

Standing Committee on Social Issues

Legacy report 57th Parliament

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Committee details

Committee members

The Hon Scott Barrett MLC	The Nationals	<i>Chair</i>
The Hon Mark Buttigieg MLC	Australian Labor Party	<i>Deputy Chair</i>
Ms Abigail Boyd MLC	The Greens	
The Hon Scott Farlow MLC	Liberal Party	
The Hon Shayne Mallard MLC	Liberal Party	
Revd the Hon Fred Nile MLC	Independent	
The Hon Peter Primrose MLC	Australian Labor Party	
The Hon Chris Rath MLC	Liberal Party	

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- The Hon Scott Barrett MLC replaced the Hon Don Harwin MLC as Chair of the committee on 29 March 2022. The Hon Don Harwin MLC replaced the Hon Peter Poulos MLC as Chair of the committee on 25 January 2022. The Hon Peter Poulos MLC replaced the Hon Shayne Mallard MLC as Chair of the committee on 16 June 2021.
- The Hon Scott Barrett MLC replaced the Hon Peter Poulos MLC as a substantive member of the committee from 1 March 2022.
- The Hon Peter Poulos MLC replaced the Hon Natalie Ward MLC as a substantive member of the committee from 16 June 2021.
- The Hon Peter Primrose MLC replaced the Hon Rose Jackson MLC as substantive members of the committee from 21 June 2021.
- The Hon Mark Buttigieg MLC replaced the Hon Daniel Mookhey MLC as substantive members of the committee from 21 June 2021.
- The Hon Scott Farlow MLC replaced the Hon Taylor Martin MLC as a substantive member of the committee from 29 March 2022.
- The Hon Chris Rath MLC replaced the Hon Don Harwin MLC as a substantive member of the committee from 29 March 2022.
- The Hon Don Harwin MLC replaced the Hon Ben Franklin MLC as a substantive member of the committee from 25 January 2022 and was a substantive member of the committee to 22 March 2022.

Chair's foreword

I am pleased to present the third Legacy report of the Standing Committee on Social Issues.

Legacy reports are important for informing the committee of the next parliament of the work that has gone before and assisting it to determine future directions for inquiries and policy recommendations.

It has been my privilege to head up this committee in my first role as a committee chair, and I am proud of what the committee has achieved in the 57th Parliament.

Standing committees provide members of the Legislative Council a valuable opportunity for cross-party collaboration with a view to making real and lasting contributions to policy issues that affect people from all walks of life across New South Wales. The Social Issues Committee has a proud track record of inquiries that have examined challenging policy issues and helped to bring about significant improvements for communities and groups around the state.

During the 57th Parliament the committee held nine inquiries, each producing a comprehensive report with wide ranging recommendations. The committee gathered evidence from individuals and organisations on a range of complex social policy matters including protection for vulnerable older people and people with disability; reproductive healthcare reforms; prohibitions on the display of Nazi symbols; gay and transgender hate crimes; heritage protections, including Aboriginal heritage; and homelessness of people over the age of 55 years. I am particularly proud of the homelessness inquiry and the recommendations it made, as well as the light it shone on the problems faced by this growing segment of the population.

I thank my committee colleagues for their thoughtful and collaborative approach to our important work. The effectiveness of the committee also relies on the support of the secretariat staff. I thank them for their continuing hard work and professionalism.

I trust that this report will assist our successor committee to continue the vital work of the Standing Committee on Social Issues in the 58th Parliament.



Hon Scott Barrett MLC
Committee Chair

Chapter 1 The committee

This chapter provides a brief overview of the committee and outlines the purpose of this legacy report. The chapter also briefly discusses the work of the committee in the current parliament.

The purpose of a legacy report

- 1.1 The preparation of legacy reports by each of the three standing committees of the NSW Legislative Council was first recommended by the Chairs Committee of the NSW Legislative Council in 2014. The House agreed to the motion of the then Deputy President, the Hon Jenny Gardiner MLC, that such reports be produced.¹
- 1.2 Accordingly, this is the third legacy report prepared by the NSW Legislative Council's Standing Committee on Social Issues. The first report was prepared in 2014.
- 1.3 The purpose of this legacy report is to provide a summary of the committee's work during the 57th Parliament in order to inform the successor committee in the 58th Parliament of the committee's accomplishments.
- 1.4 Legacy reports have also been prepared for the Standing Committee on Law and Justice and the Standing Committee on State Development.

Background

- 1.5 The NSW Legislative Council's Standing Committee on Social Issues was first established on 9 June 1988 following the commencement of the 49th Parliament. The committee was reappointed in each of the subsequent parliaments, most recently on 8 May 2019 during the 57th Parliament.²
- 1.6 The committee conducts inquiries into matters concerned issues concerned with the social development and wellbeing of the people of New South Wales, including health, education, housing, ageing, disability, children's services and community services, and matters concerned with citizenship, sport and recreation and gaming and racing.³
- 1.7 The committee consists of eight Legislative Council members, comprising four government members, two opposition members, and two crossbench members.⁴ The membership of the committee throughout the 57th Parliament can be found on p iv.
- 1.8 Between the 49th and 56th Parliaments, the committee tabled 55 reports and four issues papers inquiries on a wide range of issues, including:

¹ *Minutes*, Legislative Council, 13 August 2014, p 2654.

² *Minutes*, Legislative Council, 9 June 1988, pp 182-186; *Minutes*, Legislative Council, 6 May 2015, pp 62-65; *Minutes*, Legislative Council, 6 May 2015, pp 62-65; *Minutes*, Legislative Council, 8 May 2019, pp 91-97.

³ *Minutes*, Legislative Council, 8 May 2019, pp 91-97.

⁴ *Minutes*, Legislative Council, 8 May 2019, pp 91-97.

- Gay and Transgender hate crimes between 1970 and 2010 (2019)
- childhood overweight and obesity (2016)
- service coordination in communities with high social needs (2015)
- strategies to reduce alcohol abuse among young people in New South Wales (2013)
- same-sex marriage law in New South Wales (2013)
- domestic violence trends and issues in New South Wales (2012)
- transition support for students with additional or complex needs and their families (2012)
- substitute decision-making for people lacking capacity (2010)
- overcoming Indigenous disadvantage in New South Wales (2008)
- public disturbances at Macquarie Fields (2006)
- issues relating to Redfern and Waterloo (2004)
- adoption practices (2000)
- enhancing Aboriginal political representation (1998)
- suicide in rural New South Wales (1994)
- juvenile justice in New South Wales (1992).

Chapter 2 Inquiries conducted

This chapter comprises a short summary of each of the nine inquiries undertaken during the 57th Parliament. The chapter also briefly discusses the government response to recommendations made by the committee.

Inquiries into Bills

- 2.1** The Selection of Bills Committee was established by the Legislative Council on 23 November 2017. This committee was given the power to report to the House on whether a bill should be referred to one of the subject standing committees, such as the Standing Committee on Social Issues.
- 2.2** On recommendation of the Selection of Bills Committee, four bills were referred to the Standing Committee on Social Issues during the 57th Parliament. These inquiries are discussed below.

Provisions of the Ageing and Disability Commissioner Bill 2019

- 2.3** The Ageing and Disability Commissioner Bill 2019 was referred to the committee by the Legislative Council on 28 May 2019 on the recommendation of the Selection of Bills Committee, with a reporting date of 4 June 2019.⁵
- 2.4** The bill was introduced by the then Minister for Families, Communities and Disability Services in the Legislative Assembly and proposed establishing the office of Ageing and Disability Commissioner and provided for the Commissioner's functions, which included:
- dealing with allegations of abuse, neglect or exploitation of adults with disability and older adults
 - community education and general advice and assistance to the public
 - inquiring into and reporting on systemic issues
 - advising and making recommendations to the Minister administering the proposed Act.⁶
- 2.5** The bill also proposed establishing an Ageing and Disability Advisory Board and provided that the Official Community Visitor program, to the extent that it relates to visits to accommodation provided to adults with disability and certain boarding houses, was to be administered by the Commissioner instead of the Ombudsman.⁷
- 2.6** The then Minister for Families, Communities and Disability Services noted in his second reading speech to the Legislative Assembly that the bill 'will, for the first time in New South Wales and indeed across Australia, establish the dedicated role of Ageing and Disability Commissioner,

⁵ *Minutes*, NSW Legislative Council, 28 May 2019, p 128; *Minutes*, NSW Legislative Council, 28 May 2019, p 128.

⁶ Ageing and Disability Commissioner Bill 2019, Explanatory note.

⁷ Ageing and Disability Commissioner Bill 2019, Explanatory note.

with the purpose of protecting adults with disability and older adults from abuse, neglect and exploitation and protecting and promoting their rights.⁸

- 2.7** The committee received a total of 17 submissions and held one public hearing at Parliament House in Sydney on 31 May 2019.
- 2.8** The committee noted that stakeholders broadly welcomed the establishment of the office of the Ageing and Disability Commissioner and the objects of the bill. However, inquiry participants raised a number of concerns with various aspects of the bill, including clarification regarding the independence and remit of the Commissioner, consent requirements, the power to hold public inquiries and to refer matters to other agencies. Other issues canvassed in the short inquiry included the funding for advocacy organisations, the ongoing role of the NSW Ombudsman and appropriate representation on the Advisory Board.
- 2.9** The committee made one recommendation that the Legislative Council proceed to consider the Ageing and Disability Commissioner Bill 2019 and consider amendments in the committee stage that addressed the stakeholder concerns raised in this inquiry.
- 2.10** The committee tabled its report on 4 June 2019. Amendments to the bill were debated in the Legislative Council on 5 and 18 June 2019. The bill passed parliament on 18 June 2019 and received assent on 25 June 2019.

Reproductive Health Care Reform Bill 2019

- 2.11** The Reproductive Health Care Reform Bill 2019 was referred to the committee by the Legislative Council on 6 August 2019 on the recommendation of the Selection of Bills Committee, with a reporting date of 20 August 2019.
- 2.12** Mr Alex Greenwich MP, Member for Sydney, introduced the bill into the Legislative Assembly on 1 August 2019. Unusually, the bill was co-sponsored by 15 members from across both Houses of the Parliament. The objects of the bill were set out in the explanatory memorandum:
- (a) to enable a termination of a pregnancy to be performed by a medical practitioner on a person who is not more than 22 weeks pregnant,
 - (b) to enable a termination of a pregnancy to be performed by a medical practitioner on a person who is more than 22 weeks pregnant in certain circumstances,
 - (c) to identify certain registered health practitioners who may assist in the performance of a termination,
 - (d) to require a registered health practitioner who has a conscientious objection to the performance of a termination on a person to disclose the objection and refer the person to another practitioner who does not have a conscientious objection,
 - (e) to repeal offences relating to abortion in the *Crimes Act 1900* and abolish any common law rules relating to abortion,

⁸ Gareth Ward, Second reading speech: Ageing and Disability Commissioner Bill 2019, 8 May 2019.

(f) to amend the *Crimes Act 1900* to make it an offence for a person who is not a medical practitioner otherwise authorised under the Act to terminate a pregnancy.⁹

- 2.13** Despite the short timeframe for the inquiry, the committee received over 13,000 submissions. However, due to the administrative challenge, only 900 submissions were processed. The committee held three public hearing at Parliament House in Sydney on 14, 15 and 16 August 2019.
- 2.14** The report outlined the debate amongst stakeholders concerning the key provisions of the bill. The committee noted that there was no consensus amongst stakeholders to the inquiry, nor amongst the committee, as to the overall merits of bill.
- 2.15** The committee recommended that the Legislative Council proceed to consider the Reproductive Health Care Reform Bill 2019, including any amendments in the committee stage that address stakeholder concerns raised during the inquiry.
- 2.16** The committee's report was tabled on 20 August 2019. The bill was read a second time in the Council on 21 August 2019, before the House debate amendments to the bill on 17 and 25 September 2019. The bill passed Parliament on 26 September 2019 and received assent on 2 October 2019.

Crimes Amendment (Display of Nazi Symbols) Bill 2021

- 2.17** The Crimes Amendment (Display of Nazi Symbols) Bill 2021 was referred to the committee by the Legislative Council on 9 November 2021 on recommendation of the Selection of Bills Committee, with a reporting date of first sitting day of 2022. The reporting date was subsequently extended by the House to 22 February 2022.
- 2.18** The bill sought to insert new section 93ZA into Division 8 of Part 3A of the *Crimes Act 1900* No 40 to make it a criminal offence for a person by a public act to display a Nazi symbol except in certain circumstances.¹⁰
- 2.19** In his second reading speech, the Hon Walt Secord MLC noted that the public display of Nazi symbols is not presently prohibited in New South Wales and Australia. Mr Secord explained that the bill is 'in response to the rise of Neo-Nazi activity in Australia and its role in inciting hate behaviour and hate crimes.'¹¹
- 2.20** The committee received eight submissions and held one public hearing at Parliament House in Sydney. The committee also conducted an online questionnaire.
- 2.21** The report highlighted the key issues identified by stakeholders, including whether the public display of Nazi symbols should be criminalised in New South Wales and whether the measures contained in the bill were an appropriate and effective means of doing so.

⁹ Reproductive Health Care Reform Bill 2019, Explanatory note.

¹⁰ Crimes Amendment (Display of Nazi Symbols) Bill 2021, cl 2 (proposed subs 93ZA(1)).

¹¹ Walt Secord, Second reading speech: Crimes Amendment (Display of Nazi Symbols) Bill 2021, 13 October 2021, p 79.

- 2.22** The committee recommended that before the Legislative Council proceeded to debate the Crimes Amendment (Display of Nazi Symbols) Bill 2021, the committee comments and stakeholders' views expressed in its report be addressed. In particular, the bill to be amended to take account of the issues they raised in relation to the proposed exemption process by the President of the Anti-Discrimination Board and the prohibition on the public display of Nazi symbols to apply on social media platforms.
- 2.23** The final report was tabled on 22 February 2022.
- 2.24** Despite not being required, a government response was provided on 31 March 2022. The NSW Government advised that it was committed to introducing a new bill to criminalise the public display of Nazi symbols without a reasonable excuse. It was noted that this new provision would provide an additional safeguard to the existing protections in New South Wales against vilifying conduct. The NSW Government's Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022 was introduced in the NSW Legislative Assembly on 21 June 2022, passed the NSW Parliament on 11 August 2022 and was assented to 19 August 2022. The bill created an offence in the Crimes Act for knowingly displaying Nazi symbols by public act and without reasonable excuse.

Crimes Legislation Amendment (Coercive Control) Bill 2022

- 2.25** The Crimes Legislation Amendment (Coercive Control) Bill 2022 was referred to the Standing Committee on Social Issues on 18 October 2022 on recommendation of the Selection of Bills Committee, with a reporting date of 31 October 2022. The reporting date was subsequently extended by the House to 4 November 2022.
- 2.26** The Bill was introduced by Attorney General Mark Speakman SC MP and amends the *Crimes Act 1900* to create a standalone criminal offence of coercive control.
- 2.27** The bill sought to:
- amend the *Crimes Act 1900* to make it an offence to engage in coercive control against a current or former intimate partner
 - amend the *Crimes (Domestic and Personal Violence) Act 2007* to provide that coercive control falls within the definition of domestic violence offence
 - make consequential amendments to the *Crimes (Sentencing Procedure) Act 1999* and the *Criminal Procedure Act 1986*.
- 2.28** The Attorney General stated in his second reading speech that 'these are landmark reforms that are crucial to ensuring that we recognise in law a pattern of behaviour that is identified as an almost invariable precursor to domestic violence homicide.'¹²
- 2.29** The bill was introduced following several rounds of stakeholder engagement and consultation in relation to the criminalisation of coercive control.

¹² Mark Speakman, Second reading speech: Crimes Legislation Amendment (Coercive Control) Bill 2022.

- 2.30** The committee held a public hearing at Parliament House in Sydney on 31 October 2022 and received six submissions and one supplementary submission to the inquiry.
- 2.31** The report acknowledged that the current laws in New South Wales do not adequately respond to coercive control, and that there is a need to criminalise this unique form of domestic and family violence. There were, however, diverging views among stakeholders about whether the bill's approach to achieving this is the right way forward, with some expressing support for the bill, and others expressing concerns about aspects of the bill.
- 2.32** The key concerns raised by stakeholders included:
- The mental element of the offence - stakeholders raised concerns about the removal of 'recklessness' from the mental element of the new offence. The main concern was that by removing recklessness from the bill the bar is set 'too high' for a matter to be prosecuted or result in a conviction. By contrast, other stakeholders argued that the mental element of the offence being limited to an 'intention' to coerce, or control could be a safeguard against overreach and misidentification.
 - Independent taskforce to oversee implementation – a key concern raised by stakeholders in relation to the taskforce was that its members are to be 'appointed by the Minister'. The majority of witnesses stressed the importance of having an independent taskforce.
 - Strengthening the statutory review provisions – a number of stakeholders called for an expansion of the matters to be considered as part of the statutory review, including the effectiveness of trainings, the use of the provisions by different groups, and the types of behaviours being captured by the offence, among others.
 - The need for broader cultural and systems reform – stakeholders called for broader cultural and systems reform that can address systemic racism, sexism, and ongoing failures to understand the nature of domestic and family violence.
- 2.33** The committee recommended that the Legislative Council proceed to debate the Crimes Legislation Amendment (Coercive Control) Bill 2022, and that the concerns set out in the report be addressed during consideration of the bill in committee of the whole.
- 2.34** The final report was tabled on 4 November 2022.
- 2.35** Despite not being required, a government response was provided on 8 November 2022 which noted that the bill is the result of extensive consultation and thanked stakeholders for their participation in the inquiry.
- 2.36** Amendments to the bill were debated in the Legislative Council on 15 November 2022. The bill passed parliament on 16 November 2022 and received assent on 23 November 2022.

Other inquiries

- 2.37** The committee conducted five other inquiries during the 57th Parliament, all of which are discussed briefly below.

Modern Slavery Act 2018 and associated matters

- 2.38** The inquiry into *Modern Slavery Act 2018* and associated matters was referred to the committee by the Hon Don Harwin MLC, then Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts on 10 July 2019.
- 2.39** The committee adopted the terms of reference on 6 August 2019. The terms of reference required the committee to examine the *Modern Slavery Act 2018*, the consultation draft of the Modern Slavery Amendment Bill 2019, and the consultation draft of the Modern Slavery Regulation 2019.
- 2.40** The committee received 102 submissions and held a public hearing on 4 November 2019 at Parliament House in Sydney.
- 2.41** The final report was tabled on 25 March 2020. The key issues examined in the report included:
- the legislative framework governing modern slavery
 - supply chain reporting for commercial organisations and government agencies
 - offence provisions, including modern slavery risk orders, new offences created by the *Modern Slavery Act 2018*, offences relating to the sale and supply of human tissue, and the extraterritorial scope of 'modern slavery offence'
 - support for victims of modern slavery
 - information sharing and immunity provisions
 - miscellaneous drafting amendments.
- 2.42** The committee made 17 recommendations, including that the NSW Government:
- proceed to introduce amendments to the *Modern Slavery Act 2018*, taking into consideration the comments and recommendations in the committee's report, with the aim of the Act commencing on or before 1 January 2021
 - incorporate a statutory review into the Act to be conducted in conjunction with the Australian Government's statutory review of the Commonwealth's supply chain transparency legislation, the *Modern Slavery Act 2018* (Cth)
 - work with the Australian Government to seek harmonisation of the supply chain reporting threshold, ideally at \$50 million consolidated revenue
 - repeal s 29 of the *Modern Slavery Act 2018* regarding modern slavery risk orders.
- 2.43** The committee also made recommendations concerning the offence provisions in the *Modern Slavery Act 2018*, as well as around victims' rights and support.
- 2.44** The government response was received on 24 September 2020. Of the 17 recommendations, the NSW Government:
- supported in-principle eight recommendations
 - noted nine recommendations.

2.45 In particular, the government advised it will seek greater harmonisation with the Commonwealth anti-slavery regime.

Gay and transgender hate crimes between 1970 and 2010 - 57th Parliament

2.46 The committee conducted an initial inquiry into gay and transgender hate crimes between 1970 and 2010 during the 56th Parliament. The committee tabled an interim report in February 2019, given its principal recommendation that the inquiry be re-established in the 57th Parliament. The committee received a government response in August 2019.

2.47 Following the commencement of the 57th Parliament, the Legislative Council agreed to the recommendation that the inquiry be re-established and referred the inquiry to the committee on 15 October 2019.¹³

2.48 The committee received the same terms of reference as the initial inquiry which required the committee to examine the violent crimes committed in New South Wales between 1970 and 2010 where the victim of that crime was a member of the LGBTIQ community and where the relevant crime was the subject of a report to the NSW Police Force. The committee was to also consider a range of case studies, including those relating to Alan Rosendale, Scott Johnson, John Russell and Ross Warren.

2.49 The committee received 36 submissions and four supplementary submissions. The committee held two public hearings at Parliament House in Sydney and conducted one site visit to Marks Park, Bondi.

2.50 The final report was tabled on 4 November 2021. The key issues canvassed in the report included:

- an overview of the initial inquiry and key developments since its conclusion
- reflections on historical gay and transgender hate crimes
- the need for further investigation of historical gay hate crimes
- supporting and honouring the victims of historical gay hate crimes
- the role and response of the NSW Police Force moving forward
- current trends in LGBTIQ violence, harassment and underreporting
- engagement with rural and regional communities
- law reform.

2.51 The report contained three findings and five recommendations. The three findings:

- acknowledged the enduring trauma victims of gay and transgender hate crime often carry
- noted the historical failure of the NSW Police Force to properly investigate these cases
- noted that acknowledgment of past wrongs by those who failed to protect and deliver justice for LGBTIQ people is a necessary and significant step towards healing.

¹³ *Minutes*, NSW Legislative Council, 15 October 2019, pp 498-499.

2.52 The report's key recommendation was that the NSW Government establish a judicial inquiry or other form of expert review to inquire into unsolved cases of suspected gay and transgender hate crime deaths. The other recommendations sought:

- a comprehensive response to the final report of the NSW Police Strike Force Parrabell
- adequate support to survivors and their families
- support and/or funding for the completion of the Bondi Memorial in Marks Park, Bondi
- assurance that the NSW Police Force computerised operational policing system (COPS) adequately captured and recorded LGBTIQ hate crimes.

2.53 The government response was received on 4 November 2021. The NSW Government supported all five recommendations.



The committee conducted a site visit to Marks Park in Bondi.

State Records Act 1998 and the Policy Paper on its review

2.54 The inquiry into the *State Records Act 1998* and the Policy Paper on its review was referred to the committee by the Hon Don Harwin MLC, former Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts and Vice President of the Executive Council on 10 January 2020.

2.55 The terms of reference required the committee to examine the *State Records Act 1998* and to consider proposed reforms concerning the legislative framework for the State Archives and Records Authority (SARA) and Sydney Living Museums (SLM). The terms of reference were adopted by the committee on 11 March 2020.¹⁴

2.56 The committee received 68 submissions and one supplementary submission. The committee held one public hearing by video conference on 1 June 2020, and two public hearings at Parliament House in Sydney on 1 July 2020 and 20 August 2020. The committee also conducted site visits on 27 July 2020. The committee visited the Museum of Sydney, the Western Sydney Records Centre, Kingswood, and Elizabeth Farm, Rosehill.

¹⁴ *Minutes*, NSW Legislative Council, 24 March 2020, p 858.

- 2.57** The final report was tabled on 15 October 2020. The report examined the following key issues:
- the *State Records Act 1998* and its review
 - the role of SARA and SLM
 - the proposal to create a new cultural institution to replace the existing SARA and SLM
 - other amendments to the legislative and policy framework, specifically proposed reforms to the open access, transfer and compliance provisions of the Act, support for digital recordkeeping, consideration of Aboriginal records, and proposed amendments to the *Historic Houses Act 1980*.
- 2.58** The report contained one finding and nine recommendations. The finding strongly supported the proposal to create a single new cultural institution with Executive Agency status, in place of the existing SARA and SLM, to collect, manage, preserve and provide access to government records, objects, buildings and places of interest to the people of New South Wales.
- 2.59** The committee made a number of recommendations to ensure that the new entity is built on strong legislative and policy foundations, including recommendations regarding a detailed analysis of the proposal, funding, and the new entity's recordkeeping and archival functions, governance structure, and state-wide mandate.
- 2.60** The committee also made recommendations in relation to other proposed amendments to the *State Records Act 1998* which supported greater and more timely access to records, promoted strategic records management, and strengthened the regulation of recordkeeping through monitoring powers. Additionally, the committee made recommendations encouraging partnership with Aboriginal people for the management and care of Aboriginal records.
- 2.61** The government response was received on 14 April 2021. All nine recommendations were noted by the NSW Government.
- 2.62** A further government response was received on 15 December 2021. The NSW Government's white paper *Review of the State Records Act 1998; The Future of History in NSW* was attached to this response. The white paper analysed the policy proposals which respond to the report and addressed other stakeholder feedback and contemporary issues relating to the *State Records Act 1998*.
- 2.63** A further government response was received on 15 December 2021. The NSW Government's white paper *Review of the State Records Act 1998; The Future of History in NSW* was attached to this response. The white paper analysed the policy proposals which respond to the report and addressed other stakeholder feedback and contemporary issues relating to the *State Records Act 1998*.



The committee visited Elizabeth Farm, Rosehill and Western Sydney Records Centre, Kingswood.

Review of the *Heritage Act 1977*

- 2.64** The review into the *Heritage Act 1977* was referred to the committee by the Hon Don Harwin MLC, former Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, on 7 April 2021.¹⁵
- 2.65** The terms of reference required the committee to examine the effectiveness of the *Heritage Act 1997* and the New South Wales heritage regulatory system, along with heritage aspects of the *Environmental Planning and Assessment Act 1979*.
- 2.66** The committee received 306 submissions and 4 supplementary submissions. The committee held five public hearings via videoconference.
- 2.67** The final report was tabled on 22 October 2021 and canvassed the following key issues:
- the genesis of the *Heritage Act 1977*
 - an overview of the New South Wales heritage system
 - the NSW Government's discussion paper for reforming the heritage legislation
 - the adequacy of the *Heritage Act 1977*
 - the Heritage Council of New South Wales
 - heritage identification and listing
 - managing change to State Heritage Register items
 - compliance and integration of heritage and planning
 - the current approach to the identification, management and protection of Aboriginal cultural heritage
 - opportunities to improve the existing legislation to protect Aboriginal cultural heritage

¹⁵ Note, the committee adopted revised terms of reference on 13 May 2021. *Minutes*, NSW Legislative Council, 13 May 2021, p 2234.

- cultural infrastructure funding for an Aboriginal war memorial museum
- how incentives might be used to promote heritage ownership
- community education, awareness and promotion of heritage
- other stakeholder concerns, such as state government support for local councils, importance of digitisation and video storytelling for the preservation and promotion of collections, and protection of archaeology under the Act.

2.68 The report contained 26 recommendations, including a series of recommendations to improve both the Act itself and its implementation and administration. Overall, the recommendations sought to improve the identification, protection, management and celebration of the state's heritage, including a range of actions to improve support for owners of state listed items and to make sympathetic adaptive re-use and activation more attractive and viable options.

2.69 The government response was received on 8 December 2021. Of the 26 recommendations, the NSW Government:

- supported 24 recommendations
- supported in principle one recommendation
- noted one recommendation.

Homelessness amongst older people aged over 55 in New South Wales

2.70 The terms of reference for the inquiry into homelessness amongst older people aged over 55 in New South Wales were referred to the committee by the Legislative Council on 23 March 2022 and were adopted by the committee on 8 April 2022.¹⁶

2.71 The terms of reference examined a range of issues related to older people who were, or were at risk of, experiencing homelessness, including:

- the rate of homelessness amongst older people and the factors affecting the incidence of homelessness amongst this cohort
- the impacts of homelessness on health and wellbeing and the challenges older people face when navigating homelessness services
- opportunities for early intervention and services to support older people experiencing or at risk of homelessness
- options to better support older people to obtain and maintain secure accommodation
- best practice approaches for addressing homelessness in other jurisdictions.
- the collection and publication of homelessness data.

2.72 The terms of reference originally required the committee to report by 28 September 2022. However, the reporting date was later extended to 20 October 2022.¹⁷

¹⁶ *Minutes*, NSW Legislative Council, 23 March 2022, pp 3056-3057.

¹⁷ *Minutes*, NSW Legislative Council, 11 August 2022, p 3587.

- 2.73** The committee received 90 submissions and three supplementary submissions. The committee held three public hearings: the first at Parliament House in Sydney on 18 July 2022, the second at Club Parramatta on 19 July 2022, and the third at Wyong Town Hall on 21 July 2022. The committee also conducted one site visit to the Women's Housing Company in Western Sydney and held a roundtable discussion in Wyong.
- 2.74** The final report was tabled on 20 October 2022. The key issues canvassed in the report included:
- the experience of homelessness for older people and the right to safe and secure housing
 - the definition of homelessness and the rates of homelessness amongst older people in New South Wales
 - drivers of homelessness and the impact of homelessness on health and wellbeing
 - government policy concerning homelessness and housing, including the 'Housing First' approach to homelessness, ageing, and domestic and family violence
 - housing, specifically concerns about housing affordability, the private rental crisis, and social and affordable housing and how these factors impact on homelessness amongst older people
 - older women and other vulnerable groups, specifically First Nations people, people from culturally and linguistically diverse backgrounds, people with disability and chronic health conditions, carers, LGBTQ+ people, people in rural, regional and remote areas
 - the complexity of the homelessness services system
 - opportunities for prevention and early intervention
 - the need for a multi-faceted approach to service delivery
- 2.75** The report contained 10 findings and 40 recommendations. The findings included:
- the 'face' of homelessness is changing to include older people
 - the true extent of homelessness amongst older people is unknown
 - the primary drivers are financial difficulty, housing crisis and housing affordability stress
 - the system of homelessness services is considered complex and difficult for older people to navigate
 - the shortfall in both social and affordable housing is the single greatest challenge for people who are at risk of or experiencing homelessness in New South Wales.
- 2.76** In regard to recommendations, the committee made a suite of recommendations to improve access to, and security of, private tenancies and to improve the quality and quantity of social and affordable housing.
- 2.77** Additionally, the committee made a number of recommendations to provide a multifaceted approach to service delivery, including that the NSW Government consider the establishment of a funded specialist housing information and support service for older people that comprises both an early intervention and crisis response, similar to the 'Home at Last' model in Victoria. It has also made a suite of recommendations designed to streamline and improve the service

delivery system, and to improve prevention and early intervention services, including Link2Home.

2.78 The government response was received on 30 January 2023. Of the 40 recommendations, the NSW Government:

- supported nine recommendations
- supported in principle 24 recommendations
- noted seven recommendations.

Appendix 1 At a glance

This appendix provides key statistics on the work of the committee during the 57th Parliament.

Table 1 Provisions of the Ageing and Disability Commissioner Bill 2019

No. of submissions	17
No. of supplementary submissions	-
No. of hearings	1
No. of site visits	-
Tabling date	4 June 2019

Table 2 Reproductive Health Care Reform Bill 2019

No. of submissions	over 13,000 submissions (900 were processed)
No. of supplementary submissions	-
No. of hearings	3
No. of site visits	-
Tabling date	20 August 2019

Table 3 Crimes Amendment (Display of Nazi Symbols) Bill 2021

No. of submissions	8
No. of supplementary submissions	-
No. of hearings	1
No. of site visits	-
Tabling date	22 February 2022

Table 4 Crimes Legislation Amendment (Coercive Control) Bill 2022

No. of submissions	6
No. of supplementary submissions	1
No. of hearings	1
No. of site visits	-
Tabling date	4 November 2022

Table 5 *Modern Slavery Act 2018* and associated matters

No. of submissions	102
No. of supplementary submissions	-
No. of hearings	1
No. of site visits	-
Tabling date	25 March 2020

Table 6 Gay and Transgender hate crimes between 1970 and 2010 – 57th Parliament

No. of submissions	40
No. of supplementary submissions	4
No. of hearings	2
No. of site visits	1
Tabling date	4 November 2021

Table 7 *State Records Act 1998* and the Policy Paper on its review

No. of submissions	68
No. of supplementary submissions	1
No. of hearings	3
No. of site visits	1
Tabling date	15 October 2020

Table 8 Review of the *Heritage Act 1977*

No. of submissions	306
No. of supplementary submissions	4
No. of hearings	5
No. of site visits	-
Tabling date	22 October 2021

Table 9 Homelessness amongst older people aged over 55 in New South Wales

No. of submissions	90
No. of supplementary submissions	3
No. of hearings	3
No. of site visits	1
Tabling date	20 October 2022