New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Tuesday 15 November 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday 15 November 2022

The PRESIDENT (The Hon. Matthew Ryan Mason-Cox) took the chair at 14:30.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its Elders and thanked them for their custodianship of this land.

Documents

STATEMENT OF ACKNOWLEDGEMENT: BULLYING, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT IN NSW PARLIAMENTARY WORKPLACES

The PRESIDENT (14:33): In August 2022 the Presiding Officers, the Clerks and the chief executive, collectively known as the Parliamentary Executive Group, released the findings of an independent review conducted by Elizabeth Broderick & Co into harmful behaviours, including bullying, sexual harassment and serious misconduct, at New South Wales Parliament workplaces. The review was conducted with the input of the Parliamentary Advisory Group on Bullying, Sexual Harassment and Serious Misconduct, established by the Parliamentary Executive Group in 2021. The parliamentary advisory group comprises members and staff from all parliamentary workplaces and includes people with lived experience of harmful conduct. The review, referred to as the Broderick review, was conducted over a year and reflected disturbing and painful experiences of some members, staff and visitors to New South Wales Parliament and electorate offices.

Today, as we near the end of the parliamentary term, we deliver this statement of acknowledgement on behalf of the New South Wales Parliament. We sincerely apologise to all those who have experienced bullying, sexual harassment or sexual misconduct in any of the Parliament's workplaces. We acknowledge the harm caused and deeply regret the trauma experienced by some here in this Parliament and in our offices that serve the communities of New South Wales. We acknowledge your pain and the mental stress and anguish caused by such behaviour. We understand the lasting impact of your experiences. We thank those who have come forward to share their lived experiences and observations as part of the review. We acknowledge how hard it is to speak up about these issues. Your courage will help to create the safe, inclusive and respectful workplaces we all deserve.

The Parliamentary Executive Group categorically states our commitment to more effective prevention, more effective responses and a more respectful culture in every aspect of parliamentary life. High standards of behaviour and respectful workplace culture are the joint responsibility of parliamentary leaders, political party leaders, office holders, managers and staff. Appropriate standards of conduct and behaviour are to be practised and observed consistently across all locations within the parliamentary working environment. Any bullying, sexual harassment or sexual misconduct is unacceptable and will not be tolerated.

The work that is underway in response to the Broderick review will strengthen our practices so that all who work at or visit the New South Wales Parliament or our electorate offices will be safe and supported to speak up, should harmful behaviour occur. As a first key step, an Independent Complaints Officer, Ms Rose Webb, has been appointed as an officer independent of the parliamentary administration and entirely separate from the Executive Government. This is an apolitical role, and Ms Webb has indicated that she will work with strict impartiality, confidentiality and sensitivity. In addition, the Parliamentary Executive Group, with the continued input of the parliamentary advisory group, is acting on a comprehensive plan to implement the recommendations of the review.

To work and serve in this Parliament is the greatest privilege. Our culture should be an exemplar to all workplaces across New South Wales. Today as we acknowledge the harms of the past, we commit to actions to build the parliamentary workplaces the people of New South Wales expect and deserve. Each of us has a role to play in building, practising and maintaining the highest standards of workplace behaviour. Embracing collaboration and diversity, and fundamentally valuing respect will be the key to our success. We are committed to acting on the Broderick review recommendations, and we will continue to consult widely on the implementation plan, which will be released soon.

Ms ABIGAIL BOYD: I seek leave to have the Deputy Speaker's speech on this matter today incorporated into *Hansard*.

Leave not granted.

Bills

PROPERTY TAX (FIRST HOME BUYER CHOICE) BILL 2022

BUILDING AND OTHER FAIR TRADING LEGISLATION AMENDMENT BILL 2022

ELECTRONIC CONVEYANCING ENFORCEMENT BILL 2022

TREASURY AND ENERGY LEGISLATION AMENDMENT BILL 2022

Assent

The PRESIDENT: I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

Documents

INSPECTOR OF CUSTODIAL SERVICES

Reports

The PRESIDENT: According to the Inspector of Custodial Services Act 2012, I table a report of the Inspector of Custodial Services entitled *St Heliers Correctional Centre 2021*, dated November 2022.

Committees

PROCEDURE COMMITTEE

Reports

The PRESIDENT (14:38): I table report No. 17 of the Procedure Committee entitled *Operation of Standing Order 52*, dated November 2022, together with a submission and correspondence. This brief report addresses a number of matters connected with orders for the production of State papers under Standing Order 52 that were left unresolved in the committee's March 2022 report on the review of standing and sessional orders. Significantly, the report recommends the incorporation into Standing Order 52 of a third category of documents, which contain personal information. It is hoped that this new provision strikes a balance between the importance of genuinely personal information being respected while also providing a more efficient means of enabling members to access and subsequently use the information of interest to them in returns to order. The operation of the new provision will be closely monitored through the next term of Parliament.

The report also discusses an important collaborative project involving the Department of the Legislative Council, the Department of Parliamentary Services and the Department of Premier and Cabinet to develop an eReturns system. This would enable the production of documents under Standing Order 52, and their access by members and others, to take place electronically, with potential for enormous administrative efficiencies. The committee has carefully considered both the potential and complexity of eReturns and is keen to see work continue to develop the system to the point where a demonstration for the committee in the next term of Parliament can facilitate a decision whether or not it should be deployed and, if so, when.

I take this opportunity to commend all those who have been working so diligently on this complex project, including Jenelle Moore, Christine Thai and Beverly Duffy from the Department of the Legislative Council; Krista Meulengracht and Patricia Pearce from the Department of Parliamentary Services; and the team at the Department of Premier and Cabinet. This project is an excellent example of the benefits of collaboration and the professionalism of the Parliament's staff and the State's public servants. Included in the report are a number of appendices with a view to assisting to inform further discussion and consideration early in the new term of Parliament. This includes a draft practice note that could be given by the President under Standing Order 3 so as to provide guidance for all involved in the Standing Order 52 process.

I commend all members of the committee for their goodwill and thoughtful contributions which have culminated in a consensus report in respect of this highly contentious area. I also thank the secretariat, including David Blunt, the Clerk of the Parliaments, Susan Want and Alex Stedman for their valuable assistance in finalising this important report.

PROCEDURE COMMITTEE

Reports

The PRESIDENT (14:40): I table report No. 18 of the Procedure Committee entitled *Second review of the Standing and Sessional Orders*, dated November 2022, together with correspondence relating to the inquiry. When the Procedure Committee reported on the review of the standing and sessional orders in March this year it recommended that the House adopt the new standing orders as sessional orders for the remainder of 2022. In May

2022 the new standing orders were subsequently adopted as sessional orders by the House, with a small number of additional amendments. The House allowed six months to trial the new standing orders. The final review report was due from the committee before the end of this sitting year. I am pleased to table the report today. Overwhelmingly, the committee finds that the new standing orders are fit for purpose and should indeed be formally adopted. After careful consideration, the committee has recommended 19 minor amendments to the standing orders currently being trialled.

These changes include some improvements to the operation of the newly adopted provisions for statements of public interest in respect of government bills, provisions for ePetitions in the standing orders, and clarification of a number of other minor matters in relation to the new business committee and questions. I would like to commend all members of the committee for their preparedness to diligently work together in the best interests of the people of New South Wales, acknowledging the important role of this House as a house of review, charged with the duty of holding the Executive to account. I also thank the secretariat, the Clerk of the Parliaments, Susan Want and Alex Stedman, together with the staff in the Procedure Office and all of the Clerks at the table for their constructive and helpful suggestions during this long process.

This concludes the second comprehensive review of the standing orders of this House conducted in the past 100 years. It follows over five years of significant amendments to sessional orders which have greatly improved the efficiency of the House and the accountability mechanisms, including Standing Order 52, at its disposal. This historic review will now permanently cement these improvements should this House formally adopt these new standing orders this week. The next step will be to deliver them to the New South Wales Governor for approval. It is envisaged that this will occur next week, so that these standing orders will operate from the beginning of the next Parliament.

Documents

DUNGOWAN DAM AND WYANGALA DAM

Correspondence

The PRESIDENT: According to the resolution of the House of 21 June 2022, I table correspondence addressed to the Clerk from the Leader of the Government concerning the final business case for Dungowan Dam and the strategic business case for Wyangala Dam. I further inform the House that the correspondence notes that the Government has decided to produce the following documents on a voluntary and confidential basis:

(a) Dungowan Dam Final Business Case, dated 28 January 2022; and

(b) Critical State Significant Infrastructure (CSSI) Regional Priority Dam Projects—Wyangala Dam Wall Raising: Strategic Business Case, dated 10 July 2020.

I further inform the House that the documents received by the Clerk are being treated in the same manner as documents received under Standing Order 52 and that are subject to a claim of privilege. The documents are available for inspection by members only.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. SCOTT BARRETT: I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 51/57*, dated 15 November 2022.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. SCOTT FARLOW: I table report No. 68 of the Selection of Bills Committee, dated 15 November 2022.

According to standing order, I move:

That the following bills not be referred to a standing committee for inquiry and report, this day:

(a) Aboriginal Land Rights Amendment Bill 2022 (accompanied by a Statement of Public Interest);

(b) Crimes Amendment (Custody of Knives) Bill 2022;

(c) Environmental Planning and Assessment Amendment (Private Native Forestry) Bill 2022 (not yet accompanied by a Statement of Public Interest);

(d) Forestry Amendment (Koala Habitats) Bill 2022;

(e) Government Sector Audit and Other Legislation Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);

(f) ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2022;

(g) Independent Commission Against Corruption Amendment (Validation) Bill 2022;

(h) Integrity Legislation Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);

(i) NSW Reconstruction Authority Bill 2022 (not yet accompanied by a Statement of Public Interest);

(j) Point to Point Transport (Taxis and Hire Vehicles) Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest);

(k) Prevention of Cruelty to Animals Amendment (Independent Office of Animal Welfare) Bill 2022; and

(l) Privacy and Personal Information Protection Amendment Bill 2022 (not yet accompanied by a Statement of Public Interest).

Motion agreed to.

Documents

ANIMAL RESEARCH

Redacted Documents Claim of Privilege

The CLERK: I table redacted documents received on Monday 14 November 2022 from the Legal Branch of the Department of Premier and Cabinet, together with an indexed list of documents, regarding the disputed claim of privilege on papers relating to animal research. [*During the giving of notices of motions*]

Notices

PRESENTATION

The Hon. Penny Sharpe: Point of order: Ms Abigail Boyd is trying to give a notice of motion. She should be able to do that without consistent and constant interjections from the Hon. Mark Latham.

The PRESIDENT: Order! Ms Abigail Boyd has the call. She will be heard in silence for the rest of her notice of motion.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That Government business orders of the day Nos 1 to 6 be postponed until a later hour of the sitting.

Motion agreed to.

POSTPONEMENT OF BUSINESS

The CLERK: According to standing order, I advise the House of the following postponements:

(1) Business of the House notice of motion No. 1, standing in the name of Ms Abigail Boyd, postponed until Thursday 17 November 2022.

(2) Matter of public importance standing in the name of Mr Justin Field, postponed until Thursday 17 November 2022.

Bills

ABORIGINAL LAND RIGHTS AMENDMENT BILL 2022

Second Reading Debate

Debate resumed from 8 November 2022.

The Hon. JOHN GRAHAM (15:07): I speak for the Opposition on the Aboriginal Land Rights Amendment Bill 2022. I commence, as the Minister did, by acknowledging the traditional custodians of the land upon which we meet, the Gadigal people. I pay my respects to Elders past, present and emerging, and also take this opportunity to pay my respects to all Aboriginal Elders of New South Wales for their enduring custodianship, care and respect for the lands and the waters of our State. It is a particular pleasure to do so in this place as the nation prepares for a very important vote to give greater say to Indigenous people across the country: the question of a Federal Voice to Parliament. I acknowledge, as we commence this debate, how much we still have to learn from the oldest continuous civilisation that we are so lucky to share this continent with.

Labor does not oppose the bill and recognises that this is stage one of wider amendments to be considered for the important Aboriginal Land Rights Act. The bill is in the first stage of the reforms outlined in the

2021 statutory review of the Aboriginal Land Rights Act 1983. The Aboriginal Land Rights Act has been operating for 38 years, since 1983, and recognises that land is of a spiritual, social, cultural and economic importance to Aboriginal people. I recognise that it was a former Labor government that passed the original Act to recognise the traditional ownership and occupation of the land by Aboriginal peoples and the importance of their connection to the land. The Aboriginal Land Rights Act also acknowledges that past governments' decisions have impacted and progressively reduced the land set aside for Aboriginal people, without compensation.

The purposes of the Act are set out in section 3. They are to provide land rights for Aboriginal persons in New South Wales; to provide for representative Aboriginal land councils in New South Wales; to vest land in those councils; to provide for the acquisition and management of land, other assets and investments by or for those councils, and the allocation of funds to and by those councils; and to provide for the provision of community benefit schemes by or on behalf of those councils. There have been a number of reviews of the Act since 1983, intended to improve the performance of local Aboriginal land councils and the NSW Aboriginal Land Council.

The 2021 statutory review received submissions from a range of parties. It resulted in, firstly, some major policy thinking and potential transformational reform of the Aboriginal Land Rights Act. The proposals categorised as major policy present significant themes and/or policy matters for aspirational change for the future of the Act. The opportunity to consider any major policy matters was always an aim of the 2021 review of the Aboriginal Land Rights Act, with major policy ideas welcomed from all stakeholders. I welcome the fact that that approach was taken in the review. Within the time bounds of review, the major policy matters were not explored in depth but are recommended for future consideration, development and ongoing work, as the Minister indicated.

Secondly, there was a range of administrative proposals, generally providing for operational improvements to the Aboriginal Land Rights Act to better the day-to-day operations and administrative processes of land councils and regulators, including savings in time and resources, in some cases removing duplication. Of note, the administrative changes proposed will greatly assist the readability and logical understanding of the Act by users. Thirdly, there is a range of other proposals, mostly rectifying anomalies. Again, the Minister referred to some of those in his speech.

I have referred to the staging, and the Minister set out some of those stages. It is worth indicating that the outcomes of the review identified both immediate work and long-term work that will involve a three-stage process over the coming years as follows. Stage one is to initiate a draft amendment bill of the Aboriginal Land Rights Act for public exposure, specifically to make administrative and operational changes to better existing structures and provisions to improve the administration of the Aboriginal Land Rights Act and of Aboriginal land councils. That is the stage that is initiated by the bill.

Stage two is to initiate a comprehensive consultation on proposals to consider ways for land councils to undertake land dealings subject to native title as a matter of priority. I note that it is possible, in the view of the Opposition, that further legislative amendments may be necessary as part of this stage. Stage three is to convene roundtables with key Aboriginal Land Rights Act stakeholders to consider major policy matters and aspirational reform for both the Aboriginal Land Rights Act and intersecting legislation and government administrative processes. The Minister acknowledged that the bill is the start of this process, but he also outlined the steps that he and the Government have undertaken in relation to the other two stages. Some of those have commenced already, even though the other stages are subsequent. The approach to take this first step while beginning on the other stages at the same time is welcomed.

The bill includes various administrative and operational amendments listed in the review report and include amendments to reduce the burden on local Aboriginal land councils by clarifying some administrative provisions relating to land dealings and community benefits; to improve the efficiency and effectiveness of conduct and disciplinary provisions; to maintain and promote good governance by adding new grounds for disqualification in certain circumstances, including in relation to findings of the Independent Commission Against Corruption; and to provide greater self-determination and ease administrative requirements, including by reducing some requirements for ministerial approvals, such as for NSW Aboriginal Land Council policies.

The bill also proposes to expand the subject areas of policy advice that the NSW Aboriginal Land Council may provide to the Minister for Aboriginal Affairs. The proposal extends the functions of the NSW Aboriginal Land Council relating to policy and advice on matters relating to the interests of Aboriginal people more broadly. I specifically welcome that action in the bill. It formalises a widened role for the NSW Aboriginal Land Council to provide broader advice. That is a good step, in the Opposition's view.

As I have indicated, the current bill is focused on stage one outlined in the statutory review. Stages two and three of the reforms will be part of future consultation and amendments, as outlined by the Government and recommended by the review. I indicate that the NSW Aboriginal Land Council, in discussions with the Opposition, said that it is keen for stages two and three to be addressed as a matter of priority by a future government following

the March 2023 election. I join with the Minister in thanking the leadership and staff of Aboriginal Affairs NSW and the registrar of the land rights Act.

It is more important than ever that the Aboriginal Land Rights Act enables access to improve social, cultural and economic outcomes for Aboriginal people, particularly in the context of the challenge that we all face when it comes to Closing the Gap. I draw one particular area to the attention of the House and encourage all members to look at the Closing the Gap reports more generally to see how we are travelling. I draw socio-economic outcome area 4 to the attention of the House, which is that Aboriginal and Torres Strait Islander children thrive in their early years. That measure is about children assessed as developmentally on track in all five domains of the Australian Early Development Census.

The figures for New South Wales show that the numbers for Aboriginal and Torres Strait Islander children have gone backwards from 42 per cent of children who are developmentally on track in 2018 to 38.8 per cent in 2021. I put the spotlight on that particular measure. In doing so, I acknowledge that it has been a difficult time. I acknowledge that the measure of non-Indigenous children has also gone backwards, so this reflects a challenge for all children, but it reflects a particular challenge for Aboriginal and Torres Strait Islander children, given the low rate to start with. These changes are important to get right in the context of the Federal debate and vote on the question of an Indigenous Voice to Parliament. With those matters in mind, I commend the bill to the House.

Ms SUE HIGGINSON (15:18): I speak on behalf of The Greens to support the Aboriginal Land Rights Amendment Bill 2022. We support the bill and have indicated that to the Minister. I acknowledge the traditional custodians of the land on which we all gather, each time we gather here, the Gadigal people of the Eora nation, and pay my respects to Elders past, present and emerging. This land was never ceded. Sovereignty was never ceded. It always was and it always will be Aboriginal land.

I also acknowledge the registrar, who is in the Chamber today. I had the real benefit and luxury of meeting briefly with her this morning with the Minister. The Aboriginal Land Rights Act provides land rights over certain Crown land for Aboriginal land councils in New South Wales. If a claim is made over Crown land—land owned and still managed by the Government—and meets other criteria under the Act, ownership of that land is to be transferred to the land council. The process is intended to provide compensation for the dispossession of land from Aboriginal people in New South Wales. It is about land and it is about providing land.

Whilst we absolutely support the amendment bill that is presented to the House today, it is with a large degree of disappointment—and I do not think it is just The Greens that have that disappointment—that we are not yet in that position to be more ambitious, to be doing what we know we should be doing every time we introduce an amendment to this Act. The Minister for Aboriginal Affairs administers the Act, with support from Aboriginal Affairs NSW in the Department of Premier and Cabinet. Aboriginal Affairs NSW also leads the delivery of OCHRE, the Government's plan for Aboriginal Affairs, and assists the Minister to implement the National Agreement on Closing the Gap, which includes a target for increasing the area of land covered by Aboriginal and Torres Strait Islander people's legal rights or interests.

It really is with disappointment that we are not working out a better, clearer path with a much more actioned priority to do that. We saw that in April 2022 and it is pertinent to what we are doing today with this amendment bill—or perhaps what we are not quite doing here today. The Auditor-General found that neither the Department of Premier and Cabinet [DPC] nor the Department of Planning and Environment [DPE] has established the resources required for the Government to deliver Aboriginal land claim processes in a coordinated way, and which transparently commits to the requirements and intent of this very Act. Delays in determining land claims have resulted in Aboriginal land councils being denied the opportunity to realise their statutory rights to certain Crown land. Delays also create risks due to uncertainty around the ownership, use and development of Crown lands. It is really important to remember that Aboriginal people and Elders keep dying, waiting for their land.

The Department of Premier and Cabinet has not established governance arrangements to ensure accountability for the outcomes of this Act and effective risk management, and unfortunately the bill is not reconciling that; it is not introducing those measures. Reviews of the Act and the system since at least 2014 have recommended actions to address numerous issues and improve outcomes, but limited progress has been made. Unfortunately, progress will not be made today. The Minister for Aboriginal Affairs is not doing that today.

The Auditor-General's report from April this year exposed that even the database used by the Department of Premier and Cabinet—the office of the registrar—for the statutory register of land claims has not been upgraded or fully validated since the 1990s. In 2020 the Department of Planning and Environment identified the transfer of claimable Crown land to local Aboriginal land councils to enable economic and cultural outcomes as a strategic priority. We understand the Department of Planning and Environment has some activities underway to do this and to improve how it engages with Aboriginal land councils. But the department still lacks a clear, resourced strategy to process over 38,000 undetermined claims within a reasonable time frame. It is very poor of this Government

that we are not debating today how we deal with this. Instead, we are—unambitiously but very importantly—tinkering around the edges with the functions of the New South Wales Aboriginal Land Council [NSWALC] and local Aboriginal land councils.

The Act was introduced in 1983. Since then we have seen 53,800 claims lodged and yet 38,200 are still unprocessed. It will take 22 years to process those alone based on the current rates and targets—a backlog of 38,200 unprocessed land claims that total 1.12 million hectares of land. Today we are not debating how we can sort that out under this bill. I think the answer as to why we are not still remains that we just have not prioritised it in the way we ought to. The bill is tinkering around the edges of self-determination and does not substantively move us to what we, as a State, truly need: truth, treaty, voice and, in this particular case, land—providing land to First Nations people. The bill provides more control and self-determination to the New South Wales Aboriginal Land Council and to local Aboriginal land councils, and gives away some of the current ministerial control, but it is a disappointment. It is also disappointing that we are doing that now in the eleventh hour of this term of this Parliament.

The bill is the first stage of reforms outlined in the 2021 Statutory Review of the Aboriginal Land Rights Act, but the Government has introduced it at the eleventh hour. It is too late to progress stages two and three in this term of Parliament, which are key reforms that the NSWALC wants to see. It has clearly stated that it needs to see stage two, which is to initiate a comprehensive consultation on proposals to consider ways for Aboriginal land councils to undertake land dealings subject to native title as a matter of priority; and stage three, which is to convene roundtables with key Aboriginal Land Rights Act stakeholders to consider major policy matters and aspirational reform for both the Aboriginal Land Rights Act and intersecting legislative frameworks and government administrative processes.

Today we are not being ambitious. The Aboriginal Land Rights Act has been a significant step on the path to reconciliation, but it has now been in operation just shy of 40 years. We are all acutely aware of some of the major problems with the system. It is an imposed colonial system. We know of the division, the pain and the harm that the system has caused in Aboriginal communities across the State. One of the issues relates to the lack of community recognition of land councils as the cultural authority holder for an area. We know the conflicts and the problems that the Aboriginal land rights system poses to the native title system, and the native title system was introduced just shy of 30 years ago. We have had 30 years to try to face this, embrace it and resolve it. That is what Aboriginal members of the community have been begging us to do for years.

The neglect of successive governments—including this one—to provide self-determination and instead continue to provide two severe instruments of colonialism and then let them travel inconsistently for so long together is a serious and dangerous fail. Right now we have local Aboriginal land councils trying to develop lands for the economic benefits of their community, but they are largely the lands that the colonisers have not had the opportunity to develop, so they are the lands that hold significant cultural heritage and biodiversity value.

Today we should be introducing a bill to amend the Aboriginal Land Rights Act in a much more ambitious way to sort out the problems and conflicts Aboriginal communities face, to simply deliver more land to Aboriginal people and to return land to Aboriginal people. We know that is fundamental and key to self-determination, to the health, wellbeing and empowerment of Aboriginal people in New South Wales. We know that we need to look at other measures and we need to reform. We need to look at the electoral integrity of land councils' functions. We know that people feel ostracised from the Aboriginal land rights process. We need to do much better on how we improve this system. We cannot honestly—hand on heart—move towards self-determination without adequately resourcing the mechanisms in place to carry out the functions under the Aboriginal Land Rights Act. At the end of the day, that is just about delivering more land to Aboriginal people.

The Greens will always stand on the side of First Nations people and their struggle for land and culture. We support this bill because it makes small but necessary amendments to the Act, which is a step forward in the self-determination of local Aboriginal land councils and the State Aboriginal Land Council, but I implore the Government and the Minister, as the commitment is written, to keep working towards the reforms we need, which is to ultimately deliver land back to Aboriginal people and take those steps toward truth telling. Then let us take the path to a treaty.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, Minister for Regional Youth, and Minister for Tourism) (15:30): In reply: We have heard two helpful and important contributions today. To paraphrase the Deputy Leader of the Opposition, we still have much to learn and to do. As both members made clear, this is just the first stage of a three-stage process that was recommended in the review of the Aboriginal Land Rights Act brought down by my predecessor last year. The Deputy Leader of the Opposition welcomed the bill's extension of the remit of the New South Wales Aboriginal Land Council to providing broader advice. I welcome that and note that it is a formalisation of what happens anyway, because we

should all be listening to the highest elected body for Aboriginal people in this State, which is the New South Wales Aboriginal Land Council.

I note the genuine and passionate contribution from Ms Sue Higginson, who says that we need to be more ambitious. We do; she is quite right. I look forward to enacting that ambitious agenda over the next four years. I make a point about work that has been done, though. The member made some comments about the Government not providing enough support. I will not go into that and prosecute that case in detail, but I will say that this morning, when we had a briefing with the crossbench members, one question asked of the registrar, whose presence here I acknowledge, was about the staffing for her office. She said that when she arrived five years ago, the staffing was four people and it has now been raised to 13 or 14, which shows the Government's serious focus on and commitment to ensuring that we do what is right for Aboriginal people in this State.

However, the member's point about the number of outstanding Aboriginal land claims is correct. It is something we are working on. We are looking at what needs to happen to bring together a number of claims so that they can be resolved as one. We are looking at prioritisation of claims from the local Aboriginal land councils' point of view, to ensure that the most important ones to resolve are resolved early. And we are looking at what can be done to provide further resources to speed up the process. We have devolved the approval process so that a senior public servant, rather than only the Minister, can approve those Aboriginal land claims. A range of priorities and outcomes have been developed to focus exactly on the issue the member is talking about.

She made the point, of course, that we need to focus on other issues and that this is not going far enough. By definition, she is right, because this is stage one of a three-stage process. I would love to have legislated in this Parliament too, but proper, deep consultation is critically important to ensuring that we get it right. We have seen some recent examples of where, when things are put through with speed, there can be unintended consequences and people can feel they have not been consulted as widely as they could have been. So I think that it is important to do that. From this side of the House, I give my commitment that we will continue to engage and consult deeply with all Aboriginal stakeholders in this State to ensure that we land stages two and three in a way that reflects the aims of this bill and of the broader polity we are trying to pursue.

The member made a comment regarding us tinkering around the edges of self-determination. I do not see it in that way. I see it more as a linear progression, and we are not at self-determination yet. But this bill takes us a step along that path. There is more work to be done, but I place on the record the work done with the Coalition of Aboriginal Peak Organisations, through the budgetary process, where, for the first time, the Government worked hand in hand in genuine partnership with that organisation to land 27 different budget initiatives to focus on closing the gap. The initiatives were done in partnership for the first time and were welcomed and supported by Aboriginal people in this State. That is where our engagement on these issues must go from here, because gone are the days when we say to Aboriginal people, "We know what's best." We do not do that. We cannot do that, and it is not an acceptable way to exist anymore.

This bill is important not only because is it focusing on consistency, ensuring that the regulatory requirements of the Act and of all local Aboriginal land councils around the State are comparable with other appropriate statutory frameworks and that they align with the expectations of similar corporate entities in New South Wales. It is also about ensuring that we have a much more efficient bill, that we alleviate unnecessary, duplicative and onerous regulatory requirements for both local Aboriginal land councils and oversight bodies, and that we cut the red tape for those bodies. But it is also about empowerment and strengthening the self-determination of local Aboriginal land councils and the New South Wales Aboriginal Land Council, to ensure that they gain appropriate control of their affairs as independent entities in the twenty-first century.

This is an important bill, but it is not the end of the matter. I expect us to have a longer, deeper and more substantive discussion about stages two and three, which affect a space that is much more contested. I place on the record my deep appreciation for this House's understanding of the intent of this bill, which was to do something uncontroversial: to look at the administrative issues and challenges that surround this bill and to work out which ones were uncontroversial, which we can move forward with quickly and which were supported by the New South Wales Aboriginal Land Council, the Department of Aboriginal Affairs and the registrar's office. My final point is that I could not have succeeded in moving through this bill today without the deep commitment and genuine passion and advocacy of the registrar, Nicole Courtman. I thanked a range of different people in my second reading speech, but I single her out as someone without whom I could not have done this job effectively.

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

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES LEGISLATION AMENDMENT (COERCIVE CONTROL) BILL 2022

Second Reading Debate

Debate resumed from 10 November 2022.

The Hon. SCOTT BARRETT (15:39): I was speaking on the Crimes Legislation Amendment (Coercive Control) Bill 2022 when the debate was adjourned. I would like to round out my contribution with two quick points. First, I want to thank the committee secretariat for their work on the inquiry into the bill. It was conducted quite quickly. It was put on the committee, and we turned it around very quickly: arranged the hearing, arranged the witnesses and got the report out in incredible time. I thank, particularly, Jessie and Shannon for that. I especially thank them for helping me, as I was new to the whole chairing thing. Second, I would like to acknowledge the Attorney General and Minister Ward for bringing this reform into the House. It is a fantastic thing for us to be doing and it is definitely something we need to be doing now. It is something that I know both of them—particularly Minister Ward, who is in the Chamber at the moment—are very passionate about. I thank them both, and their staff, for bringing the bill to the House.

The Hon. ROD ROBERTS (15:40): I wish to contribute to the debate on the Crimes Legislation Amendment (Coercive Control) Bill 2022. I was a member of the Joint Select Committee on Coercive Control. I sat there and listened to the evidence from witnesses who presented to the committee. Let me inform the House that, although all witnesses considered coercive control to be an issue in the community that needed addressing, there was not unanimous support for a bill of this nature. There was support for legislative change and agreement that existing laws did not adequately cover coercive and controlling behaviour, but I am afraid the bill will change nothing.

It should be noted that as a member of the committee I agreed to the recommendations and findings of the report, including the key recommendations that coercive control be criminalised and that a definition be provided for domestic abuse which includes coercive and controlling behaviour. What I did not sign up for, however, was this bill. Any government that introduces a piece of legislation in the criminal arena alone and thinks that will solve a problem is clearly mistaken and out of touch with reality. This bill is a feeble attempt by this Government to say to concerned parties, "We have listened. Here is a bill to outlaw that behaviour. Job done." That is wrong. Relying on criminal justice levers alone will contribute to the failure of the application of the bill. One only has to look at the number of drive-by shootings, murders and drug importations—offences carrying life imprisonment sentences—to see that criminalisation alone is not a deterrent.

In 2020, despite there being laws against domestic violence, the NSW Police Force responded to 140,000 incidents of domestic violence and commenced 36,600 charge files for domestic violence offences. In the same year, police made over 40,000 applications for apprehended domestic violence orders. Surely what I have raised here should give us food for thought. The suggestion that making something against the law will solve everything is completely wrong. What is required is a whole-of-government approach. A range of government bodies are responsible here; it is not just limited to the NSW Police Force. Health, Education, Justice, Housing and non-government organisations in the domestic violence space all have a critical role to play to reduce the numbers of perpetrators and victims of abuse. What is required, and is critical, is an early intervention and public health focused approach. It should not just be left to the police in a criminal justice role.

It is well known and documented that dysfunctional relationships are synonymous with mental health issues, drug and alcohol dependency, unemployment, social welfare dependency and housing issues—to name but a few. Recommendation 8 of the select committee recognised these facts and called for work in that space. I do not believe that has happened in any meaningful way. Instead those in the Government have taken the cheap and lazy way of just criminalising this, basically wiping their hands of it and letting it fall into the lap of the police alone. When this legislation fails—and it will—the finger will be pointed at the police. The experiences of other jurisdictions such as England, Wales, Tasmania and Scotland have not reflected a clear success to date. There have been low prosecution and conviction rates. And what happens? Everyone blames the police.

We heard evidence in the inquiry: "The police aren't trained properly." "The police don't respond properly." "The police don't understand." These are all arguments that we heard from domestic violence advocates as to why the legislation was not working as hoped for in these jurisdictions. No-one will own up to the fact that legislation will not fix this issue—and the legislation proposed in the bill is no different. Many times during this term of

Parliament we have introduced laws requested by the police, via the responsible Minister, that make their work more effective—drug prohibition orders, encrypted devices, proceeds of crime and mandatory disease testing laws, to name a few. The police have said, "This legislation is required for us to do our job." They are on the front line. They are at the coalface; they know what is needed. The rub here, though, is that the police have warned against the type of legislation that is in the bill. They have highlighted the inherent issues with a standalone offence.

Chief Inspector Sean McDermott, manager of the NSW Police Force Domestic and Family Violence team, in his evidence before the committee said it was the submission of the NSW Police Force that the matter of coercive and controlling behaviour would be more appropriately dealt with by changes to the Crimes (Domestic and Personal Violence) Act 2007; it would be better dealt with by way of an apprehend domestic violence order. In his evidence, Chief Inspector McDermott said:

> For a breach of an apprehended domestic violence order in this State, for example, we currently have a legal action rate of around 81 per cent. So for every 10,000 people who made reports of breaches, we issued charges 8,000 times. In that time, we would have a 77 per cent prosecution success rate. Why we generally fail with domestic violence charges in court is down to two main reasons: first, the victim failed to attend to give evidence, which is understandable for a variety of reasons and pressures they are under; second, when they do attend they come under pressure to change their story to assist the defence. There is a third reason, which is ultimately us not being able to prove a matter beyond reasonable doubt because in many situations it is effectively one on one—the evidence of the defendant versus the evidence of the victim—and we have the higher criminal standard of proof.

The committee's chair—who happens to be the Minister who has brought the bill to the House—asked the chief inspector, "Is conviction rate the only measure of success?" Mr McDermott responded:

> From a victim's perspective, I think it would be, because what would be the point of going through a whole contested court hearing? I am saying it is not the only one, but the priority one would be to be believed and to get an outcome at court. Saying that, it is important for us to think about what victims want in this.

It should be noted that Mr McDermott is not only the leader of the Domestic and Family Violence team in the NSW Police Force but has also had 12 years' experience as a police prosecutor, prosecuting these types of matters. He continued:

> Most victims that I have dealt with, and I take it there are exceptions to the rule, but the vast majority of victims that I have dealt with, they just want the violence to stop. They are not talking about laws that go into court, in fact that is the last thing they want to do is go to court to give evidence. Most victims want the violence to stop and they will do that by contacting police for that immediate interrupter, and thereafter seeking apprehended domestic violence orders. That is reflective of our success rates at court because our failure at court when victims do not attend court is much higher than most other offences.

Mr McDermott's position was also expressed in the submission of the Shoalcoast Community Legal Centre, which stated, inter alia:

> 25. A further risk of criminalising coercive control is that it has the potential to prevent women reaching to support services where they are in a coercive controlling situation where they wish to remain in the relationship with the offender. In these instances, where previously they may have reached out to mental health, drug and alcohol or counselling support, they may be more reluctant to do so because they are fearful it will lead to the arrest of the perpetrator.
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> 26. Even under the current system, a significant percentage of women seeking advice from our service, are seeking advice about withdrawing or amending their statements where the preparator is being charged with an offence, often becoming hostile witnesses when matters proceed in court. That is not to say that they are not in fear of the perpetrator but there are many reasons these women remain in these relationships and do not want their partner to be incarcerated.
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> 27. This might include: the impact of ongoing trauma from the [family violence]; the complexities of these being intimate partner relationships (and clients still love and care for the perpetrator); the financial dependence on a perpetrator; difficulty of single parenting (often where there are a large number of children, or children with special needs or health conditions); pressure from other family members; and the overall difficulty for women to safely extract themselves from a [violent] situation.
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> 28. For example, a client who had been in a long-term marriage and experienced multiple incidents of physical violence, in addition to coercive and controlling behaviours, called the police for the first time when the perpetrators behaviour was directed at one of the party's children for the first time. Charges were laid against the perpetrator and a provisional ADVO with strict conditions was put in place. Whilst these measures were for the client's and children's protection, the client implied that she regretted calling the police and was unlikely to do so again in the future as she did not want the perpetrator to go to gaol.

That women's advocacy group's position was reflected by many others during the inquiry. It highlights the associated problem of a standalone offence within the Crimes Act 1900. I address a few of the bill's many faults. New section 54F (2) (c) seeks to criminalise "behaviour that is economically or financially abusive". What if a partner deliberately and intentionally takes control of joint finances because the other partner has an addictive gambling problem or habit? Does that require police intervention? New section 54F (2) (e) continues in the same vein by criminalising behaviour that "monitors or tracks" the partner's activities. What if the other partner is trying to monitor the gambling activities of the other? New section 54F (2) (d) criminalises "behaviour that shames, degrades or humiliates". The South West Sydney Legal Centre's submission to the inquiry gave the following example:

> Let us say that a woman's male partner is tasked with two unpaid domestic labour tasks in his day: picking the children up from school on time, and unpacking the dishwasher. The man frequently both picks the children up from school late, and forgets to unpack the dishwasher. Frustrated, the woman uses the only bargaining chip she has, and advises the man that, until he can do these two simple domestic tasks properly, she will be withholding sex.

Should she be charged because her behaviour shames, degrades or humiliates? I will let that question linger. New section 54F 2 (g) criminalises behaviour that prevents the person from "making or keeping connections with family, friends or culture". What if a person's partner has a friend who is dating a drug dealer? Are they a bad person if they pressure their partner into cutting ties with that friend to avoid getting mixed up in the potential dangers of criminal association or even a drive-by shooting? New section 54 G (3) states:

> (3) For subsection (1), a course of conduct includes behaviour engaged in—
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> (a) in this State, and
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> (b) in this State and another jurisdiction.

What does that mean? I will unpack it by using an example. It is alleged that two incidents of what is proposed as "abusive behaviour" occurred when a couple is living in Queensland. The couple moves to New South Wales. Whilst living in our jurisdiction, another incident of alleged abusive behaviour occurs. Under the bill, those three separate incidents would be defined as a "course of conduct". However, two of the alleged incidents occurred outside the jurisdiction of New South Wales. Those two incidents do not constitute an offence in Queensland. Therefore, the alleged perpetrator did not break any law in that State. They did not have the necessary mens rea or intention to break the law because no law was applicable. Their actions would be deemed reasonable because, to their knowledge, they were not breaking any law at the time. No court would convict on that evidence. The appellate court will have a field day with this legislative mess.

How does the NSW Police Force investigate offences alleged to have occurred outside its jurisdiction? How does it obtain evidence through search warrants or subpoenas when it has no jurisdiction in those States? The bill is not fit for purpose. The old maxim rings true: The only people who truly know about a relationship are the two that are in it. Should the police be involved in sorting fact from fiction? Inherent dangers exist in pigeonholing and legislating what is normal in a relationship and what is abusive. Ultimately the bill invites a whole host of unintended consequences and is unlikely to achieve its desired outcome of reducing domestic violence offences.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (15:55): In reply: I thank all honourable members who contributed to debate on the Crimes Legislation Amendment (Coercive Control) Bill 2022 and gave consideration to this important bill: the Leader of the Opposition, the Hon. Penny Sharpe, a longstanding advocate on the topic of domestic violence and coercive control, whom I thank for her advocacy, contribution and approach; Ms Abigail Boyd, a fellow member of the Joint Select Committee on Coercive Control; the Hon. Emma Hurst; Reverend the Hon. Fred Nile; and the Hon. Mark Latham.

I will comment briefly on some specific issues raised by certain members. The Hon. Mark Latham is an avid reader, and I respect his views enormously. With the utmost respect, I commend to him Jess Hill's book and the SBS television series, which may provide some context to the experiences of people who are affected by domestic violence and coercive control. In no way am I being patronising or implying that the honourable member does not know what he is talking about. I am saying that Jess Hill's book and the SBS series gave me enormously helpful context.

Coercive and controlling behaviour does not discriminate by postcode or demographic. A person does not have to be living in poverty for it to occur. It is everywhere, and it is a fact. The work that Jess Hill has done in this space has been groundbreaking in making the issue accessible and understandable by people from all different walks of life. It is absolutely everywhere, and the insidious nature in which it is carried out is incomprehensible to those who are not aware of it. Once people become aware, they cannot believe they never saw it before.

I thank the Hon. Aileen MacDonald for her service on the Standing Committee on Social Issues, which conducted an inquiry into the bill. She is a great contributor in this place. I thank the Hon. Scott Barrett for his important work in chairing that committee and for his contribution. I thank the Hon. Rod Roberts, who was a member of the select committee. I very much enjoyed working with him in that space. He brings a breadth of knowledge from his prior experience in the NSW Police Force. He was very constructive during the select committee's inquiry.

This Government is not in any way suggesting that the bill will "solve everything". I think they were the honourable member's words. However, we cannot do nothing. It is incumbent on us to take steps now, and the bill is a critical step. It may not be perfect, given how complex and difficult the issues are. I do not believe any legislation is perfect. However, this Government's commitment is to understand the call from women and from

the families of those who have not survived, and address the problem. We must start. The legislation will be subject to review, analysis and the work of an implementation task force. A comprehensive education program will seek to address the issues that the honourable member raised.

I agree. It should not be left to police. It should be a comprehensive response. This Government has programs such as Safer Pathway and Staying Home Leaving Violence. They are comprehensive programs that ensure that at every step we are wrapping around victim-survivors and their families, and perpetrators, to try to assist police and provide a health response, a homelessness response, a mental health response and a range of other opportunities to eliminate this from our community.

Consultation was undertaken with police, and this Government has worked very hard to ensure that we get the drafting right. The bill is flexible enough to capture conduct that should be criminalised. The police met directly with the Department of Communities and Justice as one of the 27 roundtable consultations undertaken in August and September on the exposure draft bill. Police representatives also attended the legal stakeholders round table and I am advised that police are supportive of the bill. We will walk by their side when it is implemented.

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

Rulings

PERSONAL REFLECTIONS

The PRESIDENT (16:00): Before I go to questions, I make a brief ruling for the information of members. Last Thursday during question time, several points of order were taken that Ministers and members were reflecting on the character of other members. I will address that matter now. As a starting point, members in this Chamber are subject to criticism on many occasions. I note the ruling of President Johnson in 1987:

> … when a person is in public life and a Member of Parliament, the risk of being criticised in a political way must be taken. Politics is not an area for sensitive persons. In the course of debate when members canvass the opinions and conduct of their opponents, they must expect criticism.

It is also well known by all members in this place that reflections on a member's character are highly disorderly. Members are well aware that, by convention of this place, they may reflect on the character of another member only by way of substantive motion. I therefore counsel all members that taking a point of order that they take offence to what they claim is a personal reflection should not be done lightly. On the contrary, it is a matter of the utmost seriousness.

When a member rises to take a point of order to indicate that they are genuinely and sincerely offended by a reference to their character, as President, I am obliged to take such a point of order seriously. Indeed, it is my duty to place myself in the shoes of that member when making a ruling or seeking another member to withdraw. I therefore request all members to reflect on the dignity of this House before taking a point of order that another member has reflected on them in a personal way. Similarly, members should reflect on the dignity of the House when asked to withdraw by the Chair.

Questions Without Notice

FLOOD ASSISTANCE

The Hon. PENNY SHARPE (16:02): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given the latest flooding across the State, what is the Minister's response to community concerns that this Government has failed to adequately assist flood-affected residents more than eight months after the floods earlier this year? And how will he improve support for those being flooded now?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:03): I thank the Leader of the Opposition for her question, but I do not accept the premise of that question.

The Hon. Penny Sharpe: You do not get to debate the question.

The Hon. Damien Tudehope: No. I am just pointing out that the premise of the question, that the Government has not acted appropriately in providing assistance—

The Hon. Penny Sharpe: Point of order: The Minister may not like the question, but he does not get to debate it or its premise. He has to answer it in a directly relevant way.

The PRESIDENT: The Minister is able to answer the question in terms of a premise in the sense of directly responding to the question that is being asked. The Minister is in order as long as he does not debate the question but goes to the basis upon which he disagrees with it.

The Hon. DAMIEN TUDEHOPE: Fundamentally, I reject the premise of the question. In catastrophic events there are always demands on the Government to provide assistance to landholders, businesses and people who have been impacted as a result of those events. This Government has a track record of reeling out assistance during a very significant pandemic, in a time of significant drought in this country, when we were faced with a mouse plague and when the citizens of this State were impacted by bushfires. The track record of this Government in reacting properly and quickly to catastrophic events is one that we ought to be proud of and that those opposite ought to be backing in. They should acknowledge the manner in which the Government has moved to the assistance of people who have been impacted by catastrophic events.

Members opposite will look for examples of businesses or people who potentially need more assistance than has been provided for or need specialised assistance. The fact that you can point to an exception does not mean that the rule that we have always operated by—to look after the people of this State—is not one that we, as a government, have done exceptionally well. Moving to that point, I will talk about what is happening now. Earlier today I heard the Minister for Emergency Services and Resilience talking about the mobilisation of the SES, defence workers and an international contingent to provide assistance to people who are impacted by flood. Our first and primary responsibility at this stage is to look after the lives and safety of people. That is our first priority. There can be no question that we have mobilised the resources of the State to assist in that. What comes next is something that the Government will address as time goes by.

ROAD ACCIDENT SURVIVOR SUPPORT

The Hon. LOU AMATO (16:07): My question is addressed to the Minister for Finance, and Minister for Employee Relations, and Leader of the Government. How is the Government providing better long-term care and treatment for survivors of road accidents?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:07): I thank the member for his question. Yesterday the Government launched CTP Care, a program to provide long-term treatment and care for people injured on New South Wales roads and who still need care five years after their accident. From 1 December 2022 people with long-term needs due to a motor accident will begin to transfer to CTP Care at five years from the date of the accident, or earlier if it is agreed that they will have ongoing treatment and care needs. It is estimated that between 1,300 and 1,700 people who are injured in motor accidents each year will have a future entitlement and need for the CTP Care program.

An early transfer pilot involving 36 participants has been operating since October 2020 to prepare for the smooth launch of the program. Yesterday I met one participant, Rob Spencer. Three and a half years ago Rob had big plans to travel around Australia and had just purchased a brand new mountain bike to spend more time on trails instead of roads. Two weeks later, Rob was cycling along a road he had ridden on for 40 years without incident. As he was making a left-hand turn, a young driver cutting the corner failed to see him. Rob's injuries were covered by compulsory third party insurance, and he initially received treatment and care through a private CTP insurer.

When Rob was identified as needing long-term treatment and care under his CTP claim, he was invited to transfer to CTP Care. Early transfer means planning and support for long-term treatment and care needs can start sooner. With CTP Care's support, Rob is seeing pain specialists who are using the latest in best practice to try to relieve Rob's persistent pain. Although cycling causes Rob pain, he bought himself an electric assist bike to make it a little easier. He is getting more active again. His mountain bike still sits in his shed for now, but he is hoping to make it out again one day. Rob said that the treatment and care from CTP Care has made the road easier. CTP Care is just one of the many positive developments in service provision by icare to those who need assistance. Sometimes I get to attend events, and listening to this man talk about his family, the care that he has received and the promptness of that care gave all the people who attended that event some confidence in the way that icare operates and the delivery of the really personal services that it has been responsible for.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. JOHN GRAHAM (16:10): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given that public sector pay has not increased in real terms in a decade, why is icare granting its underperforming top executives pay rises of up to 30 per cent?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:10): That is an astonishing question. The member would know that any decisions relating to remuneration for icare executives are made by the board of icare, capably and ably led by John Robertson. I say to the member that members in the other place were chucked out because they could not handle this answer. If you want to go that way, go for it.

The PRESIDENT: Order! The Minister will direct his comments through the Chair.

The Hon. DAMIEN TUDEHOPE: The reality is that these are decisions for the board of icare. It would apply the appropriate lens over the appropriate pay rises. What I would say is that it is appropriate not to characterise this as a pay rise.

The PRESIDENT: Order! The Minister will resume his seat. Opposition members will cease their incessant interjections. I am giving them all a warning. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: There are many times during the year when members opposite have opportunities to talk to the executive of icare and those people who do make decisions in relation to the issue. One thing I would point out is this: When a Minister is approached or seeks to give—

The PRESIDENT: Order! I call the Hon. John Graham to order for the first time.

The Hon. DAMIEN TUDEHOPE: Members opposite should ask the chair of the board why the board made the decision. It is not my decision. It is the decision of the board of icare. Members opposite do not want to talk to the board about that decision. They know that the very capable former Labor leader was, in fact, capable of developing policy, but they will not tell us what their policies are in relation to icare because they have not got a policy in respect to that.

The Hon. Daniel Mookhey: We won't be giving 30 per cent pay increases.

The Hon. DAMIEN TUDEHOPE: Here we go. They cannot help themselves. So I will repeat: A decision on the pay rates is a matter for the icare board.

The Hon. JOHN GRAHAM (16:14): I ask a supplementary question. Will the Minister elucidate that part of his answer where he said, "It is not my decision," and tell the House whether he was advised of this 30 per cent pay rise? Was he aware? He should think carefully on this one.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:14): I do not have to think carefully about it. There was a contract that the CEO of icare had in place. That contract was renegotiated. The board made a decision in relation to that. The icare chair came and saw me and advised me that he was making that decision.

The Hon. John Graham: You knew.

The Hon. DAMIEN TUDEHOPE: Of course I knew. I meet with the chair of icare on a reasonably regular basis. He told me in circumstances where he was not seeking my advice in relation to this. He was advising me that this was a decision that the board made. It is the board's decision, not my decision.

The Hon. Daniel Mookhey: You have the power.

The Hon. DAMIEN TUDEHOPE: Tell me where.

The Hon. Daniel Mookhey: You can issue a direction. Read the Act.

The PRESIDENT: Order! I call the Hon. Daniel Mookhey to order for the first time.

The Hon. Daniel Mookhey: He asked me a question.

The PRESIDENT: The member should resist the urge to respond. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The fact of the matter is that those opposite would rather engage in a process where they run down a very capable organisation in circumstances where it is doing a very good job in very difficult circumstances. They can ask me as many questions on it as they like.

PROPOSED PET BREEDER LICENSING SCHEME

The Hon. EMMA HURST (16:16): My question is directed to the Minister for Regional Transport and Roads, representing the Minister for Agriculture. In New South Wales anyone can run a dog or cat breeding operation. There is no licensing or registration scheme, which allows cruel puppy farming and backyard breeding operations to thrive. In late 2021 the New South Wales Government conducted a consultation in relation to a proposed breeding licensing scheme; however, there has been no further progress on the scheme in the past 12 months. Will the Minister please explain where the licensing scheme is up to, and why the Government has failed to progress the scheme or take any other action to stop puppy farming?

The Hon. Mark Latham: Point of order: There is a bill related to this question before the House. It is about to go to the Committee of the Whole. As such, the question is out of order.

The Hon. Emma Hurst: To the point of order: The question is the about the Government's licensing scheme, which it has proposed as part of its own consultation. It is not about the bill that is before the House.

The PRESIDENT: Order! The bill is not before the House today, so the question does not fall under the standing order that the Hon. Mark Latham referred to. The question is in order. The Minister has the call.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:17): I thank the honourable member for her question. In November 2021 the New South Wales Government published the *NSW DPI Consultation Paper: Licensing and regulation of cat and dog breeders*. The paper proposed to introduce a dog breeder licensing scheme and sought feedback on which dog breeders should be required to obtain a licence. Feedback received on the consultation paper has been summarised into a consultation outcomes report, available on the New South Wales Department of Primary Industries website.

As members would be aware, the Select Committee on Puppy Farming in New South Wales was established on 24 November 2021 to inquire and report on puppy farming in New South Wales. The terms of reference of the select committee's inquiry included consideration of the consultation paper. The select committee's final report was released on 25 August 2022 and the New South Wales Government is considering the report and its recommendations, including those relating to breeder licensing, and will provide a response in accordance with the normal processes.

EARLY CHILDHOOD SERVICES

The Hon. SCOTT BARRETT (16:19): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on how the Government has delivered early childhood services for the people of New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:19): I thank the honourable member for his question. As a father of a young family, he knows all too well the importance of early childhood education and care. This Government has delivered and will continue to deliver many things for that important sector. Close to the top of the list is the unprecedented investment in and support for the early childhood education and care sector for the benefit of all families and children in New South Wales.

I am very proud that during the almost six years I have been early learning Minister, I have overseen the delivery of an early childhood budget that has almost doubled from $372.2 million to $725.9 million. From capital works programs to our COVID-free preschool support, we have provided more support than ever before to services and families. The vision and the experience of this Government has enabled it to create and to begin to implement our 10-year, $15.9 billion plan—part of this year's budget—that will help reshape the early learning and education landscape for all families in New South Wales.

The Early Years Commitment includes $5 billion over 10 years for the Childcare and Economic Opportunity Fund, a $281.6 million workforce package, $376.5 million for the Brighter Beginnings initiatives, $1.4 billion for affordable preschool and $5.8 billion over 10 years for the introduction of a universal pre-kindergarten [UPK] year. Government members are delivering on every one of those streams of reform. Last month the Houses passed legislation to establish a special deposit account that safeguards our $5 billion investment in the childcare fund. That is our way of ensuring that services and families know we are committed to reducing the barriers to affordable and accessible quality child care.

We are also growing the workforce. Since the budget in June we have supported over 430 people to complete their early childhood teaching degrees with scholarships of up to $25,000. In August we announced that we are committing to 25,000 fee-free training places for the early childhood sector. Just today we announced the opening of our new VET scholarships, offering $3,000 or $5,000 for those looking to complete either their certificate III or their diploma in early childhood education. We estimate that will help up to 5½ thousand early childhood educators.

We have held a number of design and consultation workshops on Brighter Beginnings. Our continued and expanded affordable preschool program is due to benefit families from early 2023 onwards. Yesterday we announced the first seven locations in New South Wales that will benefit from universal pre-kindergarten. Mount Druitt, Wagga Wagga, Kempsey, Nambucca, Cobar, Bourke and Coonamble are the first areas in the State to trial UPK and will inform the statewide rollout in the years to come. Those reforms are national firsts and require vision and experience to deliver. That is why the Liberal-Nationals Government is the only government that can continue delivering for our families and our littlest learners. This Government is delivering a brighter future for New South Wales families. We are proud of what we have achieved, and we cannot wait to keep delivering for our families and our people.

WAKEFIELD PARK RACEWAY

The Hon. ROD ROBERTS (16:22): My question is directed to the Leader of the Government. What are the Minister for Regional New South Wales, the Minister for Planning, the Minister for Sport and the Minister for Local Government doing to assist the operators of Wakefield Park in Goulburn to reopen, remain viable and provide a venue for the motorsport community of New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:23): I thank the member for his question. I am aware of the issue peripherally. I know it is an issue for people in Goulburn.

The Hon. Mick Veitch: Motorsport generally, actually.

The Hon. DAMIEN TUDEHOPE: Yes, motorsport generally. It is most appropriate that I take that question on notice and refer it to the various Ministers that he referred to in the question, that is, the Minister for Local Government, the Minister for Sport and the Minister for Planning.

The Hon. Rod Roberts: And the Minister for Regional New South Wales.

The Hon. DAMIEN TUDEHOPE: Thank you.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. DANIEL MOOKHEY (16:23): My question without notice is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. I appreciate that the Minister has confirmed that he had prior knowledge of the pay increases at icare. Did the Minister make inquiries about the KPIs that icare CEO Richard Harding and his other top group executives met to justify pay rises of up to 30 per cent? In the case of the CEO, his pay rise is worth more than $246,000 per year for the remainder of his contract?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:24): Daniel, have those, mate. Yesterday icare said to give them to you, something to sweeten you up a bit.

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

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: No, it is appropriate that I pass on a gift.

The PRESIDENT: Order! At this time it might be more appropriate to answer the question. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: In relation to the first part of the question, the board advised me that the package available to the CEO was a recalibration of the remuneration framework for executives paid only fixed remuneration. His package was a package plus bonuses. It is a deliberate mischaracterisation to describe that change, which replaces one form of pay with another, as a pay rise. Let us get that clear. Members opposite can mischaracterise it how they like for their own political purposes.

The PRESIDENT: Order! I call the Hon. Anthony D'Adam to order for the first time. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I say to members opposite that they never told us what their policy on icare is—

The Hon. Daniel Mookhey: Point of order—

The Hon. DAMIEN TUDEHOPE: —because they do not have policies.

The PRESIDENT: The Minister will resume his seat.

The Hon. Daniel Mookhey: I appreciated the gift. I would appreciate even more a direct response to my question, which is about the KPIs that icare's CEO met to justify a $240,000 pay increase and whether the Minister made inquiries.

The PRESIDENT: I presume the point of order is direct relevance.

The Hon. Daniel Mookhey: Yes.

The PRESIDENT: There has been a little bit of what I call ministerial drift, so the Minister will come back directly to the question that was asked.

The Hon. DAMIEN TUDEHOPE: Regarding the advice that I received, the board advised that the change followed an independent review that found executive remuneration to be at appropriate levels. The remuneration for that particular CEO was well below that of private sector competitors for a large and complex insurer. That insurer is one of the most complex; it is an insurer of last resort. Labor members wake up in the morning and think, "How can we destroy the morale of icare? How can we destroy the morale of the people that work there?" Their attack on the CEO—

The Hon. John Graham: Point of order—

The PRESIDENT: Order! The Minister will resume his seat.

The Hon. John Graham: The point of order is direct relevance. The Minister has still refused to answer the question about KPIs. Did he ask?

The PRESIDENT: The Minister has the call. Anything he would like to add to that question would be most welcome.

The Hon. DAMIEN TUDEHOPE: Icare is one of the most complex insurance businesses in Australia. Mr Robertson is right when he points out that attracting and retaining talent is essential to its operations. To do that, it must remunerate appropriately and competitively. Is it really and truly the position of members opposite that they want to employ people who lack the competence to run organisations like that in a competitive environment?

The Hon. DANIEL MOOKHEY (16:29): I ask a supplementary question. I appreciate the Minister providing a description of the advice he received from icare that justified the decision to increase the CEO's pay by $240,000. Did the Minister say to the icare board that such a decision was highly inappropriate given frontline workers are subject to a wage cap of 2.5 per cent? If not, why not?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:29): I have an expectation that the board of icare take into account the competitive remuneration packages for people of this sort of position within the industry. It is required to carry out benchmarking in relation to the remuneration packages provided to the CEOs of complex insurance organisations. Is the Opposition really and truly saying that the board should not be benchmarking according to what other people in complex insurance companies are being paid? Is that the position of the Opposition? Do Opposition members have a position in relation to what they are proposing to do with icare? Are they ever going to tell us what they are going to do?

The Hon. Daniel Mookhey: Point of order: My point of order is direct relevance. The question I asked is whether or not the Minister objected to the $240,000 pay increase on the basis that frontline workers have wages capped at 2.5 per cent or 3 per cent, depending on how you calculate it. I would not mind if the Minister would outline whether or not he said that this was inappropriate. I would ask him to come back to the question.

The PRESIDENT: It is a very specific question, which lends itself to a specific answer. The Minister was referring to a different benchmark from the questioner's reference to the wages cap. It is appropriate in the context of the question asked. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I say that Opposition members should stop undermining the morale of the people at icare. They should not come here day after day and use cheap political stunts for the purposes of attacking the morale of the people who work for icare. Members on this side value the work that they do. They look after very vulnerable people in very vulnerable circumstances. Members opposite, they do not wake up in the morning, but whatever it is that they do, it is an attack on the morale of icare intended to diminish that organisation.

To the member's question, I am satisfied that it was appropriately benchmarked. I am satisfied that the icare board reached a decision in respect of the appropriate remuneration level. To the extent that I was advised of that, I was advised after the decision had been made. To compare it with teachers and nurses is an attempt to mischaracterise the remuneration package, and the member ought to be ashamed. [*Time expired.*]

ADULT ADMITTED PATIENT SURVEY RESULTS

The Hon. AILEEN MacDONALD (16:32): My question is addressed to the Minister for Regional Health. Would the Minister update the House on the experiences of patients in regional New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:33): I thank the honourable member for her question. The results are in for the 2021 Adult Admitted Patient Survey, and it is a positive tale for regional New South Wales. The Adult Admitted Patient Survey is conducted by the Bureau of Health Information, an independent body which gathers feedback from

patients about their experiences of care in public hospitals and other healthcare facilities. Over 19,300 patients were surveyed—over 10,000 of these from regional and rural New South Wales—and the results are clear.

While there are always areas to improve, the data shows that patients in both urban and rural facilities had a positive care experience. Overall, 95 per cent of patients rated the nurse's care as "very good" or "good" and 94 per cent rated the doctors who treated them as "very good" or "good". The survey results show no significant difference in the experiences of patients in rural and urban facilities in the majority—that is in 36 out of 51—of the survey questions. Furthermore, patients in rural hospitals gave higher ratings than metropolitan peers across 13 categories, including overall satisfaction and outcomes; timely, coordinated care; and a safe, comfortable environment. Can you believe it? An independent survey—

The PRESIDENT: Order! The Minister has the call.

The Hon. BRONNIE TAYLOR: —of regional New South Wales has positive results. Perhaps Labor can finally support pictures of happy regional people on the cover of the Government's next rural health plan—in country clothing. The survey also got feedback on patients' experiences of virtual care. Between July and December, 26 per cent of patients said they had a virtual care appointment in the three months after their discharge. Of these patients, nine in 10 said the care they received was "good" or "very good" and more than three-quarters said their care was "about the same" or "better" than their in-person appointments. Further, more than 85 per cent said they would use virtual care again. It is a good story.

When comparing 2020 and 2021 results, the hospitals with the largest improvements were all in regional New South Wales, with Inverell, Port Macquarie and Bathurst improving in five or more percentage points on 10 or more questions. The hospitals with the largest number of results that were significantly more positive than the rest of the State were, again, all in regional areas. Those hospitals were Murwillumbah, Kempsey, Kurri Kurri, Mudgee, Casino, Macksville, Queanbeyan and Batemans Bay. Finally, the kindness, respect—

[*Opposition members interjected.*]

I know Opposition members do not want to hear anything positive. I get it. But this is an independent body. Mr President, they just do not like it. Finally, the kindness, respect and dignity shown to patients in New South Wales public hospitals was reflected in the survey results, as 86 per cent said health professionals were "always" kind and caring—

[*Opposition members interjected.*]

Opposition members do not want to hear about kind and caring health professionals, do they? Shame on them. [*Time expired.*]

PRIVATE NATIVE FORESTRY PLANS

The Hon. MARK BANASIAK (16:36): My question is directed to the Minister for Regional Transport and Roads, representing the Minister for Agriculture. Given the Minister's decision to withdraw a bill removing dual consent approvals for private native forestry that would have had no impact on koala protection but would have streamlined a process that would have supported the timber and forestry industry and helped surrounding communities to get back on their feet after devastating bushfires, floods and COVID-19, how does the Government plan to rebuild New South Wales following these weather events when, come January, the State will not have a domestic timber supply?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:37): I thank the member for his question. I note that the Minister for Agriculture, the Hon. Dugald Saunders, has had more information to give in the other place during question time today. I will take the specifics of the question on notice and will get the member a response in due course.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. GREG DONNELLY (16:37): I am glad the Minister for Regional Transport and Roads is wearing his country attire in this picture. He does not wear it in the city; you never see the hat in the city.

The Hon. Sam Farraway: That's a good hat.

The Hon. Natalie Ward: You should wear one, Greg.

The PRESIDENT: Order!

The Hon. GREG DONNELLY: You never see the hat in the city.

The Hon. Bronnie Taylor: He actually wears it all the time.

The Hon. Sam Farraway: My hat is in the office. I'll go and get it.

The Hon. GREG DONNELLY: Yes, go and get it. My question without notice is directed to the Minister for Education and Early Learning. How many additional full-time teachers could be hired by the Department of Education for the amount by which icare's top executive salaries are being increased, on top of the $1.9 billion taxpayer bailout of icare?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:38): I cannot get over the picture of the Hon. Sam Farraway in the hat. In relation to the question, I have seen plenty of long bows drawn in this place but that might be the best. If members opposite would like to ask questions about what the Government is doing to employ teachers, as they have done, I am happy to answer them. As the Leader of the Government said in his contribution earlier, it is not becoming of those opposite to conflate a range of issues. The Government has a strong pipeline of teachers coming in. The Hon. Courtney Houssos is laughing. She might laugh; that is fine. She thinks it is funny.

The Hon. Courtney Houssos: You have two teachers.

The Hon. SARAH MITCHELL: That is not true.

The PRESIDENT: Order! I call the Hon. Courtney Houssos to order for the first time. The Minister has the call.

The Hon. SARAH MITCHELL: The member can read our submission to the upper House inquiry. I am happy to answer questions about what the Government is doing about teacher supply, as I have done many times. The Government is happy to be investing in the State's teaching workforce. There are massive investments in education in this State, and it is disappointing that members opposite are conflating two very separate issues.

The Hon. GREG DONNELLY (16:40): I ask a supplementary question. Will the Minister elucidate her answer to help explain the approximate number of teachers who could be hired by the department for the amount that I have described?

The Hon. Scott Farlow: Point of order: The honourable member is restating the original question; he is not seeking an elucidation.

The PRESIDENT: I uphold the point of order.

[*Business interrupted.*]

Visitors

VISITORS

The PRESIDENT: I welcome to the gallery students from Bathurst and Orange, who are attending Stewart House. They are accompanied by Pastor Jay Bacik. I hope they are enjoying themselves. They are welcome to observe question time. It has been a bit rowdy, but we are getting close to the end. I thank them for coming.

Questions Without Notice

ROAD TOLL RELIEF

[*Business resumed.*]

The Hon. SCOTT FARLOW (16:41): My question is addressed to the Minister for Metropolitan Roads. Will the Minister update the House on how the New South Wales Government is boosting the family budget and providing toll relief for the people of New South Wales?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:41): I thank the honourable member for his question, and I acknowledge Jay Bacik in the gallery. The Perrottet Government is delivering for the people of New South Wales by delivering toll relief directly into the pockets of New South Wales citizens. It is anticipated that up to half a million New South Wales motorists will be able to receive cash back from early 2023 under the Government's Toll Relief Rebate Scheme. Eligible motorists who spend more than $375 a year on tolls will receive a 40 per cent rebate of up to $750 a year, with payments backdated to 1 July this year.

The Hon. Courtney Houssos: People spend that in a month.

The Hon. NATALIE WARD: Those opposite do not like good news. It is a great result for the people of New South Wales, and it is delivering real relief for families. It is not good news for the people of New South Wales that Labor is opposing it. On the day that the Government announced the toll relief scheme, focused on

reducing cost of living for motorists, the shadow roads spokesperson was quoted in *The Sydney Morning Herald* as saying:

> This policy gives additional resources, additional uplift, additional revenue to Transurban.

He then changed his tune when he said this in the Chamber last month:

> … so I state clearly now that the position advocated by the Leader of the Opposition was additional to the Government's relief.

The policy that Labor opposed, the one that it said was about boosting Transurban and was a terrible thing, will now be the centrepiece of NSW Labor's toll relief policy. Labor is copying the Government's homework. That is backflip number one. That is just one issue. Where is Labor's toll relief policy? I am desperately trying to find it. The following are the policies that Labor has had this year. In March Labor said, "We will build billboards to entice people onto toll roads." There will not be a single dollar going back to motorists, but Labor will build billboards. During the budget reply speech, the Opposition leader announced $1.5 million for toll relief. That was before Labor backflipped on its opposition to the Government's policy. That is backflip number two. In September, after opposing—

The Hon. Walt Secord: Point of order: The point of order goes to relevance. The Minister has not addressed the question that was asked by the honourable member. She has taken this opportunity to attack the shadow Minister. I ask that she be brought to order or asked to sit down.

The Hon. NATALIE WARD: To the point of order: The member is wrong. I addressed the first part of the question.

The PRESIDENT: I will restate the question for the benefit of members. Will the Minister update the House on how the New South Wales Government is boosting the family budget and providing toll relief to the people of New South Wales? The Minister is required to be directly relevant. The Minister would be answering relevantly if the question went on and said, "What are the alternatives that have been proposed by others?" The Minister will direct her comments to the specifics of the question.

The Hon. NATALIE WARD: I am getting there. It is important to the people of New South Wales that they do not get a measly $1.5 million from the Opposition but get comprehensive toll relief from the Government. That is exactly what the Government is doing. These are Olympic-level gymnastics backflips from those opposite. In September, after opposing toll roads for four years, the shadow roads spokesperson said:

> Labor has sometimes used toll roads, and we are not saying tolls or toll roads are off the table.

That is backflip number three.

The Hon. Courtney Houssos: Point of order: The Minister is flouting your ruling. You said that the Minister needed to be directly relevant and provide an answer about the Government's response to toll relief, rather than the alternative approaches. It was not elucidated in the answer.

The PRESIDENT: There was a little bit of ministerial drift. I think the Minister is coming back to the question. There are three seconds remaining. The Minister has the call.

The Hon. NATALIE WARD: From the middle of January, half a million New South Wales motorists will benefit from— [*Time expired.*]

REGIONAL COUNCILS FUNDING

The Hon. ROBERT BORSAK (16:46): My question is directed to the Minister for Regional Transport and Roads.

The Hon. Sarah Mitchell: Can I borrow your hat?

The Hon. ROBERT BORSAK: No, I have got a better one. On 25 October the Minister promised a paltry $50 million for New South Wales councils, including regional councils, to undertake emergency repairs and then threatened to withdraw funding from regional councils that complained about the inadequacy of the amount of funding. Will the Minister inform the House of how many regional councils he withdrew funding from for badly needed emergency repairs as a result of this threat?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:47): What a dixer of a question. Let us start at the beginning. Firstly, at no stage did I threaten to take funding from any council. I said that if any particular council did not want to apply for the funding, I was fine with that and would redirect it to another council that needed the funding. I am pleased to say that applications have closed and all councils applied for the funding. All of them. All councils in regional New South Wales have applied. Let us be clear, it is the Liberal-Nationals Government that is on the ground and listening to communities. The Government never said

that $50 million is the silver bullet that fixes every road issue in this State. The Government has found funding quickly and created a truncated application process. The money will be rolled out to communities within weeks. Come 1 December, councils across regional New South Wales will have additional funding to deploy resources, fill potholes, reconnect communities and keep our roads safe.

There are three main reasons why the Liberal-Nationals Government has done this. Firstly, the Bureau of Meteorology has been clear that there is a wet summer approaching. Opposition members come in here and ask politically pointed questions about flooding whilst people are unaccounted for in Eugowra. They ask these questions, but members on this side of the House know how to respond. We know that the Bureau of Meteorology has said there is a wet summer coming up, so the Government is going to supply the funding that councils need for their local roads and to fill potholes over the next six months. They are the council's roads, and how they do that is at their discretion. We just need councils to tell us how many potholes they have filled on their roads on a quarterly basis. It is up to them; it is at their discretion.

Secondly, there is a supply chain that needs to be kept strong. The Government needs to make sure that the produce, the commodities and the food and fibre that is produced in regional New South Wales gets from paddock through to port. Although come Friday, I do not know what is going to happen to tugboats, with the members opposite and the Maritime Union of Australia. Nevertheless, getting produce and commodities from paddock to port is a huge priority.

Thirdly, we have more mums and dads and families and others hitting our roads across regional New South Wales, whether it is up the coast or inland, for Christmas. It has been a tough year and, on behalf of the Government, I want our roads to be safe and the potholes filled. I want families to spend Christmas together. That is why we are deploying more people, more resources, more cash, and not only on our State roads and highways. We are backing in local councils for the next six months. We are giving them the money they need and the certainty they need to deploy more resources, pay overtime and make sure that their local road network is as good as it can be, thus ensuring they have certainty with that extra funding. We are delivering; we are not talking. We are doers. Unlike others who come in here and may have a point on this, we are delivering for the regions. [*Time expired.*]

The Hon. ROBERT BORSAK (16:50): I ask a supplementary question. Will the Minister elucidate exactly how many councils did not ask for extra funding?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:50): All councils—94 councils in regional New South Wales—applied for the funding. One council, the unincorporated area of outback or western New South Wales, has not sought to apply, but it is in discussion with Transport for NSW as it has already secured a different pot of money for pothole repairs. I am pleased to answer the supplementary question. All councils applied.

The Hon. Sarah Mitchell: Name them.

The Hon. SAM FARRAWAY: Name them? I would need a lot longer than one minute and 30 seconds. The point is that at the local government conference, which the shadow Minister also attended, there was a huge uproar. There was a big clap. It was appreciated. That is because the Liberals and Nationals turned up with a policy. We turned up with a policy. We turned up with some cash. We turned up with a plan. The Opposition turned up with zippo, absolutely nothing—policy lite, Labor lite, Minns lite. Minns said, "Don't bother delivering anything for local government." The point is that we are there backing in our local councils. We will have this money directed, ready to go to them come 1 December. That is because members on this side of the House are on the ground, driving on the roads, listening to mayors and delivering exactly what they are calling for.

In addition to the betterment fund, for the first time in this State's history, in conjunction with the Commonwealth, we will be rolling out funding to ensure that communities that are flood impacted—the 26 local government areas in northern New South Wales—can build back better. I am going to run down the clock because those opposite need to listen to this. This is what a government does. This is what a good government does. This is how we deliver. The Liberals and Nationals are sitting on Government benches. I assure you, Mr President, they will take the pothole funding and they will spend it and fill the potholes, and that is exactly the community expectation.

The Hon. WALT SECORD (16:52): I ask a second supplementary question. Will the Minister elucidate his answer in regard to what audit measures he will have in place to ensure that local councils use that funding for potholes?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:52): I am more than happy to answer the second supplementary question. Firstly, we made sure that we tailored an application process that did not bog down councils to initially apply for this funding. We know how large their road networks are,

both the local and regional road networks. It is measured, and the funding will be distributed proportionately to the size of their road network. How much fairer can it be in regional New South Wales? How much more equitable can it be in regional New South Wales when one distributes the funding based on the size of the road network?

They have 12 months to utilise the funding. If the funding is not utilised within 12 months, it will come back to Transport for NSW. But as we have seen in the news today and as we have seen over the past few months, they will spend this money. I want them to spend this money in six months. I want this money spent by the time we get to the end of the first quarter next year. I have made it very clear that if we have to revisit additional funding in the short term, we will do that. The Government will do that. It will do what is needed to back in our regional communities and back in our councils. It is so important that we are there to support and give them that certainty.

There are criteria with which the councils will need to comply. They will need to advise quarterly Transport for NSW how many potholes they have filled. They have 12 months to use this funding. As I have said, if the funding is used in a shorter time and they want to make another request, my door is open. This Government knows how to support regional New South Wales. We know what is needed at the right time. We are responsive, we are agile and we are ready to go. There is a huge contrast between how those on the Government benches deliver and listen to the community and how those opposite are policy lite and deliver zip.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. PETER PRIMROSE (16:54): My question is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. How does the Minister respond to community concerns that in the past almost 12 years that he has governed New South Wales, prices have risen year after year and real wage growth has fallen year after year, to the point where Insurance and Care NSW executives give themselves a pay rise while working people, like teachers, in New South Wales are being asked to take a real wage cut?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:55): I thank the member for his question. Quite frankly, I do not know who writes those questions for him. Clearly he needs advice because the premise that he works on is that there has been consistent escalation in prices since 2011. There are periods when there has been a zero inflation rate in New South Wales. Notwithstanding that, Opposition members keep coming back to this question. I will make two really important points—and this is something of which they ought to take cognisance. Firstly, the decision to make a pay adjustment in relation to the CEO of icare was made by the board of icare after an appropriate benchmarking analysis of comparable wages in relation to organisations of the structure and nature of icare and also taking into account, no doubt, the complexity of the organisation that is being run.

Secondly, those opposite continue to characterise this as a pay rise. Not even the chair of icare characterises this as a pay rise but as a recalibration of a wage package. Those opposite use the language to suit their political ends. They use it for the purposes of undermining icare. They do not tell us what their policy is in respect of icare. But one thing that the people of New South Wales ought to know is that those opposite have a plan. They have a plan to sack the executives. They have a plan to cut the benefits to workers. That is their plan. It is obvious for all to see. Opposition members do nothing other than destroy every organisation that is in existence and is delivering benefits for this State. Their party will not tell us its plan—a plan for sacking workers and cutting benefits. That is what they are proposing to do and the people of this State ought to be aware of it. When they put themselves up for government, their plan is to cut all the benefits that workers receive.

The Hon. PETER PRIMROSE (16:58): I ask a supplementary question. Does the Government support a recalibration to allow a real wage increase for teachers, nurses, police officers and paramedics?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:58): Yes, we do. It is called a wage cap—3 per cent this year, 3.5 per cent next year with productivity enhancement. That is recalibration. That is what we are proposing. Have members opposite not heard? The Government has done that. Those opposite have no plans and will not tell the people of New South Wales their plans for keeping wages under control. We have a plan for keeping inflation under control because that is the best way we can deliver on real—

The Hon. Penny Sharpe: How is that going?

The Hon. DAMIEN TUDEHOPE: How is the Federal Government going? What wage cap has the Federal Government just introduced for Federal public servants? It is 3 per cent. What is it for teachers in Victoria? It is 2 per cent. This State has a better wages policy for public servants than any other State and the Commonwealth Government. We have a plan. Those opposite go home of a night and devise plans for sacking workers, for cutting benefits, for reducing benefits for victims of abuse and for massively increasing premiums. They do not want to tell the people about it. Their leader has a zero work ethic. They have shadow Ministers over there—

The Hon. Penny Sharpe: How about the diaries of some of your Ministers? Five meetings in three months.

The Hon. DAMIEN TUDEHOPE: Does the honourable member want to give us her diaries? Where is the Parliamentary Budget Office? [*Time expired.*]

The time for questions has expired. If members have further questions, I suggest they place them on notice.

Supplementary Questions for Written Answers

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. DANIEL MOOKHEY (17:01): My supplementary question for written answer is directed to the Leader of the Government, the Minister for Finance. What is the three-month rolling average return-to-work rate at four weeks as of 30 October 2022 for, one, the Nominal Insurer and, two, the Treasury Managed Fund?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY: I move:

That the House take note of answers to questions.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. DANIEL MOOKHEY (17:02): Place yourself in the position of teachers in New South Wales on Friday last week, when they found out that after 18 months of bargaining, negotiation and campaigning, the best they could get is no more than a 3 per cent pay increase. Then imagine how they would feel this morning to wake up and learn that the icare CEO got a $240,000 pay increase in addition to a $811,000 salary, making him the only New South Wales government employee to earn more than $1 million. I listened very carefully to the Minister as he went about trying to justify it by saying that icare is a complex organisation. A classroom too is a complex organisation. Managing one, as well as teaching our children, is such an important job, especially in the past few years.

Our teachers have done a magnificent job in the past three years, but no-one could accuse icare of doing the same. Just in June this year there was a $1.9 billion bailout, which was the second such bailout in two years, making icare's bailout $4 billion plus in just this past Parliament. An excellent question was asked about how many additional teachers could be employed and how many additional schools could be built with that $1.9 billion. Had we put that money into building schools, we would not be having such a shortage of classrooms in this State. Had we put it towards recruiting teachers, we would not be experiencing the teacher shortages that our classrooms are afflicted with and are hitting every school in New South Wales. In my own children's school, not a week goes by when my kids' classes are not cancelled. That $1.9 billion could have made an immense difference to the quality of our education. Instead it has gone to bail out icare again.

What is worse is that two years ago, when we brought all these scandals to light, we were promised a fix. We were told, with hand on heart, that the Premier was onto it, that we could trust the Government to get to the bottom of this, that whatever happened was a mistake and that, with new people, it would not repeat. Years later it is worse than it ever was. That is what is going on at icare. The response to this is not to insist on an improved performance; it is to—"recalibrate" is the word we were told—hand 116 executives an average pay increase of $30,000 each. The icare award employees do not get this. It is the 116 executives who are at the top of that organisation and have run it into the ground. That money should go toward injured workers and reducing premiums. But, above all, our frontline public servants need the pay increase far more than icare executives. [*Time expired.*]

WAKEFIELD PARK RACEWAY

The Hon. ROD ROBERTS (17:05): I take note of the answer provided by the Leader of the Government about the future of Wakefield Park Raceway. Wakefield Park Raceway is a motor-racing circuit situated on the outskirts of Goulburn. It is a purpose-built racetrack and has been operating in various forms since 1994. In January 2019 the Goulburn Mulwaree Council issued the track with a prevention notice about increased usage. The notice was appealed, conciliation was held, and an agreement between the council and the operators was reached. Subsequent to that, though, in February this year, it is alleged, noise levels recorded surpassed the stipulated levels. I say "alleged" because I am reliably informed that the recording equipment in use that day was faulty. Notwithstanding that, the council and the operators, Benalla Auto Club, were again in dispute. The matter then proceeded to the Land and Environment Court for resolution.

As a result of the court's decision, the track is now subject to strict noise restrictions. The ruling of the court has rendered the facility and the current business model unviable, which has forced the operators to close the gates and has left a huge hole in the motor-racing community of New South Wales. It leaves this State, the most populated State, with only one permanent track facility, that being at Eastern Creek. Wakefield Park Raceway is used and enjoyed by a diverse range of motorsports, including cars of various categories and classes, motorbikes and trucks, for manufacturers' events days and for streetcar days. The operators generously allow the Goulburn Cycle Club to use it for racing as well. With only one track now remaining in New South Wales, there is not enough capacity to meet demand. For comparison's sake, Victoria and Queensland each have four permanent full-sized racetracks. The motorsport community is now left struggling to access Eastern Creek, such is the demand following Wakefield's closure.

Clearly, this is an unacceptable and untenable situation. Wakefield Park Raceway is a major driver of Goulburn's economy. It is estimated that the track is worth at least $17 million alone to the local economy. One local hotel operator, the Astor Hotel, has estimated that it has lost around $20,000 a weekend due to the closure. A petition of 28,950 people calling for the Government's assistance has been tabled in the Legislative Assembly. This issue is not limited to Goulburn; it has statewide implications. I call on the Minister for Sport, the Minister for Planning, the Minister for Local Government and the Minister for Regional New South Wales to work constructively with the operators and the local council towards noise abatement, compulsory acquisitions and legislative protection to ensure the ongoing viability of the track for all concerned.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. CHRIS RATH (17:07): I take note of answers given today, in particular the answers given by the Minister for Finance, the Leader of the Government. It is important to look at some of the context around icare. In particular, the Hon. Daniel Mookhey and those opposite have constantly hounded the executive members of icare on bonuses. Now we have a situation where they have come up with a plan to get rid of the executives' bonuses but to have an increase in their pay so that, in the future, there will not be this constant toing and froing about bonuses. It is important to look at icare not so much as a government department but in comparison to other insurers. I worked in the insurance industry for 6½ years, at IAG. If you compare the pay and bonuses of top executives at IAG, QBE or Suncorp—some of the big insurers—with those at icare, you would find that icare is not at the same level.

There are, of course, challenges with icare and the workers compensation scheme. I am currently chairing an inquiry into the workers compensation scheme. But the way to help fix icare and the workers compensation scheme is by getting good people into icare to address some of the challenges. That means in a competitive labour market paying the correct salary—and bonuses, if need be—to attract good people into organisations like icare. It is a competitive labour market. It was a decision made by John Robertson and the board. The Leader of the Government answered the questions quite eloquently. I know that icare is working through the McDougall review recommendations and all of the challenges that icare faces.

To tie the salary decisions made by icare with the wages of teachers and nurses and other essential workers is absolutely ridiculous. It is comparing apples with oranges. In terms of the wages cap that was mentioned by the Hon. Peter Primrose, why are there strikes in New South Wales but not in Victoria, when we have far more generous pay increases in this State? It is because they are playing politics. [*Time expired.*]

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. MARK BUTTIGIEG (17:11): I take note of the breathtaking answers that were given by the Minister to the series of questions today about the obscene wage rises—a 30 per cent increase of $240,000 to the CEO and an average general wage rise of $30,000 given to the executives of an organisation which has chronically mismanaged workers compensation and caused no end of pain and suffering to working people in this State. The Minister said, "It's not really my responsibility. That's something we've outsourced to one of those quasi-government organisations. It's their responsibility. I don't have any ministerial purchase over it." The Hon. Daniel Mookhey told him to read the Act. The Act says that the Minister can intervene in these things and do something about it.

On further questioning, the Minister tried to justify the wage rises by saying, "It's a very complicated enterprise, this business of workers compensation." Never mind that twice we have had to bail icare out—the second time for a sum of over $1 billion. This is obscene mismanagement of taxpayers' money, to the suffering of working people. On top of that, the Government has rubbed salt into wounds by telling teachers, nurses, hospital workers, train drivers, bus drivers and frontline workers that they are restricted to a 3 per cent wage rise—which is actually a real wage cut because inflation is increasing—and yet it is prepared to give an executive of a chronically mismanaged government organisation a pay rise of $240,000. It is nothing short of obscene.

New South Wales taxpayers would do well to watch some of these take-note debates, because the battlelines are being clearly drawn. This Government is doubling down on a neoliberal, free-market, individualistic perspective of society which says that we should sell everything off, outsource everything from the government sector to the private sector, and let people's individual greed and self-interest take primacy over the New South Wales taxpayers and the common good. On this side of the House, we have been very clear: no more privatisation, and we are going to cancel bonuses of people who are not doing their job. They are hurting working people and the taxpayers of New South Wales. People should listen to these debates, because the Government is doubling down on its agenda and that is what it is going into the election campaign with. The Opposition will campaign on this night and day, because it is bread-and-butter Labor stuff that we will back in right up until the election. The response from the Government is obscene.

PRIVATE NATIVE FORESTRY PLANS

The Hon. MARK BANASIAK (17:14): I take note of the answer given to my question today. Both sides of politics have failed the New South Wales timber industry today following the withdrawal of a Government bill that would have removed dual consent approvals for private native forestry. The Government has mishandled the communication of what the bill is and what it is not and has delayed debate on the bill. It had been sitting on the Premier's desk since March and it took a bill from the Shooters, Fishers and Farmers Party to shift it. That mishandling of communication has allowed those opposite—some of whom are quite happy to see an end to our forestry industry—to play games and paint the bill as being about koalas, which it clearly is not. It is not a koala bill. Robust protections for koalas exist in the Private Native Forestry Codes of Practice that govern forestry. There is a 20 per cent reduction in harvestable land. Those opposite know that.

The removal of dual consent would mean that approvals for native forestry are not duplicated at a local government level by councils that do not have the expertise in this area to make sound, objective decisions. During the timber inquiry we heard concerns from councils that the removal of dual consent would somehow mean that the community could not be consulted on the impact on roads. That was echoed in letters sent out by Local Government NSW this week. But that is not an insurmountable concern; it could have been handled by moving it over to the Local Land Services approval process.

There is a distinct lack of honesty in the comments made by some of those local councils and by Local Government NSW, because the majority of consent approvals that are declined by local government are not declined because of road concerns. They are declined based on ideological environmental concerns that disregard evidence. So my message to local councils and to Local Government NSW is this: Do not come to this place with half-truths. If they want support for an issue, they must come with the full truth. If they have to lie or mislead to prove their point, then their point is not worth proving.

Both sides of the House know that the timber industry is in dire straits. They know many mills survive on a mix of private native forestry and State forest timber. They know harvesters will not be able to get into State forests for at least six to 12 months—maybe more, depending on the species. They know many mills have closed and that many more will close in the coming months. So I ask this: Come January, what will members on both sides of the House say to the timber industry communities that will be decimated? What will they say to those struggling to rebuild homes after floods who cannot source timber? What will they say to people who cannot afford to build a house or who have their build delayed indefinitely? What will they say to builders who go broke—[*Time expired.*]

ROAD ACCIDENT SURVIVOR SUPPORT

The Hon. LOU AMATO (17:17): I take note of the answer given by the Minister for Finance, Minister for Employee Relations, and Leader of the Government to the question of how the New South Wales Government is providing better long-term care and treatment for survivors of road accidents. New South Wales has set an aspirational target of zero fatalities and serious injuries on our roads by 2050. The *2026 Road Safety Action Plan* is a key step towards that target. As we work collectively towards that goal, compulsory third party insurance ensures that all those injured in a road accident have appropriate cover for care and treatment needs following injury.

The launch of CTP Care by the New South Wales Government on Monday was an important step in providing excellence in long-term treatment and care for people injured on New South Wales roads who still need care five years after their accident. As the Minister explained, from 1 December 2022 people with long-term needs due to a motor accident will begin to transfer to CTP Care at five years from their accident, or earlier if it is agreed they will have ongoing treatment and care needs. The Minister referred to Mr Rob Spencer, who is one of 36 participants in the pilot for CTP Care. Mr Spencer has commented, "Lifelong care means a great deal. I've got the assurance of knowing that I'm looked after if I need anything to help with my injuries." I hope Rob achieves

his goal of getting back on his mountain bike. As the Minister noted, CTP Care is just one of the many positive developments in service provision by icare to those who need assistance.

INSURANCE AND CARE NSW EXECUTIVE SALARIES

The Hon. ANTHONY D'ADAM (17:19): I listened to the responses given by the Leader of the Government to a series of questions about icare. I came to the realisation that this Government is toast because its political radar is broken. Under the "pub test", a person puts a proposition to another person in a pub. If the person listening to the proposition realises the person putting it is out of touch, the proposition fails the pub test. When the response of the Leader of the Government to the question about excessive pay rises for senior executives of icare is contrasted with what this Government is doing to teachers, nurses and other public sector workers, we know that this Government is lost. I could see it on the faces of backbench members as the Minister doubled down in defence of the Government's indefensible position. They held their heads in their hands, realising that this Government has got it fundamentally wrong. They did not realise they were doubling down on a position that is going to hurt them in the electorates because those pay rises cannot be defended.

In his contribution, the Hon. Chris Rath referred to "the market" and what the market demands when finding talent. There used to be an old-fashioned notion called "public service", when people worked for public service organisations because they believed in serving the people of New South Wales, not because they wanted to line their pockets but because they wanted to help and do the right thing for the people of New South Wales. It is quite clear that this Government has fostered a culture in our public service where all they are interested in is lining their pockets.

ADULT ADMITTED PATIENT SURVEY RESULTS

The Hon. AILEEN MacDONALD (17:21): I take note of the answer provided by the Minister for Women, Minister for Regional Health, and Minister for Mental Health about experiences of patients in regional New South Wales. This Government acted swiftly and decisively on regional health with the purpose of improving experiences and outcomes for regional patients. The Adult Admitted Patient Survey initiative was led by the Minister, who, I might add, is the first ever Minister for Regional Health in this State. An independent survey was conducted, and the results are in.

In summary, of the over 19,000 patients who completed the survey, around nine in 10 said their hospital care overall was very good. Over eight out of 10 said that health professionals were caring. Here is the really good bit: Of those surveyed, over 10,000 were treated in rural hospitals and said there were no significant differences between rural and urban hospitals in the treatment they received. That just goes to show that having a Minister for Regional Health has indeed driven improved experiences and better outcomes for regional patients, while those opposite continue to undermine confidence in our health system.

ADULT ADMITTED PATIENT SURVEY RESULTS

The Hon. GREG DONNELLY (17:23): I take note of the answer provided to the question directed to the Minister for Regional Health. The number 129 may not mean much to anyone, but I will explain its significance. This Government spent 129 months effectively neglecting the citizens of this State who live outside Sydney, Newcastle and Wollongong regarding regional, rural and remote health. This Government was elected in March 2011. In December 2021 the Government appointed a regional health Minister. I am on the record as saying that appointment is a good thing and has given regional health some priority. However, for 129 months we heard nothing from this Government. Not one question was ever asked of a Minister about matters with respect to health and hospital outcomes in regional, rural and remote New South Wales.

The report of the Portfolio Committee No. 2 – Health entitled *Health outcomes and access to health and hospital services in rural, regional and remote New South Wales*, which the Minister is well aware of, contains 44 recommendations. It would be useful if the Minister took on notice a question directed to her on that subject and reported to the House on progress with the implementation of the recommendations that are supported. There are a number of them. The Opposition is grateful for that support because they are deserving recommendations. It is all well and good for Government members to continually pat themselves on the back.

The Hon. Bronnie Taylor: We are actually a long, long way through doing all of that, and you know that.

The Hon. GREG DONNELLY: To the Minister, I say that she only wants to talk about cutting ribbons and patting herself on the back. But these matters are a lot more important than cutting ribbons and patting oneself on the back. For 129 months we heard nothing about regional, rural and remote health. But in the past year or so the Government made a decision. The committee's stinging report makes clear the problems across this State. It rips them wide open. All of a sudden, The Nationals decide to do something about it because it affects their

constituent base. Those people will hear about the report and discover the parlous state of health services across the State. Instead of cutting ribbons and patting herself on the back, the Minister, whose penchant is to have questions directed to her, should provide us with a comprehensive response about progress on the implementation of the committee's recommendations.

ROAD TOLL RELIEF

The Hon. SCOTT FARLOW (17:26): After 129 months without a regional health Minister, we have a fantastic one in the Chamber. I take note of the answer given today by the Minister for Regional Transport and Roads about what the Perrottet Government is doing to secure toll relief for people across New South Wales. Of course, we know the cost of living is rising. People can be assured that tolling is one area where we have caps in place. Earlier the Opposition made a lot of past year-on-year increases of 4 per cent. But given inflation rates at the moment, 4 per cent year on year would be relatively welcome compared with the cost of living in other areas. Thankfully, because of the New South Wales Government's initiatives, eligible motorists who spend more than $375 a year on tolls will receive a 40 per cent rebate up to $750 a year, backdated to 1 July this year, which has been welcomed by taxpayers across the State.

As the Minister outlined, for all we have heard from those opposite about tolls and toll relief, we see no policies except for big billboards. It has taken a long time for Labor to come to the party on anything to do with toll relief. As the Minister outlined, Labor should ask why that is. What is Labor's secret story when it comes to tolls and toll programs? We have deja vu from the Carr era of the toll being scrapped on the M4. Of course, we can simply turn to the helpful, self-published autobiography of former roads and transport Minister Carl "Sparkles" Scully, as he was referred to at the time, for a few hints about what occurred. In his political memoir, Carl Scully recalls an early Cabinet meeting of the new Carr Government and says, "We never really intended to deliver on that promise"—the promise of removing the tolls on the M5 and the M4. Who was working in Carl Scully's office at the time and was thanked by Carl Scully? It is none other than the member for Kogarah and Leader of the Opposition, Chris Minns, who was his deputy chief of staff.

That provides some important context to dispel the mythology created by the Opposition leader that he will stand up against privatisation and tolls. In fact, he was the architect of many of those programs when he was in Carl Scully's office. The Leader of the Opposition has said that it is his first priority, if elected, to solve tolling on his first day. If it was his first priority, you would think we would start to see something brought forward to the people of New South Wales for them to judge. But we still have not seen any plans, except for a toll sign that would encourage more and more people onto toll roads throughout New South Wales. Yet again, we see from the Opposition no plans, no policy and no direction for the future.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PETER POULOS (17:29): I close this take-note debate and reflect on some of the answers provided today. In particular I reflect on a response from the Minister for Education and Early Learning. The Minister noted that almost $11 million has been invested from the New South Wales Government's 2022-23 budget to deliver scholarships to support early learning educators in entering the workforce and to help boost their skills. This will enable the improvement in the delivery of early childhood services.

Some 439 scholarships are being awarded across the State to support staff supply for the early childhood education and care sector. Every successful applicant will be awarded up to $25,000 under the 2022-23 Aboriginal and Torres Strait Islander Early Childhood Education Scholarships and Early Childhood Education Scholarships Program. One-third of all successful scholars live and work in regional and remote areas across the State. We are continuing to deliver for early childhood educators with our record funding. Thus far the New South Wales Government has committed $15.9 billion to deliver a brighter future for every child in New South Wales through its transformation of early childhood education.

Bread-and-butter issues matter to the people of New South Wales. The important issue of potholes has arisen as a result of extreme weather events. This issue has impacted regional and rural councils. Since February of this year some 135,000 potholes have been repaired on State roads. As a result of the $50 million measures to boost funding in regional roads, it is anticipated that local councils will be able to repair up to 420,000 potholes across regional roads. Some 95 regional councils have been funded for this initiative. It is being embraced, and the councils have until 1 January 2024 to make things change for the better.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that the motion be agreed to.

Motion agreed to.

Written Answers to Supplementary Questions

YEAR 9 NAPLAN RESULTS

In reply to **the Hon. COURTNEY HOUSSOS** (9 November 2022).

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

Firstly, it is important to note that there has not been a statistically significant decline in the mean student outcomes for year 9 boys in the 2022 NAPLAN results.

A few of the initiatives the New South Wales Government is implementing to support schools, particularly secondary schools, in improving reading and numeracy include:

- delivered the $720 million COVID Intensive Learning Support Program, which employed 8,230 educators in 2021 and more than 6,500 educators in 2022 across more than 2,150 schools.
- launched an online hub with quality-assured and evidence-based literacy and numeracy resources for teachers, including 93 resources for secondary teachers. 98 per cent of schools have accessed the hub.
- developed the Improving Reading and Numeracy suite of on-demand short courses to support effective use of the reading and numeracy hub resources and guides, literacy and numeracy assessments, and professional learning in the context of curriculum across learning areas. Fourteen of these courses are targeted to secondary teachers.
- strengthened classroom-based assessments such as Transition to Year 7, reading and numeracy check-in assessments and on-demand diagnostic assessments. Support is provided for teachers to access and analyse assessment feedback, inform teaching and learning and communicate with parents and carers about student progress.
- provided access to targeted professional learning and over 100 online classroom resources in support of students' literacy and numeracy development across the curriculum in Stages 5-6, aligned to the requirements of the HSC minimum standard domains of reading, writing and numeracy.
- prioritised 450 schools to receive intensive resourcing to help teachers focus on the skills and concepts that will stretch students into top bands.
- invested $249 million in introducing the evidence-based Literacy and Numeracy 5 Priorities and the new Assistant Principal, Curriculum and Instruction role.
- reformed the New South Wales curriculum to ensure it provide a strong foundation in literacy and mathematics. The 2023 implementation of the new K-2 English and mathematics syllabuses will ensure our youngest learners are provided with the solid foundations they need, and these foundations will also be evident in the soon to be released 3-10 English and mathematics syllabuses.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to conduct of business of the House this day.

Motion agreed to.

ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

That, notwithstanding anything to the contrary in the standing and sessional orders, the following Government response, committee report and an item of private members' business take precedence of all other committee reports and Government responses this day:

(1) Committee reports and Government responses orders of the day No. 14 relating to Government response to report No. 1 of the Select Committee on the Coronial Jurisdiction in New South Wales entitled *Coronial jurisdiction in New South Wales*.

(2) Committee reports and Government responses orders of the day No. 9 relating to report No. 2 of the Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales entitled *Impact of technological and other change on the future of work and workers in New South Wales: Final Report - Workplace surveillance and automation*, dated November 2022.

(3) Private members' business item No. 2114 outside the order of precedence standing in the name of Ms Emma Hurst, relating to report No. 59 of Portfolio Committee No. 2 - Health entitled *Use of primates and other animals in medical research in New South Wales*, dated October 2022.

Motion agreed to.

Committees

SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES

Government Response

Debate resumed from 8 November 2022.

The Hon. ADAM SEARLE (17:34): I make a contribution in this important debate. I note with some dismay the content of the Government response to report No. 1 of the Select Committee on the Coronial Jurisdiction in New South Wales entitled *Coronial jurisdiction in New South Wales*. That response, which was provided on 31 October, noted quite proudly that 20 of the recommendations made by the select committee inquiry had been "noted", six were "supported in principle" and nine were "supported". Now, 20 versus 15 is never a good starting point. It has been a distressing trend in the Government over its 11½ years in office that the quality and meaning of responses to inquiries of this House have deteriorated significantly. I will unpack that.

This inquiry flowed out of the earlier inquiry into the unacceptable high level of First Nations deaths in custody and the review and oversight of deaths in custody. Mr Assistant President, who was on both inquiries, would remember that in that first inquiry we found that the important work of the coronial jurisdiction was being hampered by its lack of resources. The second inquiry fleshed that out in significant terms, where bereaved families were waiting three and sometimes five years, or sometimes longer, before the coronial system could properly deal with their matter and give them closure or at least some idea about how and why it was that their loved one came to die. This is, of course, the mission statement of the coronial jurisdiction.

The jurisdiction had not been meaningfully reviewed since 1975. Indeed, the statutory review of the current legislation was due to have taken place in 2014. Eight years later that has not been done and the crippling workload, which we found was impairing the work of the court and those who work in and around it, including the pathology services, was getting worse and not better. If nothing else was done, it was quite clear that an emergency injection of additional resources was the very minimum that the system needed.

Let us unpack some of the Government response. Let us look at its response to recommendation 1, which is that the Government finalise and publish the statutory review of the Act. The Government's response was "noted". It was not even "supported in principle". We do not know what "noted" means, but it seems the Government has no intention of completing that review. Let us turn to recommendation 3, which was that the Government allocate additional resources to the Coroners Court. This was a little ray of sunshine. The Government response was "supported", until we realise that "supported" meant that, among the eight additional magistrates that the Government had allocated to the Local Court, one was an additional coroner.

First of all—and this was something that I think was in last year's budget and did not flow out of a response to this report at all—New South Wales had 5.2 full-time equivalent coroners. Now it has 6.2 full-time equivalent coroners. Victoria, by example—a smaller State—has 14 full-time equivalent coroners. Of course the Government has said, "Country magistrates also do coronial work. So really it is much higher than six coroners." But it is not really, because in the country magistrates are flat out discharging their Local Court responsibilities. Essentially, most of the coronial work they do is to dispense with the need for inquiries. Some small, uncontroversial inquiries may be conducted. But for the most part, where there is additional coronial work to be done, that is brought to Lidcombe and under the supervision of the full-time coroners.

When we look at the existing and increasing workload, which, by the way, has worsened since the select committee inquiry report was tabled in this House, it is quite clear that even if the Government did not do anything else that we recommended in the report, that jurisdiction urgently needs another four coroners to do the work. That is needed to stop the backlogs blowing out and to bring them back under control so that bereaved families can get some answers much sooner. That will also ensure that coronial recommendations are made in a timely way so that they can fulfil their historical and statutory purpose, which is to prevent future deaths by identifying systemic problems and making recommendations directed to them. But the Government has not done that. What would four additional coroners cost? Probably around $2.7 million in a State budget of some $90 billion. I know there are many competing priorities. But this is an example of something that could be done fairly simply but has not been.

Obviously, other recommendations were made. An important one, for example, is that the Government amend the Act to improve the accountability of responses to coronial recommendations. Coroners in New South Wales do not have the benefit of researchers, legal advisers or support staff, as they do, for example, in Victoria. Our coroners have to do all the research and writing themselves. They do an amazing job, ably assisted, of course, by counsel, who assist in coronial inquiries and appear for parties. But it is quite clear that responses to coronial recommendations are often tardy and coroners do not have the power to chase matters up and to do subsequent reports or the like. They certainly do not have the resources to do so.

In recommendation 13 the committee made a number of suggestions that the Government propose changes to the Act to improve the accountability of responses, including a requirement that government and non-government entities must respond in writing within six months of receiving coroners' recommendations, noting the action being taken to implement the recommendations or if no action is taken, why. It is important that it should extend to non-government entities. At present it is not clear that it does, and it probably does not. The committee also recommended requiring that responses to recommendations and any failure be tabled in the Parliament, and granting the State Coroner the power to report to the Parliament on any relevant matters or issues. What is the Government's response to this? It is "noted". We have no idea whether the Government, after six months of consideration, thinks this is good or bad or is indifferent, merely that it is aware of it.

There are a range of other recommendations. I could go to any one of them to make the point, but I will zero in on the aspects of the report that deal with workplace deaths. Coronial supervision of deaths in the workplace in this State has crashed and burned over the past two decades, largely because SafeWork will come in and do an investigation. Often there will be some legal action, a prosecution, and, like any criminal investigation, the Coroners Court steps back to enable the regulatory body, whether it is the police in a criminal matter or SafeWork in a work health and safety matter, to do its job. So far, so good.

The problem is—and we have seen this, given the stewardship of work health and safety in this State by the present Government—that so often now it is quite clear that there has been a breach of the Work Health and Safety Act and the defendant in the matter will plead guilty. But, rather than a proper examination in court of what happened and, importantly, why it happened, the prosecutor and the defendant will agree on a statement of facts, documents will be tendered, and the court will make a decision on liability and quantum of penalty on the basis of those agreed facts. Often, the true causes or the systemic underlying causes of injuries or fatalities are not examined.

A case in point is the death of Christopher Cassaniti in April 2019. That matter ended up being prosecuted in court nearly two years later. Again, there was an agreed statement of facts and a penalty awarded by the judge, but there was no closure for the family and no investigation of what happened or why it happened. There is a second prosecution in that matter. Maybe it will get closer to the truth this time. There is an opaqueness in work health and safety matters. I do not think anyone is setting out to hide things—although they may. But the prosecutor has a job, which is to prosecute offences and get a result. The defendants are assisting by pleading guilty and we are not getting to the truth of what is happening.

Recommendation 27 was that the Government amend the Act to mandate that coronial inquests be held for workplace deaths, excluding natural causes. It is a significant policy recommendation. A lot of other implications flow from it. It is a serious and weighty matter. It deserves consideration. This recommendation, like many in this report, was unanimous. There was no partisan angle. It was made on the basis of evidence and submissions from unions, grieving families and other stakeholders that this requires attention in the coronial jurisdiction. The Government's considered response was "noted". There is no substantive response at all. This goes for many of the recommendations, all dealing with important public policy matters.

The committee recognised that some of the delays are due to the worldwide shortage of pathologists and related allied health staff. Again, mindful of that evidence, we made a very considered response that the Government should work with universities and peak bodies to ensure there was a better supply of skilled and qualified professionals to work in this space. Again, the Government's response was to simply note that there was this shortage of staff. We had proposed a road map by which the Government could proactively remedy that shortfall itself by taking steps and investing. Yes, it would take time and there are no easy solutions, but there are a series of pathways that it could embark upon that would ultimately lead to the destination of a more plentiful supply of skilled workers in this field. Again, there is absolutely no criticism of those working in this field whatsoever. We note that the shortage is worldwide. But there are things that the Government could do, should do, is not doing and apparently has no intention of doing. Just for the benefit of members, I was referring to recommendation 9, which the Government has supported "in principle". But it is not proposing to take any steps.

I could keep working my way through the different recommendations, but members get the theme. Too often, the Government simply notes but does not respond to the recommendations and, even where it does seem to indicate a supportive disposition, there is no indication that it is going to do anything about it. This is an unsatisfactory response to the very serious matters contained in the report and the very serious issue of grieving families. Again, another theme was that the support for bereaved families needs to be improved so that they have better access to the court and are better able to participate in the somewhat confusing process they are caught up in as a result of the death of a loved one. The Government's response is, "Well, there's ad hoc support that can be given." But that is the problem. There is no systemic support or solution for those families.

I do not pretend that these solutions would be cheap or easy, but there are ways forward. For example, to improve support in relation to workplace deaths, just as the workers compensation fund supports the investigative

and prosecutorial work of SafeWork and funds in part the operations of the Personal Injury Commission, it could also support additional coroners and the coroners' support and research unit at least insofar as it deals with preventing future deaths in the workplace. That would not come out of the budget but out of another fund. I realise there are other calls on that fund, but that would be a creative innovation that would enable the Government, without impacting the State budget, to be able to deliver on some of those unanimous recommendations. That would make responding to the balance of the recommendations in the report much easier.

As I indicated earlier, another four coroners would probably cost around only $2.7 million. By providing an extra $10 million a year in recurrent spending to the court, we could probably build a research unit that would support the Coroner by crafting recommendations and doing necessary research in relation to the other non-workplace deaths. Therefore, with a bit of creativity, there are ways to achieve innovative solutions that provide positive responses to the report. I urge the Attorney General, the Government and the Opposition to take that path forward.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that the House take note of the Government response.

Motion agreed to.

SELECT COMMITTEE ON THE IMPACT OF TECHNOLOGICAL AND OTHER CHANGE ON THE FUTURE OF WORK AND WORKERS IN NEW SOUTH WALES

Report and Government Response

Debate resumed from 8 November 2022.

The Hon. ADAM SEARLE (17:50): Unaccustomed as I am to addressing this Chamber, I make a contribution to debate on the second report of the Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales entitled *Impact of technological and other change on the future of work and workers in New South Wales: Final Report - Workplace surveillance and automation*. I was a member of that committee, under the chairmanship of the Hon. Daniel Mookhey. It speaks to some of my professional experience, both practising law at the bar and before that working as the chief of staff to the Hon. Jeff Shaw, QC.

That is relevant because as Attorney General and Minister for Industrial Relations Mr Shaw brought forward the first laws that sought to regulate video surveillance in our workplaces. It occurred in the late 1990s during a series of intractable industrial disputes in the warehousing industry, involving the then National Union of Workers, as a result of employers seeking to engage in covert surveillance in those warehouses to address what the employers said was the stealing of their goods. The legislation provided that employers had to give relevant notice to their workforces of all surveillance and to get the approval of a magistrate for covert surveillance.

Although that legislation was reviewed and slightly updated under the successor Attorney General, the Hon. Bob Debus, MP—my local member in the Blue Mountains—the legislation essentially has not changed. The use of technology and surveillance in workplaces has continued apace with very old-fashioned legislation. In this inquiry, which had nine public hearings and received 53 submissions, the argument of industry and employers was essentially that the existing legislation is fit for purpose and there is no need to make any changes. But the first recommendation of the committee was that the Government update the legislation to take account of surveillance activities and advancements in technology.

I draw the attention of the House to recommendations 5 and 13, which essentially suggest that the Government examine the laws and require external approval before an employer can undertake or implement either workplace surveillance measures or further automation in the workforce. That is necessary because, as a matter of fact, at the moment employees are not really notified or consulted. There are no opportunities for them to ask questions such as: Why is this information necessary? Who will have access to it? How will it be used or monetised by the employer? What control or say will the workforce have over that? Is there any capacity for the workforce to argue for a different form of surveillance or automation? Where there is disagreement, who gets to decide? At the moment the employer just implements it.

The termination, change and redundancy provisions in industrial awards were meant to be the trigger for employers to consult their workforces over those things. But they have never really fulfilled that purpose and, when they are breached, no-one holds the employers to account. A suite of interlocking recommendations have been made, including to enhance notification requirements to workers; to give workers reasonable response time frames; and to establish processes for workers to negotiate or, where that is unsuccessful, to oppose proposals from their employers around automation or surveillance.

Surveillance is now happening everywhere in the public service. Keystrokes are being monitored and people who are absent from their terminals for toilet breaks are getting phone calls from supervisors. During a COVID lockdown I wrote a paper on the impact of COVID on the workforce, and I found a whole suite of software that can be purchased by employers in Australia extolling the virtues of the ability to surveil the workforce—to basically digitise and analyse everything they do and report it to the employer. One cannot hold back tides or technology. We do not allow medicines onto the market without rigorous testing, but we allow new technology to be implemented, including on our workforce, without any real discussion taking place.

That is just not acceptable and has so many terrible consequences. Employers who are analysing what their employees are doing are monetising that information by selling it to third parties. They use the information to change work processes and to increase their profitability. That is fine, but there is no sharing of that with the workforce. The workforce has no say in what happens to the information that is derived from their labour. The report makes a series of 13 carefully crafted recommendations for the Government to consider, all premised on the need to seriously update the legislation to make it modern and responsive to the use of technology across our State. In my view, it is beyond argument that those things are long overdue.

The inquiry went on for a number of years and the issues were very thoroughly inquired into. I do not wish to verbal Government members who participated, but there was really no pushback. It was another example of one of the great attributes of this House where members, whatever their party affiliations or backgrounds, look at the evidence, craft responses that deal with the evidence as it falls and make sensible recommendations. The work of Jeff Shaw in the late nineties needs to be built upon in the modern era so that it is responsive to modern situations and modern technology.

It is my earnest hope that either the current Government or my side of politics, should it win government next year, takes those recommendations and consults with industry, workers and their unions to craft a modern law that properly deals with the sensible and appropriate regulation of technology for use at work and surveillance of the workplace in a way that does not stifle innovation, creativity or economic development but that recognises that labour is not a commodity; labour is people. We have an economy because people trade. People do not serve the machine of the economy; the economy is meant to serve the social good. When it does not, our job as legislators is to create laws and institutions that turn the tide and restore the balance.

The evidence that those sensible recommendations were based upon was not seriously challenged, and it did not all come from one source. Committee members heard from unions and workers from a variety of different industries. We went to an Orwellian-named Amazon fulfillment centre to see how it all works. The movie *Nomadland*, which I highly recommend, shows the commodification of work and the way it treats workers like battery hens, standardising their responses and monitoring their every step, their every drawing of breath, how long they take for toilet breaks and the like—treating people like cattle and treating the work they perform as simply an economic input or commodity.

I think we can do better than that. The Labor Party was formed to deal with the world of work, so perhaps it is not surprising that its members take a close interest in these matters. In fact, Labor was the moving party in the establishment of the inquiry. But the establishment was done on a broad basis and participation was on that broad basis. The recommendations were uncontroversial within the committee and they should be uncontroversial with the Government.

Reflecting on my earlier contribution relating to the Government's very poor response to the coronial jurisdiction inquiry, I would hope that the next government, of whichever party, will actually provide a substantive response to each of the recommendations contained in the report. Again, the subject matter is not only inherently important but work also takes up so much of people's lives. Work takes up physical time and emotional energy. When the world of work goes badly, the consequences, both psychologically and economically, can be devastating for people. It is incumbent on us as legislators when things are not going well—as they are not in the workplace in relation to the use of technology and the use of surveillance on workers—that there be an intervention. With that, I urge all honourable members to make a contribution to this debate on future days.

The PRESIDENT: According to the resolution of the House of Wednesday 12 October 2022, proceedings are interrupted to enable Mr Justin Field to give his valedictory speech without any question before the Chair.

Members

VALEDICTORY SPEECH

The PRESIDENT: Before calling Mr Justin Field, I welcome to my gallery Melissa Field, wife of Mr Justin Field, and their son, Banjo, here in the House for the member's valedictory speech. I welcome members of Parliament and other members of the public in my gallery and also in the public gallery.

Mr JUSTIN FIELD (18:01): I started writing this speech last Tuesday. I sat down at Beanbah, as I tend to do on a Tuesday—very good coffee there, and I don't mind the bacon and eggs as well. The first thing I saw when I opened up my iPad was that the Government intended to push ahead with legislation to make it easier to log koala habitat on private land, so I have prioritised other things over the past seven days. If some of the thoughts tonight are a little less than fully formed, that is part of the reason why.

It is strange. I feel like it was almost fated that private native forestry logging reared its head in the last week of my time in this place. That sounds a little arrogant in some ways. I know it was not Dugald's intention to bring this forward for my benefit, nor can I claim any credit for ultimately seeing the bill come down. But it did feel like a somewhat fitting culmination of the last few years of work by my office. All of the questions, the budget estimates hearings, the calls for papers and the committee work have engaged really deeply in that area of policy.

Staff in my office have built a body of knowledge, and we mobilised it through our relationships with media and with members of Parliament from all sides of politics. I think we really leveraged the trust that we had built as well-informed and honest brokers on these sorts of issues. It was almost like a bit of a test at the end of a big project or a term of university: a real test of everything we learnt in politics over the past six years. I do not for a moment claim the win. It is absurd to even call it a win. At the end of day, we have got business as usual. It is status quo really. We have had to expend so much work to maintain a totally inadequate policy. If we are going to restore nature or chart a course towards sustainable forestry, we need a very different approach indeed. It is not a win.

I acknowledge that many other people were involved. I acknowledge the critical and principled positions of Reverend the Hon. Fred Nile, Geoff Provest, Felicity Wilson and Leslie Williams in particular, and also that of the Labor Party, which took a very strong position against the bill. Knowing what I know of what was happening behind the scenes, I am not sure if the bill would have been pulled if it was not for the work of Emily Dyball and Ishbel Cullen in my office and their capacity, political smarts and the relationships they have built and grown in this place. I will have a little bit more to say about them later.

I felt very awkward for a long time about the idea of giving a valedictory speech. In many ways, this is not my valedictory speech to give. In a different universe, Dr John Kaye would be giving this speech. I have always been incredibly conscious of how I came to this place and of the person who came immediately before me—made somewhat more challenging by the circumstances of that transition, as many of you will know. I have always had a deep sense of responsibility to try my best because of that, in part because I worked for and with John. I know the sort of person that he was in this role and the deep respect that so many people in this place had for him and his work. I have always had a sense of responsibility to try my best to be a thoughtful, committed and effective parliamentarian as well as campaigner.

I have always felt a bit awkward about being here—not just here giving a valedictory speech but being in the Parliament at all, in part because of those circumstances. But in going through this exercise, I have come to accept that we really all hold this responsibility to the people of New South Wales for just a fleeting moment, regardless of the circumstances in which we come or the circumstances in which we leave. We are never here in isolation and no issue ever belongs to one person. We advance ideas that someone else before us has seeded. We continue to adapt campaigns to the times. We seed the ideas that the next person will advance or pick up, maybe a really long way down the track when the time is right.

I have often felt like I have not achieved very much in this place or in this role. There have been lots of words and lots of agitation but the effect is hard to see. But I have become more comfortable with the fact that you never quite know the effect that you have in this job. The impact of moving a debate forward, that incremental shift in policy or legislation, might just be a signal to a public servant or official that you have their back on an issue and will champion it. If they have been working on it, maybe it motivates them to go harder internally, or maybe what you say publicly or in Parliament resonates with someone in the public and it shifts their view. Maybe they will be the one who makes the difference down the track.

Maybe you have a positive impact on someone's life just because you cared: you took notice, you listened, you engaged, you raised the issue and gave them a voice and they have become more empowered because of it. All the skills you have helped your staff develop over the campaigns you have worked on have helped them to grow in this role and find their place in this place: in politics, in being part of the public and political debate. They will develop those skills and use them really productively in society in some other way. It is not the headline, the vote, the policy, or the political wins. I have come to realise that the everyday moments that we contribute to in this place are equally if not more important in the long term.

When I reflect on my time in this Parliament, I do not want to be too pessimistic. It sounds a little "woe is me". Holy smokes, actually a lot has changed—and a lot has really changed for the positive. If I and my office

have played even a small role in all of that, then I feel pretty good about it. I will go through a list of them. I am reflecting on not just the past six years but the 14 years that I have been in and around this building.

In 2010 pretty much all of the State north of the Shoalhaven was covered in coal seam gas exploration licences. I was closely involved in a massive statewide campaign over many, many years on that issue, working with hundreds of communities all around the State. Today I think something like 6 per cent of the State is covered in coal seam gas licences. I do not think many of them will be acted on, in reality. Imagine if they had gone ahead and been developed just how significant the work would have been to get our economy to net zero emissions. If we had taken the choice as a society to go full throttle into coal seam gas and unconventional gas development in New South Wales, it would have been much, much harder. That work is incredibly valuable. It has made a huge difference.

I know there are many people in the audience today from that time, from the Gloucester valley, the Hunter Valley, the Southern Highlands and the North Coast. Thanks so much to those who have travelled to be here today. Those campaigns changed the political map in New South Wales and were absolutely critical in the shift of votes in the 2015 election in particular. The relationships that were built during those campaigns have real political potency still today. In some ways, they are almost like the kernel of the Independent movement that we see today. Some of the relationships that were built then are part of that trajectory. It was an incredibly profound thing to be involved with. I acknowledge the critical role of Jeremy Buckingham, Max Phillips and Jack Gough in providing the political leadership in that campaign and working with amazing campaigners from around the State, both professional, like Lock the Gate, and also those within the communities who were accidental activists. That story is really profound.

The Murray-Darling Basin Plan is not ideal. Despite the NSW Nationals trying at every opportunity over the past few years to undermine the plan at every turn, it has stuck. It is returning water to the environment, and we should be happy with that; that is an important thing. I am particularly proud of the role that our offices played in increasing the public and political awareness and understanding of water issues. New South Wales is incredibly well placed—particularly if there is a change of government at the next election—to play a constructive role in the development of Murray-Darling Basin Plan No. 2 and the really important work that needs to be done to factor climate change into water management in the basin.

I also note that there are people in the room today who have been involved in water issues for a long time. Thank you so much for your advice and support in enabling us to come into this place and sound educated on these issues and speak on your behalf in this place. It is strange to find this kind of political coming together where an issue is able to navigate its way through the Parliament. At the end of the day, it is this incredibly detailed policy thing that no-one really understands, but it is sort of the vibe of it, right? It is not quite sure what it means that we disallowed a regulation four times—it is so abstract and obscure in some ways—but that was not the value of it. It was that people have become aware and educated. Everyone is thinking about it: What does this mean? How do we actually want to make decisions about how we manage water in the future? I hope that is the legacy of the discussions in this place and of the people who have been involved with them in here and in the public.

Again I acknowledge the work of Jeremy Buckingham's office, particularly during the drought, for really kickstarting a lot of the public discussion at the time. I also acknowledge the many communities around the State that are facing unimaginable flood conditions at the moment and facing quite dangerous conditions for the next few weeks. They have experienced the worst of the drought and the worst of the floods in less than a five-year window. This is a challenge that is not going away, and it requires dedicated effort in this place.

When I started in this place, plastic pollution was endemic and unchecked. Today there is a container deposit scheme and single-use plastics are being phased out. That is going to have a significant impact. The collapse of the soft plastic recycling scheme last week shows that we have to spend a little less time on recycling and a little more time at the top of the waste hierarchy: avoiding and minimising. At the end of the day, the public seems to have understood that issue and the politics have shifted, which is fantastic. It is something that we have not had to work on a lot for a long time because everyone is on board, and that is a great thing.

On marine policy, within days of starting my role as a marine spokesperson for The Greens, there was a horrific spate of shark bites on the North Coast. I was dragged into an incredibly difficult public debate on shark policy, largely defending the shark at a time when sharks were not being well covered in the media. *The Daily Telegraph* ran a cartoon of me sitting on a surfboard, tickling a shark and saying, "Those nasty nets will ruin your health." The next panel said, "Chomp," and I was eaten whole. The shark then quipped, "And that's why Mum always said to eat my greens." It was very clever satire and great for the scrapbook.

The reality is that, again, the public debate has shifted on this in a way that I do not think people would have seen coming. There is a greater understanding of the limits and problems of shark nets but also the limits of government responsibility here. Is it the Government's responsibility to protect people out in the wild? When

nature has its own intrinsic value, people understand inherently that that is the place for sharks to be and we need to change our behaviour. In some ways that seems to have embedded itself in the public debate now. We have developed some of the best technology in the world, which hopefully in the near term will do away with shark nets and the atrocious, indiscriminate killing of wildlife on a pretty massive scale. That is fantastic and I think that is another thing that has really shifted.

In 2010-11 Premiers thought that it was okay to have secret meetings with casino moguls and ClubsNSW felt it could choose governments. Today the reputation of those industries is in the toilet. They have been systematically exposed as facilitating and condoning criminal and predatory behaviour. The law reform already has been significant. I acknowledge that and I call on both Dominic Perrottet and Chris Minns to back the cashless gaming reforms and to reform the business model of ClubsNSW, which is far too reliant on the damaging pokie profits. I note the presence of Troy Stolz in the audience tonight. I again thank him for his advocacy on this important issue.

Finally, I mention our forests. Despite the devastating impact of the 2019-20 fires, which impacted over 50 per cent of forests across New South Wales, and more than 80 per cent on the South Coast, where I live, the Government continues to log the homes of endangered animals, like the koala and greater glider. The Government has hidden reports that it commissioned to guide reform to address the environmental risks of logging in burnt forests. It is one of the most disgraceful examples of dereliction of duty that I have witnessed in this place, to be honest.

The Government is sitting on the evidence and deliberately ignoring it because it does not like the politics of it. However, I know there is space for change. There is a very different future possible for our public forests and for the timber industry, one where those forests become ecological, recreational and carbon reserves, and we transition the timber industry into plantations and properly managed private logging. There are more jobs in it and greater economic opportunity. The facts are all on the table. I know there are many in government who recognise the opportunity here. It is only a matter of time. I think the public is ready for it. It is ripe for someone in politics who wants to show some leadership on the issue.

I acknowledge that I am giving this speech on the lands of the Gadigal people of the Eora nation. I pay my respects to their Elders past, present and emerging. I recognise their ongoing custodianship of this land. To be honest, I did not really know what that meant when I said it in my first speech in this place in 2016, but over the past few years, in almost every single issue that I have worked on, there has been a clear and growing intersection with Aboriginal people and cultural heritage. It is often lost in debate over the proposal to raise the Warragamba Dam wall that it would destroy some of the remaining sites of the creation story of the Gundungurra people. The floodplain harvesting debate is often pitched as an irrigator versus environment debate, but of course those flood flows are absolutely critical to delivering the cultural water and cultural values to traditional owners. They have almost no control or ownership over the water on which their country and their culture relies.

A few weeks ago my office was involved in putting on the koala conference in Coffs Harbour, where we heard about the Gumbaynggirr Good Koala Country plan and their desire to play a much greater role in the management of our public forests. Nearly every mining and development issue I have worked on impacts Aboriginal cultural heritage and faces opposition, in full or in part, from traditional owner groups, and the planning system, with some notable recent examples, almost always fails to protect what is valued by local Aboriginal people.

The intersections are clear and as we work on these issues, the inadequacy of policy to recognise and protect the interests and values of Aboriginal people becomes clearer. That is unfinished business for this Parliament. I thank very much those Aboriginal people who have been patient with me as I have come to build some understanding of the issues. I acknowledge those Elders past, present and emerging on Yuin country, Bundjalung, Gumbaynggirr, Kamilaroi, Wiradjuri, Gundungurra and Tharawal country, in particular, where I have spent the majority of my time working on issues whilst in this place.

I was going to say a little about The Greens, but I might say a lot. It is difficult to explain to people who have not been involved in politics the intensity of internal party machinations, fights—

The Hon. Mick Veitch: Tell me about it.

Mr JUSTIN FIELD: I know it is not unique. But the friendships made in the heat of those political fights are of a different nature as well. To Jeremy Buckingham, Jan Barham, Dawn Walker, Max Phillips, Jack Gough and Graham Williams in particular, it was a wild ride. I am not going to go into the details of it all in this speech. We know what happened. I look forward to reminiscing over all of that at some time in the future, and we have done a bit of that in the past.

I have not spoken much about my decision to leave The Greens and there really is not much to say when you break it down. You can drag over the entrails of it all, but ultimately it just came to the point where it was clear to me that there was no place in that party for me. I could not be in it and do the work that I thought was important. Whatever that says of them or me, people will make their own judgements, but certain individuals made it impossible for me to exist in The Greens party room, so I had to make a call. I have no reservation at the end of all of that in saying that I feel I have lived up to the promise to the many members who left at that time, and to those who stayed, that I have worked tirelessly on those issues that you put me in this place to work on over the last three-and-a-half years, and I value greatly the ongoing support of so many Greens members whom I have continued to work closely with on campaigns throughout that time, regardless of the attitudes of some of the so-called leaders of that party.

I was asked recently what I saw as my greatest frustration with politics and I responded, with not a great amount of thought at the time, "I wish a good argument carried more weight." I have reflected on that a little bit more. Maybe more than a good argument, I wish there was more space for nuance in public and political debate, and that we would all be able to be a bit more honest about what we know and what we do not know, a little less certain sometimes, a little more circumspect to leave room to learn, to build consensus, to change our opinions.

A really strange thing happened during the debate on the Sydney Marine Park before the last election. I was being pretty heavily targeted on social media by a small and pretty aggressive group of recreational fishers at the time. As a fisher, I felt this great need to try to reach out and communicate, to be part of trying to bridge that gap. I did a video about marine protected areas and sanctuary zones. Having grown up fishing, I had been living in and around areas where these debates had played out before, and there had been some criticism like, "Oh, there is never enough science. You can't do this, there is not enough science."

I was making a post about how, at the end of the day, you cannot know everything about it. That is why we have precautionary principles. There are reasons why you would move ahead with making a decision, even if you did not have the exact scientific opinion about a protected area in this space. It was a very articulate policy in a Facebook video, I have to say. But I made this throwaway line, "You don't know what you don't know", which of course makes absolute sense. I was just making the point that you never have complete information, there is always uncertainty, but it is not a reason for not doing something.

Imagine my surprise when at the Stop the Lockout rally, out the front here before the last election, there were people carrying placards with my face on it—some with crosshairs on it too, by the way—with the words in speech marks, "You don't know what you don't know." Of course they were using it in the pejorative sense, as if there is some sort of pejorative of that. I do not understand exactly what they meant, but a Shooters, Fishers and Farmers Party representative standing on the podium pointed me out as I walked past. I might have deliberately walked past, to be honest, to goad a little, and the crowd started chanting, "You don't know what you don't know", and throwing water bottles over the fence. I was like, what's going on? Niall Blair is in the gallery here. I know he probably copped it worse than me during that debate and other debates as well, but it was absurd. Here I was, a Green, broadly defending Government policy and somehow I became the target, mostly because I tried a more measured, nuanced, open and honest communication style.

I did not grow up in politics. I did not come from a political family and I did not do student politics. I got into politics because of the issues. In many ways, I had to become a politician to learn about politics and how it really works. That is not an option most people have available to them, but it has made me realise the challenge for the general public to understand what actually goes on in this place and how decisions are made when they do not have anywhere near the view that we have. I raise that in this context: We have immense power—along with the media, of course—to shape the nature of public and political debate. When we buy into the "with us or against us" approach to issues, sound bite-driven stuff, and make every comment as if our way is completely right and the Opposition is completely wrong, we just help reinforce that approach to public debate and we make it harder to bridge the divides that already exist within our society.

We have some really incredible challenges coming up where that is going to be impossible unless we change the way those conversations are had. I was guilty of that a bit when I was in The Greens because it makes a lot more sense when you are messaging to a base. I absolutely know that. It is like there is a fixed, locked in, "If I say that, I know I don't have any problems there." I do not have any problems there, but I pass that problem on to other parts of the public discourse, and that never felt comfortable to me. Possibly that is because I did not come from politics and, in a strange way, I had to have conversations with my dad from country Queensland about why the hell I joined The Greens and was involved in environmental politics. When you have to convince your dad, who is a fisher from central Queensland, about policies, the sound bites approach to politics does not work.

You have to go to where someone is. You have to listen, engage, persuade and acknowledge the legitimacy of where they have come from. It is rarely black and white, as most political media releases would have you believe, and that is the thing I have felt most strongly about becoming an Independent. I think I am more effective

because I have the space to be more nuanced. I can more easily go to where people are. Whether in the public or in the Parliament, I spend so much time explaining what is going on with issues with people that I work with, and I think they really value that. I think it is part of why Independents are winning support at the moment.

The public wants to understand what is going on. They are sick of everything being filtered through a political lens. They understand everything is not so clear-cut and binary. They can handle unvarnished facts and uncertainty. They know decisions are complex and different views exist, including inside political parties, and they respect different views. They are sceptical of groupthink, and we see Independents calling that out. They have the privilege to do that. You can be really nimble as an Independent. I am not saying it is easy. I failed at party politics, so I am not telling people how they need to change because that is a tough gig. But I think it is one of the reasons why Independents are attractive to people. They can highlight what the public see as hypocrisy, doublespeak, the spin—black is white, white is black. And it is refreshing to people when they hear politics approached in that way. My view is that the public are yearning for that from politics and I see it as part of the growth in support for Independents.

My hope is that it can lead to a broader shift in political and public discourse for the better and that more people approaching politics in that way start to come into this place. That is one reason why I am throwing a lot of my attention and support behind Independent candidates in the lead-up to the State election. I know it is hard, because journalism makes it difficult and provides little space for that approach to the political debate. It makes changing opinions very difficult and a political risk in many instances. Giving ground on an issue is seen as a weakness. It is not fair; it should not be. It is a sign of maturity and humility. It is having respect for evidence. In most other parts of society, we see that as leadership. People would love to see that from political leaders as well.

In that vein, on journalism, I acknowledge some of the journalists I have worked with over the past few years. I single out a few. That is not to make any judgement on the others I have worked with. It is a tough gig. I do not know the business or the struggle to get stories up, but I know that on many issues I have worked on, those stories would not have been in the media if journalists did not personally choose to invest their time to get across the issues. I acknowledge in particular the work of Anne Davies, Lisa Cox, Harriet Alexander, Kelly Fuller, and Peter Hannam. I acknowledge also Jordan Shanks and Kristo Langker for their work. My office very rarely brought simple pitches. There was always a history. They were heavy on policy and detail and involved a lot of work. Thank you for listening. Thank you for taking interest and the time to go further than you otherwise would have to in the grind of your work. I really value that. It has made a huge contribution to the issues we have worked on.

I have been very well served by my staff over the years. I acknowledge the work of Julie Macken, Emma Bacon, Clara Williams Roldan, Jane Garcia, Louise Callaway, Sinead Francis Coan, Dan Reid, Claire Rogers, Taylor Clarke, Nick Casmiri, Liisa Rusanen and volunteers who have helped me during my time in the Parliament, Norman Thompson, who is not with us anymore, sadly, and Sandra Heilpern. Thank you all for your work and support.

We all know that this place functions only because of the unbelievable professionalism and dedication of the officials of the Parliament. To David Blunt, Kate Cadell and the whole team, thank you for your support and guidance. Little ideas come to us on the spur of the moment, and you spend who knows how many hours and how much energy working on them and preparing advice. Sometimes we drop them before you even come back to us. Sometimes they turn into something. Regardless, you act with the utmost impartiality and professionalism, with no hint of resentment for time potentially wasted or work added. Thank you very much.

As to the communities I have worked with, there are too many groups and campaigns and individuals to name. The Government seems to have no idea. When they make a decision—it might be to accept a development application or to issue a new exploration licence or to create a bill that will open up an entire community to private native forest logging at a moment's notice—it often leads to weeks, years or decades of work for a community. Community members down tools, stop their lives and gear up for these fights to protect their own. It never ceases to amaze me how many people stand up and devote their lives and attention to that. We get paid to do it; they do not. I have always been conscious of that effort and of that sacrifice. It has made a huge difference in so many of these areas they have worked on. I thank them so much for their support and guidance and for allowing me to be a voice for those issues in this place.

In my current team, Ishbel Cullen joined my office less than 12 months ago. Ishbel, you knew you were jumping onto a term-limited ship and you chose to do it anyway. That says something about you, and I hope it says something about me. I cannot thank you enough for deciding to do that. Working with you has been an absolute pleasure. Your work ethic, your policy expertise and your capacity to learn and communicate have been incredibly valuable for our issues. You pretty much single-handedly coordinated that koala conference, which has laid the foundations for a powerful forest campaign over the next few months and is an incredibly valuable contribution. I wish we had more time to work together. Thank you so much.

Emily Dyball has been with me pretty much from the start. Hiring Em has been the single most important and productive decision I have made in politics, without a doubt. We have learnt and grown together in this role. You had unwavering patience during those frustrating years within The Greens and always focused on the issues. You did not blink at the idea of taking my office independent and have always made the absolute most of the privilege this position affords us. I have always had the utmost trust in you to act in the best interest of the issues. The people we work with speak so highly of your knowledge, commitment and wisdom. It has been a privilege to be part of your political journey. I cannot state clearly and loudly enough that I absolutely could not have done this without you. Thank you. I feel like I am breaking up the A-Team. I am more than a little sorry about that. Whatever you both do next will be truly excellent. I wish you the best.

With my family, I am not sure Melissa understood at all what it meant when we discussed me running for John's casual vacancy. We had moved on with our life after 2015. We had fallen pregnant. It has been challenging to be a regional MP, a good dad and a supportive partner. I know we made all these decisions with eyes wide open, but it did not make it any easier. It is all too easy for the most pressing and noisiest issues to take precedence, and politics throws up many of those. Thank you for your patience, sweetheart. I hope you can see that it was worth it. I love you and look forward to our new project together. Banjo was not quite four months old when he watched my first speech in this place. This is only the second time he has seen me speak in the Chamber. We have the best fun when I am home. But whenever he sees me in long pants, as opposed to board shorts, he asks me whether I am going to Sydney, and for quite a while now I have hated saying yes. I am very proud of you, buddy. I am coming home.

For those who have not heard, I inform the House that my post-politics life is settled. I am going to be a greengrocer. Melissa and I have recently purchased an organic wholefoods store and coffee bar in Ulladulla. It is called Empower Wholefoods. I will give it a little plug: It has the best organic coffee on the South Coast. Members should feel free to stop and say hello when they are on the campaign trail over the next few months. I note, though, that for Coalition MPs there will be a surcharge on the coffees. It is modest, only 5c for each hectare of native forest allowed to be logged or cleared by the Government over the past term. By my calculation—it has taken me three years of budget estimates to be able to make this calculation—that will make a flat white cost about $25,000. I am sure you will agree it is worth it. I call it the unexplained levy. If you do not get that joke, it just goes to show how ineffective much of my advocacy on land clearing has been over the past six years.

I would never have traded this opportunity. It is an absolute privilege to wake up every day and choose what to work on. Despite some frustrations with the nature of politics, I count many people here as friends. I know that the overwhelming majority of you share a deep sense of duty and responsibility to the people of New South Wales and the issues that you work on. I personally wish you the very best for your futures, whatever they may be. Thank you for indulging me one last time.

Members and officers stood in their places and applauded.

The PRESIDENT: I will now leave the chair. The House will resume at 8.00 p.m.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business of the House on Wednesday 16 November 2022.

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That, notwithstanding anything to the contrary in the standing and sessional orders, Government business is to take precedence of private members' business on Wednesday 16 November 2022 at the conclusion of private members' business item No. 1971 or at 5.00 p.m., whichever occurs first.

Motion agreed to.

NOTICES OF MOTIONS

The Hon. DAMIEN TUDEHOPE: By leave: Under Standing Order 71, I give notice that on the next sitting day I will move that the proposed standing order for the hard adjournment at 10.00 p.m. be suspended for Wednesday 16 November 2022 only.

Bills

CRIMES LEGISLATION AMENDMENT (COERCIVE CONTROL) BILL 2022

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:02): In reply: I apologise to Hansard. I believe I was dealing with the police consultation in relation to the Hon. Rod Roberts' concerns. I note that police have met directly with the Department of Communities and Justice in one of the 27 roundtable consultations undertaken in August and September on the exposure draft bill. Police representatives also attended the legal stakeholders roundtable. Police are absolutely critical to the implementation of the bill, but I agree with the Hon. Rod Roberts that it is not on their shoulders alone, which is why a comprehensive period for education is necessary and has been built in.

I also note briefly in relation to the matters raised that the New South Wales Government has worked hard to ensure, through these comprehensive consultations undertaken in the drafting, that we get the balance right. The bill is flexible enough to capture conduct that should be criminalised but is not frivolous. I will not repeat them. They do not bear repeating, but it is designed to capture that which should be criminalised. There are several safeguards. One of the elements of the offence is detailed in the second reading speech:

> … that a reasonable person would consider that the course of conduct would, in all the circumstances, be likely to cause the other person to fear that violence will be used against them or another person, or a serious adverse impact on their capacity to engage in some or all of the other person's ordinary day-to-day activities.

Another safeguard against overreach is the mental element. The charge of coercive control is founded on the criminality of the specific intent to coerce or control rather than on a concept of recklessness or even an intent to cause physical or mental harm. A third safeguard, to reassure the member, is the new section 54E (1) defence, which provides that it is a defence if the person's conduct was reasonable in all the circumstances. The New South Wales Government has already said that this may apply, for example, if the person accused of coercive control can establish that their actions were reasonable in the circumstances because they were protecting family finances from another person with a gambling addiction, which directly addresses the honourable member's concern. I note that Professor Evan Stark, who is widely regarded as the world's leading authority on coercive control, said the seriousness of this offence cannot be exaggerated:

> I salute the work being undertaken by the NSW Government and the courage, and wisdom, it takes to move forwards. Coercive control is a systematic violation of rights and liberties. This is a wise and brave law to help those held hostage in their own lives by domestic terrorism.

I note that thorough consultation has been undertaken in this process over 2½ years. We have outlined that in debate. I will not go over it again, but it is clear to me and I am confident—this is a matter that I take very seriously—that the time to act is now. The concerns raised regarding timing, consultation and misidentification have been addressed broadly. We will continue to address those. But safeguards are built into the bill. There is a process of review. There is an implementation task force. Unlike much of the other legislation moved in this place, the bill has been thoroughly considered and widely consulted on and will have an implementation process second to none. I am proud of the Government's work in this area.

Today the New South Wales Parliament is signalling loud and clear that this reform is significant and urgent. It will change lives. The New South Wales Government's coercive control reforms reinforce our commitment to deliver on complex issues to protect our community, to strengthen frontline services in the justice system and to improve the lives of women and children. The Attorney General in the other place called on all members of Parliament to stand with the Government in condemning coercive control, legislating it as a criminal offence and committing to making a real change. I hope that the House will answer that call this evening. I thank all members for their contribution over much time. I thank advocates in this place. I thank Shani Murphy, Sam Bush, Liz Pearson and Claire Miller, and the Attorney General for his commitment to this important cause. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): I have five sheets of amendments, being sheet c2022-201A from Reverend the Hon. Fred Nile, sheet c2022-191C from The Greens, sheet c2022-173C from the Animal Justice

Party, and sheets c2022-217E and c2022-230 from the Opposition. There being no objection, the Committee will deal with the bill as a whole.

Reverend the Hon. FRED NILE (20:10): By leave: I move Independent amendments Nos 1 to 3 on sheet c2022-201A in globo:

No. 1 **Taskforce to be independent**

Page 5, Schedule 1[1], proposed section 54I(1), line 39. Omit "establish a". Insert instead "establish an independent".

No. 2 **Membership of Taskforce**

Page 6, Schedule 1[1], proposed section 54I(2)(d), line 3. Omit "a member". Insert instead "at least 2 members".

No. 3 **Membership of Taskforce**

Page 6, Schedule 1[1], proposed section 54I(2). Insert after line 5—

(e) at least 2 members who represent First Nations peoples, including a representative from the Aboriginal Women's Advisory Network,

(f) other members who represent other priority populations and persons with lived experience of domestic and family violence.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:10): Regarding Reverend the Hon. Fred Nile's amendment No. 1, I note that the Government has listened carefully to and taken on board stakeholders' feedback about the importance of the implementation task force being independent. The Government appreciates what the member is seeking to achieve but, respectfully, does not believe the proposed amendments are the best way to achieve it. That is why the Government supported an amendment in the other place to cement the independence of the task force and stakeholders' involvement with it.

The bill establishes an implementation task force that is chaired not by a Government Minister but by the Secretary of the Department of Communities and Justice. For the task force to interrogate and advise on resourcing and implementation of training and education, as stakeholders have urged, it is necessary to have government agency involvement and coordination. As a senior public servant, the secretary is nonpartisan and independent of the Government. The government of the day cannot direct any public servant to act in a particular way. That ensures the task force can provide frank advice. Stakeholder involvement is expressly provided for. Subparagraphs (c) and (d) of new section 54I (2) of the Crimes Act 1900 will provide that the task force must include:

(c) the chair of the Domestic and Family Violence and Sexual Assault Council,

(d) a member from the domestic and family violence sector with substantial expertise and experience in domestic and family violence service delivery.

Subsections (5) and (6) of new section 54I will require that the task force must establish reference groups to provide advice and recommendations. The use of the word "must" in drafting means that is not optional. The bill provides express examples of reference groups, including members from the domestic and family violence sector, victim-survivors and victims' families, the legal profession, Aboriginal organisations and groups, the culturally and linguistically diverse sector, LGBTIQA+ groups, the disability sector, and youth and children's groups. For those reasons, the Government opposes amendment No. 1.

Reverend the Hon. Fred Nile's amendment No. 2 relates to the membership of the task force. Government members have listened carefully to and taken on board stakeholders' feedback on the importance of the implementation task force being independent. We again appreciate what the amendment seeks to achieve but do not agree that it is the best way to achieve it. Again, I refer to the amendment agreed to in the other place. As I have previously said, the implementation task force is chaired not by a Government Minister but by the secretary, who will have independence and will be nonpartisan. The stakeholder involvement is expressly provided for in the sections to which I previously referred, and all of those reference groups will be used as part of that process. For those reasons, the Government opposes amendment No. 2.

The Government opposes amendment No. 3, relating to the membership of the task force, for similar reasons. The Government appreciates what the member is seeking to achieve with that amendment but, again, there will be independence and provision for the ability to interrogate and advise on resourcing and implementation of training and education. As such, it is necessary to have government agency involvement in that task force. Again, the bill includes express examples of reference groups. For those reasons, the Government opposes all three amendments.

The Hon. PENNY SHARPE (20:14): The Opposition does not support the amendments either. As I stated in my contribution to the second reading debate, two things are occurring here. One is the task force that will drive this change through government and public agencies, and the other is the review, oversight and advice

that are coming through the various parts of the rollout of this change. The Opposition is of the view that it is better for the task force to be within government.

I understand the concerns of people who think that having a completely independent group somehow sitting over the top of this process will work. The difficulty is that they would have no power to direct individual agencies in the way in which they implement the reform in the bill. We need all of the input from all of the groups that have been addressed in the other amendments, and I understand that people are calling for that. It is not my understanding that that is the case in other States, and it is also not the recommendation that came out of the inquiry. In some ways it is a new request.

I am not unsympathetic to the anxiety around the way in which the bill will be implemented, which can be picked up through some of the amendments. Labor members are absolutely committed to making sure that we get this right. Our view is very much that the delayed start date to get all of the ducks lined up that need to be lined up is incredibly important. We are absolutely committed to the review processes throughout the bill, but for that reason we think that the implementation through the police and others needs to be done via government agencies. The independent part is really the review, the accountability and the transparency with which the reform is implemented.

Ms ABIGAIL BOYD (20:17): On behalf of The Greens, I support the amendments from Reverend the Hon. Fred Nile and thank him for moving them. Reflecting on the process and where we have got to with the bill and hearing the comments from the Leader of the Opposition, the idea that came out of the joint select committee inquiry was to establish a task force that would help to draft and then implement a bill. People are now playing catch-up because the Government went against that and instead came in over the top, drafting a bill that the experts and everyone who contributed to the inquiry did not agree with. It now seems very clear that we cannot trust the Government to get this kind of thing right, which is why there is now a sentiment within the domestic and family violence sector that perhaps we all would have been better off if we had done something similar to what they did in Victoria. We are trying to solve that now.

Out of the royal commission in Victoria came an Act that established the Family Violence Reform Implementation Monitor. That independent body was set up precisely to ensure that Victoria could take a nonpartisan approach and that the government of the day, whoever it was, could ensure that the actual views of stakeholders, experts and victim-survivors would be listened to. That was one of the key findings of the Victorian royal commission. I think that is why the sector has been so firm on wanting to have an independent task force, and I can really understand it. It is now very hard to build that into the bill we have before us. Ideally the task force would be in a separate Act, and it would be a separately established thing.

Again, it is very disappointing for the Government to be treating the task force as something that is just for show and not a true and real thing. The attitude is very much in line with that displayed during the consultation process, when the Government received a bunch of feedback that it ignored. I do not think there should be any surprise that the sector wants the task force to be independent. Regarding amendment No. 1 moved by Reverend the Hon. Fred Nile, inserting the word "independent" is not necessarily going to make a legal difference, but it sends the message to this Government and future governments that people want the task force to be independent. It sets the tone for the proceedings and that is why The Greens support it.

Regarding amendment No. 2, The Greens have an amendment that is very similar, which we prefer, but we would support Reverend the Hon. Fred Nile's amendment. Regarding amendment No. 3, even though The Greens have an amendment that is very similar, I honestly prefer the amendment moved by Reverend the Hon. Fred Nile. I understand neither of the amendments will get through tonight, but I thank Reverend the Hon. Fred Nile for listening to the sector. The Greens support all three of his amendments.

The CHAIR (The Hon. Wes Fang): As Ms Abigail Boyd has foreshadowed, should Reverend the Hon. Fred Nile's amendment No. 2 be agreed to, The Greens amendment No. 16 on sheet c2022-191C will lapse. Reverend the Hon. Fred Nile has moved amendments Nos 1 to 3 on sheet c2022-201A. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. EMMA HURST (20:21): I move Animal Justice Party amendment No. 1 on sheet c2022-173C:

No. 1 *Animal custody orders*

Page 9, Schedule 2. Insert after line 29—

[5A] Section 37A

Insert after section 37—

37A Animal custody orders may be made

(1) An animal custody order may be made by a court or authorised officer when making—

(a) an apprehended domestic violence order, or

(b) an interim apprehended domestic violence order.

(2) An animal custody order may be made under this section in favour of the protected person—

(a) on the motion of a court or authorised officer when making an apprehended domestic violence order or interim apprehended domestic violence order, or

(b) on the application of a police officer or the protected person.

(3) Before making an animal custody order, a court or authorised officer must—

(a) make any inquiries of the parties about relevant family law property orders the court or officer considers appropriate, and

(b) if an order mentioned in paragraph (a) is brought to the attention of the court or authorised officer, take the order into consideration.

(4) The regulations may specify factors a court or authorised officer may or must consider when deciding whether to grant an animal custody order.

(5) An animal custody order may do any or all of the following—

(a) grant the protected person exclusive possession, custody, care and control of an animal that is presently in the possession, custody, care and control of the protected person or the defendant,

(b) direct a person who occupies premises to allow the person collecting the animal, and any police officer or person who is authorised by the order to accompany the person, to access the premises to enable the removal of the animal,

(c) provide that the access to the premises must be at a time or times arranged between the occupier of the premises and a police officer, whether or not the order requires the person collecting the animal to be accompanied by a police officer,

(d) direct the person who has possession, custody, care and control of the animal to make the animal available for collection by the person collecting the animal,

(e) require the person collecting the animal to be accompanied by a police officer when collecting the animal,

(f) provide that the person collecting the animal may be accompanied by another specified person or that the protected person may nominate a specified person to collect the animal on the protected person's behalf.

(6) An animal custody order may be made in favour of the protected person regardless of who is the owner of the animal.

(7) A person must not, without reasonable excuse, contravene an animal custody order or obstruct a person who is attempting to comply with an animal custody order.

Maximum penalty—100 penalty units.

(8) The onus of proof of reasonable excuse in proceedings for an offence against subsection (7) lies on the person accused of the offence.

(9) An animal custody order continues in force—

(a) while the apprehended domestic violence order or interim apprehended domestic violence order is in force, or

(b) for another period determined by the court.

(10) While an animal custody order is in force in relation to an animal, civil proceedings may not be commenced by any person to—

(a) otherwise take possession, custody or control of the animal, or

(b) recover a monetary amount from the protected person in relation to the animal.

The amendment would empower courts to make animal custody orders at the same time as making an apprehended domestic violence order [ADVO] to ensure that victims are able to safely leave violence with their animals and that animals are not left behind with a violent perpetrator. As a former psychologist, I am well aware of the link between domestic violence and animal abuse, and I have talked about that in this place on many occasions. Australian and international studies suggest that animal abuse occurs in up to 70 per cent of domestic and family violence cases. Research also shows that 18 per cent to 48 per cent of victim-survivors did not leave or delayed leaving for fear of leaving their companion animals with the perpetrator. That figure increased to 68 per cent in cases where the animal had already been harmed.

Animals provide companionship and emotional support to many people. Unfortunately, research has shown that this human-animal bond is often exploited by perpetrators, who often inflict or threaten harm to animals as a strategy to intimidate, coerce and control victim-survivors. That can include threats to harm or give away the animal; physical abuse such as hitting, kicking or even killing the animal; and acts of omission such as preventing the victim from feeding or obtaining veterinary care for the animal. The current ADVO system struggles to protect animals in domestic violence situations. That is because animals are still legally classified as property. While an ADVO can sometimes provide indirect protection to animals in their capacity as "property", the current system fails to recognise that animals are victims in their own right.

The ADVO system also causes serious problems when an animal is legally owned by the perpetrator, or when ownership is disputed between the perpetrator and victim-survivor. In those cases, an ADVO provides no protection to the animal—officers will not get involved in property disputes—and the only recourse is to file civil proceedings to recover the animal. That can result in animals remaining in dangerous situations and still capable of being used as tools of coercion and control while the dispute about who legally owns the animal is resolved via a protracted civil court case.

To give an example, one survivor told me about her experience of coercive control and animal abuse. After she left the relationship, her former partner claimed the animals were his, which was easy to do given he had control of the money during the relationship and had therefore paid for the animals' expenses and ongoing care. The survivor took the issue to court in a desperate attempt to regain custody of the animals and ensure their safety. At the time the survivor spoke to us, the court proceedings had been ongoing for over six months and had still not come to a conclusion. During this process, she remained unaware of the animals' condition or if they were even still alive.

That is just one example of how, even after leaving a violent relationship, the perpetrator was able to continue the abuse against this survivor through coercive control methods using the animals and the court process. This is dangerous and harmful for everyone involved. In those situations the RSPCA cannot get involved because it is a domestic violence situation. The amendment regarding animal custody orders will overcome many of those problems. It will give victim-survivors the comfort that they can leave with their animals and protect them, regardless of their ownership status under the law, which will improve the safety of both human and animal victim-survivors.

The amendment draws on a wave of reform that has already occurred in the United States, where the majority of States have enacted very similar animal custody orders. The amendment would give the courts the power to make an animal custody order in favour of the protected person at the same time as making an ADVO. The animal custody order grants the protected person exclusive possession, custody, care and control of an animal currently in their possession or the perpetrator, regardless of legal property ownership status. It will also ensure that the police are able to assist the protected person to collect the animal from the perpetrator to ensure their safety, similar to the current Property Recovery Orders regime.

The amendment does not require the courts to make an animal custody order, which may not be in the best interests of the animal or victim-survivor in every case. It simply gives the courts the power and discretion to make an order if it is considered appropriate. The amendment also gives the Government regulation-making powers to develop specific criteria or factors the court should consider when making an animal custody order. I clarify that an animal custody order is not permanent. It only runs for as long as the ADVO is in place, or any other period specified by the court. It does not override any family court orders and the amendment specifically requires that they are taken into account by the court when making any order.

The amendment also clarifies that the perpetrator cannot commence civil proceedings to take possession, custody or control of the animal or recover a monetary amount from the protected person relating to the animal to ensure that the court process cannot be misused as a tool to continue to coerce and control a victim-survivor. The Animal Justice Party has consulted on this amendment with lawyers and advocates in the domestic violence sector, including Lucy's Project and I thank them for their assistance and longstanding advocacy on the link between human and animal violence. I urge all honourable members to support the amendment.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:27): The Government opposes the Animal Justice Party amendment relating to animal custody orders. I acknowledge the honourable member's advocacy around the nexus between animal abuse and domestic and family violence. The Government acknowledges that this is not the first occasion on which she has raised the issue. Threats to an animal or using an animal to threaten a person can be a form of coercive and controlling behaviour. That is why the Government has ensured that the definition of domestic abuse in the bill specifically includes threatening death or injury to an animal. In drafting examples of what might constitute abusive behaviour for the purposes of the new offence of coercive control, proposed section 54F (2) includes:

(h) behaviour that causes injury or death to an animal, or otherwise makes use of an animal to threaten a person.

Those component parts are expressly included in the bill. As the Attorney General indicated to the Hon. Emma Hurst, the Government is willing to undertake work and consultation on the Animal Justice Party's proposal; however, the Government does not support the amendment at this time. The Government holds concerns about the potential overlap between the proposal and family law proceedings that are governed by the Family Law Act 1975, which may result in an inconsistency between the two under section 109 of the Constitution. The Government does not want this to be pushed out because of inconsistency; it wants it to be in there.

Stakeholders have not had the opportunity to provide comment or input to the proposal, which is why the Government is concerned that it may have significant implications for operational agencies or frontline stakeholders, given the volume of ADVOs before the courts. The proposal carries the risk of increasing contested ADVOs as there is no provision for orders to be made by consent. It would likely require major systems and practice changes in this form. The proposed penalties are inconsistent with existing law. Finally, a change along the lines of what is proposed would be a significant shift in Australian law and a departure from the practice in other States and Territories at a time when significant work is underway to achieve greater alignment between them. For those reasons, the Government opposes the amendment.

Ms ABIGAIL BOYD (20:30): I speak on behalf of The Greens to support the amendment. Again, this is something that came up in consultation in submissions to the joint select inquiry. It was not delved into, but it certainly was raised. It is not already caught within any of the other sections that mention the word "animal". It is a sensible change, and it is something that The Greens believe should be worked through. It is good to hear that there is some willingness to investigate it, but this is the kind of thing that would have benefited from having more than just a few weeks to consult and properly drafting a bill of this kind.

The Hon. PENNY SHARPE (20:31): I acknowledge the work of the Hon. Emma Hurst in this space. The use of animals to terrify victims, their families and their children and the fear that people have about harm to their animals are a significant issue. I acknowledge the link between the abuse of animals and abusive people. I pass on the thanks of both the shadow Attorney General and the shadow Minister for Prevention of Domestic Violence and Sexual Assault to the Hon. Emma Hurst for speaking with them about this issue. Labor is interested in looking at it. However, Labor does not believe that including this amendment at this point in time is the right thing to do, based on where we are at with the introduction of this new offence. It is quite complex. I particularly note the issues around the impact on the way in which ADVOs operate around consent or not. That is of significant concern to Labor. The Hon. Emma Hurst has laid important groundwork for where we are going next on this, but Labor will not be supporting the amendment at this time.

The CHAIR (The Hon. Wes Fang): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2022-173C. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. PENNY SHARPE (20:33): By leave: I move Opposition amendments Nos 1 and 2 on sheet c2022-217E and Opposition amendment No. 1 on sheet c2022-230 in globo:

[c2022-217E]

No. 1 **Review of Division**

Page 7, Schedule 1[1], proposed section 54J. Insert after line 17—

(f) the types of behaviour in relation to which prosecutions for an offence under section 54D(1) are proceeding, including whether charges are being laid in relation to non-physical forms of abusive behaviour,

(g) the extent to which the offence under section 54D(1) is being charged on its own or in combination with other charges,

(h) the use of the defence under section 54E, including how often and the circumstances in which the defence is being used,

(i) whether there are variations in the use of the offence under section 54D(1) in different police regions, commands and districts,

(j) the operation of the *Crimes (Domestic and Personal Violence Act 2007*, section 6A to assess whether the definition of domestic abuse in that section—

(i) has had an impact on the education of the community about domestic abuse, and

(ii) has improved police practice in responding to domestic and family abuse,

(k) in relation to particular areas in the State and types of courts—

(i) the number of cases for which proceedings for an offence under section 54D(1) have been commenced, and

(ii) the number of convictions for an offence under section 54D(1), and

(iii) the average period between service of a complaint or an indictment for an offence under section 54D(1) and a finding or verdict as to guilt, including a plea guilty.

No. 2 **Review of Division**

Page 7, Schedule 1[1], proposed section 54J. Insert before line 18—

(2A) In conducting a review under this section, the Minister must have regard to—

(a) the transcripts of criminal trials, conducted during the period to which the review relates (the ***review period***), that relate to an offence under section 54D(1), and

(b) the training that has occurred during the review period in relation to the offence under section 54(1), including—

(i) the type of training, and

(ii) the number and kinds of persons to whom the training has been provided, including police officers, judicial officers and legal practitioners, and

(iii) the effectiveness of the training.

[c2022-230]

No. 1 **Review**

Page 7, Schedule 1[1], proposed section 54J(2)(c), line 13. Insert "culturally and linguistically diverse people and LGBTQI+ people," after "Aboriginal people,".

These amendments relate to the review. Throughout the inquiry on the bill, Labor listened carefully to the concerns people had about what needs to be included in the review. Everyone accepts that it is a complex issue. The amendments are specific, and deliberately so, and they relate to what the Opposition wants picked up throughout the rollout, implementation and review of the legislation.

The Opposition wants the following things included in the review: the types of behaviour to which prosecutions for an offence under section 54D (1) are proceeding, including whether charges are being laid in relation to non-physical forms of abusive behaviour; the extent to which the offence under section 54D (1) is being charged on its own or in combination with other charges; the use of the defence under section 54E, including how often and the circumstances in which the defence is being used; whether there are variations in the use of the offence under section 54D (1) in different police regions, commands and districts; and the operation of section 6A of the Crimes (Domestic and Personal Violence) Act 2007 to assess whether the definition of domestic abuse in that section has had an impact on the education of the community about domestic abuse and improved police practice in responding to domestic and family abuse.

Labor also wants the review to include particular areas in the State and types of courts, including the number of cases for which proceedings for an offence under section 54D (1) have been commenced; the number of convictions for an offence under section 54D (1); and the average period between service of a complaint or an indictment for an offence under section 54D (1) and a finding or verdict as to guilt. The amendments also require the Minister to include in the review the transcripts of criminal trials conducted during the period to which the review relates—the review period—and that relate to an offence under section 54D (1). Labor wants to understand the training that occurred during the review period in relation to the offence, including the type of training; the number and kinds of persons to whom the training has been provided, including police officers, judicial officers and legal practitioners; and the effectiveness of the training.

The final amendment seeks to insert the words "culturally and linguistically diverse people and LGBTIQ+ people" after "Aboriginal people" in targeted groups that need to have an assessment and review as part of the ongoing rollout and oversight of the legislation. The review will be important. Labor has tried to pick up and be explicit about the issues that have been raised by stakeholders. There are many different moving parts in the legislation. It is complicated and new. It is a novel form of trying to address an insidious and difficult crime and integrate it into a criminal justice system that is challenging at the best of times. The amendments try to be explicit about this. The Opposition knows there is more work to do, but I hope that members will support the amendments.

The Hon. MARK LATHAM (20:38): One Nation opposes the Labor amendments. In part, they are not practical and, in other parts, they are not needed. Regarding the practical part, it is amazing that advocates of the bill and this coercive control approach talk about police training as though there is a magic wand to help the police through a training module to sort these things out. The police are being asked to delve into so-called patterns of behaviour from five or 10 years ago when there is no clear evidence and when there are not necessarily acts of violence, theft or the other things that police rely on for clear evidence as they investigate matters and potentially

arrest people. This delves into "he said, she said" from five to 10 years ago to establish a so-called pattern of behaviour. I do not know what sort of training is being touted here. What the training would look like and what it is trying to achieve is not included in any of the literature or proposals.

I can only sympathise with the task the police have in trying to administer and police the legislation as it stands before the Parliament. Unless there is more detail about what "police training" means, other than the vague suggestion of a magic wand, we are leaving the police with a situation that all of us would struggle with, where someone says one version and another says the other version about things that are dated, with no firm evidence base, no physical evidence and no documentary evidence. That could include someone saying one weekend that they needed to take the car and that denied their partner mobility, or someone saying, "We're not going to go out with your friends tonight" for reasons the Hon. Rod Roberts mentioned earlier, like they might have criminal associations or other problems.

We do not support this legislation overall but, in many respects, these particular amendments attempt to criminalise things that in a relationship can be entirely normal. It can be entirely normal for one partner to have a complaint or grievance. We are asking the police to sort out those particular matters. For the police, I fear there is no real training module available, other than the vague suggestion we get from The Greens to delay the bill: "We want to train the police to arrest more men." That is not law and order, it is not justice and it is certainly not equal treatment before the law. Those propositions should be rejected. The amendment on page 7, schedule 1, line 13, inserts "culturally and linguistically diverse people and LGBTQI+ people," after "Aboriginal people". Where is the evidence that those groups are affected any more than what the literature shows? Yes, sadly, Aboriginal people are more affected if we are looking at domestic violence and the potential of coercive control—big time. But for them and for non-Aboriginal people it is very much a function of poverty.

I come back to the insult from the Hon. Aileen MacDonald that this was an X-file. I read the 112 cases in the Domestic Violence Death Review Team reports to look at what that evidence showed—not from some journalist. I am told about Jess Hill and I have skimmed her material, but a journalist dealing with anecdotes does not wash with me. What washes is to look at the Bureau of Crime Statistics and Research. We have a criminal statistician in New South Wales—so judge their material—and we have the 112 items of the Domestic Violence Death Review Team. They do not highlight any of the features of identity politics other than Aboriginal people. They highlight that these problems are overwhelmingly a function of underclass, of poverty and of dysfunctional lives that have gone completely off the rails. When we look at the problems of drug and alcohol abuse, welfare dependency, unemployment and adultery, it is sad that people can get themselves into such a huge, monumental mess in life and then, unfortunately, use violence or coercion as some way of trying to fight their way out of the problem. That does not work; it adds to the problem and, of course, the criminality.

The amendments that have been moved by the Leader of the Opposition are the pathetic triumph of identity politics inside the Labor Party, which once took an interest in poverty and which was once dedicated passionately to overcoming socio-economic disadvantage and understanding these problems by visiting public housing estates and embedding itself in public housing estates and in Indigenous communities. Now the Labor Party is swanning around with the alphabet people and the idea of culturally and linguistically diverse people, skimming the top of the easy part of politics, and just going to the functions instead of getting out there with the people who are really suffering in circumstances we would not wish upon our worst enemy. Identity politics is a cancer in terms of public policy. It neglects the poor. Poverty is the real issue and, unfortunately, it is not reflected in the Labor amendments.

Ms ABIGAIL BOYD (20:43): On behalf of The Greens, I support the Opposition's amendments. We have similar amendments on our amendments sheet. I understand what the Opposition is trying to do. It is a tighter and more truncated list than the full list that the sector has been asking for, but it is certainly a step forward. I reflect that when we look at the amount of things that are now included in this review provision, if that does not tell us that not enough thought has gone into this legislation, I do not know what will. We are again playing catch-up and trying to ensure that the very worst aspects of this bill do not come to fruition. I really hope that that review process is fair, that it involves the task force, that the task force is as independent as possible and that the government of the day, whoever that may be, actually listens to the sector in trying to hopefully amend this legislation and get it right.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:44): The Government supports Opposition amendments Nos 1 and 2 on sheet c2022-217E. Specifically, in relation to No. 1, we acknowledge the Opposition's bipartisan support for these critical reforms and the role that they have played in this journey. The Opposition has put forward a sensible proposal of additional items for express consideration in the review. We note that a few of those provisions were suggested by Ms Abigail Boyd as well, and I acknowledge that. We consider that these strike the right balance between identifying critical aspects that the review must focus on and allowing the review

the scope and flexibility to undertake its important work, with recourse to as many materials and experts as it considers appropriate. We acknowledge that they have the support of some stakeholders in the domestic and family violence sector. The New South Wales Government supports the amendment.

In relation to amendment No. 2, we note the recommendations are consistent with the review provisions agreed by the Parliament in relation to the New South Wales Government's landmark affirmative consent provisions last year. We believe these are appropriate, so the Government supports the amendment. The Government supports Opposition amendment No. 1 on sheet c2022-230, which will ensure that the review must consider the impact of the reform on culturally and linguistically diverse people and LGBTQI+ people. This further strengthens the robust review provisions of the bill to ensure the offence is carefully monitored and any opportunities for further improvement are promptly identified. For those reasons, we support the amendments.

The Hon. PENNY SHARPE (20:46): I respond briefly to some of the issues raised by the Hon. Mark Latham. Firstly, we are talking about the review; we are not talking about trying to set up our own process to deliver training to police. It is clear in all of the work that got us to this point that the training and involvement of police is absolutely key to getting this right. We are simply asking for that to be explicitly looked at in any review. Secondly, coercive control is not a minor grievance. Coercive control is a series of behaviours that is dangerous and can be as damaging as physical or sexual violence. The point that we are making is that that does not just occur in poor households, although no doubt it absolutely does. Unfortunately, it happens within the alphabet people—the LGBTIQ+ community—of which I am one, and it happens whether you are poor or not.

I have spent plenty of time in groups and with organisations who report this. I have spoken to people who have experienced this. If we are just talking about the Domestic Violence Death Review Team, there would probably be people within that group who are from the culturally and linguistically diverse community and the LGBTIQ+ community, but the issues are slightly different. By including those people within the bill and the way in which we look at these issues, we pick up the differences and the diversity within our community and the way in which coercive control occurs in different ways. That is all the amendments are doing. I understand that the Hon. Mark Latham does not support the bill. That is fine. But let us be clear that coercive control is not just something that happens to poor people. It happens to poor people; it happens to working people; it happens to rich people. There are people living under the fear and control of others in every corner, unfortunately, of this State.

The whole journey to get to this point has been to recognise the damage that it does. That is what we have been trying to grapple with the whole way. There is nothing wrong with being inclusive—in fact, it is essential if we are to understand the way in which coercive control, which is not a minor grievance, happens within relationships. I understand that the Hon. Mark Latham does not even support the idea of that, which is fine, but the idea that we simply wipe it away and pretend somehow that it is just something that happens to white poor people is just not true.

The Hon. MARK LATHAM (20:49): I can inform the Committee of what is true. If people did more research, they too would find the truth. The sole research justification for this bill is the Domestic Violence Death Review Team reports. To say that you know where coercive control exists is just a myth. It is just a myth because it has not been criminalised. Who is arresting the perpetrators of coercive control? We are dealing with a new area of law that goes beyond established law, which is that you deal with acts of criminality as opposed to patterns of behaviour. So there is no reliable study here. The only thing the Attorney General fell back on were the reports of the Domestic Violence Death Review Team. In my contribution to the second reading debate, I set out at length how that was a fabricated attempt to fit the theory back into the evidence, which showed none of these things 10 years ago, at least in how the reports were presented. It is shameful that it has happened in this way. The truth is that you can no longer trust the review team to be independent, objective and research based.

This whole area should be turned over to the Bureau of Crime Statistics and Research. BOCSAR is not without fault, but it is pretty well the only reliable outfit that does not regard this as an article of faith and fall into the left-wing habit of trying to fit the world into its world view with no regard for evidence and problem solving. BOCSAR really is all we have. I do not know about coercive control being a popular thing and happening everywhere. BOCSAR mapping shows that for every single incident of domestic violence in a middle class suburb—and let us say, for the purposes of the argument, coercive control—you get 15 in a public housing estate and 30 in a remote Indigenous community. Why would you not concentrate on the areas where the problem itself is concentrated? Surely that is logical. There is no evidence of the even spread. That is a myth put around by the domestic violence industry and advocates.

The BOCSAR mapping material is crystal clear. The Domestic Violence Death Review Team material is crystal clear. That is the only evidence we have. It is why we are debating this bill. Anything else is just someone making stuff up to fit their world view and hoping that it passes without notice in this Chamber. But a couple of us have actually studied the research base, and it is clear. The Minister proposed earlier on that I read the book by the journalist. It is just full of anecdotes. Anecdotes do not wash. We cannot make new laws for New South Wales

by anecdote. We must look at the detailed, extensive research material. I have highlighted faults in it. Essentially, BOCSAR is all we have, and it does not look at coercive control. In that respect, the Parliament and the speakers here are flying blind.

Ms ABIGAIL BOYD (20:51): I reflect on the comments from the Hon. Mark Latham when it comes to this amendment and this bill generally, because I think some of the words and phrases he used are quite dangerous. He said "making stuff up to fit their world view". That is incredibly accurate self-perception by the Hon. Mark Latham. We cannot come here and ignore the wealth of evidence that has been put forward not just to the Joint Select Committee on Coercive Control but from academics, experts, victim-survivors and frontline workers, who have known about coercive control for decades. Yes, we have the Domestic Violence Death Review Team, who confirmed something we all already knew.

I understand that if you have not come across something as hideous as coercive control in your particular world view or your particular existence, it may be difficult for you to understand what it is. It is one of the things that breaks my heart about this bill because, as everyone knows, I have been lobbying hard for the criminalisation of coercive control. I am disappointed with this particular bill. But, on the whole, I absolutely support the criminalisation of coercive control because parts of the community such as the one whose representative we have just heard from do not understand what coercive control is and cannot call it out when they see it. They might not even know when they are doing it. That is the danger and the thing leading to domestic homicides.

Most of my friends have found themselves in coercive controlling situations of some sort. I had a coercive controlling relationship when I was a teenager. It started off in the absolutely classic fashion members will know, if they read Jess Hill's book. I recommend it because there is a well-trodden path that, knowingly or not, most of these perpetrators tend to follow. It starts with the real romance, turning up with flowers all the time. Then the next thing you know, they are always at your work or always at your home. In my case, it turned to sitting outside my window and listening to all my phone calls at night, always being there when I left the house to take me wherever I needed to go when I had not asked for it. It then became isolating me from family and friends, telling me lies about what they thought of me, trying to make sure that I did not see them. Then it became that what I was wearing was inappropriate and that I should not be wearing those things. He then moved to sleep deprivation, when I was not allowed to sleep before my HSC exams. There was a huge array of different behaviours that led, through an 18-month relationship, to physical violence. Finally, I was threatened with a knife at my workplace, in Kmart of all places, and it was caught on camera.

The point is that this is not an uncommon thing, unfortunately, for many women to go through. I was absolutely beaten down emotionally. I do not understand how that could happen to me. I still look at it as a bit of an experience that helped me to never be in that sort of situation again. I think, hopefully, that if you have experienced it, you are much more aware of it. But I can assure people—I do not need to assure too many people in this room—coercive control is a real thing and is a factor in most situations of domestic violence. When you track back and look at that complex behaviour, you see that it underlies the vast majority of domestic homicides. I encourage anybody who thinks that it is somehow a made-up thing or a new thing to read much more widely than they are currently doing and to try to understand what we need to do in order to save victim-survivors of domestic violence in this State. Until we change this mindset, we will not have any progress.

The Hon. MARK LATHAM (20:56): I have been told to read more widely by someone who, apparently, has not bothered to read any of the Domestic Violence Death Review Team reports. Why can Ms Abigail Boyd tell us about her personal circumstances for which she has legislated and not the evidence base the Attorney General has advocated and presented for the bill? It is quite bizarre. It is lazy, self-indulgent legislating to tell us about her own circumstances, which are covered by breaches of the law in New South Wales—stalking, intimidation and threatening with a knife are all covered by existing laws—but not to go to the actual evidence base that the Parliament is supposedly legislating on. How can a member of Parliament talk about her own circumstances in that way and not actually go to the five or six hefty reports of the Coroner's team—

The Hon. Penny Sharpe: Point of order—

The Hon. MARK LATHAM: She has told me to read more widely. She herself has not read.

The CHAIR (The Hon. Wes Fang): Order! I will hear the point of order from the Leader of the Opposition.

The Hon. Penny Sharpe: What is before the Chair are Labor's suggested amendments in relation to the review. We have strayed from that. Can we come back to what is actually before us, which are Labor's amendments. The disagreement between the Hon. Mark Latham and Ms Abigail Boyd is not dealing with what is in front of us.

The CHAIR (The Hon. Wes Fang): Usually contributions to amendments are confined to the amendment itself. I have allowed a bit of latitude when a member is seeking to respond to another member's contribution on the amendments. In that respect, I believe that the Hon. Mark Latham is responding to the previous contribution, but I ask him to speak in relation to the amendment and the contribution to that amendment by the other member.

The Hon. MARK LATHAM: The point I am making is that the legislation and the review should be on the basis of evidence, statistical data and research, not on anecdotes and what happened to your friends. If these are serious matters, why has someone like Ms Abigail Boyd not undertaken the serious research task of studying the Coroner's death reports?

[*A member interjected*.]

You cannot talk about any of them, because you have not read them.

The CHAIR (The Hon. Wes Fang): Order!

The Hon. MARK LATHAM: You are so lazy and self-indulgent you have not read them.

The CHAIR (The Hon. Wes Fang): Order!

The Hon. MARK LATHAM: It is all about you.

The CHAIR (The Hon. Wes Fang): Order! We have been going for about an hour on the amendments. We had been proceeding very well, with a good level of engagement and contribution. Members will remember that all comments are to be directed through the Chair. Has the Hon. Mark Latham finished his contribution?

The Hon. MARK LATHAM: Thank you.

The CHAIR (The Hon. Wes Fang): The Leader of the Opposition has moved Opposition amendments Nos 1 and 2 on sheet c2022-217E and No. 1 on sheet c2022-230. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Wes Fang): I note that The Greens amendment No. 26 on sheet c2022-191C has now lapsed.

Ms ABIGAIL BOYD (21:00): By leave: I move The Greens amendments Nos 1 and 2 on sheet c2022-191C in globo:

No. 1 **Commencement**

Page 2, clause 2(3)(a), line 15. Omit "1 July 2024". Insert instead "1 February 2026".

No. 2 **Commencement**

Page 2, clause 2(3)(b), line 16. Omit "1 February 2024". Insert instead "1 February 2025".

This is pretty simple. All I am seeking to do is to extend the allowable commencement time. It is quite ambitious at the moment. I understand we are expecting 18,000 police to be trained in as little as 15 months, and that is without a government yet committing significant resources to the task. There is significant risk in committing to a timetable for implementation that is too short. These amendments extend the period in which the substantive offence can take effect by an additional two years. But if everything is in place, of course, the offence can take effect earlier. Similarly, amendment No. 2 extends the period during which the definition relevant for apprehended domestic violence orders et cetera can take effect. Again, if everything is in place earlier, the offence can take effect earlier.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:02): The Government opposes The Greens amendments Nos 1 and 2. We have listened carefully to stakeholders' feedback about the importance of ensuring there is appropriate time before the definition and the offence commence to operationalise and deliver training and education for the community and frontline services, including police and the courts, and to secure effective implementation. That is why we have drafted both the definition and the offence of coercive control to have a delayed commencement at section 2 of the bill.

The offence will not be able to commence until 1 February 2024 and it must commence no later than 1 July 2024. This will provide time to properly and safely implement the offence. Some stakeholders have queried whether this time frame is sufficient for training 18,000 officers of the NSW Police Force. By way of comparison, Scotland's time frame for delayed commencement of its legislation was 13 months. Assent was provided for Scotland's legislation on 9 March 2018 and the offence commenced on 1 April 2019. During this time, training

was delivered directly to 14,000 officers, alongside e-learning modules developed and made available for the entire 22,000 Scotland police officers and supporting staff.

The Queensland Women's Safety and Justice Taskforce, which a number of stakeholders urged the Government to look to, recommended a minimum 15-month pre-commencement period in its report. The New South Wales Government has learnt from these experiences and has gone further than both examples by providing and drafting that the bill cannot commence less than 14½ months from assent and can commence up to 19½ months after assent. We have listened carefully to the overwhelming evidence that these reforms are urgent. Most recently, witnesses heard by the social issues committee reinforced the urgency of the reforms. As the Attorney General said in the other place, it is no exaggeration to say that this could be a matter of life and death.

The Government does not support The Greens amendment No. 2. The delayed commencement provisions in the bill have been carefully drafted in consultation with stakeholders. We have taken on their feedback and made significant changes to the commencement provisions since the exposure draft bill was released for public comment in July. We believe the drafting in the bill achieves the best balance between the urgency of these reforms and the importance of ensuring police, lawyers, judges and community members are comprehensively trained and educated about coercive control, what it is and the nefarious ways it manifests. For these reasons, the Government opposes the amendments.

The Hon. PENNY SHARPE (21:04): In my contribution to the second reading debate, I outlined why the Opposition disagrees with the proposed time frame for implementation. I do not think it is any more complicated than that. We think that within the time frame—12 to 18 months, or a bit more—we can get this right, and we are keen to get started.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 1 and 2 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:05): I move The Greens amendment No. 3 on sheet c2022-191C:

No. 3 **Offence of abusive behaviour**

Page 3, Schedule 1[1], proposed section 54D(1)(b), line 25. Omit all words on the line. Insert instead—

(b) the adult and the other person have, or have had, a domestic relationship, and

The amendment extends the scope of the offence to be the same as for existing domestic and family violence offences. Coercive control is a form of domestic violence and there is no reason to apply it in a narrower way than other types of domestic and family violence. This issue was canvassed in great detail in the joint select committee's inquiry, and there was no concluded view. There were people on different sides. I think that the majority of the submissions were in favour of a slightly broader scope than what the bill applies to. Admittedly, even then it was quite unclear, or there was no consensus as to exactly how far that scope should go. So I acknowledge there has been a mixed bag of responses on this issue from experts and others who were consulted.

But, fundamentally, if we are going to treat emotional, psychological and mental harm in the same way that we currently treat physical harm when it comes to domestic and family violence, then there is no justification for narrowing the scope of the offence, other than the idea that we are dipping our toe in at this point, waiting to see how it goes, and then expanding it later. I can understand that in the context of this particular legislation. Again, I have extreme reservations about the way that the bill has been drafted. I am sympathetic to the idea that it is a bit convoluted. It is perverse that some of the changes that are being made and some of the elements of this offence are being supported on the basis that this is not a very good bill, and if it gets extended more broadly that it is going to be even more harmful. We will get to some of that in debate on some of The Greens other amendments.

But, put simply, as a fundamental principle, if someone's behaviour has met all the elements of the offence under the bill—there is intent to control or coerce; all of the boxes have been ticked—then letting them wriggle out of responsibility for that behaviour on the basis that an existing or previous intimate relationship cannot be proven would be letting down a significant number of victim-survivors.

One of the submissions to the inquiry into the bill conducted by the Standing Committee on Social Issues was made by the Cult Information and Family Support group, which pointed out that coercive behaviours that are illegal in one setting should not be perfectly legal in others. I thank the organisation for its submission. Previously, I had not been fully cognisant that something that is illegal in a domestic partner relationship could be legal in abusive cults and other manipulative groups. That does seem absurd. In the course of its inquiry into coercive control, the joint select committee heard that coercive control is commonly exercised by family members who are not the person's partner or former partner and by carers and others. It is hard to conceive of another behaviour that

is criminalised in one setting but legal in another. Rape in a marriage is still rape, for example. At least, it is since we passed that law reform a few decades ago.

In its open letter, the Women's Alliance expressed a concern about coercive control often being perpetrated by an adult child against an aged parent. We know that elder abuse is on the rise. The royal commission has made clear that it is commonly exercised against people with a disability who are dependent on their carers. We see it exercised by extended family members against other family members. During the inquiry into the bill, the representative from Wirringa Baiya Aboriginal Women's Legal Centre made it clear that she felt that there was a strong preference to make the offence much broader than just intimate partners. I understand that the amendment will not pass at this time, but I think it is important that we put that on the record as one of the issues that will be looked at in the review. Hopefully, in the future we see the offence applying in the same way as the other domestic and family violence offences.

The Hon. EMMA HURST (21:11): The Animal Justice Party supports the amendment. Many peak domestic violence bodies have raised concern that the scope of the current bill, which is limited to intimate partner relationships, is too narrow and excludes many serious incidents of coercive control, including those occurring in family relationships. The amendment will broaden the bill to apply to domestic relationships, which is a sensible expansion, without making its scope too broad or creating additional risks. I urge members to support the amendment.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:12): At this time the Government does not support the approach in the amendment. As the Attorney General outlined in the other place, the scope of the offence was one of the critical drafting choices that the Government faced when preparing the bill. Since our December 2021 response to the joint select committee's report, we have been clear about the scope of the proposed reforms. Last December we announced that as part of our response to these reforms, we would be building on the committee's work by developing and consulting on drafting a standalone offence to address coercive control in current and former intimate partner settings only. We remain committed to that approach because the evidence base for coercive control, and particularly its escalation into homicide, is strongest in the intimate partner context.

Restricting the scope of the offence to intimate partners is supported by a number of stakeholders as an important safeguard against the risk of misidentification of victims as perpetrators. That risk is acknowledged by many stakeholders. That approach is also consistent with that in Scotland. As the review provisions make clear, we are open to considering in the future whether the scope of the offence requires expansion beyond intimate partner settings to other types of relationships, but only after we have had an opportunity to see how the law works in practice. For those reasons, we oppose the amendment.

The Hon. MARK LATHAM (21:13): Of all the amendments proposed by The Greens, this one is the most problematic because it throws away clear boundaries in the bill. Currently new section 54D (1) (b) requires the adult and the other person to be or to have been intimate partners. The amendment replaces that with a requirement that "the adult and the other person have, or have had, a domestic relationship". As Ms Abigail Boyd alluded to, that would cover parents and children. The Greens say that the bill has been rushed with insufficient time for consultation. Now they bring forward a proposition that would absolutely horrify the great majority of parents in New South Wales, which is that controlling the behaviour of children—that is, household discipline—should be a criminal offence. To pluck that out of the air with no consultation and put it before the Committee this evening is dreadful.

They are making the same mistake that the member for Shellharbour made with her private member's bill. Like Ms Abigail Boyd, that member legislates for and about herself and family, instead of judging the broader evidence base and the commonsense proposition that of course parents must control the behaviour of their children and have discipline and boundaries. How will children grow into good adults if lessons about the vital difference between right and wrong are not taught? To say that the bill should cover all domestic relationships—including parents who apply normal, regular and sensible discipline to a child—is horrific. Where do The Greens get off doing that? The Greens are happy to promote drug use among children and drug decriminalisation. Ms Cate Faehrmann promotes it herself by publicising the fact that she is a regular drug user. They say that is fine for families and kids, but a bit of discipline to make sure that children grow up knowing the difference between right and wrong is going to be criminalised. Those are sick individuals promoting this rubbish.

The Hon. PENNY SHARPE (21:15): It would be good if members of the Chamber did not abuse each other during debate. Labor does not support the amendment. We understand that the bill is complex and seeks to do something requiring careful thought. It does not need a broader scope. At this point it needs to be confined to intimate relationships. That does not mean that Labor does not understand that coercive control is present in other relationships. However, at this point to get this reform right, intimate relationships are the key relationships to deal with. Accordingly, we do not support the amendment.

Ms ABIGAIL BOYD (21:16): For those who are perhaps hard of hearing, I say again that the idea of expanding the scope of the bill to a broader group of people was heavily discussed during the joint select committee inquiry, of which the Hon. Rod Roberts was a member. As a considered and thoughtful committee member, he participated and asked questions in that inquiry. The idea to broaden the scope of the bill has not been plucked out of the air. Of course, if members were to understand the definition of what the standard domestic violence offence applies to, they would know that it does not apply to children. That is a separate piece of legislation. That is not what is being suggested. The elder abuse issue is important. Adult children coercing and controlling their parents is serious. Having corrected those inaccuracies, I commend the amendment to the Committee.

The CHAIR (The Hon. Wes Fang): Consistent with the President's previous rulings, I am happy to promote robust debate in this Chamber, but I ask members to be respectful of each other and the Chair. Ms Abigail Boyd has moved The Greens amendment No. 3 on sheet c2022-191C. The question is that the amendment be agreed to.

Amendment negatived.

Ms ABIGAIL BOYD (21:18): By leave: I move The Greens amendments Nos 4 and 25 on sheet c2022-191C in globo:

No. 4 **Offence of abusive behaviour**

Page 3, Schedule 1[1], proposed section 54D(1)(c), lines 26 and 27. Omit all words on the lines.

Insert instead—

(c) the adult intends to cause, or is reckless as to whether the course of conduct causes, the other person to suffer physical, emotional or psychological harm, including fear, harm or distress, and

No. 25 **Review of Division**

Page 7, Schedule 1[1], proposed section 54J(2), line 10. Omit all words on the line.

One of the most critical issues that was raised and widely canvassed during the inquiry into the bill was the fact that the recklessness limb of the offence was deleted between the first exposure draft and the bill as currently drafted. Again, it was one of those issues that was widely canvassed in the inquiry into the bill. The concern is that without "recklessness" in the offence, it will simply be too difficult to prove. As I mentioned earlier, that appears, perversely, to be why it was included. The Aboriginal Legal Service, for example, in its original submission to the joint select committee's inquiry, argued against the criminalisation of coercive control but stated that, if we were to have any criminalisation, the offence should be limited to intent, effectively to reduce the potential damage that it could do to already highly over-policed and over-incarcerated First Nations people.

To be honest, I have received the same feedback about the amendment I am moving now. I chose to move it on the basis that I know that it will not get any support. However, it is worth noting that there are many who are scared that, given just how badly drafted this bill is now and how dangerous it could already turn out to be, inserting recklessness at this point could allow this bad bill to do more damage than it might otherwise. That, again, is worth reflecting on, isn't it?

The bill, and this Government, cannot be trusted not to do further harm. We now need to act to minimise the harm the bill would otherwise do. We have got ourselves into a really unfortunate position. Of course, it could all have been avoided had the Government consulted on the bill properly and provided victim-survivors and other experts adequate opportunity to guide the Government's drafting so that they could produce something really good. Anyway, that is where we are. I commend the amendments to the House.

The Hon. EMMA HURST (21:20): I speak in support of the two amendments. Amendment No. 4 is a fundamental amendment, which goes to the heart of the bill and how it will work in practice. The initial exposure draft of the bill, which was reviewed by all of the stakeholder groups, allowed the new coercive control offence to be proven if the perpetrator was reckless as to causing or had an intention to cause physical or mental harm. This approach was taken from best-practice jurisdictions like Scotland, which considered it the best way to frame the mental element of the offence. It, therefore, came as a surprise, when the final bill was introduced into Parliament, that the fundamental mental element of the offence had changed.

Instead of being able to prove intent or recklessness to cause harm, the bill requires a specific intention to coerce or control—an entirely different test and one that is much more difficult to prove. It is my understanding that this change was made due to concerns about misidentification and how the legislation might be used against vulnerable groups, in particular, Aboriginal women, who are already over-targeted and over-policed, particularly in relation to domestic violence offences. While I understand the very real and genuine concerns about

misidentification, which we must listen to and take seriously, I am concerned, as are many in the domestic violence sector, that this is not the right approach.

To start with, legislation alone is not going to fix the problem of misidentification, although I believe some of the other amendments being moved by Ms Abigail Boyd go some way in assisting the police and the courts to identify the true perpetrator. We really need investment in training, cultural awareness and changing police practices. A whole-of-system reform is needed and should have begun a long time ago. Just changing this offence to make it so difficult to prove that it will rarely be used cannot be the solution. If that is the case, we may as well not introduce the legislation at all.

There is a real danger that, if this offence is not used as intended, or if perpetrators are routinely taken to court and found not guilty because it is so difficult to obtain evidence of intent, the offence may do more harm than good. It may embolden perpetrators to feel that the courts are incapable of catching or punishing them. Listening to the calls of the majority in the sector, I feel it is important we go back to what was proposed in the exposure draft and ensure that we include recklessness as to harm as part of the offence. I urge all members to support the amendment.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:23): The Government opposes amendments Nos 4 and 25. The Government does not support this approach at this time. As the Attorney General outlined in the other place, the mental element for this offence was one of the critical drafting choices the Government faced in preparing the bill. The mental element as currently drafted was recommended by stakeholders in consultation on the exposure draft bill in July and is strongly supported, including by the New South Wales Bar Association, the Aboriginal Legal Service (NSW/ACT) and Legal Aid NSW. In relation to amendment No. 25, we believe the review provisions as currently drafted are robust and appropriate. This amendment is not supported.

The Hon. PENNY SHARPE (21:24): Labor does not support the amendment. I outlined in my second reading contribution the reasons for that. There is no consensus, not that that is required for all of these things. But there have been significant questions about misidentification throughout the entire reform process. Misidentification of who is the victim and who is the perpetrator is a massive issue, particularly for Aboriginal women. Labor is persuaded that, at this point in time, it is better to have recklessness out than in. But we support it being part of the review. In fact, it will be essential in seeing how the legislation is working.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 4 and 25 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:25): I move The Greens amendment No. 5 on sheet c2022-191C:

No. 5 **Offence of abusive behaviour**

Page 3, Schedule 1[1], proposed section 54D(1)(c), lines 26 and 27. Omit all words on the lines. Insert instead—

(c) the adult intends to cause the other person to suffer physical, emotional or psychological harm, including fear, harm or distress, and

The amendment is an alternative to the amendment that I previously moved. On the basis that the offence will not contain an element of recklessness, if we are to have intention only, then it should be the intent to cause harm, not the nebulous and undefined idea of the intent to control or coerce. That is not something we have seen in other legislation; it is quite unusual. But by focusing on intent to harm, we would recognise that at the core of coercive control is the desire of the perpetrator to instil fear and exert power over their target. The suggested explicit reference to emotional or psychological harm, including fear, alarm or distress, reflects the fact that domestic violence relationships are characterised by fear and that physical violence is often not the most harmful aspect of a perpetrator's course of behaviour. That is the reason we crafted it that way in the coercive control bill that The Greens drafted with the sector.

Unlike the Scottish legislation, which refers only to psychological harm, the addition of the word "emotional" in the amendment is used to avoid a restrictive interpretation of "psychological", and to make it clear that harm does not need to cause or contribute to a recognisable psychological disorder or behaviour that is outside the bounds of what is considered usual. So fear, alarm or distress could be considered as predominantly emotional harm, whereas the well-documented trauma resulting from coercive control behaviours may be more appropriately considered as psychological, whether a recognised psychological disorder or not. That was the reasoning for the way that this particular element was crafted. I have real concerns with limiting it to intent only and not marrying it up with the provisions that come afterwards, which refer more directly to the impact of the behaviour. With the nebulous concept of trying to prove that someone has an intent to control or coerce, I do not think the provision will be used successfully, unless we extend it.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:28): The Government opposes The Greens amendment No. 5. We do not support that approach at this time. In drafting the mental element of the bill, we listened carefully to stakeholders, including the Aboriginal Legal Service (NSW/ACT) and the New South Wales Bar Association. As the Standing Committee on Social Issues heard firsthand from those witnesses, it is not a high or unreasonable bar to reach. Accordingly, the Government prefers the mental element as currently drafted in the bill.

The Hon. PENNY SHARPE (21:28): Labor does not support the amendment. We think that the intention element strikes the right balance. The bill focuses on the illegal actions of the perpetrator, and we believe that that is more appropriate.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No. 5 on sheet c2022-191C. The question is that the amendment be agreed to.

Amendment negatived.

Ms ABIGAIL BOYD (21:29): By leave: I move The Greens amendments Nos 6 to 9 on sheet c2022-191C in globo:

No. 6 **Meaning of abusive behaviour (consequential amendment)**

Page 4, Schedule 1[1], proposed section 54F(1), lines 11 and 12. Omit "consists of or involves".

No. 7 **Meaning of abusive behaviour (consequential amendment)**

Page 4, Schedule 1[1], proposed section 54F(1)(a), line 13. Insert "consists of or involves" before "violence or threats".

No. 8 **Meaning of abusive behaviour**

Page 4, Schedule 1[1], proposed section 54F(1)(b), lines 14 and 15. Omit all words on the lines. Insert instead—

(b) has, or is likely to have, the effect of controlling or coercing the person against whom the behaviour is directed.

No. 9 **Meaning of abusive behaviour**

Page 4, Schedule 1[1], proposed section 54F(1). Insert after line 15—

, or

(c) consists of or involves physical or sexual abuse.

These amendments go together. Amendments Nos 6 and 7 are consequential amendments, so I will talk about amendments Nos 8 and 9. In relation to amendment No. 8, rather than looking at whether the behaviour involves the perpetrator's coercion or control of the victim-survivor, we believe the bill should be amended to look at whether the behaviour has, or is likely to have, the effect of controlling or coercing a person. It is important to focus on the result that the behaviour is directed at and what the perpetrator wants to get out of the behaviour in order to situate the offence in the complex relationship within which it is perpetrated. That is the reason for that amendment. Amendment No. 9 relates to a feature of the bill that really bothers me substantially. Whereas the definition in new section 6A in schedule 2 to the bill explicitly references sexual violence, the substantive offence in new section 54F does not. It is unclear why there would be that disconnect between the two parts of the bill. It is vital to note that sexual abuse in the context of coercive control is very real.

The Greens do not want to add it to the bill for the benefit or guidance of police or prosecutors but for the educational effect that it has more broadly, which, of course, is one of the major purposes of criminalising coercive control in the first place. Our amendment would make it clear that sexual violence is violent behaviour of the kind covered by this offence. There is a dangerous idea, still held by some in our society, that it is not possible to be sexually violent within a domestic relationship. That is wrong. That is why we believe the bill should be explicit on this point. For instance, coercing a person to engage in sexual activity or forcing sexual activity on a person against their will or without their consent should be violent behaviour for the purposes of the bill.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:32): The Government does not support amendments Nos 6 to 9. The drafting of the provisions in the bill is the product of extensive consultation. The New South Wales Government prefers the formulation in the bill as currently drafted. The Government does not support amendment No. 8 for the reasons already indicated. We believe new section 54F as it currently stands reflects the best drafting available, is fit for purpose and does not require modification. The Government does not support amendment No. 9. The new offence of coercive control will exist alongside a range of existing criminal offences on our statute book that may overlap.

While coercive control targets a pattern of behaviour, some of the behaviours that make up the pattern may be able to be charged as individual instances of other offences on their own. This is particularly the case with offences covering physical or sexual assault or intimidation. Explicitly including serious criminal offending such as sexual assault in the offence may result in additional confusion or complexity with regard to charge selection and double jeopardy, noting that the policy intent is not to fully exclude sexual abuse from a course of conduct captured by the offence but to continue to prefer more serious criminal charges when supported by the evidence.

The Hon. PENNY SHARPE (21:33): The Opposition does not support these amendments. We believe they make the drafting less clear and that the added words will likely weaken this provision.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 6 to 9 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:34): I move The Greens amendment No. 10 on sheet c2022-191C:

No. 10 **Meaning of behaviour**

Page 4, Schedule 1[1], proposed section 54F. Insert before line 16—

(1A) For subsection (1), behaviour includes the following—

(a) saying words or otherwise communicating,

(b) an omission,

(c) asking, or otherwise causing, another person to do a thing.

Coercive control is marked by complex behaviours, as we know, that can include omissions, non-verbal communications and other, more subtle types of behaviour than are currently associated with domestic violence under our current laws. We believe it is important that "behaviour" in the offence clearly captures all of these. We received a lot of evidence about this both during the joint select committee inquiry and also in the submissions that were made in response to the bill.

This is the whole point. This is why we talk at length about the dangers and the subtle nature of the way in which control is exercised over victim-survivors even long after they have left a relationship. The subtle way in which they are controlled with non-verbal behaviour in court is very real. The people in the sector understand that well. When The Greens were drafting our bill, we received advice from legal academics that this should be clearly included not just for guiding police and prosecutions but also as an educative function, so that people who are experiencing or witnessing this would know it when they saw it.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:36): The Government does not support this amendment. While we appreciate that the intention of the paragraphs is to provide clarity, the ordinary meaning of "behaviour" would include communications or omissions in any event and does not require further explanation or clarity. We oppose the amendment.

The Hon. PENNY SHARPE (21:36): Labor does not support this amendment. We believe it will increase the scope and actually make it harder to prove and prosecute the offence.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No. 10 on sheet c2022-191C. The question is that the amendment be agreed to.

Amendment negatived.

Ms ABIGAIL BOYD (21:37): By leave: I move The Greens amendments Nos 11 to 13 on sheet c2022-191C in globo:

No. 11 **Meaning of abusive behaviour**

Page 4, Schedule 1[1], proposed section 54F. Insert before line 16—

(1B) Also, behaviour may have, or be reasonably likely to have, an effect referred to in subsection (1)(b) even if the behaviour is directed at a third person, including a child or other relative, or friend, of the person.

No. 12 **Meaning of abusive behaviour**

Page 4, Schedule 1[1], proposed section 54F(2)(a), lines 18 and 19. Omit all words on the lines.

No. 13 **Meaning of abusive behaviour**

Page 4, Schedule 1[1], proposed section 54F(2)(b), lines 20–22. Omit all words on the lines.

The existing provisions in new section 54F (2) (a) and (b) seem to have been drafted out of thin air without any grounding in evidence or similar offences in legislation from other jurisdictions. I have struggled to find anything like it in any bit of legislation anywhere. It is quite bizarre. The reference to "if the person fails to comply with demands made of the person" in this section, again, is not replicated in new section 6A in the other part of the bill. It is the weirdest bit of drafting and it is unnecessarily limiting. Again, if we are more focused on the effect of the behaviour than the behaviour itself, it is clear that it should not matter how a perpetrator chooses to coerce or control their victim.

We know how clever perpetrators can be and how convoluted and complex their behaviour can be. A victim-survivor should not be required to jump through additional hoops to prove that a threat to animals and third parties is explicitly a result of failing to comply with demands. It is an unnecessary and cruel additional hurdle to using this offence that has no basis in evidence. It just crept in at the last minute, and how the bill was drafted keeps me up at night. It is a particularly strange bit of drafting, and I urge the Committee to adopt the amendments.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:39): The Government does not support The Greens amendments Nos 11 to 13. The examples included in the non-exhaustive list currently in the bill were carefully drafted having regard to the almost 200 submissions received on the exposure draft bill, the 27 stakeholder roundtables and targeted consultations, and subsequent meetings. The Government believes the bill as currently drafted captures the key examples, and it opposes the amendments.

The Hon. PENNY SHARPE (21:39): I speak as the non-lawyer in this Committee. The Opposition's view is that the additional content in the amendments is not precise enough and will have the perverse effect of making it harder to get convictions, so it does not support the amendments.

Ms ABIGAIL BOYD (21:40): I thank those who contributed to the debate on the amendments. I ask the Minister to clarify if possible how many of the submissions to any of the inquiries we had on the bill called for the words "to comply with demands made of the person" to be included in subparagraphs (a) and (b) of new section 54F (2).

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:41): I refer to my earlier contribution and have nothing further to add.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 11 to 13 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:41): By leave: I move The Greens amendments Nos 14 and 29 on sheet c2022-191C in globo:

No. 14 **Examples of abusive behaviour**

Page 5, Schedule 1[1], proposed section 54F(2), Examples, line 3. Insert "explicit or implicit" before "threats".

No. 29 **Examples of abusive behaviour**

Page 9, Schedule 2[2], proposed section 6A(2), Examples, line 6. Insert "explicit or implicit" before "threats".

Coercive control involves complex behaviours, and threats may be implicit as well as explicit. The amendments will provide guidance to police and prosecutors as well as serve a more general educational purpose so that we are all very clear that the threats could be implicit as well as explicit.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:42): The Government does not support The Greens amendments Nos 14 and 29. While we appreciate that the intention behind the amendments is to provide clarity in drafting, it is not necessary as the natural and ordinary meaning of "threats" is understood to cover both explicit and implicit threats. For that reason, the Government opposes the amendments.

The Hon. PENNY SHARPE (21:43): For the reason that the Government outlined, the Opposition also opposes the amendments.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 14 and 29 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:43): By leave: I move The Greens amendments Nos 15 and 18 on sheet c2022-191C in globo:

No. 15 **Chairperson of Taskforce**

Page 5, Schedule 1[1], proposed section 54I(2)(a), lines 43 and 44. Omit "who is to be the chairperson of the taskforce,".

No. 18 **Chairperson of Taskforce**

Page 6, Schedule 1[1], proposed section 54I. Insert after line 5—

(2A) At the first meeting of the taskforce, the members of the taskforce are to choose one of the members to be chairperson of the taskforce.

The amendments try to make the task force a little bit more robust. At the moment the secretary of the department is automatically the chairperson. In order to improve the task force's independence and in line with what is being asked for by the domestic and family violence sector, amendment No. 18 provides that the members of the task force will choose the chair at the first meeting of the task force.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:44): The Government does not support the amendments. The Government has listened carefully to and taken on board stakeholders' feedback about the importance of the implementation task force being independent. That is why the Government supported an amendment in the other place to cement the independence of the task force and stakeholders' involvement with it, and that is why the Government opposes The Greens amendments Nos 15 and 18.

The Hon. PENNY SHARPE (21:45): As far as the Opposition is concerned, this issue was dealt with in the lower House. The Opposition is happy with how it sits now.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 15 and 18 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Wes Fang): For clarity, as I foreshadowed earlier, The Greens amendment No. 16 is still in play because Reverend the Hon. Fred Nile's amendment did not pass.

Ms ABIGAIL BOYD (21:46): For the information of the Committee, I will not be moving The Greens amendment No. 17 because I believe that discussion was adequately dealt with in the context of Reverend the Hon. Fred Nile's amendments.

By leave, I move The Greens amendments Nos 16, 19 and 20 on sheet c2022-191C in globo:

No. 16 **Membership of Taskforce**

Page 6, Schedule 1[1], proposed section 54I(2)(d), line 3. Omit "a member". Insert instead "3 members".

No. 19 **Purposes of Taskforce**

Page 6, Schedule 1[1], proposed section 54I(3)(e). Insert after line 20—

(ia) providing advice to the Minister about amendments to the provisions of this Division that may need to be made, either before or after the commencement of the provisions, and

No. 20 **Purposes of Taskforce**

Page 6, Schedule 1[1], proposed section 54I(3)(f), line 23. Insert ", a review under section 54J" after "paragraph (a)–(e)".

Amendment No. 16 beefs up the number of members on the task force to ensure that there are far more non-government members than government members. Amendment No. 19 involves the task force in recommending changes to the provisions brought in by the bill. There is a really good chance that between now and the commencement of the provisions, the task force might come to the Minister at the time and say, "Actually, you've got this all wrong. You need to make these changes."

It would be lovely if that task force could actually serve its function as intended and give that advice. The Minister may or may not do anything with it, but we would love to think that that is what the task force might do. It is very similar to what they have in Victoria. It is less than perfect, but it would be good if we could do that. Amendment No. 20 provides that the task force be involved in the review process. The Greens think it is really important that the Government does not try to do this alone and is listening to advice. We would like to see not just a cursory review but a real review, and we think that the involvement of the task force is vital to that.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:48): The New South Wales Government does not support The Greens amendments Nos 16, 19 and 20. The amendments passed by the Legislative Assembly ensure that the task force will include:

(c) the chair of the Domestic and Family Violence and Sexual Assault Council,

(d) a member from the domestic and family violence sector with substantial expertise and experience in domestic and family violence service delivery.

Further, the amendments passed by the Legislative Assembly require that the task force must establish reference groups. The Government believes the bill as drafted provides for a robust and effective task force. For those reasons, the Government opposes the amendments.

The Hon. PENNY SHARPE (21:48): Labor does not support The Greens amendments Nos 16, 19 and 20. I make the point that of course the task force will provide advice to the Minister on how things are going. It is not necessary to say so—that is actually what the task force is going to do. Any Minister who is taking this seriously will take that advice very seriously.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 16, 19 and 20 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:49): By leave: I move The Greens amendments Nos 21 to 23 on sheet c2022-191C in globo:

No. 21 **Report about advice of Taskforce**

Page 6, Schedule 1[1], proposed section 54I. Insert after line 45—

(8A) The Minister must also prepare a report at least once in each 6 months identifying any advice received by the Minister from the taskforce that the Minister has chosen not to follow, including the reasons the advice was not followed.

No. 22 **Report about advice of Taskforce (consequential amendment)**

Page 6, Schedule 1[1], proposed section 54I(9), line 46. Insert "or (8A)" after "(8)".

No. 23 **Report about advice of Taskforce (consequential amendment)**

Page 6, Schedule 1[1], proposed section 54I(9), line 47. Insert "or preparing" after "receiving".

These amendments have the simple purpose of establishing some accountability. The Greens suggest that if the Minister does not follow the advice of the task force, that decision should not be kept behind closed doors. Instead, the Minister will need to disclose why they have done that.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:50): The Government opposes The Greens amendments Nos 21, 22 and 23. The provisions of the bill about the creation and operation of the task force and the review, as currently drafted, provide a robust framework for monitoring and implementing the offence and ensuring appropriate accountability to Parliament. The New South Wales Government does not support the amendments.

The Hon. PENNY SHARPE (21:50): For the same reasons that the Government has put forth, the Opposition does not support the amendments either.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 21 to 23 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (21:51): I move The Greens amendment No. 24 on sheet c2022-191C:

No. 24 **Review of Division**

Page 7, Schedule 1[1], proposed section 54J(2), line 9. Omit "In particular". Insert "Without limiting subsection (1)".

The amendment is very simple. It ensures that the scope of the review is not limited to one very long list of things so that all relevant issues at the time can be considered within the review.

The Hon. PENNY SHARPE (21:51): Labor supports The Greens amendment No. 24 for the reasons outlined by Ms Abigail Boyd.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:51): The Government does not oppose The Greens amendment No. 24. The Government believes that the review of these provisions, once they are in operation, is critical to ensure that they are operating as intended and remain fit for purpose. As best practice, statutory reviews consult widely and consider all data as an evidence base as to whether the policy objectives of the provision are

being met. The New South Wales Government has already gone beyond this to identify key aspects that the review must have regard to, including the mental element and scope of the offence. The Government does not believe it is necessary to add the words "without limiting" into the provision. However, it does not oppose the amendment.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendment No. 24 on sheet c2022-191C. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): For clarity, Ms Abigail Boyd will not move The Greens amendment No. 26 because the Opposition amendment was agreed to.

Ms ABIGAIL BOYD (21:53): By leave: I move The Greens amendments Nos 27, 28, 30 and 31 on sheet c2022-191C in globo:

No. 27 **Annual data**

Page 7, Schedule 1[1], proposed section 54J. Insert after line 30—

(5) The Minister must, on an annual basis, publish data about prosecutions of the offence under section 54D(1).

No. 28 **Meaning of domestic abuse**

Page 8, Schedule 2[2], proposed section 6A. Insert after line 15—

(1A) Behaviour, or a pattern of behaviour, mentioned in subsection (1)(c) must be considered in the context of the relationship between the first person and second person as a whole.

No. 30 **Person most in need of protection**

Page 9, Schedule 2. Insert after line 20—

[2AA] Section 9 Objects of Act in relation to domestic violence

Insert after section 9(3)(b)—

(b1) that, in circumstances in which there are conflicting allegations of domestic violence or indications that both persons in a relationship are committing acts of violence, including for self-protection, the person who is most in need of protection should be identified, and

No. 31 **Apprehended violence orders**

Page 9, Schedule 2. Insert before line 30—

[5A] Section 36 Prohibitions taken to be specified in every apprehended violence order

Insert after 36(c)—

(d) engaging in behaviour that consists of domestic abuse of the protected person.

[5B] Section 40 Interim apprehended violence order must be made on charge for certain offences

Insert "6A or" after "section" in section 40(5)(e).

[5C] Section 46A

Insert after section 46—

46A Who is the person most in need of protection in a relevant relationship

(1) A person (the ***first person***) who is in a relevant relationship with another person (the ***second person***) is the person most in need of protection in the relationship if, when the behaviour of each of the persons is considered in the context of the relationship as a whole—

(a) the behaviour of the second person towards the first person is, more likely than not—

(i) abusive, threatening or coercive, or

(ii) controlling or dominating of the first person and causing the first person to fear for the safety and wellbeing of the first person, a child of the first person, another person or an animal, including a pet, or

(b) the first person's behaviour towards the second person is, more likely than not—

(i) for the first person's self-protection or the protection of a child of the first person, another person or an animal, including a pet, or

(ii) in retaliation for the second person's behaviour towards the first person, a child of the first person, another person or an animal, including a pet, or

(iii) attributable to the cumulative effect of the second person's domestic violence towards the first person.

(2) In deciding which person in a relevant relationship is the person most in need of protection, a court must consider—

(a) the history of the relevant relationship, and of domestic violence, between the persons, and

(b) the nature and severity of the harm caused to each person by the behaviour of the other person, and

(c) the level of fear experienced by each person because of the behaviour of the other person, and

(d) which person has the capacity—

(i) to seriously harm the other person, or

(ii) to control or dominate the other person and cause the other person to fear for the safety and wellbeing of the first person, a child of the first person, another person or an animal, including a pet, and

(e) whether the persons have characteristics that may make the persons particularly vulnerable to domestic violence.

Examples of persons who may be particularly vulnerable to domestic violence— women, children, Aboriginal peoples and Torres Strait Islander peoples, people from a culturally or linguistically diverse background, people with a disability, people who are lesbian, gay, bisexual, transgender or intersex, elderly people.

Amendment No. 27 inserts an obligation for data to be published annually to give as much information as possible to those monitoring and assessing the impact, given the huge concern that people have about how the legislation will play out. Amendment No. 28 reflects the concept that coercive control is complex and plays out differently in different relationships. To understand whether behaviour is coercive or controlling, it is vital to view that behaviour in the context of the relationship as a whole. This is one of the amendments that the sector has called for very strongly, and I ask that it be supported.

Amendments Nos 30 and 31 begin to adopt some of the really good amendments we have seen recently in Queensland, which look at the person most in need of protection. I think that this is a concept that domestic violence laws in New South Wales will also need to move towards and that we will need to see reflected in family court processes eventually. Again, this was requested by the domestic and family violence sector. It is vital, where there are conflicting allegations of domestic violence, that steps are taken to try to identify the person most at risk and that the application of the law follows that. I suspect that the Government is not ready to adopt these amendments as yet, but I do hope that it will consider this for future reform.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (21:55): The New South Wales Government opposes The Greens amendments Nos 27, 28, 30 and 31. We believe the bill as drafted is appropriate.

The Hon. EMMA HURST (21:55): The Animal Justice Party supports The Greens amendments Nos 27, 28, 30 and 31. I understand that amendments Nos 30 and 31 are strongly supported by the sector and are based on the Queensland Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022, which was recently introduced. Addressing misidentification and unnecessary cross-applications is essential to ensuring that the system works effectively and actually protects victims. At the inquiry into the bill, it was noted that the Queensland Domestic and Family Violence Death Review found that the vast majority of cases involving homicides, and particularly those cases involving First Nations women, involved circumstances where the women had cross-applications and cross-orders made against them.

Hayley Foster from Full Stop gave an example at the inquiry of a case very similar to this situation. This is a robust section that encourages the court to look at factors like patterns of coercive control behaviour, the history of the relationship, the fear experienced by each party, whether any actions may have been undertaken in defence of children or animals, and whether they have characteristics that may make the person particularly vulnerable to domestic violence. This important amendment has the potential to really improve the apprehended domestic violence order system. I commend the amendments to the Committee.

The Hon. PENNY SHARPE (21:56): While I appreciate what Ms Abigail Boyd and the Hon. Emma Hurst have said in relation to the amendments, Labor believes the amendments weaken the definition rather than strengthening it. The Opposition does not support the amendments.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 27, 28, 30 and 31 on sheet c2022-191C. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. NATALIE WARD: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. NATALIE WARD: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. NATALIE WARD: I move:

That this bill be now read a third time.

Motion agreed to.

PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT BILL 2022

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Natalie Ward.

The Hon. NATALIE WARD: According to standing order, I table the statement of public interest accompanying the Privacy and Personal Information Protection Amendment Bill 2022.

Statement of public interest tabled.

The Hon. NATALIE WARD: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. NATALIE WARD: According to sessional order, I declare the bill to be an urgent bill.

The PRESIDENT: The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. NATALIE WARD: I move:

That the second reading of the bill stand as an order of the day for a later hour.

Motion agreed to.

The PRESIDENT: According to sessional order, it being 10.00 p.m. proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

According to standing order, members made the following statements.

TRIBUTE TO BILL ROCHE, AO

The Hon. COURTNEY HOUSSOS (22:01): With the indulgence of the House, I speak about my grandfather's brother, my great uncle, Bill Roche, AO, who passed away on 30 June this year. Uncle Bill was one of the most special human beings I have ever had the privilege of knowing. He was humble, kind, generous, smart and so very cheeky. A true gentleman, he always had a twinkle in his eye, a great sense of humour and a funny story to share, which he would always deliver with impeccable timing. One could see him often trying to hide his smile as he prepared to tell his story. He genuinely lit up a room with his presence, yet his real skill was in making everyone else feel special.

By every measure, Uncle Bill had an incredibly successful life. He worked with Imelda for 65 years and was married to her for 61 years. They have four children—Clare, Damian, Dominic and Angela—and

13 grandchildren—Will, Rebecca, Xavier, Amelia, Sienna, Bridget, Gabriel, Bianca, Jessica, Sanchia, Mia, Sophia and Georgia. At Uncle Bill's funeral, they reflected on his love for them, his incredible sense of humour and his love of life, and thanked him for the support he had given them. All of their beautiful tributes showed the strength and richness of their relationships with him and the lasting impact that he will have on their lives going forward.

Born William Roche at Ryde Hospital on 29 August 1935 to Charles Roche and Margaret Lazzarini, Bill was the youngest, after Michael, Robert—my grandfather—and Patricia. Like his brothers, he left school at 15. He met Imelda in a department store in Canberra. At the time, he was a travelling representative for Kellogg's, and Imelda was at the store to introduce NCR's new technology for cash registers. The store manager invited them to lunch, they had their first date that night at the drive-in and their incredible partnership began. I remember them running Nutrimetics together when I was a child, which was a company that they introduced to Australia. They later bought the global business and operated it from Australia.

It was only in recent years that I heard about how they started with nothing, working together for four years to save the money to get married—first assembling television lamps in my great grandmother's tiny house in Dulwich Hill, and later finding success establishing Roche Fashions, which was a door-to-door business selling fashion directly to housewives in the 1960s. My Poppy Bob joined the business and worked with them for many years. Uncle Bill was generations ahead of his time. As Imelda reflected to me:

> Bill genuinely changed the trajectory of my life. At this time, if women worked with their husband, it was a business like a corner store or a restaurant. Bill was comfortable having me as his partner in a commercial business that went international.

Together, they built from a standing start the skincare business Nutrimetics, which allowed women, principally homemakers, the opportunity to be financially self-reliant and also care for their families. As it grew, Bill handled everything behind the scenes, while Imelda was the public face of the business. Their remarkable partnership was on display at the annual Nutrimetics conventions, where their unscripted duo act would today be a YouTube sensation. Clever, witty and loving, their relationship was the foundation of their success. After selling Nutrimetics, Uncle Bill turned his hand to property and large-scale developments, including creating the now famous Hunter Valley Gardens. Uncle Bill's determination and passion created from paddocks the largest display gardens in the Southern Hemisphere. It now welcomes hundreds of thousands of visitors every year.

Uncle Bill was proud of his Italian and Irish heritage. He mapped both the Roche and Lazzarini family trees back to the original migrants to Australia and was frustrated that he could not go back further. He discovered that the Lazzarinis were from Lucca in Tuscany, and he was the first person to tell me about his great uncles, Carlo and Bert Lazzarini, of whom he was immensely proud. They were both long-serving Labor MPs and the first State and Federal MPs with Italian surnames. It was a privilege for me to have Uncle Bill and Auntie Imelda here as I was sworn into this place and spoke about Carlo and Bert in my inaugural speech.

In recent years, especially after George and I were married, we were incredibly fortunate to spend time with Uncle Bill and Auntie Imelda. George and Uncle Bill immediately struck up a great rapport. They shared the same cheeky sense of humour, the same love of family and the same drive to succeed. It was not hard for George to see why my beloved Poppy Bob and Uncle Bill had remained best mates since childhood. It would have been my grandfather's ninety-second birthday last Thursday and, for the first time in 14 years, they were reunited. I have no doubt it was a long lunch with plenty of stories and that they are watching over us all. We love you and miss you, Uncle Bill. You have shaped us all in more ways than you would know.

WESTINVEST FUND

The Hon. SHAYNE MALLARD (22:06): Tonight I refer to one of my favourite subjects in this House—WestInvest—the game changer for western Sydney. Using the proceeds of the successful sale of WestConnex, the Government is delivering transformational projects across western and south-western Sydney in areas neglected and taken for granted by members opposite. I grew up in western Sydney, and I know how we were treated out there. The $5 billion WestInvest program is designed to fund transformational infrastructure projects that will improve livability in western and south-western Sydney. The 15 local government areas eligible for support through WestInvest are Blacktown, the Blue Mountains, Burwood, Camden, Campbelltown, Canterbury-Bankstown, Cumberland, Fairfield, the Hawkesbury, the Hills, Liverpool, Parramatta, Penrith, Strathfield and Wollondilly.

It is essential to recognise that the $5 billion WestInvest fund is assessed independently and that recommendations are made by a steering committee that is wholly at arm's length of Executive Government. The advice of the steering committee gives guidance for the final decisions regarding which projects receive funding under the criteria. A total of $2 billion is allocated to community-project grants, including the local government allocation of approximately $400 million for the 15 local government areas I outlined. Of this $400 million, each council is eligible for between $20 million and $35 million depending on its population size. As I joined the

Treasurer and the Premier in touring around the local government areas to announce the first round of successful projects, the Labor mayors in attendance were practically salivating.

A competitive grants round will allocate $1.6 billion of WestConnex funds. That funding is available to both community organisations and local governments. The competitive grants round is currently being assessed and has experienced keen interest from cultural organisations, sporting organisations, arts organisations, religious groups, community groups, environmental groups and local government. So far, 68 local government projects have been announced across the 15 local government areas. Some of the highlights include almost $28 million to help deliver the $36.7 million Light Horse Park embellishment and upgrade project in the Liverpool Local Government Area; $21 million for the St Marys City Heart and Entertainment Canopy project in Penrith; and $28 million for the $46.5 million Fairfield Showground stage two indoor sports centre redevelopment in the Fairfield local government area—an amazing complex.

I commend the local advocates and representatives who helped to achieve these positive outcomes for their communities: the Liberal Mayor of Liverpool City Council, Ned Mannoun; the Independent Mayor of Fairfield City Council, Frank Carbone; the Liberal member for Holsworthy, Melanie Gibbons; the Liberal member for Penrith, Stuart Ayres; the Liberal member for Mulgoa, Tanya Davies; and the Liberal member for Camden, Peter Sidgreaves. WestInvest is a tribute to the vision of the Liberal-Nationals Government over three terms to implement our successful asset recycling regime. Thanks to strong fiscal discipline and the asset recycling policy, the Liberal-Nationals Government has increased the State's public asset base by $181 billion, all while investing in the community with programs like WestInvest. I often hear from those opposite when I talk about WestInvest. I note that the Hon. John Graham is not here, but he normally interjects, saying, "It's all toll money." But, in fact, toll money pays for the acquisition and the operation of the assets. WestInvest funds the development of the assets and the sale, and these assets are paying their way forward.

It is certainly rich to hear those opposite criticise WestInvest and the asset recycling policy underpinning it. At every turn, Labor has opposed WestInvest. Those opposite opposed the sale of poles and wires, which repaired our State's budget position and financed the State's greatest ever investment in infrastructure. They opposed the asset recycling program of infrastructure like WestConnex that made WestInvest possible. They opposed the establishment of WestInvest and, in fact, through their SO52s and committee comments over the period of the last few years, tried to undermine its legitimacy.

But what do we see now? In a brazen act of hypocrisy, the Leader of the Opposition has announced that he has already earmarked not one but two projects to be funded under the WestInvest program. In an attempt to steal the spotlight away from our Government's record investment in health infrastructure in western Sydney, the Leader of the Opposition has committed to upgrading Bankstown and Fairfield hospitals—in two safe Labor seats. And he is now going to pay for those upgrades through robbing WestInvest, the WestInvest fund he and the Labor members in this place did not want to happen and opposed. Once again, Labor is all politics and no policies, opposing good ideas until it wants to steal them from the Government. Only the Liberal-Nationals Government has the vision and the original ideas to deliver for western Sydney. Those opposite offer nothing but hypocrisy and plagiarism.

CLIMATE CHANGE

Ms ABIGAIL BOYD (22:11): This week in New South Wales we had a small victory, with the Government pulling legislation that would have imperilled native forests by making it easier for farmers to cut down forests and vegetation. We know these areas of unlogged land provide vital habitats for countless animals and biodiversity, and must be protected. They also serve a crucial function in the carbon life cycle, acting as carbon sinks and soaking up emissions that would otherwise be pumped into the atmosphere to intensify the greenhouse effect. It is so patently obvious we should not be logging precious areas, and the broader public are rapidly catching up to where environmentalists have been on this issue for a long time now. But why do we keep having to have this same fight over and over? The answer to why this rampant logging and land clearing is occurring is actually quite simple.

The loggers are not evil, malevolent beings, seeking out destruction for the sheer hell of it. No-one is chopping down trees because they hate koalas—I hope. There is an economic imperative that motivates these decisions, a powerful profit motive that overrides all other considerations. It is the same force that we see acting in many spheres of our society and one that we on the left are far more comfortable calling out when it comes to fossil fuel companies. Big coal and gas giants do not poison our water catchments and choke us with their emissions for fun; they do it because it is making them rich. Our old growth forests are not felled and koalas displaced because people do not like the sound of the wind in the leaves; it is because farmers have made an economic calculation.

It is no accident that the hugely controversial native forestry bill that the Government scrapped last night was introduced by the Minister for Agriculture, because it is large-scale intensive animal agriculture that is driving much of the land clearing happening in this State, in this country and around the world. There are two key pillars necessary to prevent catastrophic climate change. We must leave fossil fuels in the ground and we have to stop farming animals. But there is a powerful disconnect when we talk about preventing climate change and fail to acknowledge the cow in the room. There are too many people willing to jump down your throat for not using a reusable coffee cup, who are all too happy to eat meat every day—multiple times a day—and do not seem to recognise this hypocrisy. Livestock farming, according to a recent paper in the journal *Sustainability*, is accountable for between 16½ per cent and 28 per cent of all greenhouse gas pollution.

Even at the lower end of that estimate, that means livestock farming is responsible for a greater share of greenhouse gas emissions every year than the world's transport emissions. In an even more horrifying statistic, one analysis shows that, even if we were to entirely eliminate all other greenhouse gas emissions from every other sector today, if food production is left on its current trajectory, by 2100 we will still blow past the global carbon budget two or three times over. There is growing awareness of the real danger of methane emissions. They are around 84 times more powerful than carbon dioxide when it comes to warming the atmosphere. There was a global methane pledge signed at last year's COP26 climate summit, recognising that danger. Livestock farming is the number one contributor to human-generated methane emissions. Inexplicably, animal agriculture does not appear anywhere in that pledge.

The average Australian eats half a kilogram of meat every week. Meat production is responsible for almost 10 per cent of Australia's direct carbon emissions. Meat contributes only 18 per cent of global calorie consumption yet is responsible for 54 per cent of greenhouse emissions. Livestock farming requires huge amounts of land, which requires huge amounts of vegetation and forestry clearing. It requires grazing land, and the livestock also require an enormous number of calories to grow. This means further land clearing to make room for soya bean, corn and other feedstock for cattle. This means a huge intensification of the use of nitrogen fertilisers, the production of which is responsible for around 3 per cent of global emissions on its own. In addition to the greenhouse emissions contribution, excessive use of nitrogen fertilisers degrades soil and poisons waterways.

We can stick our heads in the sand and pretend that the issue does not exist, or we can take this issue as seriously as we take the rapid winding down of fossil fuel industries. The agro-industrial complex is just as pernicious, just as dangerous and just as willing to engage in the same misinformation tactics of the fossil fuel industry, which learnt its trade from the tobacco industry. The environmental movement has historically been fearless in standing up to orthodoxy, in describing and demanding a better, cleaner world, and also demanding that our actions and government regulations match the science. The science on animal agriculture emissions is incontrovertible. This is not to say everyone in the world needs to go vegan overnight—that is unrealistic and probably not necessary—but what it is time for is a drastic reimagining of what our food systems should look like and a recalibration of our relationship with meat and dairy.

ILLAWARRA WOMEN'S HEALTH CENTRE

The Hon. PETER POULOS (22:16): An important project which has attracted bipartisan support relates to the significant and persistent campaign by the Illawarra Women's Health Centre to establish a world-class Women's Trauma Recovery Centre in the Illawarra. The Illawarra Women's Health Centre is an independent, not-for-profit community-based healthcare centre for women, located in Warilla. It offers free or low-cost and affordable medical, allied and complementary health care in addition to health and wellbeing programs and education to improve women's health. As a highly regarded community-based centre that assists over 3,000 women per year, it helps restore the dignity of women to heal and rebuild their lives.

The Women's Trauma Recovery Centre is a community-led project to deliver an integrated, specialised and dedicated service offering individualised, multidisciplinary wraparound support to women, and comprehensively address the impacts of domestic and family violence, including breaking the cycles of ongoing exposure to violence, abuse and intergenerational trauma. I applaud the announcement by the previous Morrison Government to allocate $25 million over five years to support the establishment and operation of essentially Australia's first Women's Trauma Recovery Centre.

The Illawarra Women's Health Centre still requires assistance from the New South Wales Government to firstly identify a suitable site and equally assist with the capital funding required to establish such a centre. This key component remains unfunded. I remain hopeful that such a site for the Women's Trauma Recovery Centre will indeed be finalised shortly, ensuring that this community facility is based in the Illawarra. I especially recognise the Department of Regional NSW Public Works Advisory for providing much appreciated comprehensive support and advice pro bono to assist with this opportunity.

Numerous local State and Federal members of Parliament and mayors, together with their local councils and community leaders, have all publicly endorsed the trauma recovery centre concept. South32 Illawarra Metallurgical Coal also became a foundational corporate partner and donated $250,000 to the Illawarra Women's Health Centre to support the establishment of the trauma recovery centre. As the Parliamentary Secretary for Wollongong and the Illawarra, I have met with the leadership team of the Illawarra Women's Health Centre and pledged my support. The Women's Trauma Recovery Centre reflects world's best practice and it is my expectation that the New South Wales Government delivers.

Recently the member for Shellharbour, Ms Anna Watson, who has been a longstanding and passionate advocate, together with the indefatigable Sally Stevenson, AM, from the Illawarra Women's Health Centre, met with the health Minister and NSW Health to discuss the next steps, with the aim of progressing this further. I support the need for the Women's Trauma Recovery Centre to be funded and built. I recognise the efforts of both Minister Hazzard and the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence for their continued advocacy and willingness to advance this proposal. Similarly I acknowledge the ministerial staff and departmental officials who have been very assiduous in managing this opportunity.

The New South Wales Government is funding the business case for the Women's Trauma Recovery Centre with a one-off financial support measure of $50,000, sourced by Minister Hazzard. Health Infrastructure NSW is providing additional guidance, which has been paramount and well regarded. Additionally, I am encouraged because the Minister for Health last month again personally intervened and advised its executive director, Ms Sally Stevenson, that a further one-off contribution of $200,000, would be forthcoming to support key objectives, including the physical, mental and social health and wellbeing of women and girls.

Last financial year the Illawarra Women's Health Centre received $300,000 to assist with its operational costs during the COVID-19 pandemic, on the basis that the centre focuses on mental health, women experiencing domestic and family violence, sexual assault, and measures to assist sexual and reproductive health. Of course, with these funds, the centre stretched the dollar much further with the services it delivers. My final entreaty to the Premier, Minister Hazzard and Minister Ward is that, once a site is formally determined, the New South Wales Government allocate the capital funding to accommodate any interim arrangements deemed necessary and, importantly, fulfill the longstanding community campaign to finally build a world-class women's trauma recovery centre. The moment to seal the deal is now. My every expectation is that this must and will happen.

NARRABRI GAS PROJECT

Ms SUE HIGGINSON (22:21): There have been bizarre politics this week. While the energy Minister, Matt Kean, was at COP27—the climate summit—the Premier, Dominic Perrottet, made a couple of seriously stupid captain's calls. One was the appointment of Paul Broad as his energy adviser. Broad has been described as Angus Taylor's gas man. This is the bloke who wants dirty fossil gas to fuel the Kurri Kurri power plant and, it would appear, has totally ballsed up the Snowy Hydro project. The Premier's second call was to publicly signal his backing for the disastrous and destructive Santos Narrabri gas project, after pressure from Santos CEO Kevin Gallagher in the media. It is extraordinary for Premier Perrottet to be pushing this giant new fossil fuel project right here at home, in north-western New South Wales, on Gomeroi country, while his energy Minister was at COP27, pushing for a rapid shift away from the project. The hypocrisy and the fractured state of this Government on climate change is real.

Since the Paris Agreement was signed, the Government has approved 26 new coal and gas fossil fuel projects, and now Premier Perrottet is telling the world he is in the gas gang. Have the Premier for people, not plants, and his gas men not read the memo saying that the Narrabri gas project is a climate bomb, that the Narrabri gas project is on the land of the Gomeroi people, who are fighting Santos with all their might to protect their land, culture and all of us from this climate-wrecking fossil fuel gas mine? Have the Premier and his gas gang not heard that the entire union movement has mobilised in solidarity with the Gomeroi and has committed to fighting Santos with all of its might? Have the Premier and his gas gang not heard that every farmer from the Liverpool Plains and surrounds and tens of thousands of people from all across the country, including all the kids who are the school strikers for climate action, are fighting this project and we will do so until we win?

The fact is that Santos is a corporate bully, and CEO Kevin Gallagher is a member of the Premier's gas gang and he has form. My recent call for papers unearthed correspondence in which, in the lead-up to the project approval, Santos states that Gallagher will be calling the then planning Minister, Rob Stokes, to threaten that Santos will withhold and reallocate capital away from the Narrabri gas project if the Government does not meet its preferred time frame for a decision on the project. The Liberal Government bent over backwards to approve the Narrabri gas project, despite its disastrous climate impacts, its unacceptable impacts on the Gomeroi, the 1,000 hectares of land clearing required, its inadequate water modelling and a load of other really important environmental issues not being addressed. But here we have the Premier, Gallagher and now Broad playing out some gas power charade in front of us all.

Yet the truth is that the Narrabri gas project is a completely dangerous dud. Santos is still so unsure of the petroleum resources the project can deliver that the management plans it has submitted will cover only the additional exploration and appraisal program. Santos still has so much to do before it can proceed with the project. It is not ready to produce gas. It still has not made even a financial decision. For Santos and all of the other members of the gas gang, it is all about the money.

Let us be clear: Santos and Gallagher are the architects of the gas price crisis. Their decision to develop a gas export terminal at Gladstone without sufficient proven reserves led to them redirecting large volumes of domestic gas to export and driving up prices here in Australia, and they are still doing it. Also they paid no corporate tax in the last financial year, despite recording over $4 billion in revenue. But the gas gang is how this great State of New South Wales works when the Liberals are in charge. The Premier should read the memo. The Gomeroi, the farmers, the unions, the school strikers for climate action, the many sports teams, the Knitting Nannas and The Greens will fight him and the gas gang until we win—and we will win.

TRIBUTE TO JESSICA SPARKS

The Hon. ADAM SEARLE (22:26): I speak on the life of my friend, colleague and former employee Jessica Sparks. Jess, as she was universally and affectionately known to family and friends, passed away on 24 September this year. She was only 30 years old. She lived with cystic fibrosis, which shortened her life. But it did not define her or limit her horizons. Jess may have often been bed bound, but she reached for the stars. Despite her short life, she packed more living, loving and achievement in than most people would do over several more decades. She was a doer, not just a talker. Though she was a good talker as well, she was a most excellent listener and judge of character. Passionate about social justice, with a fine and inquiring mind, Jess had a thirst for knowledge and using that knowledge to effect positive change in the world around her, which never dimmed. She was a genuine person, with no airs or fakery, and treated everyone with the same courtesy and respect, regardless of their station in life.

Jess was born at Campbelltown Hospital on 15 February 1992. At just seven weeks old, she was diagnosed with cystic fibrosis, which meant a lifetime of frequent visits to doctors and hospitals, including the Sydney Children's Hospital and, later, St Vincent's Hospital, also in Sydney. As a five-year-old in hospital, she painted with iconic Australian artist Pro Hart. She attended Mount Terry and then St Paul's Catholic primary schools, both in Albion Park. She went on to attend St Mary Star of the Sea College in Wollongong but was unable to obtain her HSC due to poor health. Jess underwent her first double lung transplant in 2009, an experience that launched her advocacy for organ donation, which lasted the rest of her life and beyond. Jess established Sparking Life, a non-profit foundation to raise organ donation awareness. Determined to continue her education, Jess attended Wollongong College, attached to the University of Wollongong [UOW], for a 12-month course that would enable her to attend university.

After outstanding results, in just six months she was admitted to a double degree in law and journalism in 2010, which she excelled in with her usual mix of passion, research and judgement. She also completed a certificate in languages, in French, in the same time. In 2010 she competed in the Australian Transplant Games and in 2011 she competed in the World Transplant Games in Sweden. She competed in activities as diverse as athletics, darts and petanque and she achieved gold for Australia. In 2012 and 2013 Jess undertook a five-month UOW integrated scholarship program with the *Illawarra Mercury*. From 2012 to 2016 she was a contributor and roundtable discussion member of the Australia21 policy project. And 2013 was another busy year for Jess, who received the Businesswoman of the Future award from Illawarra Women in Business and was named Wollongong's young citizen of the year. She also got to surf with seven-time world champion Layne Beachley, who is the only surfer, male or female, to win six consecutive world titles.

In 2014 she undertook a media law internship in Paris with the World Association of Newspapers and News Publishers, founded in 1948 to protect the rights of journalists and publishers around the world to operate independent media. In the era of fake news, this was a very important undertaking. In that year, she also did a five-week internship at ABC Illawarra radio and a four-week internship at ABC 24 in Sydney. In 2015 Jess was awarded a Churchill Fellowship award to study barriers to organ donation, focusing on the organ donation system that operates in Spain, regarded as among the best in the world. However, due to declining health, she was never able to undertake the travel that this would require. In 2016 Jess received the Chancellor Robert Hope Memorial Prize, the University of Wollongong's most prestigious award. She worked for her local Federal MP, Sharon Bird, and also for my colleague in the other place Anna Watson, member for Shellharbour.

As an active member of the Australian Labor Party, she was involved with her local Young Labor Association and campaigned for a range of Labor candidates, including a former client of mine, Stephen Jones, MP, now a Minister in the Albanese Government. Jess was the national youth convenor of EMILY's List and was involved in the creation of the Julia Gillard Next Generation Internship. She was a keynote speaker at many events, and the list of community and volunteer roles she performed and awards or recognitions she received would take

far more time to set out than I have available this evening. It is hard to say exactly when Jess commenced working for me, but it was probably in about 2015 after inquiring who did my social media and hinting, in her usual subtle way, that it could be done much better. From then until 2021 she variously managed my social media; developed and managed my website; drafted press releases; assisted with research for policy development, papers and speeches; and was generally a sounding board for my endeavours here in Parliament and as a shadow Minister.

In 2016, Jess' transplant failed and she underwent a second double-lung transplant. At various points in this process, we very nearly lost her. But Jess fought for more life with grit and determination, with true courage. She was more resilient than any person should have to be. She was also completely without any self-pity about her circumstances. She prevailed and had a third chance at living. However, it soon became clear that the transplant was not working well, and she was effectively housebound with declining health. Despite this, she continued working for the Catholic Education Office, as well as for me. Her drive to be doing and contributing to the wider world remained as strong as ever. In the time that I knew Jess and worked with her, I valued highly her thoughts and observations on the issues of the day, the players in the world of public life, and the approach that should be taken on the big issues facing the State and society. I very much miss our conversations, her mischievous sense of humour and her amazing intellect.

She charmed and amazed all who knew her. She touched so many lives and uplifted them. No words can do her justice. Had her life not been circumscribed by cystic fibrosis, she would have made a profound contribution in whatever field she chose to apply herself to. If that had been public life, she would have been unstoppable in this place or in the other place. Without any doubt, she was the smartest person I have known, and one of the kindest. My love and thoughts are with her mother, Kate, and her sister, Rachel, and the rest of their wonderful family, that I had the privilege to meet and spend time with at Jess' funeral and life celebration on 10 October this year. The State, as well as her family and friends, has sustained a huge loss with the passing of Jessica Kate Sparks.

The PRESIDENT: The House now stands adjourned.

The House adjourned at 22:34 until Wednesday 16 November 2022 at 10:00.