinvest NSW, National Aboriginal & Torres Strait Islander Legal Services, Public Interest Advocacy Centre, Aboriginal Legal Service NSW/ACT.

I understand that a number of other organisations signed the letter after it was provided to members of Parliament, with 78 signatories in total to date. The members who think we should not take the time to deal with these amendments in this place should know that, while they may be sick of hearing our voices, we are speaking on behalf of those organisations. We are putting their opposition to this legislation on the record. [*Time expired.*]

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (19:31):** The Government does not support Opposition amendment No. 24. The proposed amendment to the Adoption Act does not create new grounds for dispensing with the requirement for consent of a person to a child's adoption. Currently, the Supreme Court may dispense with the requirement for the consent of a child's adoption if an application has been made for the adoption of the child by their authorised carer if the following factors apply: the child has established a stable relationship with those carers, and the adoption of the child by those carers will promote the child's welfare. If the child is Aboriginal, alternatives to adoption will be considered in accordance with section 36. The amendment extends the application of this current provision to guardians under the Care Act. Guardians are not authorised carers. This amendment therefore simply addresses a perceived gap where the Supreme Court is considering dispensing with a parent's consent on an adoption application by the child's guardian.

The Government does not support Opposition amendment No. 25. The child's best interest is paramount and decisions need to be made taking into account the child's views, safety, welfare and permanency. The Government does not support Opposition amendment No. 26. FACS already includes the child's cultural plan within the adoption plan. Section 90 of the Adoption Act already requires that the child's culture be taken into account in the making of the adoption plan. In addition, clause 75 of the Adoption Regulation specifies what must be included in an adoption plan, which includes details of the ways in which the child is to be assisted to develop a healthy and positive cultural identity and the ways in which it links with the child's cultural heritage are to be fostered. The Government does not support Opposition amendment No. 27. This is a consequential amendment.

The Government does not support Opposition amendment No. 28. This amendment would remove the ability of the court to override the wishes of the parent or person who has parental responsibility. This would be the case even in circumstances where there is serious cause for concern for the welfare of the child. This amendment ignores the need for decisions to be child focused and based on the best interest of the child. The amendment also proposes removing the ability of the court to dispense with consents to adoption of Aboriginal and Torres Strait Islander children by their authorised carers. The current provision comes with the safeguard that in the case of Aboriginal children, alternatives to placement for adoption have been considered as per section 36. The Government is not proposing any changes to the safeguards for Aboriginal children and young people in the Care Act or the Adoption Act.

The Government does not support Opposition amendment No. 29. It is not necessary. The safeguards around the adoption of Aboriginal and Torres Strait Islander children and young people remain unchanged. The Adoption Act makes specific provisions that address the needs of Aboriginal children, families and communities and sets out additional legislative requirements specific to the preparation of an adoption application for an Aboriginal child or young person. If the child is placed with a person who is not within an Aboriginal family or community, the adoption plan must provide for the child to have the opportunity to develop an identity with the Aboriginal community to which they belong.

**Ms TANIA MIHAILUK (Bankstown) (19:34):** At the end of today's debate, I must say that in the rough-and-tumble of political life we have to remember why we entered public life in the first place and what we can do for people who cannot represent themselves. There is no question that these amendments are necessary for this Government to consider. It is appalling that every opportunity was afforded to this Government to postpone the passage of this legislation, including by allowing for a short inquiry into this legislation, which was rejected, or allowing this legislation to be referred to an upper House committee for inquiry. If either of these had been agreed to, no members would have had to stay back to participate in this debate on the last sitting day of this parliamentary term, complaining that they cannot attend Christmas events.

I think the Minister does not want me to put on the record what some of her colleagues have said to me tonight. I thank the many members who have spoken on this legislation: in the upper House, the Hon. Adam Searle, the Hon. Peter Primrose, the Hon. Penny Sharpe, the Hon. Courtney Houssos, the Hon. Mick Veitch, the Hon. Shaoquett Mosekane, the Hon. Lynda Voltz, the Hon. John Graham, Mr David Shoebridge and Ms Dawn Walker. In this House I thank the shadow Minister for Aboriginal Affairs the member for Wyong. I thank him for assisting me, because I know that he deeply cares about child protection and the Aboriginal community. I thank him for his immense contribution. I could not have done it without you, David. I thank also the two members of The Greens, the member for Ballina and the member for Newtown, who are passionate about supporting these amendments. I thank also the member for Sydney, Alex Greenwich, for his support.

I thank my other colleagues; the member for Shellharbour, the member for Maitland, the member for Charlestown, the member for Port Stephens, the member for Mount Druitt, the member for Fairfield, the member for Blacktown, the member for Newcastle and the member for Cessnock. I particularly acknowledge the contribution of Mr David Shoebridge. We tried as best we could to highlight the concerns of stakeholders. I have raised the fact that there is an open letter with almost 80 organisational signatories to date to the Premier concerning this legislation, but there has been no response from the Premier or from the Minister. In addition, more than 2,000 individuals have signed that letter in a short time, and 78 organisations from across this State have signed it. It is appalling that these organisations have been ignored.

I thank the many organisations that have helped us with the preparation of amendments, in particular Community Legal Centres NSW, which played a significant role in assisting parties throughout these proceedings., I thank that organisation for its support. I thank also the Law Society for its support. Should the New South Wales Labor Opposition be elected to government next year, we will repeal this legislation. It is appalling legislation and we will ensure, unlike this Government, that we will not ram legislation through without consulting with stakeholders. This is the Minister who for eight long years neglected child protection. She was predominantly the Minister for—

**Mr Lee Evans:** Point of order—

**TEMPORARY SPEAKER (Mr Adam Crouch):** The member for Bankstown will resume her seat.

**Mr Lee Evans:** Point of order: I ask that the member be brought back to the leave of the bill. The member for Bankstown has had enough time and is now abusing the Government. It is now time to wrap it up so we can enjoy Christmas.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I ask the member for Bankstown to return to the leave of the bill. If she wishes to attack the Minister she can do so by way of substantive motion. I draw the member back to the leave of the amendment.

**Mr John Sidoti:** Seek an extension.

**Ms TANIA MIHAILUK:** The member for Drummoyne would like me to seek an extension. These are draconian changes. I again thank all the stakeholders. I had hoped that the Government would support the last few amendments—clearly, it will not. The proof will be in the pudding should this legislation come into effect. As issues arise the devastating consequence of what this Government proposes will be apparent. I thank everybody for their contribution and make very clear that we will support these amendments and oppose the legislation.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Opposition amendment Nos. 24, to 29 on sheet C2018-172 be agreed to.

**The House divided.**

Ayes .....29  
Noes .....43  
Majority..... 14

**AYES**

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Scully, Mr P  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Harris, Mr D  
Hoening, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T.F.  
Zangari, Mr G

Car, Ms P  
Crakanthorp, Mr T  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D (teller)  
Park, Mr R  
Warren, Mr G

**NOES**

Aplin, Mr G  
Brookes, Mr G  
Cooke, Ms S  
Dominello, Mr V

Ayres, Mr S  
Conolly, Mr K  
Coure, Mr M  
Donato, Mr P

Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Mrs T  
Elliott, Mr D

## NOES

Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Hazzard, Mr B  
Johnsen, Mr M  
O'Dea, Mr J  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Wilson, Ms F

Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Henskens, Mr A  
Kean, Mr M  
Petinos, Ms E  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

George, Mr T  
Grant, Mr T  
Hancock, Mrs S  
Humphries, Mr K  
Notley-Smith, Mr B  
Piper, Mr G  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## PAIRS

Atalla, Mr E  
Bali, Mr S  
Cotsis, Ms S  
Doyle, Ms T  
Foley, Mr L  
Hornery, Ms S  
Tesch, Ms L  
Watson, Ms A

Barilaro, Mr J  
Berejiklian, Ms G  
Fraser, Mr A  
Lee, Dr G  
Patterson, Mr C  
Pavey, Mrs M  
Perrottet, Mr D  
Williams, Mrs L

**Amendments negatived.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedule 2 be agreed to.

**Schedule 2 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** I will deal with the National Disability Insurance Scheme (Worker Checks) Bill 2018 in groups of clauses and schedules. The question is that clauses 1 to 60 be agreed to.

**Clauses 1 to 60 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedules 1 and 2 be agreed to.

**Schedules 1 and 2 agreed to.****Third Reading**

**Ms PRU GOWARD:** I move:

That these bills be now read a third time.

**The House divided.**

Ayes .....43  
Noes .....29  
Majority..... 14

## AYES

Aplin, Mr G  
Brookes, Mr G  
Cooke, Ms S  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M (teller)  
Griffin, Mr J  
Hazzard, Mr B  
Johnsen, Mr M  
O'Dea, Mr J  
Provest, Mr G

Ayres, Mr S  
Conolly, Mr K  
Coure, Mr M  
Donato, Mr P  
Evans, Mr L.J.  
Goward, Ms P  
Gulaptis, Mr C  
Henskens, Mr A  
Kean, Mr M  
Petinos, Ms E  
Roberts, Mr A

Bromhead, Mr S (teller)  
Constance, Mr A  
Davies, Mrs T  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Hancock, Mrs S  
Humphries, Mr K  
Notley-Smith, Mr B  
Piper, Mr G  
Rowell, Mr J

## AYES

Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Wilson, Ms F

Speakman, Mr M  
Toole, Mr P  
Ward, Mr G

Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## NOES

Aitchison, Ms J  
Catley, Ms Y  
Daley, Mr M  
Greenwich, Mr A  
Haylen, Ms J  
Lalich, Mr N (teller)  
McDermott, Dr H  
Mihailuk, Ms T  
Scully, Mr P  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Harris, Mr D  
Hoening, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Smith, Ms T.F.  
Zangari, Mr G

Car, Ms P  
Crakanthorp, Mr T  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
Lynch, Mr P  
Mehan, Mr D (teller)  
Park, Mr R  
Warren, Mr G

## PAIRS

Barilaro, Mr J  
Berejiklian, Ms G  
Fraser, Mr A  
Lee, Dr G  
Patterson, Mr C  
Pavey, Mrs M  
Perrottet, Mr D  
Williams, Mrs L

Atalla, Mr E  
Bali, Mr S  
Cotsis, Ms S  
Doyle, Ms T  
Foley, Mr L  
Hornery, Ms S  
Tesch, Ms L  
Watson, Ms A

**Motion agreed to.****WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018****Messages**

**TEMPORARY SPEAKER (Mr Adam Crouch):** I report receipt of a message from the Legislative Council informing the Legislative Assembly that it does not insist on its amendments disagreed to by the Legislative Assembly to the abovementioned bill.

*Motions***SEASONAL FELICITATIONS****Debate resumed from an earlier hour.**

**The SPEAKER:** Today marks the last sitting day of 2018 and of the Fifty-sixth Parliament. This year has been my eighth year as Speaker and fifteenth as the member for South Coast. It has been a long time. This year has also had its personal challenges for me. I thank everyone who has offered me support and kindness through this very difficult time. I thank in particular the Deputy Speaker, Thomas George. He has had to step into the chair on many occasions for question time. Deputy Speakers do not always think that will happen, and it is not always a pleasant experience. I thank him for doing it so willingly and competently. I was watching him at Young on the live stream and he was doing very well.

This Parliament has had some significant achievements. We have had some wonderful exhibitions and I have been proud of all of them, especially the Centenary of Anzac commemorative exhibition. Over the past four years, each sitting Tuesday I have made a series of Centenary Statements reflecting on events of 100 or more years ago. Those statements have now been compiled into a wonderful booklet, which is for sale. I suggest that members obtain a copy. They can buy one or come to see me and I will give them a free copy. I am very proud of the work done on that project. I thank Brian Lindsay and Chris Puplick for their extensive research for the speeches.

We have also had some fantastic exhibitions, in particular the current exhibition. It is beautiful and marks the end of the Centenary of Anzac commemorations. The team involved in the commemoration have done incredible work. They are: Elaine Schofield, Ian Dewar, David Bruderlin, Tanja Zech, Madeleine Dowd, Rohan Tyler, Caroline Hopley, Jacqueline Linnane, Olivia James, Chris Herbert, Susan Want, Shu-Fang Wei, Jodi Rahme, Rosemary Sempell, Deborah Bennett, Anthea Darmon, Shannon Murphy Townsend, Scarlett Hurst, Jeannie Douglass, Phil Goldsmith, Peter Smith, Heide Panec, and others. I make particular mention of Brigid O'Bryan from my office, who gave up countless hours and put in an enormous effort to mount the best exhibition we have had in the Fountain Court. My team has also made a great contribution.

We have also had exhibitions and events celebrating women in Parliament last year and this year. I have been very proud of those exhibitions and that we have highlighted the achievements of women since the Women's Legal Status Act was passed in 1918. The beautiful display in Macquarie Street as part of Vivid was fantastic. I thank Tony Jericivic from City Staging for donating the lighting, Cathy Ashton and the Parliamentary Education team, including graphic designer Daniel Ormella. In terms of celebrating women, highlighting their achievements, and trying to make life easier in this place, I am proud of what everyone has contributed.

The capital works projects undertaken have been incredible, not only over the past 12 months but also over the past eight years. I am sure members are grateful for the way their offices have been upgraded, given that they have been neglected for so long. There were curtains that could not be washed because they were so old they would have fallen apart if they had been. We had to make some major changes, which involved significant expenditure, and I hope members appreciate it.

One of the best upgrades this year has been the Education Centre, which was opened yesterday. I encourage members to inspect it. What an achievement for all involved. I thank Rob Nielsen, Director Facilities Branch, who is a champion and a legend. I thank his team, including Renita Lee, Brett Wright and Phil Herman for their management of each of these projects, and many others throughout the year. I thank also former President the Hon. Don Harwin, who was instrumental in many of these projects. If I do not mention some people involved in projects, I apologise, but I do not have the time. We now have a lift-and-change bathroom in Parliament House. I think our jurisdiction is one of the first, if not the only jurisdiction, with a lift-and-change bathroom facility. I pay tribute to Annette Pham from my electorate for her continuing advocacy for lift-and-change facilities in public places.

We also had a fantastic biennial Commonwealth Parliamentary Association [CPA] dinner. It is a tradition I have wanted to continue with our CPA NSW branch and members of Sydney's Consular Corp. It involved more than 55 countries and 300 or 400 people attended. It took a huge amount of work to organise. I thank all of the staff in the catering branch, who are still working tonight at a big function. The staff changeovers in the branch have meant that this has been a challenging year. Well done to Vanessa Harcourt, Carlos Andrade, Sunny Modi and all of the catering team. They give it everything they have to please members, staff and everyone who attends functions.

Everyone else is on their way home, but the Legislative Assembly staff, like my staff, are still here. Let us look at what they have had to sit through over this year: 2,045 oral questions, 9,999 written questions, 217 Government bills introduced, 279 bills passed by the Legislative Assembly, 58 petitions with 10,000 or more signatures discussed, 555 divisions, 3,684 general notices given, 555 hours and 29 minutes of government business, 59 hours and 46 minutes spent on community recognition statements, and 289 hours and 18 minutes spent on private members' statements. I thank all members who participated in all of that, but more congratulations to the Legislative Assembly staff on processing all of that. They are still here, working hard.

I thank all the Clerks at the table, in particular Helen Minnican, who has been a wonderful mentor to me and to members since she has taken on this very challenging role. I also thank Leslie Gönye, Elaine Schofield, Catherine Watson, Jason Arditi, Carly Maxwell, Clara Hawker, Simon Johnston, Jonathan Elliott and Rohan Tyler. I thank the Legislative Assembly attendants—God bless them—including Ian Delahunty, April Lowndes, Peter Tuziak, Ian Thackeray, Danny Heldal, Chris Papadopoulos, Hayley Jarrett, Monica Parsotam and Deputy Serjeant-at-Arms Jenny Whight and Cheryl Samuels. I thank the table office staff including John Hatfield. He is the best writer; he writes all the LOQs. Good on you, John, wherever you are. You deserve a holiday.

I also thank Christopher Herbert, Tanja Zech, Jenny Lamont, Natasha Zammit and Tom Isaksen from the table office. I thank all the Hansard staff led by Editor of Debates, Scott Fuller. Everybody praises Hansard and they all say the same thing: They make us sound better than we actually are by the odd use of punctuation and perhaps choosing a better word. I also thank Manuela Sudic from the Office of the Clerk. Committees have been very hard working. I thank all the staff of the committees led by Elaine Schofield and Clara Hawker. I will not go through all the statistics, but they are significant.

This year electorate offices and the staff involved have had to accommodate an additional staff member, which has meant some alterations to nearly all offices to accommodate the third staff member. It was an enormous amount of work. I thank all of the electorate office staff team—office services—for their rollout and care for our members offices. They are David Auert, Tina Arabian, Jo Sully, Angie Stanojevic and David Bruderlin. I thank the leadership team of Department of Parliamentary Services Chief Executive Mark Webb and Deputy Executive Manager Julie Langsworth. I thank David Blunt and in particular the leadership team, and I have mentioned her before, Helen Minnican. I think she has provided wonderful, sensible, sound leadership in the Legislative Assembly. Long may she reign! To President John Ajaka, I say well done. We have had a really good working relationship and a good friendship between all of the leadership team as we meet regularly to discuss a number of issues.

My Speaker's panel has been placed under a lot of pressure with late sitting nights. When I was not here, they all had to step up—and they did. They include Andrew Fraser, Lee Evans, Adam Crouch, Geoff Provest, Greg Aplin, Sonia Hornery and Anna Watson. As I said earlier, I particularly thank Thomas George. He is one of the most beloved of all of our members. I will miss him enormously. He is here in the Chamber so I can look at him and say thank you, Thomas, sincerely. We will absolutely miss you as will every member and every member of staff because you are such a fair and good person, a good man. Stay—you can change your mind. Thank you, Thomas.

Thomas served in this place for 20 years and as Deputy Speaker for the past eight years. He has done his years. As a mark of respect for Thomas, for what he has had to do this year, his name is on the wall of the Legislative Assembly. Usually only Speakers' names go up there, but his name is there in recognition of his efforts as Deputy Speaker. We might put his photograph up there or something. I love you, Thomas. Without your contribution, it would have been very difficult for me. You rang me, you spoke to me, you texted me. We are a team; we are good.

I thank my electorate staff. They have to put up with me not being there, like most members of Parliament. We are not in our electorates, we are here, and the staff are the front line. I thank Lynne Arnold, Adam Carney, Matthew Allen and Caitlin Davis, who has just come on to the team. I thank my little team in the Speaker's office—what a joyful little team they are and how intelligent! They are unbelievable. They understand media, they understand computers, they understand the standing orders, they understand everything. They are intelligent and professional at all times. Thank you Luke Sikora, Brigid O'Bryan, Michelle Lane, Jane Boag and Troy Wilkie. Thank you for your efforts in organising the party in the Speaker's garden to which we invited certain people. Other people just gatecrashed; they thought it was their right to turn up, but please feel free to turn up. Thank you, team. It has been a tough year. Thanks.

**Ms MELANIE GIBBONS (Holsworthy) (20:05):** It is important to take the time to thank and acknowledge everyone who has helped us throughout the year and supported the running of our great State. I start by acknowledging and thanking the Premier, the Hon. Gladys Berejiklian, MP. As we all know, she is a Premier who listens and she ensures that our views are always considered in all that we do. When she comes to visit me at places like Casula Mall and other electorates across the State, she is very approachable. It is a trait, which I believe, is very important to our local community members. I thank the Deputy Premier, the Hon. John Barilaro, MP, for helping to lead our Coalition partners, The Nationals, and to ensure that our parties continue to work strongly together. I thank the entire Cabinet, with each of the Ministers bringing their different skills and knowledge to the table, which, in turn, provides New South Wales with a strong and effective management team.

The Parliamentary Liaison Officers [PLOs] who work for the Premier, the Deputy Premier and Ministers have a pretty tough job. They assist with many requests from members while they also juggle the priorities of their Minister. I wish I had time to mention them all, but I highlight the efforts of Michael Evangelidis, Cameron Dunger, Amanda Choularton, Callum Fountain, Andrew Dixon, Daniel Hill, Lee Dixon and Daniel Cacaj. I have been dealing with these PLOs quite closely throughout the year and they all go above and beyond their duties. I thank them for helping us to achieve so many of our goals.

I pay tribute to those members who sit in the Speaker's chair during sitting days. As someone who has sat in that chair, I understand the patience it takes to carry out that role. I appreciate all that you do. I specifically thank the Speaker, the Hon. Shelley Hancock, MP, for keeping the House in order during question time, and for her continued wisdom and guidance outside the Chamber, each year, but particularly this year, which has been a tough one for her. While I am thanking the Speaker's panel, I thank Madam Speaker's parliamentary staff—Luke Sikora, Brigid O'Bryan, Jane Boag, Michelle Lane and Troy Wilkie. They ensure the smooth running of this building for all the visiting dignitaries, all the events they put on and for all our members. They are a phenomenal, well-oiled machine. They are a fabulous team and I thank them for all that they do for us.

I thank the Clerk of the Legislative Assembly, Helen Minnican, who is in the Chamber at the moment, the Deputy Clerk, Les Gönye, and the Clerk-Assistant, Catherine Watson. They are always available for good

advice. We appreciate all that they do. I thank the members of the Table Office for their continued advice, and particularly for processing all of our petitions. We are regular visitors and I appreciate their help. I also thank our attendants. I acknowledge them all, but I particularly acknowledge Peter Tuziak for the way he looks after all the schoolkids when they visit Parliament. It is so important that they understand the difference between State and Federal Parliament. He does a fabulous job doing that.

I thank the Hansard staff for all they do, for their late nights and their patience when we suddenly have longer nights than we realise we are going to have. We very much appreciate everything you do for us. Thank you. Our committees play an important role in discussing policy and legislation in this place. They let us look deeply into an issue. I thank all the committee staff members for their expert knowledge, advice and report-writing skills. As the Chair of Committee on Children and Young People, I have had the opportunity to work with some phenomenal committee staff. They are incredibly talented, especially while tackling an issue this year such as youth suicide. They are able to look at any issue and I am grateful to them for that. I thank also our committee members who served with me on that committee. While we are on camera here, I thank Chris Ross, Daniel Slayton and Kim Reddin for making us look good on camera and for letting us have our little Facebook clips. It is always helpful to show people out in the community what we do. I thank Mark "Sharkie" Sheehan, for ensuring that members get their requested footage, which we can then put into the public arena as soon as possible.

I thank our catering staff, our special constables and our cleaners for keeping us fed, safe and clean. I particularly thank Lubo Varga and Gary Chan, who make sure that we get our coffees so that we can be decent people in this place. With my last few seconds I very much want to thank Chris Patterson, the Government Whip. He once told me that I was like a sister to him. He is definitely like a brother to me, and I will miss him very much. I thank The Nationals Whip Stephen Bromhead. Working together this week was an honour. I thank our Whip's Office staff: Rebecca Cartwright, Annie Savage and Alex Carne. It is always good to work with the Leader of the House, Anthony Roberts, and his adviser, John McGowan.

I thank my staff: Jeff Page, Daniel Nicholls, Faith Perryman, Annelie Thatcher and Sophie Carlton. Without them we would not be the great team we are, particularly with the addition of my little girls this term. They helped the office run successfully. I thank everyone who makes this place run. I wish them a very safe and happy Christmas. I obviously wish our team all the best for March 2019, but I would like to see everyone back here again.

**Mr NICK LALICH (Cabramatta) (20:10):** As the Fifty-sixth parliamentary session draws to a close and we approach a State election, it is important to note that the next time the House meets the Legislative Assembly will have lost some of its members and there will be new faces to replace them. To the members who are contesting the next election, I wish you good luck. To the members who are retiring and not contesting, I wish you the best for your future. I acknowledge all the members on the Government benches. Although we are fierce competitors in the Chamber, for the most part there is a healthy respect for each other when we are not in this place. I acknowledge the contributions from the crossbench members and place on record their hard work representing their communities.

On my side of the Chamber, I thank our leader, Michael Daley, who, as both deputy and leader, has been a constant source of support and wise counsel to all of us. The impact he has made since becoming leader has been obvious, but comes as no surprise to those of us who know him well. I thank our Deputy Leader of the Opposition, Penny Sharpe, and all the staff in the leader's office, particularly Chloe Bennett and Julian Lee. I also acknowledge the staff of the former Leader of the Opposition, who have worked tirelessly over the past few years to make NSW Labor a credible alternative government.

I thank all my caucus colleagues for their hard work this term. On a personal note, I thank them for all their concern and support during my cancer treatment. Their messages and acts of concern lifted my spirits during some dark times and have definitely assisted in my recovery. I extend thanks also to my colleagues on the Government benches for their similar acts of kindness and well wishes during my treatment. I know I speak for both sides in wishing my colleague Sophie Cotsis, the member for Canterbury, a speedy and strong recovery.

I thank Anna Watson, who did a fantastic job as the Opposition Whip while I was away. I know that the caucus appreciated her steady pair of hands very much. My job of Opposition Whip is made easier because of the tireless work and professionalism of Ms Colleen Symington, my executive officer in the Whip's Office. She is well respected by all members of this House. Colleen is a tremendously hard worker and goes above and beyond the call of duty. There is no way I could do the job if she was not there. I tell you what—her job is not easy!

I thank the Leader of the House, Anthony Roberts, and his staff. I thank the Government Whip, Chris Patterson, who has been a mate of mine ever since he came into this Parliament, and his excellent staff, Rebecca Cartwright and Alexandria Carne, for their cooperation. I wish Chris a happy retirement and thank him for his friendship and professionalism. I thank deputy whips Steve Bromhead and Melanie Gibbons for their support and

friendship. I extend gratitude to the Clerk, Helen Minnican, the deputy clerks, Table and Chamber Services staff, and the staff of the committee secretariats.

I thank the dedicated parliamentary attendants, Chamber staff and Hansard. Hansard staff make our speeches sound a lot better. When I read my speeches in *Hansard* I swear that I did not use the words written there because I would not know what half of them mean! The parliamentary attendants, Chamber staff and Hansard are here on each sitting day, regardless of how late we sit, to ensure that the House can function. I thank the special constables who keep us safe day in and day out. I thank building services—in particular all the cleaners, maintenance staff and gardeners—for the outstanding work they do to keep the oldest Parliament in Australia in great condition.

I thank the catering service team and the dining and cafe staff for keeping us all fed and watered. I acknowledge the Department of Parliamentary Services for its efforts to support the Parliament, including member services, financial services, human resources, library services, education services and information technology. There are too many to name, but I sincerely thank all Parliament staff for their service to the public and to this Parliament. I thank all electorate office staff, who are in the trenches with their members every day. I thank my staff—Kenrick Cheah, Anne McNamara, Michael Tran, Kelvin Tran, Mathew Craig and Michelle Odisho—for all their hard work and for helping Cabramatta to remain the shining pearl of the western suburbs. To my constituents in Cabramatta who put me in this place, I wish you all a merry and safe Christmas. I wish all members in this Chamber a merry Christmas and a happy holiday season. Be safe, stay healthy and enjoy the festive season.

**Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (20:15):** I offer Christmas felicitations to the many people, including my personal staff and my family, who have all assisted me over the course of the past 12 months. I start by congratulating Lily Grant of Baulkham Hills North Public School, who this year won the Baulkham Hills Christmas card competition for her wonderful picture of the Christmas Star. The Christmas Star was the theme this year, and she will be getting a \$100 toy voucher. I will deliver that to her next week at her school.

I commence by thanking my personal staff and the electorate staff, who have served with great distinction over the course of the past 12 months. I thank Edward Strong, my parliamentary liaison officer. He is strong by name and strong by nature, and has pushed us through some trying times. I thank my personal assistant, Kylie Irwin, whom I have known for many years. Nobody makes a cup of tea and gives a pat on the back like Kylie does. Without her, I certainly could not function. I thank Brooke Downes, my receptionist—she is on the front line of my ministerial office. I thank the two departmental liaison officers [DLOs], Trish Wilde and Cheree Offner. I was warned about DLOs when I became a Minister, and I am delighted to say that both of those ladies certainly destroy the myth that DLOs work for the Sir Humphreys. They are both extraordinarily helpful and open.

My press secretary, Leigh van den Brooke—who is also known as Stretch, Little Leigh or Dribbler—has been fantastic in answering phone calls 24-7. He is ably assisted by Shae McLaughlin, also known as the Silent Assassin. Shae has made a wonderful contribution to the staff. I met Shae as a teenage Young Liberal who provided with me with advice and opinions. I can assure the House that her advice and opinions continue to come. I thank my counterterrorism adviser Lucinda Watson. I am somewhat uncomfortable with the level of advice she provides me in the counterterrorism space. I suspect by the quality of advice she gives me that she knows a little bit too much about that particular portfolio—more than anyone should know. I thank my driver, Karl Taylor, who is also known to provide me with some quality advice. I thank Mitch Clout, senior policy advisor. He knows everything. I have found the guy that knows everything in this world. What he does not know, he makes up and I never question him, so it has been fantastic.

The Deputy Chief of Staff, who is well known to members of this House, is Tanya Raffoul. She is the cavalry. The cavalry comes when you are in trouble and Tanya is known to come over the parapet when I am in trouble. I thank my Chief of Staff, Katherine Danks. In my professional life, I have never relied on anybody more than Katherine. She has had a big year this year and I am grateful for the four years of service she has provided to me. May we work together for another four years. In my electorate office, Aron Mola writes the best ministerial representations in the history of the Westminster system. I am grateful for his dedication. Alice Collins, also in the electorate office, is a dynamic diva. Helen Russell, the electorate secretary, put the crack in whip. People talk about cracking the whip, but she put the crack in that whip. I thank the unflappable Antonella Tesoriero. I thank my State Electoral Conference [SEC] President and soon-to-be campaign manager, Samuel Uno, and his beautiful wife, Bianca, who had their first child this year, Paolo Salvatore. Next year will be a very busy year, but Samuel not only is my SEC President and campaign manager but also is a councillor on The Hills Shire Council.

It has been a tough year for my family. On 5 August I lost my father, Noel Frederick Elliott, who first dropped me off to this House when I was a 16-year-old in the Young Liberals for my first Young Liberals meeting, and of course made a number of visits since then—most notably in May 2011 when I made my inaugural speech.

To my mother, Yvonne, who does not enjoy good health, and to my parents-in-law, Fred and Lorraine Brame, I could not do this job—and certainly my wife, Nicole, and I could not live this life—without your support. I am very grateful. My sons, William and Lachlan, who have put up with being children of a politician and who are known in The Hills district as "Search" and "Destroy", have had a cracking year. Lachlan has been elected vice-captain of his school and William, if you ask him, will tell you he scored a try in his first international school boys trip to Fiji—but only ask him once because he will not be quiet about it. I conclude with a tribute to my dear wife, Nicole, who has put all the team together and does a fantastic job in supporting me. Merry Christmas to all.

**Ms JODIE HARRISON (Charlestown) (20:20):** I really appreciate the opportunity to express my gratitude to some special people in this place and outside this place who have made this year the amazing year it has been, and who have made it easier to do what is sometimes a difficult, but always very worthwhile, job. I join my colleagues in placing on record the deep gratitude I have for everyone who works in this building and all the work they do to keep Parliament running smoothly. The New South Wales Parliament is a workplace like no other. It takes very special people to come to work each day in a place like this, with all the craziness and excitement that it holds.

To all the building and security staff, the cleaning staff, the information technology staff, the front desk staff, the Table Office staff and all the parliamentary staff—thank you, and I wish you all a safe, happy and well-deserved break. To the hospitality staff, I thank you all, particularly Charlotte, and I thank the cafe staff, especially Lubo. As the parliamentary barista, Lubo has one of the most important jobs in Parliament House. Some mornings I really do not know where I would be without Lubo. I thank all the Hansard staff. I think they do an amazing job making sense out of some of the nonsensical things we say. I thank the Chamber attendants, who work so hard behind the scenes, and I particularly admire their sense of humour. Thank you to Ian, Danny, Chris, Monica and Peter for their help in the Chamber. I especially thank Danny for every morning reminding us when the microphones in the Chamber are on and warning us not to share any state secrets. I particularly thank April for being a friendly face and always happy for a chat on her morning rounds with the mail.

I thank the security and special constables who, day in and day out, risk their lives to ensure our safety. Like a lot of people in this place, I have had to call on them, so I really thank them. Thank you also to Cheryl Samuels, who recently handed her role as Deputy Serjeant-at-Arms to Jenny Whight. I wish Jenny all the best in her new role. I thank the Clerk of the Legislative Assembly, Helen Minnican, and the Deputy Clerk, Leslie Gönye, for their long hours and patience. I also thank Simon Johnston for his assistance. I thank my colleagues on the Committee for Children and Young People. I especially thank the committee secretariat's Elaine Schofield, Emma Wood, Stephanie Mulvey and Abigail Turingan. The work that the committee secretariat did throughout the year was absolutely amazing. Their summaries of submissions and drafting of our inquiry report were simply outstanding, and it made being a member of the committee undertaking an inquiry a pleasure. I thank the Whips, the Deputy Whips and their staff, particularly Colleen Symington for her guidance, text messages and wealth of knowledge on the running of this Chamber—and also for her smile.

I thank all my Labor colleagues for their support, hard work and friendship. I particularly recognise our new leader, Michael Daley, and deputy leader, the Hon. Penny Sharpe, who have put in a mammoth effort since taking on the leadership. I put on record that I am excited about our Labor team with both of them at the helm. I thank also my colleagues on the other side of the House. We do not always agree but we all have the best intentions to make this a great State and to serve our communities. To all of the members who are not recontesting their seats, I wish you all the best in your future endeavours. I thank my electorate staff: Deb, Steph, Chris and Hayden, who listen and respond to the needs and requests of the Charlestown community. My electorate office, like the electorate offices of all members, is often a place of last resort. It is often visited by people who are angry and frustrated with a system that does not seem to have served them well. It takes very special people to enjoy working in an electorate office. I have got a great team. I pay special tribute to Deb, who ensures the smooth running of the office and keeps me under control. I am very lucky to have her.

On a personal note, I thank my children, India and Phillip, and my mum, Elizabeth. Without their love, help and support I simply could not do this job. I thank my partner, David, who keeps me grounded and healthy—and he has taught me to enjoy running! Finally, I thank the people of the Charlestown electorate. Thank you for the continuing trust that you place in me. It is important to never forget that our job as members of Parliament is to represent the people who elected us. It is our duty to fight, advocate and work tirelessly for our constituents' aspirations, goals and rights. I assure you that I am listening, and I will continue to listen, to your concerns. I look forward to representing you in the New Year. I wish everyone a happy Christmas and a safe New Year. Good luck to all members of this place in next year's election, especially my Labor colleagues. Next year I am looking forward to sitting on the other side of the Chamber. Merry Christmas to you all.

**Mr JIHAD DIB (Lakemba) (20:26):** Nearly four years ago I came into this place with a number of others in the class of 2015. Where has that time gone? First and foremost, I thank the community of Lakemba for

putting their trust in me and for allowing me to have this privileged position as a member of Parliament. I hope they will do it again at next year's election. Mr Deputy Speaker, I also congratulate you on your outstanding career. You are a very decent man. We had a fair bit to do with each other when the World Cup was on and we have got to know each other more since then. I place on record that you are both an outstanding person and a great example of what can be achieved in this place.

**The DEPUTY SPEAKER:** Thank you.

**Mr JIHAD DIB:** The 93 members of this House all come with a support crew. I agree with the previous speaker, the member for Charlestown, that our support crew is primarily our electorate officers. I know other members will disagree, but I have the best electorate office staff. I thank Cathy Callaghan and Alex Lewis, and I split the third position between Taghred Kabalan, Joumana Al-Hanouni and Aisha Langer. They are all fantastic. We are very fortunate that Kayee Griffin, a former Deputy President, comes in now and again to lend a hand. I thank Kayee for giving up her time over the past couple of years to give us advice and support. It is wonderful to be able to bounce ideas off someone who has a fair bit of political experience and an incredible understanding of our community.

Other members have thanked the Whips, but I want to thank the Whips' assistants. I thank the secretary to the Labor Whip, Colleen Symington. She is an incredible person. I often play practical jokes on her. I know she is watching, so I apologise for all the times I have responded to her text messages about a division by saying that I am caught in traffic or not around. I acknowledge also the secretary to the Liberal Party Whip, Bec Cartwright, and the secretary to the Nationals Whip, Anthea Savage. They do a great job in trying to bring 93 members together, sometimes at really short notice. I thank the team in this place. In particular, I thank the Speaker, the Deputy Speaker, the Assistant Speaker and all the Temporary Speakers for putting up with us—I know it can be very difficult. I thank also the attendants, who do an exceptional job. I thank the Clerks, led by Helen Minnican and Les Gönye. They are very understanding when we muck things up and they are also very gentle in telling us how to fix it.

I thank the information technology support team for always fixing the things we manage to wreck. I thank the Department of Parliamentary Services for answering all our questions and making sure that we are right. We cannot survive here if we are not well fed and I thank the catering team. They are exceptionally pleasant and lovely people. They do wonderful things and feed us well. I thank them for the special efforts they make. I thank them in particular for the efforts they made during Ramadan when I had some special dietary requirements. They made that extra effort, which meant a lot. Those things go a long way to ensuring that we all feel like Parliament is an inclusive place. I thank the team in the Parliamentary Library. I promise that I will return my overdue book very soon. It has been overdue for about three weeks. I do not think anyone else wants to read it but I swear to God—as they say in Lakemba—that I am going to return it very soon.

The security and facilities team is always fantastic. This year we moved electorate offices and David Auert and his team were so good, especially when we were asking so many silly questions. I really appreciate their work. We have a beautiful office. I really appreciated it when Tina came and joined us for the opening. It was such a nice thing. There are so many people who create this system and allow us to operate. I cannot forget the cleaners. They do such great job. They never ask for anything and are so grateful and gracious. They make Parliament look wonderful and are so pleasant. I thank the Hansard team and apologise to them. This will be the last speech I give during this Parliament and once again I will give Hansard my notes in my really terrible handwriting. They have got a lot better at reading my handwriting. I thank them also for making me sound much better than I do. It is really nice when I read *Hansard* and think, "Wow, did I say that? That was really fantastic." I thank them and apologise for throwing some curly names at them. They are wonderful. I thank them also for staying through the late night sittings.

I thank my friends from across the House. It is a misnomer that members do not get along. We get along exceptionally well. Good people find good people and everyone finds who they need to find in this place. Parliament is one of those places where everyone is here for the right and good reasons. I thank not only my colleagues in the Labor Party but also my Liberal, Nationals, Greens and crossbench colleagues. They have been fantastic. I take a moment to acknowledge my sparring partner, the Minister for Education, Rob Stokes. He is a decent person. We have a lot of arguments but we get things done. The way we have conducted ourselves has been really good. I know that when we need to sort things out we can. I congratulate all who have served and have decided not to re-contest. I wish everyone the best in the upcoming elections. Finally, I thank my family. Our families are the ones who sacrifice the most. They are the ones we are away from most often. We could not do it without them. I thank my wife, children and extended family very much for their support. We will do it all again on 25 March.

**The DEPUTY SPEAKER:** Before I call the Minister, I apologise for misleading the House this morning. I said I was leaving the chair for the last time. Somehow, they got me back in here.

**Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (20:32):** I wish to extend Christmas felicitations to the New South Wales Parliament family, including the long-suffering and poker-faced Hansard staff, my ministerial colleagues, the Premier, my constituents, family, staff and friends. There is over a month until Christmas and plenty of time for reflection on the meaning of this annual ritual. But today gives me the opportunity to thank some very dear people for the gifts they have given me throughout the year of 2018. My family's love and support is always my backstop. Politics is tough and our lives are demanding and difficult. I thank David, Penny, Michael and Alice, as well as three special little girls, Adelaide, Mathilda and Cecelia, for their comfort and reassurance, forthright opinions and cups of tea. They endure my snappiness and bring me back to earth when required, which is often.

Then there is my other family, my work family, to also thank. I thank my hardworking, hard-wearing, driven, clever and incredibly loyal staff. To the Goulburn electorate office staff, led by the brilliant Alicia Croker, I say thank you. Alicia's incisive mind, ability to sort out complex electorate matters, get answers, demand funding and keep it all in her remarkable head never fails to astound me. I am deeply grateful for the huge difference she has made to my office. Paige Penning, a media advisor who is also about to play with the Brumbies, has delivered a very different connection with the local community. Paige's speed and understanding of social media and creativity in presentation has helped me reach the community in ways I could once only have dreamed of. Thank you, Paige. Finally, I thank Cheryl Roberts, the happy, beautiful face of the office, who is lovely to everyone who calls, emails or drops in. Those three women canvass, caucus and collaborate to ensure that we never miss a beat and our response to every request, every criticism and every distortion is as fast and effective as it can be. Thank you, Team Goulburn. I know I do not say thank you enough.

The ministerial office is headed by the long suffering perfectionist Simon Fontana. Simon has brought me up—if that is possible when he is 30 years or more younger. I do not think I will ever get politics, but he has certainly explained it to me often enough. He has protected me from myself, anticipated my weaknesses and fed my strengths. Ours is a tight team, they say. It is intense. Under Simon it is high performing, persistent, a pleasure to deal with, attentive to detail and outstanding in its anticipation of unintended consequences. Simon's deep personal honesty and integrity have set a very high benchmark for accountability. To Simon, I can never thank you enough.

Policy director Will Crook has stood by me since my first election campaign in 2007 and, bewilderingly, is still putting up with me. His protectiveness, intellect, high standards and unrelenting pursuit of accuracy is outstanding—although nothing takes away from his taste in ice cream. Amy Dale, media officer and now a formidable policy adviser, has ensured her media cleverness and sharp-eyed understanding of the law have given us a keener edge, while her mischievous giggle has meant she is loved by all. Anne King, my child protection adviser, owns this Government's reforms as much as anyone. For seven years she has toiled to make children the centre of everything we do. To Anne, I thank you for your toughness, your uncompromising intelligence and your wisdom. You are also kinder to me than the others!

Similarly to Tom Watson, my senior housing advisor—reasoned, detailed, calm when I am not—thank you for putting up with my impatience and often carelessness. I thank you for the role you have played in the development of Australia's biggest social housing building program and in improving my knowledge of physical fitness. Ben Flores made a magnificent effort in promoting the need for our latest child protection reform bill to an often bemused media. I thank you for your innovations and calm persistence, especially when it came to getting a run on Smooth FM. I thank James Bolt, who is new to the office but showing the same qualities of intelligence and serious thinking that my office thrives on. Jaimi Greenspan, my dear adviser, is always so quick and certain, always ready for a laugh. How I have missed her since she has been on maternity leave.

To my dearest Ben Turner, how close we have become. What a terrible task Simon assigned to you—question time preparation. I have no doubt it is the worst 45 minutes of your day as it is mine, but you do it with elan, as you do everything. I am glad we practise in private. Your fierceness and energetic sense of conviction often reinvigorate me when I am jaded or in despair. To Hannah Monaghan, thank you for managing my ever-changing diary and complicated life, for moderating the battles of the fashion police—an awful task—and for your excellent work on modern slavery.

I thank three very patient men who make my life actually possible. Floyd Swindley, my driver, has driven thousands of kilometres, found lost things, picked up the forgotten and generally hidden from the world my distracted vagueness. His personal kindness to David has been very touching. Finally, I thank the Goulburn men. Mick Pearson fixes my house and garden, hangs pictures, keeps an eye out and is always there for me to listen and talk to. Ken May feeds my two chooks, holds the ladder steady and nurtures my garden. They are both rocks in a sea of uncertainty. I say happy Christmas to all my family and friends. Thank you for being with me on my journey and for your love, faith and forgiveness. It is what the spirit of Christmas is about.

**Ms JENNY AITCHISON (Maitland) (20:37):** I thank everyone in my electorate—my community, my constituents, my friends, relatives and colleagues from the past 20 years. They have placed an enormous faith in me to represent them in this place and I thank them for that. It has been a very great honour to represent them and to fight with them and for them every step of the way. This is not the end; it is only the beginning. I feel a bit inspired by the member for Bankstown. There are many people to thank tonight, but I will try to get to them all.

This year was many things but it was never dull. After my taking on the role of acting shadow Minister for Women and being moved out of my electorate office in May for some six months due to the discovery of exposed asbestos, my staff have shown an unsurpassed resilience and determination to keeping us on track and serving the community in what has been a very challenging year. I first thank Christine Boyd—my friend, my great support, my extraordinary office manager, media adviser and confidant. She has done amazing things and I do not know how I would have got through this year without her. I thank Brendon, Caitlin and Liam, Trish and Bob every day for the gift of them being in the lives of me and my family I thank also Race Barstow, Garry Blair, Kerry Rhodes, Jordan O'Brien, Jacqueline Harrison, John Leao, James Barnett and all the others who have worked in my office over the year. It has been a busy time, and you have all done the best to support me and, most importantly, our community.

Michael Daley, Leader of the Opposition, you have shown true leadership under the hardest of circumstances and acquitted yourself well. You have been a humble, loyal deputy, and now a truly collaborative leader. I am very excited by the opportunity to serve with you in your shadow Cabinet, and to serve in a government led by you. Penny Sharpe, as Deputy Leader of the Opposition, you have shown leadership and given hope to the women in our party. You have been a fearless advocate for the environment and for women, and I thank you for all the work you have done on safe access zones. This is an important piece of legislation, and you did so much to get it through.

As chair of the New South Wales branch of the Commonwealth Women Parliamentarians [CWP], we have all worked on many goals to improve the lives of women in this place, and to show leadership to our corporate sector about how to build inclusive workplaces and practices. These wins improve the life for all MPs and workers in this building. I thank the Clerk, Helen Minnican, and David Blunt, the Clerk in the other place, and all of their team for their work. You have done much to support me in my role in CWP and thanks for your help in my electorate office.

I thank media representatives, who have been very decent to me. We have had a hard couple of weeks, and it has been a learning curve for me. Thanks in particular to Bridget Glanville and Catalina Flores. In the local media I mention Belinda Jane Davis, a finalist in the Walkleys tonight in Brisbane, Melissah Comber, Giselle Wakatama, Georgia Maher, Nick Bilby, Don Sharpe and many others. They have worked long hours and they do all they can to help us. I thank Hansard, the Clerks at the table and the Serjeant-at-Arms. I thank April, Danny, Peter and all the other attendants as well as the gardeners and cleaners.

I want to thank all my colleagues, but particularly the member for Port Stephens, Kate Washington. It has been a wild four or five years, but we have done it together and she has been one of the truest friends I have ever had, something I did not expect to find in this place. Sophie Cotsis, my sister in health, you have been such a great support to me, and I am glad that we have shared the most difficult parts of our cancer journey together. Thank you particularly to all the women I have shared these benches with, great Labor women—again, too many to name. Thanks particularly to Kaila Murnain, Trish Marinozzi and Tara Moriarty and, of course, my dear friend Jay Suvaal, who with his wife, Emily Baldwin, welcomed dear little Ethan into the world this week. From our colour coordination of our women MPs, but most importantly our work across the Chamber we have changed this place for the better. It has been 100 years since that 100 per cent quota was smashed by the Women's Legal Status Act, but even in the last four years we have made great changes to the way this place operates.

As people know, I undertook major surgery in July in response to suffering breast cancer last year. And just when I thought everything was going back on track, we had a flood in our bathroom at home which has meant we have been plunged—excuse the pun—into renovations. It was not the way I planned this year to happen. Through it all though we have had a home full of laughter and love this year—a real respite from the turmoil of politics, health and mishaps, with my wonderful parents who moved to Maitland for about two months to help with my recovery, our dear friend Anthony, our exchange students, Lilia Lorenzen, and her parents, Silke and Jan from Germany, and Louise Papaix from France. I thank them all, and most particularly my two beautiful and loving children, Josh and Jess, who have been a rock for me and Sydney, who is like a daughter. I thank my parents-in-law for the love and support they too have shown to me throughout this year, but particularly after my surgery.

Most of all I thank my darling husband, Robert. This year you have shown me the most incredible support, love and companionship. I wish that everyone had a marriage as strong as ours. You have done so much

so often and I think this year, as we reach our twentieth anniversary this January, we might have finally worked out this marriage thing. I love you more each and every day and I look forward to the journey ahead.

**Mr DAVID MEHAN (The Entrance) (20:43):** Mr Deputy Speaker, I wish you all the best in your retirement. I am grateful for the opportunity to wish all members and all staff in this place and their families a happy Christmas and a restful holiday on this, the last sitting day of the year and also the last sitting day of the Fifty-sixth Parliament. At this time I acknowledge what an honour it is to represent the people of The Entrance electorate. I thank the community for their support and I wish all my community a wonderful holiday break. I want to let them know how much I have enjoyed working with them over the past four years and how much I will enjoy working with them in the future, hopefully, to make The Entrance electorate a better place for its citizens.

I thank Helen Minnican, the Clerk, and all her staff for everything they do to keep this place running. I will not go through all the departments and name anyone individually. Every day I am impressed with the professionalism of our staff. As a socialist, it gives me great pleasure to see public servants running this place so well. They serve our democracy fantastically and the citizens of this State brilliantly. My staff have done a marvellous job. My senior electoral officer, Catherine Wall, has melded my staff into a well-functioning team who are doing very good work for the people of The Entrance. I mention all my staff: Alfat Kamib, Marc Pooley, Peyton Roberts-Garnsey and our newest team member, Danielle Atherden. I mention also Josh Lucock and Claire Struthers who pop in from time to time to help out when we need a hand. I acknowledge the work of Peter Duggan. He left my staff last year to work in the Australian Labor Party head office. He is doing great work there. I always found Peter to be entertaining and useful. He continues to fulfil that role for the party and for the Labor movement.

I thank the hardest working member of Parliament, Colleen Symington, from the Opposition Whip's Office. My good friend and Opposition Whip, Nick Lalich, is served extremely well by Colleen. The Whip's Office would not work without her. She is a tremendous servant to this Parliament and the Labor Party. She deserves its thanks. To my Labor Party colleagues, it has been a pleasure working with you over the past four years and I look forward to working with you, especially my Central Coast colleagues—David Harris, Yasmin Catley and Liesl Tesch. We work well together as a team. We have a sense of purpose and a determination to do good things for our community and to build a better State. I look forward to working with you in a future Labor Government. I acknowledge members from the Tumbi branch, the Ourimbah-Narara Valley branch and The Entrance branch. Thank you for supporting me and the Labor cause. In particular, I extend my good wishes to Opposition Leader, Michael Daley. I look forward to campaigning with Michael and being in a Labor Government led by him.

I am gratified that over the past four years we have achieved a number of things in The Entrance electorate from Opposition. More than \$1.5 million in grants have been distributed to community groups in my electorate. A number of schools have finished a number of projects that they would not have been able to fund otherwise. We have upgraded the Mingara Athletics Track, which is used by all our schools for their athletics carnivals. We saved the Ourimbah Station Masters Cottage from demolition. The high achievement was saving Wyong Public Hospital from privatisation.

The low moment in this place was when we amended the Crown Lands Act so that homeless people who were camped out in Martin Place had to be moved on. We must reflect on that and on what members in this House have done for this State. I am happy to acknowledge that we have a strong economy, but we have to balance that with the increasing number of homeless people and the change in emphasis in this society from providing essential services to providing simple commercial services. I do not think our citizens are being served well. In 2016, 32,000 people had their electricity disconnected and that should not be happening in a modern functioning State such as this one. We can do better.

I thank my partner, Deanne, for her support over the past four years and my children, Tom, Lily and Charlie. I love you all and look forward to spending some time with you over the break. I say a special thankyou to my children's mother, Melisa Norris. She has done more to care for our children than I have over the past few years, and I acknowledge the many years of support she showed me in my slow progress through the ranks of Labor to come to this place. Thank you, Melisa. I finish by once again wishing everyone a merry Christmas. To my colleagues: I look forward to returning here with more of you after the next election. To those opposite: I look forward to seeing fewer of you. To those who do not return: I wish you all the very best and my personal goodwill. It has been wonderful serving with you. Merry Christmas.

**Mr GARETH WARD (Kiama) (20:50):** I start my Christmas felicitations by wishing all members of the House a very merry Christmas and a safe and happy New Year. I extend to Mr Deputy Speaker my wishes for a very happy retirement. I use the time of the House this evening to place on the record my thanks to many people. First, my sincere thanks to the people of my electorate who gave me the enormous privilege to be in this extraordinary place. I extend my thanks to my leader and also my friend Premier Gladys Berejiklian for the wonderful work she has done leading our State.

I extend my sincere thanks to all the staff at Parliament House, from the wonderful team in the Strangers Dining Room to Cafe Quorum, to the Legislative Assembly and Legislative Council staff who always help me shepherd my constituents, of which we have many, through the Parliament—thank you. To the cleaners, security staff, facilities, information technology, Hansard, Mark Webb and the team at the Department of Parliamentary Services, the Parliamentary Education Office and the Parliamentary Library, and particularly Mark Sheehan in library media—thank you.

I acknowledge the Whips on both sides of the House and their outstanding staff, Colleen Symington and Rebecca Cartwright. Having been a former Acting Speaker, I wish to acknowledge all on the Speaker's panel for their time and commitment. As Parliamentary Secretary for Education I acknowledge my friend the Minister for Education and his staff, particularly Katie Stephenson, David Cross and all of his wonderful team. As Parliamentary Secretary for the Illawarra and South Coast I thank the team at the Department of Premier and Cabinet in the Illawarra office, with whom I work closely, particularly Anthony Body, Kirstan Fulton, Anna Lay, Helen Delich, Nigel McKinnon and Jonathan Wheaton

Over many years I have had some wonderful staff. I acknowledge and pay tribute to those who have worked for me: Vicki Henry, Nicki Macey, Rene Arnold, Sam Tedeschi, who now works for Don Harwin, Clayton McInnes, who is now running a cafe with his wife, Kelly, and Paul Ell, a fine young lawyer at RMB Lawyers, James Foster, Ashley Lake Johns, Bede Crasnich, Zach Fitzpatrick, Cameron McLeod, Margo Johnston, Jasper Brewer, Kim Robertson, Henry Streamer, Jack Johnston, Raj Ranjith, Samantha Sharpe, Leonard White, James Malin, Nick Cusack, Dylan McGillivray, Thomas Headland, Will Ashford, Riccardo Basetti and Jackson Calverley.

In particular, I acknowledge my current office staff: Ben Blackburn, who has been with me since day one; Bryan Fishpool and Paula Turnbull, for their outstanding work in our office; Melissa Jobson, whom I could not live without; Jacob Sich, of whom I am so proud, as I am of Mia Watson, Nick Cusack and James Malin, as well as Cameron Walters, who has also been elected to Wollongong City Council. Whilst there are many councillors, ministerial and parliamentary staff I could mention, I will single out a few close friends who have helped me get through what has been a year of new and emerging challenges: Councillor Mitchell Nadin, Councillor Mark Way, Councillor Patricia White, Councillor John Wells, Councillor Andrew Guile, Councillor Greg Watson, Councillor Mark Honey, Councillor Mark Westoff, Councillor Andrew Sloan, Councillor Nathan Cattell, Councillor Leigh Colacino and Councillor John Dorahy. To my very good friends Mark Jones, Shari Murphy, Mitchell Clout, Jane Boage, Zach Bentley, Bridget O'Connor, Neil Harley, Michael Evangaltis, Bryce O'Connor, Troy Wilkie, Greg Lake, Larissa Mallinson and Jason Arditi—thank you.

I thank my conference president the indefatigable Jason Horton, President of the Kiama Liberal Party State Electoral Conference, and my conference executive including Mark Crocksford, Margo Johnson, Wes Hindmarsh, Kay McNiven, Gaven McClure, Phil Motbey, Michelle Bishop, David Gregory and Scott Jobson. I reserve some comments for people I am incredibly close to and whom I consider family. I thank my second mum, Shelley Hancock, the Speaker, whom I have known since I was a teenager—the toughest woman you could possibly know. Members of the House would be aware that she and Ossie have had an incredibly tough year, but none have had a tougher year than her daughter Rachel. I say to Shelley and Ossie: Thank you for being such close friends and wonderful supporters.

**Ms Shelley Hancock:** Did he call me mum?

**Mr GARETH WARD:** I did. She is denying it, misleading the House potentially, but I would not be here if it were not for Madam Speaker. I thank her and Ossie for their wonderful friendship and support. Luke Sikora—someone again whom I would not be here without—has successfully run every single election campaign that I have ever contested in public life. It is so wonderful to have him here still working in the Parliament. I know that Shelley and I love and are grateful for his friendship and his ongoing support—in spite of plenty of reasons for him not to.

I acknowledge my family, particularly my brothers Arthur Bowcher and Scott Bowcher, my sister Belinda Gibb, sister-in-law Eustacia Limbery and brother-in-law Gary Gibb. I acknowledge my nieces Chloe Gibb and Emily Gibb and my nephews Ben Gibb and Thorin Bowcher, and of course my mum and dad. My dad turned 80 last month and not a sharper man you would meet. He is somebody who is an incredible inspiration, as is my mother, who is just totally indefatigable, a hard worker and somebody whom I look up to. Both of my parents have been incredibly supportive of me since day one. I was a kid that many people wrote off; without them I would not be standing here today. I wish everyone in this House a very merry Christmas and a safe and happy New Year.

**Mr ROB STOKES (Pittwater—Minister for Education) (20:55):** On this occasion of Christmas felicitations, I add a few felicitations of my own. At this time of the year it is a wonderful opportunity to reflect

with gratitude on those with whom we have served over the past year and the opportunity that all of us share in this place to serve the incredible communities across New South Wales. We are so blessed to live in a free and prosperous society and to work in this place to build an even more just, free and beautiful society for the next generation. It is a privilege that we share and we have a wonderful opportunity now to note with gratitude some of those who have helped us in our role in serving in this place.

To begin with, I acknowledge some of the departmental liaison officers who work in my office with huge amounts of diligence and service every day. I particularly thank my private secretary Alexis, as well as Deborah, Dean, Lisa and Stef, who work so hard and so diligently in the ministerial office. They often have to cope with difficult customers and do so with huge amounts of dignity, respect and compassion. I am truly grateful for their efforts. I heard it once said that if you are the smartest person in the room you are in the wrong room. Happily I can report that every time I walk into my ministerial office I am in the right room because I am surrounded by people much smarter than I am.

I acknowledge Marcus Middleton as well as Andrew Priestley, who do an incredible job in their respective roles in my office. Andrew Priestley is about to relocate to Victoria and is about to single-handedly win the Victorian election for the Coalition. I recognise the incredible Jess, Al and Dan in my office, all of whom work so incredibly and diligently, with such commitment and energy that it is astounding to witness. I acknowledge David Cross who works on so many complex issues and is able to make me sound intelligent, which by itself is an extraordinary effort.

I acknowledge also Jason who works with me as well. He is a huge fan of Christmas felicitations and I thought it appropriate to mention that on this occasion. I acknowledge Jason Stuttle, with whom I drive. He is preparing his memoirs as a ministerial driver entitled, "The Chair of the Steering Committee". I am awaiting publication of his book with some trepidation. I acknowledge also my chief of staff, Katie Stevenson, who has an incredible blend of wisdom, intelligence and compassion. It is a huge privilege to work with her, and I know I speak on behalf of members across the Chamber in that respect.

I acknowledge my electorate office team: Jill Dubois, who has served for so many years, including her time originally with John Brogden, my predecessor and great friend; Andrew Johnston, who has been an incredible source of strength and inspiration; and more recently Rob Johnston, who has also provided incredible support. I acknowledge Tanya Sando, who is getting married on the weekend and who works in my electorate office providing great service to the people of Pittwater. I wish her and Andrew all the very best for their wonderful future together.

I have just been given the name of the first-born son of my former chief of staff, Tony Chappel. His new son is Dylan Nicholas Anthony Chappel. I welcome Dylan to the world and congratulate him on having such great parents. I acknowledge also Marguerite De Sousa, who also provides incredible inspiration and experience in my office, having been a faithful servant of governments in this place and in Canberra. I wish her and Jason all the very best as they expect number three in three months. It has been wonderful to acknowledge so many people who have served with me, and it has been my honour to serve with them. I wish them all a very merry Christmas.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (21:00):** This is my last speech in the Fifty-sixth Parliament, my omega. I will start with my alpha. I am here only because of the trust that my constituents in Cronulla have placed in me in my second term. I thank them for the honour and privilege of serving them. I thank my enormously dedicated office manager, Michelle Lawson; my full-time electorate officer, Ruby Ward; and my part-time electorate officers, David Martin, Yianni Mavromousakis, Lachlan Fraser and Patrick Wynne. I appreciate the diligence with which they help me serve my Cronulla community.

I thank the staff in my ministerial office, some of whom are in the gallery. I am truly blessed to work with such a collection of people. I have never worked with a more talented, more diligent and more honest bunch of people in my life. I am so blessed every day to go to my ministerial office and to see them smiling, putting up with my daggy dad jokes and my shambolic ways in helping us to serve the people of New South Wales. I thank Clare Wesley, Mary Klein, Damien Smith, Cecilia Falson, Alex Gibson, Lucinda Bourke, Sean Robertson, Tim Smart, and Bryce O'Connor for everything they do for me and for the people of New South Wales. I also thank staff who have left the office this year: Bran Black, Bec Meyer and Tom Loomes, who were also great contributors in my departmental office.

Garry Brooks, my patient driver, often picks me up at 5.30 a.m. and does not get back to the electorate until about 8.30 p.m. or 9.00 p.m. I thank him for his patience and his dedication. We have some wonderful departmental liaison officers who have been seconded to our the office. I am grateful for their work. They are Simone Lieser, Nikita Goonatilleke, and Abbey Houssami, and formerly Matthew Schroder. I also thank our new receptionist, Elizabeth Shepherd.

I thank the incredible team we have in the Justice cluster, and particularly in the Department of Justice. These are the people who work behind the scenes and must put up with ministerial demands at all hours, as unreasonable as they often are. I thank them for their dedication to public service, and in particular in the office of the secretary: Andrew Cappie Wood, Michelle Vaughan, Angus Huntsdale, Georgie Loudon, Claudia Carr, and Jacob Campbell. In the deputy secretary's office: Catherine d'Elia, Kate Connors, Kathrina Lo. In the strategy and policy area: Paul McKnight, Stephen Bray, Jane Selwood, Mark Follett, Larisa Michalko, and Carolyn Thompson. I also acknowledge those who have left the office and those on leave: Andreas Heger, Daniel Noll, and Paul Miller. In the Office of General Counsel: Lida Kaban, Bernhard Ripperger, Lincoln Chee, Joanna Murray, and Anne-Marie Mannile. I thank everyone else in the Justice cluster. I cannot mention everyone in every division and every agency; there are too many. We are truly blessed to have such a dedicated public service in New South Wales.

I thank the parliamentary staff, who have been thanked by other members, particularly the Hansard staff. I thank the members of the press gallery for their conscientious reporting of State politics. I thank all my parliamentary colleagues on both sides of the Chamber and in both Houses. I particularly thank the Opposition and The Greens Justice spokespersons Paul Lynch and David Shoebridge for their contributions. We often vigorously disagree but I know their hearts are in the right place to serve the people of New South Wales. I thank my Parliamentary Secretary David Clarke, who has been the Parliamentary Secretary for Justice for eight years and has served four Attorneys General. I wish him well on his retirement and thank him for his distinguished career.

I apologise if I have forgotten anybody. Most of all, I thank my family, Caroline, Kate and Matthew, who have put up with my long absences from home and general neglect of personal life to serve in this place. Finally, as we take the time to reflect with our families and friends, I reflect on the Christmas message itself. It is one of peace, hope and grace and the love of Jesus, who came to Earth not to be served but to serve—the perfect example of humility to which I hope we all strive. This Christmas and throughout the next year, I hope that all of us as members of Parliament can go out of our way not to be served but to serve the people of New South Wales.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that the motion be agreed to.

**Motion agreed to.**

*Private Members' Statements*

**NEWCASTLE ELECTORATE ACHIEVEMENTS**

**Mr TIM CRAKANTHORP (Newcastle) (21:05):** On 13 November 2014, I stood in this Chamber as the newly elected State member for Newcastle and promised to the people in Newcastle that I would:

... do my absolute best to advocate for you and represent you and our great city in this Parliament.

I stand here today four years later, appreciative of the opportunity and pleased with the results the community and I have been able to achieve. I have fought for our city's fair share from the Port of Newcastle sale. I have advocated for those without a voice. I have fought to right the wrongs against Newcastle, shared the successes and congratulated Novocastrians who deserved to be recognised. I have been lucky to meet so many inspiring people who are working to make our city a better place and hearing of ways I could assist to make it a greater place to live.

After four years, it is important to look back over what we have achieved as a community. It would be remiss of me if I did not start with the biggest and most problematic of all portfolios, Transport. I will start with the buses. On 14 January 2018 this vital service fell apart. Since then I have been proud to represent a city with so much passion. We have held public meetings to share our stories, marched in the streets to voice our anger and collected more than 20,000 signatures, which led to two parliamentary debates in this very House.

I have fought for and alongside bus, ferry and train drivers, and commuters. I have called out the Government's figures and excuses in this House. I have accessed freedom of information requests and lodged questions on notice. In my own party I have advocated for the Newcastle public to ensure that Newcastle transport will be fixed. We have announced that in the first days of our term we will call the private operator into the Premier's office and demand that they fix the mess.

The same Minister can be blamed for the atrocious treatment of our local businesses during the light rail preparation and construction. I have raised the concerns of Hunter Street traders and called on the Government to honour its commitment to consider rent relief. I have highlighted the Government's disastrous decision to build the Newcastle light rail carriages in Spain, the light rail tracks in Austria and the new intercity train fleet in South Korea. I have advocated for our strong manufacturing industry and called for the Government to support Hunter workers.

When I heard that the Bogey Hole was to be closed indefinitely, I looked into it. Discovering that it was just a restoration issue, I took the matter to Parliament. I followed that with a hugely supported petition, and some months later I was proud to announce the Bogey Hole was open again. Stockton Beach was an environmental emergency that needed to be addressed. With a lack of interest from the Government's side, I started a petition and the number of signatures totalled more than the population of Stockton. Clearly Newcastle was behind them. The parliamentary debate was enough to force the Government to sign off on a plan to start the process of beach management.

Another big win for Newcastle was addressing health issues that are important to the community. I have reversed a proposal to slash the 24/7 palliative care ambulance service, called on and had the palliative care roundtable come to Newcastle, called for an inquiry into the Stockton Centre group home tragedy, and had changes made to ensure specialised staff remain on wards over the Christmas season after a constituent had a horrific experience at the John Hunter Hospital. The most recent success I have had was launching the Newcastle Live Music Taskforce. Since hearing of iconic music venues considering closing down, I took action. I launched the Newcastle live music roundtable, from which the task force was born. Since then, I have called for a parliamentary inquiry into the music and arts economy to come to Newcastle, and was proud to see a strong Novocastrian flavour in the report in the case studies and comments.

Following this we have just launched the 2018 Live Music Census and have many more plans to revive the Newcastle music scene. We are not getting just the band back together, we are getting the scene back together. Other wins have been the incoming Newcastle cruise ship terminal, the restart of the Broadmeadow entertainment precinct plan and air conditioning for the new building to be added to Newcastle East Public School. It has been an absolute honour to represent Newcastle. I have fought hard for the city and I look forward to continuing this work in the next term of Parliament, and working towards creating an even more vibrant, creative and innovative city. As the new member for Newcastle, I thank my community for placing their trust and confidence in me. Together we can achieve great things for the city that we all love.

#### ACHIEVEMENTS

**Ms SHELLEY HANCOCK (South Coast) (21:10):** As the member for South Coast, I am very proud that over the past four years my community has seen significant investment in essential government services, community infrastructure and local organisations. Most importantly, we as a Government have delivered on our commitments. As I drive the beautiful length and breadth of the Princes Highway throughout my electorate and into the towns and villages I represent, I am reminded of the significant achievements and the wonderful environment in which I live and represent. As I start my journey down south, I am reminded of the efforts of the local community to secure the \$58 million commitment to replace the Burrill Lake bridge—a wonderful opening and a wonderful piece of infrastructure for the South Coast—and \$21 million to complete the Termeil Creek bridge deviation. They are two projects that have been delivered during the past two terms. Representatives from the local community, including Denise Kemp, campaigned to ensure the bridge's name represented that of the community's wishes.

Travelling further north, perhaps of most significance would be the purchase of the former Shoalhaven Anglican School in Milton. I can now proudly say that the Government has purchased the school site in Milton and consultation has begun with the community to determine how best to use the school and its grounds to help alleviate pressure on Ulladulla High School and other primary schools in the area, including Budawang Special School. I sincerely thank Minister for Education Rob Stokes for listening to the South Coast community, as well as the 10,000 people who signed the petition calling on the Government to acquire the site. I thank the community most sincerely for its hard work, including Grant Schultz and members of the Ulladulla and Districts Community Forum, who collected thousands of signatures. It demonstrated to the Government how important the purchase of the school site is to our community.

Also in Milton—what a beautiful town—is my beloved Milton Library, which is currently undergoing a refurbishment. Unfortunately, Shoalhaven City Council intended to close the library due to funding cuts, as is inevitable. But I could not stand by and watch that happen. I joined a number of protest marches—I love a good protest march; I like a bit of bad behaviour now and again. We closed the Princes Highway on that occasion. Hundreds and hundreds and hundreds of people—not 10 or 20—marched down the main street of Milton to make sure the library stayed open. I was able to persuade the majority of councillors to make sure that the library stayed open. Since then we have found so many additional pots of money to make sure that we can renovate it. The Friends of Milton Library are going from strength to strength to find new uses for that beautiful space and that lovely heritage building. Well done Alison Pakes and Sarah Eastway for all your work.

Throughout the beach and lakeside towns of Sanctuary Point, Basin View, St Georges Basin and Erowal Bay we have seen a new ambulance station and police station—two election commitments I made in 2015. Two stations will open and operate in a matter of months. These massive pieces of infrastructure would not have been

possible without the community fighting alongside me every step of the way. Sanctuary Point stalwarts such as Denis and Kate Williams, Dick and Joan Manwarring and so many others campaigned for years with me to ensure that the Government listened and, importantly, delivered.

Further north still in the central Shoalhaven we have seen some fantastic investment in projects like the Moona Moona Creek pedestrian bridge, a significant piece of infrastructure. A community can be isolated from everything going on in Sydney, but when it comes to a project like this they completely get behind it, and this was it at Moona Moona Creek. The Government invested \$1.7 million in that project, for which that community is very grateful. There have also been new boat ramps and an upgrade to Huskisson wharf. The transformation of Huskisson has been unbelievable. It is a busy and thriving tourist area. Those are the things that make me happy and proud to be the member for South Coast. I represent paradise, as far as I am concerned. Every time we make it a better place, every time we invest, I think it cannot get any better.

We have also delivered major projects to Nowra such as the \$72 million South Nowra duplication. Along with my colleague and friend the member for Kiama I recently announced the \$434 million redevelopment of Shoalhaven Hospital. We have delivered \$310 million replacement funds towards the Nowra bridge as well as the smaller but no less important to the local community projects such as saving the preserving the old Nowra bridge, upgrading Shoalhaven City Turf Club and making public spaces more accessible and user friendly, including Nowra Showground. I thank all those in the community who have helped to make the South Coast a better place to live and work over the course of the past year. As of this year I have represented my community as the member for South Coast for 15 years. I have never been more proud to represent such an amazing region and such wonderful people. I wish everyone on the South Coast a merry Christmas and wonderful new year. I hope to see everyone back here next year.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I thank the member for South Coast and the Speaker. I thank her very much for the opportunity to serve on the Speaker's panel. It has been an incredible honour to be able to work with her.

**Ms Shelley Hancock:** You have been wonderful.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I wish her and Ossie a wonderful Christmas.

#### **ROCKDALE ELECTORATE PRIORITY PRECINCTS**

**Mr STEPHEN KAMPER (Rockdale) (21:16):** I speak for the last time in this parliamentary term, my omega speech, to celebrate a fantastic Christmas present for my constituents in the suburbs of Bardwell Park and Turrella. As many members would be aware, in June 2017 a large number of priority precincts now known as planned precincts were announced by the Berejiklian-Barilaro Government, including two of these high-density precincts in my electorate of Rockdale. It quickly became obvious that there was little planning merit in either of the proposed priority precincts within my electorate at Bardwell Park and Turrella, and I have been knocking on the Minister's door ever since, trying to get planning controls returned to the local council.

Let it never be said that Minister Roberts is not willing to listen to a fair argument, as I am pleased to report to the House that both the Bardwell Park and Turrella planned precincts will be abandoned just in time for Christmas—a fitting gift to the residents of those suburbs to cap off the parliamentary term. I thank Minister Roberts and his staff for taking the time to hear out my concerns and those of my residents and Bayside Council over the past 18 months, and I thank him for ultimately making the right decision. The people of Bardwell Park and Turrella will now be able to enjoy some certainty as to the future of their suburbs. I am sure the fact that this will no longer be hanging over their heads will make the holiday period that little bit less stressful.

For all the aggressive debate we have in this place, at the end of the day we are all here to advocate for our communities and to make our State a better place. Although these precincts were perhaps an overly ambitious announcement in the first place, I appreciate that the Minister was able to put partisan politics aside in the best interests of both the local communities in these suburbs and good planning principles. I pass along the appreciation of my colleague the member for Canterbury, who has fought hard to see the Earlwood portion of the Bardwell Park precinct returned to the City of Canterbury Bankstown, which I understand is also happening. Christmas is a very special time. On this final sitting day of the four-year term I can think of nothing better to take back to my community than this great news on an issue that has been making life less certain for thousands of residents of Rockdale over the past year and a half. I again thank Minister Roberts and wish everyone a very merry Christmas.

#### **UNANDERRA STATION EASY ACCESS LIFTS**

**Mr PAUL SCULLY (Wollongong) (21:18):** In the final minutes of this parliamentary term it has become abundantly clear that there is no chance that lifts will be built at Unanderra station under the Berejiklian Government. If re-elected next March, the Government will continue its eight years of neglect of Unanderra

station. It is clear that the Government is satisfied with forcing passengers—the elderly, people with disability, commuters with bags and parents with prams, among others—to struggle up and down 72 stairs to access the platform at Unanderra station. It is clear that no matter how strong the case is for Unanderra lifts this Government plans on doing nothing.

To recap: In 2009 the then Labor Government allocated funds to construct three lifts at Unanderra station to access the platform—a basic right. Work commenced in 2010. The Government changed in 2011 and in late 2011 the transport Minister, now the Premier, re-allocated the funds that should have been used for Unanderra station lifts. It is now nearly eight years later, and nothing has happened. This is despite the fact that people have been injured using the stairs. This is despite the fact that the stairs do not appear to comply with current building code requirements. This is despite the fact that thousands have signed petitions, and disability advocates have raised the matter time and again.

This is despite the fact that footage of a double amputee dragging himself and his wheelchair up and down the stairs was shown globally. By his side were an 80-year-old woman and a stroke victim—all struggling with the 72 stairs to reach the platform. The then transport Minister and now Premier described the scenes as "distressing". The Premier has been so distressed about it that, in the three years since, there has not been a hint of progress on fixing the problem. But talk is cheap. This Premier, the former transport Minister, cancelled the construction, and recently drove past more than 150 people involved in a community walk in support of the lifts.

There is no reason for the delay. The plans already exist—I have seen them—and there are no safe alternatives. The station is also a siding for freight trains, meaning that a tunnel under the line is not an option, nor is a level crossing, as freight trains stabled on the western side of the station will block the level crossing. The only option is to build lifts. Perhaps the Government's real plan is to close Unanderra station altogether. After all, if the Government closes the station it will never have to build the lifts. In the minds of those opposite the problem will be solved. But that is not the solution for the thousands of residents in surrounding suburbs.

A community coalition of concerned citizens, disability advocates, disability employers, aged care organisations and the broader Wollongong community want this injustice fixed. The ongoing intransigence on this issue has come to symbolise the Berejiklian Government's neglect of Wollongong. Unfortunately, over the last eight years the people of Wollongong have become used to being forgotten by this Government.

**Mr Gareth Ward:** They have never had it so good.

**Mr PAUL SCULLY:** I hear the member for Kiama say that they have never had it so good. They have no lifts.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The member for Kiama will come to order.

**Mr PAUL SCULLY:** The people of Wollongong understand that around half of the expenditure in the electorate under this Government has been on projects conceived, approved, and funded by the previous Labor Government. Perhaps people should take comfort from the Government's decision to prioritise spending \$2.2 billion on Sydney stadiums above fixing access at Unanderra station. Should they just accept that they will have to travel to Dapto, Coniston or Wollongong to catch a train? Should they just accept that despite paying 60 per cent more for their electricity since 2011, the Wollongong local government area has missed out on the billions from privatised electricity assets? Should they just accept that Ministers in this Government are willing to manipulate station rankings? Should they just accept the Premier's claim of a year ago that the Illawarra has never had it so good, even though they know differently?

The Government would like us to answer yes to these questions, but we will not cop it. Labor's policy is to build the lifts at Unanderra station. We have a fully funded commitment, with the funds to be allocated in the first budget of an incoming Labor Government. A Labor government will end the 72-step struggle at Unanderra station. The plans are there. The need is obvious. All it takes is the political will to get it done. I am determined to see lifts built at Unanderra station because for me it is an issue of fairness. I challenge every candidate for the Wollongong electorate in the upcoming election—particularly the Liberal candidate—to have a funding commitment and construction timetable for lifts at Unanderra station. I want no pretending. I want no weasel words given to us by the member for Kiama, who is used to loading up all his candidates with such things. I just want a fully funded commitment to get the lifts built.

I have sought bipartisan support to get the lifts built but have been rebuffed. Providing full access to a local train station that has been waiting for it for the past eight years should be beyond politics. Building the lifts at Unanderra station should receive bipartisan support. The residents of Unanderra and surrounding suburbs need the lifts, they expect the lifts and, most importantly, they deserve those lifts.

### KIAMA ELECTORATE PROJECT FUNDING

**Mr GARETH WARD (Kiama) (21:23):** In giving this, my last speech of the Fifty-sixth Parliament, I put on record some grants that I am fighting for. I came to this place to argue for many things, together with my friends and colleagues like the member for South Coast, and we have delivered major upgrades to the Princes Highway, and investments in hospitals and schools. However, as many members would know, it is often the little things that make a huge difference. I will use the remaining minutes of this Parliament to leave my community in no doubt about the things that are important to each and every one of them. I put these grants on the record so that the Government is fully aware of what I will fight for over the next few months, and in the remainder of this Fifty-sixth Parliament and my term as the member for Kiama.

North Shoalhaven Meals on Wheels is seeking a grant for a walk-in freezer and fridge vehicle. I acknowledge Lisa Burns, who has applied for those funds. The Anglican Church at Albion Park is seeking an extension to its roof line. I acknowledge Beryl Nash, who has applied for that grant, along with the Anglican church's congregation, with whom I have had a long association. The Bomaderry High School P & C is seeking to turn the library into a community collaboration hub. I acknowledge Sue Cuninghame, who has applied for that grant. I also thank principal Ian Morris and the rest of the P & C at Bomaderry High School, my old high school. Kiama Downs Surf Life Saving Club is seeking an upgrade to its clubhouse. I acknowledge Jan Horspool and the rest of the club, who all do a great job. I acknowledge their successes this year in competition. The Illawarra Light Railway Museum Society is seeking replacement and refurbishment of its sales area. I acknowledge my good friend Brad Johns, who has made an awesome contribution to this museum.

The Berry Country Women's Association is seeking an upgrade to its toilet block. I acknowledge Emily Boorer for her hard work in seeking this upgrade. The Cambewarra School of Art is seeking the refurbishment of a heritage-listed building. I acknowledge Chris Thaler, who applied for the funds. I will be seeking those funds from the Government. The Kiama Anglican Church is seeking batteries for its voltaic solar system. I acknowledge Steve Hackett, who applied for the grant. I also acknowledge Minister Steve Stanis, who has been unwell recently. I wish him a speedy recovery. The Shoalhaven Heads Native Botanic Garden is seeking tourist signage on the Princes Highway. I acknowledge Roger Tilley, one of the founders of the botanic garden, who has applied for funding through me. The Historical Aircraft Restoration Society [HARS] is seeking an electronic noticeboard. I acknowledge Douglas Philpott, who applied for those funds, and Bob De La Hunty, who has had a long association with HARS at Albion Park.

Sport is also an important part of my community, and the Albion Park White Eagles Soccer Club is seeking covered tiered seating at Terry Reserve and Terry Oval. I acknowledge my friend Frank Zammit and all the members of the Whitecap Eagles, who play such an important part in our community. The Bushido Judo Club at Shoalhaven Heads is seeking new mats. I acknowledge Ken Murphy and my good friend Bruce Fagan, who have applied for these funds. The North Nowra and Cambewarra Cricket Club is seeking a cricket cover and trailer. I acknowledge Emma Wood, who has applied for this one. I will seek to do all I can to convince the Government in that regard. The Jamberoo Tennis Club is seeking funds to refurbish court two at Kevin Walsh Oval. I acknowledge Ross Douglas, who has been in contact with me seeking funds for this grant. The Shoalhaven Heads Berry Football Club is seeking funds for lighting at field two of Vic Zealand Oval. I acknowledge Paul Bacchus, who has applied for those funds, and I look forward to securing these grants.

I know that this was a long list, but I am putting the Government on notice that I will not stop knocking on doors right up until election day—not until we secure those funds. This is the sort of work that demonstrates the dexterity and commitment of a good local member. Local members should be able to secure outcomes from the smallest grants to the largest projects that make a real difference for our communities. We often see that local members are part of major government announcements such as improvements to major State Government services. The community often says that those are the things any government member should do, but it is the small grants and the small things we do with community groups that make a real difference to people's lives.

They particularly affect the volunteers, who spend so much of their time selling raffle tickets, making cakes and jam to sell, and running chocolate drives to raise funds for all the community organisations and support services they provide. Without them, so much of the essence and flavour of this State that runs like a river through our communities would not be possible. I thank all the volunteers from the organisations I have mentioned and everybody in the Kiama electorate for their commitment. It has been an honour to serve my community over the past eight years in Parliament. I will work for my electorate right up until election day, and hopefully for many more years to come.

### GREEN SQUARE DEVELOPMENT

**Mr RON HOENIG (Heffron) (21:29):** I have been sounding the warning for several years now about the impact of the redevelopment in and around Green Square. It is one of the largest urban renewal projects ever

undertaken in this country, and by the time it is finished the population, in just three square kilometres, will be a jaw-dropping 61,000. It will be the most densely populated area in Australia, bar none. It is approaching a crisis point. On Tuesday I had a constituent send me a photo of Green Square train station. It was extraordinary. There were queues of people backing up off the platform and up to the station mezzanine, where they were being prevented from descending to the platform by station attendants because even the platforms were over capacity.

Not only are the trains full; but now the platforms cannot even accommodate the passengers. They had to remove seating at Mascot and Green Square stations and now passengers are being prevented from even entering the station. Matt O'Sullivan, in yesterday's Fairfax papers, reported that weekday patronage at the station has surged by 80 per cent in just three years, jumping from 11,000 to 21,000 daily visits between 2014 and 2017. But Green Square is nowhere near finished. There are hundreds more buildings yet to be finished and tens of thousands more residents to come, some in the very near future. I have always held the intellect of the Government in very low regard, but even I am astounded by this.

Make no mistake: The New South Wales Liberals, over eight long years, have done this to themselves. When Premier Keneally removed the station access fee at Green Square and Mascot stations, that line was jokingly referred to as "the ghost train". Has no idiot understood that you cannot keep increasing population densities, even on a transport route, if you cannot increase the capacity of the transport network? I have been calling for a moratorium on further population and density increases in Green Square for five years, but the New South Wales Government has just ignored me. Now we are going to pay the price. There are no new roads, the buses and trains are full, and there is no way to increase capacity. Sydney, under the New South Wales Liberals, is slowly suffocating itself.

Everywhere you go in Sydney, but especially in my electorate, apartment blocks spring up seemingly overnight. Every block in Sydney is being transformed from a shop or a terrace house into a multistorey unit development. In the past eight years, those opposite just could not help themselves. They have let property developers run riot. They have put property development first and let proper planning go hang. The location of the Waterloo metro station, on Botany Road rather than in the incredibly dense Dank Street precinct in Waterloo, is just one example of this stupidity. So accommodating is this Liberal Government to property developers that it closed the Green Square station pedestrian tunnel this week to allow a certain developer to undertake works.

As a consequence, I have been advised that residents are sneaking through the barrier fences and running across Botany Road in peak hour to make their way across to their train station because the tunnel under Botany Road is closed. God forbid anyone is injured because of it. It is not unthinkable that someone will be hurt—or worse, be killed—at Green Square station at some point in the future because the platforms are simply at crush capacity. Instead of having the brains and the tenacity to grapple with these challenges and planning accordingly, these Liberals have now run off to the Prime Minister and asked for a reduction in immigration numbers. This is no doubt in the hope of playing to some base prejudice and fighting a reactionary race campaign. Those opposite stand condemned by sheer incompetence. I just hope it is not too late to save Sydney in March 2019 from this madness.

#### **FAIRFIELD RELAY FOR LIFE**

**Mr NICK LALICH (Cabramatta) (21:33):** I congratulate the Fairfield Relay for Life committee on its outstanding work in organising the 2018 Fairfield Relay for Life. Relay for Life is a unique 24-hour event that raises essential funds for cancer research, prevention and advocacy programs. Last Saturday I was delighted to attend this event with my colleagues, those members representing the electorates of Fairfield and Prospect. I have been a victim of cancer. It is not the easiest of things to overcome, and I would not wish it upon my worst enemy. Cancer not only affects people physically but also mentally. I thank the doctors and staff at the Cancer Therapy Centre at Liverpool Hospital, where I had my treatment. This year 130,000 new cancer diagnoses will be made in Australia—that is 130,000 too many. However, with the work of the Cancer Council and the funds raised annually by Relay for Life we are one step closer to a cancer-free future.

Over the past 11 years Fairfield Relay for Life has raised more than \$800,000. Those funds are used to provide research grants to find cures, for patient transport programs, and for cancer prevention and advocacy programs. I can confidently say that the work done by the Cancer Council changes lives. I can honestly state that without the hard work of the Cancer Council I would not be here today. Indeed, I am proud to serve as a living reminder that all hope is not lost in the battle against cancer. I take this opportunity to recognise the two co-chairs of the Fairfield Relay for Life committee, Kelvin Tran and Michael Tran, both of whom are staff members in my office. Outside their working hours they put a tremendous amount of effort and time into organising this year's Fairfield Relay for Life event. They are young champions of our community and I am very proud of their hard work.

I also congratulate Ms Denise Daynes, Community Relations Coordinator, Cancer Council NSW, deputy co-chairs Amy Melville and Rowena Tran, and all the other committee members on investing their time and effort to ensure the success of Fairfield Relay for Life 2018. There is no more important work than that of saving lives. Cancer can affect the young and the old; it does not discriminate. We all must work together and support events like last Saturday's Relay for Life to make sure that we not only win the cancer battles but also win the war.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I thank the member for Cabramatta. I am sure I speak on behalf of all members of this Parliament in welcoming him back to this Chamber. We wish you all the best for Christmas. We are sticking with Nick!

**Mr Nick Lalich:** Thank you very much.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I take this opportunity to thank all staff in this Chamber for supporting all members of this House. I thank the incredible Hansard staff for their hard work. I know it has been said many times in this place, but we could not do it without them. They make us look very good. The Clerks, the attendants and everybody from security to catering have done an amazing job. I was elected to this Parliament in 2015. I found it relatively daunting when I first came into this place, but it was wonderful to have a great team to help me walk through the minefield that is the New South Wales Parliament. Madam Speaker, it has been a pleasure to serve for and with you in this place. I also thank the member for Kiama who is in the Chamber. It has been a huge honour to be a member of the Fifty-Sixth Parliament of New South Wales.

**The House adjourned, pursuant to resolution, at 21:38 until Tuesday 5 March 2019 at 12:00.**