



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday, 17 September 2020

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday, 17 September 2020

The PRESIDENT (The Hon. John George Ajaka) took the chair at 10:00.

The PRESIDENT read the prayers.

Motions

TRIBUTE TO MRS BRENDA DUCHEN

The Hon. LOU AMATO (10:02:18): I move:

- (1) That this House notes:
 - (a) with sadness, the passing of community leader and Manly Warringah Sea Eagles Rugby League stalwart Mrs Brenda Duchen on Saturday 29 August 2020;
 - (b) Manly Warringah Sea Eagles coach, Des Hasler's tribute to Mrs Duchen on Channel 9 in an official press conference following her passing, honouring her over 50 years support of Manly Warringah Sea Eagles who stated "her advocacy ... her great sympathy for her fellow human being, her work in justice and individuals' rights, is legendary";
 - (c) Mrs Duchen was a female trail blazer and in 2019 was recognised in the NSW Volunteer of the Year Awards for her many decades of devotion to sport, sport philanthropy, social welfare and particularly advocacy for women and the less fortunate;
 - (d) Mrs Duchen came from South Africa to Australia in 1965 having experienced the toll of apartheid, and while her two younger children were still at school she sat the Higher School Certificate and enrolled in a law degree;
 - (e) Mrs Duchen trailed her eldest son through law school, who contended graciously with her presence one year behind him, and after a short stint at prestigious law firm Freehills, she set up in private practice, doing mostly legal aid work with some conveyancing on the side to fund her true love, criminal law;
 - (f) former New South Wales public defender, John Stratton, SC, paid tribute to Mrs Duchen stating "she became a formidable defender of the underdog" and noting that among her early cases she acted for the Chelmsford Victims Action Group of around 200 victims of the Chelmsford Hospital scandal, in which patients were heavily drugged and subjected to electro-convulsive shock treatment while in a comatose state;
 - (g) that in a line which would come to epitomise Mrs Duchen's criminal practice, journalist Janet Fife-Yeomans, covering the Chelmsford case, observed that "Mrs Duchen is not being paid because the group has no money";
 - (h) throughout her trail blazing career in the law, Mrs Duchen pursued her vocation of defending some of society's poorest, most disadvantaged citizens, many of her clients were Indigenous; and
 - (i) despite her busy, inspirational and successful career, Mrs Duchen selflessly devoted herself to others and particularly the Manly Warringah Sea Eagles, and in the last few weeks of her life she gave away all her Manly paraphernalia to her Twitter followers; a final act of generosity.
- (2) That this House:
 - (a) acknowledges and commends the outstanding community service of Mrs Brenda Duchen over the decades, particularly with the Manly Warringah Sea Eagles Rugby League Club; and
 - (b) extends its condolences to Mrs Duchen's family, her husband, David, children Steven, Tessa and Paul, their spouses, and her grandchildren on their loss.

Motion agreed to.

Documents

STRONGER COUNTRY COMMUNITIES FUND

Tabling of Documents Reported to be Not Privileged

Mr DAVID SHOEBRIDGE: I move:

- (1) That, in view of the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 11 September 2020, on the disputed claim of privilege on papers relating to Stronger Country Communities applications, this House orders that the documents considered by the Independent Legal Arbitrator not to be privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

ENVIRONMENTAL WATER**Tabling of Documents Reported to be Not Privileged**

The Hon. MARK BANASIAK: I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 1 September 2020, on the disputed claim of privilege on papers relating to rules based environmental water, this House orders that the documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

FLOODPLAIN HARVESTING**Tabling of Documents Reported to be Not Privileged**

The Hon. MARK BANASIAK: I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason AC, QC, on a second disputed claim of privilege on documents relating to an order for papers regarding floodplain harvesting, dated 11 June 2020, this House orders that the documents considered by the Independent Legal Arbiter not to be privileged be laid upon the table by the Clerk, with the exception of email addresses in document Nos DPI.001.008.8694 and DPI.001.008.8708 that are capable of redaction, so long as the identity of the person involved is not suppressed.
- (2) That this House orders the Department of Premier and Cabinet to produce, within seven days of the date of passing of this resolution, redacted versions of document Nos DPI.001.008.8694 and DPI.001.008.8708.
- (3) That, on tabling, the documents are authorised to be published.

Motion agreed to.

*Motions***CALIFORNIA BUSHFIRES**

The Hon. MARK PEARSON (10:04:17): I move:

- (1) That this House sends its condolences to the people of California who are currently experiencing catastrophic bushfires similar to those endured by New South Wales residents during our 2019-20 summer.
- (2) That this House notes that:
 - (a) 33 people have been killed;
 - (b) three million acres have burned;
 - (c) tens of thousands have evacuated from their homes; and
 - (d) no figures are available for the numbers of dead and injured farmed and native animals.
- (3) That this House understands that, just as in Australia:
 - (a) the Californian fire seasons are growing longer, and fires are burning hotter, spreading faster, and lasting longer;
 - (b) since the early 1970s, the wildfire season in the western United States of America has grown from about five to more than seven months in length; and
 - (c) as climate change drives up temperatures and worsens drought conditions, landscapes are becoming increasingly dry and more susceptible to burning.

Motion agreed to.

*Documents***TABLING OF PAPERS**

The Hon. TARA MORIARTY: By leave: I table a document comprising a printout of the names of 750 citizens who have signed an online petition concerning the restoration of Howley Park (East) for public recreation.

I move:

That the document be printed.

Motion agreed to.

TABLING OF PAPERS

Mr DAVID SHOEBRIDGE: By leave: I table a document comprising a printout of the names of 750 additional citizens who have signed an online petition concerning the restoration of Howley Park (East) for public recreation.

I move:

That the document be printed.

Motion agreed to.

STRONGER COUNTRY COMMUNITIES FUND

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of this day, I table the documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 11 September 2020, on the disputed claim of privilege relating to Stronger Country Communities applications.

ENVIRONMENTAL WATER

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of this day, I table the documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 1 September 2020, on the disputed claim of privilege relating to rules-based environmental water.

FLOODPLAIN HARVESTING

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of this day, I table the documents identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 1 September 2020, on the disputed claim of privilege relating to floodplain harvesting.

Business of the House

WITHDRAWAL OF BUSINESS

The Hon. ROBERT BORSAK: I withdraw private member's business item No. 737 in the order of precedence for today relating to a select committee inquiry on the Greyhound Welfare Integrity Commission.

Matter of Public Importance

LIBERAL-NATIONALS COALITION

Mr DAVID SHOEBRIDGE (10:14:57): I move:

That the following matter of public importance be discussed forthwith:

The dispute in the Coalition at a time when the State is facing multiple challenges, including the economic devastation caused by COVID-19 and the challenges of poverty, homelessness and the impacts of climate change and deforestation.

Many people across the State will be shaking their heads at the state of State politics over the past fortnight. People are facing terrible financial circumstances and economic uncertainty due to the pandemic. People across the State are desperately concerned about the future for their kids and for themselves in the face of climate change. Thousands and thousands of people have come forward to ask the Parliament to pass laws to protect koalas, rather than get caught up in the self-obsessed turmoil that we have seen from the Coalition. What has been the Coalition's response? It has been for members to throw barbs at each other when they get into a room together. It has been to attack and counterattack on one of the most modest environmental policies you could imagine.

The State environmental planning policy [SEPP] is worthy and provides some modest protections for koalas, but it goes nowhere near what is needed to deal with that one issue. Yet, it is tearing the Coalition apart. That is what has obsessed State politics for the past fortnight. People across the State are saying that they want politicians to deal with those real issues. What are the real issues they want us to address? At the top of the list would be the dreadful issue of climate change and the continued incapacity of State and Federal governments in the country to address it. It is almost as though last summer's devastating bushfires have been forgotten completely by the majority of people in this place. What catastrophe needs to happen before politicians can see that we must keep oil, gas and coal in the ground?

The Federal Government, with the backing of its right-wing supporters in the Liberal Party and The Nationals in this place, is now saying that it wants the construction of a new gas-fired power station and a gas-led recovery from COVID-19, when even its own free-market zealots realise that that will not happen. The reason they want the Government to invest is that the markets say there is no future in gas. The markets know it is not going to happen, but the anti-environment ideologues in the Liberal Party are pretending that it is a solution to the challenges to the economy, let alone the planet, in the face of COVID-19. That is a direct result of the millions of dollars in political donations that are given to both major parties by the fossil fuel industry and the corporate stranglehold on politics.

The PRESIDENT: Something has happened to the clock. Mr David Shoebridge had 10 minutes to make his contribution but the clock has stopped on 30 minutes.

Mr DAVID SHOEBRIDGE: I asked my office to arrange that.

The PRESIDENT: I congratulate Mr David Shoebridge on a job well done. When I last looked at the clock, the member had seven minutes remaining.

Mr DAVID SHOEBRIDGE: That was not my recollection.

The PRESIDENT: We might give you leave to speak for a little longer.

Mr DAVID SHOEBRIDGE: I think it was eight minutes.

The PRESIDENT: The Clerk will set the clock to eight minutes to avoid doubt.

The Hon. Matthew Mason-Cox: Point of order: I thought he was at one minute to midnight.

The PRESIDENT: Order! I call the Hon. Matthew Mason-Cox to order for the first time. I know we like the robust interjections that bring humour to the Chamber, but they must stop.

Mr DAVID SHOEBRIDGE: That is the direct result of the millions of dollars in political donations given to both major parties by the fossil fuel industry. It is that corporate stranglehold on politics that is actually fuelling climate change. Already climate change is impacting lives, livelihoods and communities. We know that gas has no rational place in the essential transformation to 100 per cent renewable energy supply, which must be an urgent element in our State addressing climate change. That has been snuck through in this place because of the self-obsessed internal turmoil in the Coalition.

We know that dying and desperate industries like the fossil fuel industry go out of their way to buy politicians to survive. In order to struggle on in the face of their inevitable decline, they literally go out and buy politicians. The Liberal Party is so addicted to fossil fuel donations that it is even willing to ignore its fixation with the market that normally drives it. It wants to force public money from renewables into uneconomic gas-fired power stations. Instead of more fossil fuels we should return the electricity grid to public hands and build publicly owned renewable energy. A privatised power market will never meet the needs for affordable energy or generate jobs for everyone who needs one.

The Hon. Natasha Maclaren-Jones: Point of order: The member is not speaking to why the motion is important; he is instead addressing the substance of the motion.

The PRESIDENT: As per a previous ruling given on 11 April 2018, the matter is not of why one matter is more urgent than any other. It is a matter of both the mover of the motion and the Minister in response needing to delve into why it is a matter of public importance. The substantive debate is reached once the member succeeds in the first part. The member must say why the matter is of public importance.

Mr DAVID SHOEBRIDGE: I will wrap it up: This is a matter of public importance because unless we address those real issues and unless we get away from the indulgent self-destruction of the Coalition, the people of New South Wales will be poorly served by the Parliament and Government.

The PRESIDENT: Before I call the Minister, I remind him of my earlier ruling.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:21:36): I am delighted that Mr President has made that ruling because it is important that we know what this matter of public importance is about. We need to know what it is that we are supposed to debate. The point of order taken earlier by the Government Whip went to whether or not it is within the substance of this debate or the next debate. Mr President may well have to make a determination at some stage about whether members are speaking to the issue. The motion reads:

That the following matter of public importance be discussed forthwith:

The dispute in the Coalition at a time when the State is facing multiple challenges, including the economic devastation caused by COVID-19 and the challenges of poverty, homelessness and the impacts of climate change and deforestation.

That is the motion. Perhaps members such as Mr President, the Hon. Mark Latham, the Hon. Mark Pearson, the Hon. Trevor Khan and the Hon. Don Harwin would be pleased to know that in the long-ago days when I was educated as a schoolboy, we were taught such vital skills as parsing. In considering whether the House should devote its time to a debate on the matter of public importance set out in the motion proposed by Mr David Shoebridge, I propose to put that life skill to use. The 36 words in the proposed motion defining the matter of public importance form what grammarians call a noun phrase. In parsing a noun phrase, the key is to identify the head noun. All the other parts of the noun phrase are modifiers. They can be stripped back and the head noun remains as the thing being considered. In this case, the thing we are debating being of public importance—

Mr David Shoebridge: That cannot be your best argument.

The Hon. DAMIEN TUDEHOPE: It is a pretty good one.

The Hon. Don Harwin: Point of order: Having just walked into the Chamber, the Hon. Penny Sharpe is now on her third interjection in less than two minutes. It is grossly discourteous to the Leader of the House, who is trying to make an important point in terms of whether or not this motion can justify the taking of government business time.

The PRESIDENT: I uphold the point of order. I am somewhat disappointed that the Leader of the Government took the point of order because I was waiting for the Hon. Penny Sharpe's usual fourth interjection to say that I had not called her to order for her first, second or third interjection. I assure the Hon. Penny Sharpe that her next interjection will still be her fourth and she will be called to order.

The Hon. DAMIEN TUDEHOPE: Mr President, I note that you did not stop the clock. I may seek leave to finish my speech.

The PRESIDENT: We do not stop the clock for these debates.

The Hon. DAMIEN TUDEHOPE: We need to know what we are debating. No doubt more astute parsers than I have already identified the head noun in Mr Shoebridge's 36 word noun phrase as "dispute". All else is a string of modifiers. Mr Shoebridge is inviting us to debate or, to use a synonym—which is another term from my days as a school boy—to dispute about a dispute. Is this the best use of the House's time? Is this dispute worth further dispute about the dispute? Mr Shoebridge has not identified homelessness as the matter of public importance; he has not identified poverty as the matter of public importance; he has not even identified climate change or deforestation as matters of public importance. No, those are reduced to third-level modifiers of the great matter of public importance, which is the dispute. I say "third-level modifiers" because in parsing the noun phrase, we find a modifying phrase of time, "at a time when", followed by 27 more words: a first-level of modification, "the State is facing multiple challenges"; a modifying clause with a subject, "the State"; a verb, "is facing"; and a predicate, "multiple challenges", the second level of modification.

Mr David Shoebridge: Is this a parody?

The Hon. DAMIEN TUDEHOPE: It is a parody because if Mr David Shoebridge wants to come to the House with what he describes as a matter of public importance, he should draft the matter of public importance in a way that is comprehensible; this motion is incomprehensible. Each of the matters that are the modifiers are substantive matters. Mr Shoebridge has reduced them to mere modifiers of his central proposal, the dispute. He wants us to dispute about a dispute. It is like schoolboys in a playground rather than a classroom gathering around to yell, "Fight! Fight! Fight!" The proposed motion likewise reduces the economic devastation caused by COVID-19 to a mere modifier of Mr Shoebridge's head noun, "dispute". That is what I suggest is the absolute failure of the drafting of this matter of public importance. To the other issues of why we should not debate this matter today is that the dispute—

The PRESIDENT: I call the Hon. John Graham to order for the first time for his fourth interjection.

The Hon. DAMIEN TUDEHOPE: —was canvassed at length yesterday in relation to a motion that, while having some grammatical problems, was moved by—

The PRESIDENT: I call the Hon. Penny Sharpe to order for the first time for her fourth interjection.

The Hon. DAMIEN TUDEHOPE: It was debated yesterday in response to a motion moved by the Hon. Penny Sharpe. To do so again today and take up the House's time to merely satisfy the vanity of Mr David Shoebridge is a waste of its time. Mr Shoebridge cannot get the drafting right. All the material has been debated not only here but also at length and ad nauseam in the other place, where it was defeated. We must move on today to get on with what Mr David Shoebridge wants us to do: the substance of government business. However, he

wants to take up the next 90 minutes in a vainglorious pursuit of issues for which he says he is the author of all reason. I urge members to say that on a day on which government bills are debated it is important for the Government to be getting on with the work it is required to do with the bills it has before the House. Quite frankly, the House's time is being wasted again today in responding to an incomprehensible motion moved by a member who wants to use it as an echo chamber so he can foist his views upon the House.

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

The House divided.

Ayes21
Noes 16
Majority.....5

AYES

Banasiak	Field	Pearson
Borsak	Graham	Primrose
Boyd	Houssos	Searle
Buttigieg (teller)	Hurst	Secord
D'Adam (teller)	Jackson	Sharpe
Donnelly	Mookhey	Shoebridge
Fahrman	Moriarty	Veitch

NOES

Amato	Harwin	Mason-Cox
Cusack	Khan	Mitchell
Fang	Maclaren-Jones (teller)	Taylor
Farlow	Mallard	Tudehope
Farraway (teller)	Martin	Ward
Franklin		

Motion agreed to.

Mr DAVID SHOEBRIDGE (10:40:04): It is as if last summer's devastating bushfires have been completely forgotten by politicians in this place, especially those in the Coalition, which is in a bubble obsession with its own internal division. The hill that the Deputy Premier wishes to die on in politics is a National Party policy in the face of the dreadful economic and health consequences of the pandemic and the disaster of climate change, which we saw in our own State and our own country last summer, and which we are now seeing on the other side of the planet in California.

With the threat of deforestation and the damage to nature and people's livelihoods and health, what is the hill that the Coalition and the Deputy Premier are willing to die on? The Deputy Premier wants a policy in New South Wales that allows more koalas to be killed—and if he cannot get that policy, he is going to blow up the Government. People across the State are looking at it and wondering how it can possibly occupy discussions in the New South Wales Cabinet. People are wondering why The Nationals are pushing for a policy to let them kill more koalas. How can that be what has been driving politics in the State for the past fortnight? How can the Deputy Premier, having met with developers such as Harry Triguboff and having got representations from notorious former mayor and developer such as Jeff McCloy, and any serious political party allow the attention of the Government to be directed on a policy to let more koalas be killed to help out developers?

The Hon. Adam Searle: That was the qualifier: any serious political party.

Mr DAVID SHOEBRIDGE: Sorry. How can any serious political party have a policy to let more koalas be killed when their habitat has been devastated by fires, is continuing to be devastated by logging and has been seriously smashed by large-scale land clearing? Yet, the National Party, a key part of the Coalition, wants a policy allowing more koalas to be killed. That is what it has been focusing on in the past fortnight. You could not write the script of the issue unless you had some understanding of how out of touch politics can become, how much of a bubble this place is and how far away it is from the concerns of ordinary Australians, who want those basic concerns to be met and responded to by politicians.

We are coming into a fresh summer. Last year's fire season started at this point. Fires were burning around Glen Innes; I recall talking to the Greens mayor of Glen Innes at roughly this time of the year. She was concerned about her home and that of her neighbours being devastated by unseasonal bushfires. That was 12 months ago.

Those fires swept through the State, destroying not just koala habitat but millions of hectares and hundreds of millions of animals. Far too many people lost their lives. Firefighters lost their lives fighting those fires because of climate change. Is the Government talking about climate change? No, it is trying to assuage the National Party to work up a policy to let them kill more koalas.

It is incredible. Why are they doing this instead of talking about climate change solutions? Why is the Prime Minister talking about more gas and more fossil fuels? Why is the Government not talking about 100 per cent renewable energy? It is because it is being bought by the fossil fuel industry. It is addicted to those donations. It is going to talk about fossil fuels, development and corporate agricultural interests, not mum-and-dad farmers. It is going to talk about fracking, gas and mining because that is what the National Party represents. It is here to represent miners, frackers, corporate agribusiness and developers like Jeff McCloy and Harry Triguboff, who seem to have a rails run to the Deputy Premier's office.

The Nationals are here to represent big corporate donors and corporate agribusinesses, not the concerns of people across the State, who are looking at the coming summer and are thinking when are we going to start addressing climate change, start protecting nature and keep ourselves safe? How do we do that? We must oppose the Commonwealth Government's efforts to subsidise new fossil fuel power stations. We must invest in 100 per cent renewable energy and ensure that we have public control and ownership of energy so we can transition to a zero carbon future where everyone shares the benefits, not just a few elitist billionaires stepping in to cherry-pick the profits from us.

When talking about the threat to nature, we cannot forget last summer's devastation to our native forests when millions of hectares were torched. The Government talks about conditions, how it was hot and how we had a terrible summer and a terrible drought. But those conditions are the result of political decisions. The public wants us to talk about the decisions that produced those conditions. Over the past two or three decades politicians ignored the science on climate change when they took decisions to approve and expand coalmines, to open up fracking and destroy our water, to prevent the renewable energy future and to open up large-scale land clearing.

Decisions were made to continue logging our native forests even though we lose money from logging them. Areas of high wilderness values, rainforests, old growth forests, town water catchments and the habitats of threatened species need to be fully protected, not logged. We know how we get there: The only sustainable and sensible future is to end native forest logging in New South Wales and manage native forests for conservation values, local recreation and tourism opportunities. That is good for the bush, it is good for the economy and it is great for nature. If we invest in sustainable plantation timber operations on marginal grazing land and talk about that rather than a bizarre Coalition argument about killing more koalas, that will allow the local production of essential items across regional New South Wales. We could be producing things that we all need like house frames, while creating ongoing, secure—normally unionised—employment in the plantation industry.

It would be high-wage, unionised, solid employment in the plantation industry and the processing industries downstream from that. But no, The Nationals are focused on finding a way to kill more koalas. We need major shifts in New South Wales policy to protect forests and wilderness resources and provide ecologically sustainable forest management and resolutions to what will otherwise be decades more of conflict about forests. Many of the forests that the Government wants to log—currently there are 78 State forests that the Government wants to log over the next 12 months—were affected seriously by the fires. Many of those forests contain critical koala habitat and many are familiar to us. But when will politicians step up and protect forests like Mogo State Forest, Badola State Forest, Wild Cattle Creek, Styx River State Forest, Clouds Creek State Forest and Nambucca State Forest—just to name a tiny number. Many of those forests are critical koala habitat but the Coalition Cabinet is not talking about protecting the State forests; it is talking about tearing down the one modest move it has made to protect koalas with a State environmental planning policy.

I believe a minority of people in the Coalition are genuinely serious about protecting koalas. If they are serious about it, they should hold onto the State Environmental Planning Policy and stare down the koala killer Deputy Premier. They should go beyond that and protect the habitat. They should finally do what Victoria has done and say, "We are going to end native forest logging and transition to a plantation industry. We are going to build jobs, build security and protect nature in regional New South Wales." That is the discussion we need to be having. Let us put in context the vaunted koala strategy of setting aside 24,000 hectares of new koala reserves. Over the last summer 890,000 hectares of native State forests were burnt and 24,000 hectares were set aside. We do not have to look at that maths for long to realise that we are not doing anywhere near enough to protect koalas. With an estimated estate of more than two million hectares of State forest, there is so much we can do to save not only the koalas but also nature more broadly.

When it comes to other pressing issues, like poverty, I urge members in this place to get away from the bubble and visit the Addison Road Community Organisation, which does extraordinary volunteer work in Marrickville. It is helping to feed thousands of international students who have no money. The Commonwealth

Government provides them with no assistance and the numbers work out that the entire State Government package for international students comes to about \$75 each. Many of them cannot afford food. The casual jobs that they had have disappeared with the pandemic. If they can get jobs, it is a fraction of the work that they used to have. Many of the students I spoke to when I went to the Addison Road centre—like Lucas, who is staying in his friend's garage—have no secure housing and no secure income. Many of them do not know where their next meal is coming from. The Government's financial advice for those students is to access their super. I spoke to Andreas at Addison Road, who said he tried that only to discover that his boss of two years had not paid him any super. He was a casual worker and his boss never made the payment into his superannuation.

That is the reality in the pandemic. Why is the Government not talking about that? Instead it is talking about how to deal with a Deputy Premier whose major policy priority is how to kill more koalas. Students do not have enough to eat. They are forgoing food to pay rent and tuition fees, and the Deputy Premier and the Government want to talk about a policy to kill more koalas. Despite the moratorium on evictions, many students told us that their landlords pressured them to leave. They cannot stop paying tuition fees to their private colleges or they will lose their visa status. There is a major gap in the residential tenancy laws in New South Wales because those who have an unwritten sublease have no protections; most of those international students have unwritten subleases. They have zero protections and they are facing eviction. The Government is not doing anything to fix that because it is focused on a policy to kill more koalas. The message from the Government to those students has partly been to go home. That is devastating. They have worked so hard to come here and they are in the middle of study. We owe it to them so they can survive with dignity.

They cannot go home because there are no flights. Even if they could, for many of them the situation back home is even worse. We must provide sufficient income so that they are not literally facing the threat of desperate hunger and homelessness. When it comes to homelessness federally we are about to hit crunch time. Across the country 14 per cent of people who have deferred their mortgages are surviving on JobSeeker payments. Those JobSeeker payments are going to be wound down and are threatened to be wound back entirely early in the new year. That means that one in seven Australians will not be able to pay back their home loan because they have lost their job. Is that what the Government is talking about? No, it is not. Considering that real underemployment is still rising and is expected to hit 13 per cent by Christmas, the situation is only going to get worse. We need to be planning and focusing on how we can provide jobs. Will we have a job guarantee? Will we ensure that the anti-evictions policy is continued into next year?

Is the Government going to be okay with the wave of homelessness caused by the poverty arising from the economic constrictions after COVID-19? It looks like that is what the Government is okay with, because it is spending its time inside the bubble talking about the Deputy Premier's plan to kill more koalas. It is not talking about homelessness or putting pressure on the Federal Government to keep JobSeeker and JobKeeper going. The Government chooses what it focuses on. We could be talking about what Finland is doing with its Housing First policy to build social housing but we are not, because the Coalition is caught up in the bizarre, damaging, awful internal debate that it is having. The Hon. Damien Tudehope wants to attack the motion based upon grammar. He says the problem is that the motion focuses on the dispute. Well, sure it does. It focuses on dispute because that internal dispute is all the Government is focused upon. Let us address the real challenges. The challenge to the Government is to get out of the bubble.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:55:36): As I forecasted, the speech given by Mr David Shoebridge fulfilled all the prerequisites for which I said he would use his motion. His preoccupation with koalas has blurred his vision in relation to all steps the Government has taken in dealing with an economic crisis that has beset the State, arising from the COVID-19 pandemic. Others will speak to other issues that he has raised. I want to focus on what the Government has been doing, to demonstrate that there is no preoccupation or navel-gazing by members on this side of the House in respect of—

The Hon. Penny Sharpe: Have you seen Andrew Constance's interview this morning?

The Hon. DAMIEN TUDEHOPE: Is this the fourth interjection or the fifth? The Government is focused on making sure that we as a State set the gold standard on what ought to be done by governments in response to the COVID pandemic. I will outline again for the House the manner in which the Government has responded to the circumstances in which the people of this State have found themselves and the level of assistance that it has been focused on delivering for those people. It is a much greater vision for where we want to put this State. It creates circumstances where people in this State will be able to get back to work, will have jobs and will have their homes secured. That is what the Government is focused on. There is no denying that the Government is primarily focused on making sure that we will emerge from this pandemic in circumstances where we have created a better standard of living for our citizens.

I agree with some of the data that was used by Mr David Shoebridge. He identified that there was a significant contraction in the economy in the June quarter and that is what we should focus on. In many respects

I agree with him and that is why the Government is focused on it. It is doing what a Government should do and taking the steps which ought to be taken by good governments. Compare New South Wales with Victoria—one could guess Victoria is a Labor State. Unlike New South Wales, Victoria has allowed itself to be absolutely devastated by the pandemic. The New South Wales Government is focused, first, on the health solution; and, secondly, on economic recovery.

What has the Government done? Before the pandemic struck, running a budget surplus was first and foremost in the Government's consciousness; not simply a surplus for its own sake but to make the State more secure should circumstances arise like those we are currently in. We promoted New South Wales overseas and the businesses in this State, not for their own sake but to establish New South Wales as the State where people want to come to do business. Now we are faced with tough times. We will get through those and eventually return to prosperity. We are focused on one thing: keeping people in jobs and businesses in business. We are making sure that the State is in the best possible economic position to recover. Hopefully, as the Treasurer said, the State will "roar back to economic recovery". Somebody misquoted the Treasurer and sought to use his words in a different context.

The Hon. Walt Secord: Mr GST, Mr 15 per cent GST.

The Hon. DAMIEN TUDEHOPE: Again, the Treasurer is being misrepresented, but that is okay. In July alone, employment in New South Wales rose by almost 57,000 jobs—23,300 full-time jobs and 33,600 part-time jobs. That demonstrates the Government's concentration on delivering jobs. About 65 per cent of those jobs went to women. The decline in employment since the introduction of restrictions in March 2020 has gone from 269,278 jobs in May 2020 to 131,668. The Commonwealth JobKeeper program has made a significant contribution to reducing the negative impact of COVID-19 on the labour market. The New South Wales Government is leading the State's economic recovery from the front. Since March it has announced nearly \$16 billion in stimulus measures and tax relief. Specifically, the Government is combating the effects of the recession by creating jobs on an unprecedented scale at an unprecedented rate.

Recently the Government announced \$159 million for Skilling for Recovery, reskilling and upskilling workers for post-pandemic jobs growth, and \$3 billion for the Jobs and Infrastructure Acceleration Fund, which I spoke about yesterday, breaking ground on shovel-ready projects. I am sure when members opposite see the details of those projects in documents produced pursuant to their call for papers, they will simply marvel. The Government's Planning System Acceleration Program will cut red tape to inject \$25 billion and create 50,000 jobs in the building industry. Our 24-Hour Economy Strategy to reinvigorate Greater Sydney will tap into a potential \$16 billion economic boost from non-traditional work hours. New South Wales has announced almost \$16 billion in stimulus measures and tax breaks in response to the COVID-19 pandemic, which is more than any other State or Territory in Australia. That stimulus package targets support for the State's people, families and communities.

The Government's prime focus remains on doing whatever it takes to keep the community safe during the pandemic. Our focus is on keeping people in jobs and keeping businesses in business. We are prioritising people and the economy over budget surpluses. However, it is only because of the Government's strong financial management, triple-A credit rating, asset recycling program and successive budget surpluses that we are able to face this pandemic in the best possible financial position. The Government has invested \$700 million in NSW Health to expand intensive care unit capacity, increase COVID testing and establish acute respiratory clinics. We have invested \$88 million to boost statewide mental health support and allocated \$395 million to safeguard council jobs in local services and infrastructure.

We have committed \$500 million to progress shovel-ready projects, including repairs to public infrastructure and assets. We are focusing on reducing government taxes, fees and charges, and on cash grants for small businesses. The Government has given all businesses the option to defer payroll tax for six months and has increased the threshold from \$900,000 to \$1million. In addition, small businesses can receive a 25 per cent reduction in their payroll tax liability for 2019-20. Under the small business support grant scheme the Government has paid or approved \$528 million for over 52,400 small businesses with over 150,000 employees. Under the Small Business Recovery Grant scheme we have paid or approved over \$101 million for over 34,000 small businesses with over 96,000 employees.

We have committed \$45 million under the Southern Border Small Business Support Grant scheme for \$5,000 and \$10,000 payments to businesses adversely affected by the closure of the New South Wales-Victoria border. We have committed \$750 million in commercial loans to universities, \$50 million for a Rescue and Restart package. I could go on and on. Yet, Mr David Shoebridge moves a motion in this House suggesting that the Government is not focused on addressing the COVID pandemic crisis. Nothing could be further from the truth. The Liberal-Nationals Coalition Government is focused on delivering results. I address some of the announcements the Government has made in the past fortnight or so.

The PRESIDENT: Order! There are far too many interjections. One hour remains of this 1½ hour debate. I have a list of members who wish to speak. I will not allow members to continue to interject.

The Hon. DAMIEN TUDEHOPE: On 14 September 2020 the Treasurer and the Minister for Jobs, Investment, Tourism and Western Sydney announced the expansion of the 24-hour economy to make Sydney glow. Members opposite must not have read the press release. That is what the Government was doing last Monday. On 10 September we announced that fast-tracking of the \$200 million western Sydney business hub. I invite members opposite to read the press release and marvel at the manner in which the New South Wales Government concentrates on the economic recovery programs to which it is so committed. On 13 September the Government announced a jobs boom for the Western Sydney Aerotropolis and landmark rezonings of 6,500 hectares of land to provide for employment, residential and environmental uses in the Western Sydney Aerotropolis. The Government is getting on with it and doing what the people of New South Wales expect of it. The Coalition Government is delivering the economic outcomes that the people of this State demand.

Yesterday, 16 September, the Government announced that more than 100,000 people would be provided with training for jobs of the future. That shows a government that is taking the necessary measures to respond to the COVID-19 crisis. On 15 September the Government announced that more jobs in New South Wales would be created through a \$3 billion infrastructure spend, the Jobs and Infrastructure Acceleration Fund. On 22 August the Government announced the Southern Border Small Business Support Grant scheme. Those are the things that good governments do in a time of crisis. Good governments are not preoccupied with the small issues that Mr David Shoebridge contends are preoccupying this Government. Day after day after day, the Government makes announcements about the measures it is taking for the benefit of the people of this State. On Wednesday 2 September the press release entitled "NSW economy hard hit by COVID-19 but ready to bounce back" states—and this is important and I am sure the shadow Treasurer will love this bit:

New South Wales and Australia have fared better than many developed economies following the worst months of COVID-19, with the ABS today releasing the June quarter national accounts.

Data shows that Australia's Gross Domestic Product contracted by 7.0 per cent in the June quarter, while NSW saw its State Final Demand decline by 8.6 per cent.

It is also states, "The June quarter captures the worst months of the pandemic ... with a number of public health orders coming into effect", and, "about two-thirds of NSW's population lives in Greater Sydney and metropolitan areas", which means restrictions were in place for those citizens. What have we done? We have invested \$16 billion in targeted health and economic stimulus measures. On 27 August small business recovery grants was announced as a stimulus for small businesses. Finally, on 26 August funding for those things that are necessary was announced after public health orders and the public health crisis hit us so badly. To say that the Government does not have a plan and that it is not concentrating on the things that matter is narrow in compass and does Mr David Shoebridge no credit.

The Hon. ADAM SEARLE (11:10:43): I used to think that the Hon. Ben Franklin was the hardest working man in showbiz but the Leader of the House has put him to shame with that performance. Firstly, the Leader of the House should be congratulated on not only his contribution today but also his contribution to a similar debate we had yesterday in this House because he was the only Liberal Party member to participate in that debate. When the no-confidence in the Deputy Premier motion was moved in the other place yesterday, not one member of the Liberal Party stood at the dispatch box and defended the Deputy Premier's behaviour. In fact, even members of The Nationals did not defend him until we got to Melinda Pavey, MP, and Adam Marshall, MP.

The rest were busy attacking the Opposition. They were not defending their leader because they know his behaviour is extraordinary and it is utterly indefensible in the context of responsible government. The motion is being debated again today because yesterday the Deputy Premier was completely unrepentant in his contribution during question time and during the no-confidence motion. He showed no insight and, in his view, he had done nothing wrong. He said, "I would do it again." He has held this Government to ransom on repeat occasions where he has attacked and undermined the Premier and the Ministers of this Government and its policies, and he gets away with it.

Why? That is because the National Party holds the Liberal Party hostage. Liberal Party members can wail, gnash their teeth and try to freeze out the Deputy Premier but they know that they cannot live without him. They are dependent on him like any addict on their drug of choice. The fact is, without the National Party, members opposite cannot remain in office and govern the State. They have shown that the Deputy Premier is paralysing the Government. Not satisfied with nearly having wrecked the Government, we even have a senior Minister in despair this morning, saying that the Deputy Premier is bugging up the Government. The Liberal Party is trying to deliver stable Government. It is has given the Deputy Premier the gratuitous advice that he should too, but all the signs from him are that he will not take that advice.

Today the Coalition is less united than at any time in its history. It is extraordinary. It is quite clear that the divisions amongst members opposite are palpable—we can see it in their body language, the way they avoid each other in the corridors, the way they are backgrounding journalists, the way in which they are talking to other non-Government members of Parliament and the way they are wringing their hands in utter despair. This unrest is distracting the Government and the signs are quite clear. Let us talk about how the Government is distracted. The Leader of the House spoke about how this Government was addressing the economic crisis, but we know that JobKeeper and JobSeeker payments are simply papering over the cracks. There is less in every announcement made by the Leader of the House than meets the eye. They fall apart when we examine them closely.

Let us talk about the planning acceleration fund and all the jobs and multibillion dollars of investment that has been unlocked. There is a fundamental problem with those announcements because there has been a catastrophic and sustained slump in private demand and private investment. This Government claims that settling the Blacktown Local Environmental Plan will generate 15,000 jobs but it cannot explain how. It is expecting the private sector to invest and build but we can see that there is no pipeline of private money. Let us talk about the housing construction sector, which is facing a cliff in March. The university sector alone has cancelled half a billion dollars of construction in New South Wales and other big customers are similarly finishing the existing pipeline but not committing to any more.

What is this Government doing? This Government has been promising schools and hospitals but it is not bringing forward the investment for them. Let me give the House an example. Recently tranche six of the fast-track assessment program was announced. Only one direct investment by the public sector was made, which was Fort Street Public School. When there is no private-sector investment or it is lacking, government needs to step in and lead by example. This Government has been promising projects for years that have not seen the light of day. The Fort Street Public School project first appeared in the 2016-17 budget. It was to commence in 2017 for completion by 2021 but it is being fast-tracked this week. If that is the fast track, it is clearly the road to nowhere. The fact is that this Government promises but does not deliver. That is just one example.

The Government needs to look at its forward planning in schools, hospitals and road projects and bring them forward because without that direct investment the economy will continue to tank. In September JobKeeper and JobSeeker will be wound back and we are told that in March they will come to an end. We need to employ people and put them to work. Public procurement is another example. This Government spends something like \$34 billion a year procuring goods and services, but so much of it goes offshore.

The Hon. Walt Secord: The Premier says we can't make trains.

The Hon. ADAM SEARLE: I acknowledge that interjection. The Premier says we cannot make trains and that is why we are buying trains from South Korea. New South Wales has to spend extra money modifying the tracks to make them work. One of two things has happened. If the manufacturer of those trains made a mistake, why is it not fixing it? Whoever did the procurement did not do their due diligence about what was needed. Why are those things not being built and maintained in this State? We have the skills in the manufacturing sector but we do not have the political will because the Government is apparently chasing the lowest dollar. That is a fool's errand. This Government needs to look at the costs, including maintenance, over the life cycle of an asset—whether it is a bridge, a train or a ferry. This Government does not do that. Where is this Government's action plan to address poverty in this State? It is nowhere. In terms of homelessness, let us look at the social housing maintenance backlog. Members opposite used to crow about how they were going to address the \$300 million backlog they claimed was left by the former Labor Government.

Since 2015 we have not heard a peep out of them. I have asked several questions on notice about the social housing maintenance backlog. The Government responded that it was not a meaningful measure. Again, that is a non-responsive answer to a question requiring a dollar-figure answer. The Government will not disclose it because it cannot work it out. Its administration is in such a parlous state that it cannot work out what the existing social housing maintenance backlog is. Social housing maintenance is exactly the type of area that the Government should bring forward investment. Where is the Government's plan to build more social housing? That brings us to climate change. Climate change is a really important issue. We saw the devastation wrought by the drought and the bushfires not just on communities but also on our wildlife. Where is the Government's plan to address this? We know, because we have asked through the budget estimates process, that billions of dollars of big renewable energy projects have been approved by the planning system—lots of them. According to the previous Minister, it is something like 20,000 megawatts worth, but no-one is building because there is a crisis of confidence.

The crisis comes from the fact that neither the State nor Federal governments have a clear road map to oversee the construction of next generation energy. That is leading to uncertainty, which is leading to higher energy prices. We are also missing out on the billions of dollars of investment and the tens of thousands of jobs that it would bring. We are losing out to Queensland, Victoria and the Australian Capital Territory, which have renewable energy targets that are driving investment. New South Wales is getting left behind economically, as

well as missing out on the benefits of cheaper and clean energy, simply because this Government cannot get its act together to make a decision on this. The uncertainty is being replicated across the board. It is unacceptable. All of this shows, in just a few policy areas, where the Government has fallen down. Why? Because Government members are too busy talking about themselves and because they are obsessed by one issue. As the mover of this motion said, they would rather be killing koalas than addressing the needs of the community.

Ms ABIGAIL BOYD (11:20:54): Even before the pandemic, almost 900,000 people in New South Wales were living in poverty. That means one in eight people was living in poverty—including one in six children, nearly half of all people with disability, one-third of single, retired women on the aged pension and close to two-thirds of unemployed single parents. For a brief six months, around 12 per cent of those people were provided extra support through the COVID-19 pandemic through the doubling of JobSeeker. But in a week's time many of them will again struggle to feed their families and keep a roof over their head when the coronavirus supplement is cut. This time they will be joined by an additional 65,000 people who have lost their jobs or had their hours cut since the onset of the recession.

Solving the quickly escalating poverty rates of people in New South Wales should be among the highest of this Government's priorities. Once upon a time, eradicating poverty was core government business, but today's governments either shake their heads and whip out the old "lifters and leaners" nonsense or shrug their shoulders and talk about necessary unemployment and inequality for the good of the economy, against all reason and evidence. However, this Government has not even had time for that lately. They have been too busy justifying the excellence of their Treasurer, who presided over the most monumental of failures in our State workers compensation scheme, and squabbling amongst themselves about whether to hug a koala or a developer.

Let us turn to the housing crisis in New South Wales. At the time of the 2016 census almost 38,000 people were homeless—more than 50 people in every 10,000. Then consider the facts that 2,439 homes were destroyed in the State during the past summer's bushfires, the Premier is on record stating that homeless people make her "completely uncomfortable" and this Government is more interested in decimating communities by selling off swathes of public housing than it is in maintaining basic standards of liveability—let alone building enough new public housing stock to accommodate our growing population. It is no surprise that the number of people without a home has risen year after year. Instead of addressing the extraordinary housing crisis facing the State, the Minister for Water, Property and Housing is busy backing one side of an internal war—the side that apparently could not care less about homes for people because they are too busy lining the pockets of developers who view housing as a commodity first and foremost and as a source of profit.

Mr David Shoebridge: And destroying homes for koalas.

Ms ABIGAIL BOYD: And destroying homes for koalas. New South Wales is particularly vulnerable to climate change. It is getting hotter and drier. Heatwaves are longer and more intense, and the number of days of record-breaking temperatures, particularly in western Sydney, is increasing dramatically. Last summer, Penrith earned the ignoble distinction of being the hottest place on the planet when it hit 48.9 degrees Celsius. New South Wales has just suffered through the most severe drought on record. Last summer's bushfires were unprecedented. The damage to the bush, wildlife, communities and people was catastrophic. This is climate change—no longer an abstract notion we can wish away or deny the science on. It is real. It is here now and it is absolutely devastating. Yet what do we see from this Liberal-Nationals Coalition Government? Not a move to renewables, or better public transport, or planning to reduce the need to drive, or incentives to increase the uptake of electric vehicles. Instead, we see an addiction to toll roads, coal seam gas, coal-fired power generation, coalmining under our water catchment and a push to mine uranium.

While we could be protecting our incredibly valuable remaining natural areas, this Government is allowing logging in places devastated by fires, broadscale land clearing for corporate agriculture and the destruction of koala habitat for urban sprawl. They allow those things not because the science supports it, but because The Nationals are spooked by the Shooters, Fishers and Farmers Party in the Central West and The Greens in the Northern Rivers and the Liberal Party is spooked by One Nation in the upper House and its own Coalition partners in the Cabinet room. We have now discovered that this internal Coalition crisis has been set off not by concerned mum-and-dad farmers like The Nationals have claimed but by a single property developer having a whinge to his mate John Barilaro. When they have been called out on it, their immediate response has been to talk about the grammar used in parliamentary motions rather than the issues that matter to the people of New South Wales. It is almost like they are trying to disgrace themselves with internal bickering and power plays to distract people from their successive failures to deal with the big issues that actually matter. It is time they got their house in order.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:26:12): I will put a few things on the record as part of this debate on the matter of public importance. I have to begin, because I cannot let it go—

Mr David Shoebridge: Grammar again.

The Hon. SARAH MITCHELL: No, I am not going to talk about the grammar.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Minister will be heard in silence.

The Hon. SARAH MITCHELL: The comments made several times by Mr David Shoebridge, the mover of this motion, about the Deputy Premier and The Nationals having a plan or policy to kill more koalas are just wrong. That assertion is flat out wrong and incorrect. The Nationals have said very publicly that we want to see a thriving koala population in the State.

Mr David Shoebridge: You call them tree rats. Your own leader calls them tree rats.

The Hon. Bronnie Taylor: Point of order: I understand that people feel strongly about this debate, but we need to be respectful. That is a very unfair comment to make to the Minister of Education and Early Childhood Learning, who is a very decent person. I ask you to call Mr David Shoebridge to order.

Mr David Shoebridge: To the point of order: For clarity, I am not suggesting that this Minister calls koalas tree rats. That is not my suggestion. I do want to be clear that it was about the Deputy Premier.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I uphold the point of order. I will not call Mr David Shoebridge to order now but I will if he makes any further interjections. As the mover of the motion, he has a right a reply, which no-one else has.

The Hon. SARAH MITCHELL: As we have said, The Nationals have been on the record saying that we want to see a thriving koala population in New South Wales, but we want to do it by using good science to identify and protect their habitat. We know that the people living on the land and in regional areas are the best hope and an essential part of koala survival. If anyone wants do themselves a favour, they should listen to the interview given by my colleague in the lower House the member for Clarence. Chis Gulaptis made some excellent public comments about that on 2GB earlier this week, because we know it is important.

I do not know what debate the Leader of the Opposition was watching in the other place yesterday, but any implication that there was not unity behind the Deputy Premier by his ministerial colleagues must mean that we were not watching the same thing. I saw nothing but complete support for John Barilaro and what he does for our regional communities. We are focused on our regional economies. We are the only party that is wholly and solely elected to represent regional New South Wales and we have been doing that for more than 100 years. One of the key areas that the National Party has been working on is the \$1.7 billion Regional Growth Fund. The umbrella fund was designed to be a suite of nine connected funding programs underpinned by 38 individual economic frameworks known as our Regional Economic Development Strategies.

Across the programs, the fund has supported approximately 2,100 community and economic infrastructure projects to date, with investments made across every corner of regional New South Wales. This has delivered investment and support right across New South Wales. These are the kinds of projects that boost job prospects in our drought-stricken towns and they buffer our economies against the impacts of natural disasters like bushfires. We are delivering for our communities and we continue to do that. Currently 826 projects are underway, with an expenditure pipeline of \$927 million set to flow into regional communities as project milestones are met.

The modelling has been undertaken by the Department of Regional NSW, a department that was set up by the Deputy Premier because he and The Nationals recognise that it is very important to have a specific department looking after regional New South Wales. The department estimates that the Regional Growth Fund will support up to 15,300 construction jobs and a further 17,000 post-construction jobs. This has all happened under the leadership of the Deputy Premier, John Barilaro. He has made it his mission to secure a fair share of funding for regional communities and he always puts regional voices at the centre of decision-making.

The Deputy Premier is the Minister responsible for the bushfire recovery and clean-up, which Mr David Shoebridge touched on in his contribution. We have cleaned more than 3,600 properties to date across New South Wales. Any assertion that The Nationals do not support bushfire-affected communities is wrong. In my own portfolio as education Minister I had a virtual meeting not long ago with all of the school principals from bushfire-affected communities across the State, talking to them about how we are going to help them recover and what we need to do in our school communities. That work continues with The Nationals because it is incredibly important that we are there to represent our communities. In terms of economic precincts, we have announced five powerhouse Special Activation Precincts across regional New South Wales—in Parkes, Wagga Wagga, Moree, Williamtown and the Snowy Mountains—which will create up to 18,000 new jobs.

The Government is investing \$1 billion into these precincts and more than 95,000 hectares of land across regional New South Wales is being made ready for businesses and investors. This is a government that is clearly

getting on with the job. On Monday the Deputy Premier and the agriculture Minister were out west delivering on our election commitment of \$37.5 million for a 742 kilometre extension to the NSW Border Wild Dog Fence, which runs along the Queensland and South Australia border. This is the very definition of getting on with the job and delivering for regional New South Wales. In my education portfolio, I am happy to talk about the new and upgraded schools that have been delivered across the State by the Government. We have a proud record of delivery and our communities know that.

When I visit the new and upgraded schools, they know that we are delivering. We had more than 40 new and upgraded schools last year and this year we have already met that target, with more to come. Earlier this week we announced the fast-tracked funding under our stimulus package for the construction of the new primary school at Goongong. Last week I visited the new Wamberal and Terrigal public schools on the Central Coast to open their new upgrades. The week before that I went to Armidale to visit the almost-complete Armidale Secondary College. Incredible investment in regional education is happening under The Nationals. Two weeks ago I was in Tweed with the Deputy Premier and the great local member, Geoff Provest, to announce that we are going to construct specialist VET facilities at Tweed River High School.

Three weeks ago I was in Monaro to announce the site for a new high school in Bungendore, which will also be accompanied by an upgrade to the local primary school. Five weeks ago I visited Wilton Public School to announce its new upgrade. I viewed the completed science, technology, engineering and mathematics facilities at Yass High School with the local member, Wendy Tuckerman. Along with the Hon. Wes Fang, I also toured the construction site where the new school at Estella in Wagga Wagga is being built. I could go on and on. These are just some of the schools that I have visited in the past couple of months. There are other upgrades in Tamworth, Ballina, Albury, Tweed, Lismore and the South Coast. Those local projects mean local jobs, which stimulates the local economies in the region.

Any assertion that as a government we are not getting on with the job, that we are not looking at what we can do in terms of economic prosperity, particularly for The Nationals in regional areas, is a farce. To put it simply, Ministers of The Nationals are following John Barilaro's leadership. We have fought, and we will always fight, for regional New South Wales. We will fight for them in whatever way we see fit and we will deliver the outcomes to ensure that those who live outside of Sydney get their fair share and have their voices heard both in this place and in the other place. Members of The Nationals have supported our regional economies, especially during the pandemic, and we will continue to do so under the strong, bold and exciting leadership of John Barilaro. That is our commitment to the people of New South Wales.

The Hon. WALT SECORD (11:34:47): As the shadow Treasurer I will make a brief contribution on the matter of public importance proposed by Mr David Shoebridge in relation to the dispute within the New South Wales Coalition, spurred on by the Deputy Premier and senior Liberal Party Ministers. It is deeply disappointing and disturbing to see the Liberal Party and The Nationals bickering while the State's health system responds to COVID and while the economy reels from the financial crisis with record levels of unemployment. Last night the Organisation for Economic Co-operation and Development revised its outlook for Australia. Australia is now expected to contract by 4.1 per cent. We are all praying for an improvement in the unemployment data, which is due to be released any minute.

Any improvement in the data will have nothing to do with the activities of the Government. More than 80,000 residents in New South Wales have lost their jobs since the beginning of COVID. That does not include those who have left the workforce or who have simply stopped looking. Sadly, at the time when Berejiklian Government members should be concentrating on jobs, jobs, jobs and even more jobs, they are worrying about themselves. Sadly, the Government has become unworkable. We have seen Ministers leaking information against each other and we have seen Ministers turning on each other in public. I have never seen so much leaking in my life.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! The Hon. Walt Secord will resume his seat. I will not tolerate outbursts such as that. Interjections are disorderly. The list of members who have been called to order include the Hon. John Graham, the Hon. Penny Sharpe and the Hon. Matthew Mason-Cox. I am happy to add to the list. Members will maintain an orderly debate.

The Hon. WALT SECORD: There is so much leaking occurring in the Government that the Deputy Premier has acquired a very unusual nickname, which I will share with the House later. It is extraordinary to see Ministers in the Chamber align themselves with the Deputy Premier. In the other Chamber not a single Liberal Party Minister stood to speak for him. In this Chamber the Hon. Damien Tudehope spoke for the Deputy Premier. In both Houses only one Liberal Minister contributed to the debate. But in the public arena the police Minister, the transport Minister and the Minister for Jobs, Investment, Tourism and Western Sydney all reflected on his ability to serve the families and businesses of New South Wales. Yesterday not a single Liberal Minister or MP spoke in the other place either in favour or in defence of the Deputy Premier.

This morning the transport Minister doubled down and said he had never seen the New South Wales Coalition so divided. He said the Deputy Premier is being politically reckless and is "buggering up" the State. Throughout the past week and even today the Premier could not bring herself to utter the Deputy Premier's name. This morning Reverend the Hon. Fred Nile voted to bring this matter on, and he votes with the Government on everything. It was extraordinary. Even Reverend the Hon. Fred Nile, who votes with the Government on the most odious things, could not bring himself to support—

The Hon. Bronnie Taylor: Point of order: The honourable member is casting aspersions on a member of the House who is not in the Chamber. It is unnecessary, it is unparliamentary and it is a cheap shot.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I uphold the point of order. The Hon. Walt Secord cannot cast aspersions on another member.

The Hon. WALT SECORD: I am sorry. The Government Whip has just brought to my attention—

The Hon. Natasha Maclaren-Jones: No, I have not brought anything to your attention.

The Hon. WALT SECORD: —the reasons Reverend the Hon. Fred Nile is not here. I accept them and I appreciate her confidential briefing on the matter. I retract my comments.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I uphold the point of order. I would prefer that conversations do not occur across the table. The Hon. Walt Secord has withdrawn his comments. I remind members that they should not cast aspersions on other members of the House.

The Hon. WALT SECORD: I withdraw that comment without reservation, based on the information provided to me by the Government Whip.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Let us move on.

The Hon. WALT SECORD: I apologise to Reverend the Hon. Fred Nile and the Chamber. Rather than talking about the Deputy Premier, we should be talking about jobs and record unemployment. We should be talking about the cruel hoaxes that this Government is perpetuating on the business community, tenants, landlords, the arts and culture community and western Sydney. The Government has made extravagant claims about the number of jobs that the projects will create. The Government is claiming that the Western Sydney Aerotropolis will create 200,000 new jobs. I would love to see the modelling behind that claim. There is uncertainty in the community regarding JobKeeper and JobSeeker. I would expect that those Ministers or the Premier to be on the phone to Canberra seeking an extension or a continuation of those programs. I am terrified of the fiscal cliff that we will see when those programs are wound down.

We should be supporting rural and regional areas. We know that rural and regional areas have done their part regarding COVID. Some parts of the State have not had a single case of COVID because they have been responsible in undertaking social distancing. We should be lifting education and childcare standards but in the past two weeks all we have heard is the Deputy Premier talking about a koala State Environmental Planning Policy [SEPP]. Yesterday it became crystal clear why the Deputy Premier is so belligerent about the koala SEPP. We found out why he is anti-koalas and calls them tree rats. Make no mistake, the Deputy Premier's views and statements on koalas have nothing to do with koalas. The Deputy Premier's utterances, attacks, complaints and statements in the public arena about the SEPP has nothing to do with koalas. The SEPP is about property deals and the Deputy Premier is doing the bidding for a disgraced property developer and mayor of Newcastle.

The Hon. Sarah Mitchell: Point of order: The Hon. Walt Secord is very clearly reflecting on the Deputy Premier and he should not be doing so.

The Hon. Walt Secord: To the point of order: This is a substantive motion—

The Hon. Sarah Mitchell: Further to the point of order: It is a substantive motion but it is not a substantive motion that names the Deputy Premier and does not refer to him specifically in any way.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): It does not refer to the Deputy Premier specifically and therefore the Hon. Walt Secord is reflecting on another member. There is broad latitude in this debate. I ask the Hon. Walt Secord to be careful to not reflect directly upon his motivations.

The Hon. WALT SECORD: This debate is getting murkier and murkier. Former member for Coffs Harbour, Andrew Fraser, MP, is now making comments on the content of the motion. Member for Myall Lakes, Stephen Bromhead, MP, and member for Coffs Harbour, Gurmeh Singh, MP, are also being dragged into this debate. It has nothing to do with koalas. It is about the white shoe developer mates of the member for Coffs Harbour, the former member for Coffs Harbour, the member for Myall Lakes and the Deputy Premier. We are seeing a conga line of corruption in The Nationals being led by the Deputy Premier.

The Hon. Sarah Mitchell: Point of order: The Hon. Walt Secord is clearly reflecting on not just one but several members of The Nationals in his contribution. He has named individual members of Parliament in his comments and then made a reference to corruption. It is not appropriate and the member should be called to order.

The Hon. Adam Searle: To the point of order: The reference to corruption was globally a reference to The Nationals and previous rulings of presiding officers held that such collective references cannot be disorderly.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The Hon. Walt Secord is skating on thin ice. He knows the rules. He must not reflect upon the motivations of individual members in this House or the other House.

The Hon. WALT SECORD: I will not reflect on individuals but I will say that, particularly for North Coast members of The Nationals, it is not about koalas; it is about corruption.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! As the President says, I can see the clock too. I do not need Government members to call out "time". I will call members to order.

The Hon. MARK LATHAM (11:44:01): It is true, as the motion indicates, the Coalition has seen better days but it is not about personalities. It is about purpose, belief and philosophy. There was a time when the Liberal Party believed in free enterprise and uttered beautiful words like "liberty", "freedom" and "the rights of the individual". A lot of that has been lost. We now arrive at the ridiculous situation where the Liberals have green bureaucrats poring over satellite images of our homes to specify a cluster of trees here or some grassland there. They think that this is somehow environmental policy, it is not; it is economic and social control that has gone way too far. The people they have enlisted are quite remarkable. I knew Paul Grimes when he was in Canberra working for the Labor Party. To think that he is now Matt Kean's environmental lieutenant, poring over the satellite maps and doing these things in tandem with the planning Minister is quite remarkable.

Paul has many qualities but those beautiful words of freedom, liberty and the rights of the individual would not be among them. The fact that Mr Kean would employ such a person, no matter how well intentioned, to do the work of today's Liberal Party on this front is quite remarkable. It is a crisis of philosophy and belief. Those provisions have gone way too far. I feel sorry for the wombat and the echidna in this debate because if they could climb trees they would be protected too. It is only the koala that gets up in the tree. In effect, this is a tree State Environmental Planning Policy [SEPP]. We have millions of properties across New South Wales coloured pink on those maps. This week the truth is out. The maps are illogical. They are an intrusion, they are Orwellian, they are inaccurate and they are a disgrace. But the planning Minister is standing by those maps as if they are the Holy Grail.

You have only to go to the maps to see the absurdity, such as having koala habitats on roundabouts in Grafton, in the Warringah mall, at Bankwest Stadium in Parramatta, at the Mount Hunter fire station and church in my community. There are koala habitats in massive swathes of residential areas in Liverpool, Green Valley and West Campbelltown. It is completely absurd. Meanwhile, the real purpose of koala protection is being lost. As Ms Cate Faehrmann knows, the corridor that should have been adequately protected from Long Point, Kentlyn and Wedderburn through to Gilead is so thin in some places that it barely covers half a kilometre. There is inadequate koala protection for the real habitats. That has been released in the Kean-Stokes Cumberland Plain Conservation Plan, which is completely inadequate. Meanwhile, people just want to get on with their lives. Say you are living in Green Valley and you have a home renovation in mind—an extension for a granny flat or something out the back—you will have to go through a koala assessment at a huge cost and concern just to do basic things in a place where nobody has seen a koala for 70 years.

The pink on the map is an indication of where the politics of the Liberal Party has got to. It is a threat to economic development and reasonable economic activity in the State. That is the main problem. The planning Minister, who is now thrashing around and saying, "No, you need a minimum of a hectare." If you need a minimum of the hectare, why are all those quarter acre blocks in Liverpool, Campbelltown and other parts of metropolitan Sydney coloured pink? The first thing that needs to happen is to remove the maps. Secondly, tear up the SEPP; thirdly, put in an adequate koala protection corridor. If we need to spend money to look after the span of land running along the Georges River to the east of Campbelltown, then we do it. One would think that is not only responsible economic management and good public administration but also adequate koala protection. Instead, we have what amounts to a tree SEPP.

As I said earlier, if the wombat could climb a tree, it would be protected too. There would be a wombat SEPP. It is only because the koalas are in those trees and the Government has Orwellian mapping devices and satellite images that it thinks that this is some form of environmental protection. It is just so far out of control, and hearing the analysis of the maps this week and listening to the concern just makes the point. If John Barilaro and his colleagues are standing up against that madness, I am for them; I think they are doing a good public service.

If they want to take on the green Liberals to that effect, I think that is a very good thing because I cannot believe that the left wing in the Liberal Party, in terms of its belief and philosophy, could ever end up in this position. They may as well join the left wing of the Labor Party or The Greens themselves—that is where it is at.

Mr David Shoebridge: I don't think so.

The Hon. MARK LATHAM: I sometimes wonder why The Greens bother turning up. The Liberals do so much of their work, they would be better off going to the pub or chowing down on some lentils, or perhaps getting back up to Hyde Park—although I do not recommend that; it is against the law. The Greens are on easy street; the green Liberals do their work for them. But as The Greens have interjected and have come to my attention, I will make a few comments. If you live long enough you hear everything. It is remarkable to hear lectures from The Greens about poverty eradication in New South Wales. Why were The Greens not here voting last night on the good, sensible planning for Badgerys Creek airport? Their policy is to not only abandon a second airport in the Sydney Basin but also close down Mascot.

The Greens' economic and transport policy for Sydney is to have no airport in the Sydney Basin and to have an unspecified location, possibly linked by rail. That is a destroyer of hundreds of thousands of jobs in Sydney—no airport at Mascot, no airport at Badgerys Creek and no real alternative presented, destroying hospitality and tourism and just throwing people onto the welfare scrapheap. The Greens are not poverty eradicators; they are poverty creators with that sort of madness. In the Hunter Valley, The Greens' policy is to close down the entire coal industry—75,000 coal-reliant jobs out the window. There is no compassion or care in that. When you say to The Greens there will be a loss of 75,000 coal jobs, they say it is just a number. It is more than a number; it is real-life people with children, families, concerns, mortgages and aspirations. In local government areas like Singleton and Muswellbrook, data shows that three out of five homes are coal-income reliant. Go down the street in Singleton and there is coal house, coal house, coal house, then non-coal, non-coal.

If the coal industry in that region is wiped out, we end up with the rust-bucket effect that you see in the United States of America: the parents on welfare, the kids on drugs. It is inhumanity to do that to people. To say for ideological reasons that you want to wipe out coal jobs in an entire region—75,000 of them—and turn it into a rust-bucket region is not the Australian way. It is a matter of basic awareness and social justice. As the Hon. Anthony D'Adam has pointed out, when economic restructuring is talked about, it is working people who always cop it in the neck. That is not social justice. There has to be a balance. Yes, we are worried about environmental issues but, primarily, a growing economy is the best way of solving poverty, the best way of building social and economic fabric and, as well, if you can do sensible environmental protection like the koala corridor at Kentlyn that I mentioned earlier, that is where you need to be. That is the best balance of policy and, quite frankly, it has been the Australian settlement; we have always taken that approach.

But now the green Liberals are off with their Orwellian maps coloured pink. The Greens are advocating for the abolition of the coal industry in the Hunter and no airport in Sydney, and there is mass poverty with the New South Wales economy already in recession. What sort of party would say that? The New South Wales economy collapses by 8.6 per cent, hundreds of thousands of people lose their jobs and The Greens' policy is to close down coal in the Hunter Valley and have no airport—not a first or a second airport—in the Sydney Basin, adding probably a million people to the dole queues. Then The Greens come in here and lecture us about poverty. Poverty eradication is to create jobs and to give people some security, hope and aspiration in life. If we do not do that as a Parliament, we are betraying the people who elected us to this place in the first instance.

Beyond that, I was very glad to hear the Hon. Adam Searle talk about public housing. The paradox of the green-left Liberal Party is that they talk about those issues—some of it is virtue signalling—but where is the beef? Where is the policy? Where is the real concern for people struggling? I have had an ongoing issue—I was reminded earlier in the week with the passing of John Fahey—with the redevelopment of the Claymore public housing estate. In 1996 Mr Fahey abolished the Better Cities funding that I had lined up to redevelop that housing estate. Those people were living in the most squalid, desperate, hopeless circumstances, and it was a great redevelopment program. We finally get Craig Knowles in the State Labor Government to start it up, but what happens in 2011? Barry O'Farrell suspends all the work—a Liberal Party cancellation a second time.

They were supposed to be wet, moderate, compassionate, left-wing Liberals and they were cancelling sensible redevelopment projects for people who desperately needed it. Now here I am, 24 years later, in a different Parliament and in a different set-up, trying to continue and finish that work. The whole point of the modern Liberal Party is to get out there on green issues and identity politics and ignore the social justice. Again, if John Barilaro calls attention to that, I say bravo. I say good on him.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:55:01): I have listened to this debate and I cannot express my disappointment enough. The National Party is talking about policy, but time and again other members in this Chamber are talking about the person, about the

man—they are talking disparagingly about other people in this place who are not even here to defend themselves—and no-one steps up and says that is not okay. As usual, the Opposition has sent someone to have a crack at someone who has been here for a long time and no-one has said anything.

Sixty-nine people are watching the Legislative Council at the moment. On Wednesday the front page of *The Monaro Post* reported that a local farmer said it is great that the National Party is standing up for something that it believes in. Everyone can get on their phones and tweet around their same circles and make themselves feel better, but they should remind themselves why they wanted to come into Parliament and why they think it is so outrageous that there is a policy debate on something. Yes, we may have differences with the Liberal Party on some policy issues, but that is a good thing because when we talk about things, debate them and disagree, we often come to a point that delivers really good policy.

The motion talks about the challenges of poverty, homelessness and the impacts of climate change and deforestation, but all those opposite have done is get up and talk about themselves and about the person. We could stand here and talk about what happened with The Greens late last year and how that all blew up, but we did not get up and talk about it, did we? We could talk about the person we do not talk about from the Labor Party, who is not present here at the moment because of all of that hoo-ha, but do we get up and talk about that? No. The National Party has stood steadfast in talking about policy issues. Why is the Opposition so afraid of John Barilaro? It is so transparent. Opposition members stand here and talk about themselves continuously.

We are talking about policy. What is the Opposition so afraid of? Is it because maybe there is a difference of policy in the Coalition? It is good that we debate issues, and is that not what the Opposition is supposed to do? It is the biggest example of the pot calling the kettle black. Seriously, why would the Opposition want to bring this sort of attention on themselves when some appalling things have happened to them internally, with bags of money and Federal investigations and everything else?

The Hon. Mick Veitch: That was the Libs.

The Hon. BRONNIE TAYLOR: No, it was you as well and you know it was. For goodness sake, be honest with yourselves and remember why you sit in this place.

The Hon. Trevor Khan: Point of order: This debate is getting out of control. I ask, Mr President, that you bring it back to the leave of the motion.

The PRESIDENT: It is completely out of control. I have been listening carefully. Other members have had an opportunity to speak and I still have a list of Opposition, crossbench and Government speakers. When members of the Opposition or the crossbench are speaking, there are no interjections; every time a Government member speaks the members of the Opposition and the crossbench interject. That cannot continue. The Minister has the call.

The Hon. BRONNIE TAYLOR: So there were 69 people watching the debate in the Legislative Council. There were lots of self-congratulatory tweets about what one person has done to another. You all need to remember why you came here and why you were elected to serve. Remember that this is a very tiny bubble in Macquarie Street; so you can all congratulate yourselves, you can all have a crack at someone, but the day when we are too afraid to debate policy in this place is a day when none of us deserves to be here. Just remember too as we talk—

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

Questions Without Notice

THE HON. JOHN BARILARO

The Hon. ADAM SEARLE (12:00:21): My question without notice is directed to the Leader of the Government, the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that his senior Liberal Party colleague the Minister for Transport and Roads, Andrew Constance, stated this morning that the Deputy Premier was being "politically reckless", was "forgetting the people who put him there" and that "this issue is not about koalas, it is about leadership," does the Minister still have confidence in the Deputy Premier?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:00:58): I cannot believe that the Opposition is literally wasting question time again. It is a tribute to the good job this Government is doing that it is effectively asking me, even though it tried to avoid it—

The Hon. Anthony D'Adam: Point of order—

The PRESIDENT: The Clerk will stop the clock.

The Hon. Anthony D'Adam: The Minister is clearly debating the question and needs to be called to order.

The PRESIDENT: The Minister was very close to debating the question. I ask him to be directly relevant and answer the question.

The Hon. DON HARWIN: I am not going to give my opinion on someone else's opinion—that is effectively what I am being asked to do. I have nothing further to add to the answer I gave in the Chamber on Tuesday.

ARTFORM ADVISORY BOARDS

The Hon. TAYLOR MARTIN (12:02:09): My question without notice is addressed to the arts Minister. Will the Minister update the House on the refreshed Artform Advisory Boards?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:02:24): Absolutely. I am thrilled at how good the 10 Artform Advisory Boards have been since they took over responsibility for the key funding recommendations on the arts. We have had 10 boards and they have done a really good job of rigorously examining about \$55 million of funding applications and allocations. They have looked at merit and impact and done exactly what I wanted. They have brought integrity and transparency to the process and I have been delighted to support their recommendations. We will be refreshing the boards after 12 months. About a third will turnover and we will have great new import from new members.

During the last month there has been an expressions of interest process. I am delighted to say that over 200 people have applied and we are putting 31 new members onto the board—effectively about a third, which is what we said we would do to ensure the boards remain fresh and at the cutting edge. One of the things we did this year was amalgamate two small boards and bring in a festivals advisory board. It is critical that we ensure a consistent approach to the assessment of festivals, with a particular focus on regional festivals, because that is very important. That board will be chaired by Noel Staunton, who is an experienced festivals practitioner. He used to be the director of the Brisbane Festival and he has been chairing the theatre festival board until now.

I am pleased to say that the new chair of theatre is Jono Perry, who has been running the Wharf Renewal Project at the Sydney Theatre Company. He will do a great job too. It is important to note that 40 per cent of the membership of the new Artform Advisory Boards is from regional New South Wales and western Sydney. It is important to maintain that level because the 40 per cent that comes from there are almost all from the small to medium sector. In fact, quite a lot of the other 60 per cent come from that sector too. I will give members two great examples of these new people from the small to medium sector who are coming on board.

One is Alice Cadwell, who is the producer and general manager of Spaghetti Circus at Mullumbimby—which I am sure the Hon. Ben Franklin knows well. We also have Sarah Parsons, who is the producer and chief executive officer of the Outback Theatre for Young People in Deniliquin. It is fantastic to have both of them on board but we have some other great examples as well. John Wardle from the Live Music Office is going onto the contemporary music board. At the invitation of the chair, Jennifer Byrne, living legend Richard Walsh will join the literature Artform Advisory Board. [*Time expired.*]

THE HON. JOHN BARILARO

The Hon. PENNY SHARPE (12:05:47): My question without notice is directed to the Leader of the Government, the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given the Deputy Premier yesterday refused to rule out further instances of his behaviour and threats made last week and continued community concern about this behaviour—also noting the comments of the Minister for Transport and Roads—what steps has the Minister taken to ensure stable government in New South Wales?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:06:25): I have nothing to add to my previous two answers on this issue—the one that I gave today and the one that I gave on Tuesday.

TAFE NSW

The Hon. MARK BANASIAK (12:06:36): My question without notice is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Skills and Tertiary Education. TAFE NSW is transposing current positions into the new proposed structure but at a higher grade level to force people to reapply for their jobs, resulting in approximately only 30 per cent of staff directly matching against a position in

what appears to be a spill-and-fill approach. Will the Minister confirm that this is not an underhanded method to circumvent this Government's promise of no regional job losses in the public sector?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:07:09): I thank the honourable member for his question asked in my capacity representing the skills and tertiary education Minister, Geoff Lee. It is quite a specific question on details about staffing positions within TAFE. I am happy to take the question on notice and refer it to the Minister for an answer.

COVID-19 AND SCHOOLS

The Hon. TREVOR KHAN (12:07:42): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the end-of-year celebrations and ceremonies for year 12 students—and will I get an invite?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08:10): I will answer the second part of the question first. I reckon the honourable member could cut a rug on the dance floor with those hips. In all seriousness, I thank the honourable member for his question because—as we have spoken about in this House—the pandemic has required our schools to be incredibly flexible and resilient not only in educating students but also in terms of the logistics of running the school. As I said yesterday, our year 12 students have balanced the challenges of their final year with COVID-19 so well. I am incredibly proud of them as a student cohort. Many of the plans that schools and students made for this year needed to be adjusted due to COVID-19 restrictions. This was important because it helped us to manage the spread of the virus and keep our community safe. But it has impacted the end of year celebrations for school leavers and that is particularly the case in the current term 3.

Unfortunately, we had to issue some advice about particular assemblies and things schools have at the end of term 3 that will not be able to go ahead as normal. I know that has been disappointing for our students but I made it clear I would do everything I could to see what we could do for formals and graduation ceremonies—particularly after the HSC exams—because they are part and parcel of the final year of school. I was happy to be able to work with my department and with NSW Health to find an outcome for these students and their families so that they can celebrate in a COVID-safe way next term.

I am delighted that formals and graduations can take place from 12 November, which is the day after the last HSC written exam. Last week the Government provided some guidelines to our school principals for their formals and graduation ceremonies, to assist them with managing those events in a COVID-safe way. We recognise that, being one-off events, they are a bit different. Some of the things that the Government has asked schools to do include reducing the mingling of guests where possible; holding dance floors outside or in well-ventilated areas; ensuring the capacity of the event does not exceed four square metres per attendee or whatever the requirement of the venue is; restricting the sit-down tables to 10 people, in line with what we see in hospitality venues in the wider community; students bringing their own pens for yearbook signings; and making sure that they follow and promote good hygiene practices.

It is a sensible approach to make sure that we are living with COVID but not stopping students from having a good time and celebrating the end of their schooling. The Government is asking particularly those in the city to look at private transport options. It is making sure that existing restrictions on catering need to be adhered to. The question of dancing is where we started the question and it is where I end it. I am delighted that most formals will be able to go ahead. We are making sure that the students can have a good time on the dance floor. It is incredibly important that they can let their hair down and celebrate at the end of the year. [*Time expired.*]

TRAVELLING STOCK ROUTES

The Hon. ROBERT BORSAK (12:11:08): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Last week, during a Shooters, Fishers and Farmers Party tour of the Minister's Northern Tablelands electorate, observations were made of the degradation of travelling stock routes [TSRs]. They are infested with weeds and are barely accessible to humans, let alone a herd of cattle. Why is the Minister opposed to cattle grazing on TSRs and will the Minister give an undertaking that those TSRs will be managed properly and be fit for purpose, not just in his electorate but also across the State?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:11:45): I thank the member for his question relating to travelling stock reserves [TSRs] across New South Wales and his particular reference to the ones in New England. Travelling stock reserves are a very important part of agriculture. They have saved many people during the prolonged and very difficult drought. I am glad that we are talking about a policy issue relating to a member in the other place that I represent, the Hon. Adam Marshall. I know about his sincere and strong commitment to agriculture. I would love to see more members talk about

agriculture. Considering we are about to have a bumper harvest, it would be great to start talking about how we can move people into getting through that bumper harvest, how GrainCorp is creating jobs and how we want to encourage young people to do that. It is really important.

The Hon. Mick Veitch: I did that yesterday. You weren't listening.

The Hon. BRONNIE TAYLOR: I will take that interjection; I know I shouldn't. I congratulate the Hon. Mick Veitch. He does talk about agriculture and it is important.

The Hon. Robert Borsak: Point of order: I draw the President's attention to asking the Minister to come back to talking about travelling stock routes, rather than harvests and other things. It is not directly relevant.

The PRESIDENT: I uphold the point of order. I ask the Minister to be directly relevant to the different parts of the question that was asked of her. She has deviated from them.

The Hon. BRONNIE TAYLOR: I accept that. I apologise for getting excited about agriculture and not being directly relevant to the question. As I said, travelling stock routes are extremely important to agriculture and to everyone. They have provided a massive lifeline to so many farmers. I do not know if I am the only person in the Chamber who lives on a working agricultural property. We have lots of travelling stock routes through the Monaro and right across the State. As the member's question had detail about a specific travelling stock route that he saw on his trip to New England, I will take the details of the question on notice and get back to him.

JOBKEEPER AND JOBSEEKER

The Hon. WALT SECORD (12:14:21): My question without notice is directed to the Minister for Finance and Small Business. Yesterday the OECD cut Australia's growth forecast for 2021 from 4.1 per cent to 2.5 per cent. The national economy is forecast to contract by 4.1 per cent and this morning the Australian Bureau of Statistics reported that more than 84,000 people in New South Wales have lost their jobs since February, before COVID started, with 288,000 people in the unemployment queue. What steps have the Minister and his Government taken to get the Federal Government to extend the necessary JobKeeper and JobSeeker payments that are in place to help families and businesses? On a small indulgence, I am very pleased that we all prayed this morning that the job figures would improve, and we welcome that.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:15:15): Isn't it good? He had to get that last bit in. For the benefit of the House, we need to make sure that those here know—

The Hon. Walt Secord: For clarification, I have always been bipartisan in jobs and employment.

The Hon. DAMIEN TUDEHOPE: Well, congratulate the Government for all the good stuff that it has done in relation to job figures, because 111,000 jobs have been added to the Australian economy. In New South Wales unemployment is down from 7.2 per cent to 6.7 per cent. The question should have started with the last part of the question, that the Opposition congratulates the New South Wales Government for all the great things it has done.

The Hon. Penny Sharpe: Point of order: We are all very happy about the job figures but the Minister consistently debates the question. Can he just provide an answer?

The PRESIDENT: I remind the Minister that he is to be directly relevant in answering the question asked. It is not for the Minister to suggest how the question should be asked or what the question should contain. I can hear the Hon. Daniel Mookhey and I can see him.

The Hon. DAMIEN TUDEHOPE: I welcome the fact that the shadow Treasurer gave me the opportunity to talk about the manner in which the Government is driving jobs. It was the last part of his question; he got there because he had to. He knew it would be the sort of stuff that Opposition members do not really want to talk about. They do not want to talk about it but they have to acknowledge that in fact the Government has been successful in relation to jobs. In answer to the suggestion that the Government is not focused on the work of government, earlier today I was able to give a litany of achievements in relation to those things which it is doing to drive jobs in this State.

The Hon. Walt Secord: Point of order: My point of order goes to relevance. What steps have the Minister and his Government taken to get the Federal Government to extend the necessary JobKeeper and JobSeeker payments for families and businesses? That is the central part of the question and that is what everyone in the community wants to get an answer to.

The PRESIDENT: Yes, but an earlier part of your question also stated that 84,000 people in New South Wales have lost their jobs since February, before COVID started, with 288,000 people in the unemployment

queue. Clearly the Minister is being directly relevant in relation to employment and, in accordance with your question, unemployment issues. I call the Hon. Walt Secord to order for the first time.

The Hon. DAMIEN TUDEHOPE: Some people probably do not want to be here and listen to my erudition in respect of the great work—

The PRESIDENT: The Clerk will stop the clock. The Minister will resume his seat. The Minister is speaking and interjections are coming from Opposition members and Government members at the table and at the back of the Chamber. I thank the members seated to the right in the upper and lower galleries who are the only 10 members not interjecting. I remind members that the Hon. Matthew Mason-Cox is on one call to order, the Hon. John Graham is on one call to order, the Hon. Penny Sharpe is on one call to order and the Hon. Walt Secord is on one call to order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I remind members that the Government is doing wonderful work in creating jobs in New South Wales. It has created the \$1 billion Working for NSW fund to support direct employment opportunities and retraining, including 1,000 new staff for Service NSW and \$250 million to employ additional cleaners for public infrastructure. It has created the \$3 billion Infrastructure and Jobs Acceleration Fund to be used for smaller shovel-ready projects in every corner of the State, which will inject up to 20,000 extra jobs. Thanks to a \$51 million funding package New South Wales parents will not pay fees for community or mobile preschools for up to six months. The Government has committed up to \$82 million to support 260 council childcare centres that are not eligible for JobKeeper payments and has allocated \$395 million to safeguard council jobs and local services and infrastructure, including the creation—

The Hon. Mark Buttigieg: Point of order: I refer the President to his earlier ruling. The Minister has used over two-thirds of his allotted time in addressing the context component of the question. He has not directly answered the specific question about JobKeeper and JobSeeker and what representations the Government has made about the extension of those schemes. I ask that the Minister be drawn back to the question asked.

The PRESIDENT (12:22:20): It is important that I repeat some of my previous, fairly extensive rulings. It is not for the Chair to direct how a Minister should answer a question, other than to direct that the Minister should be directly relevant. The Chair cannot compel a Minister to answer a question other than in the way he or she wishes as long as he or she is being directly relevant. It is not for the Chair to direct what part of the question a Minister should answer. When questions are asked in a number of parts—in particular, when a part of the question is a general question—it is open to the Minister to answer the part of the question that the Minister wants to answer. As Chair, I cannot compel a Minister to answer only a specific part of the question. Further, it is not appropriate for a member to suggest that a Minister who is not answering a specific part of a question is not being directly relevant if the Minister is being directly relevant to another part of the question. I do not uphold the point of order.

The Hon. DAMIEN TUDEHOPE: The Government has committed \$500 million to move forward with shovel-ready projects, including repairs to public infrastructure and assets. It has launched the Planning System Acceleration Program to speed up planning processes for the construction industry, with 78 projects already approved that will generate a total of over 48,000 jobs. I could go on in outlining the steps taken by the Government to implement job creation programs. The results are being felt.

ABORIGINAL COMMUNITIES SUICIDE PREVENTION

The Hon. SAM FARRAWAY (12:24:13): My question is addressed to the Minister for Mental Health, Regional Youth and Women. How is the New South Wales Government helping to prevent suicide in Aboriginal communities?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:24:30): I thank the Hon. Sam Faraway for his question. In the first week of September I visited the Tharawal Aboriginal Corporation in Airds to launch the New South Wales Building on Resilience in Aboriginal Communities initiative. Under that program the Government is investing \$7.7 million in 12 Aboriginal Community Controlled Health Organisations across the State to increase access to culturally responsive suicide prevention activities for Aboriginal communities. Suicide is the fourth leading cause of death for Indigenous Australians living in New South Wales, compared to the seventeenth for non-Indigenous Australians living in New South Wales.

Earlier this year, 12 Aboriginal Community Controlled Health Organisations from across remote, regional and metropolitan New South Wales were selected to implement the initiative. The programs will be community-run across eight local health districts, with participation and input from Elders and local communities. A growing body of evidence in Aboriginal communities points to the healing power of culture in mental health and suicide prevention. This program is all about empowering local communities to come together to tackle that

pressing issue. Each program will focus on building identity and connection to community as well as helping people to access specialist mental health support when it is required. Activities can be grassroots community activities or clinical services or a mix of those approaches. A culturally appropriate evaluation will provide important new insights into what works in suicide prevention in Aboriginal communities.

It was fitting that we launched this statewide program at Tharawal Aboriginal Corporation in south-western Sydney. It has a long and distinguished history of providing care to the Aboriginal community. I was pleased to join CEO Mr Darryl Wright, an outstanding gentleman, as well as local Elders Uncle Ivan Wellington, Aunty Margaret Anderson and youth representative Ms Tamara Briggs to learn more about the work they are doing. Ms Briggs' speech was absolutely heartwarming. The recollection of it gives me goosebumps. With funds from the Building on Aboriginal Communities Resilience initiative, Tharawal will develop its Bubilyi program focusing on youth suicide. The program will include new workshops, peer-to-peer mentoring, fact sheets, a service directory and a culturally adapted tool for safety planning. Tharawal will work with hospitals and mainstream mental health organisations to improve access to mental health support for Aboriginal people in crisis.

We will continue to work closely with Aboriginal Community Controlled Health Organisations, the Aboriginal Health and Medical Research Council and experts in suicide prevention in Aboriginal communities to support the implementation of this initiative to June 2022. The investment is part of the Towards Zero Suicides strategy; a New South Wales Premier's priority that will invest \$87 million over three years in new suicide prevention initiatives. I commend the mental health branch whose staff have worked tirelessly with Aboriginal communities to ensure the strategy is driven and delivered by them.

-19 AND WOMEN'S EMPLOYMENT

Ms ABIGAIL BOYD (12:27:42): My question is directed to the Minister for Mental Health, Regional Youth and Women. Recognising that women have experienced a disproportionate loss of participation in the workforce during the COVID-19 crisis and with research suggesting that the pandemic's disproportionate economic toll on women could create a larger gender wage gap during and immediately after the downturn, what is the Government doing to invest in jobs-intensive, women-dominated industries like health care, aged care and education as a vehicle for post-COVID recovery?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28:18): I thank Ms Abigail Boyd for her question. The New South Wales Government recognises the impacts of COVID-19 on women. As the member mentioned, there is no doubt that women have been more affected by job losses than men. That is a result of women's over-representation in casual work and in industries like childcare and hospitality, which have been greatly affected by the challenges of COVID-19; the challenges of maintaining an increased load of unpaid work through caring responsibilities, which have been spoken about in numerous forums during the pandemic, and domestic duties; and increased stress and anxiety levels. The New South Wales Government has put in place a number of measures throughout the pandemic, including a \$2.3 billion stimulus package of supports and \$1 billion to support direct employment opportunities and retention of employees through the Working for NSW fund.

The most important thing we can do for everyone at the moment, including women, is make sure that they keep their jobs. We need to make sure that happens. We need that not only for our economic opportunity, resilience and resurgence but also for our physical and mental health. That is why the Government has invested in this package and why it has worked so hard. I understand that today we had five new positive COVID cases, which is a phenomenal result. That is due to the fact that this Government has worked so well, not just internally but with everyone who provides services. The fact that we are at the point where we only have five cases today means that we can start rejigging and opening up and making sure that women, who have borne the brunt of a lot of workplace unemployment in their professions, are able to get their jobs back. We absolutely need that for them.

We have also ensured women's employment by ensuring that businesses can continue to operate. Additional support was provided to frontline health workers in the stimulus package, the majority of whom are female. Some \$60 million has been allocated to provide hospital and ambulance staff the option of staying in out-of-home accommodation during the pandemic. We have also invested \$21 million to respond to sexual, domestic and family violence services. I take this opportunity to congratulate the Attorney General on the good work he has done in this space and the enormous respect he receives from the sector. In April 2020 the New South Wales Government committed \$51 million so that 700 community preschools and 38 mobile services it funds could waive fees for parents. That is so important because it directly benefits women. Many members in this place have spoken about childcare— [*Time expired.*]

BULLYING

The Hon. ANTHONY D'ADAM (12:31:39): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given parental concerns that there are large discrepancies between individual schools and their anti-bullying policies, what is the Minister's response to their pleas for a single, statewide anti-bullying policy for schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32:05): I thank the member for his question, which raises the important issue of bullying in schools across New South Wales. It is important to put on record that bullying of any kind is absolutely unacceptable in our schools. When we talk about having a single approach or policy to how we manage bullying in schools, all sectors are in alignment with the fact that bullying of any kind is absolutely unacceptable. I also say that managing bullying and bullying behaviour in schools is a complex issue and can often be quite unique to individual schools. I hear about bullying when I visit schools and talk to different principals and teachers about some of the issues that they are managing. New South Wales has just over 2,200 public schools and the needs and challenges of students in a city school might be very different to the needs and challenges of students in rural and remote areas of New South Wales.

It is therefore important for schools to have some flexibility in how they manage complex areas of bullying. Knowing that all sectors agree that bullying is absolutely unacceptable is incredibly important. That is why the Government has allocated \$6.1 million over three years to support an anti-bullying strategy, which provides evidence-based information, resources and professional learning to assist teachers, parents and students to prevent bullying behaviours and to respond effectively when bullying occurs. Those resources include our anti-bullying website, which was released in 2017, and brings information on bullying together for schools, parents and students. We have resource kits, including posters to display in schools, postcards with images and questions to stimulate conversations in the home; a teacher guide for use in the classroom or at staff development days; student summits where students can talk about what their schools are doing to stay safe online; and professional development for staff to learn how to respond to bullying situations.

We also know that social media and the internet has added another dimension to bullying and that is why the Government has moved to make changes to the use of mobile devices by students in primary schools and it has given high schools the ability to look at the restriction of those devices if they choose. As I said, significant professional development has been put in place for teachers around online bullying. We have made sure that those resources are available for teachers across New South Wales because we know that many of the complexities of bullying are not restricted to the school grounds—a lot of it happens outside of the school communities, particularly with the advent of social media. I welcome the conversations we are having about anti-bullying and I am interested to learn what other sectors are doing, which is why we are talking to other sectors about their strategies. It is important that we continue to do that to make sure that we learn from each other. As Minister I am open to considering anything else that we might need to do around anti-bullying and learning from other sectors.

The Hon. ANTHONY D'ADAM (12:35:22): I ask a supplementary question. In her answer the Minister detailed a range of support materials that are provided. Will she elucidate on whether any of that guidance material contains minimum standards in relation to what should be in a bullying policy?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35:45): I thank the member for his question. As I said, the strategy and the resources that have come about from it are about bringing together those evidence-based resources. When the strategy was developed—and it was before my time as education Minister—it was done in consultation with world-leading experts, including Professor Donna Cross, Professor Rosemary Johnston and Professor Ian Hickie. The member has specifically asked about the advice that goes out to school communities in terms of minimum standards. As I said, there are excessive resources that go out and there is professional development for teachers. I will check whether that includes information about minimum standards. I have made it clear that New South Wales Government schools have a zero tolerance policy when it comes to bullying, which I cannot express strongly enough. I will check whether there is any specific advice about minimum standards in the professional development resources that are available for schools and come back to the member with a response.

COVID-19 AND HOSPITALITY INDUSTRY

The Hon. MATTHEW MASON-COX (12:36:54): My question is addressed to the Minister for Finance and Small Business.

The Hon. Walt Secord: I hope it lasts longer than your last ministry did.

The Hon. MATTHEW MASON-COX: Was that the shadow Treasurer or the shadow finance Minister over there?

The Hon. Walt Secord: I will be a Minister before you.

The Hon. MATTHEW MASON-COX: I doubt it. Minister, how is the Government looking to stimulate our hospitality sector through outdoor dining?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:37:26): I thank the member for his question. A song that I sing long and loud in this place is that we are doing everything we can to stimulate the New South Wales economy. Given today's figures, we appear to be cautiously making ground. In relation to a previous question that was asked I can indicate that in the latest job figures it appears that the number of women who secured jobs was greater than the number of men. That is one pleasing part of those jobs figures. One of the things we can do to ensure a COVID-safe environment is to look for ways to cut red tape to invigorate the hospitality industry, which is one of the hardest hit industries by COVID-19. We want to have a plan to make more indoor spaces less suitable for large numbers and have more outdoor spaces. I am delighted to inform the House that a new task force has met today to see how we can activate the State's outdoor hospitality spaces while adapting to an environment where COVID-19 transmission still remains a risk. The task force includes representatives from NSW Health, Liquor & Gaming NSW, the Office of Local Government NSW and the Office of the NSW Small Business Commissioner, NSW Police Force, the Department of Planning, Industry and Environment, Transport for NSW and the NSW Food Authority.

The task force will work closely with local governments and local neighbourhoods to consider their use of frameworks for public safety and amenity. The necessary planning changes will be part of the second point, planning and precincts, of the New South Wales Government's six-point COVID recovery plan. The New South Wales approach to alfresco dining will complement the New South Wales Government's 24-hour economy strategy. Earlier this week I proposed a change to the lyrics of Peter Allen's song to give Old Sydney Town a place in the list of those global cities that will never close down. Today I am pleased to propose a minor change to Billy Joel's *Scenes from an Italian Restaurant*:

A bottle of white, a bottle of red,
Perhaps a bottle of rosé instead.
We'll get a table on the street
In our new favourite place,
You and I, face to face.
A bottle of red, a bottle of white,
It all depends upon your appetite
I'll meet you any time you want
In our Italian restaurant
On a charming Sydney street.

WATER MANAGEMENT

Mr JUSTIN FIELD (12:40:35): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Water, Property and Housing. Is it a policy of the New South Wales Government to keep water levels in Menindee Lakes below 640 gigalitres, to retain control of the lakes and to avoid contributing to the South Australian flow commitments?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:41:05): I thank the honourable member very much for his question and would also like to thank him on behalf of Minister Pavey for providing advance notice.

The Hon. Walt Secord: Ooh!

The Hon. BRONNIE TAYLOR: If members want an answer to a question it actually makes sense, I would have thought. It is about the policy and getting the answer to the question, not playing the politics. In answer to the question, it is not a policy of the New South Wales Government to keep water levels in Menindee Lakes below 640 gigalitres. Operation of the lakes is subject to the Murray-Darling Basin Agreement. The agreement allows the Murray-Darling Basin Authority to access water when the lakes' volume rises above 640 gigalitres and until it drops below 480 gigalitres. I am also advised that Minister Pavey's office would be happy to meet with anyone to discuss this matter further.

PRIVATE SCHOOLS HAIRSTYLE POLICY

The Hon. ROSE JACKSON (12:42:18): My question without notice is directed to the Minister for Education and Early Childhood Learning. Why is the Government failing to acknowledge the concerns of high school students of African descent that they are being discriminated against because of their unique hairstyles, known informally as afros, and that they are being forced to cut their hair? Will the Minister reconsider rejecting their concerns in her response to the 23,000 person-strong petition led by Orange-raised rapper James Emmanuel, also known as "JamarzOnMarz"?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:42:59): I thank the member for her question.

The PRESIDENT: The Minister will resume her seat. The Clerk will stop the clock. The Minister did not get a chance to get a couple of words in without interjections from her own colleagues behind her and from the crossbench. As I have indicated before, it is incredibly difficult for Hansard. It is also incredibly difficult for me if a supplementary question is going to be asked and I need to link it to an answer given. The Minister has the call.

The Hon. SARAH MITCHELL: I thank the member for her question. I am aware of the issue that she is referring to and the petition that goes with it. My understanding is that the individual that she has talked about attends a private school. Obviously private schools have responsibilities in terms of their uniform policy. I know that this is something on which my office has sought some advice from the Attorney General in terms of the Anti-Discrimination Act as well. I do not have the advice with me and I want to make sure that I am correct in what I put on the record. I will take the question on notice and come back to the member with an answer, hopefully before the end of question time, but if not then very soon thereafter.

POWERHOUSE MUSEUM

The Hon. LOU AMATO (12:44:29): My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how digitised cultural collections have been supported by the New South Wales Government and the Powerhouse Museum?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:44:42): I thank the Hon. Lou Amato for his question. At the beginning of the week, many of us were very saddened to hear of the passing of former Premier John Fahey. He was an extraordinary person, well liked across the political spectrum. Certainly on this side, many of us will never forget that wonderful leap in Monte Carlo when the Olympic bid was won. It was extraordinary to lose him on a beautiful sunny day, almost precisely 20 years on from those beautiful sunny days when the Sydney Olympics were held. I certainly remember the jump, but I think we read earlier this week about how the Sydney Olympics will always be best remembered by Bob Carr for the extraordinary performances of Cathy Freeman. That can be well understood. People will remember all sorts of different things, perhaps even the prawn bike on the Paul Hogan float during the closing ceremony. It is one of the 600 extraordinary objects related to the Sydney Olympics that are held in the Powerhouse Museum.

Observing those 600 objects is like stepping back in time. One of the best parts of the Parramatta project that the Powerhouse is undertaking is the fact that 330,000 items in the Powerhouse collection are being digitised, including all of those 600 objects associated with the Sydney Olympics. Everyone will be able to see them online for all time. I am very pleased to advise also that right now it is possible to have a curator-led walk-through at the Museum Discovery Centre at Castle Hill. We would have liked it to be much more broadly available than it is, but sadly we are operating under COVID-19 restrictions. If anyone actually wants to see those 600 objects then I encourage them to contact the Powerhouse Museum, because it is possible to go to see them. The curator-led walk-through at the Museum Discovery Centre is a great opportunity to reconnect with major moments of the Olympics. The Powerhouse has also been of great assistance with one other thing: A \$5 million allocation from the Regional Cultural Fund has enabled 11 projects to be digitised across regional New South Wales. They are all underway and many of them are almost finished. Great work, Powerhouse.

ANIMAL CRUELTY

The Hon. EMMA HURST (12:47:51): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. In a discussion paper published by the Department of Primary Industries over two years ago, RSPCA NSW, the Animal Welfare League and NSW Police called for tougher penalties for animal cruelty, saying they are out of step with community expectations. When will the Government be increasing penalties for animal cruelty?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:48:21): I thank the honourable member and I welcome the opportunity to address this important question. The Government is committed to ensuring that all animals in New South Wales are treated humanely and to supporting the strongest possible regulatory framework for animal welfare, which is in line with the community's expectations. The welfare of animals is protected under the New South Wales Prevention of Cruelty to Animals Act 1979 [POCTA] and its supporting legislation. POCTA requires any person in charge of animals to provide care for the animal, to treat the animal in a humane manner and to ensure the welfare of the animal. The Act sets the penalties for the majority of animal cruelty offences in New South Wales to ensure that those who commit an act of animal cruelty are held to account, as they should be.

Animal welfare penalties include court-ordered penalties, financial penalties, imprisonment, penalty infringement notices or on-the-spot fines. Individuals who commit aggravated animal cruelty offences can be fined up to \$22,000 and jailed for two years. Penalties for corporations are up to \$110,000. In 2018 the Department of Primary Industries and the New South Wales Government released the *Animal Welfare Discussion Paper: Improving the current legislation – penalties and critical situations*. The discussion paper sought feedback from the community on several proposals aimed at improving animal welfare in New South Wales, including increasing penalties for specific animal welfare offences. The community response was overwhelming. More than 2,500 people provided feedback, which demonstrated strong support for increasing penalties.

Some 60 per cent of respondents believed maximum animal welfare monetary penalties should be increased, 80 per cent said terms of imprisonment should be increased and 76 per cent supported increasing penalty infringement notices. As part of the current animal welfare reform process, the Government is assessing the adequacy of all penalties for animal welfare offences to ensure that they reflect the severity of an offence and community expectations. The animal welfare reform process is focused on meeting the New South Wales Government's commitment to introduce new, modern, outcomes-focused animal welfare legislation in 2021. The reform project is an opportunity to review all penalties for all offences under the existing animal welfare legislation. As part of the reform process, earlier this year the New South Wales Government released the *NSW Animal Reform – Issues Paper* to seek public feedback on the key issues in the current legislative framework. [Extension of time]

I thank the House for its indulgence. The Department of Primary Industries is currently analysing the community's feedback and considering any necessary changes to the legislation, including on penalty provisions. Any necessary changes to penalty provisions will be addressed as part of the reform process, which is absolutely on track to introduce new animal welfare legislation in 2021. The New South Wales Government has a track record of both protecting animals and enforcing penalties. All members of the Chamber look forward to working with the agencies and the community to ensure that this legislation continues to evolve and strengthen. I thank the House for the extension of time.

PAYROLL TAX

The Hon. DANIEL MOOKHEY (12:52:19): I direct my question to the Minister for Finance and Small Business. In May the Minister revealed that only 19,540 out of a potential 51,697 businesses—less than 38 per cent of eligible businesses—received payroll tax deferrals. Will the Minister update the House on how many businesses have received payroll tax deferrals as of this week?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:53:03): I thank the member for his question. As I have indicated on numerous occasions, the Government is always looking at ways to improve the tax framework to better support job creation. It is amazing that the question came from the Opposition, which wanted to remove the payroll tax relief that was offered by the Government.

The Hon. Daniel Mookhey: Point of order—

The PRESIDENT: Order! The Minister will resume his seat. I call the Hon. Scott Farlow to order for the first time. Does the Hon. Daniel Mookhey seek to take a point of order?

The Hon. Daniel Mookhey: Yes.

The PRESIDENT: You were interjecting. I was about to call you to order, but you seek to take a point of order.

The Hon. Daniel Mookhey: Yes. It was an unorthodox method of seeking to take a point of order.

The PRESIDENT: Do not do it again.

The Hon. Daniel Mookhey: My point of order relates to direct relevance. The Minister is 40 seconds into his answer. Rather than directly responding to my question, the Minister is indulging in a fantasy of his own at the expense of our time. I would prefer if he would answer my question, which was: How many businesses have received a tax deferral as of today?

The PRESIDENT: That was not a point of order. That was a debating point. It was a very clever one, but it was a debating point. I may have upheld the point of order if the member had said, "The Minister is not being directly relevant", and then stopped. But he lost because he turned it into a debating point. He completely ruined it by insisting that the Minister answer only one part of his question. I could not make it any clearer: Members cannot do that. For those two reasons I do not uphold the point of order.

The Hon. DAMIEN TUDEHOPE: I am delighted to answer the question. The Government has sought to reduce the payroll tax burden on businesses by increasing the payroll tax threshold progressively to \$1 million.

The threshold was increased from \$750,000 to \$850,000 on 1 July 2018, from \$850,000 to \$900,000 on 1 July 2019 and then from \$900,000 to \$1 million on 1 July this year, a year earlier than originally planned. With the final increase to the threshold now in place, businesses are expected to save up to \$5,450 a year in payroll tax.

The New South Wales Government has further acted to support businesses during the global health pandemic with measures in place to provide much-needed cash flow and more scope to retain employees. The measures include an automatic 25 per cent reduction to the annual payroll tax liability with a payroll of \$10 million or less for 2019-20. The measure will provide up to \$450 million in tax savings for those businesses. The deferral of payroll tax payments for all businesses, including those with payrolls over \$10 million, is for six months. Up to \$4 billion has been deferred.

Thanks to the progressive raising of the payroll tax threshold, as of 9 September 2020 only 52,088 customers were registered for payroll tax in New South Wales out of about 806,000 businesses in total. If a customer's estimated tax payable in a financial year is \$20,000 or less, payroll tax may be paid annually. If it is more than \$20,000, payroll tax must be paid monthly. For the August 2020 period, of the 24,273 customers that are usually required to pay monthly, 15,326, or 63 per cent, chose to take advantage of the deferral option. The remaining 8,945 customers chose not to defer and either made a payment or lodged a nil return for the period. The Hon. Daniel Mookhey attempted to characterise the deferral of payroll tax as minuscule. He said, "Only 19,000 were deferred. That's all." He seems to have overlooked the fact that, thanks to the increasingly high payroll tax threshold, less than 6.5 per cent of the 806,000 businesses— [*Time expired.*]

The Hon. DANIEL MOOKHEY (12:57:30): I ask a supplementary question. The Minister said that 15,000 businesses make annual tax payments, plus an additional 8,000 businesses, which means that in total 24,000 businesses out of 52,000 businesses have claimed relief. Will the Minister elucidate what steps are in place to promote the deferrals for the other 26,000 businesses, which is more than half, that have not accessed any of these deferrals under the program?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:57:57): I thank the member for his supplementary question. I suggest to him that the figures demonstrate there are companies that have sought the deferral and others that have not. It is consistent with Revenue NSW's concierge approach to businesses that have difficulty paying payroll tax by offering them deferrals and by offering a period where other payment arrangements can be made. The circumstances are these: In many respects, the potential deferment is tricky.

On the one hand they point to the fiscal cliff, but a lot of businesses say, "We want to push through this. We want to pay our payroll tax. We do not necessarily want to have a deferred debt." I hate to say I have had significant experience talking with Revenue NSW. The concierge service for businesses and, in fact, anyone who has difficulty paying fines, land tax or the like provides other opportunities to deal with those arrangements. In many respects those figures are a tribute to the way the Government is handling a very sensitive issue. It is making sure that as much opportunity as possible is given to the people who pay revenue in the State to either defer their payroll tax or alternatively reach arrangements to pay it over a period of time. The Hon. Daniel Mookhey ought to be addressing or acknowledging that the Government has put in place all the steps necessary to support and help small businesses.

The Hon. WALT SECORD (12:59:52): I ask a second supplementary question. Will the Minister elucidate his answer in regard to what hardship provisions are in place for those who are unable to meet the deferral or, as he described it, "have difficulties"?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:00:16): I mentioned in my answer to the first supplementary question that in place are significant opportunities to concierge, to defer or to have hardship provisions. A significant number of taxpayers have payment plans. The reality is that the reconciliations are due in October, so the 26,000 businesses that pay payroll tax annually are in a circumstance where it is not even due yet. The fact that this is not due until next month often means that those arrangements would not be put in place until the payment is made. The Government should be congratulated. I take it that in the take-note debate members opposite will take plenty of time to say, "Well done to the New South Wales Government. It has absolutely kicked another goal here and it has looked after the taxpayers of New South Wales."

The PRESIDENT: Order! The Minister is asked to answer the question directly, not to pre-empt what will be said in the take-note debate.

The Hon. DAMIEN TUDEHOPE: I welcome the encouragement from those opposite in relation to all the wonderful measures that the Government is taking to create jobs and assist businesses.

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

*Supplementary Questions for Written Answers***COVID-19 AND HOSPITALITY INDUSTRY**

The Hon. JOHN GRAHAM (13:02:18): My supplementary question for written answer is directed to the Minister for Finance and Small Business in relation to the night-time economy. Since 1 March how many jobs have been lost in the New South Wales night-time economy in (a) greater Sydney and (b) regional New South Wales? And given these job losses, why was the total amount of new funding amount announced on Monday as part of the long-awaited 24-hour economy strategy from the Government precisely zero dollars?

WATER MANAGEMENT

Mr JUSTIN FIELD (13:03:15): My supplementary question for written answer is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Water, Property and Housing. Given that water volumes in the Menindee Lakes are a function of how much travels down the Barwon-Darling, can the Minister explain why on the usage dashboard that outlines water take in the Barwon-Darling there has been a change between the dates of 14 September and 16 September that shows a reduction of water take in the river system from 473 gigalitres to 236 gigalitres without explanation?

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

The Hon. WALT SECORD: I move:

That the House take note of answers to questions.

JOBSEEKER**COVID-19 AND HOSPITALITY INDUSTRY**

The Hon. WALT SECORD (13:04:22): As the shadow Treasurer, I take note of answers given by the Minister for Finance and Small Business. Yesterday the finance Minister claimed that New South Wales had a gold standard economy. It is a remarkable claim when New South Wales is eighth out of eight jurisdictions. Yesterday the OECD revised its forecast for the Australian economy to say that it would contract by 4.1 per cent. Today the Australian Bureau of Statistics reported that 84,000 people had lost their jobs since February and that there are 280,000 people in the unemployment queue.

This morning we prayed that there would be an improvement in the unemployment rate. I wish to send a message of thanks to the businesses in the community that took on their staff during these tough times. I thank them for doing the right thing and hope we get through this together. Unemployment is still hitting women particularly hard. It is also affecting people in rural and regional areas—some 76,000 rural and regional young people are unemployed. We still want to see a review of programs by the New South Wales Government involving its so-called COVID assistance programs, particularly those involving renters and landlords.

Finally, I wish to end on a positive note. Tomorrow marks the beginning of the Jewish high holy days of Rosh Hashanah and Yom Kippur. These are a very unusual times. Rosh Hashanah has been celebrated in communities, homes and synagogues across our State for more than 175 years. These celebrations will need to be marked in a very different way, including that families will connect online rather than in person, which will be difficult; religious services will be conducted by Facebook live or Zoom; or they will be pre-recorded and relayed. In Orthodox synagogues services will be conducted in staggered services. I am sure that Jewish families will find themselves connected to celebrate in a COVID-safe environment as we mark the high holidays. I wish everyone in the community, particularly the Jewish community, shana tova. May we have a sweet and good year ahead. May we see further improvements in unemployment. We can get through this together.

ANIMAL CRUELTY

The Hon. EMMA HURST (13:06:32): I take note of the answer given on the issue of tougher penalties for animal cruelty. It is frustrating to have yet another question about animal cruelty dismissed by reference to the Animal Welfare Action Plan. In the March budget estimates, I asked the Minister about the Animal Welfare Action Plan. He said, "If we identify something that we need to address urgently, we can do that via regulation as a stop-gap until we do the bigger legislative piece." When I asked the Minister if tougher penalties was something that would be prioritised ahead of the plan he said, "Correct. It does not mean we just put the brakes on and stop doing anything in this space until then."

However, the answer that we heard today from the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales, referred again to the Animal Welfare Action Plan. The date given by the Minister was that the consultation period would finish at the end of

2021. However, when we have spoken with the Department of Primary Industries it has said that it will take several years before any regulation changes or amendments to the legislation will come into play. This is not an issue that can wait. New South Wales has the lowest penalties for an act of animal cruelty anywhere in the country. I note that the Minister talked about aggravated cruelty offences but these are very high bar, difficult to reach penalties. In New South Wales the maximum fine for an act of animal cruelty is just \$5,500. To put that in perspective, it is nearly \$40,000 in Victoria and \$50,000 in Western Australia.

The Minister also said that these people are being held to account. I refer to a couple of the recent fines issued in New South Wales: A person who beat a puppy and put the footage up on the internet received a \$600 fine, a man who beat a mother ringtail possum to death received no fine, and a man who beat and kicked his dog and filmed it to send to his ex-girlfriend as revenge received no fine. Do we honestly think that these people are being held to account when we have penalties as low as \$5,500? It gives a low benchmark for judges and it sends the message that animal cruelty is a low-level crime when it is not. All authorities want the penalties increased. They have been calling them inadequate and out of step with community expectations. It has already been two years since the Government's consultation took place. The statistics that the Minister read out, which strongly support an increase in penalties, were from over two years ago and there are still no reforms. We are now hearing there may not be further reforms for several years and we need action on this now.

POWERHOUSE MUSEUM

The Hon. LOU AMATO (13:09:09): I take note of answers provided by the Hon. Don Harwin. The Powerhouse Museum has the largest collection of Sydney Olympics objects in Australia, featuring more than 600 objects. If anyone has not been to the museum to see the collection they should go, and they should encourage their family and friends to go as well. The Powerhouse digitisation project is capturing these objects as part of the museum's work to digitise more than 330,000 items from its incredible collection, enhancing its accessibility for local, national and international audiences. Many people wish they could come here, but unfortunately, for one reason or another, they do not have the ability to do so, so this is a fantastic project.

The collection features the torch used by Cathy Freeman to ignite the Olympic cauldron at the opening ceremony, and the prawn bike—I remember that—used in the closing ceremony on the Paul Hogan float. Eleven regional collection digitisation projects funded under the Regional Cultural Fund are already underway or complete. The task of digitising New South Wales regional collections, with an average of 10,000 items per collection, is truly immense.

ABORIGINAL COMMUNITIES SUICIDE PREVENTION

The Hon. PENNY SHARPE (13:10:37): I take note of answers given today. I focus on an answer given by the Hon. Bronnie Taylor concerning suicide and a program that is targeting and working with Aboriginal communities. I can say that enough cannot be done in this area. The issues that impact on Aboriginal communities are immense. There are serious problems with the child protection system, where 40 per cent of the kids in out-of-home care are Aboriginal, even though only 5 per cent of them make up the population; and the incarceration of Aboriginal people is disproportionate to anywhere else. I urge the Government to do more in this area. I understand that it is not an easy thing to deal with, and all of us have been touched by suicide in some way.

I particularly pay respect to a young man who was a friend of mine—way too young—who tried to live, in the words of his friends, a life looking for connection. He was taken as a baby and was placed into a series of foster homes. He escaped to the streets of Perth aged 12. He fought for 30 years to have his white foster parents convicted for sexual abuse of him and other boys. He self-medicated with drugs and ended up in jail. He survived that and moved to Sydney for a fresh start. He was a Noongar man living on Gadigal land. Chad was someone who weaned himself off heroin, crystal meth and alcohol. He cared deeply for his dog, Jazzy. Chad was my friend. He was a political nerd and became a political activist against all the odds. He was always a mad South Sydney Rabbitohs fan. He was a dog lover and he was a kind and humble man. Two days ago he took his life. We have to do more.

JOBKEEPER AND JOBSEEKER

The Hon. MARK LATHAM (13:12:34): I take note of the answer given by senior Minister Tudehope, the Minister for Finance and Small Business. I am quite concerned about the hubris that he brought to his presentation in that while these job figures today are welcome, unemployment is a lagging indicator. The survey cycles through a sample of the changes on a monthly basis and can be somewhat unreliable. The figures are welcome and I hope they are 100 per cent accurate, but it may well be that we look back and think that it was an unusual piece of data. We do know that in the national accounts, regarded as more reliable, there was an 8.6 per cent collapse in State aggregate demand in the June quarter.

In the current circumstances it is an unusual time for economists measuring these things. I use an anecdote of a personal experience: my barometer is the car park at Leumeah train station, which this time last year had thousands of cars and if you got a spot way up the back at 8.30 a.m. you were doing really well. Today it has about 200 cars and it is a COVID testing station. Where have all the thousands of commuters gone? Some are working at home, some have lost their jobs, others are on JobKeeper. But all of that falls off the cliff at the end of this month in many respects. So I do not think we can be complacent. I do not think we can celebrate monthly data, although we hope it is true. I think the main thing for the Government and the Parliament to do is to stick to the fundamentals and create jobs—lift the ban on all those industries I mentioned earlier in the week and support the ideas that the Hon. John Graham has developed about the night-time economy.

The Treasurer has said that he wants to reboot the Sydney central economy, particularly at night, but the truth is that it has hollowed out; there is hardly anyone around in the Sydney CBD. Instead of holding meetings and seminars and talking about it, what the Government should be doing is taking action—stop scaring people that the trains are unsafe. The trains have never been cleaner or more empty and I think it is time for people to recognise that public transport bringing them into the centre of Sydney is a good thing. The Government should bring the public servants back to the workplace so they use the cafes, restaurants and bars and stay in the city at night. There are reports—I believe they are accurate—that 95 per cent of public servants are working from home and that it has hollowed out the Sydney central economy.

The third thing the Government should do—I know, Mr President, you will note this—is open up the public buildings, starting with this one, so we can get back to a sense of normal arrangements where we are living with the health circumstances but recognising the importance of jobs, and support all the night-time economy initiatives. There is no night-time economy if there is no day-time economy, and that is the problem for Sydney at the moment. I would much rather see the Government working on those things than being cock-a-hoop in an economic circumstance that, quite frankly, remains frightening.

COVID-19 AND HOSPITALITY INDUSTRY

PAYROLL TAX

The Hon. SCOTT FARLOW (13:15:35): I take note of the answer given today by the Hon. Damien Tudehope, the Minister for Finance and Small Business. The Hon. Mark Latham just said that a government should not talk so much but act. The Hon. Damien Tudehope outlined today how the Government is acting when it comes to outdoor dining and how the task force is coming together to put in place what is needed to ensure that we can revitalise our city, to ensure that outdoor dining is a reality and to see that resurgence in the city as the Hon. Mark Latham just mentioned.

Only a couple of weeks ago I walked down George Street and met with Luke Mangan to discuss outdoor dining and how we could revitalise the city. We have seen the revitalisation of cities like London, New York and Los Angeles with outdoor dining during this COVID period. Of course, they have had to do that because they have not been able to dine indoors. But here in New South Wales we have been able to manage both the virus and our economy, and we have been able to ensure that restaurants can open for trade and dine-in trade. But we need to ensure that there is a reason for people to go into the city. When we have the natural advantages that this city has we need to make the most of them, and that is what the Treasurer and the Hon. Damien Tudehope, the Minister for Finance, are looking at doing for this summer, so that we do have a great Sydney summer. That will be discussed tomorrow at the business summit hosted by the Treasurer to talk about how we can get Sydney moving forward. I know that the Minister for Finance will be there and I will be there as well.

The Hon. Mark Latham just outlined a few of the things that we can look to as well to revitalise this city and get people back into the city. We have a two-speed economy in New South Wales: the Sydney CBD, which is struggling and by all accounts is doing less than 50 per cent of pre-COVID business; and the suburbs and the regions, which are bouncing back, in most cases, to near pre-COVID levels—in some areas better than pre-COVID levels. We need to focus on the city, and that is what the Hon. Damien Tudehope has outlined.

I take note also of the answer the Minister gave to the question from the Opposition concerning payroll tax. It seems that members opposite have a bit of amnesia in relation to payroll tax and what they went to the last election with. At the last election the Opposition policy was to not proceed with an increase to the payroll tax threshold to \$1 million, which we now see, as the Hon. Damien Tudehope mentioned. No increase would have meant that another 38,000 businesses across New South Wales would be paying \$8,175 more per year, and in this environment that is something no business could afford. [*Time expired.*]

THE HON. JOHN BARILARO
JOBKEEPER AND JOBSEEKER

The Hon. MARK BUTTIGIEG (13:18:43): I participate in this take-note debate because, like the Hon. Mark Latham, I was struck by the level of hubris and arrogance in answers to some of the questions that were asked. The Government dismisses out of hand questions about what steps it has taken to ensure stability. I think it is worth quoting what was reported in *The Sydney Morning Herald* this morning: On Thursday morning, senior Liberal minister Andrew Constance warned the Coalition partnership has never been so unstable as it has been with Mr Barilaro as Nationals leader. The Transport Minister accused Mr Barilaro of "buggering up" the stability of the state government, a day after the Nationals leader failed to rule out threatening to leave the Coalition again.

Mr Constance said Mr Barilaro's "politically reckless" behaviour during question time on Wednesday had angered him and other Liberal MPs, and called into question the viability of his leadership.

"I thought his behaviour in the Parliament yesterday was unnecessary, he stood up and didn't guarantee the Coalition ... We're there for stable government, I suggest he should be too.", Mr Constance said.

When my colleagues the Hon. Adam Searle and the Hon. Penny Sharpe asked these questions about what steps the Hon. Don Harwin had taken to ensure stable government, he said that there was nothing to see here and he would not give it the time of day. His answer was arrogant and out of touch. If those opposite think the people of New South Wales do not take this stuff seriously and they see—in the middle of a pandemic—the leaders of the Coalition squabbling over a koala SEPP when they should be concentrating on economic growth and creating jobs, they have got another think coming.

We will not give up just because the Coalition does not like answering the question. I also want to address the question that was asked about what we are doing to make representations about JobKeeper and JobSeeker. This was a valid question, which the Minister avoided by trumpeting how well the Government has done on the monthly job figures. I remind the House that unemployment has gone up from 4.6 per cent to 6.7 per cent since the start of the pandemic. If Government members do not think JobKeeper and JobSeeker should be extended and they do not want to make representations that is fine—but they should tell us that they do not think it is a good policy. To simply avoid the question is untenable because they have to come here and be accountable to us and tell us whether or not they think those things are worth extending. If Government members do not want to make representations to their Federal counterparts that is fine, but they should fess up and be honest about it.

WATER MANAGEMENT

Mr JUSTIN FIELD (13:21:45): I take note of the answer to my question today about Menindee Lakes. I asked whether it was a policy of the New South Wales Government to keep water levels in Menindee Lakes below 640 gigalitres to retain New South Wales control of the lakes and avoid contributing to the South Australian flow? I was pleased to hear the Minister say it was not a Government policy but perhaps I should have asked whether it was the policy of the water Minister because there is a curious thing here. The New South Wales water Minister, Melinda Pavey, said at a recent Farm Writers' Association of NSW event:

There's a good lick of water in Menindee and we need to keep it there as long as possible and having it in NSW management is the best way to achieve that.

It may just have been a slip of the tongue and a slight misrepresentation while speaking to an understanding audience, but the only way New South Wales can keep Menindee under New South Wales control is to limit the amount of water that flows into it. It can reduce inflows into Menindee by allowing more extractions upstream—and it can do that through a range of ways. We recently saw major rainfalls in the Northern Basin during February and March and approximately 320 gigalitres reached Menindee Lakes—well under the level for New South Wales to retain control.

During the floodplain harvesting debate the Government said that only about 32 gigalitres was captured by floodplain harvesting during those rains and much more was captured under other licensing in the region. But southern irrigators told that inquiry, based on quite reasonable assumptions, that much more—maybe as much as 900 gigalitres—was captured through floodplain harvesting interception events. So there is a curious question here about how such little water made it to Menindee and whether or not that was a planned situation. I have asked a written supplementary question about this and I look forward to the answer. I appreciate the Minister's offer to speak about any concerns.

People are concerned about this issue because in the last two days the figures about the level of take in the Barwon-Darling and the direct river contribution of Menindee Lake have changed massively. Three days ago figures showed that 473 gigalitres had been captured under various licensed categories in the Barwon-Darling in the last financial year and the only event was the February and March event. That is about 60 per cent more than

2016-17 and much more historically than ever before. Now suddenly it has changed and it has been reduced to 236 gegalitres, which would substantially change the mathematics around the control of Menindee Lakes. Some explanations are needed by the water Minister about her policy—if not the Government's policy—and why these figures have suddenly changed.

THE HON. JOHN BARILARO

The Hon. MATTHEW MASON-COX (13:24:46): I take note of the answer given by the Leader of the Government to the first question today, relating to support for the Deputy Premier. The Minister referred to his previous answer: that he completely supports the Deputy Premier. However, the Opposition Whip suggested that support is not forthcoming. I want to respond to that directly and make it abundantly clear that the Minister was referring to an answer given previously in which he clearly stated his support for the Deputy Premier as a member of this Government—as do I. It is important to note that this is a difficult issue for the Coalition and some of the simple glossing over and gratuitous comments from all sides has been disappointing.

I looked at the State Environmental Planning Policy [SEPP] in question and the details are quite enlightening. When I looked at the maps across New South Wales I was surprised to see the extent of the pink expanse. When I looked into my community, I found that my house is covered by a sea of pink. I live on a property that is just over one hectare—meaning I am subject to the SEPP in completion rather than living on a smaller residential block. I also found that my wife's business, in the middle of Queanbeyan, was subject to a sea of pink, which concerned both my wife and I. There is one tree—which the Hon. Walt Secord probably will have seen on his tour of the pie shops of New South Wales—on the corner of Monaro Street and Crawford Street, Queanbeyan, that we call the tree of knowledge. Apparently it is a koala hotspot. So there are problems with the maps and the gratuitous comments that are going to and fro probably need to come to an end. We saw some of that during the Eden-Monaro by-election; the Deputy Premier and the transport Minister are carrying that on a little too long. It is time to settle down and get back to work because this is a great Government that continues to do wonderful things for the people of New South Wales.

JOBSEEKER AND JOBSEEKER

COVID-19 AND HOSPITALITY INDUSTRY

The Hon. JOHN GRAHAM (13:27:52): I take note of the answer from the finance Minister. I join with my colleague the shadow Treasurer in welcoming the slight uptick in these volatile monthly figures because it is welcome and it is important to acknowledge that. But the context is that there are 288,000 unemployed in New South Wales. I also welcome the Minister's comments on the night-time economy. It is the first time I can remember the Government acknowledging that this is one of the hardest hit sectors. I welcome the Leader of the House putting that on the record. That comes off the back of where we were already—we were forty-eighth out of 48 cities around the world for our night-time economy.

When the great cities of the world were reviewed last year, we were bottom of the list. So it was already tough and—as the Minister said—it has got tougher. I welcome the direction the Government is finally heading in on outdoor dining. It is fantastic to have it heading in this direction because we want the Government to get on with it and use the COVID-19 powers it has used to keep tradies in work in these sectors as well. We need to keep people in work, not just for dining—although I welcome the comments on dining—but for performance as well. That is how we get the music back. That is how other cities are doing it and we should do that in Sydney. The Opposition wants the Government to not just talk about it but get on with it before summer. I welcome the Minister's comments.

The Opposition is calling for a four-dimensional response to the current crisis. We have to hold the line. We have to support those night-time businesses with stimulus. Instead, on Monday we saw the Government commit zero dollars as part of its night-time strategy. We have to aim high: Sydney should be the number one destination in our region. We have to spread out and use outdoor space. We have to use time better. We have to trade later and allow people to socially distance in that way. I note that the Minister threatened to sing. You will not hear me doing that; I will leave it to the professionals. I will tell you who else should leave it to the professionals: the New South Wales Government. I note its *Sydney's 24-hour Vision* poem as part of the strategy. I will read a part of it. I quote:

There are cities and then there are cities.
Places that exist, not just on maps,
but in culture, nostalgia and in our wildest imaginations.
There are cities that never sleep but somehow keep you dreaming.
Global cities.
Sydney is one of them.

I cannot read it all but it ends as follows:

A place where everyone feels safe.
 Where we are all able to participate.
 Where we can unleash our creativity and celebrate self-expression.
 Where we also value our functional amenities—late-night pharmacies, all-hour gyms and accessible public transport.

Sadly, I have been cut off. [*Time expired.*]

ABORIGINAL COMMUNITIES SUICIDE PREVENTION

The Hon. SAM FARRAWAY (13:31:07): I take note of the answers given by Minister Taylor. I also acknowledge the Hon. Penny Sharpe's contribution about Chad; I acknowledge that it was a personal thing to share. Hopefully we are getting some achievements in that space from some of the policy that the Minister outlined. [*Time expired.*]

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. NATALIE WARD (13:31:34): I contribute to the take-note debate. I am so pleased to be a part of the team that is responding to the COVID pandemic and is providing a way forward. I was pleased to note the comments of Minister Tudehope about the night-time economy and the contribution of the Hon. John Graham and the Hon. Mark Latham, who were participants in the inquiry. Now that so many things are being done by the Government and it is getting on with the job and delivering, the poor Hon. John Graham may need a new shadow Ministry because there is probably not going to be the need for a shadow night-time economy Minister. Nonetheless I acknowledge his great work in that area, and the Government's great work in ensuring that we act on the recommendations and make it easier for businesses to provide outdoor dining and trade late into the night. We see the \$16 billion economy as a way forward out of this pandemic. It assists our providers of night-time services, hospitality and music to find their way forward.

I disagree with the Opposition Whip's characterisation of hubris from the Minister for Finance and Small Business, who is doing a magnificent job together with the team. I did not take a point of order because I did not want to take up the time of the Opposition Whip, but the Government is absolutely concentrating on economic growth, which is what the Minister talked about in every answer today. Every Minister talked about what they are doing. Perhaps the reason we are all a bit tetchy is that we are tired from working bloody hard to get our way out of the pandemic. We are concentrating on jobs, the economy, infrastructure, schools, hospitals, roads, rail, metro and saving koalas all at the same time. Today *The Australian* talked about the jobs miracle and it is true: A total of 111,000 jobs have been added, despite the drag from Victoria and Queensland. Queensland has a \$100 billion debt. We have a \$100 billion infrastructure pipeline in this State that we are working on and delivering every single day.

The Government has a planning acceleration program and it is implementing what it has promised to implement. It is focused on keeping people in jobs and businesses in business because it has the credentials to do that. Government members actually deliver the numbers they talk about. Since March we have announced \$16 billion in stimulus and tax relief. As the finance Minister outlined, there are \$159 million for a skilling-for-recovery program and \$3 billion in the jobs and infrastructure fund, accelerating our planning systems and injecting \$25 billion and 50,000 jobs. That is not hubris; with respect, it is facts. We are delivering all of these things every day in every way possible. I stand by the Government's commitment. [*Time expired.*]

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

Motion agreed to.

Deferred Answers

CHILD PORNOGRAPHY

In reply to **the Hon. PENNY SHARPE** (27 August 2020).

In reply to **the Hon. GREG DONNELLY** (27 August 2020).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

The Department of Education has withdrawn the individual's approval to teach in New South Wales public schools.

YOUNG COUNTRY UNIVERSITIES CENTRE

In reply to **the Hon. MICK VEITCH** (27 August 2020).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

I am advised that early draft designs of the project to provide a new library and community facility at Young High School showed space for a Country Universities Centre [CUC]. As this is a joint-use project between the Department of Education and Hilltops Council, the council consulted with CUC for a potential space at the facility. However, I am also advised that CUC did not wish to proceed.

The department can confirm that it has not received a proposal for the establishment of a Country Universities Centre [CUC] in Young.

The New South Wales Government's CUC program will fund the establishment of five new centres, with three locations already approved. Proposals for the final two centre locations are due to the Department of Education in 2021.

PROTECTED ANIMALS REGISTER

In reply to **the Hon. MARK PEARSON** (27 August 2020).

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts)—The Minister provided the following response:

I am advised that:

The 2019-20 bushfires and the current COVID-19 crisis has delayed updates to the online public register of licences to harm protected animals. The register should be updated by the end of October.

Updates of this register must be prepared manually using data from a number of separate sources, which does not allow for real time changes. The Department of Planning, Industry and Environment is currently exploring options to improve the process.

ELECTRIC VEHICLES

In reply to **the Hon. ROD ROBERTS** (27 August 2020).

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts)—The Minister provided the following response:

The Net Zero Plan Stage 1: 2020-2030 has increased the target for new passenger vehicles in the New South Wales Government fleet to 30 per cent electric or hybrid vehicles by 2023, with at least 10 per cent to be fully electric. Thirty per cent of new passenger vehicles equates to about 900 new passenger vehicles by 2023, which means about 600 hybrid vehicles and 300 battery electric vehicles.

The New South Wales Government has already exceeded the target for hybrid vehicles in 2019 and 2020. Today, hybrid vehicles come at no additional whole-of-life cost compared to conventional combustion engine vehicles, largely because hybrid vehicles use less fuel.

The additional cost of meeting the commitment to 10 per cent fully electric vehicles in 2023 is estimated to be \$6 million. This will be partially offset by lower vehicle running costs. Associated fuel and maintenance cost savings are estimated at around \$525,000 per year.

The Net Zero Plan aims to support the development of the electric vehicle market in New South Wales so that these clean and efficient vehicles are readily available to the people of New South Wales when price parity is achieved with traditional combustion engine vehicles. Upfront price parity is forecast to be achieved in the middle of this decade.

Written Answers to Supplementary Questions

STATE ECONOMY

In reply to **the Hon. MARK LATHAM** (16 September 2020).

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business)—The Minister provided the following response:

The Treasurer and the Treasury are focused on getting on with the job of economic recovery from the COVID-19 pandemic.

SCHOOL CURRICULUM

In reply to **the Hon. JOHN GRAHAM** (16 September 2020).

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning)—The Minister provided the following response:

As I stated in the House yesterday, the report asserts the importance of teaching writing as a whole-of-school responsibility and highlights the need for specific resources in teaching writing in subjects other than English. The new New South Wales syllabuses will explicitly reference the teaching of writing, not just in English but also in subjects like history and science that have their own style of writing.

While primary teachers and secondary English teachers have a critical role in establishing foundational writing skills, writing is the main way in which students both learn and demonstrate what they have learned in most mandatory subjects.

Secondary teachers in other curriculum areas have a responsibility to ensure that student writing is at a standard that maximises their participation in learning and meets the writing expectations of assessment tasks and exams in these subjects.

Currently, the English K-10 syllabus is the only source of detailed direction in the curriculum about how to teach and develop writing. The writing demands of other courses are implicit but not explicitly stated in the syllabus.

An overarching theme of the Curriculum Review's final report is to make explicit in new syllabuses, for every subject, that skills in applying knowledge are part of the intended learning, and show how these skills are to be developed over time.

Support materials for subjects in key learning areas other than English will make explicit the writing demands of those syllabuses, and provide advice on teaching and assessing writing across different disciplines.

Committees

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Government Response

The Hon. DAMIEN TUDEHOPE: I table the Government response to report No. 10 of Portfolio Committee No. 6 – Industry and Transport entitled *Digital Restart Fund Bill 2019*, tabled 24 March 2020. I move:

That the report be printed.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. DAMIEN TUDEHOPE: I table the following paper:

- (1) Tattoo Parlours Act 2012—Report on review of Act, dated July 2020.

I move:

That the report be printed.

Motion agreed to.

The PRESIDENT: I will now leave the chair. The House will resume at 3.00 p.m.

Matter of Public Importance

LIBERAL-NATIONALS COALITION

Debate resumed from an earlier hour.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (15:00:13): It is important that members focus on policy in this House. When members decide to play the person, I ask them to remember that that person may be a mother, a father, an uncle, an aunt, a sister or a brother. To rise above politics members must focus on policy and what is meaningful and important. I am not suggesting that I always get it right in this place—far from it. Unlike many members in this Chamber, I entered politics without a lot of experience with political parties. However, I care about my communities and I care about doing the right thing. The right thing is always to stick up for the right policy. I find it somewhat rich for members of the Labor Party to make things personal and to talk about the Government's koala policy when the Labor Party does not even have one. If Labor members cared genuinely about the issue, they would have a koala policy. When the Leader of the Opposition was asked directly about their koala policy, it was plain that the Labor Party simply does not have one.

Some 69 people were watching the broadcast of today's debate in this Chamber. Again I say that members should be careful about what they say and how they behave. We should remind ourselves that we are here to debate policy, not personality. We should not use the excuse of "the rough and tumble of politics" because it is not what our communities expect of us. Our communities expect members to fight for them in this place. I respect the fact that sentiment about this policy in my community may be different to the sentiment in other members' communities and, indeed, in the community of Mr David Shoebridge, who introduced the motion. Everyone expects us to be respectful, decent human beings. Today only 69 people are watching the Legislative Council. It is now 3.00 p.m. and all we have done is to lash out in personal attacks, which demonstrates aspects of this Chamber about which members should not feel proud. I am proud to be a member of the NSW Nationals and I am proud to stand behind our leader. I am proud of our policies and I respect the fact that other members' policy views may be different. I remind all members to play the policy, not the person.

The Hon. ROD ROBERTS (15:04:10): I make a number of observations. I am not here to be a poster boy for the Government. However, I am glad I live in New South Wales and not in a Labor-controlled State like Victoria or Queensland. I ask: How well are those States travelling? It is clear from the way that the Government has negotiated the State through the pandemic that it is not distracted from the most important issue facing the people of this State: Their health, and the health and safety of their loved ones. As any member who is or has been

in a relationship will know, and should honestly acknowledge, issues of conflict will arise in a relationship. It is a fact of life that one partner will think they are right while the other thinks their own view is correct. It happens also in political parties.

I support the Deputy Premier and members of The Nationals in calling out what is clearly a defective policy. Members who take the time to look at the maps provided will see that they are faulty. Members of Parliament who stand up for their constituents should be applauded. All members in this Chamber are here to represent the views of the people who elected them; not to lie down, roll over and accept something they believe is materially wrong. I was surprised to see that two bills were set down for debate in this Chamber on today's *Notice Paper*. Clearly the Government continues to move forward. However, progress has not yet been made today because some members are trying to make political mileage from this motion. No government business has been discussed yet because certain members in this Chamber are trying to appeal to their constituents. Have members noticed the paradox in that?

Mr David Shoebridge: I am getting death stares.

The Hon. ROD ROBERTS: I will ignore the rude interjection made by Mr David Shoebridge in breach of the standing orders. The only people pursuing the issue are members of the media and members opposite. The last country that tried to run a government without internal scrutiny was Stalin's Russia. We all know how good that was. I am glad this Government has checked itself. It is a pity it did not do so before it headed into disastrous and ill-considered policies like lockout laws, forced council amalgamations and bans on greyhound racing. Do I need to go on? I applaud The Nationals for taking a stand, even if it causes them some degree of pain. The alternative is a government that operates like that of Gillard and Shorten.

I remind members of a conversation between David Speers and Bill Shorten during a 2012 interview on Sky News. David Speers said, "Bill Shorten, thanks for your time. Just picking up on Peter Slipper before we get to the Health Services Union, can I ask you do you think that he should return to the Speaker's chair while these civil claims are still being played out?" Bill Shorten replied, "I understand that the Prime Minister has addressed this in a press conference in Turkey in the last few hours. I haven't seen what she said but let me say I support what it is that she said." David Speers said, "Hang on, you haven't seen what she said." Bill Shorten said, "But I support what my Prime Minister said, so—" The conversation continued with Speers asking, "Well, what's your view?" and Shorten replying, "My view is what the Prime Minister's view is." Speers said, "Surely you must have your own view on this, Bill Shorten?" He replied, "No, when you ask if I have got my view on this that is such a general question it invites me to go to lots of places."

David Speers then said, "Well, it is a specific question as to whether Peter Slipper should return as Speaker of your Parliament while he's facing civil claims of sexual harassment." Shorten said, "Sexual harassment's an incredibly serious matter. There should be no tolerance for sexual harassment. That's my view. On the other hand, these matters have yet to be established and I support what our Prime Minister has said." Speers said, "But you don't know what that is," to which Shorten said, "Well, I'm sure she's right." I would much prefer to have a politician who stands up for their beliefs over a politician who simply rolls over like a mongrel dog.

The Hon. PENNY SHARPE (15:08:55): This is a matter of public importance because, fundamentally, it is about the functioning of government. Members know that I spoke about this matter yesterday. It is apparent that it continues to be an issue. The junior Coalition party has members on a joint ticket in the upper House who do not reflect their own votes and it has members in the lower House who, when the numbers are put together, receive ministries. It is a big deal when its members threaten to leave the Coalition every time—not just last week, but five other times—they do not get their own way. That is a big deal.

It is alright for National Party Ministers in this place to say that they are proud to be a member of The Nationals but the rest of New South Wales needs them to grow up and for them to do their job. They need to go to Cabinet and pay attention, to read the files and to make representations on issues—we agree there are differing views on all issues—in a mature way. Not by threatening to throw their toys out and then have the gall to expect to stay in Cabinet and still get a car and staff and be paid. That is what is wrong here. The dispute is too important. They need to grow up and get their act together.

Mr DAVID SHOEBRIDGE (15:10:28): In reply: I thank all members for their contributions to the debate, including the Hon. Damien Tudehope, the Hon. Adam Searle, Ms Abigail Boyd, the Hon. Sarah Mitchell, the Hon. Walt Secord, the Hon. Mark Latham, the Hon. Bronnie Taylor, the Hon. Rod Roberts and the Hon. Penny Sharpe. I will briefly address some of the observations that were made. I acknowledge the Hon. Damien Tudehope's engagement with the issues and putting on record a number of media releases from the Government. But it is remarkable that in his contribution he failed to mention—to my close hearing—either the word koala or John Barilaro. He spoke for some 10 minutes but failed to mention either of them. That was quite an achievement given that was, in many ways, the crux of the problem in the Government.

He also put on record a number of media releases about rezonings with highly inflated figures of the economic achievement that would come from those. I encourage him—indeed, I urge him—to provide publicly and openly the modelling behind those figures because that will save many Standing Order 52 motions from being moved next week. I will only touch on the contributions from the Government members. The Hon. Sarah Mitchell refused and failed to address some of the fundamental issues with her party's policy on koalas. We keep hearing the assertion from the National Party that it cares about koalas. I think that at some point it put out a media release stating it wanted double the number of koalas in New South Wales. I do not think anyone believes that when it is uncontested the Leader of The Nationals, the Deputy Premier, calls koalas tree rats. That is his view of koalas, which he has said repeatedly in meetings with multiple witnesses. No-one believes that he cares about koalas when he is calling them tree rats.

Nobody believes that The Nationals want to protect koalas. The majority in that party are aggressively against any kind of serious environmental protection for this extraordinary and unique species that the rest of Australia cares a lot about. The fact that none of The Nationals Ministers have denied those comments in contributions here or in the other place says a lot. It puts the lie to any kind of pretend argument—and I know we live in a post-factual world—that they care about koalas. It is not about that. The Nationals policy in this regard is about property development and big agribusiness and the mining industry making profits. Koalas and ordinary mums and dads in the bush come an ordinary, distant last in the analysis.

I admire the work that the Hon. Sarah Mitchell does in her portfolio. She is clearly a hardworking Minister. I could critique a number of Government members for not doing basic things such as reading briefs or getting on top of policy issues but I make none of those criticisms of the education Minister. She is hardworking and is on top of her portfolio. But when it comes to the issue of the dysfunction in the Coalition, the idea that she can say that there is no dysfunction, there is nothing to see, that everything is fine and pretends that anybody will believe that does not do her any credit. If she had accepted that there was dysfunction and tried to tell us how they were going to fix it, maybe that would have some credit. Trying to pretend that everything is okay and that there is nothing to see does not do anyone any credit.

I say the same about the Hon. Bronnie Taylor's contribution. Again, I do not in any way critique the Minister's motivations in politics. They are not my motivations but I think they are genuine and well held. But for the Hon. Bronnie Taylor to say that there is constructive policy engagement between the Liberal Party and The Nationals on this issue and to suggest that the complete dysfunction and violent disagreement, abuse and mudslinging back and forth between them is creative policy does the Minister no credit. No-one believes that; it is not credible. We then received a lecture on civility by the Hon. Bronnie Taylor when her leader, John Barilaro, was on the front page of *The Daily Telegraph* describing a fellow Minister in the Government as a cun—fill in the last letter. Such an offensive attack upon that Minister became public the next day. The Hon. Bronnie Taylor gave us a lecture on civility when she was defending her leader to the hilt. When it came out that the Deputy Premier was abusing fellow Cabinet Minister Andrew Constance in that way, Andrew Constance said the following, which I urge the Hon. Bronnie Taylor to read:

When I said politics is stuffed in this country and some of the people in it need to have a long, hard look, I meant it.

We're now seeing that in such a great way on the front page.

I mean, stuff that—I hadn't signed up to contest federally to be called that type of smear.

The Hon. Wes Fang: You believe that?

Mr DAVID SHOEBRIDGE: I note the interjection from the Hon. Wes Fang. I do not think there is any credible doubt that is the type of language, aggression and behaviour that has led to the bullying behaviour—those repeated threats to tear down the Coalition. How can anyone work productively with someone who behaves in that way? How can anyone work productively with somebody who is constantly threatening not only in interpersonal exchanges but also on a political front? Again, pretending that type of violent disagreement in the Coalition is a good thing and that we should be celebrating that bullying, aggressive and appalling behaviour is not credible and does the Minister no credit.

Finally we were lectured by the Hon. Rod Roberts, who referenced that cringe-worthy exchange between Bill Shorten and a journalist about accepting whatever his leader said. I invite the Hon. Rod Roberts to critique his own leader; to put a contrary view to that of the Hon. Mark Latham and to live that, not just say it. If he does not agree with what his leader is saying—maybe he does, I will not disclose private conversations—he should step up to it, not just tell other politicians what to do. That type of empty lecturing, when he does not have a record of doing it himself does him no credit.

The motion urges the Government to not live in the fantasy world we heard about when the Ministers said there is nothing to see, it is all fine and violent disagreement is good. It is not good; it is bad. It is bad for Government, it is bad for the Parliament and it is bad for the people of New South Wales. To pretend that it is

okay will prolong the dysfunction. At least accept reality. Accept that the rest of the State is looking at this violent disagreement, shaking their heads and saying that it is an example of bad government. That is what this motion is about.

Discussion concluded.

Bills

ADOPTION LEGISLATION AMENDMENT (INTEGRATED BIRTH CERTIFICATES) BILL 2020

Second Reading Speech

The Hon. NATALIE WARD (15:19:47): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020.

At present, following an adoption, the adopted person is issued with a post-adoptive birth certificate, which records the child's adoptive parents but makes no reference to the child's parents at birth. Their original birth certificate is no longer a valid identity document.

This bill will authorise the issuing of Integrated Birth Certificates, or IBCs, for adopted persons. Going forward, adopted people will receive two birth certificates:

- The first certificate will be the existing post-adoptive birth certificate; and
- The second certificate will be an IBC, which will include information about an adopted person's birth parents and birth siblings, as well as their adoptive parents and adoptive siblings.

Both the post-adoptive birth certificate and the IBC will be valid identity documents, allowing adopted persons to choose which certificate they wish to use for legal identification purposes.

Background

This reform will modernise birth certificates for adopted people and reflect the contemporary shift towards "open" adoption in New South Wales.

Historically, adoptions in Australia were defined by the concept of secrecy. These "closed" adoptions involved an adopted child's original birth certificate being sealed, and a post-adoptive birth certificate issued.

This was intended to establish the child's new identity and relationship with their adoptive family, but also had the practical effect of severing any relationship between the adopted person and their parents at birth. In some cases, adopted persons were prevented from even knowing who their birth parents were.

Since 1965, when the Supreme Court of NSW issues an adoption order, all parental rights and responsibilities for the child are legally transferred from the child's birth parents (or whomever has parental responsibility for the child) to their adoptive parents.

Once the adoption order is made, the Registrar of Births, Deaths and Marriages issues a post-adoptive birth certificate for the child, which supersedes the original birth certificate and becomes the current record of birth. The post-adoptive birth certificate records the child's adoptive parents but makes no reference to the child's birth parents.

Post-adoptive birth certificates are consistent with the legal effect of adoption (in that the law treats the child as if the child had been born to the adoptive parents). Post-adoptive birth certificates are not, however, consistent with modern open adoption practice.

Modern adoption practice is characterised by an open exchange of information, where adoptive and birth families know about each other, exchange information and, where possible, build relationships in direct contact. This enables the child to remain connected to their birth family and understand their background and cultural heritage.

This practice is embedded in New South Wales adoption laws.

In Australia, we have been on a journey towards modern, open adoption practice, learning from both our history and a clearer understanding of the best interests of the child. Over the years, significant legislative reforms in New South Wales have embedded modern, open adoption practice in our state.

In 2008, the Adoption Act 2000 was amended to establish the practice of open adoption. These amendments established equitable and open rights to access information, such as birth certificates, and apply to all applications for adoptions from 1 January 2010.

Since this reform, all adoptions in New South Wales are now open, reflecting contemporary understandings of the needs and best interests of the child.

Unlike adoption laws, the legislation governing post-adoptive birth certificates has not changed since 1965. It is inconsistent with the principles underpinning current adoption practice, and with the legal framework that now surrounds adoption in New South Wales.

Outcomes of Australian reports and inquiries

As part of the shift towards open adoption, many reports and inquiries conducted in Australia have recommended introducing IBCs, as they better reflect an adopted person's full life story. Naming birth parents on an IBC supports a child's right to know their origins, is likely to support openness in the adoptive family, and may encourage ongoing relationships with birth families.

For example, the NSW Law Reform Commission's 1997, entitled *Report 81 Review of the Adoption of Children Act 1965 (NSW)*, recommended that adopted people should have the option of applying for a birth certificate in one or both of two forms:

- Firstly, the current post-adoptive birth certificate that shows only the details of the person's adoptive parents and adoptive siblings, if any, and
- Secondly, a birth certificate that details both the person's birth parents and any birth siblings and their adoptive family and the date of adoption.

It concluded that issuing both certificates was "the only practicable solution" to an unsatisfactory system.

Similarly, in February 2012, the Australian Senate Standing Committees on Community Affairs tabled its report entitled *Commonwealth Contribution to Former Forced Adoption Policies and Practices*. Recommendation 13 of the report was that:

- all jurisdictions adopt IBCs,
- that these be issued to eligible people upon request, and
- that they be legal proof of identity of equal status to other birth certificates.

In 2015, an Independent Review of the Adoption Act 1988 (SA) conducted by Associate Professor Lorna Hallahan on behalf of the South Australian Department for Education and Child Development suggested that, following an adoption, the birth certificate must reflect the "truest possible" account of the biological parentage of the child.

In 2017, the Victorian Law Reform Commission published its review of the Adoption Act 1984 (VIC), which included a recommendation that, subject to security and cost considerations, IBCs should be available to all children who are adopted, and all people who have been adopted in Victoria.

More recently, in 2018, the Australian House of Representatives Standing Committee on Social Policy and Legal Affairs concluded its Inquiry into local adoption and published its report entitled *Breaking barriers: a national adoption framework for Australian children*.

One of the most significant issues raised by adoptees, prospective adoptive parents and child protection professionals during this Inquiry, was that birth certificates still reflect past adoption practices by replacing birth parents' names with the names of adoptive parents as if the child was born to them. This legal severance from birth families has had ongoing impacts on adoptees.

This Inquiry recommended a national law for adoption that provides for IBCs which include the names of both birth parents and adoptive parents, while conferring full parental and legal responsibility for adopted children on the adoptive parents.

The consistent message of these reviews and inquiries was that action should be taken in Australian jurisdictions to ensure adopted people have access to a birth certificate that reflects their "truest possible" history for use as a legal identity document.

In New South Wales, we are taking that action today.

Consultation

Importantly, we have worked with those who will be most affected by this reform to ensure that the introduction of IBCs in New South Wales is informed by the views of the adoption community. I acknowledge that for some people affected by closed and/or forced adoptions, post-adoptive birth certificates represent the erasure of their identity and background.

The Department of Communities and Justice consulted the adoption community and the community more broadly through an online survey to find out from those who have experienced adoption, what information is preferred in a birth certificate.

Almost 600 responses were received. More than 85% agreed that adopted people should have a birth certificate that includes both birth and adoptive family information. A sample IBC was shared and more than 90% of respondents found the document easy to understand.

The proposal to introduce IBCs was also considered by an Adoptions Working Group comprised of representatives from Legal Aid NSW, the Crown Solicitor's Office, a NSW Supreme Court judge, Accredited Adoption Service Providers, and the University of Sydney Open Adoption Institute. The Working Group strongly supported the introduction of IBCs.

The introduction of IBCs will mean that adopted persons will have a birth certificate that details their parents and siblings at birth and after adoption. These certificates will better reflect the life story and identity of the adopted person and are consistent with modern adoption practice.

It is important to emphasise that this reform will not change the legal impact of an adoption. Both the post-adoptive birth certificate and the IBC will clearly identify the adoptive parents as the legal parents of the adopted person, and the person's adopted name as their legal name.

I turn now to the substance of the bill. I will begin by outlining the amendments to the Birth, Deaths and Marriages Registration Act 1995.

Amendments to the Birth, Deaths and Marriages Registration Act 1995

IBC for persons adopted after the commencement of the provisions

Item [1] of Schedule 2 to the bill will amend section 25A of that Act to provide that the Registrar of Births Deaths and Marriages ("BDM") is authorised to issue two birth certificates: namely the existing post-adoptive birth certificate and an IBC.

Where an adoption order has been issued by the Supreme Court of NSW and registered by the Registrar of BDM after the commencement of these reforms, both certificates will now be issued upon application to BDM for a birth certificate.

Under proposed section 25A(1), the post-adoptive birth certificate that is issued includes the same information that is currently included in a post-adoptive birth certificate. That is, it must contain information about the person after their adoption is registered, in

place of the corresponding information recorded in the Register before their adoption. For example, a post-adoptive birth certificate lists the person's adoptive parents as their parents, and makes no reference to their parents at birth. In fact, the certificate *must* not include any information that indicates that the person has been adopted.

The IBC must contain information recorded about the person after their adoption is registered, *in addition to* the information that is recorded in the Register in relation to the birth of that person before their adoption. That is, the IBC will list the both the person's adoptive parents and parents at birth, making clear that the adoptive parents are the person's legal parents.

If particulars about the birth were not recorded in the Register previously, the Registrar of BDM may also include other information that the Registrar considers appropriate for inclusion on the IBC.

Costs associated with IBCs

Item [1] also introduces proposed section 25A(5), which will ensure that issuing an IBC will come at no additional cost to the applicant. A person issued with an existing post-adoptive birth certificate as well as an IBC will only be required to pay the fee for one certificate.

Where the Registrar of BDM issues a person with a post-adoptive birth certificate and an IBC, the person will be able to apply subsequently for either of those certificates to be reissued.

In these circumstances, the issuing of subsequent certificates may incur a fee. Whether to charge a fee will be determined on a case by case basis, with the availability of fee waivers for applicants in certain circumstances.

Finally, **Item [2]** inserts a note at the end of section 49(1) to indicate that, following commencement, the Registrar of BDM will be required to issue more than one birth certificate to an adopted person after their adoption has been registered in New South Wales.

Amendments to the Adoption Act 2000

I turn now to the amendments to the Adoption Act 2000 included in this bill. I note at the outset that the Adoption Act differs from the Births, Deaths and Marriages Registration Act in that it refers to the post-adoptive birth certificate as an "amended birth certificate". Both terms describe the birth certificate that is issued to an adopted person after the adoption has been registered.

Item [1] of Schedule 1 inserts proposed section 133A(a1) which will amend the definition of presumptive father to include the person shown on the adopted person's IBC as the father of the adopted person at birth.

The remaining provisions relate to access to IBCs for people **adopted prior** to the commencement of these reforms.

Generally, the processes and entitlements to obtain an IBC will be aligned to the existing requirements to obtain adoption information, which vary depending on the age of the applicant and the date of the adoption.

If a person was adopted and the adoption was registered in New South Wales prior to the commencement of these provisions, they will be able to apply to the Registrar of BDM for an IBC.

The requirements for these applications will differ depending on whether the adoption occurred before or after 1 January 2010, when the "open adoption" reforms commenced.

Access for persons adopted after open adoption reforms (1 January 2010)

In relation to persons adopted after the commencement of the open adoption reforms in 2010, **Item [2]** of the bill inserts proposed section 133C(a1), which will entitle such persons to receive an IBC provided that a record of the adoption of the person has been registered under the Births, Deaths and Marriages Registration Act 1995.

Access is subject to the consent requirements inserted by **Item [3]**, namely, that an adopted person who is less than 18 years of age must obtain the consent of their adoptive parents.

Access for persons adopted before open adoption reforms (1 January 2010)

Item [7] of the bill inserts section 134(1)(a1), which will entitle a person who was adopted before the commencement of the 2010 open adoption reforms to receive an IBC, subject to the following requirements.

In line with the access requirements in relation to adoptions that occurred before 2010 that are outlined in Division 2, Part 2, of Chapter 8 of the Adoption Act 2000, an "information source", like the BDM, is required to have "authority" authorising it to supply prescribed information (including adoption information about the adopted person, birth parent and/or parents, birth sibling and/or siblings and adoptive parent and/or parents) from their records.

As such, the person will need to produce an "authority" authorising the supply of prescribed information in order for the Registrar of BDM to issue an IBC. If this authority is not produced, the Registrar will not be authorised to issue an IBC.

At present, this "authority" is known as an Adoption Information Certificate (**AIC**). An AIC is obtained through an application to the Secretary of the Department of Communities and Justice (**DCJ**).

If the Adoption Information Unit, DCJ considers there may be a risk to the safety, welfare or wellbeing of the adopted person or other party, a risk assessment is undertaken to determine whether the AIC can be provided.

Division 2, Part 2, Chapter 8 of the Act outlines the entitlements of adopted persons, adoptive parents and birth parents to adoption information, but it may be refused by the Secretary of the Department.

For example, an AIC would not be issued if:

- First, a contact veto was lodged under Part 4, Chapter 8 of the Act and the applicant chose not to sign an undertaking as per the requirement in section 164,
- Or second, a party has lodged an advance notice under Part 3, Chapter 8 of the Act, which would delay the release of the identifying information for the specified time period, or

- Third, exceptional circumstances exist that make it necessary to prevent serious harm to a party concerned in accordance with section 136A of the Adoption Act 2000.

Section 136A of the Act also allows the Secretary to require the information be supplied subject to specified conditions, including that the person entitled to the information receives counselling prior to the supply of the information.

The process for applying for an AIC in order to obtain an IBC will be streamlined to ensure that it is simple and easy to obtain an IBC in relation to an adoption that occurred before 2010. Prior to the commencement of the reforms, the application form to obtain adoption information will be updated to allow an applicant to also request an IBC through the same form. This is in line with the New South Wales Government's commitment to delivering world class customer service.

Items [8] and [9] introduce the consent requirements that will apply where the adopted person is less than 18 years of age. In these circumstances, the application for an IBC can only be made with the consent of their adoptive parents and birth parents.

Access rights of adoptive parents

Adoptive parents are also entitled to be provided with IBCs in certain circumstances. The bill mirrors the access provisions for comparable birth records currently provided for in the Adoptions Act 2000.

Accordingly, **Item [4]** inserts section 133D(1)(a1) which provides for the circumstances in which adoptive parents are entitled to apply to the Registrar of BDM to receive an adopted person's IBC, if the adoption occurred after the 2010 open adoption reforms.

Items [10] and [11] amend section 135 to provide that adoptive parents are entitled to apply for an IBC in relation to adoptions that occurred before 2010, provided the adopted person is over 18 years of age and consents to the adoptive parent receiving it.

Access rights of birth parents

The existing entitlements for birth parents to access comparable birth records are also replicated in relation to IBCs.

Item [5] inserts section 133E(1)(a1), which entitles birth parents to receive an IBC in relation to adoptions that occurred after 2010. In those circumstances, birth parents are entitled to an IBC, provided the adoption is registered, and an AIC or equivalent authority is produced if the adopted person is under 18 years of age.

Item [12] inserts section 136(1)(a1), which entitles birth parents to receive an IBC in relation to adoptions that occurred before 2010, provided the adoption is registered and the person is 18 years or over.

However, the birth parent must provide an AIC or equivalent authority (regardless of the age of the adopted person). This is in line with current processes to access information about adoptions that occurred before 2010 under the Adoption Act 2000.

In cases where the adopted person is less than 18 years of age, **items [6] and [13]** will amend the Adoption Act 2000 to entitle birth parents to access other information contained in an IBC, provided the information cannot be used to identify the adopted person or his or her adoptive parents. These provisions relate to adoptions that occurred both after 1 January 2010 and before the open adoption reforms came into effect.

Access by other parties such as siblings and relatives/others after death of adopted person or birth parent

While the IBC will include information about the adopted person's siblings both at birth and after adoption, only adopted persons, adoptive parents and birth parents are entitled to be provided with an IBC, in the circumstances I have outlined.

The access rights of siblings of an adopted person are not affected by this bill. Under section 133G of the Adoption Act, a sibling of an adopted person who is a child of the birth parent, but is not himself or herself an adopted person is defined as a "non-adopted sibling". Non-adopted siblings are entitled to receive prescribed information relating to an adopted person, such as non-identifying background information that will give the non-adopted sibling knowledge of the adopted person's life. However, consistent with the current provisions contained in the Adoptions Act 2000, non-adopted siblings are not entitled to receive an adopted person's birth certificate, including their IBC.

Again, in line with current access entitlements, certain other people may be entitled to an adopted person's IBC where that person, or their parents at birth, have died. **Item [14]** amends section 137 to provide for the supply, or authority to supply, an IBC to a relative or spouse of a deceased adopted person or a deceased birth parent. These inherited rights to adoption information are dependent upon the person having had a close personal relationship with the deceased person. The fees associated with issuing an IBC in these circumstances will be determined by the Registrar of BDM on a case by case basis.

Item [15] inserts proposed section 138(3A), which provides that an application for the supply of an adopted person's IBC in these circumstances must be made in writing to the Registrar of BDM.

Advance notice and contact vetos will remain valid

I have noted that, in the past, information, practices and attitudes surrounding adoption in Australia were dominated by the assumption that secrecy was essential to protect all people involved in an adoption. As a result, many adoptions were kept a secret not only within birth families but also adoptive ones.

An important part of the shift towards modern adoption practice occurred in 1991 with the commencement of the Adoption Information Act 1990. As a result of that Act, for the first time, identifying adoption information could be made available in New South Wales, including in relation to adoptions that took place during the period of closed adoption practice.

While the legislation generally opened access to information, some aspects of the legacy of closed adoption practice and secrecy remained.

For adoptions that occurred prior to 1 January 2010, Part 3, Chapter 8 of the Adoption Act 2000 allows adoptive parents, birth parents and adopted persons to lodge an **advance notice** to formally delay the release of identifying information. This involves the person writing to the Secretary to advise that they wish to be notified if a person entitled to receive certain personal information about them (such as a birth certificate) makes an application to receive that information. The Secretary keeps an Advance Notice Register and

must notify the person that has lodged an advance notice request when another person makes an application to receive such information. The supply of that information will then be delayed for a period of 3 months after the application is made.

The advance notice system is intended to recognise that there are times in life where significant events are happening that may not allow an adopted person or birth parent to give their full attention to a reunion as a result of information being released. For example, an adopted person may need time to complete their Higher School Certificate or tertiary course, and a birth parent may want to tell their partner or close family members about the adoption before the adopted person contacts them.

For some people connected to closed adoptions, there will never be a good time to make contact. This may be due to variety of reasons, including trauma and grief. If an adoption occurred before 26 October 1990, Part 4, Chapter 8 of the Adoptions Act 2000 allows an adopted person (who has reached the age of 17 years and 6 months) or a birth parent to prevent someone contacting them by lodging a **contact veto**. The contact veto remains in force until the person that lodged it decides to remove it, or has died.

An applicant may still receive adoption information when a contact veto is in force, provided they sign an undertaking agreeing that they will not contact or attempt to contact the person who has lodged the contact veto.

This bill does not substantially alter these arrangements. Advance notices and contact vetos will continue to apply where they have been lodged. For adoptions that occurred prior to January 2010, adopted persons, adoptive parents and birth parents will continue to be able to lodge advance notices. For adoptions that occurred prior to October 1990, adopted persons and birth parents will continue to be able to lodge contact vetoes.

Because IBCs will include identifying information about birth parents, advance notices and contact vetoes may affect the release of an IBC in some circumstances. **Items [16] to [20]** of the bill set out the application of these provisions to IBCs.

Item [16] extends the definition of "personal information" under section 145 to include IBCs. This means that for adoptions that occurred before 1 January 2010, a request for personal information, including an IBC, may be delayed by an advance notice request. The delay will allow the person who lodged the advance notice to be advised that access to their information has been sought and that it will be released at the end of a specified period.

Items [17] and [18] establish a new mechanism to manage contact vetoes where a request is made for an IBC for a pre-2010 adoption.

As I said earlier, where an adopted person was adopted before 2010, they are required to obtain an Adoption Information Certificate, or equivalent authority, from the Secretary of the Department of Communities and Justice before they can be supplied with an IBC. **Items [17] and [18]** provide that where a contact veto has been lodged, an IBC cannot be supplied to an applicant unless they have signed an undertaking that they will not contact or attempt to contact the person who lodged the contact veto or procure another person to do the same.

Failure to comply with a signed undertaking not to contact a person who has lodged a contact veto is an offence. **Item [19]** amends the offence provision in section 188 to extend it to a person who receives an IBC with a contact veto that remains in force. The penalty for contravening a contact veto will remain the same, namely, 25 penalty units or imprisonment for 12 months, or both.

Section 199 (3) (a) allows the Secretary to refuse to authorise the supply of any birth certificate endorsed with a contact veto to a person acting on behalf of a person with a disability, if the person is unable to ensure that the person with the disability will not contact or attempt to contact the person who lodged the contact veto. **Item [20]** amends section 199(3)(a) to clarify that the Secretary may refuse to supply any birth certificate to a person acting on behalf of a person with a disability, where a relevant contact veto remains in force. This will ensure the provision applies to IBCs, which will not be "endorsed with a contact veto" even where one is in force.

Finally, **Item [21]** inserts the definition of integrated birth certificate into the dictionary of the Adoptions Act 2000.

Commencement

The bill provides that, if passed, the new provisions will commence on proclamation. This will allow time to communicate with affected stakeholders about these changes before they come into effect.

Birth certificates may be required by a wide range of agencies, businesses and organisations. They are used by schools, employers, and banks, and are required to access various services and benefits. As a primary identity document, birth certificates are also used to create other secondary documents, such as a driver's licence or passport.

Communication with the diverse range of stakeholders that may encounter IBCs is needed to ensure that the introduction of IBCs does not cause confusion.

While the form of the IBC is designed to make it user friendly, strategic communications will be vital to support awareness and use of the IBC as a valid identity document. Without this, organisations and individuals that are not familiar with IBCs may not understand that they may be used for identity verification.

Communications will also emphasise that the adopted person's legal parents remain their adoptive parents. The form of the IBC is also designed to make this clear.

Importantly, adopted persons and their families will also be advised of the reforms and how they may apply for an IBC.

The New South Wales Government will ensure the implementation of this change is clearly communicated to all stakeholders.

Conclusion

Before concluding, I thank those who contributed to the development of this important reform. I note the work of the Integrated Birth Certificates Implementation Working Group, which comprised representatives from Adoption and Permanency Services, Policy, Reform and Legislation, and Communications within the Department of Communities and Justice and Births, Deaths and Marriages within the Department of Customer Service. I extend special thanks to Amanda Ianna, Fariba Gharahkani, Erin Vasek, Caroline Smith and Carly Morris who have been instrumental in this work.

This bill will make New South Wales one of the leading Australian and global jurisdictions in this area of reform.

In Australia, IBCs are currently only available in South Australia, where legislative reforms in 2016 expanded their earlier process of court-ordered IBCs to allow the South Australian Registrar of Births Deaths and Marriages to issue IBCs to all adopted persons in South Australia.

The bill will provide an adopted person with more autonomy as they will be able to decide which certificate they wish to use as their primary identity document.

The bill will allow an adopted person's full life story to be acknowledged, and gives adopted people access to a birth certificate that reflects the "truest possible" account of their history.

This may be critical for some adopted people to express pride in their heritage and celebrate their culture.

The New South Wales Government is pleased to take this next step forward in modern open adoption practice, and acknowledgement of the full life story and history of adopted persons.

Second Reading Debate

The Hon. ADAM SEARLE (15:20:11): I lead for the Opposition in debate on the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020. The Opposition does not oppose the bill. The object of the bill is to amend the Adoption Act 2000 and the Births, Deaths and Marriages Registration Act 1995. The overview points to these amendments in particular: to provide that the Registrar of Births, Deaths and Marriages may issue a certificate containing the information recorded for an adoption on the Births, Deaths and Marriages Register and the corresponding information, if any, known to the registrar about the birth contained on the register—an integrated birth certificate [IBC]; to require an integrated birth certificate to be issued by the registrar for an adoption registered on or after the commencement of the proposed Act in addition to existing requirements; to provide for access entitlements in relation to an integrated birth certificate with respect to both adoptions given effect to by an adoption order made on or after the commencement of the Adoption Amendment Act 2008 and adoptions given effect to by an adoption order made before the commencement of that Act; to specify the way an application for an integrated birth certificate is to be made; and to provide for the management of a contact veto in relation to the supply of an integrated birth certificate.

The bill is presented accurately as a further step on the path taken in this jurisdiction to an open adoption approach away from the historic approach of closed adoptions. Currently when someone is adopted, a post-adoption birth certificate is issued, which records the child's adoptive parents and family. It makes no reference to the birth parents or birth family. Presently, the original birth certificate no longer has effect as a valid document of identity. The main change proposed in the bill is to allow what is called an integrated birth certificate to be issued also. The IBC will include information about the birth family, that is birth parents and birth siblings, as well as an adopted person's adoptive parents and adopted siblings.

The existing post-adoption birth certificate will also remain—that is, there will be two different types of birth certificates available for someone who has been adopted. Both will be legitimate identity documents. Adopted persons can choose which of those certificates they use. The bill is presented as a modernisation of the law in this jurisdiction. As the Attorney General said in his second reading speech, this reflects the contemporary shift towards open adoption in New South Wales. These provisions come into effect after the commencement of the Act. There are a series of provisions dealing with how this applies to adoptions that occurred prior to the commencement of the Act. In 1997 the NSW Law Reform Commission tabled its report on the *Review of the Adoption of Children Act 1965 (NSW)*. What it said in part in introducing its proposals was this:

In 1965, community attitudes towards ex nuptial birth, the roles of men and women in society, de facto relationships, sexual orientation and many other aspects of family life were significantly different from attitudes which currently prevail. The nuclear family, headed by a legally married husband and wife, was not only perceived to be the norm but was considered by many to be the only truly acceptable form of family. In Australia, at least, reproduction technology had barely begun to be explored. Australia had yet to establish itself as an essentially multi-cultural society. There was not a developed and widespread awareness of the values of other cultures: in particular, that of indigenous peoples. The process of reconciliation with indigenous peoples had not begun. It was in this climate that the *Adoption of Children Act 1965 (NSW)* was drafted.

Since that time, legislation in many fields has been enacted or amended to reflect social changes. This is particularly apparent in the areas of Family Law, laws relating to indigenous peoples, anti-discrimination and reproduction technology. In addition, an international trend in the development of children's rights, and legislation to protect children, has placed new international obligations on Australia.

That lengthy quote is a useful way to describe the context in which closed adoption developed and the way society has changed. The commission also went on to say this about that particular report:

The Commission recommends that the *Adoption of Children Act 1965 (NSW)* be rewritten so that adoption:

is characterised by openness, and is no longer shrouded in secrecy;

conforms with Australia's international obligations; and

is brought into line with other areas of child law, as well as with prevailing community expectations and attitudes.

It made the point in 1997 that one of the most distinctive aspects of recent practice and thinking in this area is "law should not facilitate deception or secrecy, but should promote openness and honesty." This bill and the development of IBCs clearly follows in that tradition of thinking. Adoptions since 1 January 2010 have been described as open, allowing for open rights to access information. The legislation before the House means that birth certificates have caught up with this. It catches up with the Law Reform Commission recommendations of 1997, specifically recommendation 63.

I have set out the situation where an adoption occurs after the commencement of the Act. Where an adoption was registered prior to the commencement of the Act a person will be able to apply for an IBC. Logically, different provisions apply depending upon the time at which the adoption was registered. The relevant dates marking different requirements are 1 January 2010 and 26 October 1990. These chart successive legislative changes. For post-1 January 2010 adoptions an adopted person is entitled to receive an integrated birth certificate provided the adoption has been registered and that an adopted person under 18 retains the consent of the adoptive parents.

There are also provisions dealing with applications for an IBC for persons adopted prior to 1 January 2010 but after 26 October 1990. These will require a number of conditions to be fulfilled, broadly in line with existing access requirements set out in the Adoption Act. There are circumstances in which, effectively, the Secretary of the Department of Communities and Justice, by refusing to issue an adoption information certificate, can refuse the issue of an IBC. The secretary alternatively can authorise the release of the certificate subject to conditions. There are also provisions related to adoptive parents obtaining an IBC. There are similar differences between post- and pre-2010 adoptions. Adoptive parents can apply for an IBC for a pre-2010 adoption if the adopted person is over 18 years and consents to the IBC being received by adoptive parents.

There are also provisions relating to birth parents receiving an IBC. There are no changes in this bill to the access rights of siblings of an adopted person. Non-adopted siblings are not entitled to receive an adopted person's birth certificate, and that includes an IBC. There are also some circumstances in which an IBC can be provided to a relative or spouse of a deceased adopted person or a deceased birth parent. Those provisions are broad and are consistent with current access requirements. The current regime allows an adopted person, if the adoption occurred before 26 October 1990, to lodge a contact veto, which remains in force until the applicant decides to remove it or has died. These provisions are not substantively changed in the bill, nor are the provisions concerning the advance notice system for adoptions in the period 26 October 1990 to 31 December 2009. IBCs are defined as formal information and thus are dealt with under these regimes for the period prior to 26 October 1990. As I indicated at the outset, the Opposition does not oppose the bill.

Mr DAVID SHOEBRIDGE (15:28:37): On behalf of The Greens, I indicate we will not be opposing the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020. The objects of the bill are to amend the Adoption Act 2000 and the Births, Deaths and Marriages Registration Act 1995 as follows:

- (a) to provide that the Registrar of Births, Deaths and Marriages may issue a certificate containing the information recorded for an adoption on the Births, Deaths and Marriages Register and the corresponding information, if any, known to the Registrar about the birth contained on the Register (*an integrated birth certificate*),
- (b) to require an integrated birth certificate to be issued by the Registrar for an adoption registered on or after the commencement of the proposed Act in addition to existing requirements,
- (c) to provide for access entitlements in relation to an integrated birth certificate with respect to both adoptions given effect to by an adoption order made on or after the commencement of the Adoption Amendment Act 2008—

and that means all adoptions in the open adoption period from 1 January 2010 onwards—

and adoptions given effect to by an adoption order made before the commencement of that Act,

- (d) to specify the way an application for an integrated birth certificate is to be made,
- (e) to provide for the management of a contact veto—

to the extent that that applies to a small subset of older adoptions—

in relation to the supply of an integrated birth certificate ...

In effect, the Adoption Legislation Amendment (Integrated Birth Certificates) Bill seeks to change the law so that from this moment onwards adopted people in New South Wales will be able to have their birth families and adopted families included on a birth certificate. Currently, a birth certificate issued after a person is adopted records only the child's adoptive parents and any adoptive sibling, making no reference to the birth parents. If these laws pass, the birth parents and adoptive parents will both be included on the birth certificate for all people adopted since open adoption commenced on 1 January 2010; for adoption prior to that, on an integrated birth certificate, that will happen only at the request of the adoptive person. As I have said, there are other provisions in relation to vetos and the like for adoptions before 1990.

The Greens have consulted widely with stakeholders. As a result of those consultations, The Greens will not oppose the bill. The bill creates for the first time a birth certificate that will mandatorily include the birth mother and father, if the father is known. It also requires the integrated birth certificate, which has information about birth parents and adoptive parents, and the post-adoption birth certificate, which shows only the adoptive parents, to be provided for the same single fee; there is no additional fee for adopted people. The bill does not in any way alter the substantive law in relation to adoption, nor does it address some of the many longstanding issues that many stakeholders, including individuals that I know, still have when it comes to the law of adoption. But it does address this one issue in a relatively straightforward way. It is as straightforward as it can be in quite a complicated area of the law, which is the law of adoption.

The Greens have had representations from individuals and stakeholder groups who have asked us to oppose the bill. Some of the groups are deeply critical of adoption as a whole and want the institution to be abolished. Of course, other stakeholders have been very strongly supportive of the bill and have urged members to pass it as well. Some individuals and stakeholders we have spoken to want only the birth parents to be listed on any birth certificate. That includes strong representations from First Nations Elders, whom I very much respect and acknowledge. Those representations come from the past and the continuing history of Stolen Generations among First Nation peoples and the trauma that adoptions have created and continue to create in Aboriginal communities across the State.

I will not revisit the issues that arise from the legislation that the House passed in a rush in 2018 before the last State election, but that did enliven concerns amongst First Nation communities across the State. That unsettling and disturbing anxiety about Aboriginal and First Nation adoptions, having been stirred by those 2018 amendments, were neither well thought out, nor made in consultation with First Nation peoples. Putting to one side and not in any way minimising the reality of the Stolen Generations and the trauma of adoption in Aboriginal communities, those legal changes are yet another reason why those reservations, those concerns and that opposition is coming from people in First Nation communities, whom I respect. I recognise that experience and that criticism; I see it as valid.

But, on balance, The Greens cannot oppose the bill because, as many people have asked for, it will ensure that for the first time the Parliament will be able to say that soon there will be a birth certificate for an adopted person with the name of their birth mother on it, and that wherever known to the State, the name of the birth father will also be included and recorded. This is a hard area of the law to get right and legislate in. I think the Attorney General has been as respectful as possible in this space. The bill does not by any means solve all the issues in relation to adoption, but The Greens will not oppose it for the reasons I have stated.

The Hon. LOU AMATO (15:35:02): I support the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020. Whenever we think of adoption, we are mindful of the joys and the sadness of the adoption of a child. We are mindful of the great heartache that many parents feel when faced with the insurmountable pressures that led to the adopting out of their child. We also feel for the many mothers who are coerced into giving up their child against their will. We empathise with the adopted child, who desperately wants to know their roots. There is invariably a hole in the hearts of both the biological parents and the child, who longs for many answers: "Do I have a brother or sister? Who was my mother and father? Are they okay?" The adopted child ponders questions and, in most cases, the secrecy of adoption makes it impossible to find those answers. For many, that becomes a source of lifelong pain.

Though adoption is fraught with sadness, it also brings much joy. Many parents, who for a number of reasons are unable to have children, or who in some cases chose to adopt, are blessed with the lifelong gift of a child. Adopted children, in turn, receive love and care from adoptive parents and are given the opportunity to mature into highly successful adults. The disparity of emotion that adoption often brings has troubled many in Australia's history of adoption. The New South Wales Government is focused on improving outcomes for children in care and ensuring that our most vulnerable children grow up in safe, secure and permanent homes, consistent with the contemporary understanding of the needs and best interests of children. In recent decades we have seen a significant shift in adoption practices.

Over the years significant legislative reforms in New South Wales have embedded modern, open adoption practices in our State. On 26 October 1990 the Adoption Information Act 1990 was proclaimed. That was the first time adopted people and birth parents were entitled to identify information about each other when the adopted person turned 18 years old. Further, contact veto provisions did not apply to adoption orders that were made after that date, which meant that there were no restrictions on finding each other and the rights to access adoption information and to find family members were able to pass from adopted persons and birth parents to their relatives and next of kin. In December 2000 the Legislative Council Standing Committee on Social Issues released its final report entitled *Releasing the Past: Adoption Practices 1950-1998*. The report informed the development of the

Adoption Act 2000, which was passed by the New South Wales Parliament on 9 November 2000 and commenced on 1 February 2003.

The Adoption Act 2000 gave a child of 12 or more years of age, and in accordance with their capacity, the right to participate in adoption decisions by giving sole consent. Additionally, birth parents, adoptive parents and the child were able to enter into a voluntary adoption plan, which makes provisions for how the child will remain connected to their family and culture through their growing years. The post-adoption provisions in the Adoption Information Act 1990 were incorporated into the Adoption Act 2000. In 2008 the Adoption Act 2000 was amended to recognise the shift towards open adoption practice, which is characterised by an open exchange of information. Open adoption refers to the way the child is supported to remain connected with their birth family and cultural heritage. An open attitude refers to the acceptance that a child has more than one set of parents and family and the willingness of birth and adoptive families to know about each other, exchange information and build relationships through direct family time with each other.

Since 1 January 2010 adoptive parents, adopted persons, birth parents and siblings have been provided with greater access to adoption information such as birth certificates and birth records from the day the adoption order is made. On 20 September 2012 the New South Wales Parliament formally offered its deepest and sincerest apology to the mothers, adopted children and families who were harmed by the forced adoption practices of the past. At that time the New South Wales Government abolished the payment of fees and charges to adopted people and birth parents applying for their adoption information. Currently, when a person is adopted in New South Wales and the adoption order is registered with the Registry of Births, Deaths and Marriages, the person's original birth certificate is marked with "not for official use" and cannot be used for identification purposes. A post-adoptive birth certificate is issued, which records the child's adoptive parents and makes no reference to the child's birth parents.

The current form of the post-adoptive birth certificate has not changed since 1965. It is consistent with the legal effect of adoption—that is, the law treats the child as if the child had been born to the adoptive parents. It is not, however, consistent with modern, open adoption practices, which encourage connection to birth family and cultural heritage wherever possible. The availability of an IBC that contains information about the adopted person's birth parents and adoptive parents builds on the earlier legislative reforms that I have described. It is the next step in the implementation of open adoption practice in New South Wales. This bill will authorise the issuing of IBCs for adopted persons and enable persons who are adopted in New South Wales to receive two birth certificates, both of which will be legally recognised. The first certificate will be the existing post-adoptive birth certificate and the second will be an IBC, which will include information about an adopted person's birth parents and birth siblings as well as their adoptive parents and adoptive siblings.

Issuing two certificates will allow adopted persons to choose which certificate they wish to use for legal identification purposes. This will support adopted people to maintain their heritage and provide more autonomy. It will also allow them to choose which identity document they wish to use. I could go on, but this is a piece of legislation that everybody agrees with wholeheartedly. I commend Attorney General Mark Speakman for his efforts in addressing many of the shortcomings of the current adoption legislative framework. This is a monumental bill, and I wholeheartedly commend it to the House.

The Hon. PENNY SHARPE (15:42:28): I make a short contribution to debate on the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020. I do not intend to traverse the details of the bill, which have been well covered by the Hon. Lou Amato, the Hon. Natalie Ward, Mr David Shoebridge and my colleague the Hon. Adam Searle. I will make some comments in relation to adoption and where we are headed. The Hon. Lou Amato gave a good history of the changes made to adoption law over many years. We have come to realise that people have a deep yearning to understand where they come from, who they are, their identity and their community. We have learnt from the terrible mistakes of the past in relation to adoption and the abuse within the adoption system and understand that every person deserves to know where they came from. They should also be able to embrace the people who have become their families.

I am very supportive of this bill. I have watched adoption law reform closely for a very long time, having previously been a foster carer. I was also very involved in the one change that the Hon. Lou Amato unfortunately did not mention, which was the change to the adoption laws in 2010 when same-sex couples were allowed to adopt for the first time. I am very fortunate to be in contact with many foster families and others who have been able to adopt the children in their care, and those children are thriving. We have recognised how, in a lot of ways, family is such a complex notion. But having people who truly love you and who want to call you theirs and whom you want to be part of is really important. I could not let this debate conclude without talking about that.

I will briefly address the issue that Mr David Shoebridge raised. Adoption for First Nation people is a really difficult issue. In fact, it is basically rejected by First Nation people across the State. It is not something that is understood in most of those communities and it has been a really difficult issue. The Government has made

adoption changes but it has failed to recognise that. Prior to the last election we had a very big argument about allowing adoptions without parental consent. It was absolutely flatly rejected by Aboriginal people and it was rejected by Labor also. Labor very much supports open adoption but understanding is needed as to the ongoing hurt within Aboriginal communities in relation to child removals, both historically and now.

The placement of Aboriginal children with non-Aboriginal families is a very vexed issue. With the changes to the adoption law, those numbers are small but they are significant. There were, I think, seven adoptions in the past year of Aboriginal children into non-Aboriginal families. It is a very significant issue. I do not seek to make any comment in relation to the best interests of the child or the relationship to their foster parents, who I am sure love them greatly. We need to understand the issue if we are serious about truly hearing Aboriginal people and their views on adoption. We need to understand that this remains a very vexed issue and we still have a lot more work to do in dealing with it. However, this bill is very good because it guarantees that Aboriginal children will be recognised as such if they are ultimately adopted into non-Aboriginal families. That is a very hot issue but I felt we could not let this debate pass without reflecting on it.

A lot of issues remain for adoptees. Adoptee organisations and people across the country are still struggling with many issues, particularly people who were adopted during a period of secrecy and who will never be able to find out where they came from. The bill is a good step forward in making it better for some, but it will still not help everyone. I urge all governments to work sensitively—as I believe the New South Wales Government is doing—with people as they try to find out who they are, where they came from and where they belong.

The Hon. NATALIE WARD (15:47:29): On behalf of the Hon. Sarah Mitchell: In reply: I thank honourable members for their contributions to the debate. This issue is significant and continues the work of the previous Labor Government and all sides of the Chamber who have worked progressively to bring adoption into the next century, and worked with adoptive families and people who are part of the process to make it more humane and listened to their concerns. I thank members for accepting the Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020 in its current form. In particular, I acknowledge the Leader of the Opposition, the Hon. Adam Searle, for his elegant and articulate summary of the bill and its issues—particularly his reference to the Law Reform Commission submissions. His reference to the adoption provisions did my job for me.

Mr David Shoebidge acknowledged that this is a complex issue. I thank him for his past work in this area, in particular his stakeholder consultations. In this place we are well aware of the concerns of First Nation communities, and should continue to be. The experience of First Nation people of adoption, whilst outside the scope of the bill, should be acknowledged and continue to be worked on. The Government acknowledges the enduring trauma experienced by survivors of the stolen generations caused by the historic government policies and practices of removing Aboriginal children from their families, communities and culture. Requests from survivors to revert to their birth names, effectively undoing the legal effect of adoption in some cases, are understandable. Their concerns around these provisions are understandable. They should be supported in their pursuit to return to their pre-adopted status if that is what they seek. They should also be supported in other changes or acknowledgement of their experience and opposition to it. The Government appreciates the difficulty surrounding the process.

The Hon. Lou Amato spoke about the children involved in the process, who, after all, are the most important people at the centre of what we are trying to do. The Hon. Lou Amato also spoke about the emotion of both the adoptive family and the birth family. I thank him for acknowledging the work of the Standing Committee on Social Issues, which is a representation of what works well in this place. The Hon. Penny Sharpe brought her own experiences as a foster carer. I acknowledge her work and the work of the Opposition prior to the Government in progressing this complex and emotional policy area, and I acknowledge her ongoing advocacy and work in this space.

I note that the bill will make amendments to the Adoption Act 2000 and the Births, Deaths and Marriages Act 1995 to introduce integrated birth certificates for adopted persons in New South Wales and allow access to IBCs for adopted persons and other persons. The New South Wales Government is pleased to take the next step forward in modern, open adoption practice. The reform will modernise birth certificates for adopted people, allowing an adopted person's full life story and history to be acknowledged and reflected in their birth certificate. On a personal note, I acknowledge the Attorney General's work in this area. I know he feels deeply and personally about this legislation and wants to get it right. I acknowledge also the work of the Hon. Gareth Ward in the other place, who I know has had some input into the bill. He has done a significant amount of work on the legislation and follows it passionately. I also acknowledge Mr Sean Robertson and his great work on the Attorney General's team, as well as the great input of Ms Kelly Morris.

On a personal note, my brother is going through an adoption process right now, although he does not have the benefit of living in New South Wales—for his sins, he lives in Queensland. I am very excited for him. When

I hear members talk about personal experience, I watch how it has changed his and his wife's lives enormously and how happy they are. I have seen the way the process has been so open and how it acknowledges the birth parents, the siblings and the journey that they have had together. I have also seen how it brings them to a place where adoption is not hidden or secret. They all know who they are and there is regular contact and communication with everybody. It is a very thorough and robust process. I thank the adoptive families and the birth families for working together to provide the right outcome for the child, the most important person.

The words of the Hon. Penny Sharpe made the most sense to me: You cannot help but feel for a person's innate need to know where they come from and where they belong. It sounds trite but I have seen my husband in tears when he was watching episodes of *Long Lost Family*, where people had gone on the journey of finding their family. It might be a half-hour television show but it is a very serious matter for those people in their journey to find their birth parents—some do not find them and some do not have a great experience. It is a complex, difficult and emotional area. I thank the Attorney General and the House for giving me the privilege of being a part of this process. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. NATALIE WARD: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

POLICE AMENDMENT (PROMOTIONS) BILL 2020

Second Reading Speech

The Hon. SCOTT FARLOW (15:54:34): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

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

Leave granted.

The Police Amendment (Promotions) Bill 2020 amends the Police Act 1990 and the Police Regulation 2015 to give effect to a merit-based and modern promotions system for non-executive police officers, that is sergeants, inspectors and superintendents.

It provides for promotions based on the merit of a candidate matched to a specific advertised position, rather than officers being allocated from a "promotions list" to the next available vacancy. In this way, promotion processes are equitable and fair; and ensuring police leaders have the technical and interpersonal skills needed to respond to emerging crime patterns and changing community needs.

The introduction of this bill provides the legislative change needed to overhaul the current promotions arrangements and bring them into line with the broader public sector—as well as the expectations of our police workforce. It also reflects the key recommendation of a wide-ranging promotions review.

The Police Commissioner, Michael Fuller, asked former Australian Sex Discrimination Commissioner, Elizabeth Broderick, AO, to look at the current promotions process, and issues that might impact career progression in the NSW Police Force.

The Commissioner's Promotions Review sought feedback from almost 3,500 officers through an online survey, interviews and workshops. The review found there was overwhelming internal support for greater development opportunities for police officers; improved equity within the Force; and an overhaul of the promotions process.

The introduction of this bill provides the legislative and regulatory changes needed to update the current promotions arrangements.

The Broderick Promotions Review was published in June 2019. In the 12-months since it was published, the NSW Police Force has successfully implemented all of its non-legislative recommendations.

This bill gives effect to the legislative component of the review by providing for merit-based appointments to specific positions instead of the old concept of a "promotions list" from which the person at the top of the list is appointed to the next vacancy, regardless of the specific capabilities required for the vacant role and regardless of that person's skill-match.

The scheme retains the "rank based assessment" component of the current promotions systems, and adds an additional "position-based assessment" component to ensure that, once an officer is assessed by the commissioner as "fit for rank", she or he then also demonstrate they are "fit for job" by applying and undergoing a comparability assessment with other "fit for rank" applicants.

In this way, the NSW Police Force is able to identify the most suitable candidate for the position. And the requirements of each position will be clearly linked back to the NSW Public Sector Capability Framework, which applies across the New South Wales public service.

Reform of the promotions system has been developed in agreement with the Police Association NSW and is supported by the vast majority of police officers. The Broderick Review report details the results from an online survey of almost 3,500 officers, including personal interviews with approximately four dozen serving police. The review found that:

- An overwhelming 90 per cent of police officers who responded to the survey agreed or strongly agreed with the statement "the promotions system needs reform".
- Only 14 per cent of police officers that responded to the survey agreed or strongly agreed with the statement "the promotions system is fair and equitable for all employees".

This feedback clearly demonstrates that the current "promotions lists" system is no longer fit for purpose. The needs of the NSW Police Force and the approach of government to capability-based recruitment, have shifted significantly since 2006, when the promotion list legislation first came into force.

The NSW Police Force has evolved, adapted and grown. And, as 2020 has demonstrated, police officers may be called upon in times of national crisis such as bushfires and pandemics—as well as responding to emergencies, conducting highly complex investigations, and undertaking their day to day crime prevention and community policing work.

The NSW Police Force therefore needs its leaders to possess capabilities relevant to the actual role they are going to perform. A "one-size-fits-all" promotions approach will not assist the Police Force to respond to the changing needs of the New South Wales community.

The NSW Police Force recognises that, to ensure effective promotions, the system must:

- Recognise the specialisation of roles and the range and complexity of crime types to which a modern law enforcement agency needs to respond;
- Recognise the breadth of tasks senior police now need to undertake;
- Be responsive to all officers, including officers with young families or those from diverse backgrounds;
- Be responsive to the multi-lingual, multi-faceted community of New South Wales; and
- Allow for technical skills to be harnessed in vital areas such as cybercrime, national security, money laundering, and smart innovations in transport.

With a greater focus on leadership capability and performance, the NSW Police Force needs a system in which promoted officers meet the core capabilities required for a specific role, and not simply be the "next in line".

The New South Wales Government's capability framework is the benchmark for measuring leadership capability across government agencies and is equally relevant in assessing the capabilities required by leaders in the NSW Police Force.

The bill will bring police promotions into line with the capability framework, whilst also recognising the special rank-related capabilities that will also be required of police leaders.

Schedule 1 of the bill sets out amendments to the Police Act 1990; and Schedule 2 of the bill sets out amendments to the Police Regulation 2015 to support the operation of the amended Police Act.

I turn now to the key provisions of Schedule 1.

Most significantly, Schedule 1, Items 7 and 9, update the Police Promotions system by removing all references to promotions lists and providing that vacant positions, including vacant specialist positions, are filled by the person "who has, in the opinion of the commissioner, the greatest merit as determined in accordance with the regulations".

Thus, the concept of merit-based appointment is enshrined in legislation, but the details of how this occurs will, appropriately, be located in the Regulation; which can be more quickly updated or changed than legislation. This is consistent with the Government Sector Employment Act 2013, which provides the legislative framework for merit-based appointments, with the details provided for via Government Sector Employment Rules.

The Schedule 2 changes to the Police Regulation 2015 will therefore support a merit-based police promotions system provided for in the legislation.

These changes also apply to vacant specialist positions. These positions already require specialist knowledge or qualifications and may sometimes have additional requirements such as psychological testing to ensure officers are able to work in these roles.

The current Act already allows for provisional appointments to these roles whilst officers attain their specialist qualifications—which can sometimes take a couple of years—but Schedule 1, Item 9 of the bill strengthens the arrangements at the end of the provisional period to require them to be permanently appointed subject to satisfactory performance and undergoing any required psychological testing, etc. And if not permanently appointed, the bill ensures they are not disadvantaged due to time served in a provisional appointment instead of in their substantive position at their substantive rank. The bill also provides that appointments to specialist positions—whether permanent or provisional—are merit-based.

The current Act provides for "acting appointments" and "temporary appointments". Schedule 1, Item 11, merges these into a single provision allowing for "acting appointments" into positions that are temporarily vacant. The merging of these into a single set of arrangements will ensure consistency for officers, and will be simpler for the NSW Police Force to administer. The bill provides for acting appointments to be for a maximum of 12 months. This allows positions to be filled pending proper recruitment action—but discourages long-term temporary appointments in lieu of properly filling vacant positions via a merit-based process.

All police officers are subject to independent oversight by the Law Enforcement Conduct Commission, as well as the NSW Police Force's internal complaints management and disciplinary arrangements as set out at Part 8A of the Police Act. The current promotions arrangements also include integrity checks. Schedule 1, Items 12 and 14, update these. Item 12 provides a minor change to remove the requirement for a Statutory Declaration to be provided before an officer is appointed to a temporary position; but the officer must still provide a declaration. This does not diminish the integrity requirements of the Act—it just simplifies the

completion of the declaration by removing the need to find a JP to witness the declaration. The consequences of an officer making a false declaration are not changed by the form of the declaration. Item 14 confirms that the commissioner must undertake integrity checking of officers at two stages in the promotions process—before the officer even participates in the promotions process and then again before the officer is appointed to a promotion position.

Schedule 1, Item 17, provides for regulations to be made to support the new promotion system, including the requirements and processes for promotion.

I turn now to Schedule 2 of the bill, which sets out these regulation changes.

Most significantly, Schedule 2 amends the regulations to provide for the following elements of the new promotions system:

- Eligibility criteria for participation in the promotion process – including completion of the required time at rank and an integrity check (proposed clause 21),
- Successful completion of "Stage A" of the promotions process – which is a rank-based assessment (proposed clause 22). This ensures officers are rank-ready before they may begin applying for positions at the promotion rank.
- Successful completion of "Stage B" of the promotions process – which requires an officer to apply for an advertised position and undertake a "position-based assessment" for that position. This process is merit-based and provides for applicants to be compared against each other and the pre-established standards for the position (proposed clause 23). The "pre-established standards" for the position are based on the Capability Framework that applies across the public service.

The regulation changes also update the existing arrangements for an officer to seek a review of a promotion decision if they are not satisfied with the process (proposed clauses 24-32). A review panel will, as per current arrangements, be established to determine these reviews.

An officer may seek a review of outcomes and process relating to the rank-based assessment (Stage A), which reflects the current arrangements.

Reviews relating to a position-based assessment (Stage B), however, will be related to the recruitment process rather than the recruitment outcome. This is consistent with the NSW Public Service in general for position-based recruitment. It ensures proper recruitment procedures are followed and applicants are not disadvantaged by irregular processes; but decisions about the relative merit of one applicant compared with another are not constantly being second-guessed.

Applications for review will first be assessed by the Commissioner to ensure there are grounds for review. This will free up the review panel to focus its efforts on matters already determined as within scope for review.

Schedule 2 also provides, at Item 9, for transitional arrangements to be included in the regulation. On the date of commencement of this bill, all existing promotions lists will cease to exist. To ensure those already on a promotions list are not disadvantaged, the transitional arrangements will provide that these officers, having completed rank competency assessments under the former promotion provisions, are deemed to have completed the new rank-based assessments and they are therefore eligible to apply for an advertised position under the new arrangements. Whilst these "transitional officers" will not be automatically appointed to vacant positions, they will be eligible to apply as if they had qualified under the new arrangements.

The transitional arrangements will remain in force for the same time as is remaining on the transitional officer's existing promotion list period. For example, if a transitional officer's term on an existing promotions list expired on 31 July 2021, then the officer would be covered by the transitional arrangements until 31 July 2021 unless, of course, he or she were successfully appointed to a promotional position before that date.

There will also be transitional arrangements for a small number of officers who, under the current arrangements, were provisionally appointed to specialist positions. These officers have not previously completed rank-based assessments so will be given 12-months in which to do so, thus satisfying the requirements for appointment under the new arrangements.

The NSW Police Force has been communicating with staff about the forthcoming changes and is already taking steps to get ready to transition. The changes are welcomed by frontline police as well as the NSW Police Force's Executive. They will enable the NSW Police Force to meet the needs of the community by having police leaders with the right set of technical, leadership and interpersonal skills. They will also provide a promotions system that is more equitable and transparent and flexible.

I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (15:54:56): I lead for the Opposition on the Police Amendment (Promotions) Bill 2020. The Opposition supports the bill. The year 2020 has been a pretty remarkable period and, more than anything else, there was a moment in March and April when people were looking to the NSW Police Force for leadership to cope as we moved through this period. It has certainly been the subject of discussion in the Public Accountability Committee's inquiry into the Government's management of the COVID-19 pandemic and we have had some direct briefings. The police have a very sensitive role to play. One of the things that became clear in that inquiry was just how well the NSW Police Force has performed during this period in New South Wales, because there has been a lot of fear, misunderstanding and confusion around.

In New South Wales there has been a different approach to enforcement and policing than in some other jurisdictions, and there has been a lot more emphasis on trying to drive collective behaviour in the direction we all know we need. I place on the record the Opposition's thanks to the police commissioner and the NSW Police Force for what I think is the community's view as we have moved through that difficult period. It has certainly focused the mind. The bill arises in that context. It amends the Police Act 1990 and the Police Regulation 2015 to

modernise the promotions process for non-executive police officers to the ranks of sergeant, inspector and superintendent by replacing the promotion lists process with a merit-based process.

It also makes amendments consequential on the establishment of the new process positions. The amendments made to the Act and the regulation modernise the promotions process by replacing the promotion lists process with a merit-based process in line with the government sector employment framework. That came about as a result of the 2019 review into the NSW Police Force promotions system that was undertaken by Elizabeth Broderick at the request of the New South Wales police commissioner Mick Fuller. I congratulate the commissioner on taking that important step in culture change when it comes to the police force and the promotions system. In that review, Elizabeth Broderick noted that the current NSW Police Force promotions system has been in operation for 12 years. At the time it was seen as an appropriate response to the prior system, which did not provide sufficient protection against corruption and nepotism.

However, now there is a general view that the system does not at this time ensure that promotion is given to the best candidate. Police officers have also expressed the view that there is an insufficient focus on leadership development, particularly over the lifetime of an officer's career. Elizabeth Broderick particularly noted that currently women are greatly under-represented in leadership roles and that the existing system has a disproportionately adverse impact on women. In particular, I note the finding that 79 per cent of male police officers agreed or strongly agreed with the statement that "men and women have the same opportunities to succeed in the current promotions system", while only 47 per cent of female police officers agreed. The overwhelming majority of officers—almost the universal view—believed that the system needed reform.

The original report was commissioned by the commissioner to ensure equity in the force and he has pledged to drive change to make the promotions system more equitable. That report recommended that the NSW Public Sector Capability Framework be used as the basis for a new promotions system. The report also recommended that the Police Amendment (Police Promotions) Act 2014 be repealed given the size of the NSW Police Force and its command structure. There was a sense that enshrining the promotion system within legislation to provide ongoing clarity and surety for the role of New South Wales police officers was a good thing.

The bill currently before the House has been the subject of broad discussions and is widely supported by the police community, which is one of the reasons it is supported by the Opposition. It makes changes to the appointment of non-executive police officers and proposes under schedule 1 [7] to require the commissioner to appoint by way of promotion to a vacant position of a non-executive police officer, a person who has, in the commissioner's opinion, the greatest merit as determined in accordance with the regulations. This updates the police promotions system by removing all references to the promotions list and provides that vacant positions are filled by the person who has, in the opinion of the commissioner, the greatest merit as determined in accordance with the regulations.

It puts in place similar arrangements for specialist positions and there are always safeguards built into the system. The proposed changes also require that the commissioner may not appoint an officer who refuses to undergo or fails to satisfy a psychological assessment of the officer's suitability for the position the commissioner has required the officer to undergo. Schedule 1 [11] to the bill contains arrangements for temporary positions, allowing the commissioner to appoint a police officer to act in a non-executive police officer position that is vacant or where the holder of the position is suspended, sick or absent for a period of up to 12 months.

The existing legislation allowed the commissioner to appoint temporarily to a vacant position of a non-executive police officer, a police officer who is on the relevant promotion list for the rank concerned or is in the process of gaining the requisite qualifications for placement on that list. Schedule 1 [12] to the bill requires the commissioner, before appointing a police officer to act in a non-executive police officer position, to require the officer to provide a declaration as to misconduct. An officer who fails, refuses or is unable to provide the declaration is ineligible for appointment to the position.

Schedule 1 [14] also states it is the commissioner's duty to make inquiries as to the integrity of a non-executive police officer or a person before the officer participates in a process for promotion to the promotion rank and before appointing the person by way of promotion as a non-executive police officer respectively. The schedule 2 amendments to the Police Regulation 2015 have already been referred to in members' contributions both here and in the other place. The Greens will be moving amendments to the bill and while the Opposition understands the basis of those amendments, it will not be supporting them. This is a new process and the Opposition believes it should be given a chance to work.

It is also a process which has been heavily consulted and it is supported by the key people involved. Many police officers around New South Wales have been keenly awaiting the introduction of those measures and the Opposition does not believe this is the time for changing the system. We will continue to monitor the situation over time. It has been a testing 12 months for the community and also for New South Wales police, who have

faced very complex challenges. We are indebted to police officers for their service. I welcome the introduction of this legislation; its passage through the House will be well received in the policing community. I commend the bill to the House.

The Hon. ROD ROBERTS (16:03:35): One Nation supports the Police Amendment (Promotions) Bill and I commend the Minister for bringing it before the House. In 1981, when I went into what was then the Redfern police barracks, the promotions system in the NSW Police Force left a lot to be desired. At that time it was based on seniority only, leading to some dubious promotions at that time. The fact that you were the last man standing and did not drop dead of something did not necessarily mean you were the best person for the job—but that is how it worked out. I was still in the police during the late 1980s and I recall the promotions system changing to a hybrid model of both merit and seniority. There have been various modifications to that process over time. The most pleasing aspect of this piece of legislation is that it allows for officers to be promoted who have the knowledge, experience and capabilities that are desirable for a specific role. Being a good traffic officer with the highway patrol did not mean you would be an excellent investigator of homicides and sexual assaults.

Mr David Shoebridge: You should've been the police Minister.

The Hon. ROD ROBERTS: The interruptions from The Greens do not surprise me when we are talking about the police. The only member of this Chamber who has been arrested by the police is sitting over there and the only employer of someone who has been arrested and charged by the police is sitting over there as well. I should not have acknowledged the interjection, Mr Deputy President, and I apologise for breaching the standing orders.

Mr David Shoebridge: Why don't you apologise to the magistrate who found me not guilty?

The Hon. ROD ROBERTS: I will respond to that interjection to clear the record. At no stage did I say the member was charged. If you check *Hansard*—

The DEPUTY PRESIDENT (The Hon. Taylor Martin): Order! Interjections are disorderly at all times.

The Hon. ROD ROBERTS: —it will say I said the member was arrested. At no stage did I allege that he was convicted. Let's not forget his staff member was convicted. He was arrested only, so please check *Hansard* for the correct record and not his misinterpretation, belief or imagination.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): Order! The member will return to the bill.

The Hon. ROD ROBERTS: I most certainly will. It gives me great pleasure to return to the bill and to disregard that rabble in the corner.

The Hon. Mark Buttigieg: Keep it going.

The Hon. ROD ROBERTS: The truth always hurts, Mark. I have spoken to rank-and-file police officers, senior police officers and the Police Association of NSW, which represents all police officers, and they are all supportive of the bill. It is good to see a bill come before this Chamber that is acknowledged, recognised and supported by all stakeholders. It is good to see people selected for a particular job. The right person for the right job makes for a much more professional and effective police force and that can only help all of us in New South Wales. One Nation supports this legislation.

Mr DAVID SHOEBRIDGE (16:07:15): The Greens will not be opposing the Police Amendment (Promotions) Bill 2020 and I speak as a person with experience of the NSW Police Force—bless their little cotton socks. The bill amends the Police Act 1990 and the Police Regulations 2015 with respect to the promotions process for non-executive police officers to the ranks of sergeant, inspector and superintendent and for other purposes. It moves from an old model promotions list where the person was appointed to the next vacancy chosen only from a set pool of candidates in a seniority-based promotions list.

The new scheme is claimed to be merit-based and the police Minister calls it "modern", though his definition may differ from mine. It is a promotion system for non-executive police officers, which includes sergeants, inspectors and superintendents. A review was undertaken in 2019 by Elizabeth Broderick and those terms of reference included whether the promotion system of the NSW Police Force negatively impacted on leadership opportunities for women; to examine factors that may contribute to the under-representation of women in the NSW Police Force in a leadership role; and to identify strategies that may be implemented to ensure that women have the same leadership opportunities as men within the NSW Police Force. I will return to that report in a moment.

I note that the Police Association of NSW supports the bill. The new scheme retains some elements of the previous scheme with a rank-based assessment followed by a position-based assessment under the new scheme. The positions will need to be clearly linked when going forward to the NSW Public Sector Capability Framework.

It is interesting to note that contrary to what the Minister said in his second reading speech about the current process, there is presently a requirement that appointments be made on merit. In the briefing I referenced section 66 of the Police Act to the Minister and his advisers. I thought it was important that they read it. Currently it provides that appointments are made on merit. Under the current law, section 66 (2) states:

In deciding to appoint a person (other than by way of promotion) to a vacant position of a non-executive police officer, the Commissioner must, from among the applicants who are eligible for appointment, select the applicant who has, in the opinion of the Commissioner, the greatest merit.

That is repeated within that part of the Act. The Greens raised that fact with the police Minister and how it contradicted his second reading speech. We have not yet had a satisfactory answer. We do agree with the contribution from the Minister that the NSW Police Force needs its leaders to possess capabilities relevant to the actual role they are going to perform. It is good that, going forward, we will get to that position. We do acknowledge, as the Minister said, that a one-size-fits-all promotions approach will not necessarily assist the police force to respond to the changing needs of the New South Wales community.

Many people across the community have raised substantial, real and valid concerns about the culture and behaviour of the current police force. You would have to be deliberately closing your eyes and ears to reality to not be concerned about some of the behaviour seen on videos and recordings of police, not just in New South Wales but also in Victoria, Western Australia and Queensland, putting to one side what we see in other jurisdictions like the United States. When I speak with people from the Aboriginal community, and with young people across the State and the people who represent them, they have very real concerns about police behaviour toward them. When I speak with those people who are the subject of police force, they say that too often when a police officer has been seen, recorded on video, identified as having grossly exceeded his or her powers and has assaulted or wrongly arrested an individual—

The Hon. Trevor Khan: Point of order: I think the member knows what I am going to say. Clearly, wide latitude is given in a second reading speech; I accept that.

Mr DAVID SHOEBRIDGE: It is relevant to my amendments and to the promotions.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I will hear the point of order from the Hon. Trevor Khan.

The Hon. Trevor Khan: The matters that are now being raised are clearly beyond the scope of the bill. We are dealing with a merit-based promotions system. Matters going toward police conduct in the way that they are now being presented are well and truly outside the leave of the bill.

Mr DAVID SHOEBRIDGE: To the point of order: Those familiar with the bill would be aware that it is amending, amongst other parts, section 71 of the Police Act. That section requires the police commissioner to have regard to integrity issues before any promotion is raised. On any view of it, police behaviour such as that is included in integrity. Those who have read the bill will know that section 71 of the Police Act, as sought to be amended, requires reports from the Law Enforcement Conduct Commission in relation to integrity issues. We have had multiple reports from the commission just in the past 12 months that raise those very integrity issues. It may not be comfortable to hear but it is relevant to the bill and is well within the scope of the second reading.

The Hon. Trevor Khan: Further to the point of order: The member knows what he is doing: He is using this an opportunity to slur. He can talk about integrity but that is not what he is doing here. It is a typical performance from him. The suggestion that what I am doing is anything more than seeking that this House conduct itself in an appropriate way—I spent 20 years in the local court dealing with a range of issues, not pandering around in the Workers Compensation Commission, so I fully understand what is at the centre of this. It is a bill about merit-based things. I do not need a lecture from the honourable member at any stage.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): Everybody knows what is going on here. I uphold the point of order and I draw Mr David Shoebridge back to the substance of the bill.

Mr DAVID SHOEBRIDGE: Clearly there are concerns with integrity on promotions. Integrity must be a key element in promotions and I will address that in more detail when I am speaking specifically about the amendments that address those matters. I return to the Broderick report, which is one of the key documents that was apparently relied upon by the police and the police Minister in making those changes to promotions. The Broderick report, handed down last year, went into some detail under the heading of "A masculine culture" in the NSW Police Force. In relation to attitudes about women's place, capability and ambition in the NSW Police Force, the Broderick report stated:

The Review's online survey revealed a large disparity between women and men's belief that there should be more women police officers in leadership roles. Women in the NSW Police Force overwhelmingly believed this should occur (64%), compared to men (17%). Women police officers reported that some male police officers still consider female police officers to have a narrower range

of capability and are less ambitious. For some, there was a belief that effective policing relies heavily on physical strength and an ability to step into physical conflict.

I stress that this is not from 1950, 1960 or 1970; it is a report that was done last year of current attitudes in the NSW Police Force. The report states further:

There was also a belief, primarily among male police officers, that overall, women police officers are less ambitious than male police officers, particularly once they have children. Conversely, the survey results showed that male and female police officers are equally ambitious to progress their career.

No surprises there. It continues:

Indeed, research shows that when organisations create a positive culture and attitude regarding gender diversity, most women—mothers included—are eager to move forward.

Under the heading "Sponsorship, networking and cliques" the Broderick report states:

Whilst a number of female police officers reported that they had very positive and rewarding experiences with mentors and sponsors, others felt that female officers were disadvantaged by the ongoing reliance on networks to get ahead. They commented on a culture of "cliques" and networking among a so-called "boys club" of which they are not a part. Indeed, the survey found that women were more likely to cite 'a culture of 'cliques' / 'in-group' / 'in-crowd' within the NSW Police Force' (68% women compared to 51% men) as a barrier to promotion. Furthermore, women cited 'nepotism / networks favour male candidates' (22% female vs 6% male) as reasons why men and women do not have the same opportunities to succeed in the current promotion system.

I urge members who are concerned about fairness, integrity, and the proper representation and advancement of women in the police force, to read the Broderick report in detail. Under the heading of "Sexism and Sexual Harassment the report states:

Experiencing sexism and sexual harassment are major obstacles to an employees' ability to advance in an organisation. As the research shows, women make up the majority of the victims of these behaviours. Further, studies show that sexual harassment in particular, keeps women out of leadership positions and positions of power and prevents gender equality from ever occurring in an organisation. The NSW Police Force has made considerable efforts to prevent and respond to sexism and sexual harassment, particularly since 2006 following Chris Ronalds' *SC Inquiry into sexual harassment and sex discrimination in the NSW Police Force*. Ms Ronalds' found 47.5% of those police officers she interviewed had experienced sexual harassment.

Further, the Broderick report states:

Nevertheless, the results of the online Survey and the comments from police officers indicate that sexual harassment and sexism still occurs in some parts of the Police Force. One in three women (34%) and 13% of men reported having experienced sexual harassment in the course of their duties with the NSW Police Force or at a work-related event from a colleague in the last five years. Further, 20% of women and 8% of men have experienced sexual harassment in the course of their duties with the NSW Police Force or at a work-related event from a colleague in the last 12 months.

In addition to this, police officers were reluctant to report an incident (only 15% of both male and female police officers indicated that they would make a formal report), citing the following reasons:

- believing there would be negative consequences for their reputation (e.g. that they would be blamed or not believed);
- believing there would be negative consequences for their career;
- thinking it would not make a difference; and
- feeling as though it wasn't necessary to report it, as they were able to make the harassment stop. A survey conducted last year found that less than one in six police officers felt safe and able to report sexual harassment effectively in the NSW Police Force. That shows that a significant sexual harassment problem exists in the NSW Police Force. In this regard, the Broderick report concludes as follows:

Poor leadership is a common factor when instances of sexism and sexual harassment occur. There must be a strong visible commitment to a zero tolerance approach to these behaviours by leadership at all levels of the NSW Police Force. Strong messaging about the unacceptability of any sexual misconduct must be regularly and effectively communicated and offenders must be properly held to account.

I urge members to read the Broderick report. It indicates that real and serious concerns are held about sexual harassment in the NSW Police Force, which impacts negatively on women in a telling way. It would be a significant failure if a bill like this were to pass without any additional protective measures to address those concerns about sexual harassment and sexual misconduct in the NSW Police Force. Sexual harassment in the police force is a major problem. Members should not take my word for it; rather, they should listen to the men and women of the NSW Police Force. They are saying it but this Government is not listening and its promotions bill is silent on the issue.

I anticipate that proposed amendments to the bill are unlikely to get the support of the Labor Opposition and the Government, notwithstanding the telling evidence in the Broderick report. As a member of The Greens, those matters are important to me. Unless sexual harassment and misconduct is dealt with in the NSW Police Force to enable police officers to feel safe, how can anyone in the community feel safe to report to the police domestic violence or other abuse they may suffer? They cannot. This issue is important. It has been ignored by the Minister and it has been ignored in the bill. The Greens will propose amendments seeking to ensure that the

law finally does what the Broderick report says is necessary—that it makes a strong, visible commitment to a zero-tolerance approach to those behaviours. I look forward to debate on those amendments in the Committee stage.

The Hon. SCOTT FARLOW (16:22:18): On behalf of the Hon. Damien Tudehope: In reply: I thank all members who contributed to debate on the Police Amendment (Promotions) Bill 2019. I join with the Hon. John Graham in acknowledging the actions the police have undertaken and the reliance of the community on them during the past six months of the COVID pandemic. I acknowledge the role that the NSW Police Force has played in ensuring that New South Wales meets the gold standard for managing the pandemic. We have seen what has happened in other jurisdictions that have not had similar leadership from their police. I commend the New South Wales Commissioner of Police and the police officers in New South Wales for the role they have played in keeping our communities safe. I acknowledge the Opposition's support for the bill, as expressed in debate by the Hon. John Graham. In particular, I acknowledge the support of the Police Association of NSW as conveyed by Hon. John Graham.

The Hon. Rod Roberts made a spirited contribution to debate on the bill. He speaks from great experience in the NSW Police Force and the House is richer for his experience. We look forward to the reforms and how they will potentially change antiquated processes. Through his experience and extensive networks in the NSW Police Force, the Hon. Rod Roberts was able to assure the House that the bill has wide support from many police throughout the State at all levels of the force. I acknowledge the contribution of Mr David Shoebridge and his experience with the NSW Police Force and his knowledge of the Broderick report. That report laid some of the foundations for the reforms in the bill, which may not capture all of the report's recommendations. However, I am sure that will be discussed further at the Committee stage. The NSW Police Force continues to evolve. Its promotions system must keep pace with that evolution.

The new promotions system eliminates the next-in-line approach and will recognise the specialisation of roles and the complexity of crime types to which modern law enforcement agencies need to respond. As a number of speakers noted, the changes are an important means of ensuring the promotion of our best officers into positions of leadership in recognition of their hard work, sacrifice, professionalism and technical skills. A number of speakers emphasised that the changes made by the bill have the support of the rank and file and the Police Association of NSW. I thank my colleagues in this Chamber for their support.

The bill provides for promotions of police officers to the rank of sergeant, inspector and superintendent, based on the merit of a candidate matched to a specific advertised position, rather than officers being allocated from a promotions list to the next available vacancy. In that way, promotions processes are equitable and fair and ensure that police leaders have the technical and interpersonal skills needed to respond to emergency crime patterns and changing community needs. The Hon. John Graham referred to the expectations people have had of policing, particularly during current circumstances in which New South Wales police have led the way. The current promotions list system is no longer fit for purpose. The needs of the NSW Police Force and the approach of government to capability-based recruitment have shifted significantly since the promotion list legislation first came into effect in 2006.

As Mr David Shoebridge mentioned, the bill gives effect to the legislative component of the 2019 review into the NSW Police Force promotions system by providing that vacant positions are filled by the person who has, in the opinion of the commissioner, the greatest merit, as determined in accordance with the regulations. The bill ensures that the commissioner can continue to effectively and efficiently manage his workforce, consistent with the broader government sector principles to deliver a world-class police force. Importantly, the bill brings the NSW Police Force into line with the capability framework that applies to the wider New South Wales public service, whilst also retaining necessary police-specific elements that acknowledge the system of the NSW Police Force. As the Hon. John Graham mentioned, the promotions system review sought feedback from almost 3,500 officers through an online survey, interviews and workshops. The survey found overwhelming internal support for an overhaul of the current promotions system.

The promotions principles enshrined in the bill were developed through a promotions steering committee comprising representatives from the NSW Police Force, the Police Association of NSW and a cross-section of NSW Police Force employees, including field and specialist command. The proposed amendments are the result of this conversation and reflect a balanced and well-negotiated model. A career in policing is one of the most challenging and rewarding that a person can choose. The NSW Police Force has evolved, adapted and grown. We have seen that in 2020 and they continue to demonstrate it. Police officers may be called upon in times of national crisis, such as bushfires and pandemics, as well as in emergencies. They conduct highly complex investigations and undertake day-to-day crime prevention and community policing work. I am sure all members of this Chamber thank the police for their efforts. Those extraordinary people need the Parliament's support. On behalf of the

Minister, I thank Trish Wilde who has been the policy lead on the police promotions policy framework. I commend the bill to the House.

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

Motion agreed to.

In Committee

The TEMPORARY CHAIR (The Hon. Shayne Mallard): There being no objection, the Committee will deal with the bill as a whole.

Mr DAVID SHOEBRIDGE (16:29:48): I move The Greens amendment No. 1 on sheet c2020-130D:

No. 1 **Integrity matters**

Page 5, Schedule 1. Insert after line 36—

[14A] Section 71(2A)

Insert after section 71(2)—

- (2A) The Commissioner must not appoint a person under this Part if the Commissioner receives information that the person has engaged in sexual harassment or sexual misconduct.

In the second reading debate I referenced that the bill seeks to amend current section 71 of the Police Act. That section deals with integrity checks before a promotion can be made in the NSW Police Force. One of the concerns The Greens have, which comes from multiple stakeholders in the community, is that at no point in the Act is there a definition of what an integrity matter is. It is unclear from the Minister's second reading speech—and it is definitely absent from the bill, let alone the existing Police Act—whether the question of sexual harassment or sexual misconduct is picked up in the definition of "integrity" for the purposes of section 71 of the Act.

It is for that reason—and for the reasons set out in the Broderick review, which I will not repeat—that I have moved the amendment. If people have read the Broderick review or listened to the extracts put on record in the second reading speech, they will acknowledge that there is a very real, significant and ongoing problem with sexual harassment and sexual misconduct in the NSW Police Force that is a real impediment not only to the lived experience of female police officers but also to the ability of female police officers and non-male police officers to obtain fair promotions inside the organisation.

The extent to which current serving officers said they felt unsafe about reporting sexual harassment because they did not believe the organisation would either believe or support them—particularly female police officers, more of a third of whom said they had experienced sexual harassment in the past five years—is detailed in the Broderick report. We clearly cannot be silent about it. The Broderick report states that all levels of leadership need to make it clear that there is a zero-tolerance approach to sexual harassment in the NSW Police Force. How do we achieve that? We put it in black and white that if a person has been found to have engaged in sexual harassment or misconduct in the police force they will not be promoted to a leadership role and take a step up the ladder. We must legislate to have zero tolerance, which is what the amendment does. It provides that:

The Commissioner must not appoint a person under this Part if the Commissioner receives information that the person has engaged in sexual harassment or sexual misconduct.

It puts a zero-tolerance approach into the Police Act for the first time. The Broderick report stated that that is what we should do. Absent this amendment, there is no word in the bill—not one word, not one paragraph and not one hint—that those caustic findings on sexual harassment in the Broderick report have been taken on board. Absent the amendment, that problem will continue in the NSW Police Force. I commend the amendment to the Committee.

The Hon. SCOTT FARLOW (16:34:05): The Greens amendment is unnecessary. The NSW Police Force in no way condones sexual misconduct or harassment; however, the proposed amendment is broad and open ended, and may end up precluding an officer from promotion on the basis of rumour, gossip or innuendo. I note that Mr David Shoebridge has proposed the amendment despite his colleagues in the lower House supporting the bill. He should know that all police officers are currently subject to independent oversight by the Law Enforcement Conduct Commission. In addition, they are all subject to the NSW Police Force's internal complaints management and disciplinary arrangements as set out in part 8A of the Police Act, which incorporates strong and robust protections to enable action to be taken against officers engaging in any form of misconduct or criminal behaviour at any stage of their career—not just sexual misconduct and not just during the promotions process.

Allegations of misconduct are by no means taken lightly. An officer may miss out on not just promotion but ultimately be discharged if a part 8A complaint is sustained. New section 71 of the Police Amendment (Promotions) Bill 2020 already provides for integrity inquiries to be made at two points in the promotions journey: first, via the stage A management appraisal in new section 71 (1) (a); and, secondly, prior to appointment to a promotions position in new section 71 (1) (b). Section 71 of the Police Act currently provides for those two stages. Section 71 (1) (a) of the current Act refers to checks occurring before selecting a person to complete the process, which has the potential to allow the officer to start the process only to get vetted before being added to a promotions list. The bill tightens up this wording for the first stage integrity check to make it abundantly clear that officers must pass an initial integrity check before they can participate in a promotions process.

In addition, the promotions process in new section 71 (1) (b) includes robust and ongoing vetting to guard against the promotion of officers who have engaged in misconduct. Those provisions already cover the field of misconduct so there is no need to specifically pull out sexual misconduct as a standalone type of misconduct, as proposed by the amendment. In addition, the existing protections in part 8A enable action to be taken at any time, not just when an officer is seeking promotion. Therefore, the existing part 8A provisions are much stronger than those proposed by the amendment. To include additional provisions in part 6 of the Act will potentially result in two misconduct regimes under the one Act. This is totally unworkable for all parties, victims included.

Under the current framework, an officer cannot commence the promotions process if there is any question or doubt concerning the conduct or integrity of the officer. This includes not only convictions but also allegations and/or other forms of suggestion that should raise doubt as to the officer's character or integrity. If after further investigation those concerns are not upheld then the officer may be cleared to participate in the promotions process. Section 71 of the Act already provides for an integrity check before an officer can be appointed to a promoted position. That ensures any fresh concerns can be identified and addressed before the officer is promoted, and that is not changed by the bill. The changes to section 71 carry forward the integrity checks that may involve inquiries being made by the Law Enforcement Conduct Commission, the commander of the NSW Police Force Professional Standards Command or any other person the commissioner considers to be appropriate.

Stage A of the promotions process—the rank-based assessment—and proposed clause 22 of the regulation include an individual management appraisal. That provides a further opportunity to raise any conduct or integrity concerns about an officer before they proceed too far down the promotions process. Those processes and checks are more than enough to reduce the risk of an officer being promoted if there are integrity or conduct concerns. Should any misconduct concerns emerge regarding an officer, the existing provisions in part 8A of the Police Act enable the commissioner to take appropriate steps and, ultimately, an officer may be discharged or subjected to criminal charges. The NSW Police Force already maintains the highest standards of integrity for its future leaders, and the amendment contributes nothing. The integrity checking arrangements in the bill and regulation ensure that the promotions process operates as intended, allowing all applicants to be considered on their merits, subject to appropriate integrity and conduct vetting, including for any record of sexual misconduct.

The Hon. ROD ROBERTS (16:38:55): It should come as no surprise that One Nation does not support The Greens amendment. I take this opportunity to say how hypocritical it is for The Greens to be talking about sexual harassment when that party almost self-imploded 12 months ago as a result of sexual harassment issues.

The Hon. JOHN GRAHAM (16:39:18): I indicated in the course of the second reading debate that the Opposition will not be supporting these amendments. However, I do appreciate the spirit in which they are brought. The member has raised a range of important and serious issues. The Opposition does regard these integrity issues as covering sexual harassment and sexual misconduct. It is appropriate to ask the Government to make it very clear that there is a zero-tolerance approach to these issues. That should be the case. It should be clear that there is a strong and visible commitment to this in the bill. The Opposition regards the structures which have been set up within this bill as providing that. That is why we do not support these amendments at this time.

I have also indicated that this is a new process and that these changes follow heavy consultation. In that context, we do not support the amendments at this time. The member expressed the view that the best and possibly only way to really signal that commitment is in black and white in legislation. I do not accept that. I think there are a range of ways we could tackle it and he is very free to advocate for that way. The Opposition supports the Broderick report and the conclusions that were reached. We want a strong and visible commitment to stamping this out and we want zero tolerance. We support the views that have been expressed in the Chamber today.

Ms ABIGAIL BOYD (16:41:24): I support the amendment put forward by my colleague Mr David Shoebridge. Sexual assault and harassment is not just our problem here in this place; it is a society-wide problem that we have been talking about now for some time. Like so many other pressing social issues, it is something that we often talk about but very rarely act on. This is a really great opportunity to show some of the leadership regarding zero tolerance towards sexual assault and harassment that the Broderick report talked about. It is an opportunity for us to say that of course we would not expect people who have been found to have engaged in

sexual harassment or sexual misconduct within the Police Force to be promoted. I do not see why that is such a big step for this Parliament to take.

We know that when women in particular experience sexual assault and harassment in all sorts of different careers and industries, the cascading effects of the incident have a marked impact on their lives, their careers and their mental and physical health. Yet the statistics show that in those circumstances, the men in particular continue on. We see this in politics. We see it in sport. We see it all over the place. These men may be out of favour for a couple of years with the media not talking to them, but then before we know it they are back. Their career is back, their standing in the community is back, everyone forgives them and it is all over. Meanwhile, the victims of sexual assault and harassment continue on with that impact felt throughout their life. Here is a great opportunity for us to draw the line and say that we are listening to the experience of these women police officers. We are listening to the people in the police force who are telling us that this is holding women back from their participation in the force and from advancing and being promoted. People who are found to have engaged in sexual harassment or sexual misconduct do not deserve to be promoted in our police force. I support this amendment.

Mr DAVID SHOEBRIDGE (16:44:13): I appreciate the contributions from all members in the Chamber. I find it unfortunate that the Government contribution did not make a commitment to putting in place, either by legislative or any other measures, the zero-tolerance approach that was called for in the Broderick report. I listened carefully to the Government's contribution. They did not come close to it, did not reference it and did not reference the Broderick report. I find that remarkable and I genuinely see it as a lack of leadership. I do not blame the Parliamentary Secretary; I know he is reading from notes provided by the Minister's office. We are seeing that lack of leadership from the Minister's office down. We heard it today in this contribution, even when the details of the Broderick report have been read. You cannot in good conscience read that and not take action but, unfortunately, that is what we have had from the Government.

I note the Opposition's contribution, but the Opposition's contribution is more the vibe. They think in the current amendments that somehow the vibe is going to deal with zero tolerance. At no point was the vibe identified or where the vibe comes from or what particular provision of the amending bill gives them that level of comfort. It is unfortunate that we have not seen an engagement with the deep level of detail that is contained in the Broderick report, neither in the amending bill nor really in the contributions we had from the other parties in this place. For the reasons given by my colleague Ms Abigail Boyd, I commend the amendments to the Committee.

The Hon. JOHN GRAHAM (16:45:53): I am going to briefly respond to one point that was made. It would be very unfair to characterise the Opposition's view as relying on "the vibe". I am quite open to the vibe. However, the Opposition believes that the matters the member raised are covered in proposed sections 71 (1) (a) and 71 (1) (b) of the bill, that these are matters of integrity that he is raising and the law covers it. That is the Opposition view.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): I caution members not to repeat the speeches we have already heard on the amendments. That one went close.

The Hon. ROD ROBERTS (16:46:39): I forgot one thing. It was very remiss of me and if my wife ever reads *Hansard* she will give me a clip over the ear. My wife was a police officer, a detective with some 24 years' experience. She rose through the ranks and ended up retiring as a hostage negotiator. At no stage did she suffer from any sexual harassment or impediment to promotion because of the fact that she was a female.

The Hon. MARK LATHAM (16:47:21): I am contributing to the amendment because I am a firm believer that any man who intimidates, harasses or assaults a woman is no man at all. I am very pleased that these things are illegal in New South Wales and are dealt with in appropriate ways across the criminal justice system. But I also have to point out that the mere mention of the name Elizabeth Broderick does not lift the credibility of any of her investigations. It is well known, and we only have to look at the pattern of her inquiries, that she is not independent, she is not fair-minded and she goes into these organisations wanting to find problems that we find out later on did not really exist at all.

I would advise any future police commissioner, Minister, or indeed any senior administrator in this State that to have credible reports of this nature, it has to be a credible investigator. I do not think Elizabeth Broderick fits that bill. There are several organisations with which she has been involved where if you speak to the people, they are scathing in their criticism and in their allegations of bias. This is a serious issue that should be dealt with seriously by the New South Wales Government and we need a serious, independent and credible person to do it. Commissioning people who want to find certain things before they have even done the investigation is not the right approach.

Mr DAVID SHOEBRIDGE (16:48:45): I cannot leave the contribution of the Hon. Mark Latham un-responded to. I say for the record that The Greens reject that character assassination of a particularly fine member of the community.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2020-130D. The question is that the amendment be agreed to.

The Committee divided.

Ayes4
 Noes34
 Majority.....30

AYES

Boyd (teller)	Hurst	Shoebridge (teller)
Faehrmann		

NOES

Ajaka	Franklin	Mookhey
Amato	Graham	Moriarty
Banasiak	Harwin	Primrose
Borsak	Houssos	Roberts
Buttigieg (teller)	Jackson	Searle
Cusack	Khan	Secord
D'Adam	Latham	Sharpe
Donnelly	Maclaren-Jones (teller)	Taylor
Fang	Martin	Tudehope
Farlow	Mason-Cox	Veitch
Farraway	Mitchell	Ward
Field		

Amendment negatived.

Mr DAVID SHOEBRIDGE (17:02:50): I move The Greens amendment No. 2 on sheet c2020-130D:

No. 2 Integrity matters

Page 5, Schedule 1. Insert after line 43—

[16A] Section 71(7)

Insert after section 71(6)—

- (7) An inquiry as to the integrity of a person under this section must include an inquiry into the following matters—
 - (a) whether the person has engaged in sexual harassment or sexual misconduct,
 - (b) whether the person has been the subject of civil proceedings before a court concerning the person's conduct as a police officer, and—
 - (i) the court made an adverse finding against the person, or
 - (ii) the Crown made a settlement to finalise the proceedings,
 - (c) whether the person has been the subject of criminal proceedings before a court and the court made an adverse finding against the person,
 - (d) whether a court made an adverse finding against the person as a witness in civil or criminal proceedings before the court.

This is a further amendment to section 71 of the Police Act. It details what an inquiry as to integrity is. This is the inquiry required of the commissioner before agreeing to allow a person to be in the pool for promotion or promoting a person. It has taken a number of years to get the police to finally produce any kind of data on civil settlement claims. More recently the police eventually provided material to the House which showed that in the last financial year some \$24 million in civil settlement payments were made by the New South Wales police. The police do not have any kind of tracking of that data.

Indeed, it has taken some five years to get that data because the police have repeatedly said that it does not collect the data about civil proceedings, settlements or court judgements in any central place. It does not collect

the data and there is no positive feedback loop from civil settlements and critiques by the court. I accept that cases go both ways, they are sometimes critiqued and sometimes upheld by the courts. If there is no feedback data from the findings of the court in either civil matters or criminal matters—and from the material that we have been provided by the police there is no feedback loop—how can we have the essential and necessary improvements and learning when individual officers are found to have engaged in misconduct?

If we think this is just a farcical suggestion, on Tuesday the New South Wales Court of Appeal awarded a woman some \$115,000 because of police misconduct in circumstances where she had not paid her registration and the police followed her to her house. She did not stop when the police asked her to stop. She drove slowly to her house and parked in her driveway, where she found herself having a gun pulled on her, being handcuffed, arrested and her dog capicum sprayed. If there is no feedback loop about that evidence to the police, how will they learn and how will they improve? They will not.

The amendment requires that before an officer can get onto a list or be accepted into a pool where promotions can be considered, and before a promotion can be granted, information about a police officer such as this must be gathered and considered. Everybody would agree that this should be done. It is not currently being done because the police have no feedback loop. It is not currently being done because there is no way of even capturing it. When criminal courts, magistrates, district courts and supreme courts make adverse findings against a police officer's credit, there is no feedback loop into the police.

Too often, notwithstanding adverse reports, police officers continue to be promoted. That should not happen and this amendment seeks to address that. It seeks to ensure that officers who have had those adverse findings do not get promoted. There might be compelling reasons in a subset of circumstances outside of sexual harassment or sexual misconduct, but there must be that feedback loop. It does not exist. It should exist. The police should do it for the good of their own organisation let alone the safety of the community.

The Hon. SCOTT FARLOW (17:07:40): The Government does not support the amendment moved by Mr David Shoebridge. I rest on the contribution I made earlier to the Committee on the previous amendment. I note that a very thorough investigative process undertaken by police captures a whole range of items. It does not necessarily have to have the feedback loop that Mr David Shoebridge has enunciated in this debate.

The Hon. JOHN GRAHAM (17:08:05): The Opposition addressed these matters in the discussion on the first amendment. The Opposition regards sexual misconduct and sexual harassment as totally unacceptable and takes seriously the integrity matters covered in the bill as discussed previously. The Opposition supports the Broderick report and zero tolerance but it believes these matters are covered in the bill.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): Mr David Shoebridge has moved The Greens amendment No. 2 on sheet c2020-130D. The question is that the amendment be agreed to.

Amendment negatived.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

*Adjournment Debate***ADJOURNMENT**

The Hon. SCOTT FARLOW: I move:

That this House do now adjourn.

NATIONAL CHILD PROTECTION WEEK

The Hon. PENNY SHARPE (17:11:14): National Child Protection Week in Australia from 6 September to 12 September 2020 marked 30 years since the first National Child Protection Week was held by the National Association of Child Abuse and Neglect. NAPCAN was formed by a group of people who wanted to eradicate child abuse and create safer communities for children in Australia. In 2020 the theme of National Child Protection Week was "Putting Children First", which means making decisions about children that align with their best interests. That means using evidence to make good-quality decisions, appropriately funding support and committing to no course of action that would risk a child's physical or emotional wellbeing or development when there is a better alternative available. The concept of making decisions that are in the best interests of the child underpins all decision-making about children in Australia. The concept is derived from Article 3 of the United Nations Convention on the Rights of the Child to which Australia is a signatory. The article states:

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.

In 2020 in New South Wales we are not putting children first. We are not making decisions that are in their best interests, particularly children who are vulnerable. As we have discussed at length in this Chamber, there is a child abuse crisis in New South Wales and it is not being managed by this Government. The most recent data shows us that in the past year 111,904 children were reported at risk of significant harm, with 70 per cent of those children receiving no face-to-face assessment or support from a caseworker. We will never know how many of those 80,000 children who were not assessed were effectively abandoned by this Government to continue living in abuse or neglect.

While this is not a new issue, it is a rapidly worsening issue. Every quarter the number of children reported at risk of harm grows and with it the gap of children receiving no intervention. I hear stories from mandatory reporters and caseworkers alike who lay awake in bed at night imagining all of the children who have slipped through their fingers, left in dangerous situations without any help available. At both State and Commonwealth levels there have been a raft of inquiries, reviews and reports into the many aspects of the child protection system in New South Wales. Among all of the recommendations and findings from those reports is a unifying call for well-funded, high-quality early intervention.

We should absolutely be ready to catch every child who falls subject to abuse, although we must also do everything within our power to stop those children falling at all. We have the answers to this. We know about the risk factors and types of disadvantage that ring as the early alarm for abuse. We know how to appropriately intervene so that many children in New South Wales will never experience abuse or neglect at anywhere near the levels of what is being experienced by children right now. Time and again we have been provided with the answers, in detail and at length, yet we do not act. We have not effectively changed the way we do things. Instead, this Government commits to yet another review, another inquiry and another report. The time for review has passed; the time for action is now.

Since coming into power this Government, by its own admission, has cut hundreds of millions of dollars from the Department of Communities and Justice. Whether you call these cuts a labour expense cap or an efficiency dividend, in practice it means hundreds of millions of dollars lost from the fund enabling caseworkers and support staff to protect children. Every year the Minister and the secretary come into budget estimates hearings to try to reassure us by saying that they will not target frontline staff. However, any cut to any part of the department robs those frontline workers of precious time and resources to perform their core function of protecting kids. Any cut to this department is not in the best interests of the child.

One promising development to eventually come out of the recommendations of David Tune's review into the out-of-home care system was a \$190 million whole-of-government reform called Their Futures Matter. We have since learned that this reform has failed, without the resources or clout necessary to achieve its aims. Their Futures Matter lapsed after four years, with no budget bid and no plan for the future. It failed; the Government failed. I am calling on the Government to act in the best interests of the children of New South Wales. I am calling on the Minister for Families, Communities and Disability Services to put children first. Children need whole-of-government reform and investment in early intervention, ensuring every department is working in concert to protect them from harm.

We must ensure the communities of New South Wales are bolstered with the resources they need to keep children safe. We must use the masses of information we have gathered about the risk factors for abuse to do everything in our power to ensure children are never avoidably subjected to abuse or neglect. We must ensure that every time a child is reported to be at risk of significant harm, that report attracts a face-to-face assessment by a trained professional, even when that report comes before the child is at risk of death or serious injury. That is what it means to put children first.

COASTAL EROSION

Ms ABIGAIL BOYD (17:15:52): The erosion of our beaches is distressing. None of us want to see our beaches disappear or homes collapse into the ocean. But there is nothing new about storms causing sudden and shocking damage to beaches and beachfront properties. What is new is the severity and frequency of these weather events due to climate change. It is in that context that we need to assess what we do next. Wamberal Beach, very close to where I live on the Central Coast, was buffeted by storms in July of this year, which removed seven metres of sand and left properties at risk of collapse. Property owners are now calling for a seawall to protect their houses and surrounding infrastructure.

Wamberal has seen this before. That stretch of beach has been vulnerable to erosion for as long as anyone can remember, and the sand has never replenished easily. In the 1970s, storms saw several houses surrendered to the sea. Back then there were fewer and more modest houses than those that we see along the stretch now. Back then it would have been a much easier task for the Government to buy back the land and to restore it as a frontal dune. Instead, an improvised seawall was constructed and, in time, covered over with sand. With the problem supposedly buried, bigger and more expensive properties were constructed along the strip. Faced now with the decision between, on the one hand, building a seawall for around \$20 million or, on the other hand, buying back those properties for around \$400 million, the choice looks deceptively simple.

But building a seawall is the more expensive option in the long run, and it is also the least equitable. Building a seawall simply moves the problem; it will shift the erosion to the end of the seawall and slow the replenishment of the beach. It will protect those houses by making coastal erosion someone else's problem—our problem—by putting other homes and businesses at greater risk, while threatening to wash away our public beaches. And where do we stop? If we are going to build a seawall at Wamberal are we going to build one at all the other locations along the New South Wales coast where properties are threatened too such as North Avoca, North Entrance, Copacabana, McMasters Beach, Pretty Beach—and that is just on the Central Coast—as well as at Coffs Harbour and the northern beaches?

As the years pass and predicted sea level rises are realised, is the plan to prop up all the properties sitting on the coastline with seawalls? Even best-case scenarios will see sea level rises setting beaches back by hundreds of metres by the end of the century. The impacts on all structures along the coastline will be devastating. There has to come a time when we stop doubling down on our mistakes and start doing things differently. The Wamberal Beach Management Options report, prepared for the Office of Environment and Heritage in 2017, considered a cost-benefit analysis for eight options at Wamberal. It found that none of the engineering options, including different types of seawalls, with or without beach enrichment, would provide a net public benefit for the local community and visitors. Only a planned retreat would provide greater benefits than the status quo. These are not subtle differences either. Planned retreat has a cost benefit seven to 10 times greater than any other option. I quote from the executive summary:

The analysis concludes that the net costs imposed on residents, visitors and other parties from the loss of the beach and construction of a seawall, exceed the net benefits stakeholders would receive from the effects of a seawall. The key beneficiaries from construction of a seawall are the approximately sixty owners of beachfront properties at Wamberal. The report details the loss of the majority of the beach due to construction of the seawall and states that the benefits of a seawall to beachfront owners would be outweighed by the net cost to the wider community, including business owners.

The impacts on the economy of Terrigal and Wamberal would reverberate throughout the Central Coast local government area [LGA]. Planned retreat is extremely traumatic for property owners. It must be fair, transparent and carried out with good consultation and support. It is something we have to get used to. The Western Australian Government has a policy of planned retreat for developed coastal areas that are subject to erosion. Planned retreat has been used elsewhere to protect residents from bushfire and flooding. It will become more common with rising sea levels and councils along the New South Wales coast will need the support of the State Government and its local MPs as they grapple with the changing shape of their LGAs and the impacts on planning, services and local economies. We cannot hold back the ocean. It is a triumph of baseless optimism and hubris to think we might. It gives false hope to affected residents and sacrifices our public open space and a longer stretch of coastline. We need to come together as a community to understand the science and assess the options. The response now must be guided by what is best for the whole community and for ecosystems up and down the whole of our coast.

COUNCIL ELECTIONS

The Hon. TAYLOR MARTIN (17:20:53): In just under 12 months New South Wales residents will have the opportunity to decide the make-up of their local council. The elections have been pushed back by one year due to the COVID-19 pandemic. The decision to push back council elections was obviously the correct choice, given the uncertainty that our State faced in March. Unfortunately this decision has meant some councils that are obviously deserving of being booted out have been able to hold on for an extra year, but an advantage of the delay is that many of those councillors have now been further exposed.

High on the agenda for voters will be retribution for councils that have ignored their responsibilities. One issue prevalent across the Central Coast and in the Hunter region is councils neglecting their environmental responsibilities, as we have just heard from The Greens. Last year Newcastle City Council had to be dragged kicking and screaming to take responsibility for the erosion at Stockton Beach. Instead of coming forward with practical solutions and being proactive about applying for funding from the State Government for implementation, it dithered while looking for someone else to blame. Thanks to the State Government's intervention, the council is back on track on this issue at least. Funding has been provided for a number of items, including assistance to complete a coastal management plan and identify long-term solutions to the erosion issues.

In addition, the council is working with the Government towards the option of using offshore dredging, possibly to replenish the beach into the future. There have been failures across the board on the Central Coast on the environmental front when it comes to councils. In February the Tuggerah Lakes system flooded, inundating homes. Following heavy rainfall, the council waited four days before excavating The Entrance Channel to allow floodwaters to escape from the system. In July an east coast low caused high seas at The Entrance North and—as we heard earlier—at Wamberal. The subsequent erosion at that beach resulted in multiple properties being severely damaged.

Home owners along that stretch of land have been trying to gain approval from the council for years to protect their properties by putting in place stabilisation measures. Yet they were refused at every turn. They even went to the NSW Land and Environment Court and won against the Central Coast Council and the former Gosford Council. Only when damage occurred in July this year did the council finally take action to protect private property—as houses were falling into the sea. When hundreds of millions of dollars in public assets—road, water, sewerage, electricity and phone lines—along Ocean View Drive in Wamberal were at risk, only then did the council take action. That is no way to treat any resident of Wamberal, whether they are right on the waterfront or further back from the beach.

I expect the issue of bin collection to be foremost in the minds of voters at next year's council election. That issue played out particularly in Lake Macquarie City Council during the previous term. In 2018 the council changed its weekly general waste bin collection to a fortnightly collection. This change has been deeply unpopular in the community and has resulted in Lake Macquarie residents being stuck with disgusting-smelling bins as well as instances of maggots every week. Shamefully, the Central Coast Council has refused to rule out a similar move and there is a real risk that if Labor and The Greens gain a majority at the next election, the weekly bin collection will be one of the first casualties.

Never before have local councils had a State government that is so willing to work with them to build infrastructure and provide the services that residents and ratepayers deserve. The State Government has a sense of urgency but too often we are met by councils that are sitting on their hands. Councils that refuse to act and that refuse to take their basic responsibilities for roads, rates and rubbish seriously should be on notice. The election is just 352 days away and I suspect many residents on the Central Coast residents and in the Hunter region have already started lacing their boots.

ADJUNGBILLY TO BATLOW HUMELINK ACTION GROUP

The Hon. MICK VEITCH (17:25:14): I raise an issue that is impacting on my part of New South Wales and that of a couple of other members in the Chamber as well. I recently met a group calling itself the Adjungbilly to Batlow HumeLink Action Group—an interesting group of people. It includes some farmers who have already been through a fair bit and who are now concerned about a 500 kilovolt [kV] easement corridor going through their properties. We began the meeting by talking about the Dunns Road fire because most of them were impacted by it, and it was clear they are still mentally scarred by that fire. Indeed, I was quite concerned for some of them. They are now dealing with the consultation process for the HumeLink project. I know this territory pretty well as I grew up in Yaven Creek, Ellerslie, where one of the easements is projected to go through.

I also worked as a shearer at a number of properties where there is another part of the easement. One of the properties is owned by Billy Kingwell, who is president of the HumeLink action group. I have waited 14 years to get the wonderful name of his property into *Hansard*. He owns a property called Scrubbers Bedden—which is

a wonderful name for a property—in Adjungbilly. I have known the Kingwells for quite a while and they do not take on issues lightly. So it is clear this issue is worrying them. What are they concerned about?

They told me they accept that the Snowy 2.0 project is going ahead and they accept that the electricity generated will need infrastructure to get it to its destination. But they do not accept that this easement, which is about 70 metres wide, has to go through prime agricultural land when the other 330 kV easement is predominantly on Crown land, going through national parks, WaterNSW land and State forest land. There is already an existing easement for those other powerlines. So they are asking why we cannot just look at using the other easements. There will obviously be logistical issues around that so they are not saying do not put the powerlines in; they are just asking the State and Federal governments to please find another way of doing this and another easement. The other issue raised with me during a discussion with the mayor of Snowy Valleys, James Hayes, is that the proposed easement curls around and takes a whopping great dogleg near the Tumut Aerodrome.

Anyone who has been to Tumut will understand the importance of that aerodrome and that runway. This was highlighted particularly during the Dunns Road fire, because that is where the tankers and the water carriers were. The projected easement will impact the proposed extension and upgrade of that runway. It is the wrong spot for the easement. Whether you look at this from the perspective of prime agricultural land or from the perspective of the Tumut Aerodrome, I urge TransGrid to engage with these people in a constructive and meaningful way. They told me they have been having conversations and holding community meetings. A meeting at Coolac that was scheduled to go for two hours went for four hours because people want to talk about this project. They want to understand the project.

I appreciate that COVID-19 makes consultation on projects like this difficult. In no way am I saying that is an easy task. I ask TransGrid to listen to the concerns of the farmers and the communities and not to go with the option it is currently considering. It does not make sense to run a 70-metre corridor smack bang down the middle of prime agricultural land when there is an existing easement that could be used. It may be more expensive but what is the cost of losing prime agricultural land? About 250 farmers are involved in the Adjungbilly to Batlow HumeLink Action Group. They are not all big landholders. There are some near Tumut who hold land just slightly larger than a hobby farm. It is the same around Coolac where it is going to cross the Hume Highway. I say to TransGrid: Consult with the community on this important project and get it right.

MENINDEE LAKES

Ms CATE FAEHRMANN (17:30:23): Two weeks ago I sat having a beer with the president of the Darling River Action Group, Ross Leddra, on his back porch at Sunset Strip as we stared out over Menindee Lake. For him and most of the other residents of Sunset Strip, it was their little patch of paradise where they had moved to retire. Ross reminisced about afternoons where people would walk and picnic together on the grassy banks of the lakes as kids played around them, all just a few metres from his back porch. "It was magic", he said. I tried to imagine it as I looked out at the scene before me because all I could see were emus kicking up dirt on the vast, dry lake bed where once there were waterskiers and people would throw a line out to catch a few Murray cod or golden perch. Now many of the cottages are boarded up and worthless. Yet these communities have received no compensation for a deliberate decision by the Government to drain Menindee Lakes.

I will note some of what has gone wrong in the Barwon-Darling-Baaka river system and Menindee Lakes, according to Broken Hill's wonderful little paper, the *Barrier Daily Truth*. Despite communities along the Darling River and the communities at Menindee and Sunset Strip experiencing dry lake beds and a dying river, the volume of water extracted from the Barwon-Darling river system in the year 2019-20 set a new record. About 474 gigalitres were taken for irrigation in the north, according to data published online by the Department of Planning, Industry, and Environment [DPIE]. The previous record of take from the Barwon-Darling was 302 gigalitres in 2016-17. That was the last time all of the Menindee Lakes were filled.

The new record for the last year coincided with big floods in Queensland. The Darling had been dry for three years when the water reached northern New South Wales in February. For the first time since 2016 the Northern basin had an opportunity to harvest flood plain waters. National Party water Minister Melinda Pavey put an embargo on that so that the water could fill the Darling River first. She then lifted the embargo for three days at the request of irrigators in the Gwydir and Namoi valleys. The Minister said that only 32 gigalitres was taken off the flood plain in that event, yet she has not been able to substantiate that number. That is a lot lower than the 474 gigalitres that DPIE said was taken from the Barwon-Darling, most of it in that February flood event.

In June this year Minister Pavey said that it was nice to see a "good lick of water in Menindee" and that the lakes were managed best when under the control of the State Government. According to the Murray-Darling Basin Agreement, New South Wales manages the water until it reaches 650 gigalitres. At that point the Murray-Darling Basin Authority takes over. In other words, Menindee stays under New South Wales control if the lakes are never filled. That may be achieved by maintaining over-extraction in the north. Under the control of

the Murray-Darling Basin Authority, the lakes contribute nearly 40 per cent of South Australia's water from the Murray River. With the lakes dry, South Australia draws its supply from the Murray alone, at the expense of farmers on the Murray in southern New South Wales, who this year faced their third year of having no water entitlements whatsoever.

There are thousands of grain growers and dairy farmers on the Murray River. On the Barwon-Darling there are 158 water licence holders but just four of them hold 75 per cent of the shares, mainly for growing cotton. Now the Government is turning to Menindee Lakes to try to get more water into the system. The Menindee Lakes water savings project is the biggest of all the water saving proposals for the Murray-Darling Basin and it stands to lose 105 gigalitres a year. What happened to the ICAC investigation into allegations of water theft by big irrigators that was raised by the *Four Corners* "Pumped" program? The Natural Resources Commission has recommended urgent changes to save the Barwon-Darling from ecological collapse. From what I saw and whom I spoke to, it seems the Government is sacrificing the communities, lakes and river systems of the lower Darling to pander to extremely powerful irrigators—their mates in the northern basin—who are prepared to kill a river for their own self-interest.

IAN ARMSTRONG BUILDING

The Hon. SAM FARRAWAY (17:35:08): As a member of the New South Wales Government and a proud member of the National Party, it was an absolute honour to be at the official opening of the Ian Armstrong building in Orange last week. On 21 August 1989 the Hon. Ian Armstrong announced the relocation of the Department of Agriculture head office from Sydney to Orange. Last week we began a fresh chapter in the success story that is the decentralisation of public service jobs throughout regional New South Wales. Approximately 600 days ago the first sod was turned on the new Orange building, now known as the Ian Armstrong Building. That was another milestone in the great New South Wales decentralisation success story. Developed by Verde Property, the \$75 million project will cover a total floor space of 8,500 square metres over four storeys. It is an investment that will ensure an improved, agile workplace for staff and even better service delivery for regional New South Wales communities.

The building will bring world-class public service capabilities to the Central West whilst also enabling new job opportunities into the future. Critical programs will continue to be run from Prince Street, supporting the State's \$15.9 billion primary industries sector to grow and recover from drought, fire and the impacts of COVID-19. It will be the new home for staff across eight departments, including the Department of Premier and Cabinet, the Department of Primary Industries, the Department of Planning, Industry, and Environment, the Department of Education and the new Department of Regional NSW. The building will be the new home of agriculture, biosecurity and food safety, the NSW Rural Assistance Authority, the Game Licensing Unit and one of our State emergency coordination centres.

The building is more than bricks, wood or steel. It is a legacy. When former National Party Deputy Premier and Minister for Agriculture, Ian Armstrong, moved the then Department of Agriculture to Orange on 22 January 1992, it was the single largest decentralisation project undertaken by a government department. Now, 28 years on, we can see and appreciate the success of Ian's vision, which has inspired the National Party's continued dedication to getting more public service jobs in our regional communities. It has brought over 700 jobs to the Central West. Back in 1992 that may have been labelled pork-barrelling. The then Opposition deemed it not to be a smart investment. They can say what they want: The National Party's and Ian Armstrong's fundamental belief that those who live in our regions deserve the same access to jobs and services as those from metropolitan area did not waiver then, and is still as strong as ever.

The \$200-plus million in local economic stimulus has been provided by the departments in the building through salaries and locally-based procurement. That would never have occurred had the Opposition had its way in 1992. The building, the people who work in it and the services they provide to communities across the Central West and beyond is proof that the decision to relocate the then Department of Agriculture, now known as the Department of Primary Industries, and the Department of Planning, Industry and Environment from McKell Street in Sydney to Prince Street in Orange, was not a bad one. In fact, it was a decision that has made Orange and the broader region what it is today.

Like I said, this is about much more than a building. The significant role the department's head office has played across the Orange community and the broader region cannot be underestimated. It opened the opportunity for further research and satellite facilities to be based from Wagga Wagga to Bourke. It created the inspiration for other States, including Victoria who came to New South Wales for solutions on how to mobilise its public servants outside of inner city Melbourne. The hundreds of staff who have worked in the departments have contributed greatly to their communities by providing professional expertise, by becoming involved in sporting clubs, community groups and by choosing to raise their families in the regions.

The Orange region is well and truly part of the knowledge economy—a community based on skills, information and technical depth that this building and Ian's legacy have brought to the region. Because of all this and so much more, it is only fitting that the building is named the "Ian Armstrong Building". I thank Ian's wife, Jenny Armstrong, who joined Minister Pavey and me to open it. I thank Ian for starting this journey all those years ago and I thank all the department staff who will work in the building for calling regional New South Wales their home. Regional New South Wales is better off for having those services and those people in Orange and the Central West. I congratulate all involved in ensuring the success of the department in Orange since it was first relocated in 1992. I acknowledge the amazing legacy that Ian Armstrong has created throughout regional New South Wales.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 17:40 until Tuesday 22 September 2020 at 14:30.