

REPORT ON PROCEEDINGS BEFORE

PUBLIC ACCOUNTABILITY COMMITTEE

**NSW GOVERNMENT'S MANAGEMENT OF THE COVID-19
PANDEMIC**

Virtual hearing via videoconference on Thursday 21 May 2020

CORRECTED

The Committee met at 10:30.

PRESENT

Mr David Shoebridge (Chair)

The Hon. Robert Borsak (Deputy Chair)

The Hon. John Graham

The Hon. Trevor Khan

The Hon. Matthew Mason-Cox

The Hon. Adam Searle

The Hon. Natalie Ward

Ms Abigail Boyd

The Hon. Courtney Houssos

The Hon. Daniel Mookhey

The Hon. Walt Secord

The CHAIR: Welcome to the third hearing of the Public Accountability Committee inquiry into the New South Wales Government's management of the COVID-19 pandemic. We apologise for the half-hour delay in commencement. We had some difficulty getting the Minister and the Commissioner for Police into the meeting but I am glad to say they are now here. The inquiry is intended to provide ongoing parliamentary oversight to the Government's response to the unfolding pandemic. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of the land that at least I am on. I also pay respects to the Elders past and present of the Eora nation and extend that respect to other Aboriginals present.

Today we will hear evidence from witnesses from the Police portfolio in the morning, including the New South Wales Commissioner of Police, Michael Fuller; the Minister for Police and Emergency Services, Mr David Elliott; and the Secretary of the Department of Communities and Justice, Mr Michael Coutts-Trotter. In the afternoon we will hear evidence from witnesses from the Better Regulation and Finance and Small Business portfolios, including the Minister for Better Regulation and Innovation, Mr Kevin Anderson, and the Minister for Finance and Small Business, the Hon. Damien Tudehope.

The role of police during a public crisis is clearly a matter of public interest. While in the initial weeks of the inquiry the lead agency was NSW Health, more recently New South Wales police have assumed that role. The way in which public health orders have been interpreted and enforced by New South Wales police and the scope of the role of the Commissioner of Police are relevant subject matters for this inquiry. This pandemic has also placed extreme financial pressures on many people. Some of the most vulnerable in our community at this time are renters. The Government's response on this issue has been a matter of significant public debate. With the prospect of continuing, and the potential withdrawal of some or all of the Commonwealth Government's income support, the pressures on renters will only increase. Therefore, the Government's policy responses will become increasingly important. These are matters that will be discussed in this afternoon's hearing.

I will now make some brief comments about the procedures for today's hearing. Like so many other things we have needed to adapt in the face of COVID-19 health measures, the hearings for this inquiry will be conducted via videoconferencing. This enables the work of the Committee to continue without compromising the health and safety of members, witnesses and staff. If participants lose their internet connection and are disconnected from the virtual hearing, they are asked to rejoin the hearing by using the same link as provided by the Committee secretariat. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website as soon as it becomes available.

All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Finally, could everyone please mute their microphones when they are not speaking. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

The Hon. DAVID ELLIOTT, Minister for Police and Emergency Services, before the Committee

MICHAEL COUTTS-TROTTER, Secretary, Department of Communities and Justice, sworn and examined

MICHAEL FULLER, Commissioner, NSW Police Force, sworn and examined

The CHAIR: Minister, would you like to start by making a short statement?

Mr DAVID ELLIOTT: No, I am happy to go straight to questions.

The Hon. ADAM SEARLE: My question is to the Commissioner of Police, in relation to the public health orders, which your police force has the responsibility of enforcing, before the Minister for Health made the orders was there consultation with you or the police force about the content of the orders?

Commissioner FULLER: There were a number of different orders constructed during the course of the emergency. Different orders would no doubt have had different corresponders between general counsel and the State Emergency Operations Controller [SEOCN]—either myself or Deputy Commissioner Worboys in most cases.

The Hon. ADAM SEARLE: A number of different orders have been made. The events order was made on 15 March, the gatherings order on 25 March, a restriction on gathering and movement made on 30 March, which seems to be the main one. Then there was a series of amending orders on 9 April, 30 April and 7 May. More recently, there was a more substantial new public health order on 14 May. Unlike the others it is not styled as an amendment; it is a revocation and remaking. Is it your understanding that this is a brand new order, rather than an amendment to the existing orders?

Commissioner FULLER: I would have to see that order, Mr Searle, perhaps you could read it out to me.

The Hon. ADAM SEARLE: I am not sure which room you are in. In one of the many press conferences you indicated that at least it was your present intention that the public health orders having a life of 90 days you would not be seeking an extension of them. If this order made on 14 May is a brand new order, would that not have a new 90-day time frame?

Commissioner FULLER: I would have to take advice on it, but my perspective is that police will not be seeking an extension to any of the orders but at the end of the day it will be a matter for government, particularly the health Minister, who I understand [inaudible] orders.

The Hon. ADAM SEARLE: What is your understanding about the current end time of the public health orders?

Commissioner FULLER: I would imagine they all have different end dates. We do have a list of those to ensure that we continue to retrain New South Wales police officers to use those laws effectively.

The Hon. ADAM SEARLE: Can you give the Committee a sense of how the enforcement function has gone?

Commissioner FULLER: Regardless of lead up to the construction of the health orders, Health general counsel would correspond with New South Wales police general counsel. We would then operationalise each order and then we would engage in training for New South Wales police officers before the date and time of enactment.

The Hon. ADAM SEARLE: Have your officers received any particular or special training in relation to enforcement of the orders or is it just part of their general duties functions?

Commissioner FULLER: Fact sheets have been created, additional information for briefings. I have cut videos for policing in terms of generally showing high levels of discretion in relation to using the tickets and where possible work with the community as the community were working with us. There were fact sheets and information provided for each of the health orders to ensure that police have as much information as available. We also had the Police Operations Centre established 24/7 and it was clear to officers if they were unsure in terms of what action to take, they would contact the Police Operations Centre and seek advice from more senior staff and/or police prosecutors.

The Hon. JOHN GRAHAM: Did the New South Wales police issue standard operating procedures [SOPs] in relation to breaches of the public health orders?

Commissioner FULLER: There were certainly fact sheets and information in terms of the powers and what the powers meant from a policing perspective. I cannot recall if they were determined to be SOPs, but there was certainly information provided to police on the individual powers.

The Hon. JOHN GRAHAM: And they were issued centrally—

Commissioner FULLER: I am sorry, we spoke over each other. Could you say that again?

The Hon. JOHN GRAHAM: I was asking if they were all issued centrally, rather than region by region?

Commissioner FULLER: No, they were issued centrally.

The Hon. ADAM SEARLE: You were indicating you do not know whether standard operating procedures were issued for the public health orders. Can you take that on notice and come back to us?

Commissioner FULLER: I am certain that we issued correspondence to police in relation to how to use the individual powers. What that form was called I am unsure, but we certainly issued training material to police on how to use the powers.

The Hon. ADAM SEARLE: Can we have copies of that correspondence or any documents that might or might not be standardised?

Commissioner FULLER: I am happy to take that on notice, Mr Searle.

The Hon. ADAM SEARLE: In relation to the infringements that have been issued to date, as of today or yesterday can you tell us how many infringements have been issued?

Commissioner FULLER: There are slightly over 1,300 infringements. If you compare that with Victoria, which is up to 5,600, I think New South Wales police have used their powers extremely sparingly.

The Hon. ADAM SEARLE: Yes. In relation to the infringements, I think you have said that they were issued in circumstances where persons concerned had refused police directions on a number of occasions. Is that the case for all of them or were there some first offenders, as it were, issued infringements and in what circumstances?

Commissioner FULLER: It would certainly be a mix of first offenders and there would be a mix of those who have been given multiple warnings. An example, there were four men drinking in a park. The men were asked to leave. Three men left and received no tickets. The one who refused to leave was given a ticket. I think that is an example of where police were doing their best to use the powers in a measured way, and I think in most cases I believe that will be the case.

The Hon. ADAM SEARLE: Do you know whether the Bureau of Crime Statistics and Research is collecting statistics on the issue of fines for breaches of public health orders or is your force keeping those statistics?

Commissioner FULLER: The Bureau of Crime Statistics and Research when it comes to crime utilises our base system. They certainly have the ability to do that. We have not asked them but if a member of Parliament or the secretary asked the Bureau of Crime Statistics and Research to collect information, then that is certainly possible.

The Hon. ADAM SEARLE: How many of the infringements were directed to individuals and how many to premises or businesses?

Commissioner FULLER: I will take that on notice but the business tickets were a very small percentage of the overall infringements.

The Hon. ADAM SEARLE: Can you give us a sense of what sorts of things those infringements were for?

Commissioner FULLER: I think in the first couple of days there were restaurants that stayed open, even though they were closed by definition under the Health Act. But that message really got through to businesses that were closed very quickly and we did not see an ongoing trend in businesses breaching the health orders.

The Hon. JOHN GRAHAM: I note your comments about the Victoria-New South Wales comparison, and that is helpful. Commissioner, do you anticipate the fines tapering off? Is that the pattern at the moment?

Commissioner FULLER: The Easter long weekend was quite a busy weekend for tickets. Since then it has tapered off significantly, which I think is a great thing.

The Hon. JOHN GRAHAM: Do you anticipate that will continue to be the case?

Commissioner FULLER: Absolutely. I think there are multiple reasons for that. Most of the community is supportive of the way the New South Wales police and the way the Government has been handling the pandemic. I think at the same time you have the Premier relaxing restrictions, which even that by definition would mean there would be less and less people likely to breach the health orders.

The Hon. JOHN GRAHAM: Can you give us some sense of the amount of fines issued in the city versus the country? It did seem that early on, despite the low risk of virus transmission in country New South Wales, that a number of these offences were being registered there early on. Do you have any statistics on that balance or any views on that balance?

Commissioner FULLER: The State is cut up into six regions: three metropolitan and three regional. If you accept that the Western Region is a huge part of the State, I think they received around 140 tickets. The Central Metropolitan Region, which is really the centre of Sydney, received 361. Just based on that—and I am happy to again take it on notice for more detailed information—the Western Region, which by size is more than half the State, received nearly a third of what the city did.

The Hon. JOHN GRAHAM: If you could take those figures on notice, that would be helpful. You are personally comfortable that despite the lower risk in the regions, the fines there were proportionate to the behaviour that was being seen?

Commissioner FULLER: Absolutely I do. I think you need to remember that lots of police responded to these calls from members of the community who were unhappy that people were not coming on the journey. We received lots and lots of calls to Crime Stoppers by decent people who were doing the right thing. Not all of these tickets are police out walking through parks looking for offenders. Many of these came as a by-product of the community being unhappy.

The Hon. ADAM SEARLE: Regarding the fines being issued in the Western Region, can you tell us what kind of behaviours attracted those fines? I know travelling without lawful excuse is often the descriptor, but I wondered whether you had a slightly fuller flavour of the kind of behaviours that were attracting the infringements.

Commissioner FULLER: Most of them would have been out of home without a reasonable excuse—that is, drinking-in-the-park-type offences. There were times that we caught people engaged in, say, dealing drugs or breaking into a house. There is a whole range of reasons. I do not have that list in front of me. In terms of the flavour, we are certainly happy to take on notice for the Western Region 140 to give you some sense of what breaches under the Health Act they were for.

The Hon. ADAM SEARLE: Certainly. Again on notice, if you could provide a sense of, in different parts of the State, including the city, what kind of behaviours were attracting the infringements?

Commissioner FULLER: I could do it certainly under the actual different health orders.

The Hon. ADAM SEARLE: Yes.

Commissioner FULLER: It would be impossible to pull apart. It would take weeks and week. I will provide that information in terms of the health orders, individual.

The Hon. ADAM SEARLE: You mentioned Crime Stoppers being the source of some police attention to individuals. How many calls were made to Crime Stoppers regarding public health order breaches?

Commissioner FULLER: I will take it on notice but it was into the thousands is my understanding. I will take it on notice but I believe it was up near 17,000 calls, which is enormous.

The Hon. ADAM SEARLE: How many of those calls—I am happy for you to take it on notice—resulted in a police attendance at a particular location or to dealing with a particular concern?

Commissioner FULLER: Thank you. Noted.

The Hon. ADAM SEARLE: At one press conference, or a number of press conferences, you indicated that you were personally reviewing the infringements that had been issued. Can you clarify what it was you were reviewing?

Commissioner FULLER: I get a summary of each ticket and if I think it is reasonable—that is, the example I gave you where there were four men in a bar drinking and the three men left and did not get a ticket, but the one who refused to go did, then I am happy with that. There were others that I got that asked for more

information because on the summary I got I was not happy to endorse or not endorse it. But the reality is I would get a three or four-line summary in terms of the general gist of the ticket. If I thought it was reasonable, then that was fine. If it was not, I asked for more information.

The Hon. ADAM SEARLE: That is for the whole 1,300. That is quite an onerous responsibility.

Commissioner FULLER: Yes. I wanted the community to believe that New South Wales police were using the powers sparingly. The reality is that they are important powers during the largest emergency that I am likely to see. At the same time I did not want the New South Wales police and the community to be divided over the powers.

The Hon. ADAM SEARLE: Fair enough. How many fines did you determine should not proceed or should be cancelled?

Commissioner FULLER: I think organisationally we are up to about 60 fines were pulled. I think the first one I pulled was a lady dropping off a hair straightener to a friend. I thought to myself that probably we got that wrong. There are examples throughout that where I felt as though we had probably interpreted it a little too specific. So again there were around 50 to 60 that we have withdrawn, either through my concerns or concerns through that chain of command.

The Hon. COURTNEY HOUSSOS: Commissioner—and I am happy for you to take this on notice—you mentioned earlier that some individuals were issued with public health infringement notices on top of other charges. Are you able to tell us how many of those were where the infringement notices were given in combination with other charges?

Commissioner FULLER: I will take that on notice. I am sure we can probably find that information.

The Hon. ADAM SEARLE: Commissioner, did you personally review the fine issued to the Hon. Don Harwin, MLC?

Commissioner FULLER: That came as part of a summary with other tickets issued on that day, yes.

The Hon. ADAM SEARLE: In terms of your review of the infringements issued, did you have any guidelines that you had put together for yourself or any set of criteria about when you would proceed with the infringements or the circumstances in which you might have them withdrawn?

Commissioner FULLER: I applied the same guideline as police would have been trained.

The Hon. ADAM SEARLE: So it is the general exercise of police discretion?

Commissioner FULLER: Absolutely, as well as the general content of the individual health orders.

The Hon. ADAM SEARLE: Of course, you would have to be guided by the health orders themselves. In relation to the exercise of the discretion given to your officers, is that the same? Would they be generally guided by the orders themselves, plus their general discretion or commonsense?

Commissioner FULLER: I shot a number of videos for the troops. I asked them to use their powers of discretion wisely and I asked them to be confident in using discretion where possible. I feel it probably played a fairly large role in our infringements being a quarter of what the Victorian police are.

The Hon. COURTNEY HOUSSOS: Commissioner, I have some questions about enforcement going forward. Will police be enforcing the new guidelines around public transport?

Commissioner FULLER: When you talk about social distancing and hygiene, they are only good health advice, they have never been in an audit. If I was to put an arm around the Minister, I am not breaking any laws. It is a bad look and it is a bad message to everyone who is trying their best to isolate and use hygiene. In terms of buses, if a bus company or Transport NSW has determined that only a certain amount of people can get on a train or bus, then that would be up to them to manage that. If there was a public order issued as a by-product of only a certain amount of people being allowed, then police would be called. I have been clear on this, it is not my intention for New South Wales police to be standing at doors counting people et cetera. What normally happens, we end up there as a by-product of people feeling happy or unhappy with the restrictions that are put in place.

The Hon. COURTNEY HOUSSOS: Then if someone on a worksite was unhappy with the social distancing situation, would you consider that you have jurisdiction for that as well?

Commissioner FULLER: We have not been called as far as I know or issued any tickets for worksites, so to be clear I will take that on notice. But I had an inquiry early in the piece that police were policing worksites.

We could not find one ticket or one interaction actually on a worksite. If we are called down to a worksite, I cannot see what role police would play in social distancing. Again, it is just health advice. There are no laws for police to give someone a ticket for standing too close to another person.

The CHAIR: We will move now to the crossbench. The Opposition's first round has expired.

The Hon. ROBERT BORSAK: Welcome Minister, welcome Commissioner. Thank you very much, it was a bit difficult getting started but we are on our way. Minister, it was reported on 29 March that the Premier asked Commissioner Fuller to take the additional role as State Emergency Operations Controller only the previous afternoon—28 March. Did the Premier speak with you before asking the Commissioner to take up that role?

Mr DAVID ELLIOTT: Yes.

The Hon. ROBERT BORSAK: Did you have any reservations about the Commissioner taking on that additional responsibility?

Mr DAVID ELLIOTT: No. The job normally goes to senior police.

The Hon. ROBERT BORSAK: How would you characterise the way the process has worked?

Mr DAVID ELLIOTT: First class.

The Hon. ROBERT BORSAK: Is there any way that we could have improved the process of managing the enforcement side of things?

Mr DAVID ELLIOTT: After every operation they normally do a post operational review and when this operation is concluded I suspect we will do a debrief and we will check our SOPs and command and control [C2] and all the other management techniques that combat agencies use. I would be very surprised if we did not come up trumps, but I would also be very surprised if we are not considered world's best practice when you consider like-minded jurisdictions and where they are.

The Hon. ROBERT BORSAK: I tend to agree with you that the process in New South Wales has been handled pretty well. Do you have any view on whether such a long suspension of Parliament was indeed necessary?

Mr DAVID ELLIOTT: It is not my call.

The Hon. ROBERT BORSAK: Not your call. You do not have a view. Minister, do you have a view on the closure of New South Wales borders, which is still persisting, for example with Queensland?

Mr DAVID ELLIOTT: We have not closed our borders, the other States have closed theirs.

The Hon. ROBERT BORSAK: That is right, but I am saying—

Mr DAVID ELLIOTT: I cannot speak for the other Premiers. Our Premier has said that is unnecessary and I would certainly agree with her.

The Hon. ROBERT BORSAK: There has been criticism and concerns regarding confusion and mixed messages from the Government on what is and is not a permitted activity. Have you had any input into the decisions in which activities are and are not permitted?

Commissioner FULLER: No, but I have certainly been doing my best to educate New South Wales police as best as possible. This has been a challenging time, Mr Borsak, I have to say as new laws are being struck quickly but I think the community and the police have realised that it is a global pandemic, it is serious. For mine, it has been more about working through the health orders and trying to complement the Premier's communication by ensuring that we are enforcing it in the best interests of the health orders that were struck.

The Hon. ROBERT BORSAK: It has been a difficult period and it is ongoing. Is there any way we could have done anything better from your point of view?

Commissioner FULLER: I think it was a sensible escalation from an emergency perspective. We have bushfires and floods and we learn from those every year but there was nothing really like this to compare it to. I think that Health was the combat agency, the State Emergency Operation Centre stood up in support of it, but it quickly turned into an operation that Health are not an expert in. NSW Health do an amazing job, but it is not great at logistics and security. The operation was moving into an area that was not their area of expertise.

The Premier could have called a state of emergency that would have caused a lot of stress for a lot of people, but the alternative was to write to Health and for New South Wales police to take the combat agency role.

I think that happened in fairly good time. At some stage we will hand the combat agency status back to Health, once the health orders are gone and this is just about our intensive care unit [ICU] bed capability and how we message and protect the health of the people, and I am sure there will be lessons learnt. But if you look at the escalation from early January, I think the agencies have done a very good job, particularly you have to go back probably a hundred years to benchmark it to anything similar.

The Hon. ROBERT BORSAK: It is interesting you raise that. Are there any records available from what happened in those times? And if so, what role did police have in those days?

Commissioner FULLER: That it is an interesting one. There was an actual Minister who took on the enforcement role within Cabinet. His surname was Fuller—the irony of it—but he is not related to me as far as I know. This is a true story. There is an org chart and there is some information around people being fined for not wearing masks. The structure is fairly similar. I am happy to provide you that structure on notice.

The Hon. ROBERT BORSAK: Yes, please. It would be interesting. Did it inform you in any way?

Commissioner FULLER: When you look at the groupings that Cabinet established back in those days, noting that emergency management was not matured like it is today, they actually had very similar groupings that we have in it today around communication, around dealing with the emergency, around trying to come up with a vaccine, around enforcement played a big role in that as well. I think it was a fairly hefty fine as well. It was pounds and pounds for being fined for not complying with the health orders of the day. There was not a debrief document per se to read but certainly the org chart was very interesting.

The Hon. ROBERT BORSAK: I notice in your role you had an extensive interaction on the *Ruby Princess* and what was going on with it. How would you characterise or outline your role in that incident?

Commissioner FULLER: I was tasked by the Premier in the role as the senior emergency operations controller to conduct a review into what evidence was available. I was given a 48-hour period to do that. I listened to a number of 000 calls, some logs and emails between the ports authority and Carnival, and there was an independent report commissioned by Health. I used those documents to draw a conclusion on what needs to happen next. I felt as though there were potentially some criminal questions that need answering. So by the Sunday, if you accept that the Premier announced it on a Thursday, by the Sunday I had finished my review and announced a criminal investigation. That team was stood up on the Monday, briefed and information was handed over to them.

Around seven days on from that I informed the Premier that this matter involved thousands and thousands of witnesses, that it would take months and months and months. I think most people would understand that rushing a criminal investigation of that size is usually unhelpful. Then shortly after that the Premier announced a special commission into the *Ruby Princess*. From my perspective I conducted a short investigation as the senior emergency operations controller, I handed that over on the Monday and then it was really about dealing with the crew, which was about 1,040 crew members, and then working with a whole range of stakeholders about moving around 14 ships off the New South Wales coast back to their port of origin, including the *Ruby Princess*.

The Hon. ROBERT BORSAK: I noticed you issued orders eventually for the other ships to leave. I guess the message was they were not going to be allowed to dock so they had to go where they were going to go—whether it was home port or elsewhere. You have a lessons learned unit. Would this project, if you like to call it that, go in there for a detailed review?

Commissioner FULLER: The lessons learned unit probably looks at more individual powers. This would be more of a whole-of-government review. It would be very difficult for police on their own to lead a review into a health emergency. Now in saying that, we could always review the way police enacted in the emergency. We could certainly do that. But in terms of the whole emergency, it would be complex for police to lead a whole-of-government review for a health operation.

The CHAIR: Commissioner, are you still undertaking the role of reviewing each infringement notice that has been issued in accordance with your previous efforts?

Commissioner FULLER: Every morning I get an excel spreadsheet with the ticket and about three or four lines in relation to what the basic offence was. As was noted, there were only a couple over the last couple of days so it is not exactly a time-consuming role at the moment.

The CHAIR: But you are still undertaking that role on a daily basis?

Commissioner FULLER: Yes, I get the excel spreadsheet put on my desk first thing with the stats from overnight. As you can imagine, at the same time every day when new powers come about police are using them and using their discretion better and better every day. I do not think I have had to pull one now for a week or so.

The CHAIR: How many have you personally pulled out and indicated that on the face of it you thought were in appropriate?

Commissioner FULLER: Early in the piece I think the first six or eight I did personally, then as it has evolved I guess the people through the chain started to get a feel for my expectations. I would say one in ten after the first ten were pulled by me and the rest were done during the course of the reviews coming to me, if that makes sense.

The CHAIR: I understand that the number you have pulled out have reduced over time—is that what you are telling me—the proportion?

Commissioner FULLER: If you understand that someone collects the data on the tickets and they give to a sergeant and then it goes to my staff officer. So over the course of time people understand what I think is acceptable and what is not. Early in the piece most of them were pulled by me but as the process went that they were getting pulled on the basis—

The CHAIR: They were being caught in the system before they got to you.

Commissioner FULLER: In a positive way, that is right.

The CHAIR: Have you ensured that you are on top of what the current set of public health orders are so you can do that review process? For example, I think Mr Searle asked you some questions about the effect of the most recent public health order. Are you aware of what the effect of the most recent public health order is?

Commissioner FULLER: We get the health orders. Just to explain, Police general counsel and Health general counsel work and police have to operationalise how that will be enforced before the time and date that gets switched on. But that comes to me, yes.

The CHAIR: What is your understanding of the current obligations in terms of needing a reasonable excuse or not to leave a property?

Commissioner FULLER: To leave a property?

The CHAIR: To leave your home?

Commissioner FULLER: That has been relaxed since the emergency started. Initially it was around essential, now you can go shopping for anything. The Deputy Premier had been clear that travelling to country New South Wales was not essential. In terms of where we started from, the first order being struck and the intent of the orders, there is certainly plenty of reasonable excuses to be out now.

CHAIR: It is your position, as the most senior police officer in the State, that people still require a reasonable excuse to be out an about? Is that your position?

Commissioner FULLER: No, because they could come up with any reasonable excuse at the moment. What I am saying is that there are businesses that are closed. If you are out of your home and you have gone and opened up a premises that is closed then clearly that is not a reasonable excuse. You have to overlay it with the activity. If you said pubs and clubs a couple of weeks ago were closed. So if you went to a pub or a club and you opened it up and you were drinking, then that is not a reasonable excuse to be out.

The CHAIR: You are saying that you are still directing New South Wales police to be checking for reasonable excuse. Are you suggesting that people still require a reasonable excuse to be out and about? That is your understanding of the law at the moment?

Commissioner FULLER: Can you ask the question again?

The CHAIR: As I understand it, you now seem to be suggesting that there is a broader range of reasonable excuses that people can apply and that is your understanding of the public health orders at the moment. Am I wrong in that?

Commissioner FULLER: I would say that in terms of the intent until there is a vaccine for the Coronavirus is that the advice and guidance, particularly in terms of people who are elderly or who are unwell, is that being home and being in isolation is going to be the best it can. The reality is that things such as 10 people

now can visit someone's home—sorry, 10 people can be out in a public gathering. If there are 20 people out training together then it is a breach of the health Act.

The CHAIR: Commissioner, this is not a trick question. It is your understanding as the most senior police officer in New South Wales. Do people require a reasonable excuse to be out and about under the public health orders? It is not a trick question. What is your understanding?

Commissioner FULLER: You cannot detach this from gatherings and closures.

The CHAIR: I am asking about the obligation of individuals. It is not a trick question. It is a very simple question. It is a very obvious question. What is your understanding?

Commissioner FULLER: You cannot ask that question in isolation. I will take it on notice and I will give you a legal answer.

The CHAIR: Commissioner, you should know, and I am interested in how it is that you do not know, that the obligation to have a reasonable excuse was revoked with the most recent public health order that came into force last Friday. How is it you do not know that basic fundamental?

Commissioner FULLER: As I said to you, you overlay it with the other restrictions. That has been clear. I said anyone can go out to shop, anyone can do A, they can do B, but you cannot be in a club or a pub at that certain time, if there is more than 10 people training that is not reasonable. You need to overlay that with the messaging and the other orders that are in place.

The CHAIR: Commissioner, I suggest, and I am happy for you to respond, you do not know what the current state of play is in terms of the public health orders. I suggest to you that is a pretty major shortcoming for the NSW Commissioner of Police. What do you say to that?

Commissioner FULLER: You are wrong.

The CHAIR: Commissioner, you would have reviewed the fine that was issued by the police at 9.30 p.m. on Friday 15 May, according to the police media unit, to an individual from Emu Plains, a 19-year-old man, who was issued with a \$1,000 fine by your police on Friday. The reason was that he did not have a reasonable excuse for leaving home. You would have reviewed that. You obviously would have ticked off on that. Yet there was not obligation for him to have a reasonable excuse. How did this happen?

Commissioner FULLER: I will take it on notice.

The CHAIR: Commissioner, do you not think you should know what the obligations are under the public health order are before you review them? How can you be reviewing them if you do not know what is in them?

Commissioner FULLER: I am comfortable.

The CHAIR: Commissioner, there are people watching this and they are interested to know what kind of guidance is being given to police for enforcing the public health orders. What do you say to those people?

Commissioner FULLER: The fact that we have issued 1,300 tickets and other States and Territories have issued four or five times that, we are using the powers extremely well. Maybe you have been watching the wrong news, Mr Shoebridge. Maybe you should watch New South Wales news. Talking over me is not helpful, Mr Shoebridge.

The CHAIR: I thought you had finished. If you have more to add about your understanding of the reasonable excuse requirements, please add it now.

Commissioner FULLER: At different points and different times the health orders have been switched on and switched off. Trying to take a point in time is not as simple as that. We know the health orders have been amended and from my perspective NSW police have done an outstanding job applying powers in a very difficult situation, taken so seriously that the Commissioner of Police is reviewing them. Other States and Territories followed my lead in relation to that. If we have got one or two wrong, then I hope those people those people take them to court. They can write letters to have them withdrawn. There is a whole range of legal processes, but the fact that we have issued so few tickets I think it is embarrassing that it has taken up so much of my time this morning.

The CHAIR: Minister, is it your understanding that people still require a reasonable excuse to be leaving their homes? Is that your understanding as the police Minister?

Mr DAVID ELLIOTT: David, before you ask those questions go and read the health orders because they are pretty clear. We do not issue the health orders, we just ensure they are complied with. I really object to the way you have just treated the Commissioner and the line of questioning, just as much as I really object to the way you spoke to my staff before we came on—and you will be getting a letter of complaint from me for the bullying that you did to my staff earlier on. How about you change and adjust your attitude and maybe you will get more out of people.

The CHAIR: Perhaps if you understood the public health orders, Minister, and you could tell us what they mean that would assist the people of New South Wales. If you do not we will move on to the Opposition. I will give you a last chance.

Mr DAVID ELLIOTT: The Health Minister issues the health orders.

The Hon. ADAM SEARLE: This is a question to the Minister or the Commissioner, the health orders made on 30 March made it very clear in clause 5 that no-one was to leave their residence without a reasonable excuse. There was a schedule of some 16 reasonable excuses. It was not exhaustive; you could add to it depending on the circumstances, and that is understandable. The new health order made on 14 May revokes that earlier health order. It is not an amendment, it is a revocation. It does not have any blanket prohibition on leaving the place of residence. There is a series of other things it deals with but I just want to get clear because, Minister, your administration and the Commissioner's force is responsible for enforcing the law. It is the case, is it not, that you no longer need a reasonable excuse to leave your place of residence.

Mr DAVID ELLIOTT: Could you repeat the back end of the question?

The Hon. ADAM SEARLE: You no longer need to have a reasonable excuse to leave your residence now. The law has changed since 14 May.

Mr DAVID ELLIOTT: You know I do not issue the health orders, don't you?

The Hon. ADAM SEARLE: Well, I do. But your administration and the police force is responsible for enforcing the law. I am trying to understand what your current understanding of the current law is.

Mr DAVID ELLIOTT: Did you refer to the 30 April health orders?

The Hon. ADAM SEARLE: No, 30 March was when the substantive health orders were made and there are new health orders made 14 May, which revokes them and replaces them.

Mr DAVID ELLIOTT: If I understand your question, you are asking about the 14 May public health order effective 15 May.

The Hon. ADAM SEARLE: Essentially, yes.

Mr DAVID ELLIOTT: The order revokes, remakes the public health order of 2020 to ease certain restrictions in particular and then it goes from (a) to (g).

The Hon. ADAM SEARLE: There is a range of things the new order deals with like requiring employers to allow people to continue to work from home—

Mr DAVID ELLIOTT: Sorry, (a) to (m).

The Hon. ADAM SEARLE: —but there is no longer a blanket prohibition on people having to stay home, is there?

Mr DAVID ELLIOTT: As the Commissioner said, that is probably a moot question because most people would probably be able to identify—except really stupid people out to collect drugs—a reason for being out going from (a) to (m). Can I just remind the Committee that the basic sentiment from the State Government, from every other government around the world, is that because COVID-19 is such a dangerous disease it is in your best interest not to unnecessarily be exposed to other people and to be exposed to it. Yes, we have these health orders. Yes, we have public messages and, as the Premier, the Deputy Premier and the Prime Minister have repeatedly said, we are trying to make it business as usual as much as possible, but these are not to punish people. I get the impression, certainly from the line of questioning by your colleague from The Greens, that this is some sort of police punishment; it is not. We are actually making—

The Hon. ADAM SEARLE: Minister, these are my questions.

Mr DAVID ELLIOTT: I am pretty keen to finish my answer, but if you do not want me to finish I will not answer any more of yours. The Government, like the police, are very very keen for people to actually

understand the spirit of the law. The spirit of these health orders is to keep people safe. Yes, we have now identified as we have just discussed the 14 May public health order and it outlines a whole range of reasons and the easing of those restrictions. Let us not let the line of questioning remove the intent of the Government, which is to keep people safe and to limit their exposure to COVID-19.

The Hon. ADAM SEARLE: That is rather the point of my question, Minister. This is a potentially lethal virus. I am fully conscious of the health risks. I am just wondering why the blanket prohibition on leaving the home other than with a reasonable excuse has been removed. Can you explain that?

Mr DAVID ELLIOTT: That is something you will have to ask the health Minister. I do not issue the health orders. He takes advice from the Chief Medical Officer.

The Hon. ADAM SEARLE: I guess my question to you and to Commissioner Fuller is, you do understand that is the most significant change in these new health orders—apparently you can leave the home for any reason?

Mr DAVID ELLIOTT: Any questions relating to the health orders you really have to direct to my colleague the Minister for Health and he, no doubt, will be taking advice on all those answers from the Chief Medical Officer. Please do not let the police force and myself get mixed up with the health orders because we do not make decisions about how they are issued. Our role is to make sure they are complied with.

The Hon. ADAM SEARLE: I understand that is your role.

Mr DAVID ELLIOTT: I do not think you do because you keep asking me questions that you should have asked Minister Hazzard.

The Hon. ADAM SEARLE: We will be asking Minister Hazzard back to answer further questions. The point of this question is this. Yes, it is the role of the police commissioner and the police force to enforce the law. I am just exploring what your understanding and what Commissioner Fuller's understanding of the law is. Commissioner, you are aware this is a fundamental change in the health orders?

Mr DAVID ELLIOTT: Sorry?

The Hon. ADAM SEARLE: I am just asking the Commissioner whether he understands the new health orders contain a fundamental change—that is, people no longer have a blanket prohibition on leaving their home except with a reasonable excuse. Is that your understanding of the law?

Commissioner FULLER: I thought I answered it clearly, but I do not think Mr Shoebridge understood me. What my point was, you could leave home for just about anything is what said. What I overlaid that with is that there are still other things that people are prohibited from doing—that is, if you had a wedding with 20 people then 10 people would be getting a ticket. Trying to peel away the health orders, they often overlap and complement each other. On top of that you still have messaging from health experts that the safest place will be at home and that will be an ongoing issue until either the virus is gone or there is some sense of a cure for it. There are two parts to this: there is sensible health advice and there are the health orders. I think people got confused across the two. If there is evidence that the police have got one of these 1,200 tickets wrong, then I am happy to receive information from that and rescind it; it certainly is not a trend in what I am seeing in the tickets.

The Hon. ADAM SEARLE: With respect, Commissioner, you could not leave home for "just about anything". There were limitations on why you could leave home and all of the infringements issued prior to 15 May were for people not having a reasonable excuse. That has now all fallen away in the new orders. I am wanting to make sure that reflects your understanding of the law you have been asked to enforce.

Commissioner FULLER: Yes, it does. But as I was trying to explain, the tickets we are seeing are for people who are breaching other orders in relation to that. I accept what you are saying is fact.

The Hon. JOHN GRAHAM: Minister, you are a Minister of the Crown, you are enforcing with a commissioner of the law of the land—this is pretty confusing for the citizens—if I am leaving home do I need a reasonable excuse or not?

Mr DAVID ELLIOTT: I refer you to the public health orders that the health Minister signed off. Give me a scenario.

The Hon. JOHN GRAHAM: This is not about the content of the health orders, we would direct those questions to the health Minister. You are responsible for enforcing them.

Mr DAVID ELLIOTT: Give me a scenario.

The Hon. JOHN GRAHAM: Do I need a reasonable excuse, or not?

Mr DAVID ELLIOTT: Give me a scenario. If you are leaving home—

The Hon. JOHN GRAHAM: Minister—

Mr DAVID ELLIOTT: Just put it on notice if you are going to interrupt me.

The Hon. JOHN GRAHAM: I will give you a scenario. I am leaving my house—

Mr DAVID ELLIOTT: No, do not worry about it. Just put it on notice. I am just not going to be interrupted, Mr Graham. I am just sick of it.

The Hon. JOHN GRAHAM: Minister, I will ask you one more time: If I am leaving my house do I need a reasonable excuse?

Commissioner FULLER: You do if you are going to the regional areas at that time. This is where I think you are splitting hairs on this, if you leave home with a reasonable excuse but end up in the country then you are probably going to get a ticket. I think that with the low level of tickets and the high level of compliance the community absolutely has been onboard with the health orders. I think there is just a philosophical argument that they are draconian and we all accept that and we will all be happy when they are gone.

Mr DAVID ELLIOTT: We have to go back 100 years to something that was similar. There is no rule book on pandemics. Yes, it has been exercised by the combat agencies on occasion and of course there is a State health plan, but when you consider what the Labor Government in Victoria have done to its population and you consider what we have done here in New South Wales and then you compare it with the number of people that have been both booked and exposed to the virus, I think your attempt to criticise the health Minister and the Premier in their management, or the police commissioner for that matter, is just blatantly political and I think you will be judged accordingly.

The Hon. JOHN GRAHAM: Minister, I am not directing this question to the Premier, to the health Minister or to the Commissioner, I am asking you about your understanding of the law. I want to follow the law, I want to leave my house, do I need a reasonable excuse to leave my house in New South Wales?

Mr DAVID ELLIOTT: The Commissioner has answered that. First of all, the message not to leave your house is not a punishment, it is to stop you from getting coronavirus and then spreading it to your family and loved ones. Secondly, when you have people out and the police pull them up and they say, "Oh, mate, I was out getting my drugs." Guess what? That is not a reasonable excuse. No matter which way you want to spin it, it will be considered as a reason for people to get a ticket.

The Hon. JOHN GRAHAM: Do you understand when you give that answer that a citizen of New South Wales trying to follow the law might find this very confusing?

Mr DAVID ELLIOTT: I am pretty sure a citizen who goes to get drugs during a pandemic might be asking for it.

The Hon. JOHN GRAHAM: What about the millions of ordinary citizens trying to follow the law, Minister, can you provide them some clarity? This is quite remarkable, frankly.

Mr DAVID ELLIOTT: Just refer them to the health orders if somebody asks you about the implementation of it.

The Hon. ADAM SEARLE: Minister, that is not satisfactory. People want to be kept safe, they want to follow the law. They assume the law—

Mr DAVID ELLIOTT: They are following the law.

The Hon. ADAM SEARLE: —is aligned to what will keep them safe. Please do not interrupt me, Minister.

Mr DAVID ELLIOTT: I do not think how you can spin this as a negative towards the police force. We only issued 1,200 tickets compared to 5,000 or 6,000 in Victoria. I am pretty comfortable they are following the law.

The CHAIR: Minister and Mr Searle, this will work much better, as you have indicated before Minister, if people do not talk over each other. That is a two-way street. If I could ask the witnesses and members not to talk over each other. I think Mr Searle was halfway through his question.

The Hon. ADAM SEARLE: Thank you, Mr Chair. Minister, let us be very clear here: I do not say the public health orders are draconian. I am not saying they have been misused. I am just trying to understand what is being required here. I understand there are the orders; I understand that the Premier and the police Commissioner and other people have provided commentary on what people should do. But people look to what is in the orders as to what is safe and what will keep them away from infection. I am just trying to understand what your knowledge of the law is and what you say should be enforced. It seems to me that you do not have a very firm grasp on what the public health orders are actually requiring, and that obviously sends a clear signal to the community.

Mr DAVID ELLIOTT: I take that as an opinion, because the orders are updated every day but, more to the point, the fact that we have had—as Minister, when I have turned to the Commissioner and I am told the fact that we have had so few infringements against the health orders that are changed every day and are very, very complex in the sense that they have never been implemented in living memory, I think we are doing pretty well. The mere fact that we are in a position to ease restrictions so early—and as the Deputy Premier said, Christmas has come early for us, because these restrictions were expected to be going on into the spring. But I think you are clutching at straws. I think that your comments have been blatantly political, and I think when you start to make scenarios that clearly just do not exist you claim there is anxiety in the community that clearly is not even there.

The Hon. ADAM SEARLE: No, Minister, you are wilfully misunderstanding. You are right in saying some restrictions have been flagged. I am just getting you to accept in this public forum that one of those restrictions is that people no longer need a reasonable excuse to leave the home. Is that—

Mr DAVID ELLIOTT: Okay, well I can direct you to the health orders that you just identified on 5 May.

The Hon. ADAM SEARLE: I have a slight change of topic. In relation to the public health orders made on 14 May, there is still a prohibition on going to a regional area. I think it was the Deputy Premier who flagged that that was going to change by 1 June. You are a Minister in the Government; is that your understanding of what is likely to be in the near future?

Mr DAVID ELLIOTT: You would have to ask the Deputy Premier. I am not going to pre-empt announcements that may not be made yet.

The Hon. ADAM SEARLE: I might have misunderstood, but I am pretty sure the Deputy Premier and the Premier stood up the day before yesterday and said from 1 June you will be able to travel to regional New South Wales. Is that now not the case?

Mr DAVID ELLIOTT: Well, you just told me that it is the case. Yes, there was an announcement yesterday.

The Hon. ADAM SEARLE: Yes, so you would expect, would you, that clause 9 in the new public health order made just a few days ago would not be enforced, or would you expect it to be—

Mr DAVID ELLIOTT: I think I will ignore any further questions about the public health orders, because you clearly have not heard that I do not issue them. They are issued by Brad Hazzard—

The Hon. ADAM SEARLE: I do understand that.

Mr DAVID ELLIOTT: You have had Mr Hazzard before the Committee. You obviously have not thought to ask these questions of the health Minister, but you can still put them on notice to him. I would encourage you to do that.

The Hon. ADAM SEARLE: Minister, you know well and good that Mr Hazzard came here before these new public health orders were made.

Mr DAVID ELLIOTT: So put them on notice.

The Hon. ADAM SEARLE: The new public health order states:

The Minister directs that a person must not take a holiday in a regional area.

That is the law that Commissioner Fuller must enforce. Now the Premier and the Deputy Premier have said from 1 June people will be able to go to regional New South Wales. Commissioner, perhaps you can answer this: Where does that leave your police force? You have got the public health order you are charged with enforcing, but the Premier and Deputy Premier have said from 1 June people can go to regional New South Wales. If people are at

home wondering what they should do, what should they follow: the public health order or the press announcement by the Premier and the Deputy Premier?

Commissioner FULLER: There are a couple of things, Mr Searle. I think Service NSW should be acknowledged. They have done an outstanding job in terms of messaging, and they are an important part of updating their site in terms of the orders that are in place. I concede that the messaging about people's health can be different to the health orders, because it is such a dangerous virus. The reality is if there is no outcome, no cure for this, no vaccine for this then we may be living a different life for many years ahead. We do not know the answer to that.

I think you are right that some politicians have shown great leadership and talked really tough language around health and the health of people. Have some people taken that on as that is the law? I cannot answer the question in relation to that. We do know the health orders are relaxing. I do know that the Premier and the Government, before they make these changes, give police lead time to retrain the police. There are systems in place trying to catch it when we get it wrong. There is still a judicial process in place for people to challenge the 1,200 infringements that have been issued. Is it a complex space, moving quickly? Absolutely, it is, but I think everyone has done a bloody good job in a difficult space, Mr Searle.

The Hon. ADAM SEARLE: I understand that, Commissioner. Please do not misunderstand me; I am not suggesting in any way that this is not a very serious health crisis that we have been facing. I am just looking at the public health order that you and your police force have been charged to carry out. It says clearly that you must not take a holiday in a regional area. That is the law—you are asked to enforce that—but I am just wondering how that sits with the Premier's announcement of two days ago that from 1 June people can do that. On the one hand you have got an order you must enforce—

Mr DAVID ELLIOTT: I will answer that. That public health order: when is it enforceable from?

The Hon. ADAM SEARLE: 15 May.

Mr DAVID ELLIOTT: Sorry, that new policy—from 1 June?

The Hon. ADAM SEARLE: That was the announcement, yes, but the law is today—

Mr DAVID ELLIOTT: Okay, so what is today's date, Mr Searle?

The Hon. ADAM SEARLE: —that you cannot travel to a regional area.

Mr DAVID ELLIOTT: What is today's date?

The Hon. ADAM SEARLE: It is 21 May 2020.

Mr DAVID ELLIOTT: That is right, so they have got ten days still—a full week—to update the public health orders.

The Hon. ADAM SEARLE: That was my question. That is what I am—

Mr DAVID ELLIOTT: Do you think maybe we might be able to do that?

The Hon. ADAM SEARLE: Well, he may, but that is my question. At the moment there is a—

Mr DAVID ELLIOTT: Yes, well I think you just answered your own question, Mr Searle. He has got to update the health orders—not unusual. Particularly when you are talking about travel, you have got to make sure the industry gets as much time as possible in a leeway—and the bloke next to you seems to know a little bit about the hospitality industry—they need a bit of leeway. We will make that announcement; the public health orders can be updated. We do not have to do them on the exact same day.

The Hon. ADAM SEARLE: I understand that, Minister. I understand that very well. I am just exploring the fact that the public health order was made on 14 May and by 18 May the Government is giving the media a drop on a very substantial change to an order that had only just been made. I am just wondering about that. You are saying that the orders will change?

Mr DAVID ELLIOTT: People are doing well. If you do not want us to extend the health orders, go out and make a statement saying that you are criticising it and you do not think that we should reopen on 1 June. But at the moment these matters are changing, these policies and the responses change day by day. It is called an emergency. There is no battle plan. There is no rulebook for it. Changes are happening day by day—

The Hon. ADAM SEARLE: I understand that, Minister. I am just—

Mr DAVID ELLIOTT: Now, if that does not sit well with you I am sorry, mate, but they change as readily as the circumstances do. A month ago we had like 212 new cases in one day; yesterday, we had two. Last week, we had zero. Of course we are going to amend the public health orders. We are going to amend the restrictions to reflect the Government's response. I do not understand. One minute you are telling us that we are draconian and we should not be doing things or we should be doing things, and the next minute you are wanting to pull apart the health orders and the time frame. There is no set time frame—

The Hon. JOHN GRAHAM: Minister, I am not suggesting you are being draconian. I simply want to know what the law is and you have been unable to tell us. You are the Minister in charge of enforcing the law in the State of New South Wales—

Mr DAVID ELLIOTT: As the Commissioner has just highlighted, if you want to know the law—

The Hon. JOHN GRAHAM: That is not the health Minister. I want to know what the law is if I want to leave my front door, and you cannot tell me.

The Hon. TREVOR KHAN: Point of order—

Mr DAVID ELLIOTT: What I would do is that if you want to know the law you do what five million other New South Welshmen do, and that is go to the Service NSW website and find out what the latest public health orders are.

THE CHAIR: Mr Khan on a point of order.

The Hon. TREVOR KHAN: I have two points of order. The first point of order is that clearly Mr Graham interrupted the Minister as he was speaking. The second point—perhaps there are three points—is that Mr Graham is going on essentially making a speech. If what he is trying to do is ask the question that he has now asked three or four times before, it is boringly repetitive. I think Adam Searle had the floor in his line of questioning. I ask that you restrain Mr Graham from speech-making.

The Hon. JOHN GRAHAM: I am happy to be restrained, Chair.

THE CHAIR: Consider yourself officially restrained, Mr Graham. I urge both witnesses and the Committee to try and do this in a measured manner and not talk over each other. I think part of the problem is that both sides of this have been interjecting. Is there a final question from the Opposition?

The Hon. ADAM SEARLE: There is, Mr Chair. Minister, we do not say the public health orders are draconian. We accept them as necessary. Are you sure you have got a firm grasp on what is actually in the public orders? Your answers today seem to be revealing that you do not understand what is actually in the 14 May public health orders.

Mr DAVID ELLIOTT: I just read the 14 May public health order to you.

The Hon. ADAM SEARLE: With respect, you did not, but I will take that up on the next round—

Mr DAVID ELLIOTT: But I am more than comfortable about what the obligations are with the health orders.

THE CHAIR: That concludes that round of Opposition questions. Commissioner, could I just ask for a fairly straightforward response from you: Are New South Wales police now still asking people what their reason is for being out in public space? Are New South Wales police doing that now?

Commissioner FULLER: They would be if you were in country New South Wales and your driver licence said you lived at Bondi, yes.

THE CHAIR: Apart from enforcing regional—

Commissioner FULLER: I mean, that is a bit unreasonable. I can give you—in the past—

THE CHAIR: Commissioner, apart from enforcing the—

Commissioner FULLER: I answered your question and you did not like it so now, what, you are going to reframe it?

THE CHAIR: Commissioner, if you could just have some patience. Apart from enforcing the prohibition on regional travel, are police across New South Wales asking people now whether or not they have a reasonable excuse for being away from their home?

Commissioner FULLER: No.

THE CHAIR: Now that you have taken on board the line of questioning, can you give an unambiguous statement to the people of New South Wales that it is your understanding that people no longer require a reasonable excuse under the public health orders? Can you just make an unambiguous statement to that effect? Are you in a position to do that?

Commissioner FULLER: Because it is not as simple as that. If you have had coronavirus, say, then you have to isolate at home for 14 days. Do you accept that?

THE CHAIR: Commissioner, I do, but that has got nothing to do with "reasonable excuse". Can we go back to my question, rather than debate a—

Commissioner FULLER: You are trying to pull apart something here and I just do not agree with the line of questioning. I have answered your questions. I am just not sure what you want from me.

THE CHAIR: Commissioner, have you given a very clear direction to the thousands of police across the State who are having the difficult job of enforcing the public health orders that, as of 15 May, people no longer need a reasonable excuse to be leaving their home? Have you given that direction to help police on the ground?

Commissioner FULLER: Yes, it has gone out as a fact sheet in relation to that to all police.

THE CHAIR: When did that fact sheet go out?

Commissioner FULLER: I will take that on notice.

THE CHAIR: How is it, then, that highway patrol issued a \$1,000 fine to a 19 year old at Emu Plains on Friday night for failing to have a reasonable excuse, and how is it that you did not flag that and have it reversed? How did that happen?

Commissioner FULLER: There are five million people in the Sydney metropolitan area—some 17,000 police and 1,200 tickets. If this was supposed to be a perfect situation then you would not have a judicial system, Mr Shoebridge. That young man can write to me—I am happy to review it again—or he can elect to take the matter to court.

THE CHAIR: But Commissioner, you said earlier that you only had a small number of infringements to review. In that small number, there was one with such a glaring error in it. Is it because you did not understand the law to review it? Is it because you did not understand the law—

Commissioner FULLER: If that is the biggest problem in my life, then I am happy to accept that criticism. If it was a perfect world then we would not need magistrates and judges, Mr Shoebridge—I would determine everything. That is obviously not the case, because none of us is above making mistakes. Please feel free to write to me in relation to that matter and I will review it.

THE CHAIR: Commissioner, I think Mr Graham and myself—

Commissioner FULLER: If that is the biggest failure that police made during this pandemic, Mr Shoebridge, I will wear it as a badge of honour.

Mr DAVID ELLIOTT: Me too.

THE CHAIR: Commissioner, Mr Graham and myself at different times have been trying to understand what your current comprehension of the public health orders made on 14 May, effective on 15 May is. It seems to me you still seem to believe that there is some kind of obligation to have a reasonable excuse. To be honest, I find it difficult to understand how you have that view—

Commissioner FULLER: Well you have already agreed with me that there is. You have already agreed with me that you do need a reasonable excuse.

THE CHAIR: No, to be quite clear, Commissioner, the law is unambiguous—

Commissioner FULLER: You said to me that if you are in country New South Wales that you do need to have a reasonable excuse. You have already agreed with me.

THE CHAIR: No, Commissioner, there is no obligation about "reasonable excuse". I think it is unfortunate you keep making this mistake. Do you understand that there is a blanket prohibition on travelling to regional New South Wales and that the obligation—

Commissioner FULLER: You have already agreed with me. I will have to go back to the transcript—

THE CHAIR:—to have a reasonable excuse has been removed. Do you understand that?

Commissioner FULLER: —that you have to have a reasonable excuse to be in country New South Wales.

THE CHAIR: Commissioner, are you going to go and review the public health orders in light of the questioning and the answers today to ensure that you are up to speed with them?

Commissioner FULLER: No.

THE CHAIR: You are not? All right. Commissioner, how many fines have now been issued to people who are aged under 18 for breaches of the public health orders?

Commissioner FULLER: I am happy to take that on notice and let you know. We will definitely have that information.

THE CHAIR: Commissioner, did you review the \$1,000 fine that was issued to the 14-year-old boy I think on 12 May? Did you review that \$1,000 fine?

Commissioner FULLER: I will take that on notice.

THE CHAIR: Commissioner, how is it that a 14-year-old boy has been hit with a \$1,000 fine by your police? Do you know the circumstances in which that happened?

Commissioner FULLER: Because obviously he has not listened to the messaging. He has not listened to his parents, he has not listened to his schoolteachers, he has not listened to the Premier, he has not listened to the police Commissioner, he has not listened to the health Minister, he has not listened to the Chief Medical Officer and he is putting people's lives at risk. I guess that is a short answer.

THE CHAIR: And you know that from your three-line review, is that right?

Commissioner FULLER: My understanding is that tickets that have been given to particularly most young people, they have been given multiple warnings. Some of the ones that we have looked at in detail had terrible criminal histories and obviously have no regard for public safety.

THE CHAIR: So are you saying that—

Commissioner FULLER: It is concerning at any time, but it is certainly concerning during a global pandemic.

THE CHAIR: Commissioner, are you saying that if a child has a criminal history that that is one of the reasons why police choose to use their discretion and hit them with a \$1,000 fine under the public health orders? Is that part of the police tactic—

Commissioner FULLER: No, I am just trying to balance the picture you are trying to paint about this poor 14-year-old kid.

THE CHAIR: Commissioner, how is a 14-year-old kid going to pay a \$1,000 fine? Do you know how that is going to work? How are police going to—how is that going to happen?

Commissioner FULLER: That is not a matter for NSW Police.

THE CHAIR: But surely it is a matter for NSW Police if they are issuing a \$1,000 fine to consider how on earth a 14-year-old will do it—

Commissioner FULLER: We are not a benefactor—

THE CHAIR: —and whether or not that is an effective measure—

Commissioner FULLER: We are not a benefactor of any fines in the State of New South Wales. What happens after that process is a matter for the judicial system and his parents and/or guardians.

THE CHAIR: Commissioner, do you accept that under the general law fines cannot be issued to minors and that there is an alternative mechanism through the juvenile justice system, rather than the imposition of fines? Do you accept that is the standard rule apart from the public health orders?

Commissioner FULLER: We can still, under public health orders, give cautions, which we have done with juveniles. We have applied many cautions and warnings and official cautions and warnings to young people. We have applied this ticket system in a very similar way that we would treat juveniles normally.

THE CHAIR: Commissioner, do you understand that police cannot issue fines against 14 year olds as a matter of general law, and that it is in fact highly unusual—

Commissioner FULLER: We give a court attendance notice saying—

THE CHAIR: Commissioner, if you would just allow me to finish the question it would be simpler. It is very unusual to allow fines to be issued against minors such as we see under the public health orders, for the obvious reason that 14 year olds do not normally have \$1,000 in loose cash. Do you accept that is the general proposition?

Commissioner FULLER: I think to try to detach this from a global pandemic is not helpful.

THE CHAIR: Minister, will you seek to have amendments brought to Parliament to have the usual protections in place for minors so that they do not find themselves being hit with thousand-dollar fines going forward? Will you seek to have the usual protections in place?

Mr DAVID ELLIOTT: We have no plans to, given it is such a very, very, very small number of minors that have been hit. But everybody has got to be treated equal. So, no—but you can. By all means—

THE CHAIR: Are you saying all matters—

Mr DAVID ELLIOTT:—you can and I would be happy to consider it when it comes to Cabinet and give it the appropriate level of attention.

THE CHAIR: Minister, do you accept that minors should not be treated the same as adults in the criminal justice system, and that very different considerations apply to whether you hit a 14 year old or a 15 year old with a thousand-dollar fine than a 21 year old or a 31 year old? Do you accept that normally there are differences?

Mr DAVID ELLIOTT: I think as you and I have discussed before, having been the Minister responsible for juvenile justice in this State there are some kids out there who do need some serious correction.

THE CHAIR: Is there any evidence that a thousand-dollar fine to a 14 year old will be at all effective?

Mr DAVID ELLIOTT: I will have to take that on notice.

THE CHAIR: In terms of preventing—

Mr DAVID ELLIOTT: I will have to take that on notice. When I was 14, mowing lawns for a living, if you had hit me with a financial penalty I would think twice about doing something wrong.

Commissioner FULLER: Me too.

THE CHAIR: We will get the full numbers of minors on notice—is that right, Commissioner?

Mr DAVID ELLIOTT: He has already committed to that.

THE CHAIR: We will go back to the Opposition.

The Hon. ADAM SEARLE: Commissioner, I think I asked you whether you had personally reviewed the infringement issued to Mr Harwin. I think you said it was part of a batch that you had reviewed. Did you personally review the decision to not issue a fine to the Deputy Premier, Mr Barilaro?

Commissioner FULLER: No, but I was informed that that was the case, that there was insufficient evidence to.

The Hon. ADAM SEARLE: Are you able to tell the Committee what the distinguishing features were between the two scenarios, between Mr Harwin and Mr Barilaro?

Commissioner FULLER: I would have to take it on notice to give a definitive, full answer to that, in fairness. My understanding was that the Deputy Premier, his family was I think residing at the farm and they were doing work on the farm, which was totally acceptable, which is different to someone living between multiple premises. That is, I guess, the basic answer, but I would rather come back on notice with a better legal outcome, if that is okay.

The Hon. ADAM SEARLE: I urge you to do that. Also, when you do give that complete answer on notice, just verify or otherwise indicate—my understanding of the Deputy Premier's public comments was that he had gone to the farm to put up a cubby house with his small child. I look forward to that complete answer. That would be useful.

Mr DAVID ELLIOTT: Let us not verbal the Deputy Premier. That was one of the reasons; that was one thing that he did at the farm. That is like saying, "Oh well, he went down to have lunch". Well, yes, he had

lunch while he was down there, but he also was down there to undertake maintenance work on what is essentially a working property. Try not to verbal anybody, Mr Searle, because it might happen to you.

The Hon. ADAM SEARLE: That is why I urged the Commissioner to give a full answer on notice.

Mr DAVID ELLIOTT: No, I am sorry, that is a ridiculous response. The reasons why "Barra" went to the farm were very quickly clarified after his press conference. He made it very clear that because he cannot use the property as a revenue stream he cannot afford maintenance staff to enter it, did not have his maintenance staff down there, so he went down and he mowed the lawns, I understand he fed the livestock and I suspect he also undertook some other maintenance work, because it looks like it is quite a large property. But you saying that he is down there and the only reason he went is to build a cubby house is like saying the only reason he went down there was to eat a meal. Yes, he probably ate a meal and, yes, he built a cubby house with his kid—good luck to him—but at the end of the day the main reason why he went down there was because he had to undertake maintenance on the property.

If you want to push the envelope on that, I am pretty sure I can find very swiftly some Labor MPs that have probably done the wrong thing. I understand that your own Labor Senator Deb O'Neill, while putting on her Facebook on Holy Thursday that you should keep away from the Central Coast, was in fact renting her own house out through Airbnb. I do not hear any adverse questioning about her. Let us not put too much into the one reason why Barra went down to his property.

Commissioner FULLER: I can say that he did when asked provide a full written response, is my understanding, explaining what tasks he undertook. I would just put on the record that he complied fully with police.

The Hon. ADAM SEARLE: I am looking forward to that answer on notice.

The Hon. JOHN GRAHAM: I was intending to ask this question of the Commissioner, although the Minister seems to know a lot about this, so if he knows the answer he is welcome to respond. Commissioner, when you come back, can you just indicate factually to which property we are referring? Multiple media reports have talked about Dungowan Estate, but that was not the suggestion from the Deputy Premier publicly; he suggested the property was in Nerriga. When you respond, could you just make it clear to which property we are referring?

Commissioner FULLER: Can you tell me which one you are referring to?

The Hon. JOHN GRAHAM: My understanding is the Deputy Premier's comments were about retiring to a property in Nerriga. Multiple media reports have then referred to a property, the Dungowan Estate, which is nearby but not in Nerriga.

Commissioner FULLER: I could almost certainly say it is the same one, but I will take it on notice.

The Hon. ADAM SEARLE: Minister, will you guarantee that the 17,000-plus police in the police force who have been doing their duty in this difficult time will not be prohibited from receiving a pay increase under the Government's wages policy after 30 June this year? Can you give that guarantee?

Mr DAVID ELLIOTT: You know full well that the wages policy is determined by the Treasurer, so why do you not ask the Treasurer that question?

The Hon. ADAM SEARLE: You are the Minister responsible for the police force in this State. I am just asking—

Mr DAVID ELLIOTT: This is all you have got, really.

The Hon. ADAM SEARLE:—you what the Government's policy is. What is the Government's policy in regard to the police force of New South Wales? Will they be prohibited from seeking or receiving their pay rise post 30 June this year?

The Hon. NATALIE WARD: Point of order—

Mr DAVID ELLIOTT: I am pretty sure that was not in the terms of reference for this Committee.

The Hon. NATALIE WARD: Unless I am mistaken, I believe this inquiry is into the Government's management of the COVID-19 pandemic, not into the Government's wages policy, which is not within the purview of this inquiry. I ask that the question be directed to the terms of reference of this inquiry.

The Hon. ADAM SEARLE: To the point of order: Everybody on this Committee well knows that the Premier and the Treasurer have floated the idea of the Government saving money through a so-called "wage freeze" and to redirect that money that would otherwise go in pay rises into COVID-related matters in terms of the recovery of the State budget. It is within the terms of reference.

THE CHAIR: I get your point, Mr Searle. Ms Ward, I will hear from you briefly and then I will go back.

The Hon. NATALIE WARD: Further to the point of order: We have experts here who have been drawn away from their frontline services to attend this committee hearing today to answer questions about the terms of reference for which this Committee is constituted. It is very clear that this question is out of order and I ask you to rule it so.

THE CHAIR: I do understand the nature of your point of order, but I think Mr Searle makes the point quite fairly that the impact of pay rises in light of the pandemic is a matter of general discussion and I think it does relate to the terms of reference. I will go back to Mr Searle.

The Hon. NATALIE WARD: Is the Minister—

The CHAIR: Sorry: Is that a further point of order, Ms Ward, or are you taking issue with the ruling?

The Hon. NATALIE WARD: A bit of both, actually.

The CHAIR: I will not allow you to take issue with the ruling.

The Hon. NATALIE WARD: We have had these questions in other sessions, Mr Chair, and I think there is a lack of sensibility. It is clear this cannot be answered. It is an Independent Pricing and Regulatory Tribunal determination and it is a future matter, which is to be determined.

The CHAIR: How it will be answered is not relevant to whether it is in order. The question is in order and we will go back to Mr Searle.

The Hon. ADAM SEARLE: Minister, can you tell us what your Government's policy is in relation to the pay of the police officers of this State? Will they be prevented from seeking and receiving a pay rise in June this year?

Mr DAVID ELLIOTT: That is an excellent question because the Treasurer, you may not have noticed, has already said that it has not been determined yet. But if you are asking me—

The Hon. ADAM SEARLE: That was some time ago. I just want to see if there are any updates.

Mr DAVID ELLIOTT: But if you are asking do I advocate for more money, better conditions, proper recognition, improved welfare opportunities for the police, the answer is a hearty yes. I have always advocated for all the combat agencies that have been under my jurisdiction as a Minister for five and a half years. If you are asking me do I think politicians should stop criticising the NSW Police Force, I would say yes. If you are asking me if parliamentary committees should not use every opportunity to criticise—I mean, once, just once, I would like somebody from the Opposition or The Greens to actually thank the police for the work that they are doing instead of just sitting or passing judgement on things that they have got either no idea about or have never even had to undertake themselves.

I mean, I find that really offensive that in an hour and a half sitting in this Committee you have not once acknowledged the fact that the police have been the front-line agency on the COVID-19 response on the back of being heavily involved in the bushfire operations. You have not once thanked the police commissioner for his stewardship of the NSW Police Force. You have not once asked me after the welfare of any of those officers that have actually been exposed—and in fact there have been a few who have been victims of COVID-19. Instead, you just want to sit there and pull apart their response. I find that offensive. I also find it quite offensive that you think that I would not, as the Minister for Police, always advocate for the best interests of the rank and file members of the Police Force.

If you had ever listened to or read a press release that I have put out, that is the bottom line. Yesterday I spoke to two police officers who had been injured in the line of duty and all of them will say to me that they do not do this for the money; they do this because they want to serve the community. But having said that, always in everything that I engage in I will be advocating for improved working conditions for the police. But I would also ask you, as a member of Parliament, to help me in that regard by trying to encourage the police and remind everybody under your influence and jurisdiction that they are doing a good job.

The Hon. ADAM SEARLE: Minister, I have never made any criticisms of the police in this situation or others.

Mr DAVID ELLIOTT: Your questioning is hardly endorsing.

The Hon. ADAM SEARLE: Do not interrupt, please. My questions were not about your personal attitudes or actions. My question to you as a Minister in this Government is: What is the Government's policy about police wages post 30 June.

Mr DAVID ELLIOTT: You clearly have not—

The Hon. ADAM SEARLE: Can you answer the question as a Minister of this Government? You are not some free agent. You are a Minister of this Government.

Mr DAVID ELLIOTT: You clearly have not—

The Hon. ADAM SEARLE: What is the Government policy?

Mr DAVID ELLIOTT: You clearly have not been keeping abreast of current affairs because the Treasurer has repeatedly said the matter is yet to be determined. I am assuming that you are going to be knocking back the 2.5 per cent that politicians are getting.

The Hon. ADAM SEARLE: Absolutely.

Mr DAVID ELLIOTT: What about your legal fees as a practising barrister? Are you going to be keeping them static as well?

The Hon. COURTNEY HOUSSOS: Minister, I might just stop you there. I just wanted to come back to the question around the role of social distancing on public transport. I note your earlier answers saying that these will not be required to be giving infringement orders. I wanted to ask specifically if the NSW Police Transport Command will have any role in terms of providing advice or guidance to commuters?

Commissioner FULLER: I have spoken to the Secretary of Transport about this. Obviously it will be a challenge for Transport as more and more people get on or back to the transport system. I have asked that the police not play any role in the enforcement of good health advice. We would certainly be on the system—you know, travelling on the trains and the buses—to ensure that people are not self-policing good health advice at the same time. From my perspective I see an important role of police being visible but, you know, it is not the primary role of police in the transport system to be giving advice and guidance on good hygiene or social distancing.

The Hon. COURTNEY HOUSSOS: You say it is not the primary role, so they will not have a role in the enforcement of public health orders.

Commissioner FULLER: Again, just to be clear, unless there is a new Health order coming for transport, the number of people who will be on a bus or a train will be determined by Health and Transport. I am not aware that there is an order that attaches that to a \$1,000 ticket. I just think that Transport are trying to provide good health advice to commuters and they will to the best of their ability limit the amount of people on platforms and buses and trains in order to be safe. But my understanding is that there is not an enforcement penalty notice that goes with that. Does that make sense?

The Hon. COURTNEY HOUSSOS: Yes, that makes sense, thanks, Commissioner. I want to then come back to the issue of work sites. You said that—I do not want to verbal you—but I wonder whether you want to recap on your answer around what the role of police will be on worksites in terms of enforcing social distancing?

Commissioner FULLER: Again, police do not enforce social distancing because it is only advice. The reason that we all practise it and we are practising it today as a committee and witnesses is because it is the sensible thing to do. We could all be in the same room and sitting at the same table and we are not breaking any laws.

The Hon. COURTNEY HOUSSOS: Okay. What would your advice then be? Would it be then that the appropriate place for someone wanting to make a complaint would be, as it usually is to make a work health and safety complaint, would be then to make it to SafeWork?

Commissioner FULLER: Yes, absolutely, but I think also management plays such a key role in this and again I use Bunnings as an example. Bunnings and those similar sorts of industries were on the cusp of being closed because of big numbers but they managed so well to put in place new roles of people managing numbers of people in the store and lining up, et cetera. I think for mine management on construction sites need to play a continued role in making sure work sites are safe. WorkCover could play a role in providing advice and guidance but I think management will continue to need to lead in relation to this to make sure things smokos and safety

briefings are done in a way where you are not bringing 30 or 40 people together in a very small or defined space. But from my perspective I am not asking police to respond to those types of complaints because I think it is unhelpful.

The Hon. COURTNEY HOUSSOS: Thanks, Commissioner.

The CHAIR: We are still with the Opposition: Mr Searle? Mr Graham? You are on mute, Mr Searle.

The Hon. ADAM SEARLE: Can you hear me?

The CHAIR: We can now.

The Hon. ADAM SEARLE: Commissioner, you indicated the Premier asked you to conduct an initial investigation in relation to the *Ruby Princess* in your role as SEOCON. What powers in that role did you have to conduct that investigation?

Commissioner FULLER: As the SEOCON, you know, you have certainly strong powers but in that role I review information. I did not have to enact any powers. So at the end of the day it was just about obtaining the information, which I did without order. That was just a request to Health and a request through the Port Authority so I did not have to enact or use any powers under the State Emergency and Rescue Management Act. Does that answer your question sufficiently?

The Hon. ADAM SEARLE: Yes, it does. You hold that position because you are the Commissioner of Police of New South Wales, do you not?

Commissioner FULLER: No. It is actually a legislated position that is normally held by a Deputy Commissioner of Police and there is a deputy SEOCON, excuse the acronym, that is an Assistant Commissioner, but for a period of about four weeks a legal instrument was confirmed and the Governor signed off on the New South Wales police commissioner, Mick Fuller, being the SEOCON but that has now been retracted and Deputy Commissioner Gary Worboys is back into that position. On notice, I could give you the exact dates, if required.

The Hon. ADAM SEARLE: Okay. Section 18 (2) (a) of the State Emergency and Rescue Management Act says it is you, unless there is another instrument made, but I am happy for you to provide those dates. Commissioner, you said the Premier asked you to undertake the investigation. She has said on a number of public occasions that she directed you to. How did she convey to you her desire for you to do it? Was it in writing or was it verbally?

Commissioner FULLER: No, it was verbally, and when I say the Premier asked me, when you are the Commissioner of Police and the Premier asks you to do something that is lawful, then clearly you could take it as a direction. It was not, "Do you think this is a good idea?" She asked me to do it and I am sure if I had say no, maybe she would have gone to a special commission of inquiry straightaway.

The CHAIR: Mr Searle, we are going to Mr Borsak's time now.

The Hon. ADAM SEARLE: Okay. Thank you.

The Hon. ROBERT BORSAK: Thank you, Chair. Before I get started, Mr Commissioner, I would like to put on the record that I really personally appreciate the hard work that you and all the hardworking men and women in the NSW Police Force have been doing for us. I do not want to get savaged by the Minister for not saying that. You never know what he is liable to say to me but thank you very much for what you are doing and for what you continue to do. It is a hard task and we are very much feeling our way through this whole process in the dark. I understand that. Also of course if we were not doing what we are doing, I suspect—in fact, I know—our numbers of infections and deaths would be much, much higher than what they are. About 1,200 infringements have been issued for breaches of social exclusion rules to date. Can you give the Committee a breakdown of numbers? I do not recall whether you have already undertaken to take this on notice or not. Can you give the reasons for the fines and the financial penalties imposed?

Mr DAVID ELLIOTT: Who is that to, Robert?

The Hon. ROBERT BORSAK: Sorry, that is to the Commissioner.

Commissioner FULLER: I think that in part I have taken questions on notice about juveniles but I will take a holistic question from you, Mr Borsak, and answer that on notice, if that is okay?

The Hon. ROBERT BORSAK: That is fine. Thank you. Further to that, have any people elected to have penalties reviewed by the New South Wales Civil and Administrative Tribunal [NCAT] or taken it to court?

Commissioner FULLER: Not at this stage. But could I take that on notice as well?

The Hon. ROBERT BORSAK: Yes, please. Thank you. You stated early in the piece, and I do not recall the exact date, that you will be personally reviewing, and this has been subject to a lot of discussion here today, every case where a fine was imposed. Why did you think that was necessary?

Commissioner FULLER: I think the powers themselves we probably will not see again in our time. I think the powers are extremely strong powers. I think they would have been confronting to some people. For mine, I am still on the record, Mr Borsak, saying I will be the happiest person when they are turned off.

The Hon. ROBERT BORSAK: Yes. I think we all will be of course because it will indicate a much better space for our community, that is for sure. Could we have handled the enforcement with this pandemic any better in your view? Could it have been done any better in any way?

Commissioner FULLER: I think I answered this earlier but I feel as though the speed of the pandemic and what was happening globally, the expectation on our emergency services and government departments when you think in the space of a week or so half of the public sector employees were working from home, you know, there was a lot of fear in the community. There was lots of deaths at that stage, particularly in Italy. I feel as though the evolution of the Health orders, the education of the police in relation to that, I think there are always degrees of improvement but I really think that we did the best we could in a difficult situation. I think the challenge will be not whether I am judged on one ticket or not, Mr Borsak: I think it will be how the community and the NSW Police Force relationship is once the emergency is over.

The Hon. ROBERT BORSAK: Yes. That is interesting because my next question was going to be: What was and what is your feedback from front-line police regarding the reception they are getting from the public?

Commissioner FULLER: Certainly very early in the piece when people were being asked around the isolation laws when they were in parks or when they were on the beach and they felt that their civil liberties were being impeached, police were confronted with not tens of thousands but thousands of unhappy people. I think the application of discretion is apparent. I think that is so important to me in that we applied these laws in a very measured way. But on the other hand to that, Mr Borsak, I do not think I have been stopped in the street or we have had more letters or feedback around the Minister's comments about how well the police have actually handled this event. So whilst it may be vexed in terms of people's passion for or against the Health orders, I have never been stopped and received more positive feedback about the leadership of the Police Force.

The Hon. ROBERT BORSAK: Just to get back to the nub of that question, what is the feedback you are getting from the police themselves, or do you not have a feel for that?

Commissioner FULLER: Yes, I do. Can I tell you that our sick leave has never been lower. We have had police turning up to work more than ever. I think police have never been prouder to wear the uniform. I think much of that is because the community are so appreciative of where New South Wales is.

The Hon. ROBERT BORSAK: Yes. Just on an obviously related matter, how many police officers have actually contracted COVID-19 while on the job?

Commissioner FULLER: There were six officers and some administrative staff. Five of the officers contracted it from overseas travel, which I think sort of really does reinforce where we are at the moment around overseas isolation, and the sixth officer got that through community contact, not through the work environment. But I will take that on notice and get that updated for you. But my understanding, coming in this morning, there has not been any transmission through the workplace. Can I say that if you look at the New York Police Department I think at one stage they were up to 3,000 officers who had contracted the virus and I think, sadly, they have lost 80 lives. This is just in the New York Police Department. I think that was about six weeks ago, Mr Borsak, so again proud of the Police Force, proud of all the police employees, and I think the way we have handled it compared to other countries is outstanding.

The Hon. ROBERT BORSAK: Yes. That was going to be my next question, actually. How many have contracted it in the line of duty. You are saying none. And of course what would have been their workers compensation position? I suppose they would have been covered under workers compensation if they had contracted it.

Commissioner FULLER: Absolutely.

The Hon. ROBERT BORSAK: Yes. Would you characterise the processes that you have had to implement have been working well on a day-to-day basis?

Commissioner FULLER: I think any time the law is changed—and we saw that with the Bail Act—we went through a period maybe four or five years ago where the Bail Act I felt like it was changing every other week. It is complex for the police to apply laws when they are changing quickly because you have got to retrain an entire organisation and it is one of the reasons why we put in some additional safety measures for the community who have received infringements. There are lessons learnt in relation to communications but any time you have an evolution of powers that police have to enforce and that is moving quickly that will always create challenges, unfortunately, Mr Borsak.

The Hon. ROBERT BORSAK: Could you just quickly or on notice maybe or could I get from you or your office the precise reasons why Mr Barilaro was not fined?

Commissioner FULLER: I think I have already taken that on notice as a previous question.

The Hon. ROBERT BORSAK: Thank you.

Commissioner FULLER: But I acknowledged your question on notice.

The Hon. ROBERT BORSAK: Thank you. I am finished.

The CHAIR: Thanks Mr Borsak. Commissioner, while we are on this thread, can you provide the reasons why Mr Harwin was fined?

Commissioner FULLER: Yes.

The CHAIR: Is that being challenged at the moment, do you know?

Commissioner FULLER: I will take that on notice. I understand that we may have received correspondence but I do not think that was an official process that would happen naturally, so could I take that on notice?

The CHAIR: Yes, thank you, Commissioner. I think everybody agrees that with the rapid iteration of different public health orders, it is tricky to get your head around it and no doubt it is difficult for police to keep up to date. I think that is a common point. Mr Coutts-Trotter—you are still there, I see—in terms of the social distancing guidelines I know the police are just part of a very broad portfolio that you are responsible for as secretary. Are there social distancing rules in place across your department?

Mr COUTTS-TROTTER: Yes, there are. We reflect public health advice wherever we can but of course there are some situations in which in delivering our essential public services we are not able to maintain 1.5 metre distance, for example.

The CHAIR: Yes. Do those guidelines also cover the NSW Police Force and have they been provided to the New South Wales police?

Mr COUTTS-TROTTER: No. The New South Wales police is a separate entity so they relate to Department of Communities and Justice.

The CHAIR: All right. Commissioner, coming back to you, what are the social distancing guidelines that are in place for police to practise in the course of their work as police?

Commissioner FULLER: Thanks. I will take the answer on notice in terms of providing you the facts sheets that we are sending out, but as an essential service police have to come in contact with people, they need to sit next to each other in cars, et cetera, so the reality is it is much like if you think about why, initially people who live together in a home did not have the same restrictions. It is much like in a command they are working so close together at some point in time other than doing your best to maintain social distancing it is probably not as effective as it is for people who can work from home and undertake other duties. But we have signage up. We have put an enormous amount of information out and I think the fact that there have been no transmissions in the workplace speaks volumes to the outcome of that.

The CHAIR: I think we are all grateful for the fact that there does not appear to have been any workplace transmission and we all, I think, accept that there will be occasions when police, by reason of having to exercise their powers, will not be able to comply with the 1.5 metre restriction. But is there a standing position that says wherever possible police should comply with social distancing in order to protect their health and safety and those they interact with?

Commissioner FULLER: That messaging is up in police stations. It is on computer screens. We are providing additional information to police stations, particularly to help the community. So that information is certainly out there. But again—

The CHAIR: What about the police interacting—sorry, Commissioner. Had you finished?

Commissioner FULLER: No, again I just think—

The CHAIR: What about when police—there is a delay. You go ahead.

Commissioner FULLER: Again I just would say that social distancing is good health advice. There is no crime and no penalty attached to those who do not engage in it.

The CHAIR: I am not asking about a penalty, Commissioner. I am asking whether or not there is a standing direction to police that they should practise social distancing in all their interactions with the public unless the circumstances mean that that is not practical. Is there a standing direction to that effect to protect both the police and members of the public?

Commissioner FULLER: There is an enormous amount of information that reinforces the importance of social distancing and hygiene.

The CHAIR: Well, Commissioner, my office has had repeated concerns raised with us, often supported by photographic evidence, of police regularly not practising social distancing as they go about their duties and when they engage with members of the public. Are you aware of concerns like that being raised with your office?

Commissioner FULLER: Look, I cannot tell you how many photos I have received about people not applying good hygiene and social distancing. I hope I never get another photo in my life. All I can do is provide the highest level of work health and safety advice for police and in the SEOCON I hope I did that to the community as well, and I would say again the fact that there has been a zero transmission rate, sick leave is down, crime is down, I cannot thank members of the Police Force enough.

The CHAIR: Commissioner, can you provide us on notice with the direction that has been given to police to practise social distancing in all their interactions?

Commissioner FULLER: I will take on notice the work health and safety information that we have provided.

The CHAIR: What about the issue of personal protective equipment [PPE]. What, if any, consideration was given to providing police with personal protective equipment, most particularly masks, in order to protect them and the public?

Commissioner FULLER: We purchased additional masks and gloves and hygiene products. We took the best health advice in relation to when officers needed additional PPE.

The CHAIR: In what circumstances is there a direction that police should use PPE when they are engaging with members of the public?

Commissioner FULLER: I am happy to provide on notice the advice we got from Health in relation to that.

The CHAIR: Have you operationalised that advice?

Commissioner FULLER: Yes, we have. I mean, at the end of the day, work health and safety officers still have the ability to make their own assessment around their own safety. The issue around masks has been cleared by the NSW Chief Medical Officer that they are ineffective in relation to stopping the spread of the virus. Now we know in certain circumstances officers still opted to wear masks, and that was fine as well.

The CHAIR: So your position is that you have got advice from the Chief Medical Officer that masks would be ineffective in protecting police and the public.

Commissioner FULLER: As a general piece of PPE, that is correct. When officers were at that time doing home isolation checks on those who had returned from overseas who had the virus, obviously in those situations officers were wearing masks. We saw in the international airport operations some officers were wearing masks, but again the information from Chief Medical Officers—and this has been across Australia—is that masks are generally ineffective from stopping the virus spreading unless you actually have the virus.

The CHAIR: In the event—and I hope we do not we get a second wave—there is a second wave, is there a sufficient stockpile of personal protective equipment available to police to ensure that each police officer can have access to personal protective equipment, if that becomes necessary and is the advice of the Chief Medical Officer?

Commissioner FULLER: Yes.

The CHAIR: Sorry, Commissioner, that is a yes? I am sorry: I could not hear.

Commissioner FULLER: Yes.

The CHAIR: That is a yes. And does that include masks and gloves?

Commissioner FULLER: And hygiene products.

The CHAIR: Including hand sanitiser and the like.

Commissioner FULLER: Yes.

The CHAIR: And sufficient for the entire force, if that is needed. Is that your position, Commissioner?

Commissioner FULLER: Yes, it is. We have done modelling in relation to the numbers of police that will need it and the stocks that we have on at hand. The PPE for a period was difficult to get but that is certainly, as people are producing locally and I guess overseas contracts are opening up, it is not as difficult to get as it was, say, in early March.

The CHAIR: All right. I know you will be disappointed but unfortunately the time for questions has now concluded, but I think Mr Searle wants to put something briefly on the record before we depart. Mr Searle?

The Hon. ADAM SEARLE: A comment directed to myself that was disparaging and mentioned barrister fees, to avoid any public misconception I have not practised law on a commercial basis for some period of time although I do maintain a current practising certificate.

The CHAIR: All right. Thank you, Mr Searle. The last time I checked, I still had a practising certificate as well. Could we as a Committee thank Mr Coutts-Trotter, the Minister and the Commissioner for their time and their assistance today. I know a number of questions have been taken on notice. The Committee has resolved to have those answers provided within 21 days. That concludes this session of the hearing of the Public Accountability Committee. We will be returning at 2.00 p.m. with Minister Anderson followed by Minister Tudehope at 3.00 p.m. Thank you very much for your attendance today everybody.

(The witnesses withdrew.)

(Luncheon adjournment)

KEVIN ANDERSON, Minister for Better Regulation and Innovation, before the Committee

JOHN TANSEY, Executive Director, Policy and Strategy, Better Regulation Division, Department of Customer Service, affirmed and examined

ROSE WEBB, Deputy Secretary, Better Regulation Division, and Commissioner of Fair Trading, Department of Customer Service, affirmed and examined

ANDREW GAVRIELATOS, Executive Director, Community Engagement, Better Regulation Division, Department of Customer Service, affirmed and examined

The CHAIR: Welcome to the afternoon session of the Public Accountability Committee's inquiry into the Government's response to the COVID-19 pandemic. This afternoon we will be reviewing two portfolios. The first is Better Regulation and Innovation with Minister Kevin Anderson. The second is Finance and Small Business with Minister Tudehope. Minister Anderson, I note that you do not need to sworn in. I remind you that you remain on the oath that you have as a member of Parliament and as a Minister of the Crown. Minister, the opportunity is yours if you wish to take it for a brief opening statement.

Mr KEVIN ANDERSON: Yes, I will. I thank everybody for their time during these very difficult circumstances. I appreciate the opportunity to further talk about and explore the good work that we believe the Government is doing to get the balance right in what is already having a significant impact on the economy. Some tenants are having difficulty keeping up with their rent payments. The new package that was brought in earlier has been designed to support all New South Wales tenants and landlords facing financial hardship due to COVID-19. I will outline briefly the six months support package includes a six-month moratorium on applications for forced evictions due to rent arrears for tenants impacted by COVID-19 and compulsory requirements for landlords and COVID-affected tenants to work together to renegotiate rent in good faith.

We want to help tenants and landlords to renegotiate tenancies so they can continue wherever possible to create stability, while the Commonwealth financial support is being rolled out to those who need it. The package also immediately puts a 60-day stop on termination notices being made against COVID-affected tenants who fall into rent arrears and also extends the notice periods for tenants on fixed term leases to three months. Lastly, these temporary measures seek to find a balance that meets the needs of tenants who are financially disadvantaged by COVID-19 and landlords who require rental income to meet their financial obligations.

The Hon. ADAM SEARLE: Minister, you mentioned the package passed by the Parliament last week that contained a number of measures relating to residential tenancies, in terms of landlords as well as tenants. Will you inform the Committee of your Government's timeframe for implementing the landlords and tenants hardship arrangements put into section 232 of the Property and Stock Agents Act?

Mr KEVIN ANDERSON: Parliament was resumed the other week for the COVID-19 emergency bill that went up in relation to the hardship package. Discussions have occurred and we do not believe that at this point in time the hardship package is the right way to go. We believe that the balance we have got in place in relation to finding the right balance between tenants and landlords, giving them the opportunity to be able to come to a fair and reasonable arrangement—for example, if the tenant is finding it hard to pay rent because they are financially impacted by COVID, then they can have that discussion with their landlord and be able to come up with an agreeable solution.

The Hon. ADAM SEARLE: In relation to the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Bill 2020 and, in particular, the landlords and tenants hardship package, just so I absolutely understand, the Legislative Council inserted that change to the Property and Stock Agents Act to enable the Property Services Compensation Fund to be able to be used to assist residential landlords and their tenants who are suffering hardship. The Legislative Assembly accepted that amendment, your Government voted for that recommendation by the Parliament. Is it your evidence to this Committee that your Government is now intending to not implement that change?

Mr KEVIN ANDERSON: The recommendation was to look at the Property Services Compensation Fund, which is used for those people who are facing severe hardship on the back of being ripped off by agents and conveyancers. The Property Services Compensation Fund is a last resort for those victims. Currently, sitting in the Property Services Compensation Fund is around \$9 million. If you take a look at some of the numbers that have been presented to us, approximately 250,000 landlords will be eligible to receive that hardship fund. You were talking about a fund providing \$2,500 per landlord. Running up the numbers of 250,000 landlords who are eligible will get \$2,500, that is a total of \$625 million. At present, the Property Services Compensation Fund

currently contains around \$9 million. If you were to divide the current compensation fund by 250,000 eligible landlords that would equate to \$36 for each landlord. We do not believe that that was the right way forward.

The Hon. JOHN GRAHAM: Minister, I missed that number. Would you repeat it please? How much per landlord?

Mr KEVIN ANDERSON: Mr Graham, you are saying that at \$2,500 per landlord—that was the recommendation that was put forward by the upper House. Is that correct? Have I got that right?

The Hon. ADAM SEARLE: Yes, that is correct.

Mr KEVIN ANDERSON: A \$2,500 payout to, we believe, approximately 250,000 eligible landlords equates to around \$625 million.

The Hon. ADAM SEARLE: Minister—

The CHAIR: I think the Minister was just about to round it out. Please finish your answer.

Mr KEVIN ANDERSON: Mr Searle, the Opposition requested a hardship fund to be taken from the Property Services Compensation Fund. That fund again is a last resort for people who are out of pocket after they have been ripped off by agents or conveyancers. It currently contains \$9 million. The hardship fund you are talking about would equate to around \$625 million. If you divide those numbers—

The Hon. ADAM SEARLE: Minister, you are repeating yourself. The issue is that not every landlord would make a claim. My understanding is all of those funds are drawn out, but also the statutory interest fund can be drawn on to put money into the Property Services Compensation Fund. How much money is currently in the statutory interest fund?

Mr KEVIN ANDERSON: I will ask the Fair Trading Commissioner to respond to that.

Ms WEBB: I will take that on notice. I might be able to give you an answer during the course of the hearing.

The Hon. ADAM SEARLE: There would be nothing to stop Treasury from topping up the fund, should there be a need. The point is, the Parliament has given a recommendation—as you know, the Legislative Council has no control over money bills—for a hardship fund. Your Government in the lower House accepted that and now you are not proposing to implement the recommendation of Parliament. What alternative are you proposing?

Mr KEVIN ANDERSON: It was a recommendation. So we have agreed to accept—

The Hon. ADAM SEARLE: Yes, I know.

Mr KEVIN ANDERSON: —we have agreed to accept the recommendation to further assess. It is a continuous improvement exercise in meeting the response and challenges, and monitoring the situation and we will consult with community and stakeholders. It was a recommendation to consider and we will continue on a daily basis, which is what we would normally do, across all those who monitor this very difficult situation for tenants and landlords on a daily basis.

The Hon. ADAM SEARLE: Your Government's approach of using a land tax rebate will only assist something like 16 per cent of landlords and their tenants. That means 84 per cent of landlords and their tenants are getting no support from your Government facing this difficulty. What measures are you offering the 84 per cent who are not currently being assisted?

Mr KEVIN ANDERSON: Just to be clear, are you still talking about landlords?

The Hon. ADAM SEARLE: Yes, if you give assistance to landlords they will assist their tenants but the issue is: What are you doing for landlords and tenants given that the package that you have announced so far will help very few people?

Mr KEVIN ANDERSON: We think it will help a significant number of people. It is in three parts: negotiation first, mediation and then going through to arbitration. We are saying that for the first time ever there is the negotiation phase right at the start with tenants and landlords and the services that are available to them not only from guidelines on the Fair Trading website but also there is the opportunity for those would seek further information to ring Fair Trading, to ring Service NSW to start that process. If it does not progress—can I say that rents are coming down in Sydney and available properties are going up. From a landlord's perspective, I would suspect they would prefer to have someone in their property. So back to the negotiation phase, and we are seeing good responses from Fair Trading at the start of that negotiation process.

The Hon. ADAM SEARLE: You cannot negotiate if you do not have any money because you have lost your job. That is a difficulty with the approach. You have confirmed through questions on notice that no additional staff have been engaged by Fair Trading to provide additional mediation services required to support the negotiations between landlords and tenants. Mediation times are 30 days plus, during which time tenants continue to accrue rental arrears. What are you doing to shorten those times before you can get to a mediation? Even when you get to the tribunal often there are not mediators skilled in this area and then there are actually further delays in getting to arbitration. Your system of Fair Trading is clogged with unacceptable delays. If people do not have the money how can they get a result through the system?

The Hon. Trevor KHAN: Point of order—

The CHAIR: The question ended with a question. Did that resolve your point of order?

The Hon. Trevor KHAN: I think it did. It took a long time to get there.

Mr KEVIN ANDERSON: I would like to answer you, Mr Searle. Significant resources, not only from the Government to the New South Wales Tenants Union but also to Fair Trading in terms of the professional skills that are available, I have some numbers here that I would like to make an observation on in talking about the backlog that you say Fair Trading has, and how cumbersome and slow it is. As of last Friday, Fair Trading received 5,294 calls about the rental moratorium. These include: Service NSW received 2,615 total calls re tenancy moratorium and Fair Trading has received 2,679 total inquiries. Breaking them down further—because we absolutely need data to drive good policy and it allows us on a daily basis to assess, adapt and respond to the challenges—and to put all this in perspective, the Fair Trading hotline shows 97 per cent of callers were simply seeking further information, with fewer than 3 per cent needing assistance with negotiation or mediation support.

Further breaking that down again—I am labouring the point because I believe data will continue to give us what we need to do to support tenants and landlords—to put in perspective Fair Trading or our departments have received fewer than 0.6 per cent of people who have a current residential tenancy in New South Wales. We have been asked to mediate on behalf of 0.05 per cent of current residential tenancies. That demonstrates overwhelmingly that tenants and landlords are working together during this difficult time. It is something that we are monitoring, Mr Searle. I take it very seriously. In my view we do need to look after the people. If you put people first then good policy will follow, and that is the way we are trying to run this.

The Hon. ADAM SEARLE: How are you going to shorten the 30 plus days it takes to get mediation?

Mr KEVIN ANDERSON: I will ask Mr Gavrielatos to provide further information on that.

Mr GAVRIELATOS: In terms of the tenancy intervention that Fair Trading has implemented, we have staff that will turn around those negotiations within 14 days and, in fact, we are doing it much sooner than that. At the moment it is within 14 days and we are focussing on that as a matter of urgency.

The Hon. ADAM SEARLE: Minister, you can direct the money from the statutory interest fund into the property compensation fund, can you not? Are you the Minister for that fund?

Mr KEVIN ANDERSON: No, I am not. I can refer that question to others, including the Fair Trading Commissioner.

Ms WEBB: As I understand the legislation, that would be possible if the property compensation fund needed to be replenished for the purposes for which it was set up. I do have an answer on the statutory interest account now. It is \$232,367,916.30 as at 7 May.

The Hon. ADAM SEARLE: Roughly how much does it increase year-on-year?

Ms WEBB: I will have to take that on notice and come back to you. It depends a little bit on what it is used for over time and the return on investment.

The Hon. ADAM SEARLE: Minister, have you received any representations from Qantas about it being subject to the general duties under the work, health and safety legislation?

Mr KEVIN ANDERSON: I will have to take that on notice. I will just check with the Fair Trading Commissioner.

Ms WEBB: I will speak in response to SafeWork. SafeWork has had some engagement with Qantas in relation to its work, health and safety practices.

The Hon. ADAM SEARLE: Please tell us about that engagement and its result?

Mr KEVIN ANDERSON: One second, Mr Searle, if I may interrupt? What does that have to do with residential tenancies?

The Hon. ADAM SEARLE: You are also the Minister for SafeWork. This about the Government's handling of the COVID-19 pandemic. My understanding is those interactions may well have to do with workplace safety and hygiene in the context of the pandemic. Again, I am asking: What has been the nature of the interaction and what is the result of the interaction with Qantas?

Mr KEVIN ANDERSON: Thank you for your question, which is greatly appreciated. I refer you to a letter to Damien Tudehope, MLC, Leader of the Government in the Legislative Council, on 1 May with a request for a Public Accountability Committee inquiry. The third paragraph states—

The CHAIR: The Minister has appeared today primarily to deal with residential tenancies as well as some issues in relation to the building regulation. Minister, if you or your officials are not in a position to deal with other matters—I think they fall within the terms of reference—you can take them on notice, given the nature of the invitation that went to you.

Mr KEVIN ANDERSON: Thank you, Mr Shoebridge. I will reaffirm that the hearing was to be on residential and commercial leases. So we have prepared today for you in relation to—

The CHAIR: I accept that. As I say, if neither you nor your officials are in a position to answer matters outside of that, you are perfectly entitled to take the matter on notice.

Mr KEVIN ANDERSON: We will take that matter on notice.

The Hon. JOHN GRAHAM: When you take that question in relation to the agencies' interaction on notice, will you also take on notice what interaction you or your office has had with that employer or with that matter?

Mr KEVIN ANDERSON: Certainly Mr Graham.

The Hon. JOHN GRAHAM: I refer to flammable cladding, which comes under the building part of the terms of reference that we indicated may come up. People are currently at home in their houses some of which are cladded with dangerous cladding. At the moment in New South Wales there is no fund to rectify, no stand-alone agency, no centralised risk assessment to assist those people or those properties. All those things exist in Victoria. It has now been 38 weeks since the Building Commissioner put on your desk his recommendations about how to deal with this dangerous flammable cladding crisis. You have provided no explanation as to why you have not acted. Why have you not acted?

The Hon. Natalie WARD: Point of order: I appreciate it if the Hon. John Graham would resist the opportunity to give a speech and perhaps bring himself to the question.

The Hon. JOHN GRAHAM: Minister, I repeat the question: Why have you not acted?

The CHAIR: Members are entitled to put a question in context. I urge members to get to the question as rapidly as possible, if they can.

The Hon. JOHN GRAHAM: Why have you not acted, Minister?

Mr KEVIN ANDERSON: Sorry, Mr Graham?

The Hon. JOHN GRAHAM: Why have you not done a single thing on this issue 38 weeks later?

Mr KEVIN ANDERSON: We are here today for residential tenancies. There are plenty of other opportunities through questions on notice to provide that. We are happy to receive those through the other forum.

The Hon. JOHN GRAHAM: Mr Chair, I will just indicate that I thought the Minister was alerted to the fact we would be asking questions about building. I am open to your guidance there.

The CHAIR: Minister, it might be useful to quickly check with your officials. I think some informal communication went to your offices in relation to addressing matters in relation to buildings. We might clarify that before we come back to the Opposition.

The Hon. ROBERT BORSAK: I also have a number of questions on buildings but the Minister has indicated he is not prepared to receive them so there is not much point in asking them. Minister, do you intend to bring on the Design and Building Practitioners Bill when Parliament is resumed on 2 June?

Mr KEVIN ANDERSON: I am happy to take this question on notice. Today I am very happy to talk about what we are doing to support tenants and landlords during what is a very difficult and challenging time in looking after the people about whom we have spoken. That is what we have been focussing on and what we are here today to talk about.

The Hon. ROBERT BORSAK: Minister, I understand that your office received representations from the paintball industry outlining all the precautions that they had put in place ready to get started again. Have you had representations, to your knowledge?

Mr KEVIN ANDERSON: I will take that question on notice. That is an interesting and a very important industry. I will take that on notice and come back to you as soon as possible.

The CHAIR: Minister, I ask you to check with your office whether or not advice was received about the extent of the questioning extending to building regulations. If you could have those inquiries done while this session is proceeding it would be very useful.

Mr KEVIN ANDERSON: I have just done that. The short answer is no. It comes back to the correspondence we received addressed to the Hon. Damien Tudehope, MLC, on 1 May that it is about residential and commercial leases. I contacted Mr Tudehope to reaffirm that it was on residential tenancies in my space.

The CHAIR: Different messages have been provided to me. Maybe we can try to clarify that in the next 10 minutes or so. Minister, given the Government's amendments to the Rental Tenancies Act as part of the emergency measures bill that the Parliament just passed will not provide long-term support for renters, who we know will become under employed as a result of this coming economic downturn, what are your plans now to assist renters in the long term?

Mr KEVIN ANDERSON: Part of the package brought forward to support tenants and landlords is to ensure that they were supported not only from the negotiation, the mediation and arbitration that we are putting forward, and the \$2.5 million for the Tenants' Union to provide extra resources, the increasing support from Fair Trading, the JobKeeper and JobSeeker payments, assistance and support package provided by the Federal Government has been put in place. We are very mindful of making sure that, hence the moratorium of 60 days, and the 90 days, to ensure that by the time those JobKeeper or JobSeeker payments were starting to be received by households and residential tenancies that they would then be in a position to have some form of funds or money coming in to their house, they could start that negotiation with landlords. Landlords ultimately would have the discussion as well to land on an agreed position where they would be able to move forward.

The CHAIR: A number of people have asked this of the Government: What if they do not agree? Given the financial package that your Government's support is limited, at most, to \$2,500, absent agreement we are likely to see renters evicted and homelessness rise, are we not?

Mr KEVIN ANDERSON: What we are seeing is the negotiations between tenants and landlords in the first instance and then through to mediation. Again, I come back to the data—because we are consistently responding to challenges in consultation with our community and stakeholders—it is not supporting that there are significant challenges. If there were, we would certainly be addressing them. We believe that we have struck the right balance at this point in time to be able to support those tenants and landlords moving forward.

The CHAIR: But Minister, the small number of formal approaches for mediation, rather than meaning that there is no pain out there and no impending crisis, may mean that people find it very hard to engage with your package of reforms and that they are not starting, let alone getting to the end of, the mediation process that you have put in place. There is more than one way of looking at that data, is there not?

Mr KEVIN ANDERSON: Well, there is, Mr Shoebridge; you are right. We certainly acknowledge there is pain out there. There is pain across many sectors. In the residential tenancies space that we talked about, the data tells us that as of last Friday, only 45 cases, notwithstanding the numbers that I spoke about earlier, have resulted in Fair Trading officers completing a mediation. From that total of the 45 cases, 27 cases have mediations ended with an agreed outcome between the landlord and the tenant, five cases of mediation have concluded with parties being unable to agree, seven cases concluded with one of the parties being unwilling to participate in a negotiation, and six cases were from non-COVID-impacted tenants.

Mr Shoebridge, it is something that we consistently monitor. We absolutely want to ensure that from the 39 that we are working with and have worked with, Fair Trading stands ready, willing and able to assist right across the board. But that is not to say that we will not look at and continue to improve. In my view—again I come back to where we started—I know people are hurting, I know people are struggling, I know this is a very,

very difficult time, and it is incumbent upon us to look after the people we represent. My focus is these people. Let the politics take care of itself.

The CHAIR: Minister, I agree with you: It is incumbent upon politics to find a solution. But I will put this proposition to you. There are millions of people who rent in New South Wales. We have seen hundreds of thousands of people losing their jobs or being stood down and in serious financial circumstances. You are putting to this Committee that you have a mechanism in place that has dealt with 45 instances through mediation. Minister, that would suggest your mechanism is not doing its job of helping the substantial number of renters in need, would it not?

Mr KEVIN ANDERSON: Mr Shoebridge, I look at that from a different perspective. I value your opinion. I look at it that our system is working. Why I say that is because there have been 298,000 page views about rental assistance, rental tenancies, residential tenancies. All of that space has been picked up on the website. From there, some are choosing to call. While on hold, they are taking the details in relation to the information on the web and others are holding on to get further information. Again, only 39 have come through. I am a bit like you that I question numbers and go, "Is this working? What do we have to do? The low numbers—what does that tell us?" It tells us that of the 298,000 hits on our website and 4,000 or 5,000 calls coming through, we are able to manage some of those negotiations and those mediations and ending in an agreeable position. Not all, Mr Shoebridge, but we are working on them.

The CHAIR: We will have to agree to disagree what those numbers suggest about the efficacy of the State arrangements. Could I ask you if you have had a look at the May Equity Economics report entitled *Supporting economic recovery in NSW*. That has been the only comprehensive report that I have seen that has dealt with the prospect of increase in homelessness from unemployment. Their assessment is that with an increase in unemployment that we would expect in New South Wales to be between 5 per cent and 10 per cent, we will see an increase in the number of homeless people of between, I think, 22.8 per cent to 46.5 per cent. Has your department reviewed that report? If so, has it put measures in place to protect people from homelessness?

Mr KEVIN ANDERSON: Mr Shoebridge, I have not seen that report. We do a lot of community consultation and stakeholder engagement to ensure that we are trying to cover as many bases as we can. I will ask the Fair Trading Commissioner if she is familiar with that report.

Ms WEBB: I am not closely familiar with that report. We have been doing a lot of work with our colleagues in the Department of Communities and Justice, who have portfolio responsibility for homelessness. We will continue to do that.

The CHAIR: But Minister, your portfolio responsibility is to prevent homelessness. Surely, you and your department should be looking at these kinds of credible reports and putting in place practical measures to prevent homelessness in the first place.

Mr KEVIN ANDERSON: We look at many reports, Mr Shoebridge, and we also talk to stakeholders. We talk to those who are on the ground. We get our feedback from the 5,500 that we have spoken to over the phone. We know that there is a challenge. We know people are hurting. We know these are very, very difficult times. The information we gather is a continuous improvement exercise about assessing the challenges going forward.

The CHAIR: Minister, I will put this proposition to you: The bulk of your measures in terms of rental relief are deferred rental payments, where we are likely to see a wave of unemployment strike as JobSeeker is either wound back or reversed, if that happens. We will see a toxic mix then, at the end of this year, of unpaid deferred rental payments and an increase in unemployment. Are you aware of the prospect of that coming from September onwards?

Mr KEVIN ANDERSON: We have workshopped many scenarios, Mr Shoebridge, going forward about what the future looks like for residential tenancies. That is why from our perspective, in terms of what we do is, to sincerely hope that the economy continues to bounce back. From a residential tenancy perspective, those who are suffering as a result of financial impact from COVID-19, after June, July or August, as jobs start to come back online and the economy gets driven again, and it comes along with the Federal Government's JobSeeker program—again, we have no control over that—what I look at is—and you are right to point out—what is that period, that precipice, from where we are today to JobKeeper or JobSeeker, whatever that means in terms of the Federal Government, I want to make sure that those people who are financially hurting due to COVID have their job back by then and we can start to get back to returning back to normal and they can start to get back to where they were previously.

The CHAIR: But Minister, you are not telling me that you are engaging in this policy debate on some sort of a hopeful premise that unemployment is not going to surge, are you? You are not conducting your policy analysis on the basis of hope and prayer, are you? You are looking at the hard figures that are coming from the Federal Treasury and the New South Wales Treasury that we are going to face a surge in unemployment. You simply saying that you hope everyone will keep their job is not an answer, Minister.

Mr KEVIN ANDERSON: Mr Shoebridge, we are certainly basing our work with tenants and landlords, through to Fair Trading and NCAT on the data that we are receiving, and the forecasting that not only those around the table here, who are supporting today to provide information to you, are looking at that data, talking to those people who are on the frontline who are hurting about what are their feelings and what are their thoughts and processes going forward. We want to ensure that, like everyone does, the economy kicks back so that people can once again take control of their finances.

The CHAIR: Minister, that is great. We all will join in a big Kumbaya moment, hoping that the economy bounces back. But every single credible economist is saying that we are going to have a surge in unemployment. About 5 per cent to 10 per cent seems to be a fairly modest likely prediction of where the unemployment is going. We are going to have people who have, under your policy settings, large rental arrears deferred. Those deferrals will come due exactly when this unemployment surge hits in September, October and November, and you do not have a policy response to it other than a hope. Can you give us some comfort that there is something more than hope?

Mr KEVIN ANDERSON: The policy response, Mr Shoebridge, in relation to what you are saying—deferred payments—is that—again, I come back to the three parts to it: the negotiation, the mediation and arbitration. Right at the start, why it is so important that landlords and tenants have that mediation and negotiation phase is that it is up to the landlord and the tenant to agree whether to reduce their rent, to waive their rent, or to defer their rent. We hear a lot and see a lot—and I am sure you would to—that there would be this rental balloon at the end of all this and that people will suffer this rental shock.

The discussions right at the very start set the benchmark. There is no formal policy, there is no formal documentation and nothing in black and white to say that a rent reduction becomes a balloon at the other end. It is up to the landlord and the tenant to have those discussions to say, "Okay, I am happy to drop your rent by 30 per cent," and the tenant goes, "Okay, great. I am happy to meet you halfway—fair and reasonable. What does it look like going forward?" They have those discussions to say, "Leave that as status quo going forward until we get to September or October, and then we can have a further discussion." We have got examples firsthand, Mr Shoebridge, of where that has occurred.

The CHAIR: Minister, I am not entirely sure I followed that answer but am I to understand that you acknowledge that there is going to be a rental shock at some point? What is your department telling you about when that rental shock and that crunch is going to come? What is Ms Webb telling you what her analysis is about when that shock is going to hit?

Mr KEVIN ANDERSON: Sorry, Mr Shoebridge, I think you may have misunderstood me. Right at the start, when we talk about the negotiation, say, between the tenant and the landlord, if that fails, it goes to mediation with Fair Trading, and it goes to arbitration with the tribunal. Right at the start, the tenant and the landlord can discuss what they do with the rent. They can either waive the rent, they can either defer the rent, or they can come to some other arrangement.

The CHAIR: Minister, I get the process; I am not asking you again about the process. Assuming that has worked and a bunch of tenants—thousands of tenants and landlords—have agreed to defer their rental, what is your department telling you will be the effect of that deferral? When is the debt going to come due? When are we likely to see people unable to meet the payments? When is, as you say, the rental shock going to hit? If you cannot answer it, may be Ms Webb has some details she can share.

Mr KEVIN ANDERSON: Mr Shoebridge, with all due respect, it is a hypothetical. We are dealing with the data and you say there are thousands of people who have got this rent waived or this rent deferral that is going to be at the other end. Our data is not telling us that. Many have come to an agreement. The numbers that I reiterated earlier, when you talk about 0.006 and 0.05 of those—the asking rates are coming down—5.7 in Sydney in houses and 3.7 in units. There has never been a better time for negotiating. We are doing everything we can to support them. The data tells us that people are coming to arrangements.

The CHAIR: Minister, your data is showing that your scheme is assisting 0.006 per cent of renters. It cannot be your evidence that that is the scale of the rental crisis in New South Wales. You are surely not putting forward as your evidence, are you?

Mr KEVIN ANDERSON: What I am relating to, Mr Shoebridge, is COVID-related. Everything we are talking about here is COVID-related.

The CHAIR: Correct. That cannot be—

Mr KEVIN ANDERSON: That is from our COVID-related data. When we look at the times when it all kicked in, which was in early April, to where we are today—and I will just quoted to you the numbers from Friday—when you look at the COVID-related data that we are dealing with, those numbers that I spoke to you about are what we deal with and how we assess going forward.

The CHAIR: Minister, I put this proposition to you, and you can agree or disagree: If you are working on the assumption based upon the data, that the COVID-19-related economic crisis that we are facing is impacting only 0.005 per cent or 0.006 per cent of tenants, then your data is going to drive us into a policy disaster because that in no way represents the scale of the economic crisis we are facing relating to COVID. I put that proposition to you. Do you agree or disagree?

Mr KEVIN ANDERSON: What I will say, Mr Shoebridge, is that in relation to the number of tenants in New South Wales—and that number is something in the vicinity, Ms Webb, around 900,000. Will that be right?

Ms WEBB: Yes.

Mr KEVIN ANDERSON: So those 900,000 tenants—since COVID came in, Fair Trading has received, as of last Friday, 5,294 calls about the rental moratorium. There have been something in the vicinity of 240,000 hits on the website. People are accessing and searching for information. Fair Trading is being able to, on the back of the measures that have been put in place, find the answers they want online, or has come through to a telephone call contact of 37 or whatever it was I said earlier. Most of them have come to an agreement. I think seven are going through to arbitration. We are working on that data.

The CHAIR: We have had the data before. Minister, are you keeping data? Is there a requirement for landlords and tenants to register their informal agreements about rent deferrals or rent reductions? What proportion of the agreements out there have actually been registered?

Mr KEVIN ANDERSON: I will take it on notice, Mr Shoebridge, but I am asking Fair Trading Commissioner for further information.

Ms WEBB: I do not think there is a formal requirement to register. There is no requirement to register a residential tenancy lease with the Office of the Registrar General in any case and variations would not be registered either.

The Hon. ADAM SEARLE: Minister, under your Government's policy of land tax rebates, there does not appear to me to be any obligation on landlords who receive that public money to ensure that it is passed on for the benefit of their tenants. Can you confirm whether that is the case or not?

Mr KEVIN ANDERSON: Mr Searle, the land tax component is not in my remit. Mr Tudehope is coming in after here. You can certainly ask that question of him.

The Hon. ADAM SEARLE: I will ask a question to you. It is the case, is it not, that SafeWork is still the regulator for work health and safety laws even in the COVID pandemic. That remains the case, does it not?

Mr KEVIN ANDERSON: Could you please again—I do not want to be, Mr Searle—

The Hon. ADAM SEARLE: Minister, it is a general question about your portfolio, notwithstanding what you—

Mr KEVIN ANDERSON: Residential tenancies, Mr Searle.

The Hon. ADAM SEARLE: Minister, perhaps if you are not able to answer this basic question about your portfolio, may be Ms Webb could indicate to us whether or not SafeWork remains the regulator for work health and safety in this State?

Mr KEVIN ANDERSON: Mr Searle, please we are here today—I am happy to take any further questions you ask in my portfolio on notice. You know that. We correspond a lot. I am very happy to do that. I am grateful for your time and others' as well. Every time you ask a question it helps us to better understand what we need to do as a Government to drive forward and help those and create a policy we need to support tenants and landlords.

The Hon. JOHN GRAHAM: Minister, I will return to where the Chair was heading. Just to return to the scale of that rental shock coming down the line, can you tell us whether you have any data about how many of these rental agreements do have people deferring and going into arrears? Do you have any sense of the scale of that?

Mr KEVIN ANDERSON: Mr Graham, I can ask Mr Gavrielatos to answer that question.

Mr GAVRIELATOS: With every negotiation that Fair Trading is involved in, we are aware of whether it is a deferral or a waiver. Yes, we do have that information.

The Hon. JOHN GRAHAM: But the Minister has indicated—that is a tiny handful of cases. Can you give us any sense across New South Wales of how many of all these hundreds of thousands of tenants who have got deferred rent might lead to this rental shock?

Mr GAVRIELATOS: I can give you only the information that we have, where we have intervened as Fair Trading. I cannot give you the broader information.

The Hon. JOHN GRAHAM: So you are referring to the 45 cases.

Mr GAVRIELATOS: I am referring to those cases that we have intervened in. Obviously, more broadly, landlords and tenants must be coming to agreements on a daily basis.

The Hon. JOHN GRAHAM: Minister, in setting your policy, you have no real sense of how many people might be at risk of that rental cliff and that rental shock with deferred payments. Is that fair?

Mr KEVIN ANDERSON: Mr Graham, Mr Gavrielatos was just referring to that information, but we can work only on the contacts that we are getting back, our communication and stakeholder engagement with different organisations, as well as talking to those people who contact via phone and via the web, the individual circumstances of what they are finding themselves in and how we can help them. In terms of waiving of the rents—

The Hon. JOHN GRAHAM: Minister, reports in relation to that hotline are that the wait times are greater than one hour. What do you say are the wait times as people are calling in to try to get their advice?

Mr KEVIN ANDERSON: Mr Gavrielatos runs that SEOC every day and works on behalf of us in relation to that space. I will ask Mr Gavrielatos.

Mr GAVRIELATOS: I will take that one on notice to give you an exact amount of time. It is certainly not that sort.

The Hon. JOHN GRAHAM: If you can give us the time on notice, that is appreciated. Minister, 45 cases are resolved; how many are working through the system? How will they get resolved?

Mr KEVIN ANDERSON: Mr Gavrielatos.

Mr GAVRIELATOS: It is not a large number. I am sorry, I do not have the figure here in front of me. It is not a large number. I think we have approximately 12 on hand that we are working through at the moment, in addition to the ones that you mentioned.

The Hon. JOHN GRAHAM: Finally, Minister, we have had reports. Here is one example of someone calling and lodging a complaint but then being contacted to say, "The matter would be addressed in the following 30 days"—that is, add another 30 to the 14 days that you are trying to resolve it in. Can you also tell us how many cases are in that situation?

Mr GAVRIELATOS: I am certainly not aware of any circumstances where somebody is waiting 30 days. I am happy to take that information and follow it up.

The Hon. JOHN GRAHAM: Thank you. I might hand to my colleague.

The Hon. ADAM SEARLE: Minister, your office has been telling stakeholders that the building standards legislation will be debated when Parliament resumes on 2 June. Your colleague Mr Tudehope, the leader of the Government in the upper House, I think, confirmed that to the Chamber when we were discussing the sitting calendar. Are you really sitting there telling us that you cannot give a straight answer on that question?

The Hon. NATALIE WARD: Point of order—

Mr KEVIN ANDERSON: Mr Searle, I am happy to talk about the reasons why we are here today.

The CHAIR: Minister, I am sorry to interrupt; Ms Ward has a point of order.

The Hon. NATALIE WARD: I have two points: One is a procedural fairness resolution, part 19—the manner in which the question was asked; and secondly, the terms of reference of this inquiry. I do not know how the sitting calendar is in any way relevant, particularly that question. It is only COVID questions. I ask that it be reframed or withdrawn.

The Hon. ADAM SEARLE: To the point of order—

The CHAIR: I can deal with the relevance point first. There is no question that if the Government has said that they want to have a construction-led recovery, that ensuring that the rules are in place, is relevant to this inquiry as a result of the COVID-19 pandemic. In terms of the gloss that Mr Searle put on his question, I think I might just ask Mr Searle to put it again.

The Hon. ADAM SEARLE: Minister, can you confirm that Parliament will be debating the building standards legislation on 2 June when we resume?

Mr KEVIN ANDERSON: Mr Searle, we are here today to discuss residential tenancies. I am happy to continue to talk about what we are doing to support people of New South Wales who find themselves in difficult circumstances due to COVID-19 and the financial impact that residential tenancies are finding themselves in.

The Hon. ADAM SEARLE: I will take that as a no, then. Thank you.

The Hon. COURTNEY HOUSSOS: Minister, I have questions that are directly related to the terms of reference around the Government's management of COVID-19. I know that you have taken on notice—or refused to answer—the earlier questions but I am going to put these to you.

The Hon. TREVOR KHAN: Courtney, I am not trying to cause trouble, but Mr Chair, there was a matter that was discussed briefly before. I am wondering if we could go offline, even if it extends this by a couple of minutes, so I can get some understanding of what has happened because I am completely in the dark and I think each member of the Committee needs to work it out. I will only take a couple of minutes.

The CHAIR: What I will suggest is that I take it as a point of order.

The Hon. TREVOR KHAN: Yes.

The CHAIR: The proposal is that we go into a short, confidential session to address the point of order. I am just going to test if we have an agreement to very briefly go into a very short, confidential session, during which the livestream will be temporarily paused. We will put you—Minister and the officials—in the lobby, if that is okay. Do we have consensus for that?

The Hon. JOHN GRAHAM: Yes.

The CHAIR: Thank you.

(Short adjournment)

The CHAIR: We are sorry about that delay. Minister, I can indicate that further questions may be put to you in relation to building regulations based upon the discussion that appears to have been had, at least at one level, between your office and this Committee. Given that most of the matters to date have been taken on notice and it is likely further matters will be taken on notice, we are likely to convene a specific hearing in relation to building regulation in the very near future. I will go back to the Opposition, who have some three minutes left in their question time.

The Hon. COURTNEY HOUSSOS: Minister, I wanted to ask you a question regarding flammable cladding and directly related to our terms of reference about the Government's management of COVID-19. Did you advocate for a financial package to address vulnerable claddings be included in the Government's economic stimulus package?

Mr KEVIN ANDERSON: It is not related to residential tenancies; I am here to talk about that today. I am happy to take that question on notice.

The Hon. COURTNEY HOUSSOS: Okay. You are a Minister of the Crown; we expect that you can at least give us some general indications, but I will move on to another question. Minister, the police commissioner told us this morning that police have no role in enforcing social distancing, in particular on worksites. Can you tell us how many complaints SafeWork has received regarding social distancing?

Mr KEVIN ANDERSON: I am here to answer questions on residential tenancies today and in our capacity in that forum today. I am happy to take that question on notice.

The Hon. COURTNEY HOUSSOS: Perhaps you could refer to one of the other officials who are with you today who may be able to provide us with that information.

Mr KEVIN ANDERSON: I am happy to take that question on notice, Ms Houssos.

The Hon. COURTNEY HOUSSOS: Let me put the question directly to Ms Webb. Ms Webb, how many complaints have SafeWork received regarding social distancing in workplaces across New South Wales?

Ms WEBB: I would have to take the number of complaints on notice.

The Hon. COURTNEY HOUSSOS: Can you say what is the advice that has been provided to SafeWork around enforcing social distancing on worksites?

Ms WEBB: I would have to take that on notice. It is quite a widespread range of advice that we have been given. I will take it on notice.

The Hon. COURTNEY HOUSSOS: If you could provide us with any documents that have been provided, that would be also helpful.

Ms WEBB: Yes, we can. We can do that.

The Hon. COURTNEY HOUSSOS: I have got one final question. Ms Webb. Have you received any complaints?

Ms WEBB: Me personally?

The Hon. COURTNEY HOUSSOS: Yes.

Ms WEBB: I do not really receive complaints personally.

The CHAIR: The Opposition's time for questioning has expired, but if the Hon. John Graham has one last question feel free.

The Hon. JOHN GRAHAM: Chair, thank you. I might just ask the Minister, in relation to residential tenants, some of whom are sitting at home in houses surrounded by flammable cladding, can you give them any update as to what action you have taken over the last 38 weeks?

Mr KEVIN ANDERSON: Mr Graham, thanks for the question. I am very happy to take that question on notice, but in terms of those sitting at home in residences that are facing financial impacts as a result of COVID, we are doing everything we can to support them via the assistance and support packages that were announced and gazetted on about 15 April, with the negotiation, the arbitration and, obviously, mediation pathways available to them and making sure that they are supported in every way they can be in that negotiation between tenants and landlords to reduce the financial hardship that they are facing.

The CHAIR: Ms Webb, has Qantas taken issue with an improvement notice or other regulatory issues that SafeWork has undertaken, and, if you cannot answer that, Mr Gavrielatos or the Minister?

Ms WEBB: I would have to take the detail of that on notice. I did not come prepared today apart from residential tenancies. I will take it on notice.

The CHAIR: You would be aware there are very substantial concerns amongst the Qantas workforce and others about management at Qantas objecting to regulatory actions being taken by SafeWork. You would be aware of that?

Ms WEBB: I think in my previous answer I indicated that I was aware and mentioned that SafeWork had had some interactions with Qantas. The exact detail in relation to the particular notices I will have to take on notice.

The CHAIR: Minister, have any representations been made to your office by Qantas management?

Mr KEVIN ANDERSON: I am happy to take that on notice and come back to you. It is a significant issue, so I am happy to take it on notice.

The CHAIR: Rather than asking about the details, has Qantas management approached your office directly?

Mr KEVIN ANDERSON: I will take that question on notice. Again, we are prepared today on the back of the formal request for residential tenancies.

The CHAIR: Minister, on Tuesday of this week the Tasmanian government extended their rent relief package to temporary residents. Is the New South Wales Government going to do the same in relation to its Rent Choice Assist COVID-19 response product?

Mr KEVIN ANDERSON: What we are doing in relation to supporting tenants and supporting landlords to get everybody through this very difficult and troubled time is to provide the pathways for them. And, may I say, in relation to tenants and their further support, what we have done, with the Parliament's approval, is provide the tenants with a pathway now to go through to the tribunal, so that if a landlord does not proceed—

The CHAIR: Minister, my question was really about temporary residents. Are you in the process of or are you about to extend the relief package to temporary residents, and by that I mean their migration status, not their lease status?

Mr KEVIN ANDERSON: Is that in relation to, say, Rent Choice products? Are you talking about—

The CHAIR: Correct. That was my question.

Mr KEVIN ANDERSON: Thank you. Again, not related to me; that is a matter for Minister Ward. We are happy to provide any information that you need in relation to residential tenancies, but that one needs to be for Mr Ward.

The CHAIR: Minister, what, if any, data are you capturing from the dispute resolution process that you have put in place, apart from those 45 cases that you told us about?

Mr KEVIN ANDERSON: Could you just repeat the question please?

The CHAIR: What data are you capturing about agreements being made between landlords and tenants to defer, to waive or to reduce rentals? What data are you capturing about all those interactions that are happening out there at the moment?

Mr KEVIN ANDERSON: Thanks, Mr Shoebridge. Mr Gavrielatos indicated earlier in relation to some of that data being captured and I will ask him to further expand on that.

Mr GAVRIELATOS: We do capture the outcome of that negotiation between tenant and landlord or agent. So that is captured. We can, as I said earlier, provide information on how many agreements were reached and whether they were a deferrable payment or whether they were a waiver of payment.

The CHAIR: Are you intending to continue the bond exit survey that Fair Trading is undertaking in order to capture the extent to which COVID-19 is the reason given for the termination of a tenancy? Will you be extending that scheme?

Mr KEVIN ANDERSON: That is a really important point. What we are continuing to do is to monitor that data because what it does help us to do is to guide policy going forward so we can continue to meet the challenges that come before us. But I would ask Mr Tansey to further elaborate.

Mr TANSEY: I can confirm that the period of the survey was extended beyond its intended finish time and there were discussions about the usefulness of doing that to start to capture some COVID-affected data. So that has been done. I cannot recall right now what the proposed end date of that is.

The CHAIR: Why will you not be making that permanent, Minister? We all accept, I assume, that it is capturing relevant data about the impact of COVID-19 on the termination of tenancies. Will you commit to making the bond exit survey permanent?

Mr KEVIN ANDERSON: What we will commit to doing is, while COVID continues to impact on our lives, to focus on the significant challenges and the testing environment that it is putting us under. Our measures at the moment with the assistance and support packages will run for a six-month period. We will continue to assess as we get closer toward that period and make the necessary adjustments.

The CHAIR: So when will it end?

Mr KEVIN ANDERSON: We were talking about this earlier, Mr Shoebridge. It was gazetted on 15 April, so six months from there. So we are looking at around about 15 October when that period will end. Here we are in May, so we have some months to go. We have a significant team that is backing the efforts of guidance, assistance and support for tenants and landlords going forward. Again, I keep coming back to the data, and you are right, it is important to capture that data, it is important to learn from what people are telling us, whether it be through the 230,000 web hits or whether it be—

The CHAIR: Minister, you are pushing against an open door on the need for good data, which is why I am asking you, as the Minister, will you extend that survey which is capturing essential data? Will you make that commitment?

Mr KEVIN ANDERSON: We will continue to assess the situation as we go forward. Data is important, so we will assess and we will make the necessary decisions as we move forward and get closer towards the end of October, the middle of October.

The CHAIR: Minister, this crisis is not going to be fixed by October—you accept that surely. The economic crisis is not going to be fixed by October. If you are just saying you have got measures that expire in October you are not looking forward, are you? You are not doing your job of looking forward at where this crisis is taking us.

Mr KEVIN ANDERSON: The assistance and support package that was announced by the Government is for this period of COVID-19, which was brought in back at about the middle of March to kick in on the first two weeks of April. As you know, this changes on a daily basis—you would be well aware of that. So we need to be flexible, we need to be nimble, we need to adapt and respond to challenges in consultation with our community and stakeholders.

The CHAIR: Minister, we need to capture the data and we cannot even get a commitment from you here to extending the survey scheme that finds out why people ended their tenancies. You are not even committing to having that as a permanent feature. Do you understand how frustrating that is if you want to have good data to put in place good policy that you will not even agree to extend that survey?

Mr KEVIN ANDERSON: We are collecting that data now and a range of other streams that inform our policy direction, so it is very important for us to continue that as we work forward. And, again, we will assess and we will respond accordingly.

The CHAIR: Talking about being nimble, the Prime Minister announced the National Cabinet decision to have a moratorium on evictions on 30 March; regulations were not put in place in New South Wales until 15 April. How many people had eviction notices served on them in that time frame?

Mr KEVIN ANDERSON: I do not have that information. I will ask Ms Webb.

Ms WEBB: I am not sure that we would be able to find that out because eviction notices are not lodged or registered with Fair Trading. We could maybe get something from NCAT, if that would be enough.

The CHAIR: All right. Minister, my final question. For those renters out there in New South Wales who have lost their job or are facing the imminent loss of their job and they are wondering about their pending potential homelessness, what are you going to offer them apart from the maximum \$2,500 package that you have put forward to date? What hope are you going to offer them?

Mr KEVIN ANDERSON: What we can say to people who have suffered financial hardship during COVID is that never before has a government in the history of this nation put forward a package of assistance and support not only for residential tenancies and people who need that assistance, but also across the board. Our focus in this forum today is the tenants, making sure that they have everything they need to get them through, bearing in mind the changing market, the changing residential market that we find ourselves in.

We are seeing rental vacancies on the rise and we are seeing prices drop across the board and we are seeing negotiations, as we heard from Mr Gavrielatos, resulting in good outcomes, and those that ask are working their way through the tribunal. For me, it is about people, it is about putting them first and foremost in everything we do; that is my focus and it will continue to be my focus. We will make the policy adjustments and change accordingly and respond to the challenges in consultation with those that need it most as we go forward.

The CHAIR: Minister, I do not think a rhetorical flourish is going to keep people in their homes, but thank you for assistance today and for those staff who have come with you. Unfortunately, our time has expired for this round of questioning. We are going to pop you in the electronic lobby and then you are free to go about your business and we will then bring Minister Tudehope and his officials forward.

Mr KEVIN ANDERSON: Thank you. Mr Shoebridge, can I just say thank you for your time and thank you to the others who have dialled in today. As I said earlier, it is a continuous improvement exercise for us. Your questions prompt us to think about what we are doing, to sharpen our focus and to look after the people. I am going about my daily business now. I have got a 4½ hour drive back to Tamworth; I drove down today for this session. Thank you for your time. We will catch up with you soon. Bye for now.

The CHAIR: Travel safe and mind the dust.

(The witnesses withdrew.)

The Hon. Damien TUDEHOPE, Minister for Finance and Small Business, before the Committee

PHILIP GARDNER, Deputy Secretary, Commercial, Commissioning and Procurement, NSW Treasury, affirmed and examined

JOANN WILKIE, Deputy Secretary, Economic Strategy and Productivity, NSW Treasury, on former oath

The CHAIR: Welcome, Minister, Mr Gardner and Ms Wilkie. I hope you can hear us clearly there, Minister.

The Hon. DAMIEN TUDEHOPE: I can, thanks, Chair.

The CHAIR: Minister, you do not need to be sworn as you are under your continuing oath as a member of Parliament and as a Minister. Minister, there is an opportunity for you to now make a brief opening statement, should you so choose.

The Hon. DAMIEN TUDEHOPE: Thanks, Chair. I will use this as an opportunity to thank the people who have been involved in this whole response to COVID-19—Treasury officials, revenue officials, the Office of Small Business, all those officials who support the Government and support the community in relation to the response to a very significant health issue which the Government has had to respond to and the people of Australia have had to respond to. I think we have been well supported by all the officials who support the Government. I could say a lot more but I would rather take your questions.

The CHAIR: Thanks, Minister and, again, thanks to Ms Wilkie and Mr Gardner for appearing. I will hand it over to the Opposition.

The Hon. DANIEL MOOKHEY: Hello, Minister, and thank you to your officials for taking the time to join us this afternoon. We are picking up from some of the questions we were asking Treasury on Friday and, again, we appreciate the acknowledgement from the Government about the bipartisan nature in which we have been operating as we all help to get small businesses through this crisis. I want to start with one of the initiatives we called for which you did implement, which was the \$10,000 small business grant. This was meant to cover the \$690,000 to small businesses who do not pay payroll tax and who were left out of the first stimulus package. Minister, at the time that this was announced it was meant to help 75,000 businesses with \$10,000 grants. How many small businesses have received the grants to date? How many have had their applications rejected? How many applications have been received? What is the value of the moneys that have been distributed?

The Hon. DAMIEN TUDEHOPE: What nice broad-ranging questions to start with. I know there have been more than 25,000 applications. Perhaps Ms Wilkie will have the actual details in relation to that. I acknowledge your contribution, Mr Mookhey, to that suggestion of the \$10,000 grant.

Ms WILKIE: As of 19 May, this Tuesday, there were over 34,000 total applications with a total request value of \$330-odd million; 25,237 applications have had a payment initiated—

The Hon. DANIEL MOOKHEY: Sorry, can you repeat that, Ms Wilkie?

Ms WILKIE: 25,237 have had payments initiated—so approved and the payment has been processed, with a total value of \$249.41 million paid out. But there are still 5,395 applications in progress, valuing around \$50 million, and just over 500 applications have not been approved.

The Hon. DANIEL MOOKHEY: How many have not been approved?

Ms WILKIE: 537.

The Hon. DANIEL MOOKHEY: What were the main reasons for their non-approval?

Ms WILKIE: I would have to take that on notice. It is usually eligibility issues.

The Hon. DANIEL MOOKHEY: That is actually my next question, Minister. I have certainly been overwhelmed with feedback from small businesses and small business groups about the eligibility requirements, particularly the \$75,000 threshold requirement as well as the 75 per cent downturn requirement. Many people have said to me that the 75 per cent requirement for a downturn is too high, especially as JobKeeper is based on a 30 per cent downturn, and the Victorian government for its equivalent scheme uses the JobKeeper 30 per cent requirement. So can I ask, Minister, why was the 75 per cent chosen? Why is it necessary and is its purpose to rationalise access to the scheme?

The Hon. DAMIEN TUDEHOPE: That is a fair call, I must say. If a government chooses an initial starting point in relation to its debts it does not mean that it is necessarily set in concrete. If, in fact, there is a case made for the lowering of the eligibility criteria in relation to either the \$75,000 or the 75 per cent, then I think that is something going forward we will consider.

The Hon. DANIEL MOOKHEY: Minister, going off your figures, if we have only had effectively \$249 million of a \$750 million program, only \$249 million has actually gone out the door. This program is due to close in nine days. Are you considering extending it?

The Hon. DAMIEN TUDEHOPE: A fair point. If, in fact, there has been a significant failure to take up the loan, then the Government is prepared to consider increasing the eligibility criteria, and if that involves extending the application date it is worth considering. Sorry, Mr Mookhey, I cannot hear you.

The Hon. DANIEL MOOKHEY: Sorry, I keep getting muted.

The CHAIR: Sorry, Minister and Mr Mookhey. The difficulty is, Mr Mookhey and Mr Secord, that when you ask a question and then rifle through your papers it tends to obliterate the answer being given by the Minister. It would be appreciated if you could self-mute, but if you are self-muting, the secretariat is trying to mute you and unmute you in time so we can hear the Minister properly.

The Hon. DAMIEN TUDEHOPE: Just to be clear, Mr Mookhey, it is in relation to the grants I was talking about.

The Hon. DANIEL MOOKHEY: Thank you. That is clear.

The Hon. DAMIEN TUDEHOPE: I want to just say this to you, though: this inquiry in relation to the Government's response to COVID-19 is taking place in the middle of the pandemic. So an answer given today may well be a different answer in six months' time relating to how we are assessing our response to the pandemic. The question you are asking me really highlights that problem, that because we are conducting an inquiry during the middle of the pandemic, the totality of the Government's response may, in fact, change.

The Hon. DANIEL MOOKHEY: I understand.

The Hon. WALT SECORD: Minister, thank you for your attendance today. I want to take you to employment, particularly in rural and regional areas. The most recent unemployment data shows that the official unemployment rate in New South Wales is 6 per cent. We are particularly concerned about employment in rural and regional areas, especially in government agencies, government departments, government instruments, and I take you to the Forestry Corporation. The Forestry Corporation is very important in jobs in rural and regional areas. Is it correct that you are one of two shareholding Ministers for the Forestry Corporation?

The Hon. DAMIEN TUDEHOPE: Correct.

The Hon. WALT SECORD: As a shareholding Minister, what are your responsibilities involving Forestry Corporation?

The Hon. DAMIEN TUDEHOPE: In respect of all State-owned corporations I am a shareholder. Primarily there is a responsibility for the agency or the State-owned corporation to make reports to the shareholding Ministers in relation to the performance of the organisation, and it is also incumbent—

The Hon. WALT SECORD: Sorry, Minister, go ahead.

The Hon. DAMIEN TUDEHOPE: It is also incumbent upon the shareholding Minister to approve appointments to the boards of those corporations.

The Hon. WALT SECORD: As the shareholding Minister you are responsible for appointments. How long have you been shareholder Minister for the Forestry Corporation?

The Hon. DAMIEN TUDEHOPE: Twelve months.

The Hon. WALT SECORD: I notice that you have signed-off on the most recent annual report for the Forestry Corporation—31 October, Minister Dominic Perrottet, Treasurer, Minister for Finance Damien Tudehope. So yes, you are responsible for the activities of the board. When was the last time you actually met or engaged with the board?

The Hon. NATALIE WARD: Point of order: There have been a number of questions and I am waiting for them to hold any relevance to the COVID-19 pandemic response by the Government. This is not budget estimates. I would ask that you draw the Hon. Walt Secord back to the terms of reference of this inquiry, which

is the Government's response to the COVID pandemic. If there is some long bow that can be drawn from this line of questioning—

The CHAIR: I get the gist of your point of order, Ms Ward, I think it is fairly made at this stage, but I will note that the Minister has come here prepared to answer questions in relation to retail leases and in relation to his Small Business portfolio and we are having an inquiry in relation to the COVID-19 pandemic. So, Mr Secord, if you are going to make it relevant to the terms of reference while the Minister is here if you could do it promptly that would be useful.

The Hon. WALT SECORD: I hear your ruling, Mr Shoebridge. It relates to jobs, COVID and the Forestry Corporation in New South Wales and the important job aspect that it has. The question that I asked before Ms Ward took the point of order was about the operation of the board. Minister, when was the last time you had discussions with the board?

The Hon. DAMIEN TUDEHOPE: I had certainly one meeting with the board, to the best of my recollection. I get reports from them, but, quite frankly, to expect me to come here and answer questions in relation to that day—I am happy to answer questions on small business, not about the performance of a State-owned corporation, quite frankly.

The CHAIR: Sorry, Mr Secord, I will just interrupt. Minister, I know you have come here to answer questions in relation to retail tenancies and small business. If there are matters that are put to you outside of that scope you are within your rights to take them on notice.

The Hon. DAMIEN TUDEHOPE: Thank you.

The Hon. WALT SECORD: Minister, I will bring you to the COVID aspect of my questions involving the Forestry Corporation and the board. Have there been any changes to the structure of the board during the COVID crisis?

The Hon. TREVOR KHAN: Point of order: Just mentioning COVID in the question does not make it relevant to the terms of the inquiry. It plainly—

The CHAIR: I take your point of order. It may relate more broadly to our very broad terms of reference but I have indicated before that if the Minister is asked questions outside of what he was put on notice that this session would deal with, which is small business and retail tenancies, the Minister is well within his rights to take the matter on notice. It is a question for the Opposition as to how it wants to direct its time in that regard.

The Hon. WALT SECORD: Thank you, Mr Chair. I will get right to the nub of my query. It has been put to us by whistleblowers that during the COVID crisis the Deputy Premier asked for the removal of Wendy Machin from the board of the Forestry Corporation because her friend and colleague Leslie Williams—

The Hon. TREVOR KHAN: Point of order—

The Hon. WALT SECORD: —criticised the Deputy Premier during the COVID crisis.

The Hon. TREVOR KHAN: This is outrageous.

The CHAIR: I will take your point of order.

The Hon. TREVOR KHAN: This is just appalling. It is an abuse of parliamentary privilege to be doing this now. It is an abuse of parliamentary privilege generally. It has nothing to do with the terms of this inquiry.

The CHAIR: Alright. Does anybody else want to address the point of order?

The Hon. WALT SECORD: It directly relates to this inquiry and the conduct of the Deputy Premier and his travelling to—

The Hon. TREVOR KHAN: Walt, you are shameless.

The Hon. NATALIE WARD: Absolutely not. It is a blatant abuse.

The Hon. WALT SECORD: It directly relates.

The CHAIR: Could we deal with it one point at a time? I will go to Mr Secord and I will come to you, Ms Ward.

The Hon. WALT SECORD: I am mindful of time, Mr Chair. Please make a ruling.

The CHAIR: Before I do, I will give Ms Ward the opportunity to speak briefly to it.

The Hon. NATALIE WARD: It is the taxpayers of New South Wales who are paying for this inquiry and all the costs it entails to indulge the Hon. Walt Secord. Can we please get to the terms of reference for this inquiry, which is the Government's response to the COVID-19 pandemic? Nothing to do with it.

The CHAIR: Thank you. Ms Ward. I have the gist of the point of order. I have taken a very lenient approach to the terms of reference of this inquiry. They are very, very broad but I accept at this stage that this question does not relate to the terms of reference. I am sorry, Mr Secord. I think it is out of order at this stage. If we could return to the questions in relation to what the Minister is here to answer.

The Hon. DANIEL MOOKHEY: Minister, let us talk about the land tax waiver scheme. This is in relation to both your responsibilities as small business Minister and, I guess, finance, in terms of revenue. I am referring to the \$440 million that is split into two components—the \$220 million for commercial tenants and the \$220 million for residential tenants. This is a process that is administered through Service NSW but I presume you would get reports. How many people have applied for the \$220 million waiver on commercial, covering how many leases, and how much money, of the \$220 million, has been granted? And can I ask the same question for residential as well? How much of the \$220 million has been given to landlords to pass on to residential tenants and how many applications?

The Hon. DAMIEN TUDEHOPE: Mr Mookhey, I do not want to tell you how to ask questions but it would do us a great deal of help here if you would ask one question at a time rather than 10 questions at a time. But I will ask Ms Wilkie to potentially give the level of detail that you have asked for in relation to—

Ms WILKIE: Sorry, is this about land tax relief?

The Hon. DAMIEN TUDEHOPE: Land tax.

Ms WILKIE: I will just find the numbers that I do have. You are correct, we get some numbers through from Service NSW, but I am not sure I have the detail of what you have just asked.

The Hon. DANIEL MOOKHEY: While Ms Wilkie is finding those numbers, Minister, can I ask how were you monitoring—

The Hon. DAMIEN TUDEHOPE: I can tell you this: As at 19 May, there have been around 1,500 applications—this is in relation to land tax [inaudible]—around 1,500 applications with approximately \$111 million being claims. Of these applications, 66 per cent related to commercial properties and 34 per cent related to residential.

The Hon. DANIEL MOOKHEY: So 34 per cent on residential. What is the total budget that is available for waivers?

The Hon. DAMIEN TUDEHOPE: It is \$440 million.

The Hon. DANIEL MOOKHEY: And this is the waiver program that is due to close at 30 June 2019. We have 25 per cent that has gone out the door. Of that 34 per cent of residential, that means what? We have got—50, 30, 40 million of the \$220 million has been spent?

The Hon. DAMIEN TUDEHOPE: Well, \$111 million of the \$440 million.

The Hon. DANIEL MOOKHEY: So, Minister, your Government's policy is to split that \$440 million into two buckets—one \$220 million for residential, one \$220 million for commercial. You have said that 34 per cent of \$111 million has gone to residential, so therefore, what? We are looking at \$30 million to \$40 million of the available \$220 million? Is that about right?

The Hon. DAMIEN TUDEHOPE: Well, you do the maths.

The Hon. DANIEL MOOKHEY: Well, Minister, it is your job to do the maths. That is why you get paid. We know that you are well prepared for this hearing so please just tell us how much of the \$220 million that is available to residential tenants for land tax relief has been paid?

The Hon. DAMIEN TUDEHOPE: For residential tenants?

The Hon. DANIEL MOOKHEY: Yes, of the \$220 million.

The Hon. DAMIEN TUDEHOPE: Thirty-four per cent of the \$111 million spent has been spent on residential tenancies.

The Hon. DANIEL MOOKHEY: Alright. Minister, how are you monitoring landlords to ensure that they are passing on the relief to tenants by way of rent reduction?

The Hon. DAMIEN TUDEHOPE: It is a fair call and I take it. Principally, the application for a rebate of land tax involves a declaration about their obligation to pass that on to their tenant, whether it is a rebate or land tax already paid or, alternatively, an application for a deferral. Sorry, do you want to ask the question, Mr Secord?

The Hon. DANIEL MOOKHEY: No, we would like to hear an answer and from what we can tell—

The CHAIR: Sorry, Minister and Mr Mookhey, it works best if we just have questions and answers neatly given and not interrupt each other. Minister, inviting it is not helpful either, so we might just go back to you to finish your answer.

The Hon. DAMIEN TUDEHOPE: The chief process in terms of the monitoring of those applications is by way of the application process. The second component, of course, is involved in circumstances where tenants seek a mediation in relation to their responsibility to pay rent under their existing lease, and that mediation process gives rise to questions around the passing on of land tax obligations.

The Hon. DANIEL MOOKHEY: Does Ms Wilkie have those numbers?

Ms WILKIE: No, I do not have those numbers with me.

The Hon. DANIEL MOOKHEY: So we do not know how many—

Ms WILKIE: I would have to take it on notice.

The Hon. DANIEL MOOKHEY: Okay. Minister, so other than they get information—

Ms WILKIE: It is incredibly difficult to distinguish between residential and commercial land tax in any case. That is something that we would need to approach Revenue NSW for.

The Hon. DANIEL MOOKHEY: Ms Wilkie, I appreciate your point there but the Government's policy is to split the \$440 million between the two. If you are now saying that it is very hard to distinguish between it, how at all is it possible, therefore, to separate the buckets of money into two piles if you yourself do not know how to separate it? That is for you, Minister.

The Hon. DAMIEN TUDEHOPE: I am not making any concession that we do not know how to separate it. It is a process that we would have to get Revenue to do the analysis on. I think they could do that analysis, potentially—

Ms WILKIE: They can, yes. It is difficult.

The Hon. DAMIEN TUDEHOPE: —but it is not a figure that we have here today.

Ms WILKIE: It is difficult. It is not impossible.

The Hon. DAMIEN TUDEHOPE: It is difficult but not—correct.

The CHAIR: Mr Mookhey, your time has expired. Ms Wilkie and Minister, you have taken that on notice in terms of the figures to date, is that right? Yes.

Ms ABIGAIL BOYD: Good afternoon, Minister. I wanted to start just by asking: After the pandemic hit and it became clear that we were moving into a period of restrictions and an effective shutdown, how were the various packages for small business developed? What was the process?

The Hon. DAMIEN TUDEHOPE: It has been a coordinated response, primarily led by the Commonwealth Government and the National Cabinet. So the response by the New South Wales Government generally has been to initiatives discussed and agreed at National Cabinet. For the purposes of whether it is—there are some, obviously, early decisions which we were able to take in relation to payroll tax and the like, and there was an initial stimulus package by the State Government in relation to making sure that we tried to help as many businesses as possible, but it is the point that I made earlier: We are still in the middle of this pandemic and there is an ongoing process of decision-making.

We had stage one in relation to a stimulus package for the economy. There is a second stage where we offered additional support by way of a stimulus package and then, clearly, we have now moved to the retail/commercial leases package. No-one is here today saying that that is a panacea for it all and there will be decisions going forward, which any government needs to continue to make, to make sure that we try to get as many businesses through this process and get the economy returning to normal.

Let me just make one point and it is a health-related issue. Anyone who suggests that the health issue was over is wrong, and one of the messages that needs to go to small business is that at the moment we are still dealing with a virus which is highly contagious, for which there is no cure and that has the potential to kill people. That is the primary response of the Government up to date—is to ensure that we developed policies and processes bearing that in mind. We are now going to a phase where we think, in many respects, we have got the contagion rate down to a circumstance where the impact on businesses and the community generally is able to be managed but it does not for one moment make the response go away because we have still existing in the community a virus which is highly contagious and for which there is no cure.

So that is why the response to the pandemic so far has been health-related. Going forward it is getting the economy to revive again. Whether it is tourism packages, whether it is reopening of businesses, whether it is a whole lot of workplace-related issues in policy-making, they are all the sorts of things we ought to be doing, going forward, to try to reopen the economy. I am sorry to have taken so long to answer that question. I thank you for your patience.

Ms ABIGAIL BOYD: That is alright. Thank you for that description. That is very useful. It does not really answer the question, though. I am not trying to trip you up. I am just curious as to how you and department officials worked out exactly what to release when. Were you getting information in on which to base those decisions, or was there a bit of a we'll-put-this-out-and-we'll-see-how-effective-it-is? What was going on at that time?

The Hon. DAMIEN TUDEHOPE: I will ask Ms Wilkie to answer that because she was intimately involved in the actual creation of those packages and the response that government was developing over a period of time.

Ms WILKIE: Ms Boyd, basically the approach we took in providing advice to the Government around this was, first, to look at what are the tools available to a State government in this sort of situation, understand the situation and then look at where we were estimating the impact was going to hit. So in the early stages of the crisis when the borders were closed it was clear that international tourism, international students and education were going to be significantly hit, and that meant the education and tourist industries in New South Wales, which we have a significant reliance on in the economy, were going to be severely hit. So understanding that context and that where the impact was going to be hit was a key thing for where we would direct and, of course, small business is a very large set of businesses in the tourism sector in particular.

Ms ABIGAIL BOYD: Could I ask you to narrow your answer down to small business in particular, rather than the broader package?

Ms WILKIE: So it is more of a piece, I guess. In terms of the timing of the packages, that very much goes to—in responding to this sort of economic crisis, the first and best tool from an economic perspective is monetary policy, which is the purview of the Reserve Bank. The Commonwealth Government has the biggest fiscal policy tools at its disposal, particularly through the automatic stabilisers of transfer payments and personal—and tax. Sorry, I know you wanted it to small business. I am getting to the point. The State Government then does have discretionary fiscal policy at its disposal. The best thing we can do is then complement what the Commonwealth Government does.

Ms ABIGAIL BOYD: So you would—

Ms WILKIE: Hence our packages—sorry?

Ms ABIGAIL BOYD: Sorry. No, go on. I think I am about to pre-empt what you were going to say but I will let you finish.

Ms WILKIE: Yes, so basically the packages that we put out, one, waiting to see what the Commonwealth was going to do so hence why our packages followed the Commonwealth Government packages by a few days, and we put our support complementing. So they, as we expected they would, went big on the transfers, so transfer issues—JobSeeker, JobKeeper—and we were able then to complement, particularly in the small business space, with things like the 10k grant program because small businesses are particularly vulnerable in this sort of crisis. Not just the ones that have closed down by restrictions but also other businesses because, with less customers coming through the door, small businesses are always vulnerable to cash flow issues and that sort of thing. So hence the support around 10k grants, additional support through Business Connect, tax relief and licence fee waivers and those sorts of issues. So it was, knowing that small business's biggest issue is going to be cash flow, what could we do to support them on that front?

Ms ABIGAIL BOYD: Okay, so coming out of that, what I am understanding then is that there was a necessary delay in what the Federal Government was doing to then for you to identify the gaps and then for the State Government to attempt to fill those gaps. Two questions come from that. The first one is: I take it there was no contingency plan in place or pre-planning for any kind of an economic shock of this kind that would have provided a roadmap of the types of—

Ms WILKIE: Well, we have not had a pandemic of this nature since the Spanish flu in 1918, so—

Ms ABIGAIL BOYD: Yes, obviously.

Ms WILKIE: But, look, I was working in macro policy in the Commonwealth Treasury during the global financial crisis so, to some extent, any economic crisis, there are certain, I guess, patterns of responses that you can use to—you adapt to any type of economic crisis.

Ms ABIGAIL BOYD: Sure, and that is the theory, but in terms of the actual plans of government, there has never been a particular plan that talks about economic shocks and what happens in economic shock—where the risks will be, what kind of support should be given during that time?

Ms WILKIE: Again, in looking at what has happened in previous shocks, economic shocks, you get an understanding. We know that the impact on the labour market always lags what happens with the economy.

Ms ABIGAIL BOYD: Okay, but that is the same as [inaudible] so I will ask the Minister—

Ms WILKIE: No, it is not, because every economic shock is different. In budget last year in half-yearly review we did a scenario analysis around what would happen if China went into recession. So that has actually been quite helpful in terms of understanding this impact because the impact hit China first and they had to shut down their economy as well. So that helped us understand, therefore, what was going to be the impact coming through into New South Wales.

Ms ABIGAIL BOYD: Thank you. In the interests of time I am going to move on because the second question coming out of that understanding of how these things are developed and rolled out is the obvious one, which is: If JobKeeper and JobSeeker are going to end, presumably that is something that you can actually have a plan for because it is reasonably likely to happen. Have you got in place plans for filling in the inevitable gaps that will follow when and if the Commonwealth Government pulls away that funding for small businesses? That is a question for you, Minister.

The Hon. DAMIEN TUDEHOPE: The removal of JobKeeper and JobSeeker, of course, are Commonwealth decisions, but you are right, they will, in fact, be removed at some stage. The emphasis by the Government at that stage has got to be a job-creation policy position where we are seeking to stimulate the economy with investment in infrastructure, where we have campaigns for regional tourism, bearing in mind the impact on the tourism industry by the diminution of overseas tourism, but it will be—in circumstances where JobKeeper is removed, or JobSeeker is reduced, the immediate impact of that is going to show up in people looking for jobs and the emphasis of the Government will be on those programs and those policies which are designed to create jobs.

Ms ABIGAIL BOYD: There would be fewer jobs, presumably, if more businesses fail so, in terms of keeping those businesses afloat, is that not a priority of the Government as well?

The Hon. DAMIEN TUDEHOPE: Well, the Government is not necessarily about making sure that every business succeeds. The priority of the Government is to make sure that we create a set of circumstances where we give businesses the best opportunity of succeeding. Clearly, coming out of a crisis where customers are no longer walking into shops, tourists are no longer coming to the country, students have no longer enrolled in university, they are a whole set of circumstances whereby it has an impact on the business models of the organisations involved. The policy of the Government has got to be to adopt programs which try to revive the tourism industry, revive the university education sector, provide stimuluses to those small businesses, whether in retail, construction or the like, to be able to engage with the Government or prosper in the community because of the existence of those programs.

Now, if you are saying, "Should governments be supporting every small business when we have moved after JobKeeper, after JobSeeker", potentially there are some things we ought to be doing, like, I would say that some of the principles relating to the national code in relation to retail and commercial leases, maybe we have got to look at making sure that those negotiating opportunities are put in place so that rental obligations on some businesses continue for a period of time or the like.

Ms ABIGAIL BOYD: Sure. Clearly there will be a lag, will there not, between when JobSeeker and JobKeeper fall away and when we are—the economy is not going to just snap back to be what it was. It is going to take time to recover and during that period small businesses will be particularly vulnerable. It is not in the long-term interests of the economy for those small businesses to fail, so the question is: What will the New South Wales Government be doing to ensure that they do not fail during that fragile period?

The Hon. DAMIEN TUDEHOPE: That is the problem of having this inquiry here where you are asking us to be the prophets of what is going to occur in six months' time. There is no Minister who will appear before you who will be able to give an accurate forecast about what the impact on the economy is going to be and on specific retail industries or specific industries in six months' time. When JobKeeper finishes for some industries a lot of people will return to work and their jobs will be revived. There are people involved in the hospitality industry at the moment who are receiving a JobKeeper allowance. There are no people staying, for example, in hotels or motels but because of JobKeeper they have been able to retain their jobs. What we are hoping, of course, is that when JobKeeper is reduced or removed by the Commonwealth, most of those people, hopefully, will be in a position to return to work.

Ms ABIGAIL BOYD: Have you identified the small business sectors that are particularly vulnerable as we head back into trying to rebuild the economy? For example, those that have a delayed impact from COVID?

The Hon. DAMIEN TUDEHOPE: Certainly we are doing some work on that and the Office of the NSW Small Business Commissioner is, in fact, doing some survey work, but I will ask Ms Wilkie to speak to some of the reaction of the small business community in relation to where they see the future. If you are asking us to sit here on 19 May 2020 and forecast what it is going to be like, all we can do is look at the forecasting of those small businesses.

Ms ABIGAIL BOYD: Sorry, just in the interests of time, I would like to just ask you, Minister—I am not asking you to be a fortune teller, to be able to look into the future and predict the economy. I think what the public is expecting from the New South Wales Government is for it to be planning ahead and planning for the worst so if there is to be a continued downturn, to know that the Government is already identifying where the risks are and putting in place plans to ensure—

The Hon. DAMIEN TUDEHOPE: In that case, Ms Boyd, I will be able to count on your support for a lot of the planning proposals which we have in place that we want to fast-track to be able to make sure that we get a lot of the planning system, I suppose, freed up so that we can have a lot of projects and work opportunities.

Ms ABIGAIL BOYD: How does that impact on small business?

The Hon. DAMIEN TUDEHOPE: Planning is an important component of a stimulated economy because lots of projects have been held up, whether it be in red tape, green tape, grey tape, yellow tape, brown tape. All those projects, we need to be able to get out there and get moving on. The Treasurer has been at great lengths to say that he wants those projects to be shovel-ready and ready to go. I am glad to have The Greens' support this afternoon.

Ms ABIGAIL BOYD: So from a small business perspective, not someone else's portfolio, are you saying that you are not actively identifying the risk areas and seeking to plan accordingly for responses ongoing?

The Hon. DAMIEN TUDEHOPE: Absolutely, and let me give you an example. I was on a webinar last night and there was some really good input in relation to some small businesses who are saying to us, "Why aren't councils," for example, "automatically improving outdoor dining facilities in circumstances where there is a development application in for the approval of a restaurant and the like?" I do not know. The answer to that should be that there should be and we ought to get rid of a lot of those red-tape restrictions on small businesses so that we can give them the best opportunity of being more flexible. Some of the things we have been doing during this crisis—for example, we have allowed some restaurants to sell takeaway alcohol. That is the sort of thing that we ought to be looking at, to pivot on, to say: Maybe there are other ways that we can free up restrictions on some of those small businesses to expand their activity and have better opportunities to survive.

Ms ABIGAIL BOYD: Are you planning on doing anything to support those small businesses in sectors that really rely on the casual workforce—I am thinking here of retail, food and beverage, even the arts sector, who are not eligible for JobKeeper and who have been doing it particularly tough—to help them retain their staff?

The Hon. DAMIEN TUDEHOPE: They are probably questions for other portfolios. There are specific small business—the hospitality sector, being the local cafes and restaurants and those sort of organisations. Is that what you are talking about? I have just spent some time talking to you about opportunities to reform our planning laws, potentially to reform our tax laws, potentially to reform the way—

Ms ABIGAIL BOYD: Alright, so no financial support to fill that gap?

The Hon. DAMIEN TUDEHOPE: You have been wanting me to say that, Ms Boyd. Is there a financial package available? Is that what you want?

Ms ABIGAIL BOYD: I am asking you if there is a financial package coming to plug the hole that JobKeeper has caused where the casual workforce for small businesses are not receiving any kind of assistance, and so a lot of those people are having to be let go and those businesses are finding it hard to survive.

The Hon. DAMIEN TUDEHOPE: Well, I think the problem—

Ms ABIGAIL BOYD: I think the answer is no.

The Hon. DAMIEN TUDEHOPE: The problem with that question is there is no yes-and-no answer. Every single business is an individual business with their own business model and their own opportunities for thriving as a business. I am not going to sit here and say, "Every business will survive this pandemic." No-one is going to be here to say that.

Ms ABIGAIL BOYD: What I was asking you—

The Hon. DAMIEN TUDEHOPE: What we need to do is to put in place the possible opportunities for those businesses to survive, and that may involve giving them an opportunity of expanding the way that they do business. But one of the really important things, I will say this to you, is this: Every small business owner at the moment is faced with a myriad of opportunities to make applications for grants and the like, and the principal thing, one of the really important things that we have done is increase the BizConnect program where we have made business advisors available to business to provide advice, (a) about what is available from government, but (b) also to provide advice about how to restructure their business, talk to their banks, talk to their suppliers and the like. It is not for the Government to make the business successful. It is for the Government to try to provide an environment where they can be successful.

The CHAIR: Thank you, Minister. Sorry, Ms Boyd. Your time has expired. We will come back to you after 10 minutes with the Opposition.

The Hon. WALT SECORD: Minister, in your answer to Ms Boyd you referred to JobSeeker and JobKeeper. With the unemployment rate at 6 per cent, has NSW Treasury or your department done any modelling on the removal of JobSeeker or JobKeeper on small business failure rates?

The Hon. DAMIEN TUDEHOPE: That question might be better directed to the Treasurer, quite frankly, Mr Secord.

The Hon. WALT SECORD: Mr Tudehope, I am mindful of the earlier ruling. My question, if you could take this on notice, is very simple: Will there be any changes to the board of Forestry Corporation involving the member Wendy Machin?

The Hon. TREVOR KHAN: Point of order—

The CHAIR: I can predict your point of order and I think I have already ruled on this question. Currently I was of the view that it was outside of the terms of reference. It was not in order. Mr Secord, we might just move on.

The Hon. DANIEL MOOKHEY: Minister, I want to turn now to the retail and commercial code and the regulation that you made to imply it in New South Wales. I have had a lot of feedback from a lot of small businesses about some confusion between the national code and the regulation that you proclaimed. Most has to do effectively with the definition of the pandemic period. I am hoping you can clear that up for us. Can you explain what exactly is, under the regulation, the pandemic period in New South Wales?

The Hon. DAMIEN TUDEHOPE: Mr Mookhey, it is defined.

The Hon. DANIEL MOOKHEY: No, it is not, Minister. It is not defined. This is the reason why there is confusion.

The Hon. DAMIEN TUDEHOPE: I will have to go to the actual—the prescribed period is defined.

The Hon. DANIEL MOOKHEY: So that code, that regulation, came in effect—

The Hon. DAMIEN TUDEHOPE: No, let us just be clear about this, Mr Mookhey, you just asked me a question and you have said it is not defined. It is defined.

The Hon. DANIEL MOOKHEY: But what is the date?

The Hon. DAMIEN TUDEHOPE: Well, it is the period ending six months after the date at which this regulation commences.

The Hon. DANIEL MOOKHEY: Just slow down, Minister. It is okay. So 24 April, is that what you are saying the date of the pandemic period is? Is that right?

The Hon. DAMIEN TUDEHOPE: No, I am saying that is the prescribed period for the purposes of this regulation.

The Hon. DANIEL MOOKHEY: It is a really straightforward question. In New South Wales is the pandemic period from 24 April onwards? We have a lot of landlords and tenants coming to us who are having their requests for referrals denied because it is being claimed that the pandemic period is not clear. It is a straightforward question, so clear it up. Is it 24 April?

The Hon. DAMIEN TUDEHOPE: I hope you are giving them advice based on the definition, Mr Mookhey, because based on the definition—

The Hon. DANIEL MOOKHEY: Can you just answer the question? Is it 24 April? Is that the definition of the pandemic period in New South Wales?

The Hon. DAMIEN TUDEHOPE: The definition period is defined in the regulation and I agree with you that that commenced on 24 April.

The Hon. DANIEL MOOKHEY: Then, Minister, why is it that on the Revenue NSW website the application for land tax relief is set at 3 April?

The Hon. DAMIEN TUDEHOPE: Why is that an issue?

The Hon. DANIEL MOOKHEY: Because—

The Hon. DAMIEN TUDEHOPE: Why cannot land tax relief be granted—

The Hon. DANIEL MOOKHEY: Because there is at least three weeks of land tax reduction that landlords are entitled to, which does not mention the regulation. This is what is creating the confusion. So I am giving you the opportunity—it is quite generous of me—to just clear it up. Is that the pandemic period?

The Hon. DAMIEN TUDEHOPE: Quite frankly, I am astonished that you do not get the difference. The decisions in relation to land tax are completely different from the regulations which exist in relation to the obligation of landlords and tenants to negotiate their positions pursuant to the national code.

The Hon. DANIEL MOOKHEY: Minister, in New South Wales, what is the definition of the recovery period?

The Hon. DAMIEN TUDEHOPE: It is defined in the regulation.

The Hon. DANIEL MOOKHEY: What is it?

The Hon. DAMIEN TUDEHOPE: It is defined in the regulation.

The Hon. DANIEL MOOKHEY: It is your regulation, Minister. It is not a hard question. What is the recovery period?

The Hon. DAMIEN TUDEHOPE: It is not hard to read the regulation, Mr Mookhey. I will read it again to you so that you have it clear.

The Hon. DANIEL MOOKHEY: The recovery period.

The Hon. DAMIEN TUDEHOPE: The recovery period is not defined.

The Hon. DANIEL MOOKHEY: Yes, that is my point. Why is it not defined when the national code says that these protections are available for the period of a recovery period? In New South Wales there is no definition of a recovery period.

The Hon. DAMIEN TUDEHOPE: We have a prescribed period instead.

The Hon. DANIEL MOOKHEY: Right. So, the prescribed period, is it 24 months, or is it the JobKeeper requirement?

The Hon. DAMIEN TUDEHOPE: You need to read the definition, Mr Mookhey.

The Hon. DANIEL MOOKHEY: Minister, in respect to the request for mediations that have gone to the office of small business, how many requests for mediations have been received by the office of small business?

The Hon. DAMIEN TUDEHOPE: Well, again, the question is a confused one.

The Hon. DANIEL MOOKHEY: No, it is not. It is really quite simple, Minister.

The CHAIR: Minister, if you do not take issue with the question, just try and answer it. We are less likely to have Mr Mookhey interjecting on top of you, because neither of those practices are healthy.

The Hon. DAMIEN TUDEHOPE: I know he is a great combatant. It is all good. I just put it to you that the process of mediation can actually be in many stages. What the process involves is, someone may ring the office of small business in relation to a leasing matter or a potential mediation and be triaged in relation to some issue. I think that process is going to primarily take place through Service NSW.

The Hon. DANIEL MOOKHEY: However you wish to describe it, Minister, just how many requests for assistance have you received from the office of small business?

The Hon. NATALIE WARD: Point of order—

The Hon. DAMIEN TUDEHOPE: No, that was not the question you asked.

The Hon. DANIEL MOOKHEY: Well, can you perhaps answer that question?

The CHAIR: Sorry, Minister and Mr Mookhey, we have a point of order from Ms Ward.

The Hon. NATALIE WARD: It would be helpful if the Minister would be allowed to complete his answer before Mr Mookhey cuts in on top of him.

The CHAIR: I accept the point of order. I think the point of order is well made. Minister, we only have a very short amount of time and Mr Mookhey is expressing some frustration about the time it is taking to directly respond to the question. I ask you to try to be as directly relevant as possible.

The Hon. DAMIEN TUDEHOPE: Thank you, Mr Chair. I have to say that the question is multifaceted because it depends on what you call a request for mediation. A request for mediation might be a phone call to the office of small business to say, "My landlord is telling me this, I am saying this, can you help me?" Then there is the actual formal application for mediation. Now, we have had 6,000 odd, to the best of my knowledge, phone calls, requests for assistance, to the office of small business in relation to the opportunities to mediate. There have been 306, I am told, actual mediation applications.

The Hon. DANIEL MOOKHEY: Thank you. Minister, the new Small Business Commissioner is not due to start work until 15 June. Mr Brady, who was the acting commissioner, left to become the chief operating officer of the Department of Customer Service just after our last round of budget estimates in February. From March to June onwards, who has been in charge of the office of small business?

The Hon. DAMIEN TUDEHOPE: Stephen Brady has been the acting Small Business Commissioner. We have seconded Sue Woodall from NSW Procurement, who has also assisted in relation to the day-to-day management of the office of small business.

The Hon. DANIEL MOOKHEY: So when was Ms Woodall seconded?

The Hon. DAMIEN TUDEHOPE: She has been there for some time now.

Ms WILKIE: It was probably middle to late March. Mr Brady has continued even now as the acting commissioner of small business, so there has been no gap when we have not had a commissioner or an acting commissioner. He will continue as acting commissioner right up until the time that Chris Lamont starts on 15 June.

The Hon. DANIEL MOOKHEY: How many additional staff have been provided to the office of small business to assist with the 6,000 requests and the 300 additional mediations?

Ms WILKIE: I think I have some of the detail here in terms of the additional staff for mediation. To deal with the additional call volumes we have actually been working with Service NSW. Service NSW is now the front door for all calls associated with small business. For example, if an application for mediation is made, then that person is handed over then to the Small Business Commission to case manage that mediation.

The Hon. DANIEL MOOKHEY: Additional staff?

Ms WILKIE: I may need to take it on notice.

The Hon. DANIEL MOOKHEY: Do you have the average time taken to complete mediation?

The CHAIR: Sorry, Mr Mookhey, time has expired for this period of questioning. Minister, you will recall fairly recently that the Parliament passed legislation which put in place a potential arrangement for fines to be reduced by 50 per cent at the discretion of the commissioner in the event somebody had difficulty paying for it and they were on a defined benefit. Do you recall that legislation?

The Hon. DAMIEN TUDEHOPE: I recall it intimately, Mr Shoebridge, and I am grateful to you for the new guidelines which now exist in relation to reductions in fines.

The CHAIR: I wanted to check what the intention of the Government is to promote those guidelines and to promote the opportunity for people who are in receipt of those defined income support benefits to access the 50 per cent reduction in their fines?

The Hon. DAMIEN TUDEHOPE: If you are asking me about whether we can actually run an advertising program, the answer is no. However, all staff now who work in fines collection or Revenue NSW have been made aware of the opportunity of providing reductions in fines for those people who are impacted. There is a specific direction in relation to seeking to—certainly during COVID—manage fines and manage fines collection in circumstances where we are much more cognisant of people's circumstances. There have been some tragic circumstances that some of our staff have had to deal with, including one member of staff who had to make a call to a lady whose husband had recently passed away as a result of COVID. I have the utmost admiration for the staff at Revenue NSW. There is a systematic approach to being much more considerate about people's circumstances and certainly in relation to applying those guidelines.

The CHAIR: Could you provide on notice—if you have them now, by all means—how many reductions have been granted, how many have been refused and whether or not the ability to make such an application is communicated each time a fine is issued?

The Hon. DAMIEN TUDEHOPE: That is a fair call. It is probably not related to COVID, but it is a fair call. The actual guidelines only come into effect on 4 July, I think it is, the actual obligation to administer the guidelines.

The CHAIR: Could I ask you to use your best endeavours to bring them in earlier than that, because they will clearly be needed in the context of COVID-19, which is what I am putting to you, Minister.

The Hon. DAMIEN TUDEHOPE: Yes, I understand that.

Ms ABIGAIL BOYD: Minister, in the last round of questions you mentioned how it is difficult in the middle of this pandemic to be commenting—I do not want to put words into your mouth—but basically this idea that it might be easier in a few months when we can look back at the totality of the response, rather than being in the middle of it, which I understand. If we were a few months in the future, looking back, how would you measure the success of the responses that you have put in place so far for small business?

The Hon. DAMIEN TUDEHOPE: It is the same question asked in a different way, is it not? The Government generally and Ministers should gauge success I suppose by the manner in which the community reacts to the programs that we have put in place. Going forward, we will administer policies and we will be judged on those policies by the electorate going forward. There are other things that we do to try and educate ourselves about what the policies should be, the way that the community is thinking, the way the constituency is thinking, or the way small business is thinking about things which we can potentially do. That is the purpose of always continually doing survey work of the small business community and the like to make sure that hopefully we are in sync with the sorts of things that they are wanting us to do to try and make doing business easier. To say, "I want you to set out the parameters now where we can come back and judge whether you have been successful in managing the small business component of the pandemic," I just think that is an impossible question.

Ms ABIGAIL BOYD: Maybe I am tipping you off to what my questions will be in the future, but I would expect you to be able to tell us how effective the measures you put in place were, what impact they had compared to what they might have had if you have not put them in and to look, for example, at how many businesses have failed. You have said before—

The Hon. DAMIEN TUDEHOPE: I can tell you this, one of the things we are noticing is that during the period of the pandemic we do measure the extent to which business confidence is moving. That is one way that we would look to see whether the policies are working. The office of small business has conducted surveys about business confidence during that period. That is sometimes a reflection of whether we are getting the policies right. At the beginning of the pandemic, when businesses were shut, when Health orders were in place, the

community was in hibernation, business confidence was very low, it was about 17 per cent. As we have started to get the pandemic under some sort of control, it has increased and I think it was 32 per cent at the next time they did the survey in terms of business confidence. The last one we did was—I do not have the figure immediately available—but it had increased again. People are starting to say that the conditions for our business surviving are improving. They are the parameters we look at for the purposes of seeing how policy positions are going.

Ms ABIGAIL BOYD: That is an indicator. It is not necessarily an indicator of the success of your particular responses, but it certainly could be and I accept that. You have said before that it is not your job to stop every business failing, and clearly that is correct, but at what number of small businesses failing do you look back and say, "Actually, we could have done more"?

The Hon. DAMIEN TUDEHOPE: That is an important question to ask, because it may well have nothing to do with the policies of the State Government. There might be a stock market crash tomorrow. Now, the State Government could never have in place a policy which will prevent a stock market crash. They are the sorts of things that we will only know in the future, about how the economy is evolving. What steps is the Commonwealth Government taking in relation to stimulus packages? The combination of all of those facts and circumstances which may exist in six months' time will give us a better guide about how the economy is going and how we are emerging from the health crisis which we face and which may still exist.

Ms ABIGAIL BOYD: The Federal Treasury said today that it is expecting a U-shaped recovery rather than a V-shaped recovery. Is that your view as well?

The Hon. DAMIEN TUDEHOPE: You had the New South Wales Chief Economist appear before you last week and he said exactly the same thing to you.

Ms ABIGAIL BOYD: That is right. Do you personally agree with that as well?

The Hon. DAMIEN TUDEHOPE: I am happy to agree with the advice of the New South Wales Chief Economist.

Ms ABIGAIL BOYD: A final question from me. Do you have any figures as to how many failures of small businesses you have already seen, how many bankruptcies and insolvencies as a direct result of the pandemic?

The Hon. DAMIEN TUDEHOPE: I think it is too early to tell that figure, although it is one that I have asked Treasury to collect, the number of liquidations and insolvencies. We can measure that through whether it is Federal Court or Supreme Court proceedings for winding-ups, liquidations or, for that matter, appointments of administrators. I just do not think those figures are meaningful yet. I think as JobKeeper and JobSeeker start to be removed and we are asking the economy to stand on its own feet again, then we will have a better picture about those businesses which have been able to pivot, restructure and reorganise.

One thing we ought to never forget is part of the response to the pandemic has been by banks, which have in fact provided deferrals of loans for businesses for a six-month period. The impact of a lot of the removal of either those benefits or, alternatively, the requirement to start paying back deferred obligations, will have a significant impact. Again, the point that I made is that it is really difficult to tell as we sit here now how businesses are going to move through the period going forward.

The CHAIR: Our time for questioning has expired. Thank you for your attendance today and for addressing the questions from the Committee. I think you are right, there is a very troubling economic future ahead of us when those series of measures potentially unwind at the same time. There may well be a requirement or a request for you to return again and we can work out what the pathway forward is for New South Wales. Thank you for your assistance to the Committee.

The Hon. DAMIEN TUDEHOPE: Thank you to the Committee.

The CHAIR: That concludes the Committee hearing. I thank everybody for their attendance. I thank the secretariat for its assistance.

(The witnesses withdrew.)

The Committee adjourned at 16:23.