



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 6 June 2018**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE ASSEMBLY

**Wednesday, 6 June 2018**

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

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

## *Bills*

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2018**

**MISCELLANEOUS ACTS AMENDMENT (MARRIAGES) BILL 2018**

**COMPANION ANIMALS AND OTHER LEGISLATION AMENDMENT BILL 2018**

## **First Reading**

**Bills received from the Legislative Council, introduced and read a first time.**

**The SPEAKER:** I order that the second readings of the bills stand as orders of the day for a later hour.

## *Documents*

### **INDEPENDENT COMMISSION AGAINST CORRUPTION**

#### **Reports**

**The SPEAKER:** In accordance with sections 57B (5) and 77A of the Independent Commission Against Corruption Act 1988, I table two reports of the Independent Commission Against Corruption entitled:

- (1) "Report concerning a complaint by NuCoal Resources Limited about the conduct of the Independent Commission Against Corruption in Operation Acacia (Special Report 18/03)", dated 6 June 2018.
- (2) "Report concerning a Complaint by Mr Murray Kear about the conduct of the Independent Commission Against Corruption in Operation Dewar (Special Report 18/04)", dated 6 June 2018.

I order that the reports be printed.

### **INSPECTOR OF CUSTODIAL SERVICES**

#### **Reports**

**The SPEAKER:** In accordance with section 6 (1) (d) of the Inspector of Custodial Services Act 2012, I table two reports of the Inspector of Custodial Services entitled:

- (1) "The management of radicalised inmates in NSW", dated May 2018.
- (2) "Inspection of 24-hour courts cells in NSW", dated June 2018.

I order that the reports be printed.

## *Visitors*

### **VISITORS**

**The SPEAKER:** I welcome to the gallery this morning Tony King and Tony Bear from the Police Association of NSW, guests of the member for Orange. I also welcome the other guests in the gallery this morning.

[*Notices of motions given.*] [*During the giving of notices of motions*]

## *Notices*

### **PRESENTATION**

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. It is offensive to the member with the call. Those members who wish to have private conversations will do so outside the Chamber.

*Bills***FORESTRY LEGISLATION AMENDMENT BILL 2018****Second Reading Debate**

**Debate resumed from 16 May 2018.**

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (10:16):** It gives me great pleasure to speak in support of the Forestry Legislation Amendment Bill 2018. Our home is the wonderful State of New South Wales. It is home also to the most biodiverse and spectacular native forests in Australia. They provide tourism destinations, habitat for unique native plants and animals, water catchments critical for our communities and the beautiful timber that builds our homes and decorates our floors such as the one in the Chamber. The Government respects and values the forests. It is strongly committed to the ecologically sustainable management of New South Wales native forests with benefits to our economy, the community and the environment.

The bill before the House, which I speak in support of, has that as a key objective. Ecologically sustainable forest management will now be recognised consistently as an objective of both Crown forestry and private native forestry. This objective will drive how the legislation is applied and interpreted. The bill will modernise a regulatory framework that is now 20 years old. It is no longer best practice and does not meet public expectations. The bill will establish a simplified, more transparent and effective regulatory regime. It will drive more ecologically sustainable forestry management and will help build community confidence in the native forestry industry in New South Wales. The bill is part of a suite of reforms that the Government announced in its Forest Industry Roadmap in 2016 to modernise the regulation of native forestry industry.

Only recently, the Government released for consultation the draft Coastal Integrated Forestry Operations Approval. The new Integrated Forestry Operations Approval [IFOA] will set the rules for logging in State forests on the coast and tablelands of New South Wales. The remake of the IFOA is a much-needed reform. The current IFOA is difficult and inefficient to enforce in many aspects, and creates huge challenges for the agency that I oversee—the Environment Protection Authority [EPA]—as regulator. Amongst a range of improvements, the new IFOA will ensure proper regulation of the practice of intensive harvesting, ensuring that the latest data and science stemming from the recently released NSW Koala Strategy, which I was pleased to announce with the Premier, is used to drive the identification and protection of koalas and their habitat. It will also for the first time recognise and properly protect threatened ecological communities.

The bill gives effect to the Coastal IFOA through several amendments to the Forestry Act. These include changes to allow for an IFOA to adopt protocols, codes and standards including those set by the EPA. It will ensure that the IFOA remains contemporary, addresses emerging environmental issues and sets best-practice standards. The bill will remove the requirement for the Forestry Corporation of NSW to hold multiple licences under several other Acts and, instead, make the integrated forestry operations approval truly integrated. The IFOA will continue to be made jointly by the Minister for the Environment and Minister for Lands and Forestry. The Minister overseeing the Fisheries Management Act will be consulted also. This level of oversight ensures an appropriate balance between delivering environmental outcomes and a sustainable timber industry.

The bill also establishes a new offence of breaching the requirements of an IFOA, Private Native Forestry Code of Practice or PNF plan, and sets modern penalty provisions that are in keeping with community expectations and standards established in other legislation, including the Local Land Services Act. This will bring an end to current arrangements—which are totally unsatisfactory—where the Forestry Corporation is exposed to much smaller penalties than companies committing a similar offence when undertaking forestry operations on private land. This is unacceptable. There are many enforcement challenges with the current IFOA. This causes confusion and frustration for the community and a lack of clarity for the timber industry.

The bill will ensure that the State's environmental regulator, the Environment Protection Authority, is given the tools required to regulate native forestry effectively. This will not only act as a deterrent, which is important, but also improve the credibility of the EPA as the regulator. The expanded tools give the EPA greater options for driving compliance and environmental outcomes. The EPA currently has access to only a limited suite of regulatory powers and tools to regulate native forestry on public land compared with private land. This has meant an over-reliance on offences and fines to address non-compliance, when instead a remediation direction or stop-work order would result in a better environmental outcome or correct systemic poor performance if that is what is at play.

While this was partially addressed when the Biodiversity Conservation Act commenced last year, the regulatory compliance tools in that Act will now apply in a more comprehensive way to Crown land and PNF. The changes last year resulting from the commencement of the Biodiversity Conservation Act have already



provided a good demonstration of the benefits of the EPA having more tools in its regulatory toolbox. These changes allowed the EPA to access stop-work orders when a PNF operation was blatantly in breach of the rules. Late last year the EPA came across an operation where the contractor was logging a neighbouring property without approval and was also damaging protected areas. Because of the new suite of tools, the EPA was able to issue a stop-work order quickly to prevent timber being harvested illegally, whilst educating the contractor on the PNF rules to bring the operation into compliance. That was a good outcome.

For occasions when logging is carried out in flagrant breach of the rules, which we not tolerate, the EPA will now have much tougher tools at its disposal. For example, until last year, when the Government's Biodiversity Conservation Act commenced, the on-the-spot fine of the Forestry Corporation of NSW for a breach of its threatened species licence was only \$300. Last year's reform changed that to \$1,100. However, it remained a significantly lower penalty than the equivalent offence on private land. Through this bill, the equivalent penalty will now be \$15,000, with a maximum court-imposed penalty of up to \$5 million. This matches equivalent environmental offences under other modern legislation, including the Protection of the Environment Operations Act 1997, the Biodiversity Conservation Act 2016 and the Local Land Services Act 2013.

The bill makes changes also to private native forestry, which is important. It moves the regulatory arrangements for PNF from the Forestry Act to the Local Land Services Act. It also reflects in law changes that were previously reflected in administrative arrangements. The bill confirms that Local Land Services, and not the EPA, will issue PNF approvals. The EPA will retain its compliance and enforcement functions. The bill ensures that the Minister for the Environment has full concurrence in the making of, and any changes to, the Private Native Forestry Code of Practice. The Government is committed to a review of the Private Native Forestry Code, and will ensure that environmental standards are maintained and that the code continues to promote ecologically sustainable forest management and meets the requirements of our national forestry agreements.

The bill will also allow the Government to work with the timber industry to establish alternative regulatory approaches for private native forestry such as contractor-based regulation or accreditation, should this be seen to provide a more streamlined and effective approach than existing regulatory models. In conclusion, the Government recognises that this is the right time to refresh the rules and ensure they meet contemporary standards, reflect the best available science and data, and employ the best available enforcement practices. Twenty years on from the comprehensive regional forest assessments and agreements, and from the first IFOAs, it is time for the regulatory and forest management frameworks for native forest harvesting in New South Wales to be updated. The Forestry Legislation Amendment Bill 2018 achieves this important objective in a balanced and effective way. I commend the bill to the House.

**Debate adjourned.**

## **CRIMINAL LEGISLATION AMENDMENT (CHILD SEXUAL ABUSE) BILL 2018**

### **First Reading**

**Bill introduced on motion by Mr Mark Speakman, read a first time and printed.**

### **Second Reading Speech**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (10:26):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. The bill will strengthen our child sexual abuse laws, responding to the criminal justice recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The royal commission showed us all the terrible failures of government and non-government institutions to protect children. Survivors' courage in coming forward has given us a unique opportunity to make broad changes to the criminal law, to protect children better and to facilitate prosecutions for child sexual offences so perpetrators can be held accountable.

This bill makes a suite of reforms, including new offences, improved offences and procedural amendments. Many are based on specific recommendations of the royal commission. Others have been developed through the Child Sexual Offences Review, and aim to rationalise and consolidate our offence framework and improve the chances of successful prosecution of child sexual offences, while reducing criminalisation of children. The royal commission heard from thousands of survivors across Australia. Their stories opened our eyes to the prevalence of institutional child sexual abuse, to the failure of institutions to respond and to the lifelong impact it brings to bear. The findings and recommendations of the royal commission are powerful and far reaching. This bill implements a number of them.

To give everyone an idea of the extent of the work undertaken by the royal commission, here is a snapshot. The Royal Commission into Institutional Responses to Child Sexual Abuse was established in 2013 and

ran for five years. The royal commission reported that, over the course of its life, it was contacted by 16,953 people who were within the terms of reference. It held 8,013 private sessions with survivors of child sexual abuse. It held 57 public hearings. The royal commission was told about 3,489 institutions where child sexual abuse has occurred. While the scale of the problem revealed by the royal commission is staggering, the stories of the individuals affected are impossible to forget.

For five years Australians learned about the children in every corner of this country who, over the decades, have been sexually abused while in the care of institutions that should have been keeping them safe. Shockingly, we were also told about the abject failure of these and other institutions, as well as the community, to respond to reports of abuse. The royal commission's final report and its advance volumes bear witness to the stories of survivors of child sexual abuse. The reports provide unparalleled insights into the nature of the problem that must be addressed. Fortunately, the royal commission has provided comprehensive recommendations on how we should go about doing this. One such set of recommendations was in relation to criminal justice and the New South Wales Government is today responding to those by way of this bill.

The Government is committed to ensuring that it learns from all the findings of the royal commission. It is determined to make the changes needed to protect children and to provide justice and support for survivors. Today, right here, right now, is just another example of where it is doing this. The Government has already taken action in response to a number of the royal commission's recommendations. We were the first of two States to join the National Redress Scheme and we were the first State to refer legislation in order for the scheme to commence on 1 July this year. The Government has introduced guiding principles for civil child abuse claims made against New South Wales government agencies to make litigation less traumatic for victims. The Government has removed limitation periods so that survivors of child sexual abuse can claim for damages irrespective of when it happened. These are just some of the reforms we are delivering as we respond to the royal commission and quickly get to work to ensure that history is not repeated. We intend later this month to respond to all recommendations of the royal commission.

I will now turn to the details of the bill. The royal commission recommended that all jurisdictions should introduce a new, forward-looking offence covering failure to protect a child from abuse. Schedule 1 [1] to the bill amends the Crimes Act 1900 to insert a new section 43B, which creates an offence where a person negligently fails to reduce or remove a risk of a child becoming a victim of abuse. This offence will apply to an adult who works in an organisation that provides services for children. The organisations captured are those that employ anyone, including contractors and volunteers, doing child-related work within the meaning of the Child Protection (Working With Children) Act 2012.

A person will commit the offence if they know that another person in the organisation who works with children poses a serious risk of physically or sexually abusing a child. For the offence to apply, the risk will need to exist at the time that it is apparent to the person. The person will also need to have the power to reduce or remove the risk, by virtue of their position in the organisation and be criminally negligent in their failure to reduce or remove the risk. Either deliberate acts or omissions, or both, could amount to a negligent failure to reduce the risk.

This offence will have wide potential coverage, as the definition of "child-related work" is a broad one. However, a person will only commit an offence if they know of a serious risk and have the power to do something about it, and fail to do so. In this way, the offence is targeted at those in positions of authority and responsibility in organisations working with children who, rather than use their power to protect children, turn a blind eye to a known and serious risk. The new offence will be punishable by a maximum penalty of two years imprisonment. The offence will cover risks of physical abuse as well as sexual abuse. By virtue of its terms of reference, the royal commission's recommendations focused on protecting children from sexual abuse. However, it also heard significant evidence of physical abuse within institutions.

Our regulatory frameworks to protect children such as the mandatory reporting framework, apply to risks of both physical harm and sexual abuse. For this reason, the offence will extend to failing to protect against all forms of serious abuse. A second key offence introduced by the bill is a specific failure to report offence. In New South Wales we already have an offence of failing to report any serious indictable offence—that is, section 316 of the Crimes Act. This offence can be used to prosecute failing to report child abuse, where the child abuse is a serious indictable offence. However, section 316 is not well adapted to this policy purpose. It requires a high standard of knowledge before a person can be prosecuted—the prosecution must show that the person knows or believes that an offence has been committed. This may not address the wilful blindness by those in authority uncovered by the royal commission. Schedule 1 [57] to the bill amends the Crimes Act 1900 to insert a new section 316A to specifically address child abuse offences. It will exist alongside section 316.

The bill amends section 316 so it no longer covers serious child abuse offences. Instead, failing to report these offences will be covered by section 316A. The new offence broadly follows the formulation of section 316,

rather than the royal commission's proposed more complex model, as New South Wales already has the model of section 316 to build on. Section 316A will apply where a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child. This objective standard will ensure a person cannot use wilful blindness to escape the application of the offence. The offence will apply only to adults, so children who do not report abuse against others or themselves will not be criminalised. The offence will apply unless the person has a reasonable excuse. The provision provides a non-exhaustive list of reasonable excuses to ensure the offence clearly does not apply in certain circumstances. These specified reasonable excuses include where the person reasonably believes the offence is already known to police, or reasonably fears for the safety of themselves or another person if they report the offence.

A person also will have a reasonable excuse if they have reported the offence to authorities under a regulatory scheme like the mandatory reporting scheme, or reasonably believe that someone else has done so. Although it is preferable for offences always to be reported to police, a criminal sanction should not apply to a person who has tried to do the right thing by reporting to another government authority. A person also will have a reasonable excuse if the victim of the offence is now an adult, and the person reasonably believes that the victim does not want the offence to be reported to police. This strikes a balance between the need for police to be alerted to offences to protect other children and the importance of protecting the privacy and autonomy of adult survivors.

The offence will apply to members of the clergy, although prosecutions against clergy and other prescribed professionals must be approved by the Attorney General, as is the case with the existing section 316. The offence will cover failing to report physical abuse as well as sexual abuse. The offence will not be retrospective, but it will apply to past instances of abuse where the person learns of the abuse after the commencement of this new offence. Overall, the offence will respond to the particular nuances of failing to report child abuse, ensuring that those who conceal abuse can be held accountable while survivors and children are not criminalised. The maximum penalty will be two years imprisonment, or five years where a person solicits or accepts a benefit in exchange for not reporting. These penalties reflect the existing maximum penalties for offences under section 316.

Current section 66EA of the Crimes Act contains the offence of persistent sexual abuse of a child. It was introduced in 1999 as a tool to assist the prosecution of the most terrible cases of abuse where many largely indistinguishable incidents of abuse made it difficult for victims to recall specific occasions with sufficient particularity for individual charges. Unfortunately, in practice, section 66EA has not fulfilled this objective. The royal commission found that courts' interpretation of this provision has meant that significant particulars of individual occasions are still required, undermining the operation of the offence. The royal commission made detailed recommendations for a new way of formulating the offence, based on the offence currently provided under Queensland law, which has also been adopted in South Australia. Schedule 1 [20] to the bill amends the Crimes Act 1900 to introduce this model in New South Wales.

The new section 66EA will provide that it is an offence to maintain an unlawful sexual relationship with a child under 16. A person will have maintained an unlawful sexual relationship if they have engaged in two or more unlawful sexual acts with a child. The prosecution will be required to specify over what period the unlawful sexual relationship is alleged to have occurred, but will not be required to specify the particulars of the unlawful sexual acts with the same degree of detail as they would if the acts were charged as separate offences. The jury will be required to unanimously agree beyond reasonable doubt that the unlawful sexual relationship took place, but will not be required to necessarily agree on the same unlawful acts that make up the relationship.

The offence will only be able to be committed by an adult and will be punishable by a maximum penalty of life imprisonment. This maximum penalty recognises that some of the constituent acts that make up the unlawful sexual relationship may themselves carry life imprisonment if they were charged as separate sexual offences. In individual cases, the sentencing court will consider the nature and seriousness of the acts in question when formulating a sentence within this maximum penalty. As is currently the case, prosecutions for this offence will require the approval of the Director of Public Prosecutions. This will ensure the offence is only used where the victim cannot give sufficient particulars to charge individual offences. The offence will apply retrospectively as long as the sexual acts that make up the unlawful sexual relationship were illegal at the time they were committed. This was a key part of the royal commission's recommendation. It will ensure that the new provision can be used from the time of its commencement to prosecute long-term ongoing abuse.

For clarity, a new schedule 1A to the Crimes Act will list the key historical forms of offences that are relevant for this provision. The bill also reforms the grooming offences in the Crimes Act. Schedule 1 [22] to the bill amends the Crimes Act to broaden the existing offence of grooming a child under 16. Currently, this offence only applies where a person provides a child with an intoxicating substance or exposes the child to indecent material with the intention of making it easier to procure the child for unlawful sexual activity. The bill will expand this offence so it also applies if a person provides a child with a financial or material benefit. This common

grooming behaviour, which can involve giving a child money or gifts such as phone credit or toys, can be a precursor to direct sexual abuse of the child. The amendment will ensure that this conduct is criminalised and can be prosecuted to protect children before direct abuse occurs. Innocent conduct will not be captured because a person will only commit the offence if their conduct is done with the intention of making it easier to procure a child for unlawful sexual activity.

Schedule 2 [23] to the bill inserts a new grooming offence. This new offence in section 66EC will cover grooming parents and carers for access to children. Offenders can use grooming behaviour to gain the trust of another adult who has care of a child in order to gain access to the child. The new offence will cover a person who provides an adult who has authority over a child under 16 with a financial or material benefit with the intention of making it easier to procure the child for unlawful sexual activity. "Under authority" is already defined at the beginning of the division as being under the care, supervision or authority of a person. The maximum penalty will be half the maximum penalty for grooming the child directly. It will be six years imprisonment where the child is under 14 and five years imprisonment where the child is aged 14 or 15. Because of the range of conduct potentially covered by the new offence, any prosecution will have to be approved by the Director of Public Prosecutions. This will ensure that the circumstances are carefully scrutinised before a charge is laid, including whether the parents should themselves be subject to prosecution for knowingly facilitating the sexual abuse of a child in their care.

The bill makes some further amendments to strengthen the special care offence. This offence currently applies where a person has sexual intercourse with a young person aged 16 or 17 who is under their special care. The Crimes Act provides an exhaustive list of special care relationships, including teacher/student, step-parent/child, and health professional/patient. The Government has already progressed some amendments to this offence earlier in the year to address a loophole that had arisen due to the narrow way courts have interpreted the teacher/student special care relationship. The bill makes further amendments to the law in this area to increase protection provided to vulnerable 16- and 17-year-olds within special care relationships. The current offence only covers sexual intercourse within a special care relationship. It does not cover other forms of sexual contact. So schedule 1 [34] to the bill introduces a new offence to sit alongside the existing offence in a new section 73A.

The new offence will cover sexual touching within a special care relationship. The relationship specified as a special care relationship, for the purpose of the offence, will be the same as those for the existing offence except parent/child and grandparent/grandchild relationships will also be included. These biological relationships are not included in the existing special care offence as the incest offence covers this conduct. However, as with the existing special care offence, the incest offence only covers sexual intercourse and does not extend to criminalising sexual touching within biological relationships. For this reason these biological relationships have been included, for the purpose of the new offence, in section 73A. Recognising that sexual touching is a less serious form of conduct than sexual intercourse, the maximum penalty for the new offence will be half the maximum penalty for the existing offence.

For both offences the term "authorised carer" will also be used in place of "foster parent", as this is a more precise and updated terminology that is defined in the Children and Young Persons (Care and Protection) Act 1998. The bill makes this amendment for the purposes of the existing offence in schedule 1 [30] to the bill. The Standing Committee on Law and Justice is currently inquiring into the adequacy and scope of the special care offence. Its terms of reference focus on the scope of the relationships recognised under that offence. The Government awaits with interest the committee's recommendations on these issues and will consider any new options for further strengthening the penalties for these offences.

A large part of the bill is devoted to restructuring and modernising the sexual offences in division 10 of the Crimes Act. Currently offences against adults and children are mixed together within this division and there is no clear delineation between the two. In 2014 the Joint Select Committee on Sentencing Child Sexual Assault Offenders recommended that child sexual offences in New South Wales should be reviewed to consolidate and simplify the legislative framework and to address any gaps. Many of the amendments in schedules 1 [2] to [48] to the bill are directed towards this goal, based on the work of the child sexual offences review. The amendments will separate the provisions in division 10 into clear subdivisions with headings that describe the subject matter. Subdivision 1 will set out the definitions applying across the division. Offences against adults will be grouped into subdivisions 2 to 4. Offences against children, which are those offences where consent is no defence, are collected in subdivisions 5 to 11. Subdivisions 12 to 14 provide for other sexual offences such as incest and bestiality, and subdivision 15 groups miscellaneous procedural and technical provisions together.

Importantly, these amendments will also address the fact that some offences use the outdated terminology of "indecent". For the purposes of offences against both adults and children, the conduct currently covered by the offences of indecent assault and acts of indecency will be covered by the offences of sexual touching and sexual act. This more modern and more easily understood terminology is defined in new subdivision 1 in a way

that reflects the core of the common law meaning of indecency. Sexual touching will cover contact offences that involve some form of physical contact with the victim. Sexual acts will cover non-contact offences that involve sexual conduct other than touching the victim, including forcing or inciting a victim to touch themselves. These two new categories of offences will sit below the existing more serious offences of sexual intercourse in the offence hierarchy. The existing definition of "consent" in the Crimes Act for the purpose of sexual intercourse will be applied across these two new categories of offences. The definition itself has not changed. The Law Reform Commission is currently reviewing the law on consent. Its recommendations will inform any future changes to the meaning of consent across these offence groups.

The penalties for the sexual act offences are the same as for the existing acts of indecency offences. The penalties for the sexual touching offences are the same as for the existing indecent assault offences, with one exception. Indecent assault of a child under 16 years of age currently carries a maximum penalty of 10 years imprisonment with no additional sentencing range available for where the victim is under 10. This is despite the fact that sexual intercourse with a child under 10 carries a maximum penalty of life imprisonment. The bill address this and creates a new offence of sexual touching of a child under 10, which will be punishable by a maximum of 16 years imprisonment and carry a standard non-parole period of eight years. Sexual touching of a child aged 10 to 15 will carry the existing maximum penalty of 10 years. The bill also makes aggravating factors consistent across aggravated forms of child sexual offences. It will replace "person" with "child" wherever an offence is referring to a child under 16. It will also make sexual touching offences available as an alternative verdict to sexual intercourse offences. Several amendments made by the bill are consequential on these modernising and reorganising amendments, including most of the amendments in schedule 5 to the bill.

I now turn to the final parts of the bill, which make sentencing and procedural amendments and amendments to reduce criminalisation of children. In schedule 3 to the bill there are two important amendments to the Crimes Criminal and Procedure Act 1999. Schedules 3 [4] and [5] will ensure that, when sentencing an offender in the case of historical child sexual abuse, the court cannot take into account the offender's previous good behaviour as a mitigating factor where that good behaviour facilitated their offending. This rule is already in place where a person is sentenced for a current child sexual offence. However, a recent Court of Criminal Appeal decision found that because of the current drafting of section 21A, the rule did not apply to sentencing for historical offences. The bill will address this and ensure that the rule is applied consistently across sentencing for any kind of child sexual abuse.

Schedule 3 [6] inserts a new section 25A into the Act to implement one of the royal commission's key recommendations. This new section will require courts sentencing for historical offences to apply current sentencing practices and standards and our modern understanding of the trauma caused to children by sexual abuse. The purpose of this new provision is to override the current common law rule that a court must apply the sentencing standards from the time of the offence. In historical cases of child sexual abuse, this is resulting in lower sentences and discounts applied to reflect the leniency of sentencing for these offences in times past. This perpetuates our past lack of understanding of how seriously these offences should be treated and our past lack of understanding of the significant impact they have on the victim. The new provision will ensure that sentences meet current community expectations, to the extent possible within the upper limit of the maximum penalty from the time of the offence.

In addition to these sentencing amendments, the bill makes three procedural reforms to facilitate prosecutions for child sexual offences. Schedule 1 [46] inserts a new section 80AF to cover the complexities that currently arise for the prosecution where the offending has taken place during a period and the applicable offence changes during that period. This can happen either because the child's age has changed during the period—meaning that the conduct is covered by a different offence at different times during that period—or because the relevant law has been amended. This can be a problem for the prosecution where it is not clear which offence should apply. Section 80AF will address this. It will ensure that the prosecution can rely on whichever offence carries the lesser maximum penalty, and can rely on this offence in relation to the entirety of the period.

Schedule 1 [60] will make the repeal of the limitation previously contained in section 78 of the Crimes Act retrospective. This limitation period meant that certain sexual offences against children aged 14 or 15 had to be prosecuted within 12 months. The limitation period was repealed in 1992 but the repeal was not made retrospective. As a result, the limitation period is still preventing prosecution of these offences from before 1992. Making their repeal retrospective will allow prosecutions to be commenced in relation to these matters and ensure that victims of these offences can access justice. Schedule 4 [10] amends the Criminal Procedure Act 1986 to provide for a new type of jury direction. It will allow a judge to provide a jury with educative information to prevent a jury making incorrect assumptions as a result of inconsistencies in a complainant's account of a sexual offence. These inconsistencies may arise within a complainant's in-court evidence, or between their evidence in court and their out-of-court statements. The direction will allow the judge to tell the jury that experience shows that people may not describe a sexual offence in the same way each time, that it is common for there to be

differences each time a person gives an account of an offence, and that trauma may affect how people recall events. The direction aims to prevent a jury from assuming that these sorts of inconsistencies mean the complainant is lying.

The bill contains three key reforms to reduce criminalisation of children. The first of these reforms relates to the Child Protection Register. Schedule 2 to the bill amends the Child Protection (Offenders Registration) Act 2000 to introduce a limited discretion for courts sentencing a child for a sexual offence against another child to order that the child should not be listed on the Child Protection Register. This discretion will only be available where the offence by the child is sufficiently minor that the court has chosen not to impose full-time detention on the child and where the child has not previously been convicted of a class 1 or 2 offence. Further, the court will be required to be satisfied that the child does not pose a risk to the lives or sexual safety of children before it can order the child not be registered. This amendment will prevent the long-term consequences of being listed on the register for certain children, where the court determines that they do not pose an ongoing risk. The prosecution will be able to appeal the making of an order under the new provision, so if it considers the court at first instance has assessed the risk incorrectly, this can be reviewed by a higher court.

The second reform will create a limited similar age defence, to protect children from prosecution for their sexual behaviour. Schedule 1 [46] will amend the Crimes Act 1900 to insert a new section 80AG to provide this defence. It will be available where the complainant is 14 years or older, and where the accused is within two years of the complainant's age. This defence aims to ensure that older children are not prosecuted for voluntary sexual conduct with their peers. However undesirable we might consider such behaviour, it should not be a criminal offence. The defence will be a complete defence, but will only be available in relation to a limited number of offences and will not be available in relation to any aggravated offences. In cases where the sexual conduct was not consensual, police will still be able to charge one of the other sexual offences—for example, under section 61J or the new section 61KC.

The third reform is a limited defence covering sexting conduct. Children can currently commit the offence of possessing or producing child abuse material through taking sexual selfies, and can commit the offence of disseminating child abuse material by sending these selfies to someone else. Schedule 1 [53] to the bill amends the Crimes Act to introduce the defence. It will be available in relation to the offence of possessing child abuse material, where the person can show that the material depicts only themselves; and in relation to the offences of producing or disseminating child abuse material, where the person is under 18 and can show that the material depicts only themselves. This defence will cover the most common forms of this behaviour—taking sexual selfies when under 16 and having these in possession or passing them on to someone else. It will not affect the criminality of recording sexual images of another child, or in any way permit distribution or circulation of sexual images of other children.

Schedule 1 [52] to the bill introduces a further exception to the offence of possession of child abuse material. This exception is targeted at the recipient of the sexting. It provides that a person will not commit an offence of possession of child abuse material where they are under 18 and a reasonable person would consider their conduct in possessing the material acceptable, having regard to things like the nature of the material and how they obtained it. The exception will ensure that a child is not criminalised for possessing a sexual image of another child, in situations where there is no abuse or exploitation such as where the image was provided consensually within a peer-appropriate relationship. Together, these defences and exceptions aim to recognise the reality of sexting behaviour by some older children, while preserving the integrity and policy purpose of the child abuse material offences.

Overall, the reforms made by this bill represent a significant reworking of the sexual offences in the Crimes Act, as well as introducing a number of new and novel offences. They are based on the years-long and in-depth process of the royal commission into child sexual abuse, which scrutinised the criminal law across Australia to identify shortcomings and to formulate recommendations for reform. The Government recognises that it is critical to ensure that reforms of this scale operate as intended. The Government will review these reforms in detail once they have been operating for five years to ensure they are achieving their objectives. I thank the royal commission, which has been a driving force in advocating for change to the criminal law as well as to many other legal and regulatory frameworks. The Government also acknowledges the survivors, legal and academic experts, government agencies and non-government organisations that contributed to the development of this bill. The bill represents one of the largest reform packages to sexual offences in our history.

Within government I thank all those from the Department of Justice who worked on this bill, particularly Stephanie Button, Effie Shorten, Laura Goodwin, Larisa Michalko and Mark Follett. Within my office I thank Clare Wesley, Mary Klein and Rebecca Meyer. I thank the many stakeholders who contributed to the development of this reform, including the Chief Justice of New South Wales, the Chief Judge of the District Court, the Chief

Magistrate of the Local Court, the President of the Children's Court, the Aboriginal Legal Service, the NSW Bar Association and the Law Society of New South Wales.

Most importantly, I thank the survivors and their advocates who generously participated in the royal commission and made it such an engine for change—some of you are here today. I particularly thank the following, who are listed in alphabetical order, and I apologise to anyone else whom I should mention but inadvertently do not: Dr Annie Cossins, the Association of Children's Welfare Agencies, the Aboriginal Child, Family and Community Care State Secretariat, NSW Family Services, Peter Gogarty, Howard Brown, the Blue Knot Foundation, Bravehearts, Care Leavers Australia Network [CLAN], Enough is Enough, Fighters Against Child Abuse Australia, Survivors and Mates Support Network, Victims of Crime Assistance League and Victims and Witnesses of Crime Court Support. Today you have all helped to create history. I thank you for your contributions towards law reform, society and change. We have heard what you have had to say. We have listened and we must continue to listen. You have used your personal and horrific experiences to work with us to strive to protect children and keep our communities safe. Thank you. I commend the bill to the House.

**Debate adjourned.**

## **FAIR TRADING AMENDMENT (SHORT-TERM RENTAL ACCOMMODATION) BILL 2018**

### **First Reading**

**Bill introduced on motion by Mr Matt Kean, read a first time and printed.**

### **Second Reading Speech**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (11:03):** I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. Short-term holiday letting has been part of our lives for decades. Many New South Wales families spend part of their summers in coastal communities and those coastal communities depend on the seasonal tourism, which short-term holiday letting supports for their prosperity. However, with online platforms changing the way short-term letting is occurring in New South Wales, it is appropriate for us to look again at how we regulate short-term holiday letting.

It is important to ensure that our laws continue to support innovation and local economies, whilst also ensuring that neighbours are able to enjoy their homes in peace and quiet and that short-term holiday letting does not worsen housing affordability. We have consulted widely with industry and the community to make sure our nation-leading regulatory framework is the very best approach to short-term rental accommodation in the country. The Government's short-term rental accommodation reforms follow on from the parliamentary inquiry into the regulation of this industry that tabled a report in October 2016. The Government then conducted an extensive public consultation process during the second half of 2017. The public consultation process involved the release of an options paper. This options paper canvassed various policy frameworks to regulate the industry. There was a very strong community and industry response to the public consultation process and almost 8,000 submissions were received. These submissions have provided us with views from a wide range of stakeholders, including hosts and guests, neighbours and online platforms and the wider accommodation industry.

One thing that became particularly clear from this process was that any framework to regulate short-term rental accommodation needs to consider the needs of those individuals that can be adversely affected by this industry, especially neighbours. In other words, it was crucial that our reform supported the rights of neighbours to peacefully enjoy their homes and their neighbourhoods. We have worked hard to strike the right balance between preserving the ability of homeowners to use their properties as they wish and maintaining the strong economic benefits of short-term holiday letting with the public concerns about adverse impacts of short-term rental accommodation such as increased levels of noise, disturbance and impacts on neighbourhood amenity.

This bill forms part of a broader package that protects the rights of individual home owners, ensures the continued economic benefit of short-term rental accommodation to the State's economy—particularly in regional communities—and cracks down on bad behaviour, especially party houses. While members may be more familiar with the term "short-term holiday letting", the bill uses the term "short-term rental accommodation". This is for the simple reason that this kind of accommodation is now widely used for purposes other than just holidays. This can include professionals on work trips, people from regional areas needing somewhere to stay while they receive medical treatment, grandparents coming to visit their grandchildren and international students studying in New South Wales. This industry has grown rapidly in New South Wales due to the emergence of online booking platforms and the expansion of the sharing economy.

The short-term holiday letting industry is contributing to the New South Wales economy, creating jobs, triggering innovative ways of doing business and boosting tourism—especially in coastal and regional areas of the State. Short-term holiday letting is estimated to be worth more than \$31 billion to the Australian economy. New South Wales contributes approximately half that amount. The New South Wales Government's reforms will ensure that local economies continue to benefit from short-term rental accommodation by permitting the use of residential premises for short-term rental accommodation, cracking down on bad behaviour and amending strata legislation.

The first component of this bill amends the Fair Trading Act 1987 to allow the Government to establish the toughest mandatory code of conduct in the country, which will apply to all short-term rental industry participants. In other words, online booking platforms, letting agents, property managers, hosts and guests will all be subject to the code, which will set out the minimum standards of behaviour for the industry and establish the mechanisms needed for its enforcement. A key feature of the code is the "two strikes and you're out" policy. This means that hosts or guests who commit two serious breaches of the code within two years will be banned from short-term holiday letting for five years. A breach will encompass any behaviour that unreasonably interferes with a neighbour's quiet and peaceful enjoyment of their home.

The code will also establish a complaints system, which will be available to neighbours of short-term rental accommodation, strata committees and owners' corporations. Complaints will be assessed by independent adjudicators approved by NSW Fair Trading. Adjudicators will be required to make decisions on evidence after giving both complainants and respondents a chance to put their case forward. If the investigation of a complaint regarding a host or guest finds that they have committed a serious breach of the code more than once over a two-year period, the guest or host will be listed on the register. If any existing host or guest is listed on the register, platforms and agents will remove them from the platform. If a host owns several properties and the complaint concerns a specific dwelling, strikes will apply on a property-specific basis. Platforms and letting agencies will be required to check the exclusion register before allowing new hosts and guests to use their service.

The exclusion register is a tough but necessary measure to send the message that anti-social and irresponsible behaviour related to short-term rentals will not be tolerated. The industry register will also ensure that guests and/or hosts cannot platform shop. Resourcing, compliance and enforcement will be divided between the short-term rental accommodation industry and NSW Fair Trading. The industry will have responsibility for funding the operation and administration of the code. However, the Commissioner for Fair Trading will administer and enforce the parts of the code that apply to the online platforms and real estate agents. This will ensure compliance by the industry with the terms of the code.

There will be significant penalties for non-compliance with the terms of the code, with online booking platforms and property agents facing civil penalties of up to \$1.1 million for corporations and \$220,000 for individuals. These penalties are to ensure that online platforms give effect to the two strikes policy. It should be noted that the code will be developed in consultation with industry participants, industry associations and other relevant entities. Under the code, it will be possible to require the industry to collect and provide data about industry operation, as well as about the levels of complaints and compliance with the code. This will help the Government to understand how the industry is operating, and to assess the impact of the new regulatory framework. I have asked my department to have the code up and running as soon as possible.

Separate from the code of conduct, another key element of the Government's approach to short-term rentals will involve measures under planning laws. A clear definition of short-term rental accommodation will be introduced, and short-term letting will be a permitted use for residential premises, within certain limits. My colleague the Hon. Anthony Roberts, the Minister for Planning, will deal with this aspect of the regulatory framework by introducing a statewide planning instrument.

This bill also contains amendments to the Strata Schemes Management Act 2015 regarding by-laws. There is some uncertainty in the strata industry about whether by-laws can be adopted to prohibit the use of a lot for short-term rental accommodation. This is despite a longstanding restriction in the strata scheme management laws stating that a by-law is not capable of prohibiting or restricting how a lot owner deals with their lot. This uncertainty has led to the situation where some owners' corporations have incurred costs to have a by-law drafted and adopted to prevent short-term rentals when such by-laws are unenforceable. This matter has been further complicated by apparently contradictory decisions of courts and tribunals in New South Wales and in other jurisdictions.

On the one hand, the Privy Council advice in *O'Connor (Senior) v The Proprietors*, Strata Plan No. 51 [2017] UKPC 45, held that a by-law banning holiday lettings of less than one month in a strata title scheme in the Turks and Caicos Islands was valid. As the strata title laws in the Turks and Caicos Islands are modelled on the original New South Wales strata title laws from 1961, this gave rise to conjecture that the same could be true of New South Wales. On the other hand, in *Estens v Owners Corporation SP 11825* [2017] NSWCATCD 52, before



the NSW Civil and Administrative Tribunal, a lot owner applied for orders to invalidate a by-law prohibiting short-term letting that had been adopted by the owners' corporation of her strata scheme. The tribunal was satisfied that the by-law was invalid because the owners' corporation had no power to adopt it due to the existing limitations on by-laws under section 139 (2) of the Strata Schemes Management Act.

However, in line with the other measures in the bill that will help address negative impacts of short-term rentals, the Government is introducing an amendment to the strata scheme management laws. This amendment will allow the adoption of by-laws to prohibit the use of lots for short-term rental accommodation but only when the lot is not the principal place of residence of the person who is letting out the lot. This approach will ensure that lot owners can let out their properties when they are on holidays or when they are present and are sharing their home. However, it will allow owners' corporations to prevent short-term letting that is carried on a year-round basis as the primary purpose of a property. Owners' corporations will be able to decide that they do not want their strata schemes being used as hotels.

The usual process for adopting by-laws by special resolution will still apply. That means a 75 per cent vote in support of the by-law at a general meeting of the owners' corporation will be required. This provision will not stop owners' corporations from introducing other measures that may govern how short-term rentals occur within their strata properties. A number of other strata law provisions can help owners' corporations to manage some of the common concerns that have been raised about short-term rentals. For example, by-laws can be adopted requiring lot owners to notify the owners' corporation at least 21 days before the change of use of that lot. By-laws can also be adopted restricting the occupancy of bedrooms in a lot to no more than two adults. This may assist owners' corporations to control overcrowding related to short-term letting.

There is also a longstanding obligation on owners and occupiers of lots not to create or to permit a nuisance or hazard either in the lot or on the common property. Another longstanding obligation is that residents may not use the common property in a manner that interferes unreasonably with the use or enjoyment of the common property by other residents. To ensure that strata schemes are aware of these options, NSW Fair Trading will develop a specific short-term letting information kit for the strata sector to ensure it understands how these existing provisions and related penalties can be used to address common problems. Overall, this package of reforms should provide significantly greater certainty to all involved in this industry. However, to ensure that it is delivering on our intentions, the Government has committed to reviewing the entire reform package 12 months after the code has commenced.

I am confident that the provisions of this bill offer a proportional and effective mechanism to address directly the core concerns regarding short-term rental accommodation. These provisions strike the appropriate balance between permitting individuals to use their homes within reasonable limits with the need to protect the interests of neighbours. I take this opportunity to thank everyone who has participated in the preparation of this bill. There has been involvement by the industry, stakeholders, community groups and individual citizens. More than 8,000 submissions were lodged in response to the options paper. I thank all members for their keen interest in this important issue. I commend the bill to the House.

**Debate adjourned.**

## **FORESTRY LEGISLATION AMENDMENT BILL 2018**

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**Mr ALEX GREENWICH (Sydney) (11:17):** Our native forests are vital to life: They support threatened species and ecosystems, clean air, fresh water and fertile land, and are vital carbon sinks. Australia has a shameful record of biodiversity loss, with the highest rates of species loss among developed countries, and New South Wales has the worst world extinction record for middle-size mammals. We have already lost more than one-third of our native vegetation and almost all of our rainforests. Logging of our native forests is driving rapid declines in forest species and destroying large old trees, tree hollows, bush and water supplies in forested catchments that support species.

The Forestry Legislation Amendment Bill 2018 is business as usual and will continue the devastation of our native forests. The bill comes at a time when we urgently need to transition the forestry industry away from logging native forests. The timber industry's worth is declining and there are fewer jobs in forestry extraction. A creative and resourceful government would find solutions that protect the long-term future of forests and the biodiversity they support while establishing new sustainable opportunities for regional communities. Forest conservation and national parks bring tourism, and the Government could invest in sustainable plantations and promote industries like oyster farming.

Current forestry rates are unsustainable and have had to intensify because of a lack of timber caused by overcutting due to timber reserves being poorly estimated. The new Integrated Forestry Operations Approvals [IFOA] is driven completely by the need to supply timber and there are massive community concerns that logging will move into old-growth forests that have been protected for many years. The Government has indicated an intention to remap areas open for logging.

Initial feedback on the new IFOA highlights a dramatic intensification of logging statewide, particularly in North Coast forests, which are some of the most biologically diverse on earth. The extent of forest destruction from logging will depend largely on whether the enforcement regime has adequate resources and on the details of the rules and codes that set limits on extraction such as IFOAs and the Regional Forest Agreements [RFAs], than the details of this bill. Notwithstanding, the bill should not exclude third parties from taking civil action associated with Crown forests. This undermines transparency and accountability and will result in less oversight of logging operations.

The NSW Environment Protection Authority [EPA] must be fully resourced to investigate illegal logging and the impacts of logging activities on the environment. The Government's commitment to extend RFAs was a massive blow to environmental protection. A number of reports commissioned by environmental groups have demonstrated that the intensive logging permitted under RFAs has decimated forests, threatened species' habitats, ecosystems and vital carbon stores. The commitment came before the Government finished its consultation process on the agreements and it failed to undertake a scientific review as to whether the agreements have achieved their environmental objectives. Indeed, there has been no effective monitoring of soil, water and biodiversity conditions in native forests to support any assessment of the ecologically sustainable forest management principle enshrined in the bill. In reality, the principle is merely rhetoric aimed at hiding activities that are pushing our ecosystems to the brink of collapse.

The Government recently announced new measures to protect koala populations in the State. The beloved koala is listed as a vulnerable species but many conservation groups believe it should be upgraded. While I welcome these new measures that will add land to the national park estate, monitor species and open koala hospitals, they are mere window-dressing. We know that the key threats to koalas are habitat loss and habitat fragmentation, which are being driven by government policies to log our State forests and open private native bush to land clearing. Indeed, the new reserves announced by the Government are small, patchy and exclude the best koala habitat, which remains open to logging. The bill before the House is about prolonging environmental destruction until there is nothing left at a time when we urgently need a new approach to forest management that protects native flora and fauna, clean water and air, and carbon sinks. I cannot support the bill.

**Mr STEPHEN BROMHEAD (Myall Lakes) (11:21):** It gives me great pleasure to speak in support of the Forestry Legislation Amendment Bill 2018. This bill is extremely important to my electorate of Myall Lakes and to the community of Bulahdelah in particular because almost 50 per cent of the employed adult population there work in the forestry industry. Our State is home to some of the most diverse and spectacular native forests in Australia. New South Wales has 22.3 million hectares of native forest, including 5.6 million hectares in conservation reserves and two million hectares of multiple-use State forest. They provide tourism destinations, habitat to unique native plants and animals, water catchments that are critical for our regional communities, and the beautiful timber that we use to build our homes. Importantly, they also provide jobs in regional New South Wales.

In fact, the native forestry sector contributes \$465 million per annum to the New South Wales economy and is estimated to directly support more than 11,000 jobs across the State. The Forestry Legislation Amendment Bill 2018 will mark a turning point in the regulation of native forestry in New South Wales and ensure that ecologically sustainable forest management is front and centre of how the sector is regulated. The bill will modernise a regulatory framework that is 20 years old and no longer aligns with best practice or community expectations. It will streamline the regulatory regime for the sector while ensuring that it remains effective. It will also provide the NSW Environment Protection Authority [EPA] with the tools it needs to effectively engage in compliance and enforcement.

In 2016 the New South Wales Government released the NSW Forestry Industry Roadmap setting out an agenda for the management of our native forests and preparing the native forestry sector for the future. The road map outlines support for a stronger, more competitive and ecologically sustainable forestry industry. The road map will help the New South Wales Government to achieve its objectives of creating 150,000 new jobs of which 30,000 will be in regional New South Wales. Forestry was a key contributor in helping the New South Wales Government to meet its target of increasing the value of primary industries by 30 per cent by 2020. This bill is one of the actions set out in the road map.

Another action was the remaking of the Coastal Integrated Forestry Operations Approval [IFOA]. The Coastal IFOA will set the rules for forestry operations on State forests on the coast and tablelands of New South

Wales. On 15 May the draft was released for public consultation. The remaking of the IFOA is a much-needed reform as many aspects of the current IFOA are difficult and inefficient to enforce, which creates challenges for the EPA as the regulator. The bill will ensure that the Coastal IFOA can be enacted successfully and that this important regulatory reform can be delivered. The New South Wales Government respects our native forest estate and is strongly committed to ecologically sustainable management in those forests. The bill places that up-front as a key objective.

Ecologically sustainable forest management, often referred to as ESFM, will now be recognised consistently as an objective for both Crown forestry and private native forestry. This objective will drive how the legislation is applied and interpreted. The bill gives effect to the Coastal IFOA through several amendments to the Forestry Act 2012. They include changes to allow for an IFOA to adopt protocols, codes and standards including those set by the EPA. That will ensure the IFOA remains contemporary, addresses emerging environmental issues and sets best practice standards. The bill will remove the requirement for the Forestry Corporation of NSW to hold multiple licences under several other Acts and instead make IFOAs truly integrated approvals.

IFOAs will continue to be jointly made by the Minister for the Environment and the Minister for Lands and Forestry. The Minister overseeing the Fisheries Management Act will also be consulted. That level of oversight will ensure an appropriate balance between delivering environmental outcomes and maintaining a sustainable timber industry. The bill also establishes a new offence for breaching the requirements of an IFOA, the Private Native Forestry [PNF] Code of Practice or a private native forestry plan, and sets modern penalty provisions that are in keeping with community expectations and standards established in other legislation, including the Local Land Services Act 2013.

The bill will ensure the State's environmental regulator, the EPA, is given the tools required to effectively regulate native forestry in New South Wales. The EPA currently has access to only a limited suite of regulatory powers and tools to regulate native forests on public land when compared with private land. That has led to an over-reliance on fines to address non-compliance when a remediation direction or a stop-work order would have resulted in a better environmental outcome. While those limitations were partially addressed when the Biodiversity Conservation Act 2016 commenced last year, the regulatory compliance tools in that Act will now apply in a more comprehensive way to Crown forests and private native forestry. Those changes have already provided a good demonstration of the benefits that result from the EPA having more tools in its regulatory toolbox.

The bill also makes changes to private native forestry and moves the regulatory arrangements for it from the Forestry Act 2012 to the Local Land Services Act 2013. It also reflects in law changes that were previously reflected in administrative arrangements. The bill confirms that Local Lands Services and not the EPA will issue private native forestry approvals. However, the EPA will retain its compliance and enforcement functions. Further, the bill ensures that the Minister for the Environment has full concurrence on the making of, and any changes to, the PNF codes.

This Government is committed to a review of the PNF code. We will ensure that environmental standards are maintained and that the PNF code continues to promote ecologically sustainable forest management and meets the requirements of our national forestry agreements. The New South Wales Government recognises that from time to time our environmental regulatory frameworks need to be refreshed to ensure that they are meeting contemporary standards and reflecting the best available science. Twenty years on from the first IFOAs, it is time for the regulatory and forestry management framework for native forest harvesting in New South Wales to be updated. The Forestry Legislation Amendment Bill achieves that in a balanced and effective way.

The North Coast hardwood timber industry is sustainable. It is a type of timber that can grow and regrow, and I have seen it firsthand. I have seen timber that has been logged, and 20 or 30 years later out of the same stump a tree has grown to be harvested and milled. We turn our back on this sustainable industry yet we are willing to import into Australia timber from other countries, Third World countries, where huge damage is being done to their ecology and their timber. We are willing to turn our back on sustainable timber in Australia yet import timber from other countries where it is damaging their environment and their ecology. It is unbelievable when we have this fantastic resource here on the North Coast. One only has to fly over the North Coast to see the amount of timber that is there—huge forests of timber, some of which is in sensitive areas and which under this proposal will never be logged. But there are other areas that are not as sensitive and can be logged. When Labor was in government in those 16 shameful years—

**Mr Clayton Barr:** Four elections.

**Mr STEPHEN BROMHEAD:** Those opposite brag about four elections. They do whatever it takes and say anything to get re-elected but deliver nothing, particularly for regional New South Wales. I give an example of this: Near Bulahdelah, Old Bar, Barrington Tops, are man-made plantations—timber that was planted

for the sustainable future of hardwood. They were planted in State forests and under a shabby deal between Labor and The Greens they were transferred from Forestry into the national parks where they have been sterilised. Timber that was made for the communities that rely on that industry for their livelihood was removed, jeopardising entire communities because of shabby deals between Labor and The Greens. I commend this bill to the House.

**Mr CLAYTON BARR (Cessnock) (11:31):** I lead for the New South Wales Labor Opposition on the Forestry Legislation Amendment Bill 2018. *Hansard* tragics who constantly read the *Hansard* might be wondering why I am leading for the Opposition when there have already been three speeches. To blame people other than myself, there has been a bit of a shake-up of the schedule today and I was caught out. I start my contribution today by telling a little story. I was doing some research and reading the other day about Yellowstone National Park in America and the reintroduction of wolves. The wolves were reintroduced because the deer species had reached plague proportions. They were out on the grasslands, the plains, the clearings and the open areas and were ravaging the land. The reason for that was that the wolf had been hunted and eventually eradicated from the Yellowstone National Park so the deer had no predator.

For the balance of the ecosystem it was thought that the park might need to reintroduce the wolf. So it reintroduced the wolf, which is of course a predator to the deer. Not only did deer numbers start to reduce but deer behaviours changed: They started to go back into their more natural terrains amongst the woodlands and forests, under the trees where they could not be easily seen and where their agility would allow them to escape from the wolf. As a result of the wolf being introduced, the deer behaviour changed. As a result of the deer behaviour changing, the woodlands, the timbers and the trees along the waterways started to regrow. They had not grown for quite some time because the deer had been eating away all the saplings. As a result of the trees growing along there, the foliage from the trees started to fall into the edge of the waters. As a result of the foliage falling into the waters, the phytoplankton prospered. The prospering of the phytoplankton brought the small fish. With the small fish came the larger fish, and with the larger fish the whales returned to that waterway and that network.

The point of the story is that this is all about how sensitive and fragile ecosystems can be. If we get this wrong, then things can go terribly wrong. We as mankind in all our wisdom and knowledge might think we know all there is to know but quite often Mother Nature, having been here for a couple of billion years before mankind, knows a lot more about the balances that need to be in place for a prosperous, sustainable and healthy ecosystem and environment. I tell that brief story because we are dealing with a significant piece of legislation called the Forestry Legislation Amendment Bill, which could have a significant impact on the environment and the ecosystem we all take for granted in New South Wales in 2018.

I do not think there would be anybody in this Chamber who would not say that at the moment our ecosystem is fragile as a result of at least hundreds of years of clearing since European settlement, industrialisation and, of course, pollution. We have a fragile ecosystem and the bill we are dealing with today is going to go right to the heart of the future of that same ecosystem. When a Minister delivers a second reading speech in introducing a piece of legislation, one of his or her key responsibilities is to explain not just the words in the legislation but the spirit and the intent of the legislation as it should be interpreted. For the information of those in the public gallery, if an Act of Parliament ever gets tested in a court, one of the things the judge will do is go back to the Minister's second reading speech to interpret not just the words in the Act but also the intention of the words in the Act as outlined in the second reading speech by the Minister.

A couple of weeks ago I sat in this place when the Minister gave the second reading speech for this particular bill. I sat on the Opposition front bench and, unfortunately, gleaned absolutely nothing from the second reading speech, so I thought, "I'll read the legislation and then I'll re-read the speech. Maybe then I'll be able to get some sense of what is going on here." So I did that and again I still could not quite get to the bottom of what this was all about. But I was not the only one. In the upper House—the Legislative Council, the House of review—there was enough concern that the legislation in conjunction with the second reading speech had not been dealt with clearly enough, so it was sent to a committee review process before we could have the second reading debate. In some ways the committee review process opened up a few clearer illustrations of the intent of the bill, but by the same token there are still a number of questions about this particular bill. I will go into them in a moment and put them to the Minister in the hope that he can answer them in his reply.

The bill amends the Local Land Services Act 2013, the Forestry Act 2012, the Biodiversity Conservation Act 2016 and several other Acts to do three key things. First, it is to transfer responsibility for the regulation of private native forests to Local Land Services with the Environmental Protection Authority [EPA] maintaining its enforcement role. Secondly, it is to update the regulatory framework for public native forestry and the enforcement role of the EPA. Thirdly, the purpose of this bill is to make minor related and consequential amendments to a number of other Acts. The central concern here, and something we all need to know and be very clear about—and the Minister might answer this in his speech in reply in just a few moments—is the supply of hardwood timber. There are a number of timber mills and sawmills, as well as rural fencing companies or businesses in my

area, that have been struggling over recent years for the supply of their hardwood timber, so I appeal directly to the Minister across the Chamber—

**TEMPORARY SPEAKER (Mr Lee Evans):** Through the Chair.

**Mr CLAYTON BARR:** I appeal through the Chair to the Minister to clarify whether or not the timber bills, sawmills and also rural fencing contractors in my electorate are going to get their supply of hardwood and have their quotas fulfilled as a result of this legislation. I have talked with these people on a number of occasions. Their concern over the past three or four years has been that they are not getting the hardwood supplies that they need to do their work. I think we need to acknowledge there is a supply problem, and I do not think the Cessnock electorate is the only place where we need to acknowledge a supply problem. I put that question through the Chair directly to the Minister about whether or not this bill is going to improve the supply to my local sawmills.

That leads me to a couple of important issues with the bill. The first concern I have is about the transfer of powers and authority of the Environment Protection Authority [EPA] to Local Land Services. The central intention seems to concern the transfer of the regulation of private native forestry from the EPA across to Local Land Services. That transfer was supposedly given effect on 27 March 2018 through an administrative order signed by the Minister for the Environment, with the transfer taking place on 30 April. There has already been an administrative process that allows for this transfer of regulation. A few weeks later, a piece of legislation was introduced to this House which seems to double down on that commitment. One wonders why we are doubling down and, if it ever got tested in a court of law, which of the regulations or pieces of legislation would take priority in a judgement. Why was that administrative order introduced only a couple of months ago and why is this piece of legislation in the House now?

The Opposition will seek an adequate explanation from the Government of why this change was required so soon after the other administrative Act. Further, we know that Local Land Services is terribly underfunded. It is already complaining that it does not have enough money to do the work that it is expected to do, but we are about to load it up with even more work through this bill. If we are going to load it up with more work when it is already overworked, are we going to give it more money? For a student sitting the Higher School Certificate, it would be like taking on an extra couple of subjects, even though they are already time poor, and then being told that they are expected to do it without any more time being made available. The second concern I have is about the amendments to the Forestry Act. In his second reading speech, the Minister was fairly minimalistic and the language he used was quite murky, to say the very least, when discussing the proposed changes to the Forestry Act.

The Opposition is forced to wonder what he is not saying and what he is trying to conceal. As I said earlier, a second reading speech is meant to explain, articulate and elucidate the intentions and the rationale of the bill. In his second reading speech, the Minister provided only four short paragraphs on the amendments to the Forestry Act—only 26 lines in *Hansard*. It is pretty poor. It is tantamount to dereliction of ministerial responsibilities. The importance of the second reading speech cannot be overestimated. When the Minister comes into the House, he has to be convinced of his points and argue those points—not hide away from them, as we saw with the amendments to the Forestry Act.

I have five questions for the Government about the bill. First, what is the impact on the apiary—or beekeeping—industry and livestock grazing, given that they have been ruled out of the bill? Secondly, will this bill affect the national park status of the Riverina Red Gum reservations and the South-Western Cypress reservations and, if so, how? Thirdly, why did the Government remove the requirement for separate licences when water pollution is at stake? Fourthly, will a downstream farmer be able to take recourse if water pollution is sanctioned through an integrated forestry operations approval—IOFA? Fifthly, will the revocation of dedicated State land being transferred to the Forestry Corporation still require the following of the Crown Lands Act before the land is disposed of? This is all fairly basic detail that, unfortunately, was not covered in the Minister's second reading speech. The New South Wales Opposition seeks answers to these questions in the Minister's reply.

There are other questions around wood supply in New South Wales and how the Government is responding to the issue. First, will the Minister guarantee the House that there are, at this moment, sufficient quantities of hardwood in State forests to honour all wood supply agreements? As I said a few moments ago, my experience in my electorate is that timber mills and rural farming contractors are not getting the supply agreed upon in their quotas. That means that, if they were promised 20 tonnes of hardwood per year, and each year for the past three or four years they have only been getting 10, 12 or 15 tonnes, their quotas have not been met for three or four years. Can the Minister guarantee the House that there is, at this moment, sufficient supply? Secondly, did the Minister for the Environment's koala announcements a few months ago place further pressure on the suppliers and the agreements? Thirdly, is the Government looking at reopening old growth forestry to fill any gaps?

Before concluding my remarks I want to tell the story of when I agreed, for possibly the first time in seven years, with the member for Myall Lakes. The member for Myall Lakes represents a beautiful part of the Mid North Coast around Forster, Tuncurry, Pacific Palms, Bulahdelah, Old Bar, Black Head and Hallidays Point. Approximately 30 years ago, when I was a much younger man, I used to go surfing up around Pacific Palms almost every weekend. I would go up to Bulahdelah through Bulahdelah Mountain on the Lakes Way to Pacific Palms. Some of the world's most beautiful beaches are in that area. The road through Bulahdelah Mountain is windy but, at the time, it had incredible forests on both sides of the road as I drove through. It was almost like a rainforest. It was thick, rich and lush.

Approximately 10 years ago, I drove through the area again. I had not been there for quite some time and it had been decimated. It was wiped out and completely cleared back to the dirt. I could not believe it: I was devastated that this beautiful bushland and forest had been completely wiped out. But I have been there a few times in the 10 years since, and this is where I agree with the member for Myall Lakes: I have seen that forest regenerate and regrow. I have seen it return to the beauty and the richness that it once had. I have been made aware through a life experience that we can harvest these plantations. They can grow back and prosper. That is important. We do need wood supply. We have to be able to go into areas, take wood and then regenerate wood growth.

If I had driven through the beautiful forests of that mountain range one week, and then driven through again a month later and seen them decimated, I might have cried environmental vandalism. But having seen the regrowth over a number of years, I can see the process and journey. It does take years and years. The member for Myall Lakes spoke on that point and I take this opportunity, for the first time in seven years, to agree with him on something. In conclusion, during my time as a member of Parliament I have seen many pieces of legislation pass this House. On a number of occasions I have pointed out the importance of the second reading speech. When there is a good second reading speech I compliment the Minister who made it; when there is not a good second reading speech I call it out. I am calling it out today: The Minister's second reading speech needed to be better. The Minister typically gives a much better second reading speech. This is a small gap in his performance thus far.

The Opposition cannot support the bill in its current form. There has already been an upper House committee inquiry into this bill. The Opposition will be moving a number of amendments in the other place. I will not deal with them here, but there are a number of issues. First, there is concern around the amount of time that the community had to look at the plans that will be put in place. Secondly, there is the fact that the plans that are in place need to be on the public register so that if someone sees someone suddenly wiping out hectares of trees, they can go onto a register and see if they have permission to do that or are just scorching the earth. It is important that we have access to that information. The other thing that Labor will be talking about is including beekeepers in this legislation. Interestingly, bees in a forest are a little bit like the old canary in a coalmine.

The canaries used to be sent down the coalmine and if things were not quite right or there was gas or other problems in the mine, the canary keeled over in the cage and the miners got out of the coalmine. The bees in our forests are a little like that: If the bees are not thriving, growing in number or producing large quantities of honey, it tells us that the forest is not healthy. We should not be excluding beekeepers. That would be like excluding the canary from the dangerous coalmines years ago. We should be actively insisting on the bees, because they act as a gauge of the health of our forests. Labor will not support this bill in this House but will move amendments in the other place. I look forward to a number of my questions being responded to by the Minister in his reply. I also look forward to the supply of hardwood to the people in my electorate. I look forward to the Minister's response.

#### *Visitors*

### **VISITORS**

**TEMPORARY SPEAKER (Mr Lee Evans):** I welcome to the gallery student leaders from high schools across New South Wales who are attending the Secondary School Leadership Program conducted by the fantastic Parliamentary Education Unit. As the students have probably gleaned, the House is debating the Forestry Legislation Amendment Bill 2018.

#### *Bills*

### **FORESTRY LEGISLATION AMENDMENT BILL 2018**

#### **Second Reading Debate**

**Ms TAMARA SMITH (Ballina) (11:50):** I too welcome students who are here today as part of the leadership program. I particularly welcome students from Xavier Catholic College, Ballina Coast High School, Mullumbimby High School, Byron Bay High School, Cape Byron Rudolf Steiner School, Emmanuel Anglican

College and Alstonville High School, in my electorate of Ballina. I speak on behalf of The Greens on the Forestry Legislation Amendment Bill 2018. It will not be a surprise that The Greens do not support this bill, and there will be no surprise that the biggest changes to native vegetation laws have happened under this Government. The Government's continued attacks on environmental protections for native forests never cease to horrify members of The Greens. We oppose the bill.

The Forestry Legislation Amendment Bill makes significant changes to various regulations of forestry operations. The Greens will move amendments in the other place specifically to stop native forest timber being used as energy biomass and providing fuel. I want to start with that, because perhaps the Department of Primary Industries thought this idea would win over conservationists. Sadly, no: The idea of burning trees in native forests for energy is ludicrous. National Parks Association of New South Wales Senior Ecologist Dr Oisín Sweeney said that it is hard to imagine a worse idea. He said that evidence from Europe showed the adoption of biomass power was driving deforestation in Russia, Canada, the United States, Slovakia, Italy, Spain and Finland. He said:

Given what we know, that biomass use overseas is driving deforestation, and the evidence that burning forests for power is driving climate change, this is reckless in the extreme.

The Greens reject the idea of burning trees in native forests and will move amendments in this respect in the other place. Our lead spokesperson on this is Ms Dawn Walker in the Legislative Council. A very strong advocate for protecting our forests is North East Forest Alliance spokesperson Dailan Pugh. With regard to the strategy of burning trees in native forests for fuel, he said:

Most of the timber they'll be using will actually come from cutting down trees specifically for biomass generation.

What we are seeing is the end game. The fuel will not just be the waste that will otherwise be left in the forest. The users are after any whole logs that are 10 centimetres at the small end or larger. Our forests take in carbon dioxide from the atmosphere and give us back oxygen. They play a vital part in our carbon dioxide process. The idea that we would cut down trees to produce fuel in a warming planet is very hard to fathom.

The bill seeks to amend the Local Land Services Act 2013 specifically to transfer the responsibility for the regulation of private native forestry from the New South Wales Environment Protection Authority [EPA] to Local Land Services. The EPA will retain an enforcement role, and the authority to make private native forestry codes of practice will also pass to the Minister for Lands and Forestry but will require the concurrence of the Minister for the Environment. It sounds as if there may be some extra oversight, but this change has already effectively been made through an administrative arrangements order. The Greens opposed that change after it was made and raised it as a matter of public importance. It is inappropriate for Local Land Services to have regulatory oversight over private native forests. This is an agency under the Department of Primary Industries—an agency that is more focused on logging than on protecting our plummeting koala populations or our endangered species.

It is particularly concerning that the Minister for Lands and Forestry intends that the Local Land Services, not the Environment Protection Authority, will be the authority to review the private native forestry codes. This was pointed out by a former senior ecologist from the Office of Environment and Heritage—the Government's own man—with the warning that it could result in a serious watering down of the code. This is a code that is already ignored by rogue operators. When specialists and experts in the Government's own departments say things like that, we should be very concerned. Any watering down of the code will essentially give private native forestry operators a licence to trash the environment with no consequences.

As my Labor colleague said earlier, the watering down of the funding for Local Land Services and the funding for the Environment Protection Authority have led to stories on the ground of many breaches—so many, the EPA cannot keep up with them. So this idea is really bizarre. It is also of concern because, as noted by the Minister in his speech, two-thirds of native forests in New South Wales are on private land. Regulation by Local Land Services could see a huge amount of native forest unsustainably logged for profit. The power to change the Private Native Forestry Code of Practice, the set of rules that regulate private native forests, will now sit with the Minister for Forestry rather than the Minister for the Environment. Although the codes cannot be changed without the concurrence of the Minister for the Environment, this change illustrates an increasing preference for industry over the environment in public and private forestry. Amendments affecting public native forestry include changing the way future integrated forestry operation agreements will operate. These agreements are the licences issued to forestry corporations that allow them to log and place protections and regulations on how they log.

We know from the Minister's second reading speech—although I concur with my colleague that it was hard to glean much from that speech—how little our native forests are harvested publicly in New South Wales. The amendments below reflect that there is a desire to expand these operations. The amendments to the Forestry Act will provide that the purpose of the regulatory provisions is to provide a framework for integrated forestry operation agreements that authorise the carrying out of forestry operations in accordance with principles of ecologically sustainable forest management.

"Ecological sustainability" has become one of those terms that has lost all meaning when used by this Government. The framework will supposedly include in its purpose the conservation of threatened species. Despite this, many of the protections for sustainability and threatened species are being stripped out of the new framework. I will speak a bit about that now. The bill provides for public consultation about the making or amending of the agreements, although public consultation is not required if the Minister considers the proposed amendment to be of a minor nature. There needs to be clarification as to what "minor" is, according to the Minister, to ensure that changes are not made without public knowledge.

I get very nervous—The Greens get very nervous—when a Minister can decide whether something is minor or major when it comes to our native forests. This bill repeals the provisions that make forestry agreement prerequisites for the broader agreements, potentially opening up significantly larger areas to logging. Regional forest agreements were originally made on the basis of significant mapping efforts of old-growth and significant forests to ensure that these were not open to logging. This change may allow for new areas, overall, to be opened up for logging, but particularly old-growth areas adjacent to current logging areas.

It is kind of insane that we even talk about logging in native forests. The Greens' do not support that. People were sold on that idea because they thought it would be heavily regulated and heavily monitored but from what we have seen that that is not the case. All of the changes under this legislation are tied to aligning the Forestry Act to the draft Coastal Integrated Forestry Operations Approvals. So what we are seeing is a real opening up of integrated forestry operation agreements, which will make four of these—which stretch from far north New South Wales to Eden—into a single agreement. This raises a number of serious issues about conservation. The new logging regulations will recognise four different types of logging: selective, intensive, mixed intensity and alternate coupe. In reality, all of these types of logging are intensive. My colleagues in the other House will continue, but the Liberal-Nationals Government in New South Wales continues to be the worst environmental vandal we have ever seen.

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (12:00):**

In reply: I thank members for their contributions to this debate, especially the Minister for the Environment for her contribution earlier this morning. I thank the member for Sydney, whose comments about forestry operations really intrigued me. I thank also the members for the electorates of Myall Lakes, Cessnock and Ballina—even though I knew what she was going to say before she even delivered her speech. The bill will deliver a streamlined approach for native forestry legislation in New South Wales. It will consolidate five pieces of legislation into two frameworks. The bill amends the Forestry Act 2012 to prepare for the new Coastal Integrated Forestry Operations Approvals [IFOA] and to establish provisions that enable the Environment Protection Authority [EPA] to enforce all of its conditions. The bill also amends the Local Land Services Act 2013 to formalise the transfer of responsibility for private native forestry advice and approvals to Local Land Services. This bill is yet another demonstration of the Government's commitment to a sustainable future for the native forestry sector in New South Wales.

I draw to the attention of the member for Cessnock that when we are talking about a draft coastal IFOA, he is forgetting to tell people that it is out for public consultation. It has been out for a number of weeks. It will be out for six weeks, seeking feedback from the community. I know that he has not even read it, and I will tell members why I know that—because it is known as the IFOA but he called it the IOFA. He is talking about a completely different document. The member for Cessnock must understand that it means the Integrated Forestry Operations Approvals [IFOA]. This is the rulebook of forestry operations in New South Wales. This is about merging four IFOAs into one. As I said, it is the rulebook when it comes to native forestry operations along the coast. I also draw to his attention the draft, which reiterates the two commitments given by the Government: no erosion of environment values and no net change to wood supply.

This is about the Government looking at a balance for the industry, as well as looking at the importance and the value of the environment. The industry is valued at approximately \$2.4 billion each year to the State's economy. It employs more than 22,000 people, many of whom live in regional communities and who rely on those mills. Many people have been involved in those operations for decades. Some of those have been family operations, moving from one generation to the next over time. The area that I come from has timber operations but I also see a lot of replanting to ensure that we have a strong industry in this State. The intent and the spirit of the legislation is very clear: it is about streamlining and modernising the regulatory framework.

I remind the member for Cessnock that the framework for native forestry has been in place for 20 years and has not kept pace with modern environmental regulations. We all know that after 20 years, things change—things need to be done differently. There is now more science, research and evidence. Therefore, we cannot do things the same way we did them 20 years ago. The framework for regulating native forestry on private land has never been fit for purpose—it has treated native forestry as a form of land clearing and not as sustainable forest management. This has impacted on the ability of landholders to manage their land in an integrated and practical



sense. That is why Private Native Forestry [PNF] has moved across to Local Land Services [LLS]. It is regarded as an extension of farming activities occurring across this State.

The member for Cessnock talked about lack of resources and asked how LLS will cope with this. Over the past number of months, staff have been trained. Staff in LLS offices are providing advice and support to those who want to undertake private native forestry operations. So we have the staff and the support, and we have had the training. We have also provided advice to landholders. The bill modernises the regulatory frameworks, providing a contemporary native forestry regulation framework for public land that is in line with more modern environmental legislation, including the Biodiversity Conservation Act that the Government introduced in 2016. It also integrates the legislation for private native forestry into a single Act overseeing all land management and provides a more harmonised approach to land management while recognising that native forest is not land clearing. The Environment Protection Authority will be responsible for enforcing these conditions.

I turn now to some of the questions raised by the member for Cessnock that were also included in the Standing Committee on State Development inquiry into the bill regarding its potential impact on beekeepers. During the inquiry the Government listened very carefully to the concerns raised by stakeholders, including our important commercial beekeepers that make up about 40 per cent to 45 per cent of Australia's \$127 million honey and beeswax industry. Beekeepers also have an important role as pollinators for agricultural industries such as almonds. New South Wales has approximately 3,500 registered beekeepers. They are important players in the agricultural economy, including as producers of world-leading products for both domestic and international markets. We are fully aware of the important role native forests provide for our beekeepers: supporting critical pollination and breeding outcomes. I have reassured our commercial beekeepers that the bill will not restrict, in any way, this critical access to our State forests.

Permits for beekeepers currently are issued under specific provisions in the Forestry Act that are not subject to review or change under the bill. Similarly, access arrangements set by Forestry Corporation NSW are not changing as a result of this bill. This is an important clarification and provides security of access to our beekeepers. However, the bill shifts the regulation of beekeeping out of integrated forestry operations approvals [IFOAs], thereby allowing IFOAs to be simplified and targeted towards forestry outcomes. At the same time the bill includes a regulation-making power to further authorise and regulate beekeeping in State forests.

The New South Wales Government will continue to work with beekeepers to ensure that their concerns are addressed, including making supporting regulations after the passage of the bill, as necessary. Aside from the bill, we have heard concerns also from beekeepers on the Coastal IFOA—a remake that is currently underway. The draft Coastal IFOA is currently out for consultation. We have organised targeted briefings with beekeepers to ensure they are fully across the detail behind the IFOA and to help inform their submission.

The Government is determined to listen carefully to all stakeholders as part of this process and to ensure that the bill strikes the right balance among environmental, social and economic outcomes, including for critical users of our forests such as beekeepers. The bill will ensure that we get the regulatory framework for native forestry right. A strong and streamlined regulatory framework will allow the people working in the industry to focus on doing their job while the Environment Protection Authority focuses on the highest priority matters. Importantly, the bill will address native forestry on both private and public land in a holistic manner. This bill represents a turning point for the management of native forestry in New South Wales. The Government is putting the sector on a pathway to a sustainable future and providing the sector with regulatory certainty. I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Lee Evans):** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....50  
Noes .....35  
Majority..... 15

**AYES**

Anderson, Mr K  
Barilaro, Mr J  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr A.W.  
Gibbons, Ms M  
Gulaptis, Mr C

Aplin, Mr G  
Berejiklian, Ms G  
Constance, Mr A  
Crouch, Mr A  
Donato, Mr P  
Fraser, Mr A  
Goward, Ms P  
Hazzard, Mr B

Ayres, Mr S  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Elliott, Mr D  
George, Mr T  
Grant, Mr T  
Henskens, Mr A

## AYES

Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

## NOES

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Greenwich, Mr A  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Tesch, Ms L  
Watson, Ms A (teller)

Atalla, Mr E  
Car, Ms P  
Crakanthorp, Mr T  
Doyle, Ms T (teller)  
Harris, Mr D  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

Bali, Mr S  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Harrison, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Smith, Ms T. F.  
Washington, Ms K

## PAIRS

Brookes, Mr G  
Griffin, Mr J  
Hancock, Mrs S

Cotsis, Ms S  
Foley, Mr L  
Haylen, Ms J

**Motion agreed to.**

**Third Reading**

**Mr PAUL TOOLE:** I move:

That this bill be now read a third time.

**Motion agreed to.**

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2018****Second Reading Speech**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (12:18):** I move:

That this bill be now read a second time.

This bill was introduced in the other place on 23 May 2018 and is in the same form. The second reading speech appears at pages 41 to 42 in the proof of *Hansard* for that day. I commend the bill to the House.

**Second Reading Debate**

**Mr PAUL LYNCH (Liverpool) (12:19):** I lead for the Opposition, which does not oppose the Statutory Law (Miscellaneous Provisions) Bill 2018. This is a bill that makes a multiplicity of amendments, alterations and revisions to a wide range of Acts and statutory instruments. A number of minor amendments to a number of Acts and statutory instruments are provided in schedule 1, ranging from the Subordinate Legislation Act to the Aboriginal Land Rights Act. The bill provides for 11 regulations and by-laws to be left in force for a further period of one year after the date on which they would have been repealed as a result of the amendments to the Subordinate Legislation Act under schedule 1. Each has had its repeal postponed on at least five occasions. Currently various provisions require the publication of various notices in newspapers.

Amendments in schedule 2, generally speaking, now require publication in a manner that is likely to bring them to the attention of the persons to whom they are directed. The manner of publication rests with the person who is now responsible for the publication. Schedule 3 has statute law revision provisions resulting from the Biodiversity Conservation Act and the Local Land Services Amendment Act. Statute law revisions resulting from the Environmental Planning and Assessment Amendment Act 2017 are contained in schedule 4 to the bill. Schedule 5 has statutory law revisions concerning a miscellaneous number of Acts. Schedule 6 repeals various Acts and statutory instruments. General savings, transitional and other provisions, are provided in schedule 7. This type of bill has been used by governments of all political persuasions for several decades to ensure a plethora of minor amending bills can be avoided and are contained in one consolidated bill. The Opposition does not oppose the bill.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (12:22):** In reply: I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Lee Evans):** The question is that this bill be now read a second time.

**Motion agreed to.**

### Third Reading

**Mr MARK SPEAKMAN:** I move:

That the bill now be read a third time.

**Motion agreed to.**

## MISCELLANEOUS ACTS AMENDMENT (MARRIAGES) BILL 2018

### Second Reading Speech

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (12:22):** I move:

That this bill now be read a second time.

I am pleased to introduce the Miscellaneous Acts Amendment (Marriages) Bill 2018. The bill follows the amendments to the Commonwealth Marriage Act 1961 passed by the Commonwealth Parliament in December 2017, which extended the right to marry to any two adults, including same-sex couples in Australia and recognised marriages solemnised overseas that previously were not recognised. The changes to the Marriage Act, made by the Marriage Amendment (Definition and Religious Freedoms) Act 2017, commenced on 9 December 2017 with the recognition from that date of overseas same sex and gender diverse marriages not previously recognised. Marriage is included under article 51 (xxi) of the Australian Constitution as a subject with respect to which the Commonwealth may make laws. The rules regarding such matters as to who may or may not marry under Australian law and who may solemnise marriages are set by the Commonwealth in accordance with the Marriage Act. However, there are a number of flow-on effects of changes to the Marriage Act that give rise to the need for consequential amendments to a number of New South Wales Acts and regulations.

New South Wales is the first Australian State or Territory to introduce a bill that makes comprehensive consequential amendments to its laws since the amendments to the Commonwealth Marriage Act. These consequential amendments are predominantly technical in nature. Many of the amendments are designed to ensure that terms related to marriage and married people are capable of encompassing married couples regardless of sex through the use of gender-inclusive or gender-neutral language—for example, terms such as "spouse", "surviving spouse" and "parent". Existing references to "wife", "husband", "widow", "widower", "mother", "father" will generally be retained. The policy intent behind the amendments is to accommodate all married and widowed people, including individuals who do not identify with those existing terms. It is not intended to change rights, obligations or entitlements beyond the changes conveyed by the amendments to the Marriage Act.

Other amendments include the following: removal of restrictions on married people registering a change of sex; amendments to provisions whereby a revocation of a guardianship order or the registration of a relationship is triggered by marriage to ensure those provisions apply correctly with respect to same sex marriages; and transitional provisions to ensure the rights of all married couples are recognised in the intervening period between 9 December 2017 and the commencement of the consequential amendments in this bill.

I will outline the details of the bill. Schedule 1 sets out amendments to 44 New South Wales Acts and regulations, updating the terminology of the definitions for terms related to marriage, wherever they appear, as follows: Amend the definition of spouse by replacing the term "the husband or wife of a person" with "the person to whom a person is legally married (including the husband or wife of a person)". Amend the definition of dependants by replacing the term "the husband or wife of the claimant" with "the person to whom the claimant is legally married (including the husband or wife of the claimant)". Replace other references to "husband, wife" or

"husband or wife" with "spouse (including husband or wife)" and other references to "wife, husband", or "wife or husband" with "spouse (including wife or husband)". Replace the term "widow or widower" with "surviving spouse (including widow or widower)". Ensure that provisions that prevent female electors being disqualified from voting if they have changed their surnames on marriage, apply to electors generally.

Schedule 2 sets out amendments to the Adoption Act 2000, the Adoption Regulation 2015, the Guardianship of Infants Act 1916 and the Status of Children Act 1996. These New South Wales laws govern adoption, guardianship and custody of children. The changes deal with terms related to parentage as follows: Where provisions apply separately and equally to each parent, replace the terms "mother" and "father", with "parent (including the mother or father)". Where provisions apply jointly to both parents, replace the term "mother and father" or "father and mother" with "the parents (including father and mother)". Where provisions apply to any living parent, replace the term "mother or father" with "the surviving parent (including the mother or father)".

Schedule 2 also amends the Adoption Act as follows: In the definition of married, replace "a man and woman who are actually married" with "two persons who are legally married to each other" or "two Aboriginal or Torres Strait Islander persons who are living together in a relationship that is recognised as a marriage according to the traditions of an Aboriginal community or Aboriginal or Torres Strait Islander group to which they belong". In the definition of step parent, replace "is not a birth parent or adoptive parent of the particular person" with "is not a birth parent, parent or adoptive parent of the particular person". This is to avoid the same-sex spouse or partner of the birth parent being included in the definition. Replace references to "the mother, the father" with "the parent (including the mother or father)".

Schedule 2 also includes the following amendments related to parentage presumptions at sections 9 and 14 of the Status of Children Act 1996: Ensure that parentage presumptions arising from marriage under section 9 apply equally to same-sex marriages, by replacing the word "husband" with "spouse". Ensure that parentage presumptions arising from the use of fertilisation procedures under section 14 apply to same-sex marriages by: clarifying that subsections (1) and (6) only apply to a woman married to a man; and clarifying that subsections (1A) and (5A) apply to a woman either married to or in a de facto relationship with another woman.

Schedule 3 sets out amendments to part 5A of the New South Wales Births, Deaths and Marriages Registration Act 1995 [BDMR Act] with respect to change of sex. The BDMR Act currently provides for a person who has undergone a sex affirmation procedure to have their registered sex altered on the Register of Births, Deaths and Marriages [BDM Register]. However, the relevant provisions are restricted to persons who are not married. The reason for this restriction is that amending the sex of a married person would have resulted in the marriage becoming a same sex marriage. Up until 9 December 2017, this would have conflicted with the previous definition of marriage in section 5 of the Commonwealth Marriage Act that is between a man and a woman. This would have given rise to an inconsistency between State and Commonwealth law.

Schedule 2 to the Commonwealth Marriage Amendment (Definition and Religious Freedoms) Act 2017 will commence on 9 December 2018. It will repeal section 40 (5) of the Commonwealth Sex Discrimination Act 1984, which currently has the effect of exempting from the discrimination prohibitions in the Commonwealth Sex Discrimination Act a refusal by State or Territory law to alter an official record because a person seeking the alteration is married. The States and Territories were given 12 months, until 9 December 2018, to change their own laws to ensure that they are consistent with Commonwealth legislation. After that date, any legislation that denies married people the right to change their sex will be inconsistent with the Commonwealth Sex Discrimination Act, and the Registrar of the NSW Registry of Births, Deaths & Marriages may be in breach of the Sex Discrimination Act if the registrar denies such an application to register a change of sex. Accordingly, the requirement that a person must be unmarried to have their sex changed on the register will be removed from part 5A of the Births, Deaths and Marriages Registration Act, wherever it appears. All other requirements for change of sex will remain the same.

Schedule 4 to the bill makes two minor amendments to the Evidence Act 1995. First, the exception to the hearsay rule at section 73 includes evidence of reputation as to relationships. Currently, the hearsay rule does not apply to evidence of reputation concerning whether a man and a woman cohabiting at a particular time were married to each other at that time. The bill extends this exception to evidence of reputation concerning any two people who were cohabiting. Secondly, the bill inserts a transitional provision to ensure that the amendment applies to evidence adduced immediately after commencement in all proceedings, including those already on foot.

Schedule 5 to the bill deals with amendments to the Guardianship Act 1987, which provides at section 6HA that the appointment of an enduring guardian is automatically revoked if the appointer marries a person other than the appointee after the date of appointment. Same-sex marriages solemnised overseas, including by a foreign diplomatic or consular official in Australia, before the amendments to the Commonwealth Marriage Act were recognised in Australia from 9 December 2017. Thus an appointment of an enduring guardian by a party to a same-sex marriage solemnised overseas before 9 December 2017 would be revoked on that date if the

appointee is not the person's spouse, regardless of whether the appointment was made before or after the marriage. This situation is at odds with the intent of the Guardianship Act.

The bill adds a new section to address this anomaly, by reversing the revocation of any appointment made by a person if the appointment was made after they entered a same-sex marriage that was solemnised overseas before 9 December 2017. This will ensure that the provision in section 6HA applies equally to all married people. Transitional provisions will validate any actions taken by the enduring guardian in respect of a guardianship order made after entering into a same-sex marriage, even though the order was revoked between 9 December 2017 and the commencement of the amendments in this bill.

Schedule 6 to the bill makes minor amendments to the Married Persons (Equality of Status) Act 1996 as follows: it replaces references to "a husband and wife" with references to "spouses (including a husband and wife)"; and it includes a regulation-making power to allow a regulation of any Act that this bill amends to include a savings or transitional provision where that provision is consequent on this bill. Schedule 7 to the bill makes amendments to the Relationships Register Act 2010 with regard to the automatic revocation of the registration of relationships on the Relationships Register on the marriage of a person in the relationship.

The bill will insert a clarifying provision that the registration of any such relationship was revoked when the marriage was recognised in Australia on 9 December 2017. This bill amends New South Wales legislation in conformity with changes to the Commonwealth Marriage Act. Those changes were in accordance with the will of the Australian people, reflected in the outcome of the national postal plebiscite, ensuring that all married couples have the same rights, obligations and entitlements. The amendments will commence on the date of assent. I commend the bill to the House.

### Second Reading Debate

**Mr PAUL LYNCH (Liverpool) (12:33):** I lead for the Opposition in debate on the Miscellaneous Acts Amendment (Marriages) Bill 2018. The Opposition does not oppose the bill. The object of the bill is to provide various legislative amendments that follow on from the commencement of recent Commonwealth legislation. That legislation is the Marriage Amendment (Definition and Religious Freedoms) Act 2017. This is the marriage equality legislation that commenced in December last year. The changes that are dealt with in this bill are largely technical in nature; notwithstanding that fact, these changes are actually quite important. I note that the Government said that this is the first bill in any State or Territory legislature to introduce comprehensive consequential amendments following from the 2017 Commonwealth legislation. I also note that the Minister said in his second reading speech that the policy intent of this legislation is not to go beyond the changes that the Commonwealth's legislation applies to.

The amendments contained in this bill are: to update terminology relating to marriage and parentage in various Acts and statutory instruments, which is provided for in schedules 1, 2 and 6 to the bill; to extend the existing exceptions to the hearsay rule to any married person, in schedule 4, and to provide the entitlement to register a change of sex to any married person, in schedule 3; and to set out in schedules 5 and 7 the effect to certain enduring guardianship appointments and registered relationships. The primary legislation is, of course, the 2017 Commonwealth Act. Whilst the Commonwealth has the obvious constitutional power for that legislation, there is a plethora of other legislative actions that the Commonwealth does not have jurisdiction over that must change as a result of the marriage equality legislation.

Schedule 1 makes a number of changes in terminology to the definition of "spouse", "relatives", "dependants" and similar terms. It also removes some redundant provisions in 46 separate Acts or regulations. Those Acts and regulations range from the Aboriginal Land Rights Regulation to the Workplace Injury Management and Workers Compensation Act. For example, section 4 (2) (d) (i) of the Anatomy Act, says the person's "husband or wife" is replaced by the words "a person to whom the person is legally married (including husband or wife of the person)". As noted in the second reading speech, gender-inclusive or gender-neutral language is used while reference to "husband and wife" and "de facto" are often retained.

Schedule 2 amends various pieces of legislation. This legislation deals with terms relating to parentage in the Adoption Act, the Adoption Regulation, the Guardianship of Infants Act and the Status of Children Act. Schedule 3, importantly, removes restrictions from the Births, Deaths and Marriages Registration Act so that persons who change their sex and are married may have that change of sex recorded on the register. Currently, a person who undergoes a sex-affirmation procedure can have their registered sex altered on the register. That presently is restricted to people who are not married. That flows from the pre-December 2017 Commonwealth definition of a marriage as being between a man and a woman. Amending the sex of a married person would then have resulted in the marriage becoming a same-sex marriage, which would be inconsistent with the previous Commonwealth position. That would sometimes perversely lead to divorce to allow the registration that was desired.

Schedule 4 amends the Evidence Act. Currently, section 73 provides an exception to the hearsay rule so that the hearsay rule does not apply to evidence of reputation concerning whether a man and woman cohabiting at a particular time were married to each other at that time. The provision in section 73 (1) (b) is altered by replacing "a man and a woman" with "two people". There is also a transitional provision. The Guardianship Act is amended by schedule 5 to deal with certain enduring guardian appointments that would otherwise be revoked because of the impact of the Commonwealth legislation. Schedule 6 amends the Married Persons (Equality of Status) Act and provides for the making of various regulations and updates references. Schedule 7 provides for the revocation of a relationship registered under the Relationships Register Act. As I said, this is a largely technical bill but nonetheless one of great significance. The Opposition does not oppose the bill.

**Mr PAUL SCULLY (Wollongong) (12:37):** As the member for Liverpool said, while the Miscellaneous Acts Amendment (Marriages) Bill 2018 is technical in nature and exhaustive in the list of Acts and regulations it amends; nonetheless, it is an important bill. A great number of marriage equality campaigners in the Illawarra have been looking forward to the introduction of this bill to the New South Wales Parliament. I acknowledge the member for Sydney, who is in the Chamber, for his efforts in leading the charge on marriage equality in this State. This bill is modelled on the Federal Marriage Amendment (Definition and Religious Freedoms) Act 2017, which was well overdue. I am pleased that we are debating these consequential amendments to New South Wales Acts and regulations contained in the bill before us today.

This bill completes the work undertaken by marriage equality campaigners like Simon Zulian, Caitlin Roodenrys, Richard Martin, Renay Horton, Wendy Myers, Roxee Horror, Nathan Brown, Chase Murray and Alison Byrnes, among many others, who joined the member for Keira and me in the Illawarra in securing a 66 per cent pro-marriage equality vote in Cunningham and a 62 per cent pro-marriage equality vote in Whitlam. I am pleased to add my support to the bill before the House today. As I said, while the bill is technical in nature and does not necessarily command the great audience that the Federal legislative changes did when they were passed, it is necessary. This important bill completes a process of change that I am sure all members will welcome. We certainly welcome it in the Illawarra.

**Mr ALEX GREENWICH (Sydney) (12:39):** I welcome the Miscellaneous Acts Amendment (Marriages) Bill 2018, which updates State laws to reflect Federal marriage laws that now finally allow same-sex and gender-diverse couples to marry each other. I thank the Attorney General and his staff for the consultation with me and other lesbian, gay, bisexual, transgender and intersex [LGBTI] advocates on this bill. I especially highlight the work of Anna Brown and Lee Carnie from the Human Rights Law Centre for their work and dedication across this country on this and other important legislation impacting the LGBTI community. As many members know, I was the co-chair of the successful "yes" campaign and worked alongside more than 15,000 Australians to shape Australia as a fairer and more equal place for all. Despite a disgraceful campaign from the "no" side we succeeded; now all Australians can marry the person they love in the country we all cherish.

The bill is an important part of that. It will ensure that where laws in New South Wales refer to a spouse, the reference is inclusive of same-sex and gender-diverse married couples. It is an update that is required by the Parliament of Australia, and I am pleased we have made it some months ahead of the December deadline. Tomorrow is the six-month anniversary of the Federal Parliament legislating for marriage equality and already 2,500 couples have married. That has been an expensive exercise for LGBTI Australians, our friends and families. Whilst most changes are consequential to Australian marriage laws, removal of the forced divorce provision for transgender people or a married requirement eliminates a very cruel and discriminatory provision that has plagued State laws and has had a destructive influence on the lives of many transgender people.

I acknowledge the work of the former Federal Attorney General, George Brandis, and his staff in ensuring that changes to the Commonwealth Marriage Act also mandated ending forced transgender divorce. I also acknowledge the ongoing advocacy of Australian Greens Senator Janet Rice on this matter. Prior to the passage of this bill, a person was able to change their sex on the Birth, Deaths and Marriages Register only after they had undergone gender transitional surgery and if that person was not married. Transgender people who have had sex affirmation surgery and are married are required to choose between having a correct birth certificate and staying married to their lifelong partner, who has supported them through their transition. This is untenable and poses a challenging and unfair decision for married couples in that situation.

An incorrect birth certificate means disclosing one's former gender when applying for a job and having difficulty accessing medical services. Transgender people often experience discrimination and stigma, and it should be their choice whom they inform about the deeply personal matter of their transition. The transgender community is a minority group with alarmingly high rates of attempted suicide and mental health concerns. An incorrect birth certificate only contributes to feelings of isolation and social rejection. But divorce is also an undesirable option. Why should a couple divorce when they are in a loving and supportive relationship? Marriage

exists to protect and support relationships that provide stability and belonging for the people involved, which is vital to a person who is undergoing a gender transition.

I first worked on legislation to achieve this in 2014 with The Greens upper House member, and soon-to-be Federal senator, Dr Mehreen Faruqi. At the time we shared with the media and the Parliament the story of Elisabeth White, who began her transition in 2010 while she was married to her wife, Lisa. She told the *Sydney Morning Herald* that she was put in the humiliating position of being forced to disclose her former gender when applying for a job. She and Lisa had been married for 20 years, yet she was forced to make a cruel choice. As she put it:

You either deal with discrimination or you divorce.

Many couples stay together after one person transitions and the law should protect the vital emotional support that comes from marriage. The Australian Human Rights Commission, the United Nations Human Rights Committee and the World Health Organization have all identified forced transgender divorce laws as human rights violations. While abolishing forced transgender divorce, the House should also abolish other humans' rights violations against transgender people. The bill does not remove provisions that currently force transgender people to undergo irreversible surgical procedures to change their sex on their birth certificate. Gender affirmation surgery is not always wanted, safe or available, and is neither the only nor the most common option to transition. Hormone treatment is more common. The vast majority of transgender people live within their true gender identity without surgery, but because of existing laws the majority of transgender and gender-diverse people cannot change their legal sex or gender to access an accurate birth certificate that reflects the gender they live as.

In 2015 I worked with colleagues across the Parliament to draft a bill to remove the requirement for forced surgical intervention for people transitioning sex or gender. I announce to the House that, along with colleagues from the Government, the Opposition and The Greens, I will again proceed with this important legislation following consultation with stakeholders, colleagues and relevant experts. Birth certificates are used by employers, including for police checks. They are also used to access services and benefits, and the State should hold the correct personal documents of its citizens, with all citizens able to access an accurate birth certificate. All a person needs to do to get their true gender on their passport is to provide a letter from a medical practitioner certifying that they have had or are being treated for gender transition. This model is supported by the Australian Human Rights Commission and the World Health Organization.

The New South Wales Parliament dealt with marriage equality and many other important LGBTI reforms in a civilised and respectful way, and I hope that we will not be afraid to take the next step in helping transgender people get full recognition. Transgender people are some of the most marginalised people we represent, and they live across the State. Every member of this Parliament has transgender constituents—this is not an issue limited to inner-city electorates. I would like the Minister in reply to make a commitment to consider changes to provisions that force transgender people into surgery as part of the move towards equality that is covered in this bill. In recognising that a couple made up of two men, two women or two people with one or both being gender diverse, the bill represents a big step towards equality. But much more needs to be done to reach full equality and I am committed—as I know other members across the political spectrum are—to achieving this in the current Parliament and in future parliaments.

For young people coming out without the love and support of family and friends, marriage laws that discriminated against LGBTI people instilled feelings of being different and inferior. Unfortunately, this has had lifelong impacts on people who are now adults. LGBTI people are between three to 14 times more likely to commit suicide, with one in six young LGBTI people having attempted suicide and one in three having self-harmed. During the postal survey, the No side acted with supreme cowardice in attacking some of the most vulnerable in our community, including the trans and gender diverse community and the children of same-sex parented families.

Australia rejected their appalling and damaging campaign, and instead voted for love, equality and fairness. It is with pleasure that I say we can now move on from the despair of the past, including years of inaction in the Federal Parliament, after a majority of Australians stood up for their LGBTI friends and family members and supported marriage equality. I thank everyone who put their blood, sweat and tears into achieving marriage equality, those who literally knocked on the doors of their neighbours to get their vote for them to be able to marry, and our Federal colleagues, who finally did their job and legislated for marriage equality six months ago. I commend the bill to the House.

**Ms JENNY LEONG (Newtown) (12:48):** It is amazing how in this place we have managed to turn something as passionate and personal as love into something known as the "Miscellaneous Acts Amendment (Marriages) Bill 2018". Congratulations to us for turning something that is about such joy and personal hope into the most bureaucratic-sounding bill ever. While the name of the bill might sound a little tedious, it is wonderful to be in the Chamber with the member for Sydney to hear members from all sides and of all political stripes speak

in support of marriage equality and the important changes to the Births, Deaths and Marriages Registration Act 1995 and many other pieces of legislation that will enact the reality of marriage equality in New South Wales.

The Greens strongly support the bill because it brings New South Wales legislation into line with Commonwealth legislation in enshrining marriage equality across this country. In December 2017, marriage in Australia was recognised as being between two people regardless of their sex or gender. The gender-specific language used in current State legislation means that marriage equality has not been a reality for many people. This legislation enables us to catch up and to do what is required to deliver full marriage equality across this State. The Greens' position was always clear that New South Wales legislation needed to catch up with Commonwealth legislation, and that is what has happened. I joined my Greens colleague Senator Janet Rice in writing to the Premier in February, urging her to take on board the celebration that occurred in response to the result of the marriage equality postal survey and the massive support for the Yes campaign and to enact changes in this State's legislation. It is wonderful that we are achieving that today.

The debate about marriage equality has had a huge impact on the lesbian, gay, bisexual, trans, intersex and queer [LGBTIQ] community and their families, friends and loved ones. The sad reality is that the divisive postal vote was never necessary. We gave unanimous support to a motion moved in this Chamber in support of calling on our Federal parliamentary colleagues to act and to make those changes themselves. Sadly, many people—some prominent leaders in the LGBTIQ community—are still suffering from the hurt, damage and hate that they confronted during that divisive survey. I remind them that sometimes we win, and this time we won. It is truly phenomenal to know that we have realised marriage equality not only in this State but also across the country, and that people will now be able to celebrate their love free from discrimination.

Being subjected to discrimination because one is seen as different is particularly harmful for young people. The member for Sydney provided some stark statistics reflecting the impact that discrimination has on young LGBTIQ and gender-questioning people. It is important that we do everything we can to remove that discrimination from our legislation. The member for Sydney acknowledged the work done by my Greens colleague Dr Mehreen Faruqi in 2014 in introducing a bill designed to achieve reform. I make a commitment to work with the member for Sydney and any other member of this place or the other place to advance the much-needed additional reforms dealing with trans rights in this State. New South Wales legislation requires a trans person to undergo surgical intervention before being eligible to change their gender on their birth certificate. Unfortunately, this bill does not seek to remove that requirement.

Many organisations are concerned about the impact this provision is having. It goes beyond the issue of marriage to the fundamental right of people to live free from discrimination and to have the right to be identified as they wish without being required to undergo surgical intervention. The Human Rights Law Centre provided a briefing to many members and said that this bill does not remove the other legal barriers to recognition of sex and gender in the Birth, Deaths and Marriages Registration Act 1995, which includes surgery and medical evidence requirements, limited sex and gender categories, and a limitation applying to those under the age of 18. As representatives of the diverse communities of New South Wales, it is important that we address the needs of those who feel excluded, who are experiencing discrimination, and who are being hurt or harmed as a result of bureaucratic decisions and processes that prevent them from living the lives they want to live while having their choices respected. I make a commitment today to work with the member for Sydney and across party lines to ensure that we address these concerns as a priority.

It is wonderful to hear wedding bells ringing out across the country—but perhaps there are not many because these wedding ceremonies are probably not being held in churches. That is my Adelaide heritage emerging; as members know, it is the city of churches. However, the weddings occurring across the country are giving us the space to work with the LGBTIQ community to achieve other reforms. Anti-discrimination legislation in this State must be updated. We must also push for trans law reform and address religious exemptions and preventing discrimination on the basis of sex and gender. The Greens are committed to pushing for these reforms and to delivering them. We cannot celebrate marriage equally without recognising that other reforms must be achieved. Ms Paige, the spokesperson for Transhealth Australia, said that Australia still had some way to go before all discrimination against trans people was removed. She continued:

This is a step in the right direction but trans people are still required to undergo invasive surgery before they can change their legal sex. Much more reform is needed to bring birth certificate laws in Victoria and New South Wales and many other States into line with best practice worldwide.

I make a commitment to work to ensure that we advance that goal today. I conclude by personally thanking Senator Janet Rice, who has responsibility for this portfolio area in the Federal Parliament. I also thank her partner, Penny Whetton. It is perhaps the most extreme and moving experience to advocate for legislative reform when it has a direct personal impact. Janet and Penny have been tireless campaigners for marriage equality and to have their marriage recognised in law. That is incredibly powerful, and they deserve credit and support for their amazing



efforts in campaigning so publicly about something that impacts them not only from a principled perspective but also from a very personal perspective. I pay tribute to them for their tireless efforts.

It is wonderful to be in this Chamber with the member for Sydney, who has shown strong leadership on marriage equality. He has demonstrated much more patience with the political argy-bargy than I could have demonstrated to deliver this reform. It is an honour to have been part of the Yes campaign. I remember being heckled in 2004 by members of the NSW Gay and Lesbian Rights Lobby when I was a Greens candidate because I was talking about marriage equality. Apparently I should not have done so because the Labor Party was not committed to it. It appeared that The Greens were exposing Labor's hypocrisy. All these years later, it is good to know that we are all on the same page. I will never again be heckled by the lobby or anyone else upstairs at the Newtown Hotel for campaigning for marriage equality.

We have achieved change and I look forward to pushing the agenda, which is what The Greens do. We must identify the reforms that still need to be delivered. Everyone shouted me down and told me that I was being unrealistic and that these changes would never happen. Now, a decade later, we are debating this legislation. I look forward to being heckled again when I campaign for further reforming legislation.

**Mr RYAN PARK (Keira) (12:58):** I wholeheartedly support the Miscellaneous Acts Amendment (Marriages) Bill 2018. In doing so, I echo the comments of my colleague the member for Wollongong in acknowledging the great work that our local community has done to rally people and to ensure they understand the ramifications of this reform. I also acknowledge someone very special in the Labor Party: the Hon. Penny Sharpe in the other place. She has been a tireless advocate for the lesbian, gay, bisexual, transgender, intersex and queer [LGBTIQ] community. She has been there from the very beginning, when this was a difficult issue for the Labor Party—as the member for Newtown rightly pointed out. Many of us wish that that was not true, but the reality is it was for a time.

Penny's advocacy, tireless work and determination to ensure we righted a wrong will go down in history as an achievement of great reform and great significance. Penny was there when it was a difficult issue for many. On many occasions she was on her own. Penny and I have been friends for a long time; she is someone whom I admire and look up to. She has an enormous amount of integrity. Beyond that, her willingness to listen and to engage in calm, sensible debate whilst at the same time passionately advocating for the LGBTIQ community is a lesson for all of us in this place. She has shown that even if at first you do not win you keep going, you come back and you continue to prosecute what is important to you. Penny certainly did that.

I have said for a long time, and I say to people in this place: Never stop believing in your aims. The moment we stop believing, we should let someone else succeed us. The moment we are spoonfed in this place, the moment we stop believing in our aims, the moment we drink too much of our own Kool Aid is the moment we should probably move on and do other things. Penny has continually shown a fantastic spirit of determination. She is an individual as well as a team player. She has advocated for marriage equality for so many years. To see Penny and so many others across Australia celebrate this momentous time and occasion of great happiness is something that will forever be remembered by me and, as the member for Wollongong said, by so many people in our community.

I pay tribute to the young people who advocated for change. It was a very difficult and challenging time for those people to have to go through the awful experience of the postal vote. It should never have occurred and it cost millions of dollars. That money could have been spent in far better ways. At a time when we all have to be fiscally responsible, money was spent on a process that was divisive at best and horrendous at worst and affected the livelihood and mental health of so many people. It should never have happened. I am very proud of the young people who contacted my office to express their concerns. I commend them for the way in which they conducted themselves and continued to advocate and stood up for those who may not have had a strong voice.

I say well done to everyone involved in the campaign, including the member for Sydney. His efforts have been acknowledged but I want to personally acknowledge them. He has shown great leadership. I congratulate the Hon. Penny Sharpe and the Labor team. Most importantly, I congratulate the Australian community on righting a wrong and making sure that our country accepts all people and allows everyone to enjoy the same freedoms. Where we see discrimination, this oldest Parliament plays its part to oppose it. We are all fierce advocates and we must make sure that when the next wrong needs to be righted, we will do so. In future, we should do so much more quickly than it has taken for this reform.

**Ms FELICITY WILSON (North Shore) (13:04):** I make a contribution on behalf of the Government to the Miscellaneous Acts Amendment (Marriages) Bill 2018, which makes consequential amendments to a range of New South Wales legislation following the Commonwealth's amendments to the Marriage Act 1961, commencing in December last year and changing the definition of "marriage" to allow same-sex marriages. The

bill before us today will ensure that New South Wales laws are consistent with the new definition of "marriage" and clarify the effect of the amendments on a number of Acts.

When the Marriage Act was amended by the Commonwealth allowing same-sex couples to legally marry in Australia, it required a number of jurisdictions to make changes to legislation to ensure that those marriages that were solemnised prior to the reform in foreign jurisdictions or by foreign officials in Australia could be recognised. It also required a range of reforms to various pieces of legislation to enable the amendments to the Marriage Act to be fully recognised. The amendments in schedules 1, 4 and 6 amend various Acts and regulations to update the definition of "spouse", "relative" and "dependent" to include same-sex married couples. Amendments were made to the language in some legislation to ensure that the terms "spouse" and "surviving spouse" are used alongside terms such as "husband and wife" and "widow and widower", thereby ensuring that New South Wales laws are inclusive of same-sex married couples.

Additional changes include amendments in schedule 2 that relate to the language around parenting. The bill makes amendments to ensure that the term "parent" is used alongside the term "mother and father" so that New South Wales laws appropriately describe parents who are of the same sex. Schedule 3 amends the Births, Deaths and Marriages Registration Act 1995 so that people who are married can apply to record a change of sex. This amendment was necessary to ensure that officials at the Registry of Births, Deaths and Marriages were not at risk of claims under the Sex Discrimination Act. There are amendments also to the Guardianship Act and the Relationships Register Act. I note that the range of amendments required today across a range of portfolios has the support of all the relevant Ministers of the Government in order for this legislation to proceed.

As all members in this House know, the decision by the Commonwealth to reflect the will of our community in the postal plebiscite late last year had a significant effect on our community. It is not a decision this Parliament or members were able to make but I note that a number of members in this place were heavily involved in the campaign around the same-sex marriage plebiscite. In particular, I acknowledge my colleague Bruce Notley-Smith, the member for Coogee, who is in the Chamber, for the work that he did. I acknowledge also the campaign of my colleague in Federal Parliament whose electorate overlaps my own, Trent Zimmerman, the member for North Sydney. I too was very happy to be out and about campaigning for marriage equality. I was also very happy to vote "yes" last year.

In some small way, the introduction of this bill, though it is quite technical, enables members of this place to play some part in the introduction of marriage equality and to be able to say to same-sex couples that we were all very happy to see the law reform last year that recognised their relationships and provided equality. The bill before the House ensures that New South Wales laws are consistent with the new definition of "marriage". It makes a range of minor technical amendments to legislation to reflect better terminology as well as necessary amendments that are consequential upon the changes to the Commonwealth Marriage Act 1961. The Attorney General has led these changes on the basis that it is essential to do so because of the new definition of "marriage" or it is necessary to clarify the effect of same-sex marriages following their recognition in Australia upon the commencement of the Commonwealth's amending Act.

The bill does not substantially alter the rights, obligations or entitlements of same-sex couples. Most of the amendments are technical in nature. The new definition of "marriage" means it is essential to amend the requirements when applying to register for a change of sex, for instance. Accordingly, schedule 3 to the bill makes amendments to the Births, Deaths and Marriages Registration Act 1995 to remove the bar that existed on a married person being able to apply to have their sex changed on their birth record. The prohibition existed because changing the sex of a married person resulted in the marriage becoming a same-sex marriage. That conflicted with the former definition of "marriage" as being between a man and a woman and would terminate the relationship. Now that that definition has changed to allow same-sex marriages, people who meet all the other requirements should be allowed to have their change of sex recorded, regardless of whether they are married.

In addition to amending the definition of marriage, the Commonwealth's amending Act recognised same-sex marriages that had taken place before 9 December 2017. Accordingly, the bill amends two pieces of legislation to clarify the effect of revocations that occur in the event of a marriage. First, the bill amends the Relationships Register Act 2010 to clarify that a relationship that was registered with the New South Wales Registry of Births, Deaths and Marriages was revoked if a party to that relationship had married before 9 December 2017. Secondly, the bill amends the Guardianship Act 1987 to clarify that any guardianship order that was made prior to entering into a same-sex marriage is revoked as at 9 December 2017 unless the appointer marries the appointee of the guardianship order. It will clarify also that any guardianship order that was made subsequent to entering into a same-sex marriage remains valid notwithstanding the Commonwealth's amending Act.

The bill will amend provisions in part 5A of the Births, Deaths and Marriages Registration Act to enable a married person who has undergone a sex affirmation procedure to apply to the Registrar of Births, Deaths and

Marriages to have their sex changed on their birth record. Currently, this avenue is not available to married people. This was to avoid a marriage being converted to a same-sex marriage before that was lawful. The bill does not remove references to gender language and instead inserts gender neutral language for same-sex married couples. Terms such as "wife", "husband" and "widow" will still remain in New South Wales legislation. The Government has been careful to ensure that, while representing the identity of people who do not like to use gender terms, it has retained gender terms for those who choose to use them. Further, as some children may have two fathers or two mothers, the bill accommodates these children by ensuring that the term "parent" is used across New South Wales legislation. However, some parents may prefer to identify as "mothers" and "fathers". For this reason, the bill ensures that "parent" is defined as including "mothers" and "fathers".

Ultimately, the bill makes amendments to accommodate all people in New South Wales. The bill ensures that same-sex couples can identify with the language of New South Wales legislation but ensures also that those who identify with gendered terminology are accommodated. I thank the Government, in particular the Attorney General, for introducing this legislation and enabling us to be part of the decision that was made by the Commonwealth at the end of last year. I acknowledge my colleagues representing the electorates of Sydney and Newtown for their contributions and for their longstanding work in this space. I am very happy to commend the bill to the House.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:12):** In reply: I thank members representing the electorates of Liverpool, Wollongong, Sydney, Newtown, Keira and North Shore for their contributions to debate on the Miscellaneous Acts Amendment (Marriages) Bill 2018. I thank the member for Sydney and the member for Newtown for their comments about a proposal to amend the Births, Deaths and Marriages Registration Act 1995 to change the provisions relating to the registration of a change of sex. Those provisions currently require a person to have undergone a sex affirmation procedure, as defined in section 32A of that Act. This bill is a consequential bill that deals with amendments that are consequential on the Commonwealth's changed definition of "marriage". Therefore, proposals of that kind have not been dealt with in this bill. I am happy to consider and discuss the matter with those members and others who are interested in the issue and have raised concerns.

The bill follows changes to the Commonwealth Marriage Act that were passed by the Commonwealth Parliament in December last year. These amendments extended the right to marry to any two adults, regardless of sex. The Commonwealth amendments also recognised same-sex marriages that took place overseas, including in foreign embassies in Australia, prior to 9 December 2017. The bill only makes necessary consequential amendments following the amendments to the Marriage Act as a result of the new definition of "marriage", or to clarify the effect of same-sex marriages that were recognised in Australia when the amendments to the Commonwealth Marriage Act commenced.

The majority of the amendments are technical in nature and seek to ensure that New South Wales legislation uses language that is inclusive. The bill makes essential changes to many pieces of New South Wales legislation to accommodate people in gender-diverse marriages following changes to the Commonwealth Marriage Act. The amendments in the bill will commence on assent. We are the first State or Territory in the country to harmonise comprehensively our laws with the amended Commonwealth Marriage Act 1961. I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

**Mr MARK SPEAKMAN:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Community Recognition Statements*

#### **BONNIE WINGHAM SCOTTISH FESTIVAL**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:15):** Last weekend my wife, Sue, and I had the pleasure of attending the fourteenth Bonnie Wingham Scottish Festival. On Friday night we attended a fundraiser for the Wingham Pipe Band. It was a full house at Wingham RSL Club and we all had a wonderful evening. On Saturday morning we attended the grand parade and the official opening where I was pleased to see the patron, Eric Richardson, and his wife and president, Mave, and Dr Wade Ling. This year clan MacLennan was celebrated at the festival. David Freeman was the sword bearer for the chief. Clan Cameron was represented and I note that

Ken and Jenny were resplendent in their kilts and tartan. Well done to the organising committee, which brought thousands of people to the Wingham community. The event was a great boost to the economy.

#### **WALLSEND VOLUNTEER ADA STAADER**

**Ms SONIA HORNER (Wallsend) (13:16):** At the tender age of 87, Ada Staader remains a tireless Wallsend community volunteer. Ada hosts the increasingly popular Wallsend Biggest Morning Tea every year, and this year she raised \$6,000, including \$1,000 for the Mark Hughes Foundation Beanie for Brain Cancer campaign. That beats her previous phenomenal 2016 record of an impressive \$4,615.85. Ada is a great credit to the Wallsend community, embodying our volunteer spirit and desire to help. Over the 20 years Ada has been hosting her morning teas she has raised more than \$60,000. I salute Ada for all her hard work and look forward to next year's Biggest Morning Tea at Ada's home.

#### **STILLBIRTH FOUNDATION AUSTRALIA**

**Ms FELICITY WILSON (North Shore) (13:17):** Every day six babies will die in their mother's womb and be stillborn. It is a little-known and tragic health issue. A huge amount of investment in vital research is needed to understand why such large numbers of babies are dying. People within my family and friendship group tragically have lost their children in the womb. I recently met with the Stillbirth Foundation Chief Executive Officer, Victoria Bowring, to discuss the foundation's work to reduce the incidences of stillbirth in our community and the support it provides to families who have lost their children. Since its establishment in 2005, the foundation has allocated more than \$1 million to fund evidence-based research to prevent stillbirth and support the families of stillborn babies. I am joined by the Minister for Health in my strong support for the foundation's work and aims. I pledge to the Stillbirth Foundation and the community that I will continue to advocate within government for support for its lifesaving research, awareness campaigns and support services for families who tragically have lost their babies in the womb.

#### **KATOOMBA LIVE AND LOCAL**

**Ms TRISH DOYLE (Blue Mountains) (13:18):** It is no secret that the Blue Mountains is a melting pot of incredible musical talent. Katoomba Live and Local was an opportunity to see so much of the diverse genre of music on display in one afternoon. There was such vibrancy and entertainment. The opening event included the voice of young Allegra Dunning singing her own composition, *Willow*. She took my breath away. This was followed by Vocalocity, a fabulous singing crew coached by director Amelia Nell. As I wandered around the different cafes, galleries and performance spaces in the heart of Katoomba, I was reminded of how lucky I am to live there. This comment on Facebook summed up the day perfectly:

It was the best atmosphere I can remember in the heart of Katoomba: people walking up and down the street smiling, laughing, meeting friends, sampling and listening intently to a huge variety of music.

This event was made possible by the collaborative efforts of the Blue Mountains City Council, Create NSW, the New South Wales Live Music Office and local music promoter extraordinaire Meg Benson from Music Hunter and her team.

#### **BEVERLY HILLS COMMUTER CAR PARK**

**Mr MARK COURE (Oatley) (13:19):** I am delighted to provide the community and this House with an update on the progress of the commuter car park at Beverly Hills train station. The Government has announced that funding has been secured for the project and that planning is underway for a new commuter car park at Beverly Hills. Transport for NSW will commence community consultation on the concept design later this year, and local residents will have the opportunity to have a say in the proposed upgrades before work commences. Planning approval is set to be finalised before the end of the year, with construction estimated to commence sometime next year. The commuter car park in Beverly Hills will ease traffic congestion, make public transport more accessible and make it easier for those using our local shops in Beverly Hills as well as the hotel and cinema. I am proud to announce that this project is underway and I will endeavour to keep the community updated on future developments. I thank all the residents, local businesses and the broader community for their support of this project.

#### **SPECIAL OLYMPICS GOLD MEDALLIST CHANTELE ATTARD**

**Dr HUGH McDERMOTT (Prospect) (13:20):** Chantelle Attard is a fantastic young athlete living in the Prospect electorate at Greystanes. Her parents approached me about assistance to represent New South Wales at the 2018 Special Olympics. Discussions with clubs and businesses in our local area on her behalf resulted in the community donating more than \$4,000 toward Chantelle's goal. I am proud to say that because of the community's support Chantelle came back with a gold medal in swimming. Congratulations to Chantelle, as well as to her parents, Tony and Helen, and the Western Sydney community for their amazing support that helped

Chantelle win her gold medal. Supporters included the Rotary Club of Holroyd, the Rotary Club of Wetherill Park, Club Marconi, Cumberland Council, the Smithfield RSL, Woolworths Sydney National Distribution Centre, Woolworths shops throughout Western Sydney and many other locals who have shown support for Chantelle and our special Olympians.

#### **WORLD HAEMOCHROMATOSIS WEEK**

**Mr LEE EVANS (Heathcote) (13:21):** I thank the President of Haemochromatosis Australia, Dr Dianne Prince, a constituent of mine, for providing me with insight into this condition. World Haemochromatosis Week officially kicked off on Monday. The aim of the event is to raise awareness of excessive iron in the body. Early detection is key to better health outcomes for individuals and ensures their quality of life is not affected. Haemochromatosis is one of the most common genetic disorders in Australia but is far too often overlooked. If left undetected and untreated, it can lead to serious medical problems that can affect the heart and pancreas. Treatment for this disorder can be easily detected by simple blood tests. I congratulate Haemochromatosis Australia on raising awareness of this condition.

#### **RAINBOW FRIENDS OF FAIRFIELD RELAY FOR LIFE**

**Mr GUY ZANGARI (Fairfield) (13:22):** On Friday 25 May 2018 Mrs Jan Dhu and the Rainbow Friends of Fairfield Relay for Life hosted the twelfth annual Australia's Biggest Morning Tea at the Canley Heights RSL. The inaugural morning tea, held 12 years ago, started off with 24 people in attendance. This year's morning tea had more than 150 in attendance. Guests were elated by master of ceremonies Karen, who kept the crowd entertained with 1993 trivia facts and commentary on the fashions on the field. The fundraising activities included a raffle to win tickets to see Celine Dion, spin and win, and auctions of memorabilia. The Biggest Morning Tea raised \$6,000 and more was added to the grand total through the sale of raffle tickets to attend Pink's upcoming concert. The event would not have been possible without the hard work of Jan and Karen and their committee of dedicated volunteers. We are incredibly grateful to them. I thank also Canley Heights RSL and donors and supporters for making the morning tea a huge success.

#### **NOWRA RSL SUB-BRANCH BOER WAR COMMEMORATION**

**Mr GARETH WARD (Kiama) (13:23):** Last Sunday 3 June a service was held by the Nowra RSL Sub-Branch to commemorate the Boer War. Boer War Day was established in 2010 to commemorate the first war in which Australia fought as a nation. In 1899, New South Wales troops were the first of the Australian colonies to join the war, followed by all the other colonies. After Federation in 1901, Australian troops took part. I was honoured to lay a wreath to pay my respects to those who served in this conflict. Furthermore, the Boer War Memorial at Rose Park in Nowra is one of approximately 145 memorials that were erected throughout New South Wales to respect this important event. I thank the Nowra RSL Sub-Branch, President Fred Dawson, office manager Debbie Rayner and Rick Mehan, OAM, for their tireless work. I wish all of them the very best for the future. They do an outstanding job supporting not only RSL events but also many other events. In particular, I mention my good friends Rick Mehan and Fred Campbell, whom I saw on the day. I know they are preparing for many big events this year.

#### **RUN AGAINST VIOLENCE CO-FOUNDER KIRRILY DEAR**

**Ms KATE WASHINGTON (Port Stephens) (13:24):** I recognise Kirrily Dear, an ultramarathon runner who started the Run Against Violence initiative. Through her activities, Kirrily starts discussions and raises awareness about domestic and family violence. Kirrily shared her important message to all the students at Tomaree High School, empowering them to take a stand and understand that each and every one of them has the power to make a difference. She describes it as the "ripple effect", where every conversation can make a change that can make the world a better place. Kirrily's latest documentary *Steps Together* was screened at the Nelson Bay Cinemas. The film is about her 1,300-kilometre run from Broken Hill to Sydney and the many meaningful conversations she had along the way in an effort to raise awareness and show support for silent sufferers of domestic violence, particularly in rural and regional New South Wales. I thank Jo Banner, Jaci Richards and Angela Physick from the Tomaree Trotters for organising the weekend's activities. I thank also Kirrily Dear for sharing with us her infectious positive attitude.

#### **BASEBALL PLAYER BADEN HAGARTY**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:25):** I pay tribute to a rising sporting star from the Hornsby district. Baden Hagarty is taking the baseball diamond by storm, having been selected to represent New South Wales in softball at the 2017 School Sport Australia Pacific School Games. Baden and his New South Wales team placed second overall after an eight-all draw against Queensland in the finals. The up-and-coming catcher did our State proud and this young talent is only at the beginning of his rise. Baden, along with Hornsby Rangers teammate Zen Stevens, also represented Ryde Hawks at the recent Baseball

Little League State trials. They had success at the State trials and now Baden and Zen will play in the nationals this month. The Hornsby Rangers Baseball Club should be proud of its players' achievements. I congratulate them on supporting fantastic young players like Baden and Zen to reach their full potential. I wish Baden and Zen all the best in the upcoming nationals and I am sure they will make the Hornsby district proud. I look forward to seeing them on the big stage.

#### **AUSSIE HELPERS CHARITY SERVICE**

**Mr PHILIP DONATO (Orange) (13:26):** I recognise the charity Aussie Helpers, an unsung hero of rural Australia. Aussie Helpers was co-founded by a former farmer, Brian Egan of Charleville in Queensland. Brian and his wife, Nerida, have dedicated the past 15 years of their lives to providing compassion, care and support to hundreds of farming families who are struggling with adversity, including drought. Today they coordinate more than 40 volunteers, who all work tirelessly to help Aussie farmers and ensure their wellbeing and survival through tough times. Aussie Helpers selflessly provides volunteer services, conducts fundraising and receives donations that it distributes across the countryside.

Aussie Helpers also provides a professional counselling service, which at present receives more than 50 calls from farmers in despair each and every week. Sadly, every morning Brian wakes to a telephone call from a weeping farmer. It is without doubt a heartbreaking ordeal but one that Brian and his team are willing to endure in order to help the many farming families who have nowhere else to turn. Last week I met Brian and his team when they arrived in Yeoval in answer to the desperate call of struggling farmers there who are battling to keep their stock alive. Brian delivered a load of hay. He and his wife are heroes of the farming community and of country Australia.

#### **CLARENCE ELECTORATE RECYCLER MYRA JAMES**

**Mr CHRISTOPHER GULAPTIS (Clarence) (13:27):** I offer congratulations to Myra James of Maclean, who, after finishing making patchwork quilts for her 16 great-grandchildren, was looking for another project. Myra's new project involves turning empty coffee bags that she gets from Botero Roastery into re-usable shopping bags. The money raised from the sale of the bags goes to charity. Myra lines each of the coffee bags with material—often from old doona covers that she buys from op shops—and then takes them back to Botero, where they are sold to customers. This is an innovative display of recycling and I commend Myra and Botero on this wonderful project.

#### **THURINA PARK COMMUNITY BUILDING PARTNERSHIP GRANT**

**Ms TANIA MIHAILUK (Bankstown) (13:28):** Recently I had the pleasure of visiting Thurina Park in Villawood to announce a \$50,000 Community Building Partnership grant for a new canteen. I was delighted to support the submission by the Bankstown Berries and Woodville Wanderers football clubs, which compete in the National Premier Leagues NSW 2 and the Bankstown District Amateur Football Association respectively. I am pleased to be able to support my local community sporting clubs. I commend the President of Bankstown Berries, Theo Mitrothanasis, and the President of Woodville Wanderers, Eve Nembotakis, and their respective executives for all the hard work and dedication they give to their clubs and for working so well together to share one field. I congratulate them on the fantastic success that has come as a result of their commitment.

#### **ST CLAIR COMETS JUNIOR RUGBY LEAGUE TEAM**

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:29):** On Saturday 26 May it was my pleasure to visit the St Clair Comets and present them with a \$15,000 cheque towards a 120,000-litre water tank that will support the irrigation of the playing fields at Peppertree Reserve, Erskine Park. The new underground tank will replace the smaller 21,000-litre water tank to enable greater support for the playing facilities that deliver an amazing environment for the vibrant junior rugby league club. The St Clair Comets have a long history of providing players with the best possible facilities. I am proud to support them again with the Community Building Partnership grant. I thank Coopa McMahon, Braxton Grigg and Jake Harper for taking time out of their game to accept the cheque. I also thank the president, Darren Mudford, for his advocacy on behalf of the Comets. I was privileged to meet and congratulate Luke Gibson, Nathan Corbett and Robert Henderson on each reaching 300 games with the St Clair Comets—an amazing and rare milestone. I congratulate them all.

#### **SAMARENO ASSOCIATION OF NSW PAGEANT**

**Ms JULIA FINN (Granville) (13:30):** Last Saturday I was delighted to join members of the Australian Samareno Association of NSW for their Charity Queen Mother pageant at Merrylands RSL Club. The association brings together members of the Filipino community and recognises its hard work to raise funds to support schools as well as victims of natural disasters in the Philippines, particularly the Samar region. In the past, the association

has contributed food, water, medicines and clothing to communities devastated by typhoons and earthquakes. The charity pageant celebrated Mother's Day. I congratulate the winners including Charity Queen Mother 2018 Siony Singh, Mother of the Year 2018 Adelle Lim, Charity Princess 2018 Brenda de La Sala, Best in Gown Eleanor Padilla, and Mrs Friendship Nora Racuyal. For a community that has ongoing personal and family links to areas affected by natural disasters, it is particularly touching that Filipino Australians come together and help when disaster strikes. I thank president Solina Lapalma for her kind invitation to attend the charity pageant.

#### **MACKILLOP COLLEGE DOMESTIC VIOLENCE FUNDRAISING**

**Mrs LESLIE WILLIAMS (Port Macquarie) (13:31):** I recognise the amazing fundraising efforts of MacKillop College students in raising awareness of domestic violence in our community by hosting a fancy dress day and bake sale on 10 May. MacKillop College students Talia Nardi, Isobel Berryman, Maya Mackenzie, Chloe Densham-Ingram and Scott Heslop chose to dress up in their desired occupation to combine efforts in raising money for the MacKillop Legal Justice Fund, which offers support for women living with domestic violence. Legal studies student Talia Nardi proudly acknowledged the importance of raising awareness for women facing difficult situations at home.

She said, "The MacKillop Legal Justice Fund was created in 2016 by the year 12 legal studies class. Since then, each year we host events at the school to raise funds to help women in domestic violence situations." On display were tradies, army soldiers, doctors, police officers and Ikea workers through the fancy dress efforts of many students who supported the wonderful event. The students have already raised a massive \$8,000 in funds, with a target of \$15,000 expected through their bake sales and various donations. I acknowledge the efforts of schoolteacher Nicole Bailey, who praised the kindness and generosity of her students towards a well-deserving cause.

#### **GOOD MORNING BANGLADESH BIGGEST MORNING TEA**

**Mr RON HOENIG (Heffron) (13:32):** I congratulate Mr Azad Alam of Good Morning Bangladesh and Mr Sheikh Rahman of Eastern Sydney Islamic Welfare Services on their immense fundraising efforts amongst Sydney's Bangladeshis and on their contribution to our community. The Good Morning Bangladesh Biggest Morning Tea was held again this year on Sunday 13 May at Mascot Public School to raise funds for the Cancer Council NSW. It was a bazaar of colourful clothes, delicious food and wonderful company. Over 18 years Good Morning Bangladesh has raised more than \$220,000 for cancer research. Mr Alam has set himself a goal to raise \$10,000 for the Rohingya refugee crisis. In just two weeks, Mr Azad has raised \$8,000 from the Bangladeshi community alone. Every cent raised will go to Rohingya refugee camps. Their selfless contribution to others is an inspiration to us all. I thank them on behalf of the New South Wales Parliament.

#### **PACIFIC SCHOOL GAMES COMPETITOR INDIANA COOPER**

**Ms STEPH COOKE (Cootamundra) (13:33):** I bring to the attention of the House Gundagai High School student Indiana Cooper, who has represented New South Wales in athletics at the 2017 School Sport Australia Pacific School Games. Indiana has also competed at the 2017 Australian Cross Country Championships. Last week the New South Wales Government awarded her with certificates of recognition for her efforts in sport. Indiana's commitment to her sport makes her richly deserving of her awards but, as with any great achievement in sport, credit also goes to Indiana's family. The Gundagai High School community has also supported her through her training and the enormous task of getting to competitions. Indiana's humble and quietly spoken nature belies her dedication and commitment to hard work.

#### **ISLINGTON PUBLIC SCHOOL PLASTIC WASTE REDUCTION INITIATIVE**

**Mr TIM CRAKANTHROP (Newcastle) (13:34):** I commend the students of Islington Public School's year 5 and 6 composite class for their outstanding efforts to reduce the amount of plastic waste entering the ocean. The students participated in the NBN Co STEM+X initiative that encourages students to develop an idea to brighten their community's future by attempting to solve real-life challenges. The students noticed that a large amount of plastic was building up against a boom in Styx Creek and that it sometimes overflowed, ending up in the ocean. After identifying the problem, the students realised that they needed to engineer a new boom and better educate people about plastic pollution. The students worked with their wonderful teacher, Georgie Read, and NBN Co mentor James McEwan as well as representatives from the University of Newcastle and Hunter Water. The students engineered a new gross pollutant trap that they modelled in Minecraft. They also made a 12-minute film, website, app, games and dances about their project—and they are just getting started. I hope the Islington Public School students keep up the good work.

**COURTNEY BALDWIN**

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (13:35):** I recognise local hairdressing student Courtney Baldwin from Uralla, a wonderful and successful TAFE student who last night took out the gold medal at the WorldSkills Australia 2018 National Championships in hairdressing. Courtney works at Cooper and Co Hairdressing in Armidale—one of the best in Australia—and has proved that a young woman from Uralla is now the best in the business among apprentice hairdressers in Australia. I congratulate Courtney. She has brought great credit upon herself, her family and her employer. I wish her every success as she competes as part of the Australian Skilleroos in the International WorldSkills Championships next year in Russia. We are all proud of Courtney.

**CENTRAL COAST JUNIOR MOTORCYCLE CLUB**

**Mr DAVID HARRIS (Wyang) (13:35):** I bring to the attention of the House a group on the Central Coast that invited me to be a part of its annual Coast Cup on 26 May and 27 May at Allen Park. The Central Coast Junior Motorcycle Club was established more than 40 years ago to provide a safe environment for girls and boys from age four to senior years to learn to ride, race and have fun. The club has hosted State and Australian championships as well as open meetings at both junior and senior level. It has its own venue with a number of tracks. Central Coast Junior Motorcycle Club provides coaching clinics, practice days, race days and major meetings and is the home of the Central Coast Cup, which is held in May every year. This year I was lucky enough to be a part of the event and cut a ribbon at the beginning. It was great to be a part of the cup and to see some races. I congratulate all those who participated, and I hope to be a part of the event again. I thank Col Adams for the invitation and wish the club luck at the State championships later this year.

**RIVERWOOD STATION COMMUTER CAR PARK**

**Mr MARK COURE (Oatley) (13:36):** This week I launched a campaign for a commuter car park at Riverwood train station. As a member of Parliament, I have been working hard to ensure that public transport is more readily accessible to our community. With a commuter car park completed at Oatley and planning and community consultation about to begin at Beverly Hills, I am now asking for the community's support in my next campaign to fight for a commuter car park near Riverwood train station. People travelling to and from work each day need a car park. Local businesses want customers to be able to park easily. Residents are fed up with local roads being congested. Our local community needs a commuter car park at Riverwood. I ask the community to join my efforts and support this campaign by signing my local petition that will be on my website and Facebook page later this week to ensure that Riverwood receives the commuter car park that it deserves. Together, we can fix the parking problems in and around Riverwood.

**IFTAR DINNER CELEBRATIONS**

**Mr PAUL SCULLY (Wollongong) (13:37):** During the Islamic holy month of Ramadan I have been invited to and welcomed at a number of iftar dinners, including at Parliament House, at the Omar Mosque in Gwynneville and in local family homes. Last Friday—in conjunction with Illawarra Young Labor and at the suggestion of members Sara Al Arnoos and Amro Zoabe—my wife, Alison, and I hosted an iftar dinner at our home. Our good friends, Jania, George and Elie at Thirroul Fruit Barn prepared some amazing salads and falafel. Iftar dinners have been a great opportunity to share a meal, catch up with friends and engage with people we may not have met before. Two people who have been part of just about every iftar dinner that I have been at in the past few weeks are Hanaa and Jihad Salem. They are fantastic people and they were incredibly generous with their time and efforts in helping to prepare the meal last Friday night. Alison and I are grateful to count them as our friends, and we value the friendship of the rest of the Salem family. Ramadan is a time for reflection as well as fasting. It is incumbent upon us to work towards a better community.

**NOWRA CHRISTIAN SCHOOL MUSICAL PRODUCTION**

**Mr GARETH WARD (Kiama) (13:39):** On Friday 25 May I attended Nowra Christian School's production of *Bye Bye Birdie*. The hilarious musical comedy proved a hit as Nowra Christian School secondary students gave a wonderful rendition. The main cast included Lachy White as Albert, Tamsyn McPhail as Rose, Imika Bramble and Olivia Condon as Ursula, Jasmine Dickinson as Kim, Rachel Hill as Doris, Joey Ellery as Harry, Ollie Ellery as Randolph, Harriet Thomson-Bennett as Mae, Micah Perry as Conrad Birdie, Aaron Tasker as Hugo, Sam Davey as the Mayor, Liz Curline as the Mayor's Wife, Lisa Burge as Nancy, Noah McMillan as Maude the Bartender, Brianna Attwood as Margie, Joel Clifton as Harvey, Rachel Curline as Deborah, Charlotte Dickinson as Alice, Emily Frith as Mrs Merkle, Liz Curline as Gloria, and Alex Astill and Sam Chittick, who played several characters. The production would not have been possible without the tireless work of the producer, Mrs Susan Edwards, and the director, Mrs Rosie Ellery. Further thanks must be given to the production team, band, choir and crew. I thoroughly enjoyed the performance and cannot wait for the next one.



### COAST COMMUNITY CONNECTIONS

**Ms LIESL TESCH (Gosford) (13:40):** I say cheers to all our wonderful staff and volunteers who keep Coast Community Connections and our fabulous Peninsula Community Centre rocking seven days a week. Our community appreciates their efforts so much. Their raft of community services for all, from preschoolers to our elderly; and innovative support programs and activities to improve the quality of life for people on the peninsula are to be commended. We love their Bring Your Bills Day and the opportunity it provides for people to address the cost of living crisis and other challenges facing an ever-increasing number of local families. We appreciate that staff often go above and beyond and do their utmost to connect people living in crisis with resources that are always diminishing but increasingly in demand. The current rental cost crisis combined with the escalating cost of electricity and stagnant wages are placing a serious squeeze on our people. I thank them for being so creative, resourceful, giving and available to all our community members.

### GRAFTON AND DISTRICT POULTRY CLUB SHOW

**Mr CHRISTOPHER GULAPTIS (Clarence) (13:40):** I recently had the pleasure of attending the annual Grafton and District Poultry Club Show at which there were almost 600 entries. Grafton is very much a regional community with a strong agricultural base. A wide variety of birds were on show and it was wonderful to see so many kids involved in sections dedicated to junior fanciers. It was very encouraging to see young people involved in agriculture; it bodes well for the future in the Clarence Valley. I congratulate all exhibitors, and especially the winners. I congratulate President Barry Reeves and his dedicated group of helpers on hosting another successful show.

### BERRY CELTIC FESTIVAL

**Mr GARETH WARD (Kiama) (13:41):** On Saturday 26 May I attended the twelfth annual Berry Celtic Festival at the Berry Showground and presented a \$5,000 grant on behalf of the Minister for Tourism and Major Events, and my very good friend, Adam Marshall. The Berry Celtic Festival celebrates a collaboration of the town's historical roots and showcases a wide variety of events, including pipe bands, dance groups and even jousting battles. Following a grand street parade, President of the Scottish Australian Heritage Council Malcolm Buchanan opened the festival. Special mention must go to all participants involved throughout the day—especially local groups including the Illawarra Pipe Band led by pipe major Ian Jones and drum sergeant Zen Chalmers and the Shoalhaven City Pipes and Drums Band led by pipe major Kim Prott and drum sergeant Damien Gauci. I thank coordinators John Brentnall and Dorothy Hanbidge for their tireless work and organising that made such a successful event possible. I once again congratulate all involved in the festivities, particularly the Rotary club, without whom it would not have happened. As someone with Scottish roots, I could not have been prouder to be there.

### PORT MACQUARIE WOMEN'S SHED INC.

**Mrs LESLIE WILLIAMS (Port Macquarie) (13:42):** I recognise the Port Macquarie Women's Shed Inc. for its contribution in providing a place for women in the community to partake in a variety of activities such as creative arts, craft activities and woodwork or metalwork design. Committee members Marjorie Cooper, Robyn Powell, Jeannie Sainty, Paula Toffy, Joanne Emanuel, Bec Miles, Julie Fraser and Ann Bodill have been the driving force to make a home for the women's shed in Port Macquarie since the inception of the club in 2016. Over the past two years the talented group of women have grown the membership by an astounding 50 financial members. In addition to woodwork and metalwork, the club offers a wide range of activities such as the mechanical and traditional activities of soap making, candle making, crocheting and sewing.

To support the women's shed with its operating expenses, the Port Macquarie Community College and MakerSpace have partnered to provide a permanent space at which it can offer a wide range of low-cost workshops and activities. The women's shed members just celebrated the official opening of their permanent residence on Sunday 6 May 2018. The event was held to mark the women's triumph in finding a location and to showcase to the community what the women's shed provides in activities, social empowerment and friendship for women living in Port Macquarie. I wish Port Macquarie Women's Shed Inc. all the best at its new venue and encourage any women wishing to join to contact the shed via its Facebook page or website.

### LOCAL LAND SERVICES NORTH WEST

**Mr KEVIN ANDERSON (Tamworth) (13:43):** I pay tribute to, acknowledge and thank Local Land Services [LLS] North West staff for their efforts to update and inform landholders and farmers across the New England North West about drought assistance measures that the Department of Primary Industries is offering. They have organised many gatherings across our region and supported farmers by offering further information about what they can do during these very difficult times, including looking at a suite of drought assistance measures for their individual properties to help with stock, crop, fodder or transport options. We encourage LLS

staff to continue their great work. I urge farmers who need assistance to please contact the NSW Rural Assistance Authority or their local LLS. Support and help are available and we encourage them to take it up.

#### **KIAMA MEN'S SHED**

**Mr GARETH WARD (Kiama) (13:44):** I congratulate the Kiama Men's Shed, and in particular its president, Tim Cox. Recently I was delighted to present a cheque on behalf of the Premier for new equipment to support the men's shed. The men's shed produces a number of things, including toys, and I am very grateful for its support during my Christmas toy drive. Men's sheds engage in a number of projects but, most importantly, they give men the opportunity to congregate and share stories and fellowship. The many men's sheds across my electorate provide a unique opportunity for men to spend time together and to exercise their skills and talents. I particularly single out Tim Cox for his great work. I also acknowledge all the men involved at Kiama Men's Shed and other sheds across my electorate, from Gerringong to Shoalhaven Heads, Berry, Nowra and Albion Park. Ron Dryburgh from Albion Park, whom I know the member for Shellharbour knows well, is a former Shellharbour Citizen of the Year and an incredible advocate for this cause. I look forward to continuing to support Kiama Men's Shed and its great work long into the future.

#### **SHELLHARBOUR ELECTORATE SURF LIFE SAVING CLUBS**

**Ms ANNA WATSON (Shellharbour) (13:46):** Warilla Barrack Point Surf Life Saving Club and Shellharbour Surf Life Saving Club do amazing work each year in providing more than 10,000 hours of service to our community in saving lives and keeping people safe. Many tourists visit my electorate and it is important that our beaches are patrolled. Our amazing surf lifesaving volunteers undertake an enormous amount of training to make sure that we are safe. I urge everyone always to swim between the flags. I acknowledge the Parliamentary Friends of Surf Life Saving. The member for Port Macquarie, who is in the Chamber, and I are part of that friendship group. We must never underestimate how fortunate we are to have surf lifesaving volunteers looking after us at the beach.

**TEMPORARY SPEAKER (Mr Adam Crouch):** I am also a member of the Parliamentary Friends of Surf Life Saving. Our surf lifesavers do a fantastic job.

#### *Bills*

#### **JUSTICE LEGISLATION AMENDMENT BILL (NO 2) 2018**

##### **First Reading**

**Bill received from the Legislative Council, introduced and read a first time.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** I order that the second reading of the bill stand as an order of the day for a later hour.

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

#### *Visitors*

#### **VISITORS**

**The SPEAKER:** I welcome our guests in the gallery this afternoon. I extend a warm welcome to Yvette Quinn, The Nationals candidate for Orange, guest of the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, Minister for Small Business, and member for Monaro. I also welcome Vicki Thomas, Kirra Kelly, Sue Saichney and Karen Bailey from the wonderful *The Land* newspaper, which I have a weekly subscription to, as well as Andy Madigan from the Australian Livestock and Property Agents Association, guests of the Deputy Speaker, and member for Lismore. I welcome James Notley-Smith, the nephew of the member for Coogee, who is undertaking work experience in the Coogee electorate office this week. I also welcome Uncle Reg Watman and Uncle Phil Pullman, Indigenous elders from the Central Coast, as well as Ian Martin and Cody Jones, guests of the member for Gosford. [*During the giving of notices of motions*]

#### *Notices*

#### **PRESENTATION**

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

#### *Question Time*

#### **GOVERNMENT PRODUCTION OF DOCUMENTS**

**Mr LUKE FOLEY (Auburn) (14:27):** My question is directed to the Premier. Why does the Parliament have to threaten the suspension of a senior Minister before the Premier will release the business cases of the

\$2.2 billion stadium splurge, the Powerhouse Museum relocation and a report on the care of vulnerable children, and why has the Premier fought so hard to keep these documents secret?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:27):** We will get to secrets in a second, but before then there are a few things I need to remind the House about. When we released our stadia policy and the business case, it was the first time any State Government in the nation released not only a business case in relation to stadia but also the business case ratio, which had never been done before. We are still waiting for the Opposition to tell the truth about where it stands on stadia. You told 2GB you support it. Do you support ANZ Stadium: yes or no? It has been months—yep, yep, yep—Luke. Stop being so fake and such a phony.

**Ms Jodi McKay:** Point of order: The Premier's behaviour is completely unacceptable. She must refer to the member by his correct title and direct her comments through the Chair.

**The SPEAKER:** Order! The member for Strathfield will resume her seat.

**Ms GLADYS BEREJIKLIAN:** Typical Labor Party: Members think they can dish it out but they cannot take it. In relation to stadia, the Leader of the Opposition flip-flops, has no policy and no position. What about the Powerhouse? He thought sending it to Western Sydney was a great idea. A fake and a phony—he does not care about Western Sydney. He does not care about arts and culture in Western Sydney. When it comes to secrecy, why did the Leader of the Opposition not disclose his travel arrangements when he went to China?

**Mr Michael Daley:** Point of order: I cannot find any reference to people's travel in the question. The question is about why the Premier has fought so hard to keep these documents under wraps.

**The SPEAKER:** I will listen further to the Premier, but I can see the relevance in the line that she is drawing by way of comparison.

**Ms GLADYS BEREJIKLIAN:** It was not on one occasion that he failed to disclose his diary on time, but on two, three and four occasions. We know from the public record that he leaves things out.

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** Order! If this is the same point of order, the Premier has spoken one sentence since my last ruling and at the moment what she is saying is relevant. She is drawing a comparison, and I find her in order. Does the member wish to take a different point of order?

**Ms Jodi McKay:** My point of order relates to Standing Order 129—

**The SPEAKER:** In that case, the Premier is being relevant at the moment and the member for Strathfield will resume her seat.

**Ms GLADYS BEREJIKLIAN:** We know the Leader of the Opposition likes to leave things out. I will provide one example, although I am sure there are several. When there was a dispute with the rail unions back in January, Alex Claassens—who is well known to me—said on the public record that he had met the Leader of the Opposition a number of times—

**Ms Jodi McKay:** Point of order: My point of order is taken under Standing Order 129.

**The SPEAKER:** Did I not just rule on that?

**Ms Jodi McKay:** You did say you would let the Premier continue, and I am saying that her answer is still not relevant.

**The SPEAKER:** I will continue to listen. It is relevant to the question of secrets and secrecy.

**Ms Jodi McKay:** The question was not about secrecy; the question was about a senior Minister—

**The SPEAKER:** Order! The member will resume her seat. I call the member for Strathfield to order for the first time. If the member defies my instructions to resume her seat again, she will be called to order a second time and thereafter removed from the Chamber.

**Ms GLADYS BEREJIKLIAN:** As I was saying, the Leader of the Opposition does not disclose what he does when he is overseas. He does not disclose his diary—and we know that because at least one union member said on the record that they had met with him, but it was nowhere to be found in his diary. Who else is he meeting with and why is he not telling us? What else is he hiding? I say to the people of New South Wales: Look very carefully at the Leader of the Opposition and what he stands for. He stands for nothing: He is a fake and a phony and he needs to come clean.

**STATE INFRASTRUCTURE AND JOBS**

**Mr ALISTER HENSKENS (Ku-ring-gai) (14:31):** My question is addressed to the Premier. How is the New South Wales Government delivering record jobs growth and record infrastructure investments across New South Wales?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:32):** I thank the member for his question because I know that, like me, he looks very closely at how the State is going, especially in relation to economic performance. I am very pleased—and I apologise to the Treasurer for perhaps stealing a bit of his thunder—that the Australian Bureau of Statistics today confirmed that the economic growth of New South Wales is outstanding. It is at 3.7 per cent year on year—remember, in the past few years that has been coming off a high base, so we are doing extremely well. This is much faster than the rest of Australia, which is growing on average at around 3 per cent. For the benefit of those opposite—in case they do not know what these figures mean today, and especially the member for Keira—this means that business confidence and investment is high in New South Wales.

**The SPEAKER:** Order! I call the member for Keira to order for the second time.

**Ms GLADYS BEREJIKLIAN:** It is particularly encouraging that, if one drills down into today's figures and looks at the opportunities where New South Wales is doing especially well, one sees that household consumption is doing very well. People are feeling confident and are spending. That is in no small part due to the economic conditions we have generated. It is also due to the fact that we are appropriate: We have introduced more than 40 cost-of-living savings measures for our community members, which I was very happy to highlight yesterday.

No matter your circumstances or those of your family or your household, the Government is not only providing the economic conditions for you to thrive and to move ahead but also ensuring that those who are feeling the difficulties or stresses on household budgets are getting support through more than 40 measures we have across the State to address the cost of living. The Government is also really pleased with today's result because it means that all the indicators are very strong in New South Wales and that the Government is getting on with the job of creating jobs—not just for today, but for the future. Let us not forget that in the last decade of Labor rule—this is a very interesting point of contrast—the New South Wales economy averaged a growth rate of 1.9 per cent.

**Mr David Harris:** Compared with the world, it was really high during the global financial crisis.

**The SPEAKER:** Order! I remind the member for Wyong that this is not a debate. I call the member for Wyong to order for the first time.

**Ms GLADYS BEREJIKLIAN:** The member for Wyong states that there was a global financial crisis [GFC] and other things, but guess what? During the time New South Wales Labor was delivering 1.9 per cent growth to New South Wales, the rest of Australia was growing at 3.7 per cent on average. Those on the other side of the Chamber think that is good. For more than a decade when Labor was in government the New South Wales economic growth rate was around 1.9 per cent.

**Ms Pru Goward:** They had a local GFC.

**Ms GLADYS BEREJIKLIAN:** Yes, they had a Labor GFC—there is an extra factor when Labor is in government. That has to be taken into account as well. Labor provided growth of 1.9 per cent when the rest of Australia was growing at 3.7 per cent. When the Liberal-Nationals came to government we consistently punched above the national average, because that is the kind of government this is. This Government has turned things around and we are incredibly proud of that. It is a result of not only good fiscal management or making sure that there is a tight rein on back-office costs and other things but also of knowing the importance of investing in infrastructure.

This Government knows that when we invest in roads, rail, schools and hospitals, it creates jobs and provides opportunities that help to grow the economy. New South Wales is perhaps the best example that any government in Australia has ever been able to demonstrate of the multiplier effect of investing in infrastructure. This Government has demonstrated consistent economic growth quarter on quarter and has also given businesses and households confidence to continue to invest in the economy. That is the big difference between us on this side of the Chamber and those on the other side. Opposition members do not understand any of this: They never have and they never will.

I am also pleased to say that this is not only about creating record numbers of jobs, allowing people to aspire to be their best or building the infrastructure that Labor ignored for a long time; it is also about making sure we build on that social infrastructure. I am incredibly proud of our outstanding Minister for Education and Minister for Health, and the Government's record in those two portfolio areas. When there is a strong economy and good jobs growth and people are feeling confident, the Government can continue to invest. I am very pleased that since

the Liberals and The Nationals have been in government we have built or upgraded 59 new schools, and funded more than 3,000 new classrooms and around 70,000 additional student places. [*Extension of time*]

Those on the other side of the Chamber want us to forget that Labor closed more than 90 schools when it was in government, including Maroubra High School, Redfern High School, Macquarie Boys Technology High School and Beacon Hill High School—the list goes on. When it comes to health, the Government is pleased to have built all the hospitals that the Opposition said it would build but never did. We are not just building hospitals and health precincts, we are also funding the research that is attached to that infrastructure. I was very pleased, along with the Minister for Health and the Treasurer, to announce a major boost to research into cardiovascular disease. That builds on the many other things the Government is doing in relation to health research.

Today there is great news for the people of New South Wales. It demonstrates what can be achieved by a good government that is focused on building a strong economy. A strong economy results in the people of the State having a great chance of having the best quality of life possible. A strong economy means that the Government can invest in infrastructure, provide more services and provide hope for people who want to achieve everything in life. That is what the people of this great State elect us to do and that is what we will continue to do.

### GOVERNMENT PRODUCTION OF DOCUMENTS

**Mr MICHAEL DALEY (Maroubra) (14:38):** My question is directed to the Premier. Given the public interest in the Government's \$2.2 stadium splurge, the relocation of the Powerhouse Museum and the care of our most vulnerable children, why will the Premier not produce today, on a sitting day, the documents that the Legislative Council requires to see rather than hiding them until the close of business on a Friday before a long weekend and another non-sitting week?

**The SPEAKER:** Order! The Premier will be heard in silence.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:39):** Wakey, wakey, wakey. When the Government announced its stadia policy there was a business case attached. Do members opposite know how to read it? Did any of them read it?

**Dr Geoff Lee:** It is on the interweb!

**Ms GLADYS BEREJIKLIAN:** The member for Parramatta said it is on the interweb, so it must be right! Similarly, with respect to the Powerhouse Museum, no other State Government has provided that much detail in relation to such projects. I am not surprised—

**Mr Michael Daley:** Point of order: My point of order relates to Standing Order 129. The question was a simple one.

**The SPEAKER:** I heard the question.

**Mr Michael Daley:** The documents are being hidden until 5.00 p.m. on Friday. The Premier could pick them up now, walk them to the upper House and lay them on the table.

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

**Mr Michael Daley:** Why is this Premier trying to duck and weave and hide them until 5.00 p.m. on a Friday?

**The SPEAKER:** Order! The member for Maroubra should not use a point of order to make a debating point. He will resume his seat; he is out of order. I call the member for Maroubra to order for the first time. If he uses a point of order to debate an issue again I will direct him to leave the Chamber.

**Ms GLADYS BEREJIKLIAN:** I am not surprised that the member for Maroubra has a—what do you call it?

**Mr Troy Grant:** A spring in his step.

**Ms GLADYS BEREJIKLIAN:** Yes, a spring in his step. It is very interesting that in the last little while he has posted a number of videos of candidates and trade union officials on his website. He has not done much for the past three years but now he is doing something. I have a whole range of them—all these candidates he has met with and all these union officials he is meeting with. I can see that the member for Kogarah and the member for Strathfield want to get in on the action.

**Mr Chris Minns:** Point of order: You have a State to run. You should get off Facebook and run the State of New South Wales. We do not want to know what you do on your weekends: Run the State of New South Wales!

**The SPEAKER:** Order! I remind the member for Kogarah that he should be directing the point of order to me. The member was completely out of line; he should not call out to the Premier. I call the member for Kogarah to order for the first time. He should know better.

**Ms GLADYS BEREJIKLIAN:** Colleagues, it looks as if the member for Maroubra has a bit of competition on his hands. With the member for Kogarah and the member for Strathfield, it could be a three-horse race. My money is on the member for Maroubra. I can see the member for Strathfield does not like that!

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** Order! Government members will come to order. The member for Bega will come to order. I want to hear the point of order of the member for Strathfield.

**Ms Jodi McKay:** My point of order relates to Standing Order 129. The question was with regard to the documents that were called for in the upper House and why they have not been delivered today.

**The SPEAKER:** I heard the question. I uphold the point of order. I ask the Premier to return to the leave of the question.

**Ms GLADYS BEREJIKLIAN:** As I was saying, when the Government releases policies it provides the detailed information that is required. I think I was talking about that. But the Government has just received some information from those opposite, and the member for Strathfield is definitely interested. She does not like the member for Kogarah getting all the attention.

**The SPEAKER:** Order! I ask the Premier to return to the leave of the question or she will be inviting all manner of dissent.

**Ms GLADYS BEREJIKLIAN:** I have finished my answer.

#### REGIONAL INFRASTRUCTURE

**Mr CHRISTOPHER GULAPTIS (Clarence) (14:43):** My question is addressed to the Deputy Premier. What is the New South Wales Government doing to ensure that regional areas continue to strengthen the cultural fabric of their communities?

**The SPEAKER:** Order! Those members who are not interested in regional communities will leave the Chamber.

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:43):** I thank the member for Clarence for his question. He is a great local member, always championing opportunities for the Clarence electorate. I also acknowledge Yvette Quinn, our new candidate for The Nationals in the seat of Orange. It is a bit disappointing that today we have seen that those opposite will do and say anything. They aligned themselves with the Shooters, Fishers and Farmers Party in the motion that was tabled earlier, showing the grubby relationship between those two parties. But, more importantly, Opposition members are offended by a grassroots preselection that allows members to choose the candidate.

Labor members are offended that the membership of The Nationals in New South Wales has decided to back a young and intelligent woman to be its candidate in Orange. The question related to the Regional Cultural Fund and the cultural fabric of our communities. It is always fantastic to be asked a question about the Regional Cultural Fund. Labor Opposition members probably feel a little uncomfortable when they hear the term "cultural funds". For the information of the Leader of the Opposition, I am not referring to undeclared foreign donations that we read about in today's newspaper. There are plenty of other Labor failings to talk about.

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

**Mr JOHN BARILARO:** I thank the member for Clarence for hosting my visit in his electorate as part of my tour of the North Coast and the mid North Coast. I met the people in communities he represents and talked about issues that are so important to them. We discussed youth round tables and issues that matter, such as youth suicide, depression, mental health and unemployment. Those are the issues that matter to the people of the Clarence electorate and to other regional areas of New South Wales.

My visit to the North Coast presented me with a great opportunity to speak about support for the arts and last year's announcement of \$100 million for the Regional Culture Fund. The first round of applications has been processed and the successful projects have been announced. In the first round, \$50 million was allocated to 68 projects in 12 regions. It was fantastic to visit Grafton for that significant announcement. In the context of funding to the tune of \$50,000 for round one, I announced that \$7.6 million would be invested in the Grafton

Regional Gallery to ensure the North Coast region has a gallery to be proud of now and in the future—a gallery that celebrates the culture and heritage of regional New South Wales.

The investment in the Grafton Regional Gallery will build a gallery for the future that can protect approximately \$2.3 million of artworks that already are housed in the gallery. The investment is also about promoting and supporting artists in regional New South Wales. I am reminded by the presence in the gallery of Yvette Quinn of how pleased I was to visit the Orange electorate last weekend where I announced funding of more than \$4 million for the Orange Regional Gallery. The funding will ensure that Orange has an art gallery well into the future.

The Hon. Rick Colless championed the cause of the Orange Regional Gallery to ensure that Orange did not miss out when this Liberal-Nationals Government delivered for the communities of Orange. It was nice to visit Orange, which is where the arts funding was announced last year. It was even nicer to return to Orange with investment of \$4 million to ensure that the residents of Orange will have a gallery for the future. It is obvious from the continual interjecting by Opposition members that they are not interested in the Liberal-Nationals Government investing in regional areas of the State—investment in the things that matter, such as the arts, our culture, our sporting infrastructure and community amenities. The Government is eager to ensure that regional communities remain resilient for the future.

**The SPEAKER:** Order! The member for Maitland will cease interjecting. I call the member for Maitland to order for the first time.

**Mr JOHN BARILARO:** The Liberal-Nationals Government is focused on regional New South Wales and on ensuring that regional communities across the board receive their fair share of financial support. It is important to celebrate our heritage and the fabric of our communities—our culture. The culture of regional areas, such as my electorate of Monaro, is enriched by its strong migrant population. [*Extension of time*]

**The SPEAKER:** Order! Opposition members continue to interject. I call the member for Maitland to order for the second time.

**Mr JOHN BARILARO:** The cultural influences that are celebrated in regional areas of New South Wales include our Aboriginal heritage and, in modern Australia, our migrant heritage that Government members are so proud of—unlike our Labor counterparts. I do not want to revisit the disgusting comments made by the Leader of the Opposition when he referred to "white flight"; rather, the point I make is that in regional areas of the State the benefits of strong migration are obvious. Migrants who settle in regional communities are part of the regional New South Wales story and they build resilient communities of which we are so proud. The Government is proud that our State's culture and heritage is contributed to by everybody. New South Wales has an inclusive society that can see the positive benefits of migration and immigration. Our State celebrates heritage and the cultures of people from all walks of life—unlike Labor members, especially the Leader of the Opposition who is an absolute racist.

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** If Opposition members continue to shout at me and interject, I will not be able to hear what the member for Strathfield says. What is member's point of order?

**Ms Jodi McKay:** I ask the Deputy Premier to withdraw that comment. He is the Deputy Premier of this State.

**The SPEAKER:** The member for Strathfield will resume her seat. I did not hear the comment. There is no point of order.

**Mr JOHN BARILARO:** I will make absolutely clear that the term "white flight" is racist. It is a racist comment that was delivered by the Leader of the Opposition; therefore, he is racist.

**The SPEAKER:** Order! The member for Maitland will cease interjecting. The member for Strathfield will refrain from arguing across the Chamber.

**Mr JOHN BARILARO:** Our regional heritage and culture are so important.

**Ms Jenny Aitchison:** Point of order—

**The SPEAKER:** The Deputy Premier has concluded his answer.

**MINISTER FOR REGIONAL NEW SOUTH WALES CODE OF CONDUCT**

**Ms KATE WASHINGTON (Port Stephens) (14:51):** My question is directed to the Premier. If the Premier does not require the Deputy Premier to declare an interest after receiving a \$10,000 donation from a company that benefits from a highly contentious—

**The SPEAKER:** Order! Is this a question or a statement? Questions should be questions.

**Ms KATE WASHINGTON:** It is a question.

**The SPEAKER:** Then the member will frame it as a question. So far it has been a statement. What is the member's question?

**Ms KATE WASHINGTON:** Madam Speaker, would you like me to begin again?

**The SPEAKER:** Yes, but it is not a question. I ask the member for Port Stephens to focus on the fact that it is question time, not statement-making time.

**Ms KATE WASHINGTON:** If the Premier does not require the Deputy Premier, and Minister for Regional New South Wales to declare an interest after receiving a \$10,000 donation from a company that benefits from a highly contentious bill that he has promoted, are there any circumstances at all in which the Premier thinks the ministerial code of conduct would apply?

**Mr Andrew Fraser:** Point of order: My point of order is Standing Order 128 (2), which states:

Questions should not contain –

(c) inference;

(d) imputation

**The SPEAKER:** A question should not contain imputation or any type of inference, and the question did. However, the Premier seems to be quite happy to accept the question, even though it is not in order. Is the Premier happy to accept the question?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:53):** I am, but I note the good work of the member for Coffs Harbour in bringing that standing order to the attention of the House. I am eager to answer the question because it demonstrates why she will be a oncer in this House. Rather than asking me a question relating to health or education, roads or transport, that is the type of question she asks.

**Mr Guy Zangari:** Point of order: I ask the Premier to refer to the member for Port Stephens by her correct title—which is "the member for Port Stephens".

**The SPEAKER:** I remind the Premier to refer to the member by her correct title.

**Ms GLADYS BEREJIKLIAN:** I am happy to repeat the point: That question demonstrates why she will not retain her seat at the election.

*[Interruption]*

**The SPEAKER:** Order! The member for Bankstown will resume her seat. Does the member for Newcastle have a different point of order?

**Mr Tim Crakanthorp:** My point of order is taken under Standing Order 75. The Premier must refer to the member for Port Stephens correctly.

**The SPEAKER:** I have ruled on that point of order. I remind the Premier to refer to the member by her correct title, rather than as "she".

**Ms GLADYS BEREJIKLIAN:** Point number one, those issues have been canvassed at length. But she should ask her leader why he does not disclose his overseas trips and does not disclose a whole range of—

**Ms Jenny Aitchison:** Point of order—

**The SPEAKER:** This is a time-wasting exercise and we all know it. What is the member's point of order? What is she waiting for?

**Ms Jenny Aitchison:** I am waiting for there to be quiet so the Speaker can hear. I refer to Standing Order 129.

**The SPEAKER:** The member for Maitland likes to make a lot of noise.

**Ms Jenny Aitchison:** I thought I would try to be quiet today.



**The SPEAKER:** Order! The Clerk will stop the clock. What is the member's point of order?

**Ms Jenny Aitchison:** It is under Standing Order 129. The Premier should answer the question that she has been asked, not attack the member for Port Stephens, and not talk about the Leader of the Opposition. What she should do—

**The SPEAKER:** That is not relevant. The member for Maitland will resume her seat.

**Ms Jenny Aitchison:** What she should do—

**The SPEAKER:** Order! I do not want to argue with the member.

**Ms Jenny Aitchison:** Madam Speaker, I am not trying to argue. I want to explain why it is not relevant.

**The SPEAKER:** Order! I do not want an argument. The member for Maitland will resume her seat.

**Ms GLADYS BEREJIKLIAN:** To the point of order: The donations in question raised by the member for Port Stephens have been on the public record since 2011. The issues regarding the Leader of the Opposition have never been on the public record and that is the problem. I say to the member for Port Stephens—

**Ms Jenny Aitchison:** Point of order—

**The SPEAKER:** Order! The Clerk will stop the clock. I warn the member for Maitland. Considering I was kind enough to allow a question that contained inference and imputation, and that clearly contravened a standing order because the Premier chose to answer it, I caution the member on taking points of order as a time-wasting exercise. I can talk for another half an hour on this issue if the member wishes.

**Ms Jenny Aitchison:** Madam Speaker—

**The SPEAKER:** Order! The member will not argue with me; she knows that is dangerous. I will hear what the member has to say, but she should be very careful.

**Ms Jenny Aitchison:** My point of order is under Standing Order 129. The question was about not whether things were on the public record, but whether they were disclosed properly in Cabinet before decisions were made. That is the issue.

**The SPEAKER:** The member for Maitland will resume her seat. I find relevance on the issue of donations in this case. If the member takes another spurious point of order, she will be placed on three calls to order and removed from the Chamber.

**Ms GLADYS BEREJIKLIAN:** I think that even the member for Maitland would know that public record equals disclosure. Given the member for Port Stephens asked me the question, I think it is entirely appropriate for me to comment about the great visit I had to the Port Stephens electorate last Friday. The member does not want me to talk about it.

**Ms Kate Washington:** Point of order: My point of order is relevance under Standing Order 129. The question is directly about the application of the ministerial code of conduct. It is not about whatever the Premier has done in the past week.

**The SPEAKER:** The Premier has answered the question so she has time available to go further than what the question asked.

**Ms GLADYS BEREJIKLIAN:** I say to the member for Port Stephens that if she takes the opportunity to ask me a question about an issue in her electorate then I deserve to be able to raise that issue. I had an outstanding visit to the electorate of Port Stephens on Friday and my first stop—

**The SPEAKER:** Order! The member for Port Stephens and the member for Gosford will cease interjecting. The member for Lakemba will cease shouting.

**Ms GLADYS BEREJIKLIAN:** And guess what? We know the member did not like it.

**The SPEAKER:** Order! The member for Swansea will cease shouting.

[Interruption]

**Ms GLADYS BEREJIKLIAN:** I visited that on my previous visit to Port Stephens. Last Friday I had the opportunity to visit Tea Gardens Police Station.

**The SPEAKER:** Order! I call the member for Swansea to order for the first time. I call the member for Swansea to order for the second time. If the member continues that diatribe, I will have her removed from the Chamber. It is childish behaviour.

**Ms GLADYS BEREJIKLIAN:** When I got out of my car to talk to the police and the media representatives, I was overwhelmed to see that about 100 local residents had turned up to support the decision of the Government.

**The SPEAKER:** Order! This not an opportunity for the member for Port Stephens to have an argument.

**Ms GLADYS BEREJIKLIAN:** What worried me very much was that the member for Port Stephens had created a rumour that we were closing down that police station. She had engaged in fear—

**Ms Jenny Aitchison:** Point of order—

**The SPEAKER:** Order! The Clerk will stop the clock. Members will cease shouting; it is very unbecoming. If members could see themselves from my perspective, they would not do what they are doing.

**Ms Jenny Aitchison:** I refer to Standing Order 129. We are now so far from a question about ethics—

**The SPEAKER:** Thank you. The member for Maitland will resume her seat. I have ruled on that point of order. I ruled that the Premier had answered the question and had remained relevant, and that she had time available to her in the last 50 seconds to talk about other matters. It is about Port Stephens, so it is relevant. I have ruled on the matter. If the member wishes to argue, she can leave the Chamber for the remainder of today and tomorrow.

**Ms GLADYS BEREJIKLIAN:** The member chose to mislead her community. I was able to confirm a \$1 million upgrade of that police station.

**The SPEAKER:** Order! I call the member for Port Stephens to order for the first time. I call the member for Port Stephens to order for the second time. I call the member for Port Stephens to order for the third time.

**Ms GLADYS BEREJIKLIAN:** The member tried to mislead her community. After that I went to Raymond Terrace and met with—

**The SPEAKER:** Order! The member for Port Stephens is on her final warning.

**Ms GLADYS BEREJIKLIAN:** What about an extension?

**The SPEAKER:** Order! I gave the member for Port Stephens a final warning. I direct the member for Port Stephens to remove herself from the Chamber for a period of two hours.

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

**The SPEAKER:** Order! Because the member for Port Stephens was shouting so much she did not hear my one, two and then three calls to order followed by two warnings.

### CHINA TRADE RELATIONSHIP

**Mr JOHN SIDOTI (Drummoyne) (15:01):** My question is addressed to the Minister for Transport and Infrastructure. Will the Minister update the House on the relationship between China and New South Wales, and are there any concerning matters?

**The SPEAKER:** Order! I sense that some members will be removed from the House during this answer because there will be uproar. Before I call the Minister for Transport and Infrastructure, I inform members that those who are on calls to order are deemed to be on three calls to order. There will be no further warnings. Members who continue to interject will be removed from the Chamber. The member for Rockdale was on one call to order, so now he is on three calls to order. The Minister has the call.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:02):** I thank the member for Drummoyne for his question. The Government is overseeing an unprecedented level of infrastructure investment and construction activity across the State. We are investing \$80.1 billion in new roads, transport, hospitals and schools, and making up for the failures of the past, particularly of those opposite during their 16 long years in government.

**The SPEAKER:** Order! The Minister needs no help from Government members.

**Mr ANDREW CONSTANCE:** Our infrastructure megaprojects are taking shape, with cranes in the sky and jobs on the ground. One only needs to look at Sydney Metro Northwest, where services for stage 1 of Sydney metro are due to open to customers in the first half of next year. What this side of the House knows is that to deliver the best possible infrastructure for the people of this State, we have to partner with leaders in industry in building international relationships to promote the ambitious but necessary infrastructure program and position of the State as a prime location for investment. That is what this Government has been doing.

We have a proud two-way trading relationship with China, which is our largest two-way trading partner. We are pleased to have Chinese investment in our infrastructure program. The Sydney Metro City and Southwest partners include John Holland, which is a wholly owned subsidiary of China Communications Construction Company Limited, which is one of the world's largest infrastructure companies. John Holland, as part of the joint venture, has been awarded the \$2.81 billion tunnel contract and station excavation works contract, which includes twin tunnelling between Sydenham and Chatswood; a 15.5-kilometre tunnel for the project, which will see our city transformed. I note the question raises matters of concern. The Leader of the Opposition made a trip to China last year, as reported in the newspapers. The Leader of the Opposition said that part of his trip to China was to promote investment in New South Wales.

**Ms Gladys Berejiklian:** What kind of investment?

**Mr ANDREW CONSTANCE:** What kind of investment? You may well ask.

**Mr Clayton Barr:** You were at the meeting.

**The SPEAKER:** Order! I call the member for Cessnock to order for the first time. I place the member for Cessnock on three calls to order.

**Mr ANDREW CONSTANCE:** I certainly was not at the meeting, but I know that Ernest Wong was because he was on this great trip. It is concerning that in the *Australian* this morning there is a report about a failure to declare thousands of dollars worth of transport and meals on that trip, paid for by the Communist Party of China.

**Mr Michael Daley:** Point of order: My point of order is taken under Standing Order 129. If John Barilaro does not have to declare \$10,000 to Cabinet then the Minister cannot get on his feet and talk about disclosures.

**The SPEAKER:** Order! What is the member's point of order? I call the member for Maroubra to order for the second time. The member for Maroubra will resume his seat.

**Mr Michael Daley:** All he needs to do is to say that he declared it.

**The SPEAKER:** Order! I call the member for Maroubra to order for the third time.

**Mr Michael Daley:** We have asked, but she hasn't confirmed it.

**The SPEAKER:** Order! The member for Maroubra has ignored my rulings. I direct the member for Maroubra to remove himself from the Chamber for a period of three hours.

*[Pursuant to sessional order the member for Maroubra left the Chamber at 15:05.]*

**Mr ANDREW CONSTANCE:** To the point of order: The Deputy Premier declares his donation, unlike the Opposition Leader of the House, who is walking out of the Chamber. We know that he had to reverse a decision recently. I return to the issue at hand. Ernest Wong, who travelled with the Leader of the Opposition, said that they had been invited on the trip by the Communist Party of China's central committee's international department. According to the *Diplomat*, the international department is especially focused on helping to rectify foreigners' incorrect ideas about the Communist Party of China. With that in mind, I note reports that the Leader of the Opposition made comments last year criticising the Australian media's reporting on China for its Cold War mentality. Guess what? A Chinese official urged Australians, "to give up their Cold War mentality". Those are the exact same words.

**The SPEAKER:** Order! I cannot hear the Minister. Government members will come to order. Opposition members should not dare to continue to interject. I remind them that most of them are on three calls to order.

**Mr ANDREW CONSTANCE:** "Ho Chi Minns" has something to say—the bloke running a Chinese public relations agency out of his office. The Leader of the Opposition has a number of very serious questions to answer. *[Extension of time]*

Why did he fail to declare the gifts provided to him by the Communist Party of China? What was the cost of the transportation and the meals? Whom did he meet during his "private lunches"? Why will he not release the full itinerary of his trip?

**Ms Trish Doyle:** Why don't you get on and fix the transport system, Minister?

**The SPEAKER:** Order! The member for Blue Mountains will come to order and cease interjecting.

**Mr ANDREW CONSTANCE:** Why did his staff mislead media by previously informing them the entire cost of the trip was paid for by Labor?

**Ms Trish Doyle:** What about transport, Minister?

**The SPEAKER:** Order! The member for Blue Mountains will remain silent.

**Mr ANDREW CONSTANCE:** Who approached the Leader of the Opposition in relation to this? There is no doubt the Leader of the Opposition needs to come clean.

**Mr David Mehan:** When are we going to get a lift at Tuggerah? That is the most important thing for my constituents.

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

**Mr ANDREW CONSTANCE:** I have a fortune cookie for the Leader of the Opposition. Guess what it says? It says, "Man who tells lie could face censure tomorrow."

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

**Ms Jodi McKay:** Point of order: There is a longstanding convention in this place that props are not allowed. The Minister has brought cookies into the House, and I want one. Give me a cookie! Share it, Andy.

**Mr ANDREW CONSTANCE:** I have a fortune cookie for the member for Strathfield. Guess what it says? It says, "She who pushes in the lifts cannot lead."

**The SPEAKER:** Order! The member for Strathfield would be the last person to get a cookie from the Minister.

**Mr ANDREW CONSTANCE:** I have a fortune cookie for the member for Maroubra too, which says, "Man who always comes second faces daily disappointment."

**Mr Luke Foley:** Point of order: "He who cannot get four votes for the leadership is a joke."

#### **HOLSWORTHY ELECTORATE REPRESENTATION**

**Mr PAUL LYNCH (Liverpool) (15:10):** My question is directed to the Premier. Are the people of Holsworthy entitled to expect that their representative will actually attend Parliament, instead of trying to stack the Moorebank branch of the Liberal Party for the Photios faction?

**The SPEAKER:** Order! The question is outside the standing orders because it relates to party matters. Does the Premier wish to answer the question?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:10):** I am happy to answer the question. It is always interesting when Comrade Liverpool gets on his feet in this place. Comrade Liverpool should ask his leader about the electorate of Fairfield, and branch issues there. He should ask—

**Mr Paul Lynch:** Point of order: I take my point of order under Standing Order 75. "Comrade" is not a term recognised under the standing orders.

**The SPEAKER:** It should be.

**Ms GLADYS BEREJIKLIAN:** I recommend the member for Liverpool take his point of order without smiling, and we will take him seriously. In relation to his question, I say to the member for Liverpool—given he does not want us to refer to him as "Comrade"—he should speak to his leader about issues going on in the electorate of Fairfield. He should also speak to the Leader—

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

**Ms GLADYS BEREJIKLIAN:** —about the member for Kogarah. Has the member for Kogarah been preselected yet? He has; it took a while.

**The SPEAKER:** Order! The member for Rockdale will cease shouting.

**Mr Stephen Kamper:** I was correcting the number of calls to order.

**The SPEAKER:** Order! The member for Rockdale will not correct anybody; that is my job.

**Ms GLADYS BEREJIKLIAN:** I thank the good people of Holsworthy for supporting our Government and the great local member. About a fortnight ago the member for Holsworthy and I visited Casula Mall. The visit was unprompted, and we had a fantastic experience talking to locals and hearing firsthand their concerns about issues in the Holsworthy electorate. We also received their ongoing encouragement. Hand on heart, I was overwhelmed and touched by the way we were received, to the extent that centre management had to intervene because we were getting too many requests for selfies—that was a positive.

I place on the record our gratitude to the good people of Holsworthy not only for their contribution to New South Wales but also for being open to telling us their hopes and aspirations for funding in the upcoming budget on transport services and car parking that they would like to see resolved. I say to the good people of Holsworthy that I am grateful for their hardworking local member being part of this Government. I look forward to future visits to the great electorate of Holsworthy.

### STATE ECONOMY

**Ms ELENi PETINOS (Miranda) (15:13):** My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the New South Wales Government ensuring the best use of money, and are there any alternative approaches?

**The SPEAKER:** Order! The member for Strathfield will cease interjecting. I remind her that she is on three calls to order.

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (15:14):** I thank the member for Miranda for her question. She knows, as I do, that every decision made by the Berejiklian-Barilaro Government is in the long-term interests of New South Wales. We have the country's leading economy and the strongest budget position that, importantly, enables us to deliver the highest quality health care and education. As the Premier has pointed out, the national accounts for the March quarter came out today. The Australian Bureau of Statistics [ABS] has confirmed the New South Wales economic growth at 3.7 per cent—

**Mr Gareth Ward:** Number one.

**Mr DOMINIC PERROTTET:** It is number one; it is growing faster than the rest of the country at 3 per cent. That is what we campaigned on and that is what we have delivered.

**Mr Gareth Ward:** As it should be.

**Mr DOMINIC PERROTTET:** As the member for Kiama points out, that is as it should be. New South Wales business investment has grown almost 9 per cent, building new factories and creating new jobs at eight times the pace of the rest of the country. We have double-digit growth in our Government's infrastructure investment. As the Premier pointed out, household consumption—a major driver of New South Wales economic activity—grew by 0.4 per cent in the March quarter, to be 2.9 per cent higher through the year. It is days such as this that remind us of the days under Labor. We talked about that in the early years of this Government. In the past 10 years of the Labor Government the New South Wales economy averaged a growth of 1.9 per cent, while the rest of the country was growing at 3.7 per cent. As we know, in 2001 New South Wales grew slower than the national average; in 2002 it grew the slowest of any State and again in 2003.

**Mr Greg Warren:** Who was the Prime Minister, Dom?

**Mr DOMINIC PERROTTET:** The Prime Minister runs the country; you ran the State. In 2004—

**The SPEAKER:** Order! The member for Rockdale is on his final warning.

**Mr DOMINIC PERROTTET:** I give Labor credit for 2004, because New South Wales was the second slowest growing of any State; in 2005, it was the second slowest of any State; and in 2006, 2007, 2008 and 2009, it was the slowest of any State. We will never forget what happened under those opposite. As the Premier stated, a strong economy and strong finances enable us to build for the future, for the generations to come, and at the same time deliver today for the people across the State. We know every step of the way the Labor Party has opposed every one of our reforms. They opposed asset recycling.

**Mr Clayton Barr:** Sell, sell, sell.

**Mr DOMINIC PERROTTET:** The only thing I am selling are shares in the Labor Party, because it is going down, down, down. Labor opposed the Fiscal Responsibility Act. The Leader of the Opposition wants to repeal the wages policy, which will cost the budget \$5.8 billion. That is not just a number; that is 60,000 teachers, 66,000 nurses, 80 new schools and 30 new or upgraded hospitals. The Leader of the Opposition continues to put unions before schools and hospitals.

**Ms Trish Doyle:** Point of order—

**The SPEAKER:** Order! Do not indicate to anybody what they should do; that is my job. If you want my job you can try for it after March next year. What is the member's point of order?

**Ms Trish Doyle:** My point of order is Standing Order 59, tedious repetition.

**The SPEAKER:** The member for Blue Mountains will resume her seat. I do not find any tedious repetition in the answer. I call the member for Blue Mountains to order for the first time.

**Mr DOMINIC PERROTTET:** The reforms that Labor opposed have delivered strong budget surpluses, a negative net debt position and a triple-A credit rating, which means we can deliver the record infrastructure and services that people across this State need. I thank the shadow Treasurer for supporting our Government Sector Finance Bill 2018—a rare moment of bipartisanship in this place. That reform will improve financial accountability, transparency, performance and innovation in the Government, cutting red tape, improving fiscal headroom and overall improving outcomes across the State. While we promote strong financial management across government, we know that the Leader of the Opposition and Sussex Street have an alternative approach when it comes to dealing with money. Just six weeks ago—all members will remember 24 April—the Leader of the Opposition had a confrontation with the General Secretary of NSW Labor, Kaila Murnain—also known or self-described as "Boss Lady". [*Extension of time*]

**Mr Ryan Park:** Point of order—

**Mr DOMINIC PERROTTET:** He told everybody that he had overridden Boss Lady and that he had shown her who was the boss. Yesterday on Ben Fordham's leading radio program he said, "I'm not running or hiding from this one. I've made it clear as Labor leader that the sum of this bloke's donations is to be paid to charity."

**The SPEAKER:** Order! The Treasurer will resume his seat. The Clerk will stop the clock.

**Mr Ryan Park:** Point of order: My point of order is under Standing Order 129. I know they have an obsession with Sussex Street, but it has nothing to do with the State's finances or the management of them.

**The SPEAKER:** Did you listen to the question?

**Mr Ryan Park:** Yes, I did.

**The SPEAKER:** Which part of the question do you think this is not relevant to?

**Mr Ryan Park:** All of it.

**The SPEAKER:** All of it?

**Mr Ryan Park:** Yes.

**The SPEAKER:** What did the question ask?

**Mr Ryan Park:** It talked about what they are good at, which is nothing, and any other alternative.

**The SPEAKER:** Thank you very much, therefore the Treasurer is relevant. The member for Keira will resume his seat. That was dumb.

**Mr David Harris:** Point of order—

**The SPEAKER:** Is the member for Wyong taking offence on behalf of the member for Keira?

**Mr David Harris:** I am. My point of order is under Standing Order 72. That is unparliamentary.

**The SPEAKER:** The member for Wyong should hear the unparliamentary words that I hear every question time, such as "grub" and "liar". I did not say the member for Keira was dumb; I said that the comment he made was dumb.

**Mr DOMINIC PERROTTET:** Here we are, six weeks later. Where is the blood money? It is still at Sussex Street—soon to be renamed "Silk Road". The Leader of the Opposition talks a big game, but he never delivers. We all remember who was going to get rid of the socialist objective. Where is that? It is still entrenched as it has never been before. It was his number one policy and it remains his number one policy today. We have seen an increase in instability on that side of the House. Recently Opposition members told me about a secret coup that Boss Lady set up where she had seven members of the Opposition walk into the office of the member for Maroubra to fake a coup. The man who called it off was the Liberal member for Kogarah—a man of integrity.

**Ms Jodi McKay:** Point of order—

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

**Ms Jodi McKay:** The question that was asked related to money. That was the word that was used.

**The SPEAKER:** And "any alternative approaches". The Treasurer was being relevant to the question.

**Ms Jodi McKay:** This has nothing to do with money.

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

**Mr DOMINIC PERROTTET:** That is leadership. Leadership is not a title; it is action and example. Even though Boss Lady tried to remove him from Parliament he has been tagged in the Parliament as the water boy.

**The SPEAKER:** Order! I warn the member for Keira for the last time.

**Mr DOMINIC PERROTTET:** That is what leadership is about but that is not what it is about from the Leader of the Opposition.

### DROUGHT ASSISTANCE

**Mr PHILIP DONATO (Orange) (15:22):** My question is directed to the Deputy Premier, and Minister for Regional New South Wales. Following the failure of both the State and Federal governments to appropriately assist desperate farmers who are enduring what many are saying is the worst drought since 1982, will he now adopt the Shooters, Fishers and Farmers Party policy of immediately implementing and legislating for drought assistance, inclusive of water, fodder and stock freight subsidies?

**The SPEAKER:** Order! Opposition members will come to order. It is a reasonable question. The Deputy Premier has the call.

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (15:23):** I thank the member for Orange for his question. Drought is a serious issue. Many of our farmers are going through a tough period. Some have not had rain for more than 18 months and are destocking. That has an impact on communities, not just on farmers themselves but also on the wellbeing and mental health of individuals and families connected to the farms. It is an issue on which we have focused. In the past few weeks I have been to Armidale, Tamworth and Broken Hill. I met with the pastoral association in the Far West.

I also joined the member for Bathurst at Blayney, and the Premier, the Minister for Primary Industries and the member for Dubbo have been in Dubbo. I was in Scone last Friday and met with 15 farmers, including Anto White, to talk about these issues. Regardless of where we go in this State, we see the impact of the drought on farming families. One of the messages that has been clear during our visits is that farmers want people to stop talking down the agricultural sector. The last message we want to send across the globe is that Australia is no longer producing anything. That would be the worst thing we could do to the sector. This drought is serious and it is real. Things have been going well for farmers in some parts of the State; they have had some good seasons, commodity prices have been good and they have been holding. Low interest rates also mean minimal impact on household income, which the statistics suggest has held up well over the past few years.

The Farm Innovation Fund has made \$250 million available for low interest loans to enable farmers to drought-proof their farms. That has been this Government's focus, and it is exactly what our farmers want to do when things are going well. The fund is now distributing about \$3 million a week. This Government wants to support farmers who are supporting themselves by building infrastructure with low interest loans and who are investing to drought-proof their properties as well as they can. We live on a dry continent and drought is a reality for the nation and the agricultural sector. Rain is falling in Sydney today, but we want it to fall in the Central West, in the south-east and in the north-west. I wish I could do a rain dance and make it rain; it would be great if we could pass legislation to make it rain.

**The SPEAKER:** It is raining on the South Coast, and has been for 24 hours. That is fantastic.

**Mr Philip Donato:** Point of order: My point of order relates to Standing Order 129. I have listened very patiently for three minutes.

**The SPEAKER:** Order! I thank the member for Orange for not politicising this issue or interjecting.

**Mr Philip Donato:** This is a serious issue. Farmers want to know what freight subsidies are going to be made available.

**The SPEAKER:** Order! The Clerk will stop the clock. If the member for Orange had been listening carefully, he would know that the Deputy Premier has been addressing that issue. The Deputy Premier is being relevant to the question he was asked. There is no point of order.

**Mr JOHN BARILARO:** I know what the member for Orange has asked, and I respect that he is on the ground talking to farmers who are doing it tough and that he is championing their cause. However, I must put into context what the Government has been doing and explain what should happen next. When I was in the Far West, the issue was the kangaroo and emu population explosion. They are eating the feed that farmers are bringing in for their stock and they are becoming more aggressive. I met with a dozen farmers in Braidwood, which is in my

electorate, who do not support freight subsidies. They support the Farm Innovation Fund and they want the Government to top it up so they can continue to invest in their land.

There is no one-size-fits-all solution, and the Government has made adjustments to the subsidies that are available. Farmers can access a \$20,000 loan that requires no repayment for two years and that is interest free for five years. We want to help farmers through this difficult time. If rain does not fall in the next couple of weeks the situation will get even worse for farmers who planted oats in the dry, hoping for rain. That will have an impact on this State's gross domestic product and on our economy. The Government is focused on this issue. I assure the member for Orange that the Premier, the Minister for Primary Industries, and I are working on an announcement—members should watch this space—that will address all these issues, including the wellbeing of farmers.

#### STATE ELECTION CAMPAIGN FUNDING

**Mr GARETH WARD (Kiama) (15:28):** I address my question to the Special Minister of State. Will the Minister update the House on what the Government is doing to encourage integrity in campaign financing, and is the Minister aware of any threats to reforming campaign financing in this State?

**Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (15:28):** I thank the member for Kiama for his question and commend him for his concern about this important matter. We have all seen the disturbing reports from the United States and elsewhere about the growing, insidious manipulation of elections by foreign powers. It is becoming a substantial enough problem that the Federal Government has undertaken inquiries and significant legislative changes have been made in Federal Parliament concerning foreign influence. New South Wales has strong laws—in fact, the strongest laws—to prevent foreign campaign contributions, and those laws were strengthened earlier this year.

However, this State is not immune from the machinations of foreign powers seeking to peddle influence in our political processes. Disturbing reports have emerged in recent days about worrying links between the Australian Labor Party and foreign political and business interests. They cast a pall over everything the Leader of the Opposition and his cast of cronies dare say on any domestic economic issue. The people of New South Wales can no longer be sure which are the Opposition's policies and which are China's policies. Given that members opposite do not have any policies, we can assume they have not been translated yet. I put on record that our Chinese communities are great advocates for their towns and neighbourhoods, and they are wonderful contributors to our Australian society. Members will not find more staunch advocates for democracy and freedom than the Chinese Australians in the electorates we represent.

They are not the people I am talking about; I am talking about the foreign agent milieu circulating around the New South Wales Opposition. We have former New South Wales Premier and foreign Minister Bob Carr and his Australia China Relations Institute, funded by a controversial billionaire. That individual has been actively campaigning to support Beijing's interests. The former Labor Premier was caught red-handed last week trying to dig up dirt for his foreign paymasters. Who was he digging up dirt on? It was none other than our own national security advisers—the people sworn to protect us and this nation. How was he digging up that dirt? He was colluding with former Labor Premier Keneally, and failed candidate for Bennelong. In my book, and in the book of the average citizen of New South Wales, that is called treason. According to the *Australian*, "China has bought the NSW Labor Party".

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** Order! The Clerk will stop the clock. Members on both sides of the Chamber will avoid aggressive behaviour. The Minister is entitled to answer the question. Government members are now preventing him from doing that.

**Mr Clayton Barr:** My point of order relates to Standing Orders 128 and 129. Standing Order 128 requires questions to be about State issues. The Minister is talking about former Premiers.

**The SPEAKER:** Order! He is the Special Minister of State.

**Mr Clayton Barr:** He should talk about issues affecting this State.

**Mr ANTHONY ROBERTS:** To the point of order: In answer to the point of order about whether this is a State or a Commonwealth issue, I draw the member's attention to section 12 of the New South Wales Crimes Act 1900, which states clearly that "whosoever within our State or without attempts to intimidate or overawe our Parliament and those decisions taken and affirmed by our Sovereign shall be liable for imprisonment for 25 years".

**The SPEAKER:** Order! The Clerk will restart the clock when members come to order. I remind the member for Kogarah and the member for Rockdale that they are on three calls to order. The Minister is in order. There is no point of order.



**Mr ANTHONY ROBERTS:** While the Foreign Investment Review Board was looking at the poles and wires sale and preventing Chinese influence, it should have been investigating the secret sale of the New South Wales Labor Party to China. There has been more cause for alarm this week, this time implicating the Leader of the Opposition, who was caught out enjoying the grace and favour of Chinese officials on his trip to the motherland last year. How did we find out? The revelation about this largess from the Chinese Communist Party to the Leader of the Opposition may not have been revealed if it were not for the fact that he tried to betray Ernest Wong.

**Mr Luke Foley:** Point of order: It is under Standing Order 73. The Minister should declare his public advocacy against the position of the Australian Government that recognises one China. He argues against the settled policy of the Australian Government.

**The SPEAKER:** Order! That has nothing to do with Standing Order 73. The Leader of the Opposition should read the standing orders.

**Mr ANTHONY ROBERTS:** Who wrote that? Where is Bob? Is Bob here? Who passed the Leader of the Opposition that one? Poor old Ernest. Ironically, he must be the only member of the Labor Party not winning from the Beijing relationship. Those opposite have form, having been caught meeting the same controversial Chinese businessman again in January last year. And the further one goes back, the more one finds out. Sam Dastyari, widely known traitor; Fitzgibbon, financial links to individuals that our allies the United States of America found were Chinese intelligence agents. Seriously though, we have to feel for those who are not on the gravy train. Imagine the poor old member for Rockdale—where are his Chinese mates? He is on the phone to the Greek consulate; he cannot even get free souvlaki. Meanwhile, there is a bunch of Anglos down at the Golden Century with a never-ending lazy Susan of freebies. [*Extension of time*]

Those opposite will not be getting visas any more, but they sure have had a lot of Visas paid off over the past few years, and Amexes. We on this side of the House are on the side of the workers and the families of New South Wales. The only workers those opposite care about are those at the United Front Work Department of the Chinese Communist Party. We on this side care about providing jobs, schools, hospitals, roads, public transport, affordable homes and the highest standard of living in this great country. I say again: China is a valuable friend to the people of New South Wales, and I am proud of our Chinese-Australian communities. But we are a sovereign State in the sovereign nation of the Commonwealth of Australia and we, the people of New South Wales, will make its laws. Those on this side will make the laws, not those peddling overseas communist influence. We will change those laws where it is necessary to do so in the best interests of the people of New South Wales. Labor needs to take a long, hard look at itself before it can say the same. If it does not do that, it is about time we had a very hard look at those opposite.

#### *Business of the House*

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

**Mr ANTHONY ROBERTS:** I move:

That standing and sessional orders be suspended to permit consideration of the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018 to take precedence of all other general business on Thursday 7 June 2018.

**Motion agreed to.**

**Mr ANTHONY ROBERTS:** I move:

That standing and sessional orders be suspended to permit consideration of the Modern Slavery Bill 2018 during government business at this or any other subsequent sitting.

**Motion agreed to.**

#### *Petitions*

### **PETITIONS RECEIVED**

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

#### **Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

#### **Short-term Holiday Letting**

Petition calling on the Government to ban the conversion of entire homes into short-term holiday lets and to introduce appropriate controls including a short-term letting registration system, received from **Mr Alex Greenwich**.

**Affordable Housing**

Petition requesting legislation mandating a percentage of all new residential developments be set aside for affordable housing received from **Ms Jo Haylen**.

**Pride Centre**

Petition requesting the Government to work with community stakeholders and commit funds to build a Pride Centre in New South Wales, received from **Ms Jo Haylen**.

**Social Housing**

Petition requesting that the Sirius building be retained and its social housing function be continued, received from **Mr Alex Greenwich**.

**Mental Health Services**

Petition requesting increased mental health support for people with a mental illness who are tenants of Housing NSW and community housing, received from **Mr Alex Greenwich**.

**Sydney Football Stadium**

Petition requesting that the Government upgrade rather than rebuild the Sydney Football Stadium and invest the money saved into health, education and community sports facilities, received from **Mr Alex Greenwich**.

**Harris Street Walkway**

Petition requesting the reinstatement of the Harris Street walkway connection to the central business district and the upgrade of lighting on Darling Harbour walkways, received from **Mr Alex Greenwich**.

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

**Punch Street, Mosman, Bus Services**

Petition calling on the Government to relieve bus congestion in Punch Street, Mosman, by relocating to an alternative stop bus services 144 and 246 and buses that are not in service, received from **Ms Felicity Wilson**.

**Eastern Sydney High School**

Petition requesting the urgent establishment of a new comprehensive co-educational public high school in eastern Sydney, received from **Mr Jihad Dib**.

**RESPONSES TO PETITIONS**

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

The Hon. Don Harwin—Sydney Water Catchment Coalmining—lodged 1 May 2018 (Ms Pru Goward)

The Hon. Paul Toole—Brisbane Water Channel—lodged 1 May 2018 (Ms Liesl Tesch)

*Business of the House***NSW KOALA STRATEGY****Reordering**

**Mr KEVIN ANDERSON (Tamworth) (15:39):** I move:

That the General Business Notice of Motion (General Notices) given by me this day [NSW Koala Strategy] have precedence on Thursday 7 June 2018.

I move this motion purely because the Government has a strong environmental record that is worth noting as World Environment Day is celebrated across the globe. I will outline some of the Government's achievements to clearly show why my motion needs to be given precedence. Talking about koalas and saving our species, on 6 May this year the Government released the \$44.7 million NSW Koala Strategy. That strategy acts on the recommendations of the Chief Scientist and Engineer's review of the decline of koala populations. The review identified the major issues requiring attention and recommended a whole-of-government strategy. The environment Minister, Ms Gabrielle Upton, has had a significant role to play in looking after our koalas across the State, and in particular in the New England North West, with Gunnedah being the koala capital of the world.

The Government has also looked at 24,000 hectares of State forest being set aside for koalas. That includes 4,000 hectares of forest with koala habitat on the mid North Coast that will be transferred to the national parks system. A further 20,000 hectares of State forest with koala habitat will be set aside. Other key strategies include \$8.9 million to help the koala habitat database; \$5 million for community initiatives to boost koala numbers; \$4.5 million to support koala rehabilitation and provide specialist training to vet surgeons and nurses, partnering Taronga Zoo and tertiary institutions; \$3.3 million to fix roadkill hotspots; and \$3 million for koala hospitals and tourism centres in Port Stephens providing specialist care for sick and injured koalas. The member for Port Stephens is not in the Chamber at the moment but I am sure she would say, "Thank you."

The strategy also builds on the work that we have been doing through the Saving our Species program, with \$100 million committed over five years. As we celebrate World Environment Day this week, I pay tribute to the great work that Landcare NSW is doing under the chairmanship of Rob Delahunty. I implore members to read the current edition of the *Advocate*, the quarterly newsletter from Landcare NSW, outlining some of the work that Landcare has been doing across regional New South Wales. Landcare does a fantastic job through the Local Landcare Coordinators Initiative funded by the New South Wales Government, which is doing sensational stuff at the grassroots level. There is much more to come on that. Clearly this motion should be given precedence tomorrow, and I sincerely hope it gets the support it deserves.

**Mr LUKE FOLEY (Auburn) (15:43):** My motion deserves support to be reordered because the chaos in this Government is such that last night those opposite chalked up a twenty-first century first. There have been seven Premiers this century. This one is the first to see a Minister in her Cabinet censured. And to add insult to injury, it was because a member of the governing party crossed the floor on the Government to vote for the censure. We thought yesterday afternoon was a touch chaotic when a member of this place absented herself from a sitting day in order to go and launch a hit on a sitting Federal Liberal member of Parliament. We thought that was a sign of chaos. But then last night it went further. What did the Hon. Matthew Mason-Cox say last night? He said:

I am fortunate to belong to a party that allows its members to vote according to their conscience. However, it has been made clear to me today by the Leader of the Government and the Premier that no conscience vote is permissible in respect of this issue.

...

However, apparently conscience votes are only allowed where the Premier permits them. To me that is untenable and completely repugnant.

The Premier should have thought of that when she dumped the Hon. Matthew Mason-Cox from Cabinet and allowed her allies to terminate the career of the member for Wollondilly. Perhaps she should have thought of it then. Last night a respected Liberal Party elder, the member who held the Federal seat of Parramatta throughout the Howard years, said it all publicly. Ross Cameron—mentor to the Treasurer—said:

I don't think that anyone should actually imagine that Gladys Berejiklian is running the State of New South Wales....Gladys Berejiklian is an integer in a faction which owns the New South Wales division of the Liberal Party.

**The DEPUTY SPEAKER:** Order! The member for Tamworth will resume his seat. The Minister for Counter Terrorism, Minister for Corrections, and Minister for Veteran Affairs will resume his seat.

**Mr LUKE FOLEY:** He continued:

That faction is basically owned by two or three lobbying companies who simply hire and fire Premiers at will. Michael Photios sacked Mike Baird and installed Gladys Berejiklian and she will serve at the pleasure of Michael Photios...The New South Wales division of the Liberal Party is less democratic than North Korea...Basically, Michael Photios decides who goes into Parliament in New South Wales and who doesn't...This is just Gladys Berejiklian carrying water for the big lobbying companies that own the Liberal Party and that want to genuflect to the deep State to keep certain revenue streams flowing...I think she's a disappointment...

This senior figure, Ross Cameron—one of John Howard's right-hand men—then said:

I think she's like a marsupial in the headlights...

That says it all.

**Mr Guy Zangari:** Point of order: During the entire speech by the Leader of the Opposition, Government Ministers were at the table making comments into the microphone.

**The DEPUTY SPEAKER:** Order! The member for Fairfield will resume his seat. I direct the member for Fairfield to remove himself from the Chamber for a period of two hours.

*[Pursuant to sessional order the member for Fairfield left the Chamber at 15:47.]*

**The DEPUTY SPEAKER:** Order! All the noise was coming from the Opposition side of the Chamber. I take exception to the point of order because I directed the member for Tamworth and the Minister to resume their seats, and they did so. I remind Opposition members that about 15 of them are on three calls to order.

**Mr Tim Crakanthorp:** What about the other side?

**The DEPUTY SPEAKER:** Order! I direct the member for Newcastle to remove himself from the Chamber for a period of two hours.

*[Pursuant to sessional order the member for Newcastle left the Chamber at 15:47.]*

**The DEPUTY SPEAKER:** The question is that the motion of the member for Tamworth have precedence on Thursday 7 June 2018.

**The House divided.**

Ayes .....48  
Noes .....32  
Majority.....16

**AYES**

Anderson, Mr K  
Berejiklian, Ms G  
Constance, Mr A  
Crouch, Mr A  
Elliott, Mr D  
Fraser, Mr A  
Grant, Mr T  
Henskens, Mr A  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Evans, Mr A.W.  
Gibbons, Ms M  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Barilaro, Mr J  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L.J.  
Goward, Ms P  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

**NOES**

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Doyle, Ms T (teller)  
Greenwich, Mr A  
Hoenig, Mr R  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Scully, Mr P  
Warren, Mr G

Atalla, Mr E  
Car, Ms P  
Dib, Mr J  
Finn, Ms J  
Harris, Mr D  
Hornery, Ms S  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Smith, Ms T.F.  
Watson, Ms A (teller)

Bali, Mr S  
Catley, Ms Y  
Donato, Mr P  
Foley, Mr L  
Harrison, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Mihailuk, Ms T  
Piper, Mr G  
Tesch, Ms L

**PAIRS**

Ayres, Mr S  
Brookes, Mr G  
Griffin, Mr J

Cotsis, Ms S  
Lalich, Mr N  
Haylen, Ms J

**Motion agreed to.**

*Motions Accorded Priority***LEADER OF THE OPPOSITION ACCOUNTABILITY****Consideration**

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:53):** The reason that I should move this serious motion today is—

**Ms Jodi McKay:** Because you're a racist.

**The DEPUTY SPEAKER:** Order! The Clerk will stop the clock. The Minister will resume his seat. There have been many interjections. I direct the member for Strathfield to remove herself from the Chamber for two hours. The Minister was only 20 seconds into his speech. That type of slur across the Chamber will not be tolerated, especially when a member is on three calls.

**Ms Jodi McKay:** Point of order: The slur was made by the Deputy Premier.

**The DEPUTY SPEAKER:** Order! There is no point of order.

*[Pursuant to sessional order the member for Strathfield left the Chamber at 15:54.]*

**Mr ANDREW CONSTANCE:** My motion deserves priority because a serious report has been written today about the Leader of the Opposition. It goes to the heart of his integrity, decency and the moral fibre required to lead New South Wales. In nine months time the people of this State will have a choice. As part of that, they deserve to learn what the Leader of the Opposition is about.

**The DEPUTY SPEAKER:** Order! The member for Oatley will come to order.

**Mr ANDREW CONSTANCE:** The Government already knows what the Leader of the Opposition is about. The article on the front page of the *Australian* today is incredibly serious. Government members want to know why there was a deliberate failure to disclose benefits derived during a trip to China and a visit with the Communist Party of China by the Leader of the Opposition. Another issue of integrity that needs to be debated today relates to the return of the funds donated to the Labor Party in relation to the Medich issue. The Leader of the Opposition said that the funds had been returned when they had not been returned. What is happening with respect to that? Since the Parliament last sat—when we heard the endorsement of Pauline Hanson, who said, "Good on you, Luke Foley"—

*[Interruption]*

It is a joke, is it? I will tell those opposite what is funny—the number of Labor members who have been picking up the phone and saying things to Government members and members of the press gallery about the Leader of the Opposition. He must be accountable today. There are a number of serious questions he needs to answer today. He has spent the day hiding in his office, avoiding calls from journalists. He is going to be held to account in this Chamber when we debate this motion this afternoon, and he can explain his trip and his failure to disclose. He can explain his inappropriate comments, which clearly promote the interests of the Communist Party of China. The Government wants to know about the failure of the Leader of the Opposition to disclose. Government members recognise that the comment he made about "white flight" is certainly racist. Government members want to know what is going on in relation to the failure on the part of the Leader of the Opposition to return the murder money.

**DEPUTY PREMIER ACCOUNTABILITY****Consideration**

**Mr CLAYTON BARR (Cessnock) (15:58):** My motion needs to have priority because there are only 27 sitting days left in which to find out who the real John Barilaro is. We are fast running out of time. This question dates back to 2007, when John Howard was on the election circuit, campaigning to win the unlosable election. He visited Mr Barilaro's business to seek some endorsements. Back then the member for Monaro was a self-confessed Liberal tragic. John Howard did not win that election, which might be one of the first indicators of the quality of the political antennas of the member for Monaro.

A couple of years later the member for Monaro joined The Nationals. Originally being interested in the free market he was suddenly interested in the tyranny of distance for those in regional communities. He recognised that he backed the wrong party during the election and which party he needed to belong to. So the member for Monaro switched over to The Nationals. Three years after that, the member for Monaro—freshly minted as a Minister—was sitting in Cabinet while the Government talked about council mergers. At that time, the member backed the council mergers. He thought they were a terrific idea. But then he went out on the hustings, where he

realised that council mergers were not such a good idea. So the member flipped his position. He thought, "Maybe that is not such a good side of the argument to be on." His political antenna had failed him a third time.

But those were not the only times. The member for Monaro then thought, "Maybe I'll do a bit of self-promotion." There was a time when a staffer famously leaked that the member for Monaro wanted to be the fourth most famous member of Parliament in the State. He has exceeded that. Even in regard to his expectations of himself, his political antenna have let him down; he backed the wrong horse. While I am talking about horses, I should mention horses' heads. For most of us *The Godfather* is a work of fiction but the member for Monaro asked the then Leader of the Nationals to be the godfather of his child.

The member for Monaro then backed the Government's policy on greyhounds and sent a text message to his mate which read, "Mate, it's time to show your leadership and strength. You have the majority." But several weeks later the member for Monaro decided that that was not a good political decision. He switched his position, turned on his best mate and had him ditched as a leader. That was not the last time his political antenna were faulty. The member for Monaro then decided to stake a claim in the political big show. He famously took on the Prime Minister of this country. Before Christmas last year he said, "The Prime Minister has got to go." The response from the Prime Minister's personal private secretary, Ms Sally Cray, reads:

I don't give a [expletive] if I have to quit my job in order to sit down in front of Chris Dore and tell him all about your boss and what he's been up to.

Shortly after that—you guessed it—Mr Barilaro changed his position again on what he stood for. I will not even bother going into his ideas about nuclear policy, buying Liddell Power Station back and building new coal-fired power stations. What does the man stand for? We need this motion to be given priority today. [*Time expired.*]

**The DEPUTY SPEAKER:** The question is that the motion of the member for Bega be accorded priority.

**The House divided.**

Ayes .....47

Noes .....27

Majority.....20

#### AYES

Anderson, Mr K  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Evans, Mr A.W.  
George, Mr T  
Grant, Mr T  
Henskens, Mr A  
Kean, Mr M  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Aplin, Mr G  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L.J.  
Gibbons, Ms M  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
O'Dea, Mr J  
Perrottet, Mr D  
Roberts, Mr A  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Berejiklian, Ms G  
Constance, Mr A  
Crouch, Mr A  
Elliott, Mr D  
Fraser, Mr A  
Goward, Ms P  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
Patterson, Mr C (teller)  
Petinos, Ms E  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

#### NOES

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Finn, Ms J  
Hoenig, Mr R  
Leong, Ms J  
Mehan, Mr D  
Piper, Mr G  
Tesch, Ms L

Atalla, Mr E  
Car, Ms P  
Dib, Mr J  
Harris, Mr D  
Hornery, Ms S  
Lynch, Mr P  
Minns, Mr C  
Scully, Mr P  
Warren, Mr G

Bali, Mr S  
Catley, Ms Y  
Doyle, Ms T (teller)  
Harrison, Ms J  
Kamper, Mr S  
McDermott, Dr H  
Park, Mr R  
Smith, Ms T.F.  
Watson, Ms A (teller)

## PAIRS

Ayres, Mr S  
Brookes, Mr G  
Griffin, Mr J  
Hancock, Mrs S  
Marshall, Mr A

Cotsis, Ms S  
Foley, Mr L  
Haylen, Ms J  
Lalich, Mr N  
Mihailuk, Ms T

**Motion agreed to.****LEADER OF THE OPPOSITION ACCOUNTABILITY****Priority**

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (16:07):** I move:

That this House condemns the Leader of the Opposition for:

- (1) His racist "white flight" comments.
- (2) Failing to disclose travel and meals paid for by the Communist Party of China.
- (3) Labor's continued failure to repay the Medich murder money.

The vote to determine priority was an interesting one. Interestingly, the Leader of the Opposition could not even come into the Chamber and vote; nor did many of his Labor colleagues. The result of the vote was 47 ayes and 27 noes, which is quite interesting. What I have to say is clear and constitutes a serious issue for the Leader of the Opposition.

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

**Mr ANDREW CONSTANCE:** The Leader of the Opposition must answer a number of serious questions relating to his conduct. The questions that must be answered are: First, why did the Leader of the Opposition fail to disclose travel and meals paid for by the Chinese Communist Party? Secondly, what was the cost of the transportation and meals provided by the Chinese Commons Party? Thirdly, with whom did Mr Foley meet during his private lunches? Fourthly, will Mr Foley release the full itinerary of his trip? Fifthly, why did Mr Foley return from China using strong pro-Beijing language during a post-visit briefing with local Chinese media? Sixthly, did his office mislead the media by previously informing them that the entire cost of the trip was paid for by Labor? Seventhly, who approached Mr Foley to invite him on the trip, and what were the circumstances? Eighthly, did Mr Foley or anyone in his office or party contact the Chinese Communist Party seeking invitation? Ninthly, what input did Bob Carr or Sam Dastyari have into the organisation of the trip? Finally, what promises did Mr Foley make to officials during his visit? Those questions need to be answered by the Leader of the Opposition.

This debate goes to the integrity of the Leader of the Opposition and the type of leader he is. This motion not only examines the trip but also highlights that in the past fortnight the comments of the Leader of the Opposition about "white flight" have been endorsed by Pauline Hanson. But he has given no explanation—nor has he provided evidence—for the statements he has made referring to disharmony across Western Sydney. The Leader of the Opposition also must explain to the Parliament and to the community what is going on with what is now known as the Medich murder money. Where is it? A number of months ago it was committed to the community; but again Labor failed, under the leadership of Luke Foley, to direct those funds back to the community.

**Mr Paul Scully:** It is not cutting through, Minister.

**Mr ANDREW CONSTANCE:** Trust me, it is cutting through because the Leader of the Opposition has been hiding all day from the front page of the *Australian* where it was revealed—courtesy of Ernest Wong, who confirmed the obvious—that the gifts and benefits derived from that trip were courtesy of the Communist Party of China. The evidence did not come from Government members; it came from Ernest Wong. In recent weeks, Ernest Wong has been mentioned in the media over his struggle for preselection against a Rail, Tram and Bus Union official. Let us hear from the Leader of the Opposition. This is his big challenge.

**The DEPUTY SPEAKER:** Order! I call the member for The Entrance to order for the second time. I call the member for The Entrance to order for the third time.

**Mr ANDREW CONSTANCE:** Will the Leader of the Opposition have the guts to come into the Chamber to answer some serious questions about his conduct, explain to Parliament what he has been doing, and answer the questions that the people of the State deserve to have answered? This is a fairly serious matter. I have

listened to Opposition members in the Chamber and to what they are saying in hallways and on level 6. All of that is not going unnoticed.

**The DEPUTY SPEAKER:** Order! I remind the member for The Entrance that he is on three calls to order.

**Mr ANDREW CONSTANCE:** There can be no doubt that Luke Foley is on political death row. This debate is an open and transparent opportunity for the Leader of the Opposition to walk into this Parliament and explain what went on in China and what has gone on with the Medich murder money.

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

**Mr ANDREW CONSTANCE:** The Leader of the Opposition has an opportunity to be accountable for his racist remark, "white flight", in relation to Western Sydney. Instead, the Leader of the Opposition is hiding in his office with his advisers and they are trying to work out what to do. This debate is Luke Foley's chance. If we do not get answers today, we can consider other avenues in relation to the Leader of the Opposition in this House tomorrow. I have presented the challenge. Labor Opposition members think this is a laughing matter. The Leader of the Opposition constantly has gone after a whole raft of issues over disclosure, and he has failed his own test. *[Time expired.]*

**Mr CHRIS MINNS (Kogarah) (16:12):** I am surprised that the Minister for Transport and Infrastructure has moved the motion, given the chaos in the transport network. One would think the Minister would have better things to do. Two days ago the Leader of the Opposition supposedly was some type of race-baiter who was whipping up racial hysteria. Today, according to this bloke, the Leader of the Opposition is the Manchurian candidate. He should get his slurs straight.

**The DEPUTY SPEAKER:** Order! Members will be referred to by their correct title.

**Mr CHRIS MINNS:** The Minister cannot get his slurs straight. At the end of the day, he does not know which attack to pursue. That is because he has no substantive attack against the Opposition. This debate is nothing but a distraction from the disaster that is his own portfolio. The Minister for Transport and Infrastructure raised the point about people taking trips to China—potentially taking hospitality in China—and not declaring it. I think that is the substance of his charge. A member of this Parliament went on a mission to China and the Philippines on 3 December 2017. I inform the House that that member went to a business dinner with the Sichuan party secretary on 4 December 2017. I checked whether that member's pecuniary interest register was updated to reflect the fact that he or she had received hospitality from the Chinese Communist Party. The register was not updated.

The member at the heart of this scandal is the Premier of New South Wales. I am happy to table the Premier's pecuniary interest register here today. The contention of the Minister for Transport and Infrastructure in this Parliament is that Luke Foley went to a Chinese luncheon and did not disclose it. His Premier did the same thing. At the end of the day, what is good for the goose is good for the gander. This is coming from a Minister whose department is in turmoil. He said on radio this morning that he takes a trip to China, sponsored by the Chinese Government and revealed by the Parliamentary Secretary, and when he returns he espouses pro-Communist ideas. The Premier said on her Facebook page:

It was an honour to meet the Chinese Premier ... China and NSW share deep cultural and economic ties—I'm keen to see those ties grow even further.

That is Chinese propaganda if I have ever heard it! She accepted Chinese hospitality and then launched a pro-Chinese demonstration on her Facebook page. What a scandal! We should waste this Parliament's time with a waste-of-time motion about it. This is the garbage we get from the Minister for Transport and Infrastructure. His Premier is guilty of the same offence. He is a twit. He went on to say that a member of this Parliament did not disclose a donation. This week we found out that the Deputy Premier did not disclose to his Cabinet colleagues that he accepted \$10,000 from the previous member. The Deputy Premier is so good that he lets his donors write legislation for him. He says, "Come on up, guys. For 10 grand you can write your own legislation." Those are the facts as they stand. If I am wrong, the Deputy Premier can stand up and give us a whack. The Minister's third point is about the \$250,000 that the New South Wales Labor Party has to hand back.

**Mr Andrew Fraser:** Point of order: The motion is about the Leader of the Opposition, not the Leader of The Nationals. If the member for Kogarah wishes to attack the Deputy Premier, he should do so by way of substantive motion.

**The DEPUTY SPEAKER:** Order! I uphold the point of order.

**Mr CHRIS MINNS:** As my time to speak drags away I say this: The Leader of the Opposition has devoted his professional life to standing up for the poor, the dispossessed and minorities. That sometimes means that he has to stand up to Pauline Hanson and the grubs who preference her.



**Mr JOHN SIDOTI (Drummoyne) (16:17):** This is an all-time low. Members opposite dragged the Deputy Premier through the mud yesterday. All relevant declarations were made on the record, but they are trying to do it again. As soon as something is truthfully documented in the media they cannot take it. They cannot take the truth. Where is the Medich blood money? That is my first question. They will not front up with the money that they promised the people of New South Wales would be given back. The member for Maroubra took developer donations and is giving them back 10 years later when he has been sprung. This is ridiculous. We then have the "white flight" comments. They must be joking. Members opposite are not ready for opposition, let alone government. They are a waste of time.

The Leader of the Opposition should face the music in this House as the Deputy Premier did yesterday. In light of the documentation referenced in the paper, the Leader of the Opposition has to answer a number of serious questions. Why did he not disclose contributions to travel that were paid for by the Chinese Government? Did his office mislead Australian media organisations by previously informing them that the trip was paid for by the New South Wales Labor Party? Who did Mr Foley meet with during his private meals? Will he release a full itemised itinerary? What was the cost of all of the meals and transportation, and were they paid for by the Chinese? I guarantee he was not having hotpot every night. The Leader of the Opposition does not even have the audacity to front this Parliament.

**Mr Greg Warren:** Point of order: The member for Drummoyne is right off the Richter scale.

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

**Mr Greg Warren:** The member has strayed from the leave of the motion. He is off message.

**The DEPUTY SPEAKER:** Order! The member for Campbelltown will resume his seat.

**Mr JOHN SIDOTI:** The Leader of the Opposition has to answer a number of questions. Who issued the invitation, and what were the circumstances? Who in Mr Foley's office or in NSW Labor organised the trip? Did Sam Dastyari or Bob Carr provide advice or input into the trip? Did they organise meetings? These are serious questions, and the Leader of the Opposition has to front this House and answer them. Until he does that, he is failing to earn the people's respect to be in opposition let alone in government. [*Time expired.*]

**Mr RON HOENIG (Heffron) (16:20):** What a desperate and insecure Government to be raising questions of integrity. How desperate are Government members? If they were fair dinkum about having an integrity debate, they have the numbers in the House and Standing Order 114 allows them to move a censure motion. If they had the courage to move a censure motion against the Leader of the Opposition, the Premier would have to lead the debate. There would be a full debate and everybody's credibility would be at stake. Instead, they send out the member for Bega and the member for Drummoyne—who strikes fear in the hearts of Opposition members every time he gets to his feet.

Serious matters are impacting upon this State today. There are matters of priority such as homelessness and domestic violence—today it was reported that there were 28,000 victims of domestic violence in 12 months—and a crippling drought that is affecting farmers. Instead of discussing those serious matters, Government members want to draw red herrings across the path. They are suggesting that somehow or other there is something secret about the trip of the Leader of the Opposition. The Leader of the Opposition went to the People's Republic of China between 7 and 14 June 2017 and published the report on his website. If people want to see who he met and see where he went that information has been public for 12 months. The disgraceful behaviour in which the Government is engaging in the name of politics through motions like this seriously impacts Australia, its reputation and its economic wellbeing.

The People's Republic of China is Australia's biggest trading partner and is responsible for more than 28 per cent of our exports. It is responsible for more than \$93 billion a year in Australia's export income. We all know what its internal political system is. When anyone deals with anybody from their government they are dealing with the membership of their political party. And it is their business; it is not ours. At a very delicate time in international affairs when there are problems in the South China Sea, how dare the leaders of a provincial Government in New South Wales embark upon xenophobic attacks based upon people's ethnicity? It is not for some provincial, half-baked transport Minister to make outrageous allegations that impact upon Australia's reputation and reflect directly on the Government of the People's Republic of China. Government members are a disgrace.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (16:24):** In reply: It is interesting that the best that the Leader of the Opposition could do this afternoon was to get the member for Kogarah to defend him. We all know about the member for Kogarah and his electorate officer James Zhou and what went on there.

**Mr Chris Minns:** Are you going to take the high road again?

**Mr ANDREW CONSTANCE:** The member is well and truly punching above his political weight. I have been a Minister for seven years.

**The DEPUTY SPEAKER:** The member for Kogarah has made his contribution.

**Mr ANDREW CONSTANCE:** The State Labor Party—

**Mr Jihad Dib:** Point of order: I ask the Minister to speak through the Chair rather than directly across the Chamber.

**The DEPUTY SPEAKER:** Order! I uphold that point of order.

**Mr ANDREW CONSTANCE:** The member for Kogarah is in the Chamber but he did not answer any of the key questions which the Leader of the Opposition needs to answer. We have also been challenged by the member about bringing on a censure motion and we might continue that overnight if he continues to hide in his office, hide away from the media today and hide away from the Parliament. The members opposite should realise that, given that there is a motion about the Leader of the Opposition and he did not have the gall to front and be accountable to the Parliament for his actions, we can only assume he is guilty. The reality is that he has form in relation to political donors, as the member for Kogarah does.

**The DEPUTY SPEAKER:** The Clerk will stop the clock. I do not know how Hansard staff cope with all this noise. It is difficult to hear anything because there are interjections from members on both sides of the Chamber. The Minister has the call.

**Mr ANDREW CONSTANCE:** Herein lies the challenge for the Leader of the Opposition. He failed to come here and defend himself. He failed to come and explain what he has done. The best he can do is get the member for Kogarah to defend him. This has a significant smell about it. It smells like Shanghai Sam. I would not want to bet that Sam Dastyari was not too far away from the planning of this trip, because Ernest Wong seemed to be very clued up about everything that the Leader of the Opposition was doing—in fact, he is the one who let the cat out of the bag. The bottom line is that there is a report on the front page of today's *Australian* that needs to be addressed by the Leader of the Opposition. The Leader should not get B-graders, such as the member for Kogarah, a little junior, in here to behave like the little puppy dog that he is. The Leader of the Opposition should front the Parliament and answer these serious questions, because today members of the media want to know where he is, members want to know where he is and now the Parliament wants to know what is going on. [*Time expired.*]

**The DEPUTY SPEAKER:** The question is that the motion be agreed to.

**The House divided.**

Ayes .....45  
Noes .....24  
Majority.....21

#### AYES

Anderson, Mr K  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Evans, Mr A.W.  
Gibbons, Ms M  
Gulaptis, Mr C  
Humphries, Mr K  
Maguire, Mr D  
O'Dea, Mr J  
Perrottet, Mr D  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L.J.  
Goward, Ms P  
Hazzard, Mr B  
Johnsen, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Barilaro, Mr J  
Constance, Mr A  
Crouch, Mr A  
Elliott, Mr D  
Fraser, Mr A  
Grant, Mr T  
Henskens, Mr A  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Provest, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

#### NOES

Aitchison, Ms J

Atalla, Mr E

Bali, Mr S

## NOES

Barr, Mr C  
 Chanthivong, Mr A  
 Finn, Ms J  
 Hoenig, Mr R  
 Lynch, Mr P  
 Minns, Mr C  
 Tesch, Ms L

Car, Ms P  
 Dib, Mr J  
 Harris, Mr D  
 Hornery, Ms S  
 McDermott, Dr H  
 Park, Mr R  
 Warren, Mr G

Catley, Ms Y  
 Doyle, Ms T (teller)  
 Harrison, Ms J  
 Kamper, Mr S  
 Mehan, Mr D  
 Scully, Mr P  
 Watson, Ms A (teller)

## PAIRS

Ayres, Mr S  
 Berejiklian, Ms G  
 Brookes, Mr G  
 Griffin, Mr J  
 Kean, Mr M

Cotsis, Ms S  
 Foley, Mr L  
 Haylen, Ms J  
 Lalich, Mr N  
 Mihailuk, Ms T

**Motion agreed to.**

*Bills***UNEXPLAINED WEALTH (COMMONWEALTH POWERS) BILL 2018****First Reading**

**Bill introduced on motion by Mr Troy Grant, read a first time and printed.**

**Second Reading Speech**

**Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (16:34):**

I move:

That this bill be now read a second time.

I am pleased to introduce the Unexplained Wealth (Commonwealth Powers) Bill 2018. The purpose of this legislation is to refer certain matters relating to unexplained wealth and information gathering to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Australian Constitution, which enables State Parliaments to refer matters to the Commonwealth Parliament. This referral of powers will authorise the Australian Federal Police to use certain New South Wales offences as a basis for confiscation of unexplained wealth from criminals under the Commonwealth Proceeds of Crime Act 2002. This power would operate concurrently with New South Wales' own confiscation laws, including the unexplained wealth orders available under the Criminal Assets Recovery Act 1990.

Serious and organised crime is a threat to Australia's national wellbeing and has far-reaching consequences for Australian society and its economy. According to the Australian Crime Commission's 2017 "Organised Crime in Australia" report, organised crime is estimated to cost Australia at least \$36 billion annually. This equates to \$1,561 out of every individual Australian's pocket, adding 6.3 per cent to the average cost of living. Organised crime groups are increasingly operating across State, national and international boundaries to conduct their illicit trade and conceal their proceeds of crime. This calls for an enhanced focus on cooperative, cross-jurisdictional action by Australian governments, and their law enforcement and confiscation agencies.

All Australian jurisdictions have a variety of conviction-based and civil asset forfeiture regimes. A key strategy in disrupting organised criminal groups is to allow courts to confiscate the proceeds of their crimes. State-based confiscation agencies are generally working efficiently, yet across the country there exists a "black economy" and it continues to grow. It is generally acknowledged that the NSW Crime Commission, acting under the Criminal Assets Recovery Act, is the most successful confiscation agency in the country. It confiscated \$33 million in criminal assets during the 2015-16 financial year and \$30 million during the 2016-17 financial year. Proceedings under the conviction-based Confiscation of Proceeds of Crime Act 1989 are conducted by the Director of Public Prosecutions or the NSW Police Force, depending on the quantum involved.

Commonwealth confiscations are currently constrained by the requirements of the Commonwealth Proceeds of Crime Act 2002, which provides that it can only obtain an unexplained wealth order where a court with proceeds jurisdiction has made a preliminary unexplained wealth order and is satisfied that the whole, or any part, of the relevant person's wealth was derived from an offence against a law of the Commonwealth, a foreign

indictable offence, or a State offence that has a Federal aspect. This limitation reflects Australia's constitutional arrangements.

In June 2013 the then Commonwealth Minister for Home Affairs, and Minister for Justice, the Hon. Jason Clare, MP, appointed former Australian Federal Police Commissioner Mick Palmer, AO, APM, and former NSW Police Commissioner Ken Moroney, AO, APM, as members of a panel on national unexplained wealth laws. The panel was tasked with working with Federal, State and Territory governments to develop an understanding of unexplained wealth arrangements and determine their views on the best way to establish a national approach to unexplained wealth legislation. The panel's findings supported the operational perspectives of experienced criminal investigators and prosecutors, and strongly recommended a referral of powers to the Commonwealth to overcome the constitutional restriction on using State offences as a basis for Commonwealth confiscation action.

Mechanisms targeting criminal wealth and assets are important tools that provide alternative and complementary strategies to traditional law enforcement responses to serious and organised crime. With this in mind, the New South Wales Government has agreed to become the first State to make a referral of unexplained wealth powers to the Commonwealth. This will facilitate more effective and comprehensive targeting of serious and organised crime groups across jurisdictions, where suspects have wealth and assets in different Australian States and Territories, or overseas.

The Unexplained Wealth (Commonwealth Powers) Bill 2018 makes three referrals of power to the Commonwealth: first, a text referral of State legislative power to the Commonwealth Parliament to enable it to amend the Commonwealth Proceeds of Crime Act 2002 to include a defined class of relevant State offences. The referral will allow the Commonwealth to take action only in relation to relevant New South Wales offences that can already form the basis of unexplained wealth and other confiscation proceedings in New South Wales under our Criminal Assets Recovery Act 1990. Secondly, a savings and transitional provisions referral will be made to enable the Commonwealth to enact general savings and transitional provisions in the Commonwealth Proceeds of Crime Act 2002. This will ensure that Commonwealth proceedings that have commenced on the basis of the referral are able to continue, even if the referral sunsets or is terminated.

Thirdly, an amendment referral will be made to enable the Commonwealth Parliament to amend the Commonwealth Proceeds of Crime Act 2002 as it applies to relevant State offences or the cooperative scheme. For example, the Commonwealth may need to amend its Act in response to a court decision. An intergovernmental agreement will commit the Commonwealth to consulting with participating States prior to making any amendments touching on the "referred" parts of their Acts. This minimises the grounds on which challenges could be brought to the validity of the Commonwealth legislation.

The referral of powers to the Commonwealth made under this bill will not change the capacity of New South Wales to confiscate criminal assets under our regime; rather, it will expand the field of potential targets for Commonwealth confiscation by allowing the Australian Federal Police to link persons of interest to both Commonwealth and State offences, and as a result share the proceeds with relevant participating States. In this way, the Australian Federal Police will be given the offence range needed to help target those criminals conducting illicit activities against the laws of New South Wales and acting against the interests of our citizens. The dismantling of such groups is a clear benefit to, and in the interest of, this State. We hope that the fact that New South Wales, the Northern Territory and the Australian Capital Territory support this project will encourage other States to join what will be a national cooperative scheme on unexplained wealth.

An equitable sharing agreement is already in place in respect of confiscations arising from joint operations between jurisdictions. However, the new scheme will legislate a clearer, simpler and enforceable model that is more favourable to New South Wales and any future participating States. According to the current national confiscation scheme, New South Wales receives a share of confiscated proceeds only if it has contributed to an investigation. Under the new scheme as a participating State, New South Wales will not be required to demonstrate a contribution to an investigation for it to receive an equitable share of confiscated proceeds if the Commonwealth has relied on New South Wales offences—in part or whole—to pursue the confiscation action. Apart from a proportion paid into the Victim Compensation Fund, all confiscated proceeds are currently paid into the confiscated proceeds account. This will also be the case for shared proceeds from the Commonwealth.

As part of these reforms, the Commonwealth will provide State confiscation agencies with some access to information gathering powers under the Commonwealth Proceeds of Crime Act 2002. The New South Wales Crime Commission will have access to two of the Commonwealth's information gathering powers to assist in tracing unexplained wealth assets that are hidden interstate. These include the powers to issue financial institutions outside New South Wales with notices and to seek a court-ordered production order in respect of "property tracking documents". I emphasise that the referral of powers will not foster competition between law enforcement agencies for the confiscation of criminal assets, but rather strengthen law enforcement cooperation between

Commonwealth and State agencies to target those criminals who have been involved in serious criminal activity, and who try to exploit jurisdictional divisions to hide their assets derived from illicit proceeds.

I advise the House that I, as Minister for Police, will sign the intergovernmental agreement [IGA] on the national cooperative scheme on unexplained wealth alongside the Commonwealth Minister for Home Affairs, the Australian Capital Territory Attorney-General, and the Northern Territory Minister for Police, Fire and Emergency Services. The intergovernmental agreement enshrines cooperative investigation protocols for addressing any operational inconsistency that may arise from concurrent State and Federal proceedings and confiscation orders. If the protocols for cooperation fail and inconsistent State and Commonwealth orders are made in respect of the same assets—whether through error or even bad faith—the Commonwealth proceedings would prevail; however, New South Wales would receive an equal share of the confiscated proceeds.

The legislation and IGA contain a range of protections to ensure the Commonwealth does not make amendments that are unacceptable to New South Wales, and in particular cannot change the fundamental nature of the unexplained wealth provisions in the Proceeds of Crime Act—for example, by introducing provisions for unexplained wealth orders to be made by an entity other than a court. The IGA makes provision for consultation, and approval of, proposed amendments to the Proceeds of Crime Act. Clause 3.5.5 stipulates that the Commonwealth will provide the parties with the proposed text of the amendment and a reasonable time to consider and comment on the amendment.

In a situation where the Commonwealth enacts an amendment that New South Wales did not approve of, New South Wales would be able to terminate text reference 1—which provides the power for the Proceeds of Crime Act to apply in respect of State offences—as well as the amendment reference—which provides the Commonwealth with the power to amend the specific text the subject of text references 1 and 2—under clause 12 of the New South Wales bill. New South Wales will also have roll back powers as a safeguard from unacceptable amendments made by the Commonwealth. The bill includes the power for New South Wales to roll back or not apply certain Commonwealth amendments by Governor's proclamation.

Additional protections are provided by the independent review of the scheme scheduled to occur four years after the commencement of the complementary Commonwealth amendments. A sunset clause in the New South Wales bill concludes the scheme after six years; however, it can be renewed if that is considered desirable. In the unlikely event that the Commonwealth acts in bad faith under the scheme—whether by ignoring equitable sharing arrangements, failing to abide by the IGA's conflict avoidance provisions, or introducing unacceptable amendments—New South Wales has the ultimate protection of being able to terminate the referral of powers early at any time through Governor's proclamation.

I now turn to the details of the Unexplained Wealth (Commonwealth Powers) Bill 2018. Clause 3 defines certain words and expressions used in the proposed Act, including the following: Commonwealth Proceeds of Crime Act is defined to mean the Proceeds of Crime Act 2002 of the Commonwealth, as in force from time to time. Pre-assent version of the Commonwealth Proceeds of Crime Act is defined to mean the Proceeds of Crime Act 2002 of the Commonwealth, as originally enacted and as subsequently amended by amendments enacted at any time before the date of assent to the proposed New South Wales Act.

Clause 4 refers to the Commonwealth Parliament each of the following: The matters to which the pre-assent version of the Commonwealth Proceeds of Crime Act would relate if express amendments were made to it in the terms, or substantially in the terms, of the text set out in schedules 1 and 2 to the Act, but excluding matters to which that version otherwise relates—hereafter referred to as text reference 1; the matters to which the pre-assent version of the Commonwealth Proceeds of Crime Act would relate if express amendments were made to it in the terms, or substantially in the terms, of the text set out in schedule 3 to the proposed Act but excluding matters to which that version otherwise relates—hereafter referred to as text reference 2; the matters relating to unexplained wealth—excluding certain matters—and to information gathering, but only to the extent of the making of laws with respect to those matters by making express amendments to the Commonwealth Proceeds of Crime Act—hereafter referred to as the amendment reference.

Clause 5 defines unexplained wealth as property or wealth that might not have been lawfully acquired. It also makes it clear that the meaning of lawfully acquired, property and wealth includes, but is not limited to, the meaning of those terms in the pre-assent version of the Commonwealth Proceeds of Crime Act. Clause 6 defines information gathering to mean the production or provision of information for the purposes of, or relevant to, the taking of action or the institution of proceedings under a law of the State. Clause 7 enables the Governor, by proclamation, to roll back certain express amendments of the Commonwealth Proceeds of Crime Act under the authority given by the proposed sections 14G and 14J of that Act.

Clause 8 specifies what are to be treated as relevant offences for the purposes of the Commonwealth Proceeds of Crime Act in its application to the State. An offence referred to in section 6 (2) of the Criminal Assets

Recovery Act 1990 is specified except: an offence covered by paragraph (b) of that subsection by force of paragraph (f) of the definition of drug trafficking offence in section 6 (3) of that Act; or an offence referred to in paragraph (c) or (i) of that subsection. Clause 9 provides for text reference 1 and the amendment reference to terminate on the sixth anniversary of the commencement of proposed section 4 (1) except if the Governor, by proclamation, fixes a later day or an earlier day for the termination.

Clause 10 enables the Governor, by proclamation, to fix a day for the termination of text reference 2. Clause 11 enables the Governor, by proclamation, to fix a later day than the current termination day for the termination of text reference 1 or the amendment reference. Clause 12 enables the Governor, by proclamation, to fix an earlier day than the current termination day for the termination of text reference 1 or the amendment reference. Clause 13 enables the Governor, by proclamation, to fix a day for text reference 1 and the amendment reference to terminate if the Commonwealth Parliament enacts an express amendment of the Commonwealth Proceeds of Crime Act that, in the opinion of the Governor, is inconsistent with the fundamental attributes of certain unexplained wealth provisions. This power will not limit, or affect, any other powers of the Governor under the proposed Act concerning the extension or termination of references made by the proposed Act. Clause 14 enables the Governor to make regulations for the purposes of the proposed Act.

Schedule 1 sets out some of the text of the amendments to the pre-assent version of the Commonwealth Proceeds of Crime Act that form part of text reference 1. These amendments will extend the main unexplained wealth provisions of that Act to relevant offences specified by the proposed Act, that being New South Wales offences. Schedule 2 sets out some of the text of the amendments to the pre-assent version of the Commonwealth Proceeds of Crime Act that form part of text reference 1. These amendments will allow information gathering under the proposed National Cooperative Scheme on Unexplained Wealth. Schedule 3 sets out the text of the amendments to the pre-assent version of the Commonwealth Proceeds of Crime Act that constitute text reference 2. These amendments will provide for application of that Act to a State and certain transitional, application and saving matters relating to the Proposed National Cooperative Scheme on Unexplained Wealth. Schedule 4 makes consequential amendments to the Criminal Assets Recovery Act 1990.

Given the importance of unexplained wealth powers to the investigation of serious and organised crime, it was important that time was taken to develop a national unexplained wealth regime that would work for both the Commonwealth and the States, and to get the legislation right. Without clear legislative protection a referral of powers could, by virtue of section 109 of the Commonwealth Constitution, render the confiscation regimes of the participating States invalid. The Commonwealth equivalent bill for this scheme therefore makes it clear that it is not intending to cover the field and that schemes of State jurisdictions will operate concurrently. I note that the Commonwealth Office of Constitutional Law has advised that the New South Wales bill must be enacted and commenced before the Commonwealth can enact and commence its bill.

The Commonwealth Government has committed additional funding to support the operations of the Australian Federal Police, including \$12.6 million over the next four years for its proceeds of crime litigation. It is in the interest of all Australian jurisdictions to see more organised crime groups, which are predominantly involved in the illicit drug trade, lose their profits and the means to commit further crimes. This reform package is the culmination of years of hard work and cooperation between the Commonwealth and New South Wales governments. New South Wales can proudly stand as the first State to join the national scheme and to strengthen the fight against organised crime. I commend the bill to the House.

**Debate adjourned.**

*Visitors*

#### **VISITORS**

**The ASSISTANT SPEAKER (Mr Andrew Fraser):** I acknowledge the Hon. Duncan Gay in the Speaker's gallery. Obviously he cannot get enough of this place.

*Bills*

#### **VICTIMS RIGHTS AND SUPPORT AMENDMENT (STATUTORY REVIEW) BILL 2018**

##### **First Reading**

**Bill introduced on motion by Mr Mark Speakman, read a first time and printed.**

##### **Second Reading Speech**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (16:58):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Victims Rights and Support Amendment (Statutory Review) Bill 2018. The bill implements the recommendations of the report of the statutory review of the Victims Rights and Support Act 2013, which has been conducted by the Department of Justice on my behalf. The bill also makes amendments to a number of other Acts within my portfolio to improve court processes and outcomes for victims of crime. The Victims Rights and Support Act 2013 legislates the rights of victims of crime under the Charter of Victims Rights set out in the Act.

The Act also establishes the Victims Support Scheme, which provides practical and financial support for victims of violent crime in New South Wales. The scheme provides a package of support individually tailored to meet victims' needs, including counselling and financial assistance for both immediate needs and longer-term economic loss. In addition, victims are eligible for a lump sum recognition payment in recognition of their pain and trauma. The scheme replaced the previous Victims Compensation Scheme, which was established under the now repealed Victims Support and Rehabilitation Act 1996. The Victims Compensation Scheme was financially unsustainable and overwhelmed by growth in demand, which led to protracted delays for victims in receiving compensation. The transition from the old scheme to the Victims Support Scheme involved a deliberate policy shift away from lump sum compensation payments to an immediate, flexible and responsive scheme, which is able to meet the needs of victims in a timely manner.

An increasing number of victims have been accessing the Victims Support Scheme since it commenced in 2013. Awareness of the scheme has been growing among the community and among victims' advocates, meaning that more victims are engaging with victims' services at an earlier stage and are receiving tailored, appropriate support to meet their immediate financial needs and receive professional counselling. The Victims Support Scheme also sits within broader government initiatives that support victims of violence. For example, the Government invested more than \$350 million over four years in the 2017-18 budget to address domestic violence through the Domestic and Family Violence Blueprint for Reform, which provides a whole-of-government policy framework to respond to domestic violence.

In addition, Safer Pathways continues to provide a coordinated and proactive service delivery response to domestic violence victims, including a risk assessment tool for police and automated referrals of all victims to local services for support and urgent action to prevent further harm. In 2015 a Premier's Priority was announced to reduce domestic violence reoffending. This is one of the Government's highest priorities. The Premier's Priority requires a reduction of domestic violence reoffending within 12 months by 25 per cent by 2019, reported in 2021. This reduction is from the 2013 baseline rate of 14.2 per cent.

The Department of Justice has undertaken a review of the Victims Rights and Support Act 2013 on my behalf, as required under section 119 of the Act. In conducting the review, the department considered submissions received from a variety of individuals, government agencies and non-government organisations. A key feature of the Victims Support Scheme is that applications for victims support remain open for five years. Therefore, claims for financial assistance can continue to be made until the total amount of available financial support has been exhausted during that five-year period.

Section 119 of the Act required the first review of the legislation to be undertaken as soon as possible after the three years from the date of assent, which was 3 June 2013. As the review commenced only three years after the Act commenced, a large number of claims lodged under the Victims Support Scheme continue to remain open. As a consequence, the data required to be able to judge the overall efficacy of the scheme and to assess the need to make substantial changes is not yet available. On balance, given the absence of data about the operation of the scheme, I consider it too early to recommend any major policy changes to the Victims Support Scheme.

A further review of the Act is required to commence between June 2019 and June 2021. At that time, a fuller data picture will be available that will enable a more informed assessment to be made about the operation of the scheme. In the meantime, the Victims Rights and Support Amendment (Statutory Review) Bill 2018 makes a number of amendments to the Act and its associated regulation that will help provide improved access to services and support for victims and ensure the administrative efficiency of the scheme. The bill also makes some technical amendments to clarify some of the provisions and to address drafting anomalies.

I will now outline the details of the bill. Clause 1 of the bill outlines the name of the Act. Clause 2 states that the Act is to commence on a day or days to be appointed by proclamation. Schedule 1 to the bill makes amendments to the Victims Rights and Support Act 2013. Item [1] of schedule 1 to the bill will amend section 36 of the Act to ensure that immediate family members of homicide victims are given adequate recognition under the Act, regardless of whether they were financially dependent on the deceased at the time of death. Section 36 (1) (a) of the Act currently provides that a family victim who was financially dependent on the primary victim immediately before his or her death is eligible for a recognition payment of \$15,000.

A child whose parent was the victim of a homicide while the child was not financially dependent on that parent, for example, if the child was living in out-of-home care, is currently not eligible for a recognition payment. This is at odds with the purpose of a recognition payment to acknowledge the trauma of the victim's loss. Item [1] of schedule 1 to the bill will amend section 36 (1) (a) of the Act to provide that any child of a homicide victim who was under the age of 18 immediately before the death of the primary victim is automatically eligible for a recognition payment of \$15,000, without needing to prove financial dependence. This will acknowledge that the homicide of a parent is an extremely traumatic event for a child, regardless of a financially dependent relationship.

Section 36 (1) (b) of the Act currently provides that parents, step-parents and guardians of a primary victim of a homicide qualify for a recognition payment of \$7,500. This section, in conjunction with section 36 (1) (a), means that a current spouse or partner of a homicide victim is not eligible for a recognition payment unless he or she was financially dependent on the primary victim at the time of death. Basing a recognition payment for spouses and partners on financial dependency is inconsistent with the purpose of recognition payments to provide acknowledgment of the traumatic effect of the homicide of close family members. Item [1] of schedule 1 to the bill will provide that a recognition payment of \$7,500 will be payable to current spouses or partners of the primary victim who were not financially dependent on the primary victim at the time of death.

I acknowledge the various stakeholders who recommended changes relating to financial dependency requirements for family members in their submissions to the statutory review and who brought this issue to my attention. These include Community Legal Centres NSW, Kingsford Legal Centre, the Law Society of New South Wales and the Homicide Victims' Support Group. Items [2] and [3] of schedule 1 to the bill will amend the documentary evidence requirements under section 39 of the Act and provide easier access to the Victims Support Scheme for victims who face barriers to reporting to police or other authorities.

Under section 39 of the Act, an application for financial assistance for economic loss or for a recognition payment must be accompanied by a police report or by a report of a government agency and a medical, dental or counselling report verifying that the applicant has been injured as a result of an act of violence. These current evidentiary requirements may deter some victims from attempting to access the Victims Support Scheme. It is well established that many victims, particularly domestic violence and sexual assault victims, may feel more comfortable disclosing their experience of violence to a community legal centre or refuge rather than to police or a government agency.

A significant number of stakeholders raised concerns about the current documentary evidence requirements in their submissions to the statutory review, including Community Legal Centres NSW, Kingsford Legal Centre, the Law Society of New South Wales, Legal Aid, the Public Interest Advocacy Centre, Redfern Legal Centre, the Shopfront Youth Legal Centre, Wirringa Baiya and Sydney Women's Domestic Violence Court Advocacy Services. I thank these stakeholders for bringing this issue to my attention. Items [2] and [3] of schedule 1 to the bill will amend section 39 of the Act to allow evidence from an agency that provides support services to victims of crime, including non-government organisations, to be accepted in support of an application under the Victims Support Scheme. This will increase the accessibility of the scheme for victims who face barriers to reporting violence, particularly domestic violence and sexual assault victims and those from marginalised groups who are deterred by the current requirement to report to police or a government agency.

Items [4] and [6] of schedule 1 to the bill will address an unintended drafting anomaly in relation to application time limits for family members of homicide victims. Section 40 (3) of the Act states an application for financial support needs to be made within two years of the relevant act of violence or, for homicide incidents, within two years of it being established that the act of violence directly led to the death of the primary victim. There is currently no equivalent exception for applications for a recognition payment. Items [4] and [6] of schedule 1 to the bill will ensure that an application for a recognition payment can be made by family members of homicide victims within two years of it being established that the act of violence directly led to the death of the primary victim.

Item [7] of schedule 1 to the bill will allow the Commissioner of Victims Rights to lapse an application for victims support where supporting evidence has not been lodged within 12 months of the applicant first being requested to provide the evidence. This amendment will address the fact that some victims lodge applications and then do not supply evidence to enable their application to be assessed and progressed, despite being contacted by Victims Services on multiple occasions. The Act provides that applications for victims support remain open for five years or until the maximum amount of financial support is exhausted. Applications with no supporting evidence are therefore required to remain open for the full five-year period. Victims Services advises that there are currently more than 6,000 applications that cannot be progressed due to lack of supporting documentation. This contributes to the contingent liability of the Victims Support Scheme.

The amendment empowering the commissioner to lapse applications has been carefully drafted to safeguard victims' rights. To preserve the rights of victims who submitted applications prior to this bill



commencing, the commissioner will only have the power to lapse applications that are made after the amendment comes into effect. The commissioner will only be able to lapse an application where 12 months has passed since the applicant was first requested to provide evidence to support the application and where Victims Services has tried to contact the applicant on at least three separate occasions during the 12-month period. The commissioner must also be satisfied that the applicant does not have a valid reason for failing to provide the evidence. Lapsing an application will not prevent the victim from submitting a new application in the future, provided that they are within the application time limits set out in the Act.

Giving the commissioner the power to lapse inactive applications will also benefit victims who submit applications without accompanying evidence, as the lapsing of the inactive application will give them another chance to make a new application. The department is aware of incidents where parents have made applications on behalf of child victims and failed to provide documentary evidence. Under the current Act, if the victim tries to make an application as an adult with regard to the same act of violence, the application will be dismissed as a duplicate claim. However, under the amendment, the commissioner would be able to lapse the initial inactive application and the victim would be able to submit another application at a later date.

Item [8] of schedule 1 to the bill will empower the Commissioner of Victims Rights, after considering and determining an application, to correct an administrative or clerical error without conducting an internal review. Once an application for victims support has been determined, there is currently no mechanism in the Act to enable the correction of a decision-maker's clerical error, such as the recording of an incorrect amount of reimbursable expenses. If there is an error, an applicant can seek an internal review of the decision from the commissioner under section 49 of the Act. However, failing to provide a mechanism to correct clerical errors disadvantages victims by requiring them to utilise their only internal review right for a minor error, rather than a substantive decision which they wish to appeal. Item [8] of schedule 1 to the bill will give the commissioner the power to correct a clerical error without victims having to utilise their appeal rights.

Item [9] of schedule 1 to the bill will amend section 44 of the Act, which lists the factors that the Commissioner of Victims Rights must take into account when determining an application for victims support. Section 44 of the Act currently states that the commissioner may have regard to, among other things, any condition of the primary victim that directly or indirectly contributed to the injury or death sustained by the victim. People with Disability Australia noted in its submission to the statutory review that the term "condition" is ambiguous and could be interpreted to apply to an impairment caused by a disability of the victim. This could result in discriminatory outcomes for victims with a disability. Item [9] of schedule 1 to the bill will remove the word "condition" from the list of factors to be taken into account by the commissioner under section 44. I thank People with Disability Australia for bringing this issue to my attention.

Item [10] of schedule 1 to the bill will ensure that victims are not disadvantaged in their application for victims support if they delay making a formal report to authorities. Subsections 44 (1) (b) and 44 (1) (c) of the Act require the commissioner to have regard to "whether the relevant act of violence was reported to a police officer within a reasonable time" and "whether the act of violence was reported to a relevant health professional or practitioner, or a relevant agency" in determining whether or not to approve giving victims financial support or a recognition payment. It is well documented that some victims, particularly victims of child sexual or physical abuse, delay reporting violence. Item [10] of schedule 1 to the bill will ensure that delaying reporting will not adversely affect these victims' access to the Victims Support Scheme.

Item [11] of schedule 1 to the bill will make approval of victims support subject to a condition that the victim must notify the commissioner of any money already received from other sources, in connection with the relevant act of violence. The amendment will also empower the commissioner to withhold a payment of victims support, should the commissioner become aware that the applicant has received but not disclosed an amount from another source in connection with the same act of violence. The Victims Support Scheme is a scheme of last resort designed to assist victims who are not able to obtain financial support from elsewhere, such as insurance claims or other forms of compensation.

Section 48 of the Act currently empowers the commissioner to seek repayment of victims support where, after the victims support has been paid, the commissioner becomes aware that the applicant received money from another source in respect of the same act of violence. However, where an applicant receives money from another source before receiving victims support, and does not disclose this, the commissioner currently has no power to withhold the victims support payment when the commissioner becomes aware of this. Item [11] of schedule 1 to the bill will address this inconsistency and ensure that victims who have no other form of assistance are given priority for support under the Victims Support Scheme.

Item [12] of schedule 1 to the bill will amend section 49 of the Act to ensure that victims are not prevented from accessing their review rights under the Act. Section 49 (1) of the Act enables an applicant for victims support to apply to the commissioner for an internal review of a decision relating to victims support and section 49 (2)

currently requires the application to be made within 28 days after the applicant being given notice of the decision. Submissions to the statutory review, including from Community Legal Centres NSW, Kingsford Legal Centre, the Law Society of New South Wales, the Shopfront Youth Legal Centre and Wirringa Baiya, noted that the issues to be considered in an internal review may be complex and an applicant may wish to seek legal advice in relation to the review. Item [12] of schedule 1 to the bill will extend the period in which to apply for review of a victims support decision from 28 days to three months.

Item [13] of schedule 1 to the bill will amend section 58 of the Act to clarify the definition of "relevant offence" in the context of restitution orders. Restitution orders are a means of recovering the financial support paid to victims under the scheme from offenders found guilty of relevant offences. Under part 5 of the Act, the Commissioner of Victims Rights can make a restitution order against a person found guilty by a court of a "relevant offence", which is an offence that gave rise to a payment under the Victims Support Scheme. The current definition of "relevant offence" under the Act is confusing. Item [13] of schedule 1 to the bill will make the definition more accurate and easier to understand.

Item [14] of schedule 1 to the bill will protect the safety and privacy of victims in restitution proceedings against offenders in the NSW Civil and Administrative Tribunal [NCAT] by ensuring that a victim is a non-compellable witness in these proceedings. When the Commissioner of Victims Rights makes a restitution order against a person, the defendant may apply to NCAT for administrative review of the decision to make the restitution order. NCAT proceedings in relation to restitution orders are between the commissioner and the offender; the victim is not a party to the proceedings. However, there is currently no provision in the Act to prevent the offender issuing a summons compelling the victim to give evidence in these proceedings. The prospect of giving evidence in proceedings against the offender could be harrowing for the victim and may contribute to a feeling of continuing victimisation, particularly if it is within the context of a domestic violence relationship. Item [14] of schedule 1 to the bill will ensure that a victim is a competent but non-compellable witness in restitution proceedings before NCAT.

In addition, documents in relation to the victim's original application for victims support, such as medical reports detailing the ongoing effects of domestic violence and sexual assault, are provided to NCAT in restitution proceedings as they are used in the determination of victims support, in relation to which provisional restitution orders are made. Documents submitted as evidence in restitution proceedings are currently made available to offenders in these proceedings. The provision of medical reports to offenders in restitution proceedings may be detrimental to a victim's sense of autonomy and personal safety. Particularly in cases of domestic violence and sexual assault, medical reports detailing the ongoing effects on a victim could be used by the offender to continue to intimidate or control the victim. Item [18] of schedule 1 to the bill will protect the safety and privacy of victims in restitution proceedings by withholding this evidence from offenders.

Item [16] of schedule 1 to the bill will facilitate easier enforcement of court compensation orders in favour of victims, by providing victims with the necessary details of the offender to apply for enforcement options. Under part 6 of the Act, a court that convicts a person of an offence can order the offender to pay compensation to the victim of that crime. The compensation ordered by the court is a civil debt owed by the offender to the victim. If the offender does not pay that amount to the victim, the victim becomes like any other civil creditor and needs to take enforcement action through a civil court—for example, by applying for a garnishee order or a writ for levy of property.

Victims of crime who become creditors of their offender are at a particular disadvantage when it comes to enforcing compensation orders, as they do not always know the name or address of the offender—for example, where a one-off assault has occurred. Debt enforcement options require the creditor to provide certain details on an application to initiate enforcement action. For example, an application for a writ for levy of property requires the offender's name and address in order to be enforced. Item [16] of schedule 1 to the bill will assist victims in enforcing compensation orders by amending the Act so that the name and address of the offender is provided to victims when the compensation is ordered in their favour.

Item [17] of schedule 1 to the bill will ensure that, where a victim of crime is a minor or lacks capacity, a victims rights agency may disclose information to the parent or legal guardian of the victim in accordance with that section. Under section 112A of the Act, victims rights agencies such as the Department of Family and Community Services may disclose information to which victims are entitled under the Charter of Victims Rights to victims of crime or family victims. Section 112A does not currently allow information to be disclosed by victims rights agencies to the parents or legal guardians of victims of crime. The proposed amendment will rectify this.

Item [19] of schedule 1 to the bill will amend schedule 2, clause 16 (1) of the Act to correct a drafting error that has been identified. Schedule 2 to the bill makes amendments to the Victims Rights and Support Regulation 2013. Items [1], [7] and [8] of schedule 2 to the bill will clarify the way that approved counsellors are

defined under the Act. Clause 4 of the regulation currently provides for "generalist counsellors" and "specialist counsellors", which both have specific definitions. There has been confusion among practitioners around the eligibility requirements to be classified as a "specialist counsellor", with some practitioners assuming that holding post-graduate qualifications is sufficient. In fact, "specialist counsellors" are intended to be those counsellors who have been involved with the approved counselling services for some time.

Items [1], [7] and [8] of schedule 2 to the bill will redefine "generalist counsellors" and "specialist counsellors" as "generalist counsellors tier 1" and "generalist counsellors tier 2". This will mitigate the confusion that is caused by using the word "specialist" in the current definition. The proposed new definition of "generalist counsellor tier 2" will make it clear that this group of counsellors is required to have past involvement with the approved counselling service. Item [2] of schedule 2 to the bill will make counselling more widely available in rural and regional areas by allowing the commissioner to appoint suitably qualified people as counsellors in areas where there is a shortage of social workers and psychologists.

A number of submissions to the statutory review noted that there is currently inadequate access to approved counsellors in rural and regional areas in New South Wales. I would like to thank these stakeholders, including Barnardos Australia, Homicide Victims Support Group and Legal Aid New South Wales, for bringing this issue to my attention. The shortage of approved counsellors in regional New South Wales is partly due to a limited availability of counsellors in these areas who meet the current eligibility requirements under the Act—namely, tertiary qualifications in psychology or social work. Item [2] of schedule 2 to the bill will allow the commissioner to approve suitably qualified people as counsellors in areas where there is a shortage of counsellors who meet the eligibility requirements under the Act.

In order to maintain a high standard of counsellors under the Approved Counselling Service, the commissioner will be required to have regard to the following factors when approving people as counsellors under the proposed amendment: first, the experience of the proposed counsellor in dealing with victims of violent crime; secondly, whether there is an existing therapeutic relationship between the proposed counsellor and victims in the relevant area; and, thirdly, whether there is a shortage of approved counsellors in the relevant area. This amendment will enable, where appropriate, counsellors who have an existing therapeutic relationship with a victim to be approved as counsellors in order to continue providing counselling to that victim. This prevents victims from having to retell their experience to a new counsellor and risk re-traumatisation.

Item [2] of schedule 2 to the bill relates to the limit of 22 hours of counselling hours that can be authorised under the regulation. Clause 5 (3) of the regulation currently has the effect that the 22-hour limit applies per victim, rather than per act of violence. In contrast, financial assistance under the Act is provided per act of violence. People may experience separate and unrelated acts of violence throughout their lives. Currently, if a victim of violence uses his or her 22 hours of counselling for one act of violence, the commissioner would need to find that there were "exceptional circumstance" in order to provide additional counselling to that person for a subsequent act of violence. Item [2] of schedule 2 to the bill will rectify this, by providing that the limit of 22 hours of counselling applies for each act of violence, rather than for each victim.

Item [4] of schedule 2 to the bill will make the counselling limit for family victims consistent with other victims' counselling entitlements. Currently, family victims are only eligible for 20 hours of initial counselling, while primary victims are eligible for 22 hours. The proposed amendment will address this inconsistency. Item [5] of schedule 2 to the bill will amend the Act to provide unlimited counselling hours for victims of child sexual assault and/or physical abuse. The regulation as currently drafted allows a maximum of 22 hours of counselling per victim, unless the Commissioner of Victims Rights is satisfied that there are "exceptional circumstances". The commissioner often approves additional counselling hours for victims of child sexual assault and/or physical abuse, due to the complex needs of these victims.

In 2014, then Attorney General Brad Hazzard made a public commitment to providing victims of child sexual assault or physical abuse access to unlimited counselling under the Victims Support Scheme. Item [5] of schedule 2 to the bill will implement this commitment. Amending the regulation to explicitly provide unlimited counselling hours for victims of child sexual assault and/or physical abuse will provide these victims with security and certainty in relation to their counselling entitlements. This will also improve the administrative efficiency of the processing of counselling applications by Victims Services, as the commissioner will no longer need to assess applications for additional counselling for these victims on a case-by-case basis. Item [5] of schedule 2 to the bill will empower the commissioner to make an in-principle finding that an act of violence has occurred for the purpose of providing victims with fast access to counselling before the required documentary evidence is submitted.

In order to be eligible to receive counselling, applicants must first provide evidence to establish that they are victims of an act of violence and have sustained an injury as a result. Clause 5 (2) of the regulation allows the commissioner to authorise an initial two hours of counselling before the relevant documentary evidence is

submitted where that counselling may assist in establishing whether the person is a victim. Item [5] of schedule 2 to the bill will allow the commissioner to authorise the full 22 hours of counselling before documentary evidence is submitted. This will provide immediate access to counselling for victims who are too traumatised to obtain the required documentary evidence immediately after the violence occurred.

Item [6] of schedule 2 to the bill will allow for more flexible payment of approved counsellors under the regulation. Victims Services has developed, in partnership with the Approved Counselling Service, successful group counselling programs and programs within prisons and juvenile justice detention centres. However, the current regulation means that counsellors running these group programs are provided payment based on the hours provided to each victim in the group, rather than an hourly rate for the group as a whole. Item [6] of schedule 2 to the bill clarifies that approved counsellors providing group counselling can be paid at an hourly rate, irrespective of the number of victims involved in the group programs. Item [9] of schedule 2 to the bill will clarify the calculation of actual loss of earnings under clause 7 of the regulation. Submissions to the statutory review, including from Community Legal Centres NSW and Warringa Baiya, noted that the current drafting of the calculation is unnecessarily complex and should be simplified.

This amendment will make no substantive change to the amount that can be claimed for loss of earnings, but is designed simply to make it easier to understand the calculation method. I thank stakeholders for bringing this issue to my attention. Item [10] of schedule 2 to the bill will increase the amount available for funeral expenses under the Victims Support Scheme from \$8,000 to \$9,500. This will better reflect the average cost of funerals in New South Wales and will improve support provided to family members of homicide victims. I thank the Homicide Victims' Support Group for raising the adequacy of funeral expenses in its submission to the statutory review and for bringing this issue to my attention.

Schedule 3 to the bill makes minor amendments to other Acts within my portfolio that will improve court processes and outcomes for victims of crime. Schedules 3.1 and 3.2 will amend section 578A of the Crimes Act 1900 and section 15A of the Children (Criminal Proceedings) Act 1987 to extend the time limit that applies to the prosecution of offences under those sections to two years. The sections create statutory prohibitions against the publication of any matter that is likely to lead to the identification of a complainant in criminal proceedings for certain sexual offences, or the identification of a child. A breach of a statutory prohibition against publication may be prosecuted in the Local Court or the Supreme Court in its summary jurisdiction.

Currently, a charge must be laid within six months of the date of the offence for the prosecution to be commenced in the Local Court. This causes particular problems for prosecuting authorities when a statutory prohibition is breached by a person posting information on social media. It is complex and time consuming for the police to access the content of a social media account when the social media platform is run overseas. By extending the time limit to two years, the amendment will ensure that police have sufficient time to undertake investigations and prosecute breaches. Schedule 3.3 will amend section 40A of the Crimes (Domestic and Personal Violence) Act 2007 so that an apprehended violence order can be made for the protection of any person who is a relative of, or who resides on the same property as, the child to whom care proceedings relate.

Currently, when the Children's Court hears care proceedings it can make an apprehended violence order for the protection of the child subject to the care proceedings and, in addition, for any relative or person who resides at the same property as the child. The legislation does not allow the court to make an apprehended violence order solely for the benefit of a person residing with the child. The amendment seeks to remedy this and enable the court to make an apprehended violence order where the child is not a protected person. Before I conclude, it is important to highlight the important work that the New South Wales Government is doing for victims in other areas. Earlier today, the Minister for Mental Health and I announced reforms to New South Wales' forensic mental health laws to better support victims.

The reforms will provide victims with stronger support and greater opportunities to be heard, while maintaining fair treatment of people with cognitive and mental health impairments in the criminal justice system. The reforms will achieve a number of outcomes. First, they will replace the Mental Health (Forensic Provisions) Act 1990 with a new Act with simplified and improved language that will make it easier to understand for all people involved. Secondly, they will implement a new diversion framework in the Local Court and Children's Court to allow magistrates to monitor compliance of defendants diverted into treatment or support. Thirdly, they will streamline court and Mental Health Review Tribunal processes for a person who is found unfit and not acquitted or not criminally responsible—currently known as not guilty by reason of mental illness—which will reduce delays for victims, defendants, carers and families.

Fourthly, the reforms will improve engagement with victims by enabling them to make a victim impact statement to the court that will also be provided to the Mental Health Review Tribunal. Fifthly, they will establish a specialist victims support service for victims of forensic patients. In addition to this, legal language will change to better recognise cognitive and mental health impairments, which will reduce confusion for victims, defendants

and the wider community. Victim stakeholders have said that the current verdict of "not guilty by reason of mental illness" can cause unnecessary suffering to victims. The New South Wales Government has listened to these stakeholders, including Wendy Robinson, with whom I met, and will be changing the verdict to "act proven but not criminally responsible by reason of cognitive or mental health impairment"—that is, not criminally responsible.

This acknowledges that the person carried out the act or omission but is not criminally responsible because of his or her cognitive and/or mental health impairment. I thank all stakeholders for their feedback on this and thank Wendy for meeting with me and giving me her insight into the forensic mental health system. Most importantly, currently there are no specialist support services available for victims of forensic patients in New South Wales. In addition to the reforms being made under this bill as they relate to the Victims Support Scheme, the mental health reforms include a specialist victims register, which is currently known as the Mental Health Review Tribunal Victims Register or Forensic Patient Victims Register, which will be established and operated by a specialist victims support service under the Commissioner of Victims Rights.

This new service will provide counselling, crisis support, case management and advocacy services to victims from early in the justice process. The Victims Rights and Support Amendment (Statutory Review) Bill 2018 will improve the operation of the Victims Rights and Support Act 2013 and ensure better outcomes for victims of violent crime in New South Wales. The bill makes amendments to provide increased access to services and support for victims and to improve the administration of the Victims Support Scheme. The bill will also improve court processes and outcomes for victims of crime by making minor amendments to other Acts within my portfolio.

I thank all those stakeholders who made submissions to the statutory review for engaging in the process and bringing important issues to my attention. Their recommendations were considered carefully and a number have been implemented in this bill. As the statutory review commenced three years after the Act commenced, a large number of claims lodged under the Victims Support Scheme continue to remain open. As a consequence, the data required to be able to judge the overall efficacy of the Victims Support Scheme and assess the need to make substantial changes is not yet available. Given the absence of data about the operation of the scheme, this bill does not contain major policy changes to the Victims Support Scheme. I am committed to undertaking a further review of the scheme, as required under the Act, when a fuller data picture is available, and I look forward to engaging with stakeholders in that process. I commend the bill to the House.

**Debate adjourned.**

## **COMPANION ANIMALS AND OTHER LEGISLATION AMENDMENT BILL 2018**

### **Second Reading Speech**

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (17:35):** I move:

That this bill be now read a second time.

The bill before the House makes key changes to the Companion Animals Act 1998 and the Prevention of Cruelty to Animals Act 1979. It brings together a coordinated package of measures that will provide a stronger framework to improve the welfare and management of pet cats and pet dogs in New South Wales. The key measures in this bill originated from the 2016 Government response to the inquiry of the Joint Select Committee on Companion Animal Breeding Practices in New South Wales. Having considered the inquiry's final recommendations, the Government made a number of commitments. The Companion and Other Legislation Amendment Bill 2018 delivers on many of those commitments and provides a foundation for further improvements over time.

The Companion Animals Register is a central statewide database about pets, and now contains records of 3.1 million cats and dogs. After 20 years, the current register has outgrown its basic database so the Government is making a significant investment in building a new and improved register. The new register will collect better information about pets and their owners. It will allow animals to be tracked across their lifetimes and make it easier for pet owners to register their pets and keep those records updated. It will also feature a new online search function to help pet purchasers make more informed decisions, supported by the requirement for a unique identifying number to be included in all advertisements of cats and dogs being sold or given away for free.

The bill will support the new register by allowing better information to be gathered about pets during microchipping and registration. It will give all enforcement agencies the data needed to monitor and enforce animal welfare standards better and will also allow for access to that information to be shared amongst all agencies involved in animal welfare and pet management, including in cross-border areas. The Government has a longstanding commitment to encourage people to desex their pets. To encourage pet owners to desex their pets early, the Government has created incentives by offering significantly cheaper lifetime registration fees for

desexed pets. Unfortunately, a large number of cats are still not desexed, leading to a high number of unwanted litters of kittens being surrendered and often, sadly, euthanised. It also results in strays, which cause a nuisance and attack native birds and wildlife.

The Government has decided to require an annual permit for cats that are not desexed by the age of four months. This will replace a one-off additional registration fee that currently applies to these animals, creating a stronger incentive to desex pet cats throughout their lives. The bill provides an exemption from having a permit for those cats that are registered in New South Wales when the law comes into effect and provides a suitable transition period. An exemption will apply to cats kept for breeding purposes by members of recognised breeding bodies. At the same time, the Government will make a one-off \$10 reduction in lifetime registration fees for cats, reducing the cost of registration for cat owners who do the right thing and desex their cats.

The bill introduces a requirement to hold an annual permit to own a dog that is of a restricted breed or declared to be dangerous. There are currently just under 3,000 restricted and dangerous dogs in New South Wales. These animals are already subject to strong controls but stronger action is required. Importantly, these permit fees contribute to the Companion Animals Fund. That fund pays for local council and statewide efforts to achieve responsible pet ownership. The bill also includes several amendments that deal with issues raised during the current review of the Companion Animals Regulation 2008.

One amendment is that the bill will require veterinary practitioners to tattoo the ears of female dogs and cats, while the animal is under anaesthetic, at the time of desexing if it can be undertaken safely and humanely and the owner has not denied consent. This is in response to direct and strong feedback from pounds and shelters that the custom of ear tattooing is declining. As it is difficult to confirm visually whether an animal has been desexed, a significant number of abandoned pets are being unnecessarily placed under anaesthetic to ensure that they are desexed prior to rehoming. That is not a good outcome. This bill seeks to rectify that.

The bill amends the Companion Animals Act and the Prevention of Cruelty to Animals Act to improve responsible pet ownership and animal welfare outcomes in New South Wales. The New South Wales Government has listened closely over a long period to the expectations, views and experiences of everyone involved in pets' lives. The Government has thoroughly consulted pet stakeholder groups. The measures in this bill, including those that support a new Companion Animal Register, will deliver the kinds of improvements to animal welfare for pet cats and dogs that the community has told the Government it strongly expects. I commend the bill to the House.

### Second Reading Debate

**Mr ALEX GREENWICH (Sydney) (17:42):** I support the Companion Animals and Other Legislation Amendment Bill 2018. It will introduce a number of companion animal reforms and my brief contribution will focus on changes that will improve oversight of the poorly regulated pet industry and changes that will encourage the desexing of cats. The pet industry has a very dark side hidden behind the cute puppies and kittens—puppy farming and backyard breeding being one of its ugliest secrets. Puppy farming is designed to produce puppies en masse at the lowest price. Raids have uncovered appalling conditions, including overcrowding, filth, social isolation, lack of food and water, and overbreeding. Puppy farms and backyard breeding are out of sight and generally animal welfare breaches are uncovered only after tip-offs to enforcement officers. There is no general compliance regime that involves regular inspections and reporting.

More than 10 years ago my predecessor, Clover Moore, introduced legislation to ban the sale of pets in pet shops and limit classified sales to registered breeders and rescuers. The aim was to reduce the number of pets being abandoned and to cut off the profit outlets of puppy farms and backyard breeders. Both major parties opposed the bill. However, the then Coalition Opposition committed to hold an inquiry. When it came to office in 2011, Clover moved to hold the Coalition to its promise with a motion to set up an inquiry. The Government opposed the motion but set up the Companion Animal Taskforce in response, and this was followed by the Joint Select Committee on Companion Animal Breeding Practices in New South Wales. This bill is a response to the committee's recommendations.

While not groundbreaking, the bill will improve oversight of breeding by requiring advertisements for the sale of a cat or dog to include an identifying number, such as, in the case of a breeder, the breeder's identification number; or in the case of a rescuer, the rehoming organisation number; and, in the case of a person selling his or her cat or dog, the microchip number. With these identifying numbers being readily available on the new pet register, enforcement officers will have data by which to monitor the number of animals being sold by a particular breeder or owner to assess whether there is overbreeding, puppy farming or backyard breeding.

Community members will also be able to follow advertisements and link data with breeders and provide reports to enforcement agencies. This will not provide the same level of protection as a mandatory breeder registration system, which was recommended by the Companion Animals Taskforce and supported by the

committee of inquiry. A mandatory breeder registration system would place strong, enforceable obligations on breeders, require audits and inspections, and not rely on enforcement officers or community groups having to scan advertisements and collate data. Notwithstanding, the register provides an important improvement to the status quo, which currently gives cruel breeders free rein to sell their animals in classified ads with no oversight. I look forward to better outcomes for animals.

The other important change is the new mandatory annual permit of \$80 for keeping a cat aged more than four months that is not desexed. Unwanted cat litters are a serious problem that can lead some people to dumping kittens in parks, on building sites, in the streets and in the bush where they harm wildlife, suffer poor health, are at risk of cruelty and indeed then breed more cats. An un-desexed female cat and her offspring can produce 420,000 cats in only seven years. I take this opportunity to again call on the House to pass laws to enable community groups to run trap, neuter and release [TNR] programs, without the risk of breaching abandonment laws. TNR programs are humane ways to stabilise and reduce cat colony populations.

I heard the comments of the member for Wagga Wagga about TNR in his contribution yesterday on the wild horses bill. He claimed that TNR should be banned because when the cats are returned to their colonies they continue to harm wildlife. This ignores the fact that TNR has proven to reduce cat numbers and that, because TNR is done by community volunteers who would never kill animals, it happens in conjunction with other population control methods carried out by authorities, not instead of them. At an absolute minimum, TNR increases the proportion of street cats that are desexed and are not breeding. We must increase the number of desexed cats in the community.

Mandatory desexing laws are one way that should be considered, but I also support the approach in the bill to provide incentives for desexing. The council of the City of Sydney provides discounted pet desexing for residents with pensioner concession or healthcare cards. The Government should consider a similar statewide program to ensure that cost is not a hindrance for lower-income earners. Pets are a very important and big part of people's lives, including my and my husband's lives. We really love our pet dog, Max, who is a whippet and fox terrier cross rescue dog. I look forward to further reforms to improve the pet industry as well as to support responsible pet ownership. We need to allow pets on public transport and in apartment buildings, retirement villages, rental properties and, of course, in pubs. I support the bill.

**Mr GUY ZANGARI (Fairfield) (17:47):** On behalf of the New South Wales Labor Opposition, I support the Companion Animals and Other Legislation Amendment Bill 2018. I note that the object of the bill is to implement elements of the Government's response to the inquiry undertaken by the Joint Select Committee on Companion Animal Breeding Practices in New South Wales. The bill contains a number of other amendments concerning the welfare of animals and the duties and responsibilities of their owners. The bill follows the intent of recommendations set out in the committee and has the support of the RSPCA and other animal welfare advocacy groups.

Following the enactment of the bill, owners will be required to procure permits annually for their dogs if they have been declared to be a restricted or dangerous breed and for their cats that have not been desexed by the time they are four months old. Furthermore, should an individual fail to register their companion animal for a second or subsequent offence, they will face a maximum penalty of 10 units, which is presently \$1,100. In addition to increased penalties for failing to register a companion animal, the penalty for denying entry to an assistance animal or unlawfully imposing a charge for entry of an assistance animal has been increased from \$880 to \$1,650.

The bill will introduce some new powers for our State's courts when hearing criminal proceedings for animal cruelty offences and certain other offences. Courts may now order an accused person to reimburse a person or organisation that incurred costs for the care of animals that was incurred as a result of the offence or those proceedings in court. Courts will also have the power to disqualify persons convicted of animal cruelty offences from keeping or participating in keeping any companion animal in the future. These are all steps in the right direction towards providing further protections to companion animals in New South Wales.

As a result of this legislation, the Companion Animals Register will be overhauled and revamped to make recording information about companion animals and their current and former registered owners a whole lot easier. As a result of the overhaul, members of the public will have basic access to the register to confirm registration information and verify microchip numbers of animals being sold. These new improvements will assist with the next objective of the bill, which is to regulate advertisements about the sale or giving away of dogs and cats to ensure that all their identifying information is provided. This requirement is also extended to advertisements relating to the sale or giving away of any unborn dogs or cats.

Labor Opposition members understand the importance of improving and addressing issues that arise in the regulatory framework affecting companion animals in New South Wales. It is great to see the Government taking action on many of the recommendations set out by the committee. However, it is a shame it has taken two

years to get the ball rolling. It is understood that improvements to the regulatory framework will not only provide greater protections to companion animals in New South Wales but also address a number of issues affecting the industry and provide clarity and oversight for the legitimate businesses and breeders who have a true passion for companion animals. It is reassuring that Minister Blair affirmed in the Legislative Council the Government's commitment to futureproofing the utilised technologies in operating and maintaining this expanding system and to ensuring that New South Wales is kept up to speed as emerging technologies develop.

The New South Wales Labor Opposition acknowledges that the bill before us today is just a small step in a long journey towards addressing the numerous issues affecting companion animals in our State. Many members of this House who have pets—and I am one of them—know and understand the role they play in our families and the special place they hold in our hearts. We have the ability today to make a valuable contribution towards the implementation of important measures that will provide further safeguards and protections for companion animals in New South Wales. As I said at the commencement of my speech, NSW Labor supports the bill.

**Ms JULIA FINN (Granville) (17:54):** I join in debate on the Companion Animals and Other Legislation Amendment Bill 2018 and state at the outset that I am pleased this legislation goes some way towards implementing the recommendations of the Joint Select Committee on Companion Animal Breeding Practices in New South Wales, of which I was a member. The committee produced unanimous recommendations, and I believe it has taken the Government far too long to implement those recommendations in legislation. However, I am pleased that we have finally seen some movement. The bill will ensure that far better procedures are in place for the registration of breeders of dogs and cats, which is a problem at the moment.

Time and again, including since the report of the committee of inquiry was produced and while we have been waiting for this legislation to be introduced, we have seen horrific scenes of puppy farms where dogs have been kept in disgusting conditions and puppies have been sold online or through dodgy arrangements, and there is pretty much no accountability. Often the dogs have serious health problems. The breeders have no sense of responsibility and they give all breeders a bad name. However, there are plenty of fantastic dog breeders who care for their dogs and who are happy to register them and their pedigree. This bill will go a long way towards making that the norm and preventing the growing situation of online sales through pet shops, Gumtree and similar outlets. Online sales are increasingly prevalent and problematic for dog breeders. We need to wipe that out.

It should be a tell-tale sign to anyone who is buying a dog if the breeders want to meet in the Kmart car park rather than at their property where the dog was bred. Perhaps the dog was not bred in a satisfactory place and perhaps those people are on the dodgy side. The bill may not completely eliminate such transactions but it will make it a lot harder for those businesses to thrive like they have in recent years. It will also improve the registration process. However, I am disappointed that the bill has taken so long to get to this stage. When we conducted the inquiry three years ago we were told explicitly that there were huge problems with companion animal registrations, the information was not being updated and the system was unreliable and needed to be overhauled. If the system is being overhauled it should be overhauled to include breeder information and make people feel more comfortable buying a pet.

Other aspects of the bill are also important and long overdue. It is important to increase the penalty for failing to register a companion animal. Currently, it is not considered an issue, particularly because the registration system has been so flawed. It is hard to establish whether an animal has been registered and when people move house they often forget to notify the council. The system needs to be more useable and the reforms in this bill will make that possible. We also need to look more carefully at the process for disqualifying people who have been convicted of animal cruelty from keeping animals in the future. Some of their family members—who must be quite happy with the cruelty—continue to own animals, which effectively puts animals back in the hands of disqualified people. That is disgraceful but it is happening. This bill will make enforcement more rigorous. It is practical and it will ensure another person's name is not used in order for someone to obtain animals to perpetrate cruelty towards them.

However, many things that need reform are not covered in the bill, in particular the way in which the Prevention to Cruelty to Animals Act is enforced. The bill refers to prevention but in fact only enables animal welfare agencies to prosecute actual examples of animal cruelty. When animal welfare agencies visit puppy farms they may uncover hundreds of dogs but perhaps only a dozen or more of them—those in a disgusting condition with broken legs, emaciation or mange—will be removed. It may be that only those dogs that exhibit evidence of cruelty and have symptoms will be removed even though it is self-evident that every dog has been affected. The Act needs to be updated to reflect that.

This bill is a good start and it will improve the registration process. It will make things harder for the business model that depends upon animal cruelty to make hyper profits. It is just a pity it has taken so long for the bill to come to this point. Puppy farming businesses breed dogs as often as they are capable of breeding. Dogs can



usually have two litters of puppies a year, so in the three years while we have been waiting for this legislation to come forward some dogs could have had another six litters. This legislation is long overdue but it is a welcome reform. I commend the bill to the House.

**Mr JAMIE PARKER (Balmain) (17:59):** On behalf of The Greens I address the Companion Animals and Other Legislation Amendment Bill 2018. I thank all those who have been involved in the development of the bill because it includes some significant and positive steps forward. We have looked at the bill closely and we will support it, but we think the Government has opportunities to take additional steps that would be beneficial not only to animal welfare but also to the community as a whole. The bill does not take the major step required to end puppy farming. We need a monitored and audited breeder licensing system to ensure that only licensed breeders can sell animals in New South Wales, both online and at their properties. That system would put an end to the sale of pets in pet shops, which will reduce the demand for companion animals from puppy farms.

There also needs to be an independent office of animal welfare to enforce animal welfare. That function should be taken out of the hands of the Department of Primary Industries, which in our view has a conflict of interest in both promoting and regulating animal industries, and put in the hands of an independent authority with teeth. The approach in the bill to improve traceability of animals is positive but it still requires prospective buyers to identify puppy farms and avoid buying from them as opposed to the Government taking a role to enforce standards and shut down puppy farms. The fee increases for un-desexed cats should be accompanied by financial assistance to have cats desexed. It is also a point of concern that increasing the fee for dangerous dogs may well encourage owners to abandon those animals.

I have previously introduced an amendment to the Companion Animals Act to allow for what has become known as "dogs in pubs". I appreciate the efforts of the Government and Opposition to address that bill. I will be reintroducing it with some slight changes at a future date. The bill will seek to allow for publicans to use their discretion to allow dogs into parts of their pubs. I have received overwhelming support for that proposal from the community. It will mean that publicans will have the right to accept or refuse dogs in their venues. Many publicans have already been quietly doing that, but in my area the Inner West Council has imposed some quite draconian restrictions on dogs in the front bar, for example. We think that should be allowed.

Publicans can make the decision and patrons can then decide whether or not they want to go to that pub. But it will allow many publicans to give their venue a point of difference. I am sure owners of many pubs will decide not to take up the option, but some may and we believe they should have the choice. In an adult society people should be able to invite their dogs into a pub if the dogs are well managed and well behaved—they are generally better behaved than the patrons. Allowing dogs in pubs would provide some recognition of the heritage of many areas, particularly in rural and regional New South Wales where working dogs used to accompany their owner in the front bar while they had a beer after a long day on the farm or in the community. Allowing dogs into those areas should be accepted.

An issue related to this bill is greyhound muzzling. At the moment it is mandatory for greyhounds to be muzzled. In March 2017 the Greyhound Industry Reform Panel report recommended the removal of the current muzzling requirements for pet greyhounds. It has now been more than a year since that amendment was proposed. The Greens moved an amendment in the other place to delete section 15 of the Companion Animals Act and to enforce the recommendation from the Greyhound Industry Reform Panel for non-compulsory greyhound muzzling. We think if the potential risks associated with removing mandatory greyhound muzzling are addressed the balance should be in favour of non-compulsory muzzling. We encourage the Government to consider our view on that matter.

I will not go through the details of the bill, because those details have been discussed at some length. However, it is important to recognise that the Joint Select Committee on Companion Animal Breeding Practice in New South Wales held an inquiry in 2015. I note no members of The Greens were on the committee, but we made a submission to the inquiry following the Fairfax investigation into a puppy farm at Armidale. The Greens applaud the Government for holding this inquiry, because we know that puppy farming is just the tip of the iceberg when it comes to animal welfare. The committee issued a range of recommendations that were broadly positive, mainly around traceability of animals. Overall the committee's response was mild, but importantly the first recommendation was to implement the recommendations of the Companion Animals Taskforce report, which was completed in 2012.

The committee's first recommendation was the implementation of a breeder licensing scheme, which could lead to shutting down puppy farms as it would contain minimum standards of animal care that would be monitored and enforced. Unfortunately, this recommendation is not part of the legislation before us today. The Greens believe there is much more to be done. This bill is a positive step forward, but when it comes to puppy farms, dogs in pubs and the mandatory muzzling of greyhounds, we believe there is a lot more to be done. We

support this legislation and look forward to continuing to work with the community to ensure that animals are protected in this State and, in particular, that the issues of puppy farms and mandatory muzzling are addressed.

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (18:05):** In reply: I welcome the contributions of the member for Sydney, the member for Fairfield, the member for Granville and the member for Balmain to debate on the Companion Animals and Other Legislation Amendment Bill 2018. I know those members are passionate about animal welfare in this State because of their personal experience of companion animals, which contribute to their enjoyment of life. The bill makes important changes, and I welcome the members' support for the legislation. We know the importance of companion animals to families across New South Wales. All the work represented in the drafting of this bill is committed to ensuring that we do our best for our pet dogs and pet cats.

We know that pet ownership makes people healthier and happier, and pets bring communities together. I own a dog, my wonderful Toffee, who is now seven years old and getting a bit of arthritis in his back legs, which is very sad. My vet told me on Saturday that dogs tend to compensate for pain, rather than licking their wounds, in the figurative sense. Dogs and cats are very much a part of our lives, and we feel emotionally attached to them. Often they are the happiest personality at home when we return after many hours of work in Parliament. This is important legislation that has been brought before the House after a long period of consideration. I believe it provides a strong framework for improving the welfare and management of our beloved cats and dogs. We want to ensure that people continue to enjoy pet ownership and that breeders take responsibility for the welfare and safety of their pets. Our community has clearly stated those goals on many occasions.

We need robust laws such as compulsory microchipping and encouraging pet owners to desex their pets when they are young. We need to follow the key steps to inform people about how to make sure that lost pets are safely reunited with their owners. We want our pets to stay healthy and to ensure that unwanted pets are not surrendered to shelters or abandoned to become strays but are rehomed and loved. We need to ensure that there is important infrastructure to support responsible pet ownership, including by employing council rangers and ensuring there are off-leash parks and council shelters. Those places form the backdrop to a healthy, enjoyable pet ownership experience and therefore they must be in place and properly resourced.

I turn to the comments of the member for Sydney. In his contribution he raised the issue of a breeder licensing system. The Government did not support a standalone breeder licensing system because it believes it would place an unnecessary administrative and regulatory burden on the industry without improving compliance or animal welfare objectives and outcomes. This bill improves our ability to target problem breeders by rebuilding our companion animals register, which is in need of repair and enhancement. This register must be designed to capture not only key details about the breeders and the cats and dogs that they breed but also all the other information that makes pet ownership a positive experience.

This bill represents a significant change to the way the companion animals register will capture information. Previously, only limited information about animals was collected in the register. Now breeders and pet owners will have a profile on the register and the register will be able to link pets to their breeders and owners throughout a pet's lifetime. The requirement to display a breeder identification or microchip number when advertising dogs and cats for sale will allow for greater transparency and tracking back to the breeder and his or her breeding facilities. This information will be used by enforcement officers to respond quickly to problem breeders across our State.

In addition, there is the code of practice for breeding dogs and cats that already applies to breeders and includes requirements for breeding and rearing, animal housing, food and water, cleaning, animal health and veterinary care. It requires that breeding females have no more than two litters in any two-year period, unless with the written approval of a veterinary practitioner. It also requires that pups and kittens not be separated from their litter or lactating mother until they are seven weeks old, and that they are not rehomed before they are eight weeks old. These are important enforcement measures. The maximum penalty for non-compliance with the breeding code is 200 penalty units, or \$22,000, for a corporation and 50 penalty units, or \$5,500, for an individual.

The member also commented on the trap-neuter-release [TNR] strategy. The RSPCA Australia website states that the TNR is difficult to recommend as a strategy across Australia. The society also notes that resources should be better spent on education, increasing community awareness about responsible cat ownership, and targeted desexing programs. I am satisfied that those issues have been targeted by the bill before us. The member for Balmain made a useful contribution to the debate and asked about the Government's position on greyhound muzzling. I will briefly summarise the Government's position for the benefit of the member and others. In March 2017 the Greyhound Industry Reform Panel report recommended that the Government remove the requirement for pet greyhounds to wear muzzles.

The Government accepted that recommendation in principle and has committed to transition away from the current muzzling requirement. The Office of Local Government has developed a preliminary framework to transition away from the current muzzling requirement in consultation with the Responsible Pet Ownership Reference Group. I believe that approach takes into account the ownership and breeding of an animal as well as its training and its age. The approach has been discussed in detail with the relevant State agencies and with RSPCA NSW. The Office of Local Government will work with the Greyhound Welfare and Integrity Commission to introduce these changes in line with the ongoing rollout of other greyhound industry reforms flowing from the panel's report.

The Government has undertaken consultation with peak stakeholder groups in developing this bill, especially through the Animal Welfare Advisory Council and the Responsible Pet Ownership Reference Group, to make sure that the measures will have their intended effect. I thank those groups for consulting with us regularly and strongly; their participation has been invaluable. I thank members of the Animal Welfare Advisory Council and the Responsible Pet Ownership Reference Group. Since the Companion Animals Taskforce delivered its final report to government in 2014, we have listened closely to the expectations, views and experience of everyone across our community involved in pets' lives—pet owners, their neighbours, the vets who support them, council rangers, rehoming organisations and the many businesses involved in this industry.

I believe this Government, since its election, has taken those issues to its heart in the best possible way. We have taken significant steps to support our pet owners to do the right thing. We have also put in place stronger measures to prevent and respond to animal welfare issues such as dog attacks and the control of dogs that represent a high risk to the safety of our community. I believe that the bill further strengthens measures that we already have in place. It draws together the work of our State agencies as well as RSPCA NSW and the Animal Welfare League NSW and enables those agencies to work together more closely, effectively and efficiently than ever before. The measures in the bill, including those that support the new register, will deliver the kinds of improvements to animal welfare for pet dogs and pet cats that community members have told us they expect. On that basis, I commend the bill to the House.

**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

**Ms GABRIELLE UPTON:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **MODERN SLAVERY BILL 2018**

### **Second Reading Speech**

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (18:16):** I move:

That this bill be now read a second time.

I have the absolute privilege of introducing the Modern Slavery Bill 2018, on behalf of the Hon. Paul Green, MLC, for consideration by this House. As members are aware, the bill was introduced into the Legislative Council on 8 March 2018 and was passed with amendments on 3 May 2018. I urge all members in this place and people in the community to read the Hon. Paul Green's speech in the other place if they have not already done so. I thank the honourable member for his tireless efforts both inside and outside the House. I also thank his colleagues and supporters throughout the State for the efforts they have made to help raise public awareness about this important issue. I appreciate the intensity of positive sentiment in support of the bill and I again thank the honourable member for his leadership.

It is not every day that members of this place or the other place put forward something that will have a positive impact for literally thousands of people, and I commend the member for all his activity in this regard. For the benefit of members who may not be aware of the context or history of this issue, I will provide some. In November 2016 the Hon. Paul Green won the support of the Legislative Council to establish the Select Committee on Human Trafficking in New South Wales. In October 2017 that Committee released its report outlining a number of recommendations aimed at combating human trafficking and modern slavery. Also in 2017 two inquiries into human trafficking and modern slavery were undertaken at the national level, so the work here also allowed the issues to be dealt with at a national level. The report from the inquiry into human trafficking, slavery and slavery-like practices by the Federal Joint Committee on Law Enforcement was published in July 2017. The

final report from the inquiry into establishing a Modern Slavery Act in Australia by the Joint Standing Committee on Foreign Affairs, Defence and Trade was published in December 2017.

The honourable member's bill addresses some of the findings and recommendations from the New South Wales inquiry, including the establishment of an Anti-slavery Commissioner, as well as some of the recommendations of the Federal inquiries. The bill has been developed by a cross-party working group on modern slavery, and I thank all the members of that group. I also thank the Hon. Paul Green for being present in the Chamber today. It demonstrates his absolute commitment to this and to ensuring that our House deals with the matter as respectfully as his Chamber has dealt with it. I assure him that that will be done. I have had the honour and privilege of being with the member at community events where he has expressed his views. It is extremely obvious that it is because of his depth of feeling, intensity, good work and goodwill that things have reached this point.

Slavery and human trafficking are transnational crimes that prey on society's most vulnerable people. They have many faces—human trafficking, servitude, forced labour, debt bondage, organ trafficking, deceptive recruiting, child cybersex trafficking, forced marriage and childhood brides. There is an undeniable moral imperative to take action in relation to all forms of modern slavery. The report of the Legislative Council Committee on Human Trafficking in New South Wales notes that since 2004 there have been more than 750 human trafficking and trafficking-related referrals to Australian authorities—I think many members of the community would be surprised by how high that figure is—and that the overall numbers of trafficked people in Australia may be considerably higher than that. According to the Global Slavery Index of 2016, it is estimated that 45.8 million people worldwide and more than 4,000 people in Australia are victims of some form of slavery. It is unacceptable that human trafficking takes place in Australia today and, on the back of the great work done by the Hon. Paul Green and the working group, this Government is committed to taking action to combat modern slavery in New South Wales.

I will now address the provisions of the Modern Slavery Bill 2018. The bill provides for the appointment and functions of an Anti-slavery Commissioner and strengthens relevant criminal offences. The bill comprises five parts and six schedules. Part 1 of the bill deals with the objects of the legislation, the first and foremost of which is to combat modern slavery. It makes provision for the Act to apply "to the full extent of the extraterritorial legislative capacity of the Parliament". Part 2 provides for the appointment of an Anti-slavery Commissioner. The bill proposes that the commissioner's functions include advocating for, and promoting action to, combat modern slavery. A primary role for the commissioner will be to prepare a strategic plan to combat human trafficking and raise public awareness about modern slavery. The commissioner will be responsible for educating and informing New South Wales residents about the warning signs of modern slavery. The commissioner will assist and work cooperatively with relevant agencies. The commissioner's role does not include investigating or dealing directly with individual cases. Part 2 also deals with the commissioner's responsibility for preparing and publishing an annual report, which will be tabled in both Houses of Parliament.

In division 4 of part 2 the bill establishes the Modern Slavery Committee as a joint standing committee of this Parliament. Part 3 governs modern slavery supply chains and imposes requirements on certain commercial organisations to report identified risks of modern slavery. Clause 25 of the bill requires commercial organisations operating in New South Wales that have a turnover of not less than \$50 million to publish an annual modern slavery statement. The statement will include information about steps taken to ensure that goods and services are not a product of supply chains in which modern slavery is taking place. Failure to comply carries steep penalties.

Clause 26, along with amendments to the Public Finance and Audit Act 1983 set out in schedule 6.6, deal with government agency supply chains. The bill ensures that the NSW Procurement Board has power to direct government agencies in relation to steps to be taken to ensure that goods and services procured by and for government agencies are not the product of modern slavery. The bill also provides that the Auditor-General may conduct audits to determine whether government agencies are complying with those procurement obligations. Clause 27 requires the commissioner to keep a publicly available electronic register that identifies organisations whose goods or services are, or may be, a product of supply chains in which modern slavery may be taking place. The register will also identify any government agency that is failing to comply with directions of the Procurement Board relating to modern slavery.

Clause 28 enables the commissioner to develop and to make publicly available codes of practice that can be used to remediate or to monitor identified risks of modern slavery. Clause 29 enables the commissioner to promote public awareness of, and give advice on, steps to be taken to remediate or to monitor risks of modern slavery in supply chains. Unfortunately, all of us have likely unintentionally been party to modern slavery in supply chains—for example, through the clothing we wear, the technology we use and the food we eat. All consumers need to be educated to actively look at what they are wearing, eating and using to ensure that supply chains are slave-proof. The commissioner will play a critical role in raising awareness in business, government

and among the public about best practice measures that we can take to ensure that supply chains minimise the risks of involving modern slavery.

Part 4 of the bill enables a court that convicts a person of a modern slavery offence to make a modern slavery risk order. The orders will prohibit conduct specified in the order, and a breach of the order will constitute an offence. Part 5 of the bill deals with miscellaneous components of the bill, including the regulation-making power. Schedule 2 to the bill contains the machinery provisions governing the procedures of the Modern Slavery Committee. Schedule 3 to the bill lists the relevant offences that are modern slavery offences for the purposes of the bill, and which are a key component of the definition of the term "modern slavery" in the bill. Schedule 5 to the bill sets out amendments to the Crimes Act 1900 to strengthen existing offences related to modern slavery and to introduce a range of new offences.

Amendments to section 91G of the Crimes Act 1900 create an aggravated offence of using a child for the production of child abuse material, where certain factors are present, and sets out increased penalties for circumstances of aggravation, including imprisonment of up to 20 years. Schedule 6 to the bill sets out amendments to other New South Wales Acts and regulations. These include amendments to the annual reporting requirements of government agencies, to make provision for the Auditor-General to conduct modern slavery audits, and to enhance human rights due diligence in public procurement.

I now foreshadow that the Government will be moving amendments to the bill in this House to ensure a smooth transition to implementation. The Government amendments will address the following five issues: appointing the Anti-Slavery Commissioner under the Government Sector Employment Act 2013, and ensuring the commissioner is independent in relation to advisory and advocacy functions; giving the proposed Modern Slavery Parliamentary Committee a broad remit to inquire into and report on matters relating to modern slavery; ensuring that the supply chain reporting obligations in the bill do not overlap with any future Commonwealth regulation of modern slavery; imposing a requirement on government agencies to take reasonable steps to ensure that goods and services procured by and for the agency are not the product of modern slavery; and removing from the bill a requirement for a modern slavery course in the school curriculum. We believe this policy objective is better considered through non-legislative means. I encourage all stakeholders to contribute to the review of the school curriculum that is currently underway.

As I have already outlined, the bill imposes a requirement to prepare a modern slavery statement on commercial organisations with a total annual turnover of not less than \$50 million. This may include some organisations that we would regard as small businesses because they have fewer than 20 employees. The Government has received advice from the Small Business Commissioner about the regulatory burden on small businesses arising out of this provision. During the implementation process for this bill I will ensure that small businesses are exempt from the requirement to prepare a modern slavery statement for the 18 months following commencement. The Government wants to deliver a workable solution to supply chain monitoring by both businesses and New South Wales Government agencies that harmonises with the Federal approach currently being developed and does not duplicate administrative burdens unnecessarily.

The amendments proposed to the bill follow extremely constructive and consultative discussion with the Hon. Paul Green. I thank him for the time he gave to this bill. It was late last night when we had our most recent discussion. I thank him for his support and understanding because we all want to ensure a smooth transition and for the intent of the bill to be reflected in our Government's ability to implement it as soon as we can, and that is my intention. I have discussed these amendments with the Hon. Paul Green and, without putting words in his mouth, I appreciate his support for them and his dealing with us on these amendments. We want to ensure that appropriate State-based mechanisms are in place to combat human trafficking and modern slavery while we contribute to the coordination of efforts across Australia. These amendments again demonstrate our full commitment to taking the most effective action to combat modern slavery in New South Wales and to ensure a smooth transition to implementation of these arrangements.

I thank the Hon. Paul Green again for his passion, dedication and leadership on this very important matter. I do not use those words lightly. His leadership will ensure the protection of many innocent victims, and that is the key impetus for this bill. Naturally, the Government will work through implementation issues with the Hon. Paul Green and all relevant stakeholders prior to commencement of the legislation, which I anticipate will pass both Houses of the Parliament. I again thank the Hon. Paul Green. I commend the bill to the House.

### Second Reading Debate

**Mr PAUL LYNCH (Liverpool) (18:28):** I lead for the Opposition in debate on the Modern Slavery Bill 2018. The Opposition certainly supports the bill. I indicate clearly that we would have vehemently opposed the Government's amendments which were threatened in the other place and which would have gutted this bill. As I understand it, the bulk of these have now been withdrawn. The amendments that I have seen—only an hour

ago—suggest that most of those that the Parliamentary Secretary in the other place had threatened to move will not be proceeded with. That is a good thing.

The objects of the bill as set out in clause 3 are: to combat modern slavery; to provide assistance and support for victims of modern slavery; to provide for an anti-slavery commissioner; to provide for detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur; to raise community awareness of and provide for education and training about modern slavery; to encourage collaborative action to combat modern slavery; to provide for the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery, and to improve the implementation and enforcement of such laws; to provide for mandatory reporting of risks of modern slavery occurring in the supply chains of government agencies and corporate and other bodies; to make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales; and to further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child sexual abuse.

The bill was introduced in the other place by the Hon. Paul Green of the Christian Democratic Party. It grew from the Legislative Council Select Committee on Human Trafficking in New South Wales, which subsequently gave rise to the Parliamentary Working Group on Modern Slavery that produced this bill. This group, led by the Hon. Paul Green, included the Hon. Greg Donnelly, the Hon. Matthew Mason-Cox, the Hon. Trevor Khan and the Hon. Robert Brown. I am delighted to acknowledge on behalf of the Opposition that the Hon. Paul Green consulted with us on the bill, and a number of our suggestions were adopted by him, and the Hon. Greg Donnelly was in the working group.

I also note that in February this year the Hon. Paul Green, the Hon. Matthew Mason-Cox, the Hon. Greg Donnelly and I attended the launch of the Catholic Archdiocese anti-slavery policy by Archbishop Anthony Fisher on the Feast Day of St Josephine Bakhita. At its 2017 annual conference the New South Wales Labor Party supported modern slavery legislation. In October last year Labor leader Luke Foley announced an anti-slavery policy which committed a future Labor Government to slavery-proofing New South Wales Government supply lines to ensure that no goods or services obtained by public money are tainted by modern slavery; that a new New South Wales anti-slavery commissioner be established; and that the Government would fund a public awareness campaign on human slavery. I note Labor's position was acknowledged in both the *Catholic Weekly* and the *Guardian*—an interesting example of the breadth of support for measures such as those proposed by the Hon. Paul Green.

Labor has had the benefit of discussions with various non-government organisations and advocates in the field. In particular I note that the first of the advocates to contact me was John McCarthy, SC, Chair of the Catholic Archdiocese of Sydney Anti-Slavery Taskforce and the former Australian Ambassador to the Holy See. The phenomenon of modern slavery is enormous and has a real impact in Australia, most especially in relation to the provision of goods manufactured overseas by people subject to modern slavery. Australian institutions, private as well as public, and individuals obtain the benefit of sweatshop manufacturing and production. These conditions are akin to William Morris' dark satanic mills, or Engels' description of Manchester in the 1840s. They do not often grab headlines in our comparatively comfortable society, apart from spectacular events such as the 1,110 people killed in the Rana Plaza factory collapse in Bangladesh in 2013.

It is hardly an accident that these sorts of issues are matters of concern for the Labor Party. It goes to the core of who we are and what we have done for more than 100 years. In 2012 the International Labor Organization [ILO] estimated that 21 million people lived in slavery-like conditions worldwide. Some have estimated that the number could be as high as 45.8 million. The ILO estimated that modern slavery and trafficking is a \$150 billion industry worldwide. There have been a number of international agreements aimed at eradicating modern slavery, such as the Palermo protocol of 2000 and Target 8.7 of the United Nations Sustainable Development Goals for 2015. The Convention to Suppress the Slave Trade and Slavery defines slavery as follows:

... the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised ... including where such a condition results from the debt or contract made by a person.

Within Australia there is little recognition of modern slavery as an issue. Indeed, the United States Trafficking in Persons Report regards Australia as being in the category with least slavery. However, there are serious levels of forced labour in this country in industries such as agriculture, hospitality, construction, mining, fishery and domestic work. Of course, there has been a media focus on the sex work industry and forced marriages. There are estimated to be 4,000 slaves in Australia. Anti-Slavery Australia has provided these common indicators of forced labour. In relation to paid contracts, they include: prohibitions on earnings; underpayment or excessive deductions; denial of benefits; lack of contract; force to enter new contract; no evidence of payments; and dismissal without cause, notice or benefits. In relation to workplace health and safety, they include: no safety gear; denial of medical assistance; excessively long and unusual hours; little to no leisure time; and punishments and fines for failing to meet quotas.

In relation to restrictions on movement and substandard facilities, they include: restrictions on their freedom to move or leave the workplace; employees facing different or less favourable conditions because of their visa status; and employees living at the workplace or another location controlled or owned by the employer. Notably, the United Kingdom Parliament legislated its Modern Slavery Act in 2015. There was a parliamentary inquiry at a Federal level in this country, and California adopted the Transparency in Supply Chains Act. However, the introduction of a Commonwealth statute will not completely cover the field, and it is no reason to delay or to refuse to introduce legislation in this Parliament regardless of whatever bureaucratic advice might be provided to the Government by various departments or by business lobbyists. The scale of the Government's procurement in this State, in particular, places it in a unique position. The submission made by Anti-Slavery Australia to the Legislative Council states:

The New South Wales Government is a significant purchaser of goods and services. The Government has demonstrated clear intent to reduce human trafficking and slavery and there is an opportunity to show leadership in this area by developing policies and processes to strengthen public procurement guidelines.

There is considerable potential for exploitation in the supply of goods and services used by New South Wales Government departments. Human trafficking and slavery may be present in supply chains providing items such as disposable gloves and complex surgical instruments.

Prevaricating or leaving it to the Commonwealth Government is not a satisfactory position to adopt. In real terms in this State there is no scrutiny of supply chains. There are procurement guidelines that have pious statements, but they are not accompanied by scrutiny or by bodies with power to conduct scrutiny. In fact, the guidelines do not even mention slavery. Government must not only must slavery-proof its own supply lines but it must also show leadership in the field for the entire community. A relevant example comes from Britain. Three years after passage of the United Kingdom Modern Slavery Act, KnowTheChain reviewed how more than 100 companies in the information and communications technology sector were responding to the law. Of the 102 companies analysed, only 14 met the minimum compliance requirements. Therefore, broad ethical statements are simply inadequate on their own; there must be proper enforcement and scrutiny mechanisms.

The business media reported earlier this year that Australia's major retailers were woefully unprepared for any laws that would force them to show how to ensure their products were not made with slave labour. The case for proper enforcement and scrutiny is overwhelming. The response of the Australian Retailers Association to that media report was to demand "light-touch regulation" that would not require its members to, in their words, "keep going down the rabbit hole". That is consistent with the morality of the banks and AMP revealed at the royal commission hearings.

I now turn to the detail of the bill. The bill appoints an independent anti-slavery commissioner. The commissioner's role is not to pursue individual instances of modern slavery under clause 10 but to have a broader advocacy role. The commissioner will be required to make recommendations, to provide information, advice and education and training involving modern slavery, and to monitor reporting and the effectiveness of legislation. It is a public awareness and advice function, although the commissioner can refer appropriate matters to the police or other agencies.

There is a requirement for annual and other reports to be provided to Parliament with a mandatory list of what should be reported. A modern slavery committee of the Parliament will also be established. This has the potential to be a useful platform from which the anti-slavery commissioner can broadcast messages to organisations, excluding State Government agencies. With an annual budget of \$50 million, the commissioner will be required to prepare a modern slavery statement, and a financial penalty will be imposed if it is not prepared.

The commissioner must consult with the Auditor-General and the NSW Procurement Board to monitor the effectiveness of due diligence procedures aimed at preventing procurement of items produced by modern slavery. The commissioner is to keep a register of organisations disclosing goods and services that are the product of modern slavery or government agencies that do not comply with procurement directions. On conviction of a modern slavery offence, a court may impose a modern slavery risk order. Modern slavery offences are set out in schedule 3.

The bill also contains some amendments to the Crimes Act. Schedule 6.6 importantly allows the Auditor-General to conduct an audit of a government agency to determine whether that agency is ensuring that the goods and services procured by the agency are not the product of modern slavery. Advice from such audits can be passed from the Auditor-General to the commissioner. Schedule 6.7 imposes a statutory obligation on government agencies to ensure that goods and services are not the product of modern slavery.

During the second reading debate on this bill in the other place, there was a fascinating exchange between the Hon. Adam Searle, leading for the Opposition, and the Hon. Paul Green. The Hon. Adam Searle said that the bill should go further, but the Hon. Paul Green effectively said that it would not be passed if it did. In essence, this is as far as the Government was prepared to go, and I think the Hon. Adam Searle acknowledged that.

Obviously, the bill could go further by giving the commissioner the power to investigate particular cases and to hold State agencies at least to the requirements of commercial organisations.

There are also no positive obligations on private companies to slavery-proof their supply lines. Some other provisions could be included to make the bill stronger and more effective. I am not being critical of the Hon. Paul Green; he has obviously done what he had to do to get support from both Houses, and the bill in its current form is eminently supportable. It is for that reason that I find the Government's threat to gut the bill in this House so utterly outrageous. I do not pretend that the bill that emerged from the Legislative Council is perfect—an incoming Labor government would strengthen it. However, the Hon. Paul Green has gone as far as he thought he could in fashioning a bill that the Government could accept. In so doing, he has consulted with and gained the support of the Labor Opposition, The Greens, the Shooters, Fishers and Farmers Party, and the other crossbench members. That is an impressive achievement and is an indication that this bill is a good place to start.

I first saw the Government's amendments about an hour ago. Of course, the Opposition would have liked a little more time to be able to draft a definitive response. We might have a different position when the bill is returned to the upper House. Two of the Government's amendments cause me some concern. The first relates to the anti-slavery commissioner, who will now be appointed under the Government Sector Employment Act 2013, which is consistent with the Victims Commissioner. There is a provision in the bill dealing with the commissioner's independence. I was much more comfortable with the original provision in the bill that came from the upper House. In my view, it provided a greater degree of independence.

After discussions with the Hon. Paul Green, I have indicated that I will not call for divisions on the Government's amendments tonight. The Opposition will consider them again before the bill is returned to the other place. We will be watching carefully to see whether the promise of independence is realised in the same way that it would have been had the provision in the original bill been retained. The second Government amendment that causes me a little disquiet relates to the reporting provisions applying to anti-slavery commissioner. The original version of the bill provided that the commissioner should report directly to Parliament. The amendments adopt a model that is frequently used—that is, the commissioner will be required to give the report to the Minister before it is tabled in Parliament.

I understand the virtues of consistency, but I would have preferred that it be tabled first in Parliament. Once again, that is something the Opposition will consider. I was provided with an amendment from The Greens less than an hour ago. It seeks to make clear that this bill does not include any conduct that is engaged in by sex workers on a consensual basis. However, the bill is about modern slavery, not consensual activity. The Government will probably argue that the amendment is outside the leave of the bill because the bill deals only with slavery-type activity rather than consensual work. Whatever happens to the amendment, it should be clearly on the record that this bill is not aimed at consensual behaviour and that any suggestion that it is is entirely wrong and misreads the bill. Having said that, the Opposition does not oppose the bill.

**Mr ALEX GREENWICH (Sydney) (18:41):** The Modern Slavery Bill 2018 creates an anti-slavery commissioner to look at risks and prevention methods for modern slavery, and requires commercial organisations and organisations that make \$50 million or more to publish an annual modern slavery statement that deals with its supply chain. The bill introduces new tools and adds oversight that could help to reduce slavery operations. Given that, I will support it.

Slavery involves situations where people are treated as property. The bill expands on this notion to establish a definition for modern slavery in State law that covers sexual servitude, child abuse material, forced labour, forced marriage, child marriage, trafficking and debt bondage—all of which are serious criminal acts. A holistic approach is needed to prevent modern slavery that involves coordination between multiple levels of government and enforcement agencies across borders. A number of obvious risks of slavery include poverty, improper regulation of industries, opaque lines of production, unchecked powers to people in authority, a lack of support for vulnerable and disadvantaged people, and stigma and dehumanisation of certain groups of people.

One area of risk I will discuss is the vulnerability of refugees who move to foreign countries and who face challenges in settling into a home and securing employment. The Commonwealth Government recently cut the Status Resolution Support Services program, which provides income and support to refugees in this country. The move excluded any transition plan and has now put many refugees at serious risk of homelessness, long-term entrenched disadvantage, exploitation and abuse. I have written to the Premier about these concerns, and I would appreciate it if in her reply she identified how the new commissioner will be able to investigate and to provide advice about these concerns. The previous speaker and members in the other place raised concerns about the impact on the internationally respected sex work industry in this State.

I was a member of the Legislative Assembly Select Committee on the Regulation of Brothels. During my time on that committee there was no evidence that our existing system in any way encourages trafficking,



servitude and slavery, but there was evidence that the health and welfare of sex workers would be at risk if we were to adopt a licensing system or heavier regulation. Unfortunately the report recommended a registration system, and I was a dissenting member of that committee. Fortunately the Government did not adopt this recommendation. The sex work industry is still concerned that sex workers will be targeted. I ask the Government to allay these concerns in reply. I also understand The Greens will move an amendment to address this issue.

Importantly, there is a requirement in the bill that large organisations publish statements about their supply chain. It is important that we know what organisations are doing to prevent the purchase, use and sale of products made under modern slave conditions. We hope this transparency helps to reduce slavery. Sprawling supply chains that use multiple processes to source and to assemble multiple parts across the production of a product can be difficult to trace, but businesses must do more to follow that chain of their products and claims made by producers in other countries.

I think of mines in the Congo where the metals for our electronics are sourced. They have appalling human rights records revealed by exposés of child labour and sexual servitude of workers. There are also links to slavery in the prawn trade in Thailand. While it is unlikely that this bill would have changed much about these situations, it does help to make supply chain statements a priority. These are items the new commissioner can advise on. Most oppressive labour conditions in poor and developing countries will not constitute the definition of slavery or modern slavery in the bill and therefore may not be addressed. We should be concerned that many of the products we buy are made in conditions that force people to work all day, every day, for very low wages, in hazardous conditions without protections like sick leave or workers compensation. If we would not accept these conditions for ourselves, our families and our colleagues, we should not accept them for others. I hope that this bill helps New South Wales contribute to what should be a global effort to reduce modern slavery. I commend the bill.

#### *Visitors*

#### **VISITORS**

**TEMPORARY SPEAKER (Mr Greg Aplin):** I welcome to the gallery this evening members of the Rotary Club of Ingleburn, guests of the member for Macquarie Fields.

#### *Bills*

#### **MODERN SLAVERY BILL 2018**

#### **Second Reading Debate**

**Mr GARETH WARD (Kiama) (18:46):** It is my great pleasure to speak in debate on the Modern Slavery Bill 2018. I acknowledge in the Speaker's gallery my very good friend the Hon. Paul Green and his wonderful wife, Michelle. I met Paul in 2003 when both of us were aspiring to be members of Shoalhaven City Council. I remember the number of times the Hon. Paul Green shook his head in the first four years I served on council with him when we were talking about things in that council chamber, but we got a lot of things done. I then had the enormous privilege of serving as his deputy mayor from 2008 until 2010. That gave us an opportunity to achieve some wonderful things together for the Shoalhaven. The city certainly benefited from his leadership. I have certainly benefited from his lessons in life and I think we both continue to benefit from our friendship.

He has been an incredible advocate for this legislation and I know it means the world to him that it is being debated in the House today. It is also wonderful to see Michelle, who is an incredible adviser to Paul, in the Speaker's gallery for this event. There is one of the greatest partnerships I have seen, and I can see it in the gallery today. I know how strongly they both feel about this legislation. This is the first piece of legislation introduced by the Hon. Paul Green that has been introduced into this House. It is not often that a non-government bill is introduced into the House by the Premier. That says something about the regard in which she holds this legislation and indeed the member himself. This bill is for an Act to make provision with respect to slavery, slavery-like practices and human trafficking, to provide for the appointment and functions of an anti-slavery commissioner, and for other purposes. These are some of the worst and most incredible things—forcing people to do things against their will.

The objects of the Act are to combat modern slavery; to provide assistance and support for victims of modern slavery; to provide for an anti-slavery commissioner, as mentioned; to provide for detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur; to raise community awareness of, and provide for education and training about, modern slavery; to encourage collaborative action to combat modern slavery; to provide for the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery and to improve the implementation and enforcement of such laws; to provide for mandatory reporting of

risks of modern slavery occurring in the supply chains of government agencies and corporate and other bodies; to make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales; and to further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child abuse material.

I commend the member for the journey he has taken in order to bring this bill to the House today. It is also heartening to see that the Chamber has come together on this issue. From time to time there are debates in this place that divide us, but clearly this legislation enjoys the support of all sides of this House. When I was on council with the member, who is now a member of the upper House, he was always more interested in not what divides us but what unites us. I suggest that the biggest gap in the world today is the difference between the size of our problems and the smallest of our politics. The Hon. Paul Green, in a mature, profound and expert way, has brought all of his skills to bear to make sure he brings a unanimity of purpose to this Parliament to deliver legislation that will leave a lasting legacy, long after all of us have left here. I am sure all members commend him for his work and the Parliament for its work. The legislation will have a lasting impact on the people of New South Wales.

**Ms JENNY AITCHISON (Maitland) (18:51):** I state from the outset of my contribution that Labor does not oppose the Modern Slavery Bill 2018. The bill was introduced by the Hon. Paul Green from the other place, who is present in the Speaker's gallery tonight, and it follows the Legislative Council's inquiry into this matter. Labor already has a modern anti-slavery policy. I congratulate Labor's shadow Attorney General, Paul Lynch, on his comprehensive measures to try to draft policy that would be taken up by this place. I note his comments and the comments to come in other contributions that indicate we are in the same place on this bill.

It is important that we take action to stop what is reprehensible, unconscionable behaviour: to force people into a life of servitude. Legislation can always go further, but it is hard to get the balance. Obviously in the political process there needs to be legislation to start the conversation. I am proud to be part of a party such as Labor, which was founded on the basis of a commitment to ensure people are not exploited. In keeping with the historical context of the birth of the party and the time that it started, the movement initially focused on the exploitation of male workers. Over time, Labor has emerged as a modern labour movement which rejects exploitation of all people in our society. In the past 12 months Labor has made a particularly strong commitment to strengthen its fight against inequality and wage theft. We on this side have worked on a range of issues to ensure that people are paid for the work that they do. That is our major concern here.

We are also very concerned about modern slavery. Modern slavery includes practices such as human trafficking, servitude, forced labour, debt bondage, organ trafficking, deceptive recruiting, forced marriage and child brides. It strikes me that here we are in a twenty-first century, First World society, equipped with virtually instant technology—we can see into people's living rooms on the other side of the world—and yet we are still confronting a scourge that is centuries old. These practices are shocking and have no place in our modern world. It is estimated that today there are some 45 million people around the world who are victims of modern-day slavery. Think about that number: 45 million, nearly double the population of Australia. That is four times as many people in slave-like conditions today, suffering from modern-day slavery and slavery-like practices than when the transatlantic slave trade operated between the sixteenth and nineteenth centuries. It is incredible. We believe that 4,000 people on our own shores in Australia are subjected to these practices, including in New South Wales.

In the mid to late 1990s I worked in the Social Justice Coordination Section of the Department of Immigration and Multicultural Affairs, as it was known then, particularly in the women's unit. The work that I did then was around stopping trafficking, not only in the case of adult and child sexual exploitation and forced marriages but also in the so-called serial sponsorship of women for marriage, and ensuring that women from overseas were aware of the circumstances when they entered into these relationships. We had terrible stories told to us that have had a lifelong impact on me—stories of women who had been beaten violently because they did not have cans in the pantry in the right alphabetical order with the labels facing to the front; women not allowed to wear shoes because it could enable them to escape; women living in houses where security cameras were installed outside to stop them leaving; women being told that they would be deported if they left their husband and that they would lose their children and would never be able to return to see them if they left.

We heard stories of women being forced into degrading and inhumane conditions, tied up, prostituted, forced to serve their husband's every whim, denied any medical assistance or any psychological assistance, and denied any care or concern. We heard of a single man having sponsored nine migrant wives to Australia and how each woman came here not knowing about the others, thinking she was starting a new life with a man she loved and then being forced into that situation. Once women were enticed here they were abused financially, emotionally, physically and sexually. In the sex industry we heard of women—particularly women—who were lured to Australia, forced to pay huge bonds, and then had to live in abject poverty so that they would never be

able to repay their debts to their masters. Living a life locked up and being subject to forced sexual slavery were appalling and humiliating conditions of life.

I acknowledge the contribution of the member for Sydney and I agree that that is not the face of our entire sex industry—in fact, it is not even the majority; it is a small part of it—but it is a situation that we as a modern society cannot accept and we must do everything in our power to stop that kind of abuse of women. It is very hard for people who grow up in Australia to think that there are people who would abuse other human beings to that extent. Whilst it may not be on public view, we cannot say that it is not happening; we know that it is. Sadly, modern slavery is an all-encompassing blight, whether it involves sex workers, those supplying clothing or in other industries, housekeepers and child minders through to those involved in producing child abuse material. We know that women and children are particularly vulnerable to this kind of exploitation.

What is commendable about this bill is the proposition of modern slavery risk orders that can prohibit people convicted of modern slavery offences from taking certain actions. I support the need for the miscellaneous components of the bill to amend the Crimes Act for cybersex trafficking and child forced marriage. The cybersex trafficking amendment proposes protection for children whilst targeting the perpetrator and those who may offer advice to avoid detection of these heinous offences. Caroly Houmes, chief executive of the International Justice Mission of Australia, is quoted as saying:

The Modern Slavery Bill sends a clear message to paedophiles seeking to abuse children through live-streamed sexual abuse. These amendments will make a critical difference in our capacity to effectively prosecute cybersex trafficking. This is vital to the protection of children here in New South Wales and in our region.

I agree with that sentiment. As the shadow Minister for the Prevention of Domestic Violence and Sexual Assault, it is difficult to contend with the abuse of people online, which seems to be beyond the purview of any government to attack. We must make every effort to stop that abuse. As the shadow Minister for Small Business I support this bill. Small business owners work hard with their families and employees to change lives, to create jobs, to do their best and to pursue excellence in their local communities. When we do not do anything to address the supply chain of modern slavery and when we let large multinationals exploit people all over the world in order to obtain the lowest-priced products and services, we are all complicit in exploitation and slavery.

Slavery does not hurt only those people who are exploited; it hurts those small businesses that operate in an ethical manner, that pay their staff proper wages and that do not source their products from people working in slave-like conditions in this country or other countries. When we implement an anti-modern slavery policy, we provide a level playing field on which ethical small businesses can compete with integrity. We play to the highest values and model business practices rather than support the lowest scum of this earth. We all have a responsibility to procure our goods and services in such a way as not to exploit others. We should never put ourselves in a position where we profit from the someone else's loss.

It is easy for consumers to criticise big multinational firms and to cite them as drivers of modern slavery. However, without a market for cheap knock-offs and cheap goods, without a society that does not value women or children as humans instead of as sexual beings, we do not have a market for modern slavery. When we have a society that accepts that women, children or exploited workers are at a different level and that we somehow have a right to get a cheap product or simply to go along with what is happening because we see an advantage, we are complicit in that activity. We cannot say that we are good citizens on these issues, nor that we have a good conscience when we accept goods that we know were procured through processes that enabled the exploitation of another human being. I urge the House to pass this bill and I commend it to the House.

**Dr HUGH McDERMOTT (Prospect) (19:01):** The Modern Slavery Bill 2018 was introduced in the upper House. I have not seen the Government's amendments as they were presented to the shadow Attorney General only an hour ago. However, I understand that the sponsor of the bill, the Hon. Paul Green, accepted the amendments, and I trust his judgement so I will also support them. I oppose the exploitation of workers and the denial of human rights represented by modern slavery. Ensuring the end of slavery is the ultimate expression of what trade unions, the labour movement and trade unionists should stand for, which is why I support this bill. Slavery is the most absolute form of workplace violence and represents some of the worst of human experience. I also support this bill as a Catholic, as Christian leaders have often led the fight against slavery.

We remember men like William Wilberforce, the Quakers, and many other abolitionists who stood out in history, who endured great suffering at times in the belief that all men were equal and all men and women should be treated the same. However, slavery is not a problem from history. Twenty-one million people are trafficked for profit around the world today, including in Australia. It is impossible to tell how many Australian residents experience slave-like conditions, especially since there is less research into slavery in countries like Australia and New Zealand than there is in many other regions. One estimate is that there may be more than 4,000 enslaved people in our neighbourhoods. Modern slavery takes many forms. In some cases it involves debt bondage where the slaver invents a debt that is impossible to pay off. In many cases the exploitation is of someone

with limited English skills, who cannot easily escape. Stephanie Gardiner from the *Sydney Morning Herald* reported on one instance of slavery in 2013. She wrote:

Women were recruited from Malaysia, lured with the promise of a new life and an education. Instead, they were forced into servitude at a brothel, and told to work from midday until early the next morning. They were told they had a debt of more than \$5000 to cover airfares, visas and business college enrolment fees, and they were threatened with physical harm or deportation if they tried to leave. Though they were enrolled in courses and subject to student visas under Australian law restricting them to 20 hours work a week, the women were never allowed to get their education or leave these brothels. This article goes on to explain that the persons responsible for the importation and enslavement of the women were sentenced to only between three and six years in prison. In the Prospect electorate there is a large migrant population from countries such as South Sudan, Northern Iraq and Syria. They are Christians who were enslaved simply because of their religion and who they are. I have spoken to South Sudanese refugees, now new Australians, about the professional jobs they previously held and the villages in which they worked. They were taken from South Sudan to Khartoum in the north and enslaved.

They were forced to sleep on the floor in kitchens and they were beaten if they did not do what their slave masters told them to do. These new Australians escaped from that enslavement only in the past few years. We know what happened to the Assyrians and Christians from Iraq and Syria who were enslaved by fanatics associated with the Islamic State of Iraq and Syria. There are 7,000 refugees from that conflict now living in the Prospect electorate, and they are a welcome part of the community in Western Sydney. We often hear stories of personal experiences or the experiences of family members who were enslaved over that time. Slavery is very real.

A report released in 2013 by the Federal Joint Committee on Human Rights stated the Australian Federal Police had undertaken more than 350 investigations and assessments into allegations of people trafficking and related offences, including 158 investigations in Sydney since 2004. I note that report is at least five years old; those figures would be higher now. Also 70 per cent of those investigations regarding human trafficking were for sexual exploitation. The hospitality, agricultural and construction industries are also key targets of exploitation by human traffickers. In many cases victims believed they were coming to Australia to study or to work legitimately. Some victims are trafficked into Australia knowing that they will be here to undertake a particular type of work, but they are then held in debt bondage or slave-like conditions.

I recall the Construction, Forestry, Mining and Energy Union and government agencies raiding a construction site in Wetherill Park. On that site in a factory they found a group of 20 or 30 Chinese workers brought in under 457 visas who were living in one house. They were picked up every morning, taken to the construction site, made to work until they were exhausted and then taken back to the house where they had to stay. They had appalling living conditions, safety conditions and wages. The moment the construction was finished they were shipped back to China. It was modern slavery. Even this grim Federal Parliament report underestimates the problem because cases of slavery often are unreported. Many victims do not recognise that their conditions are illegal and many more are afraid to go to the police.

Another aspect is the prevalence of international slavery in Australian supply chains. Industries such as sugar cane, coffee, bricks, garments and footwear are known to employ slave labour around the world. However, there are no safeguards or restrictions to stop Australian companies or, as yet, the New South Wales Government, from buying goods made by slave labour. Globally, slavery is a \$150 billion industry. This legislation will ensure that companies with significant revenue must take steps to ensure that slave labour does not occur within their supply chains. In 2015 it was reported that Coles, Woolworths and Aldi had bought prawns from the Thai Union Group. That company supplies prawns peeled under slave labour conditions by migrants, many of them children, at Gig Peeling Factory in Thailand. In Thailand prawn peeling and canning is an industry where children make up 38 per cent of the migrant workforce and 36 per cent met the definition of child labour under the International Labour Organization [ILO] conventions. These are conditions which deprive children of their childhood potential and dignity and which are harmful to their physical and mental development.

This bill addresses many of the issues that I have discussed. The introduction of an anti-slavery commissioner to set up strategies to stop modern slavery is a great step forward. But more work needs to be done to give the police, the courts and the government the tools that are needed to stamp out this disgraceful practice. Commissioning a responsible authority is a must if we want to see change occur. We must ensure that we stamp out servitude in Australia, but we must not become complicit in global slavery. Organisations over a certain size must ensure that their goods and services are not part of supply chains in which modern slavery is taking place. Under this legislation, companies that buy from slavers will be named and shamed. I hope that one day we can imprison them as well. I commend the bill to the House and I hope we can work together to end this despicable practice in Australia and around the world.

**Ms JENNY LEONG (Newtown) (19:10):** On behalf of The Greens, I speak in debate on the Modern Slavery Bill 2018. My colleague in the other place Dr Mehreen Faruqi said:

Out of sight, out of mind is not good enough.

...

Let us all be clear that enslaving people, abusing them, exploiting them and depriving someone of their freedom and liberty are the most atrocious crimes.

It is clear that we can do things locally that will impact on these global issues. The Greens will support any bill that is introduced in this House that enshrines in legislation the protection of human rights. This bill recognises the global problems we face, but it acts locally in the protection of human rights. An examination of the submissions made by the Human Rights Law Centre, Amnesty International and others to the Federal parliamentary inquiry on the issue of modern slavery reveals that more needs to be done to address modern slavery. Modern slavery is defined in the Human Rights Law Centre submission as follows:

"Modern slavery" is a common umbrella term used to describe a range of extreme labour rights abuses encompassing slavery, servitude, human trafficking and forced or compulsory labour. These distinct violations are defined in a variety of law instruments as follows:

"Slavery" is defined under the United Nations Slavery Convention (1926) as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised".

"Forced labour" is defined under the ILO Forced Labour Convention (No. 29) (1930) as "all work or service which is extracted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily".

"Human trafficking" is defined under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (2000), as the "recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". These international definitions and law instruments define modern slavery in the reality of modern slavery is more confronting. We are not aware of the consequences of our consumerist society and the impact it has on people in the workplace. Our general commitment to maximise dollars and to put profits ahead of people is impacting on our society. At the recent May Day march and family day in Sydney, one woman spoke on behalf of Asian women workers in New South Wales. She told one story that I cannot get out of my mind. The story was about a woman who worked in a nail salon and who regularly suffered from urinary tract infections because she was not allowed to take toilet breaks.

I used to work for Amnesty International and I learned of many human rights violations that were happening around the world. The videos I saw were extreme, but when I heard that story of what is happening now in Sydney in a nail salon that perhaps one of us has used, it makes me question what it means for our community. While we discuss the protections that the Modern Slavery Bill will provide, there is obviously more we can do to protect the rights of workers in this State. We must enshrine human rights protections in legislation other than this bill, and I look forward to talking with members about how we can do that. I have a commitment to support the question that is posed every year in Fashion Revolution Week, which is: Who made your clothes?

One of the first things I did when I was elected to this place was to have my photo taken on the steps of Parliament wearing a dress inside out and showing the tag. Part of the campaign is that everyone wears their clothes inside out to show that they know who made their clothes and where they come from. That is an incredible campaign. In April I spoke at a Fashion Revolution event involving designers, makers and producers from the Newtown electorate. We heard amazing stories at that forum. For example, this country has lost the ability to produce stockings. Our society is losing its craft skills. If we want to boost employment and trade and encourage people to shop locally, we must look at how we can upskill people to sew button holes and to knit with cotton, wool and other natural fibres.

Not only will it encourage us to look at the environmental impact that buying offshore has; it will also encourage us to maintain our craft skills. We will know where our clothes are made and we can protect people's rights when they are employed in local jobs. Those are two small examples of the changes we can make. It is important to recognise that the bill will provide a connection to a global movement. If other jurisdictions around the world at State and national levels passed this legislation, over time we would see the removal of the global slave trade. We should be committed to abolishing the slave trade. It is not only about protecting the rights of workers in this country; we must talk about a movement that protects the rights of women and children workers around the globe.

I acknowledge the amendments moved by Mr David Shoebridge, my colleague in the other place, that relate to organ trafficking. The amendments outline that the commissioner would monitor and collaborate on suspected instances of trading in tissue in New South Wales, and the commissioner could provide reports on tissue public education and awareness campaigns. There could be greater certainty that organ trading is not involved in supply chains. The amendments also mean that the extraterritorial application of modern slavery offences under section 4 would apply to any resident of New South Wales trading in tissue and who might buy or deal in human organs overseas. It is welcome that the subject of those amendments remains in the bill.

On behalf of The Greens, I foreshadow that I will move one amendment in this Chamber. The amendment relates to concerns raised by Scarlet Alliance and other advocates about protecting the rights of sex workers. This bill should not have the unintended consequence of targeting sex workers or causing them concern. We want to protect women's rights and those who are at risk of modern slavery. It is important to clarify that the amendments will not allow this bill to be used in any way to target consenting adult sex workers. I appreciate that is not the intention of the bill, but it is important to reassure the members of that community who are often marginalised and used as scapegoats. Our commitment is to provide additional protections for the rights of people, and that includes the rights of those consenting adult sex workers. The Greens support any legislation that enshrines the protection of human rights in New South Wales. I commend the bill to the House.

**Ms JULIA FINN (Granville) (19:21):** I support the Modern Slavery Bill 2018. Labor is committed to addressing modern slavery and the bill goes some way towards commencing that process in New South Wales. I support the objects of the bill, which are as follows:

- (a) to combat modern slavery,
- (b) to provide assistance and support for victims of modern slavery,
- (c) to provide for an Anti-slavery Commissioner (the Commissioner),
- (d) to provide for detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur,
- (e) to raise community awareness of, and provide for education and training about, modern slavery,
- (f) to encourage collaborative action to combat modern slavery,
- (g) to provide for the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery and to improve the implementation and enforcement of such laws,
- (h) to provide for mandatory reporting of risks of modern slavery occurring in the supply chains of certain corporate bodies,
- (i) to make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales,
- (j) to further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child abuse material.

These are commendable and important actions; they are an important start. I commend the Hon. Paul Green for introducing the bill and those organisations that made submissions to the upper House inquiry. Slavery and slavery-like practices are thriving in New South Wales and worldwide. Action is required in New South Wales, nationally and internationally. Unfortunately, modern slavery is prevalent and is taking place in the form of debt bondage, forced labour, restrictions on movement and sexual slavery. Pope Francis calls human trafficking a crime against humanity. According to the Global Slavery Index, more than 45 million people worldwide are involved in slavery or slavery-like conditions.

The International Labour Organization notes that 21 million people around the world are engaged in forced labour. Of those figures, there is estimated to be 4,300 people in Australia living in slavery or slavery-like conditions, which is confronting. According to the Salvation Army and the Freedom Partnership, modern slavery is characterised by power over another, exploitation and loss of freedom, which can take the form of harbouring, deceptive recruiting, debt bondage, forced labour, trafficking and servitude. This is different from the slavery we know, which is typified by the transatlantic slave trade in which 12 million people were transported forcibly from West Africa to the Americas and Europe.

I have visited the slave fortifications in Ghana at Cape Coast and Elmina and seen what slavery must have been like. The buildings are still intact. They are listed by UNESCO—that is, they are World Heritage listed. It is incredibly confronting to see the rooms that held hundreds and hundreds of people in buildings that were purpose built for the export of humans as a traded good. I visited them many years ago and I visited them again in January. The gate of no return, which is the gate through which they were forced to walk onto the boats that would take them into slavery on the other side of the world, is particularly confronting. Modern slavery is different and it is more hidden. However, it is affecting many more people than the 12 million who were caught up in the transatlantic slave trade. Unfortunately, Ghana is still playing a major role.

The International Organization for Migration says that child trafficking is rampant in fishing communities along Lake Volta. It has been trying to rescue, rehabilitate and reintegrate trafficked children. Ghana is a source, transit, and destination country for children and women trafficked for the purposes of forced labour and forced sexual exploitation. Boys and girls are trafficked within Ghana for forced labour in agriculture and the fishing industry, street hawking, begging and working as porters. Annually the organisation reports numerous deaths of boys trafficked for hazardous forced labour in the fishing industry; girls are trafficked throughout the country for domestic servitude and exploitation.

The United States 2009 Department of State report on human trafficking noted those deaths. That information is relevant to us because most of the world's cocoa beans come from West Africa, specifically from Ghana and Cote d'Ivoire. In 2015 Tulane University released a report that estimated that more than two million people were involved in hazardous work in the cocoa industry across those two countries. That is where most of our chocolate comes from. Not all child labour is technically slavery, but much of it forms child labour as outlined by the International Labour Organization. Many of the children are helping out their families on their farms, but many are also trafficked and sold into slavery. This type of legislation can be the start of a move to a more effective use of fair trade mechanisms.

At the moment fair trade certification proliferates, there is no standardisation, and it is actually very problematic. If it can lead to proper standardisation and accountability for the many claims of fair trade that now proliferate, we will have made important progress. I am talking about chocolate because, even though it is not produced in slavery-like conditions in Australia, if we are genuine about ending modern slavery we must stamp it out worldwide. According to Senegalese development economist Ndongo Samba Sylla, there is little evidence that fair trade has lifted many producers out of poverty, not least because most of the organisations that are certified tend to come from richer, more diversified developing countries rather than the poorer ones that are dependent on those export crops.

According to his calculations, for each dollar paid by an American consumer for a fair trade product, only three cents more are transferred to the country it came from than for the unlabelled alternative. Internationally, we are seeing more and more jurisdictions introducing legislation such as we have before us today to tackle modern slavery—introduced to tackle supply chains that benefit from modern slavery and also from a see-no-evil approach, pretending not to know how their suppliers got their products so cheaply. In California, class actions have been launched against major household names, multinationals such as Costco, Mars, Hershey's and Nestlé.

What is the situation in Australia, beyond our being consumers of these types of imported goods? We have evidence of forced labour—underpayment or non-payment of wages and debt bondage, restrictions on movement in the workplace and, unfortunately, sexual slavery. Between 2004 and 2016, 700 referrals were made to the Australian Federal Police relating to human trafficking and slavery-like crimes, but only 17 people were convicted. The Federal Government's Joint Standing Committee on Foreign Affairs, Defence and Trade report "Hidden in Plain Sight" found an overwhelming need for a Federal anti-slavery Act and the establishment of a powerful anti-slavery commissioner.

From my own experience as a councillor over many years on Parramatta City Council, which oversees an area that has many brothels, sexual slavery is occurring in some brothels in Sydney. I remember having a meeting with somebody from an illegal brothel who had been prosecuted, or who was in the process of being prosecuted. He claimed that there was a conspiracy against him by the council, the police, the tax office and the immigration department because they continually kept raiding his property at the same time. They kept finding the same thing over and over again, which included a number of Korean students held against their will for sexual slavery, with their passports held on other premises.

There were other instances of teenage girls from refugee families who had been forced into sexual slavery. They were locked in rooms for a couple of days at a time. I have heard plenty of rumours of people on student visas living on the premise of a petrol station and being seriously underpaid. I have also heard of people who pay to get a visa to work in a restaurant and then pay off the debt to the restaurant. It is a huge problem. That is why I am disappointed that the legislation will cover only businesses with a turnover greater than \$50 million. All the businesses I have talked about do not have business turnover of \$50 million, or if they do they will not admit to it. There are many examples and it is a huge problem. I will refer very briefly to the example of fruit pickers from Tonga who were identified by the Salvation Army's anti-slavery project. One of the fruit pickers, Pakileata Akauola, said:

I felt like a prisoner, I couldn't talk to my family back home. I was physically assaulted by my employer, I was hit with a broomstick, had car keys thrown in my face and was verbally abused for talking to my husband in Tonga. My arms were badly bruised. I was off work for two days but wasn't allowed to go to the doctor. I was threatened with a gun that if I talked to anyone about this incident then I'd never come back to Australia. I had my mobile phone, bank card and passport taken away from me for three months and then I was sent home early to Tonga.

That is happening now in Australia and it needs to stop.

**Ms KATE WASHINGTON (Port Stephens) (19:31):** In contributing to debate on the Modern Slavery Bill 2018, I acknowledge the work of the Hon. Paul Green from the other place, the work of the shadow Attorney General, Paul Lynch, and the many groups that have provided feedback on this bill. The Modern Slavery Bill seeks to combat modern slavery and to provide assistance and support for victims of modern slavery. Labor

supports the object of the bill because slavery is an insidious and largely hidden horror that demands closer scrutiny.

In 2012 the International Labour Organization [ILO] estimated that worldwide 21 million people lived in slavery-like conditions. Others have estimated the figure could now be as many as 45.8 million. The ILO has also estimated that modern slavery and trafficking is a \$150 billion industry worldwide. Anti-Slavery Australia described common indications of forced labour, which include lack of safety gear, denial of medical assistance, excessively long or unusual hours, little to no leisure time, punishments or fines for failing to meet quotas, underpayment, restrictions on freedom to move or to leave the workplace, employees facing different conditions because of their visa status or employees living at their workplace.

While we hear media stories of dramatic cases of modern slavery, such as passports being held until alleged debts are paid off, these are only a small number of the situations that involve the imbalance of power between employers and employees and a restriction on an employee's ability to choose whether to work. More regular cases are far more hidden than the dramatic cases that are often reported. There is media interest in modern slavery in the context of sex trafficking, but the practice also extends into agriculture, hospitality, construction, mining, fishery and domestic work.

The bill builds on the work of the United Kingdom's 2015 legislation, which consolidated and clarified existing offences, increased some penalties and introduced the Slavery and Trafficking Risk Order and the Slavery and Trafficking Prevention Order. The United Kingdom's Modern Slavery Act also established the office of the Independent Anti-Slavery Commissioner, which has since been filled by a senior officer of the Metropolitan Police. Religion has often played a role in the moves to abolish slavery, and in 2014 Pope Francis joined a number of other religious leaders in signing a declaration opposing modern slavery, including the Archbishop of Canterbury, Rabbi Dr Abraham Skorka, Argentinean Muslim leader Sheikh Omar Abboud and many others. This is a widespread, worldwide issue involving social and economic factors, and is of extraordinary moral importance. It is worth noting the broad support this legislation has received across Parliament, with the exception of one member of the other place.

The bill will provide for the creation of an anti-slavery commissioner, who will be tasked with exposing cases of modern slavery that may have occurred, raising community awareness of modern slavery, and providing education and training materials about modern slavery. The commissioner will also have a leadership role in encouraging collaborative action to combat modern slavery, assessing the effectiveness and appropriateness of laws prohibiting modern slavery, and improving the implementation and enforcement of such laws. The bill also provides for mandatory reporting of risks of modern slavery occurring in the supply chains of large corporations, makes forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales, and will further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child abuse material.

The average resident is most likely to come into contact with modern slavery through the items they purchase. The large and sometimes opaque supply chains of large companies can create ideal conditions for exploitation and for slavery to go on unseen. Under this legislation, commercial organisations with a threshold of \$50 million operating in New South Wales must publish an annual modern slavery statement that details their supply chains. A public register will identify organisations in which goods and services may be products of a supply chain involving slavery. This process will also identify government agencies failing to comply with Procurement Board directions.

I endorse the comments made by the member for Granville about the need for the application of scrutiny on smaller companies and organisations as well to properly combat slavery, something that the bill in its current form does not address. It will, however, provide consumers with a much clearer picture of where their products are being made and the working conditions of the people who are making their products. Last year, the shadow Attorney General announced Labor's policy on measures to address modern slavery. It is pleasing to see some of those policies incorporated in the bill.

In supporting this bill, I also acknowledge the ongoing work of the international trade union movement, which works across multiple jurisdictions to combat slavery and other exploitations of workers on a daily basis. When we undervalue the labour that goes into the production of the items we consume we create a mindset in which modern slavery is able to be ignored and to thrive. If we are concerned about modern slavery, as most in this place are, then we must also examine our actions as consumers that fuel this practice. The greater transparency promoted by the bill will assist consumers in making that assessment about the items they buy. I welcome those provisions and I welcome the bill because it will help to combat modern slavery. I am pleased to support the bill.

**Mr JIHAD DIB (Lakemba) (19:38):** Like many of my colleagues, I acknowledge the Hon. Paul Green for his work on the Modern Slavery Bill 2018. It is not a one-person job, but it takes one person to drive it, and



I congratulate the Hon. Paul Green on doing that. This is an important bill that addresses a serious topic that has cross-party support. I am sure I will cover many of the things that my colleagues from both sides of the House have covered. As we know, "modern slavery" does not have a unifying, global definition; it is accepted to be an umbrella term for a range of crimes, exploitations and conditions that people are forced to work under or are pushed into for a range of reasons. We all agree that any crime that falls under the category of modern slavery is more than just a terrible crime: it is a crime against humanity. That is what we are here to address.

Figures show that globally up to 45 million people, including children, are victims of these sorts of crimes, whether it is through forced labour, exploitation or trafficking. It is hard to believe, but in Australia at least 4,000 people are victims of this broad range of criminal activity. I say "at least 4,000" because the nature of these crimes is so clandestine that gaining definitive data is a problem in itself. Previous speakers referred to sexual slavery and tissue exploitation, some of the most disgusting crimes. The most vulnerable people who are suffering an awful fate are taken advantage of by predatory behaviour. I cannot begin to imagine the hardship that they go through, the difficult circumstances they live in, and the horror that is part of the decision to put themselves in that position.

Someone might think, "What can a provincial place Down Under do to change the world?" I have always been an idealist and if we start something then maybe we can be part of a global movement. There is a strong global movement that talks about exploitation, human trafficking, sexual exploitation and organ trafficking. New South Wales has the opportunity to make a difference in the way slavery is seen across the world. Whether we have one instance of slavery or 4,000, the fact that we are standing united and saying, "This is unacceptable", sends a strong message that will permeate throughout the world. That is the spirit of this bill. It is a good start to shine light on the issues that are under the umbrella of modern slavery. We could say that the bill does not go far enough, but, as I said in my inaugural speech, I have always been an idealist and I will always remain an idealist. Once we stop having ideals we may as well give up. It is important to acknowledge that this is an important starting point.

The establishment of an anti-slavery commissioner is a really good start, but if we want to take this seriously we need to start thinking about combatting these crimes. We have to give the commissioner strong investigative powers that will be more effective. Government agencies should come under the same reporting obligations as commercial entities. I echo the sentiments of my colleagues the member for Port Macquarie and the member for Granville that we should start looking at some of the smaller commercial entities. The \$50 million threshold is a little high when we consider that some of the places that exploit workers do not turnover that amount. If the entity is doing this, I would dare say that it is not declaring a \$50 million annual turnover.

As I said, "modern slavery" is an umbrella term that is used to encompass a range of exploitations and forced labours that all have a similar core: the abuse of one person for another person's gain. It is a complex issue. Victims are often vulnerable people who face layers of disadvantage. They can be forced or have few choices and safety nets, and end up accepting exploitative work conditions that do not pay properly or are unsafe. Some of my colleagues spoke about how life threatening that can be. Members of Parliament sit in a comfortable environment. We earn a good salary, we are middle class and we are pretty comfortable. But there are a lot of people who do not have those luxuries in life and who are driven into bad situations in desperation. When people are desperate they are easy to take advantage of. These are the people we must protect.

Unfortunately, there are far too many people in the world who take advantage of the vulnerable. There are a lot of people who protect them; but there are far too many taking advantage of them. This behaviour reveals the worst of human nature, where someone takes advantage of somebody who is vulnerable and desperate, and treats them in a way that is absolutely abhorrent. Exploitation, servitude and forced labour often go under the radar because, as I said, the most vulnerable people are already facing layers of disadvantage. This issue brings us to the philosophical and moral question of what we are here to do. All members of this place, regardless of what political party they represent, are the voice of the vulnerable. We speak up for the victims who cannot speak for themselves. It is important that this legislation is not only about catching people after something has happened but also about preventative measures. It is important to address the root of the problem.

I turn to some of the local issues—the migrant workers, in particular, especially seasonal fruit pickers. I have known of many people in my own community who are Australian citizens, who work and who send money to their home countries because they have family members who are not managing to get by. In my former life as a principal I knew of working families who sent money back home whenever they could because they knew they that they lived in the lucky country—they had won the lottery—but they had family members who lived in other countries who did not know where their next meal would come from. My worry is that those people are susceptible to exploitation. The biggest concerns I have are that they may find themselves at risk of doing things that they do not know are illegal or that they may be confronted by unscrupulous employers who say, "If you don't do this you will lose your job."

When people are absolutely desperate they are more at risk of being taken advantage of. We must protect them. We know that exploitation occurs in Australia. We know that people are being underpaid and denied their benefits, that they work without contracts and in unsafe conditions or without safety equipment. Such people are also restricted in their workplace or are forced to live in conditions that are controlled by their employer. All of these are signs of forced labour. It is a shock to hear about such things happening in Australia. In some cases people have had their passports locked away and are living and working in conditions that are unacceptable in Australia. Of course we can make things better in Australia, but we can also use Australia as the model for the rest of the world. A global movement to improve working conditions may start in a little place called the New South Wales Parliament, Down Under, and actually change things.

I have mentioned the different conditions people work under, and it is worth taking into account the role of the different types of visas. If someone is on a visa that makes them feel desperate they may opt to do something that is not right, and run the risk of deportation. For some people, overstaying a visa is too great a risk—it is a greater risk than working for an exploitative employer. That is something we must examine. On the one hand we may want to save people from exploitation, but on the other we may punish them for wanting better lives for themselves or their families. Members in this Chamber are lucky; we live well and we need to protect those who do not have the same sorts of lives. I am proud to be a member of the Labor Party—a party that stands up for workers' rights no matter where they come from. The right to be paid properly and to work in safe conditions, free from exploitation and abuse, is a universal value of the Labor movement. I cannot help but think about workers' rights as I consider this bill.

This is a challenge that we need to reflect upon carefully. Having systems in place where victims and good Samaritans can report suspected acts of modern slavery and where such incidents are investigated properly, with fair and just outcomes, will mean that these clandestine crimes—ranging from child marriage to sweat-shop labour—can be wiped out in Australia. Bolstering the effectiveness of the law so that the private and the public sector are encouraged to steer away from those who use forced child labour in their supply lines would also help to tackle the problem. I acknowledge the Hon. Paul Green and his working party, and everybody who contributed to this bill. We achieve really good things in this Parliament when members work together. People want to have a Parliament where the parties and the members work together. I commend the bill to the House.

**Mr DAVID MEHAN (The Entrance) (19:48):** The dignity of labour cannot exist under conditions of slavery. That is why I welcome this bill, and that is why the members on this side of the House welcome the bill. The Modern Slavery Bill 2018 extends our usual concerns in this place for the working conditions of people within our own borders to workers in other countries. That is a fabulous change in attitude to work and to our responsibility as consumers to ensure that those who make the products we import, and those who deliver the services we consume in this country, work under conditions where the dignity of their labour is recognised and where there is an absence of slavery. I acknowledge the Hon. Paul Green for his carriage of this bill, which was drafted by a cross-party parliamentary working group and which addresses the findings and recommendations of the October 2017 report of the Legislative Council Select Committee on Human Trafficking in New South Wales. I note the objects of the bill are:

- (a) to combat modern slavery,
- (b) to provide assistance and support for victims of modern slavery,
- (c) to provide for an Anti-slavery Commissioner,
- (d) to provide for detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur,
- (e) to raise community awareness of, and provide for education and training about, modern slavery,
- (f) to encourage collaborative action to combat modern slavery,
- (g) to provide for the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery and to improve the implementation and enforcement of such laws,
- (h) to provide for mandatory reporting of risks of modern slavery occurring in the supply chains of government agencies and corporate and other bodies,
- (i) to make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales,
- (j) to further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child abuse material.

The shadow Attorney General has commented that Labor has a strong policy and has already undertaken to strengthen this bill should it attain government in this State. I know that members on this side of the House are concerned that the bill limits its objects to businesses with a turnover of more than \$50 million. That needs to be addressed.

One concern has been raised with me a number of times by commercial fishers in my electorate—that is, the importation of prawns. The *Guardian* has reported a number of times on the huge export trade in prawns from Thailand. The investigation has highlighted that exports from Thailand are delivered under conditions of slavery. Those exporters supply large supermarket chains in the United Kingdom and Aldi, which is established in this country. I hope the provisions of this bill will go some way to ensuring that the workers in Thailand are appropriately treated and that the dignity of their labour is ensured. This bill is an important step in ensuring the dignity of labour for workers the world over. I commend the bill to the House.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (19:51):** In reply: I thank all members for their contributions to this very respectful and important debate—in particular, the members representing the electorates of Liverpool, Sydney, Kiama, Maitland, Prospect, Newtown, Granville, Port Stephens, Lakemba and The Entrance. The Modern Slavery Bill 2018 deals with an important issue. We have the Hon. Paul Green to thank for raising it, and I am grateful that he is in the gallery for the speech in reply. I acknowledge his wife, Michelle, who I know has been an important part of this process. They are a dynamic duo and I am glad that they are both here as the bill passes through its final stages in this House. I congratulate and thank them.

The bill contains reforms that address some of the findings and recommendations from the report of the Select Committee on Human Trafficking in New South Wales, including the establishment of an anti-slavery commissioner as well as some of the recommendations of the Federal inquiry. I think that is important to note. The member for Sydney and the member for Newtown have raised a concern about sex workers and have foreshadowed that they will move amendments. The Government does not believe that those amendments are necessary. However, I respect the members' right to move them; I simply wanted to articulate the Government's position. I am also grateful that the amendments that the Government proposed this evening will be supported, given they were drafted in consultation with the Hon. Paul Green. I again thank all members for their contributions. I commend the bill to the House.

**TEMPORARY SPEAKER (Ms Sonia Hornery):** The question is that this bill be now read a second time.

**Motion agreed to.**

**Consideration in detail requested by Ms Gladys Berejiklian.**

#### **Consideration in Detail**

**TEMPORARY SPEAKER (Ms Sonia Hornery):** By leave: I will deal with the bill in one group of clauses and schedules.

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (19:54):** By leave: I move Government amendments Nos 1 to 22 on sheet C2018-021M in globo:

**No. 1      Supply chains**

Page 2, clause 3 (h), line 21. Omit "corporate and other bodies". Insert instead "commercial organisations".

**No. 2      Anti-slavery Commissioner**

Page 4, clause 6, lines 4 and 5. Omit all words on those lines. Insert instead "An Anti-slavery Commissioner is to be appointed under Part 4 of the *Government Sector Employment Act 2013*".

**No. 3      Anti-slavery Commissioner**

Page 4, clause 7, line 9. Omit "this Act". Insert instead "section 9 (1) (a) or (c)".

**No. 4      Anti-slavery Commissioner**

Page 4, clause 8 (2), line 15. Omit "Premier". Insert instead "Minister".

**No. 5      Anti-slavery Commissioner**

Page 4, clause 9 (1), lines 20 and 21. Omit all words on those lines. Insert instead:

- (a) to advocate for and promote action to combat modern slavery,
- (b) to identify and provide assistance and support for victims of modern slavery,

**No. 6      Supply chains**

Page 4, clause 9 (1) (d), line 29. Omit "corporate and other bodies". Insert instead "commercial organisations".

**No. 7      Strategic plan**

Page 5, clause 11 (3), line 15. Omit "Premier". Insert instead "Minister".

**No. 8      Co-operation with NSW agencies**

Page 6, clause 14 (3), line 30. Omit "Premier". Insert instead "Minister".

No. 9 **Reports**

Page 7, clause 19 (1), line 19. Omit "Presiding Officer of each House of Parliament".

Insert instead "Minister. The report is to be furnished to the Presiding Officer of each House of Parliament within 14 sitting days after it is given to the Minister".

No. 10 **Reports**

Page 7, clause 19 (3) (d), lines 44 and 45. Omit all words on those lines.

No. 11 **Reports**

Page 8, clause 19 (4), line 2. Insert "Minister who is to furnish the report to the" after "report to the".

No. 12 **Reports**

Page 8, clause 19 (5), line 6. Omit "Commissioner". Insert instead "Minister".

No. 13 **Reports**

Page 8, clause 20, lines 7–22. Omit all words on those lines.

No. 14 **Modern Slavery Committee**

Pages 8 and 9, clause 23 (1) (a)–(e), line 41 on page 8 to line 8 on page 9. Omit all words on those lines. Insert instead:

- (a) to inquire into and report on matters relating to modern slavery,
- (b) to report to both Houses of Parliament on matters relating to modern slavery.

No. 15 **Reports**

Page 9, clause 23 (3), line 14. Omit all words on that line.

No. 16 **Supply chains**

Page 10, clause 25 (1), line 3. Omit "section". Insert instead "Act".

No. 17 **Supply chains**

Page 10, clause 25. Insert after line 45:

- (9) This section does not apply to a commercial organisation if the organisation is subject to obligations under a law of the Commonwealth or another State or a Territory that is prescribed as a corresponding law for the purposes of this section.

No. 18 **Annual reports of government agencies**

Page 13. Insert after line 5:

**32 Annual reports**

- (1) The annual reporting information for a GSF agency under the *Government Sector Finance Act 2018* is to include the following matters:
  - (a) a statement of the action taken by the agency in relation to any issue raised by the Anti-slavery Commissioner during the financial year then ended concerning the operations of the agency and identified by the Commissioner as being a significant issue,
  - (b) a statement of steps taken to ensure that goods and services procured by and for the agency during the financial year then ended were not the product of modern slavery within the meaning of the *Modern Slavery Act 2018*.
- (2) This section commences on the commencement of Part 7.3 of the *Government Sector Finance Act 2018*.

No. 19 **Anti-slavery Commissioner**

Pages 14 and 15, Schedule 1, line 1 on page 14 to line 29 on page 15. Omit all words on those lines.

No. 20 **Secondary education curriculum**

Page 29, Schedule 6.5, lines 1–6. Omit all words on those lines.

No. 21 **Procurement of goods and services by government agencies**

Page 30, Schedule 6.7 [3], line 25. Omit "the steps". Insert instead "reasonable steps that are".

No. 22 **Procurement of goods and services by government agencies**

Page 30, Schedule 6.7 [5], line 37. Insert "take reasonable steps to" after "must".

I again thank all members who contributed to the second reading debate. I reiterate that these amendments were formulated in consultation with the Hon. Paul Green. On that basis, I have brought them to the House.

**TEMPORARY SPEAKER (Ms Sonia Hornery):** The question is that Government amendments Nos 1 to 22 on sheet C2018-021M be agreed to.

**Amendments agreed to.**

**Ms JENNY LEONG (Newtown) (19:55):** By leave: I move The Greens amendments Nos 1 and 2 on sheet C2018-049 in globo:

**No. 1 Consensual sex work not modern slavery**

Page 3, clause 5 (definition of *modern slavery*). Insert after line 23:

but does not include any conduct that is engaged in by sex workers on a consensual basis.

**No. 2 Consensual sex work not modern slavery**

Page 5, clause 12 (c), lines 38 and 39. Omit "(including without limitation reporting by sex workers and bodies or organisations representing sex workers)".

As I said in the second reading debate on behalf of The Greens, the reason for these amendments is that concerns have been raised by the Scarlet Alliance and others who work closely with sex workers and who are involved in their rights and protections. The concerns centre on the intent of the bill being to enshrine protections and to confer rights on women, children and people who are at risk of being trapped by modern slavery. The Greens wish to reassure people that this legislation will not be used in any way to target consenting adult sex workers. The Greens have moved the amendments to bring those concerns to the attention of the House. I take at face value the Premier's comments about the intent of the bill, but it is important to state for the record the need to protect rights. The Greens believe the amendments will provide people with that assurance.

**TEMPORARY SPEAKER (Ms Sonia Hornery):** The question is that The Greens amendments Nos 1 and 2 on sheet C2018-049 be agreed to.

**The House divided.**

Ayes .....30

Noes .....46

Majority..... 16

**AYES**

Aitchison, Ms J  
Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Harris, Mr D  
Kamper, Mr S  
McDermott, Dr H  
Minns, Mr C  
Smith, Ms T.F.  
Washington, Ms K

Atalla, Mr E  
Car, Ms P  
Crakanthorp, Mr T  
Doyle, Ms T (teller)  
Harrison, Ms J  
Leong, Ms J  
McKay, Ms J  
Parker, Mr J  
Tesch, Ms L  
Watson, Ms A (teller)

Bali, Mr S  
Catley, Ms Y  
Daley, Mr M  
Finn, Ms J  
Hoenig, Mr R  
Lynch, Mr P  
Mehan, Mr D  
Scully, Mr P  
Warren, Mr G  
Zangari, Mr G

**NOES**

Anderson, Mr K  
Berejiklian, Ms G  
Constance, Mr A  
Crouch, Mr A  
Donato, Mr P  
Evans, Mr L.J.  
Gibbons, Ms M  
Gulaptis, Mr C  
Johnsen, Mr M  
Maguire, Mr D  
Pavey, Mrs M  
Roberts, Mr A  
Speakman, Mr M

Aplin, Mr G  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Elliott, Mr D  
Fraser, Mr A  
Goward, Ms P  
Hazzard, Mr B  
Kean, Mr M  
O'Dea, Mr J  
Perrottet, Mr D  
Rowell, Mr J  
Stokes, Mr R

Barilaro, Mr J  
Conolly, Mr K  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr A.W.  
George, Mr T  
Grant, Mr T  
Henskens, Mr A  
Lee, Dr G  
Patterson, Mr C (teller)  
Provest, Mr G  
Sidoti, Mr J  
Taylor, Mr M

## NOES

Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

Tudehope, Mr D  
Williams, Mr R

Upton, Ms G  
Williams, Mrs L

## PAIRS

Cotsis, Ms S  
Foley, Mr L  
Haylen, Ms J  
Lalich, Mr N  
Mihailuk, Ms T  
Park, Mr R

Ayres, Mr S  
Brookes, Mr G  
Griffin, Mr J  
Marshall, Mr A  
Notley-Smith, Mr B  
Petinos, Ms E

**Amendments negatived.**

**TEMPORARY SPEAKER (Ms Sonia Hornery):** The question is that the clauses as amended be agreed to.

**Clauses as amended agreed to.**

**TEMPORARY SPEAKER (Ms Sonia Hornery):** The question is that the schedules as amended be agreed to.

**Schedules as amended agreed to.****Third Reading**

**Ms GLADYS BEREJIKLIAN:** I move:

That this bill be now read a third time.

**Motion agreed to.***Matter of Public Importance***BOWEL CANCER AWARENESS MONTH**

**Mr GREG APLIN (Albury) (20:05):** Today's matter of public importance is Bowel Cancer Awareness Month. Australia has one of the highest rates of bowel cancer in the world. The lifetime risk of developing bowel cancer before the age of 75 is around one in 19 for men and one in 28 for women. I am speaking today to raise awareness about bowel cancer and how people can take advantage of the National Bowel Cancer Screening Program, which is a government initiative that aims to reduce bowel cancer death through early detection of the disease. In 2015 Albury was pleased to receive a visit by the Big Bowel. This happened again in 2017 and possibly at other times too—one would think it would be hard to miss.

Bowel Cancer Australia has produced a giant inflatable bowel that people can walk through to gain an understanding of what the bowel looks like and how it works. As the publicity said, "Those with the guts can walk through it." It is visual, it is striking and perhaps a little light-hearted, which can only help. The Big Bowel also presents a great opportunity to understand bowel health and cancer risks. In May this year an Albury surgeon helped lift the profile on bowel cancer screening by discussing the test in the media, saying that people should not feel anxious or be put off by the screening kit. He also stated:

It is very, very simple and the instructions are very clear. You can do it on a weekend, it doesn't impinge on your time or your work or anything.

The surgeon added this important piece of information:

All colorectal cancer starts in a polyp. It does not start as a cancer. There is about a two to seven year time from polyp to cancer. It is a sequence that happens over time. It is a preventable disease in the sense that if you have a colonoscopy and you remove the polyp, you won't contract the cancer.

I understand, according to the Cancer Institute NSW, that on average 42 people in Albury are diagnosed with bowel cancer each year and 13 die from the disease annually. An article in the *Border Mail* quoted Professor Currow of the Cancer Institute NSW and noted that, "Bowel cancer can be successfully treated in 90 per cent of cases if it is detected early." The professor encourages us not to leave the screening kit in the drawer "or wait until you are experiencing symptoms". He went on to say:

Data from the NSW Cancer Registry reveals that more than 50 per cent of people in Albury with bowel cancer find out that it has already spread by the time they are diagnosed, reducing the chances of successfully treating it.

The health messages are clear and concise. We can undertake preventative lifestyle actions. We should do the screening test every two years once we have reached the age of 50 and can wind down from age 74. If the disease is detected early it can be treated and that helps to save lives. As in many communities, Albury-Wodonga has a long and proud history of boosting cancer research by supporting the Relay for Life. It has become quite a tradition on the border, switching location year by year to reflect our common community separated by a river but united in our fight against cancer.

I note that, although the relay will be held from Saturday 27 October into Sunday 28 October, the teams and individuals are already fundraising busily. The relay does provide an opportunity for the Albury-Wodonga community to raise money, but it also honours and remembers loved ones and, in a very literal sense, encourages and celebrates those living with cancer or those who would call themselves cancer survivors. The Relay for Life is no small thing in Albury-Wodonga. Participation has become a rite of passage in many of our schools. Amazingly, the relay has raised more than \$108 million for the Cancer Council in just five years. The top teams in Albury-Wodonga so far this year include: Trinity Anglican College, which has raised \$4,376; Waldo's Cans for Cancer, on \$4,000; and No One Fights Alone, \$2,026. I know there is much more to come.

I encourage everyone to get involved in using the bowel cancer screening kit once they turn 50. Ask your doctor or your pharmacist about obtaining a kit. I, for one, use the kit and can say that this year there was a negative result. While that is certainly good news, a positive result is not to be feared. The answer might not be cancer. But, should it be cancer, we can seek answers and undertake treatment earlier than might otherwise have been the case. So the question I ask is: What are you doing for Bowel Cancer Awareness Month? Do not be shy. People are hearing about the at-home screening test and are going through the motions.

**Ms KATE WASHINGTON (Port Stephens) (20:10):** Tragically, bowel cancer claims the lives of more than 80 Australians each and every week. It is Australia's second deadliest cancer. It is also one of the most treatable types of cancer if detected early. June is Bowel Cancer Awareness Month and I praise Bowel Cancer Australia for its ongoing fundraising and advocacy work across the country. On Wednesday 20 June we will see advocates and campaigners out and about for Red Apple Day. Red Apple Day is an opportunity for people to support the vital work of Bowel Cancer Australia through the purchase of a Bowel Cancer Awareness Ribbon and through apple-themed fundraising activities. As I have noted in this place before, one of the greatest barriers to early detection of bowel cancer is convincing otherwise healthy people to take the test. That is why public health campaigns such as Bowel Cancer Awareness Month, the Don't Wait Until It's Too Late campaign and other local initiatives are so important.

I was delighted to see Bowel Cancer Australia awarded the title of NGO of the Year for 2017 in the PRIME Awards, which recognise the contribution of non-government organisations to the quality of Australian health care. This award is well deserved and it follows the 2016 award for excellence that Bowel Cancer Australia also received. Through the hard work of Bowel Cancer Australia and other agencies, the public attitude towards bowel cancer and early screening is starting to change. Australians between the ages of 50 and 74 now receive a routine testing kit in the post encouraging them to participate in the National Bowel Cancer Screening Program. This discreet process has had an incredible impact already, increasing the rates of screening dramatically. This relatively simple early intervention process has undoubtedly saved many lives already.

Of course, any person with known risk factors for bowel cancer should speak with their general practitioner about how they can reduce their risks—and have a conversation about other options available to them to enable early detection. The risk factors for bowel cancer include smoking, high alcohol consumption, physical inactivity, obesity and type 2 diabetes. Around a quarter of people diagnosed with bowel cancer have some family history of the disease. Like most cancers, bowel cancer does not discriminate. Women and men are both susceptible, young and old, fit or frail. This disease does not necessarily present with symptoms, and 75 per cent of people who develop the disease have no family history of the illness.

Unfortunately, participation rates for the National Bowel Cancer Screening Program vary significantly across New South Wales. According to the Bowel Cancer Australia Atlas, around 30 per cent of residents in my electorate of Port Stephens participate in the program. In Bourke, in regional New South Wales, the figure is closer to 17 per cent. So there are obvious issues to deal with to ensure that communities across the State participate in this program equally. New South Wales residents who live outside Sydney have better completion rates than Sydneysiders. In fact, 29 per cent of Sydneysiders return their tests compared with 32.5 per cent of non-metropolitan New South Wales residents. It is an unfortunate phenomenon that regional areas usually participate less in programs such as this, which, unsurprisingly, correlates with poorer health outcomes.

The 3.5 per cent difference between Sydneysiders and non-Sydneysiders could represent thousands of extra tests and, of course, could save lives through early detection. This disparity needs to be addressed. I thank the member for Albury for bringing this matter of public importance before the House. I urge everyone who receives a screening test kit at home not to ignore the kit. Do not put it on the kitchen bench, do not put it in the office—just do it. Bowel Cancer Awareness Month has a positive message, which is that early detection saves lives. I say to everyone: Join the bowel movement and use the screening test, because bowel cancer is preventable, treatable and beatable.

**Mr AUSTIN EVANS (Murray) (20:15):** Bowel Cancer Awareness Month is an annual initiative of Bowel Cancer Australia that runs throughout June to raise awareness of Australia's second deadliest cancer. Bowel cancer claims the lives of more than 80 Australians every week. Bowel Cancer Awareness Month has a positive message about saving lives through early detection, as bowel cancer is one of the most treatable types of cancer if found early. We know that 90 per cent of cases can be prevented through early detection. Bowel screening involves testing for bowel cancer in people who do not have any obvious symptoms of the disease. The aim is to find cancers early, when they are easier to treat and cure. Screening can also find polyps, which may develop into cancer over time. Bowel cancer often develops without any early warning signs. The cancer can grow on the inside wall of the bowel for several years before spreading to other parts of the body.

A screening test called a faecal occult blood test is used to collect samples of bowel motions, which are then analysed to detect tiny traces of blood that are invisible to the naked eye. The screening test cannot diagnose bowel cancer, but the results will indicate whether a further test—usually a colonoscopy—is needed to rule out bowel cancer. Although it is a rather successful program, the problem is that, despite the program running for more than 10 years, it is not getting the necessary penetration among the general public. Men tend not to participate in the program. We know that between 40 per cent and 50 per cent of those sent a kit will return it but, for men, the return rate is significantly lower. Men have to get over the perceived stigma of doing the test. The Cancer Council WA website gives advice on how to participate in the screening test. It states:

#### THE 5 DO'S

1. DO your pee before your poop. Empty your bladder and then flush the toilet (this helps to keep the stool sample as accurate as poo-ssible)
2. DO place the Float Collection Sheet print side up in the toilet bowl. This acts as a floaty for your poo and makes collecting a sample super easy. The Float Collection Sheet won't affect your toilet system once you flush it, amazing!
3. DO use the blue envelope provided. The return address is prefilled to ensure your poo doesn't land in the wrong hands, now that would be crap!
4. DO label your sample correctly by printing your name, date of birth and date of sample on the adhesive label provided. Make sure to stick your label on the collection stick not the transport tube.
5. DO repeat the test every 1-2 years starting from age 50. Now you know how easy it is, make sure to keep up regular testing.

#### THE 5 DON'Ts

1. DON'T change your diet or medication. We're looking for an absolutely stellar sample of your poop and don't want any changes in your diet to affect this.
2. Please DON'T fish your poo out of the toilet and mail it us... that's just gross! Use the tip of the Blue Stick to poke your poo and drag back and forth until you have NO MORE than the size of a grain of rice on the end of the stick. Push the stick into the collection tube until it clicks shut. Repeat the process using the Red Stick 2-3 days after you've collected your first sample. Easy!
3. DON'T freeze your doodie! It does however need to be stored between 2-10 degrees until you post the envelope. The fridge is a perfect spot for this.
4. DON'T forget to fill in the 'Senders Name' and 'Senders Address' and 'Sender's Signature' details on the blue envelope so we know whose poop's whose.
5. DON'T be afraid to test your poo. Bowel cancer is a lot scarier. Early detection is your best chance of survival.

**Mr GREG APLIN (Albury) (20:18):** In reply: I thank the member for Port Stephens and the member for Murray for their contributions to this discussion. Bowel Cancer Australia, a non-government charitable organisation dedicated to the prevention, early diagnosis, research, treatment and care of people affected by bowel cancer, has been raising the alert that Australians have low levels of awareness about bowel cancer and the availability of a simple screening test for the disease. I understand that in New South Wales the bowel cancer screening participation rate is about 39 per cent overall. The participation rate in women is 41 per cent, while 37 per cent of men are taking advantage of the national program.

Bowel Cancer Australia and the State and Federal governments are taking leading roles in the promotion of screening. But the way in which many of us, including me, first become aware of the screening kits is through



the efforts of Rotary Australia. Rotary Bowelscan is the initiative of more than 300 Rotary clubs across Australia. Pharmacies help out by distributing Bowelscan testing kits within their neighbourhoods. I recall participating with my local Rotary Club of Albury Hume in setting up stalls in major shopping centres. These campaigns were supported with community service television advertisements and coverage in the press, and by pathology laboratories that participated at cost. The brain behind Rotary Bowelscan was Dr Bill Brand, a member of the Rotary Club of Lismore, who identified the need for a low-cost, easy-to-use diagnostic test for bowel cancer. This was back in 1982.

Since then, this initiative has resulted in possibly thousands of people getting an earlier diagnosis—bearing in mind that the screening kits are designed to be used by people who appear healthy. Rotary still promotes the self-testing kits and markets their availability through local pharmacies. Working together, we have seen a decrease in the rate of deaths due to bowel cancer in New South Wales. If we could bring about an increase in the participation rate to something of the order of 60 per cent, it is estimated that approximately 300 lives could be saved each year in New South Wales. Early diagnosis can mean less invasive and shorter courses of treatment because, in general, the cancer would be less advanced.

In our public education campaigns, such as Bowel Cancer Awareness Month, we must remember that many barriers to taking the test must be overcome—and the member for Murray spoke of those barriers. These include low levels of health literacy, and lack of knowledge about risk factors for bowel cancer and how the screening test works, as well as language and cultural barriers and so on. It is up to each one of us, therefore, to seize the opportunity presented by Bowel Cancer Awareness Month to assist, where we can, to get the message across to all people so that the good news about these simple kits is passed around and acted upon.

*Private Members' Statements*

**PROSPECT ELECTORATE INFRASTRUCTURE**

**Dr HUGH McDERMOTT (Prospect) (20:21):** The electorate of Prospect is a great area in Western Sydney. People come to this area to raise their families in quiet suburbia and to give their children the best possible start in life. But our area needs more than we are getting from this Liberal State Government. Next sitting week, Premier Berejiklian and Treasurer Perrottet will hand down their 2018-19 budget. After eight long years, it is far past the time that the Prospect electorate should have received its fair share from this Government. Fairfield Hospital is a major hospital in our area but it has not received the funding it needs from this Government, or the staffing, or the capital expenditure. It has not received a dollar from a State budget in eight long years.

Back in 2014 the Government committed to \$6 million in upgrades to Fairfield Hospital's emergency room and maternity ward. But since then two families suffered preventable deaths due to understaffing in the maternity ward; 86 young mothers were accidentally given the wrong vaccine, endangering their lives and the lives of their children; and 29 per cent of patients have waited four hours or more in the emergency department. The Liberal Government has not started work on the upgrades it promised. I visited Fairfield Hospital recently and I saw construction works. I was amazed. Was the Minister for Health finally delivering on the hospital's master plan? Was Fairfield Hospital finally getting the attention it deserves? No, not at all. According to hospital staff, the emergency room is getting rearranged, with new chairs and a lick of paint. It is just not good enough. We want the upgrades we were promised so that this hospital can save lives.

Residents of Blacktown and the north of the Prospect electorate have waited eight long years for an upgrade to one of the worst arterial roads in Western Sydney. It is unacceptable that the main toll-free route from Blacktown's central business district to the M4 and Great Western Highway is a one-lane road. It has been four years since the planning stage of the project concluded after the Liberals spent an eye-watering \$9.6 million on consultants. To this day locals still spend between 20 to 30 minutes driving the four kilometres between the Blacktown central business district and the M4 due to traffic congestion that backs up for hundreds of metres. In the meantime, instead of funding the important upgrade, this Government has poured billions of dollars into stadiums in the eastern suburbs. The incompetence is astounding. The Government gets \$10 million to build a road, and eight years later there is no money and no road.

Then there are our schools, which are overcrowded. Five local schools are at capacity, with eight others at 85 per cent capacity. Meanwhile, every year more families move into our area. The State Government's solution is more substandard demountable classrooms. Bossley Park High School has 19 demountables; Girraween Public School has 35. Half of those buildings are more than 20 years old. That is simply unacceptable. Meanwhile, many of our schools need more than half a million dollars to fix their backlog of under-maintained carpets, roofs and facilities. As the demographics of the suburbs of Western Sydney change and as more young families move in, the electorate of Prospect needs better parks and better school infrastructure.

While the demographics change in Western Sydney, the priorities of this Government do not. It does not prioritise our hospitals or our schools. The Government prioritises stadiums that no-one wants, and a light rail system in the eastern suburbs that no-one asked for. Enough is enough. It is time that families in Western Sydney get what they deserve in the upcoming State budget. These are not unreasonable demands. The families in the electorate of Prospect are not asking for facilities that are not found in other areas. They are asking for the basics that they need to have stable jobs, healthy families and a good education for their children. Time and time again this Government refuses to prioritise our area. We never get the resources that are given to other regions of Sydney such as the eastern suburbs or the north shore. I call on this Government to do the right thing by the people of Prospect in the upcoming budget.

**Mr JOHN SIDOTI (Drummoyne) (20:26):** It is always great to hear private members' statements, because it gives members a chance to say how wonderful their electorates are. I did not hear that at all. It is a shame that the member for Prospect does not advocate properly because he might get the upgrades. We should look at the record amount this Government is spending on hospitals. Blacktown Hospital just around the corner from the Prospect electorate is a classic example. There are 4,500 road projects taking place in New South Wales as we speak.

**Dr Hugh McDermott:** Not in Prospect.

**Mr JOHN SIDOTI:** It is up to the member for Prospect to advocate strongly for his electorate. If he keeps making private members' statements that do the complete opposite, I wish him the best of luck.

#### DAVIDSON ELECTORATE PUBLIC TRANSPORT

**Mr JONATHAN O'DEA (Davidson) (20:27):** Growing global cities such as Sydney need a reliable, accessible public transport network. Recently I spoke in this place about public transport in my electorate of Davidson. With an increasing and ageing population it is important that everyone can access our public transport network. The New South Wales Government's \$1.3 billion Transport Access Program continues to deliver stations that are accessible for everyone, including people with a disability or limited mobility, and parents with prams. There are 173 out of 307 train stations in New South Wales that are now wheelchair accessible. That number continues to grow as the Berejiklian Government invests far more into that vital infrastructure than the former Labor Government did.

In 2017 Berala, Marrickville, Oatley, Broadmeadow and Asquith stations were improved to provide easier access to public transport, with features such as lifts, family accessible toilets and accessible parking. In 2018 Jannali, Leura, Narwee, Penrith, Wentworth Falls and Homebush stations gained accessibility upgrades. Eastwood, Edgecliff, Harris Park, Merrylands, Panania, Toongabbie, Rooty Hill, Berala, Ashfield, Pendle Hill, Victoria Street, Wentworthville, Blacktown, Croydon and Flemington stations are in planning and construction stages for accessibility upgrades now. However, there are still numerous places that are yet to receive those essential upgrades. The need for access upgrades is particularly acute in my electorate of Davidson, where Roseville and Killara train stations still lack appropriate accessibility provisions, as do other stations further up the T1 North Shore line. According to the 2013 Transport for NSW analysis, Roseville and Killara stations were the eighth and ninth railway stations most in need of lifts.

I have campaigned for many years to see those two stations receive access improvements. In an area of growing population with accessibility needs, this has been unacceptable to date. The community overwhelmingly supports the upgrades. Just over a month ago I launched an online petition where constituents could express their views on the matter. There were 370 people who actively indicated support for accessibility upgrades for Roseville and Killara stations, with 53 per cent preferring to see Roseville station upgraded first, 22 per cent preferring Killara station to be upgraded first, and 25 per cent ranking both as equal priority for upgrades. I also canvassed people personally at the railway stations on their views about the need for access upgrades. On the whole I received very positive feedback and saw numerous cases of parents dragging prams up flights of stairs and people with limited mobility clutching the stair rails as they struggled to enter and exit the station, going up and down sometimes more than 60 stairs. I also note the need for access upgrades to respect the heritage features and landscaping within the station areas.

This week the Premier, Treasurer, and Minister for Transport and Infrastructure announced a further \$133 million investment in the New South Wales Government's Transport Access Program next financial year, including funding for Roseville station. It is fantastic that planning for the installation of a new footbridge, two new lifts and improved lighting for Roseville station will soon begin, following my constituents' feedback and my consistent lobbying efforts. Access upgrades for Roseville and Killara stations are overdue. My local community understandably expects to be able to use its local train stations, no matter what their age or ability—as people increasingly can in other parts of New South Wales. I put on record my appreciation to the Minister for Transport and Infrastructure for the welcome announcement regarding Roseville railway station. I again ask him to consider

the needs of the Davidson community further and approve access upgrade funding for Killara station in the near future.

### LISMORE ELECTORATE FUNDING

**Mr THOMAS GEORGE (Lismore) (20:32):** It has been a big week in the Lismore electorate with the Barilaro-Berejiklian Government continuing to deliver for regional New South Wales, especially in my area on the North Coast. Last week I had the pleasure of visiting preschools in Lismore, Kyogle and Murwillumbah to announce much-needed funding provided through the Quality Learning Environments Fund. I congratulate the Bundgeam Preschool, Cawongla Playhouse, Woodenbong Preschool, the Channon Children's Centre, Clunes Community Pre-School, Dunoos Preschool, East Lismore Community Preschool, Goonellabah Pre School, Lismore Preschool, Nimbin Preschool, Richmond Hill Community Preschool, Rosebank Community Preschool, Tyalgum Community Preschool, Chillingham Community Pre-School, Mount Warning Community Pre-School, Rosellas Community Pre-School and Uniting Preschool Murwillumbah.

Those preschools shared nearly \$24,000 that is thoroughly well deserved and appreciated. Not only will this funding improve the quality of the learning environment for children but parents can also rest assured that their children are having the best possible start to their educational journeys. Having been in this place for quite a while, I can say one of the most rewarding parts of the job is being able to announce funding, witness construction of projects and then visit to see the finished product. While it is always great to see the development of major infrastructure, it is often the smaller, community-driven projects that have the most impact.

Just last week I was able to visit the Life Education van during its visit to Blue Hills College in Goonellabah. Most of us would be very familiar with Healthy Harold. The giraffe is well known among children and adults in regional New South Wales as a regular feature at local schools to teach students about the benefits of healthy lifestyles. In the last round of Community Building Partnership grants, I was proud to provide \$5,000 to Life Education for the installation of an E-smart touchscreen monitor to be installed in our local van. The new technology allows Healthy Harold to continue his important work in our community, delivering vital health and safety messages to local children in an exciting and engaging way.

My electorate of Lismore plays host to a vast array of sporting and cultural events each year. We are continually securing our status as the regional hub of the Northern Rivers. During his recent visit, Minister for Multiculturalism Ray Williams and I announced \$5,000 for the Lismore Friendship Festival Piazza in the Park event. It is being held on Sunday 24 June and is a fantastic, free, family-friendly community event that encourages residents and visitors to become Italian for the day. Even I take part in it. The Italians in the Northern Rivers really opened up the country many years ago. In terms of its agriculture and small crops Lismore was built by the Italians. They have done a fantastic job. The Lismore Friendship Festival Piazza in the Park is a really great event that brings back a lot of memories. At the same time, it provides the Italian community with the opportunity to share their heritage, their love of food and have a wonderful time with the local community.

I attended last year, along with 3,000 others who the event brought to Spinks Park in the centre of the central business district. The outdoor riverside location is filled with music, food and wine, along with diverse activities that have a distinctive Italian twist. We also recognised Ellie Gava for her 30 years of service to the community at St Josephs and for her contribution to the community at large. That the Minister recognised her efforts was greatly appreciated. I am very much looking forward to attending with Ellie and everyone else at the Piazza in the Park on Sunday 24 June.

### CATHERINE HILL BAY SEWERAGE SERVICES

**Ms YASMIN CATLEY (Swansea) (20:37):** I lend my support to the community of Catherine Hill Bay and the surrounding suburbs in its fight to save what is currently one of the most pristine beaches in New South Wales. A private water utility provider, Solo Water, has been granted a licence to operate and deliver water and sewerage services in Catherine Hill Bay, servicing a new estate. Solo Water has now applied for a licence variation, which seeks to vary the licence conditions relating to the disposal of surplus recycled wastewater generated from the new housing development. Under the current licence, excess recycled water must be disposed of via on-site irrigation. However, the developer wishes to develop the land currently being used as the irrigation and instead discharge excess treated recycled water to the downstream environment.

The proposal suggests that the recycled water could be discharged to the lagoon, which then feeds onto the beach at Catherine Hill Bay. It is fair to say that the community is absolutely outraged by this proposal, and so am I. On Sunday the communities from Murrays Beach, Nords Wharf and Catherine Hill Bay rallied together to demonstrate that they will not stand for this kind of environmental vandalism by a private company—or anyone, for that matter. The village of Catherine Hill Bay is a State Heritage-listed township that backs onto the Munmorah

State reserve. While it has a growing population, this small community remains incredibly passionate about protecting its local environment, especially the beach.

The residents feel as though they have been led up the garden path by the developer of this estate and that this licence variation is a breach of trust by Solo Water. The original application was granted on the basis that any surplus would be treated within the original footprint of the proposed development. The Catherine Hill Bay Progress Association has quite rightly pointed out that the developer would have always known how many properties were to be built and should have set aside land accordingly. The NSW Environment Protection Authority [EPA] has suggested that the variation to permit discharge into waterways poses unacceptable risks, and it has recommended that the application not be approved. The EPA also outlined five steps which Solo Water—as a bare minimum—should have taken to ensure risks were appropriately managed.

Solo Water has failed to take each one of those five steps. Solo Water's proposal to vary the licence is also inconsistent with the Coastal Management Act 2016, because it may increase the risk of coastal hazards by destabilising a coastal lake or watercourse entrance. A coastal hydrology impact assessment suggests that the larger additional discharge may cause a closed entrance to artificially break out, due to the creek level rising above the crest of the entrance berm. Lake Macquarie City Council has also identified that the proposal is inconsistent with the Munmorah State Conservation Area Plan of Management, despite assertions by Solo Water that the discharge is unlikely to detract from the plan of management.

The proposed variation would have significant adverse impacts upon ecological, scientific, cultural and aesthetic values within the Munmorah State Conservation Area. Solo Water has claimed that a land capability assessment is unnecessary for this application and maintains that the proposal will not result in significant impacts. How can this be the case when no assessment has been undertaken and there is no environmental impact statement? The licence variation is something that I have raised with both Minister Upton, in her capacity as the Minister for Environment, and Minister Harwin, in his capacity as Minister for Energy and Utilities. The community is vehemently opposed to any proposal which would see the pristine environment around Catherine Hill Bay degraded and I am strongly supportive of their efforts to have the proposal rejected.

The waterways which Solo Water has proposed to discharge recycled water into currently provide a safe haven for children and families to swim in when the surf is too rough, and they are vitally important to the biodiversity and water health in the Lake Macquarie area. This proposal is nothing more than environmental vandalism for the sake of bigger profits for the developer. I again call on the Minister for Energy and Utilities to reject this proposal and require Solo Water to dispose of surplus water in a way that is environmentally sustainable and that protects our local communities. I particularly thank the members of the Catherine Hill Bay Boardriders Club for organising Sunday's event. They came out in force in support of the amazing community that they love. They will not cop any sort of environmental vandalism.

#### **BARRENJOEY HIGH SCHOOL FIFTIETH ANNIVERSARY**

**Mr ROB STOKES (Pittwater—Minister for Education) (20:43):** I congratulate Barrenjoey High School on its fiftieth anniversary this year. If members are keen to visit Barrenjoey, they need to drive north and cross the Narrabeen Bridge until they enter the people's republic of Pittwater. If they keep driving north around the Bilgola bends they will arrive at the impossibly, breathtakingly beautiful town of Avalon Beach. If they head to the beautiful brand-new architect-designed surf club on the beachfront and follow the yellow brick road it will lead them to probably one of the most astonishingly sited public high schools anywhere on the east coast of Australia or indeed in the world. Opened in 1968, the school offers an incredible learning environment for its students and is a wonderful hub for the local community.

Some of the aesthetic and symbolic treasures in the school are the multiple courtyards and the doughnut buildings designed by Michael Dysart, which sit in the open space that the classrooms and administration buildings surround. The courtyards have been set out with seating, trees and planter boxes, and act as open spaces for students when they are not in class. In what I see as a beautiful demonstration of community spirit, parents worked as volunteer gardeners to plant, maintain and nurture the courtyard spaces. They gave their free time to look after these little sanctuaries, improving the school for the benefit of students and the community as a whole. This is just one example of how the school is a wonderful reflection of the volunteer spirit that burns brightly in our local community and of the myriad selfless acts of our residents that make Pittwater such a special place to live and to visit.

Members of the Barrenjoey High School community have been great champions of their children's education and of Pittwater as a whole. They came out in force to build the school hall in the early 1990s. With no hall on school grounds, it was originally suggested that the school sell its tennis courts to fund the project. That was simply not good enough for the local community. It had the foresight to understand that selling public land for short-term gain would harm the school in the long term. Instead, parents such as Joy Cullis stepped up to the

plate, and the school community came through with an extraordinary \$300,000 of their own money for the project. Combined with matching funding from the State Government and the Federal Government gained as a result of community lobbying, the school was able to build the hall without having to sell the tennis courts.

A more recent example of community spirit relates to the Avalon Youth Hub. In the wake of recent tragedies and the ongoing challenges of mental health and wellbeing, the school community, community health representatives, the Primary Health Network, the Burdekin Association, headspace, Mission Australia, CatholicCare Sydney, Northern Beaches Council, the surf club and local churches are working together to ensure that local young people are supported. The community recently banded together again to build the Barrenjoey Community Performance Space. I am proud to say that, in response to the hard work of local people who have reached into their own pockets to support the project, the New South Wales Government is providing more than \$1 million as leveraged finance for this great community initiative.

As its name suggests, it will be an invaluable school asset for school plays, concerts and performing arts events. It will also be available for community arts groups and members of the general public to run events that contribute to the cultural vibrancy of Pittwater. This project is an example of how local communities, and particularly schools, can share assets to create a win-win situation for all involved. The school has benefited for generations from strong leadership. I mentioned Joy Cullis, but other people like Kim Hoggard, Liz White, Kalinda Mawson, Richard Cole—to name just a few—have also contributed. Of course, the school students are central to the operation and indeed the very existence of Barrenjoey High School.

The school's alumni is a veritable who's who of academic, cultural and sporting high achievers. They include Australian National University Climate Change Institute Director Dr Mark Howden; economist Dr Shane Oliver; Olympians Nina Curtis and Tom Laurich; Dr Meg Montgomery, a senior official with the Department of Education; and Sue Calvert, who works at the Department of Premier and Cabinet. Dan Hill, who works in my office, is an experienced and capable lawyer and adviser. Others include author Penny Watson; my sister-in-law Kate Harper; Archibald winner Wendy Sharpe; and musicians Angus and Julia Stone. They are just a few of the high-flyers who studied at Barrenjoey High School. The notable locals, the Poppletons, have sent hundreds of family members to the school.

The Barrenjoey High School Band, founded by teachers Helen Oberg and Sue Walker, has been a catalyst for the strong musical culture that carries on to this day at the school. It even beat bands from around the world at the Pan Pacific Band Competition in Hawaii. I acknowledge teachers Jim and Judy Simpson, Sue Martin, Russell Rogers, Terry McEwen, Scott Shaw, Walter Oliver, Milton Brown, Col Thompson, Andrew "Grunge" Grunseit, Michelle Standish—the proud mum of Jane Standish, who works in the office of the Minister for Finance, Services and Innovation—Rex Bolte, Julie Robinson, librarian Laraine Rawling, George Morrow, Graham Roe, John Ward, Lynette Russell, and the wonderful principal Ian Bowsher, to name a few. I am extremely proud of the incredible Barrenjoey High School, which is an incredible school and an integral part of the local community. I am proud to salute it.

#### NATIONAL DISABILITY INSURANCE SCHEME

**Ms TAMARA SMITH (Ballina) (20:48):** I draw the attention of the House to a forum I held last week with more than 20 National Disability Insurance Scheme [NDIS] providers and services that work with people living with a disability in my electorate. The focus of the forum was how service providers are navigating the rollout of the NDIS and transitioning clients living with a disability from New South Wales Ageing, Disability and Home Care [ADHC] to the NDIS. The forum also considered how providers were supporting Aboriginal people in my electorate to transition or register with the scheme and identify the barriers to engagement.

I was incredibly fortunate to have as my co-chair cross-cultural expert Dianne Creighton. Dianne Creighton is a respected Aboriginal woman in my community who has worked across mainstream health, ageing and disability sectors since 1974. A value add for the forum participants was that moving forward we are now a grassroots and local network in the disability sector. I am grateful to everyone who attended the forum and their organisations for supporting my better understanding of the issues they face in the NDIS world. This informs my work as an advocate on behalf of people living with a disability in my community and their families.

Since the beginning of the rollout, service providers have been in competition with each other and have been forced to work in silos as they struggle to navigate the scheme and keep up with the rapid and constant changes in the rules, procedures and details. The Chief Executive Officer of Lifebridge Australia, Bronwyn Mitchell, told the forum that over the past 18 months her service had been focused on the transition from ADHC to the NDIS, and the staff and their clients had been able to do little else. This is in the context of massive funding cuts, which are often announced with no notice.

The manager of Lismore Home Modification Service, Rod Burley, told us how his business has been hit hard with the changes to the provisions dealing with modifying homes for people living with a disability. Clients are waiting up to six months, and sometimes longer, from the time they get a quote from his service to modify their home until the application is processed by the National Disability Insurance Authority [NDIA]. Can members imagine being in a wheelchair and waiting six months to have their home modified?

Jenny London, from Realising Every Dream, spelled out the harsh obstacles facing Aboriginal people living in regional communities. To register for the NDIS, applicants must download a form and print it. However, before clearing those hurdles, they must first know what the NDIS is and how to access it. Jenny and Dianne Creighton both told us that at first many people in the Aboriginal community thought the NDIS was the NBN because acronyms are rarely explained. For people in very low socioeconomic circumstances, let alone those with a disability, access to the internet and a printer are hurdles that might take weeks or months to clear.

The next step for a new client is to spend a minimum of one hour on the phone with someone from the NDIA. That person may not have much experience working with people living with a disability even though they are administering a disability insurance scheme. We heard horror stories on the day, including one about a blind client being asked to read something out over the phone to an NDIA worker and another about an NDIA worker asking a parent if her child was born with Down syndrome. Having overcome these hurdles, a new client may then be required to spend up \$5,000 on assessments from doctors, specialists and occupational therapists to prove their disability and the details of their disability.

In addition, there are huge waiting lists in regional areas even for appointments to have those medical assessments. I would have struggled to find that kind of money as a single parent on a teacher's salary, let alone as some with a disability. This is just the tip of the iceberg of issues facing people living with disabilities as they transition to or enter the NDIS. We must do much better. If members think this is a Federal issue and not relevant to New South Wales, they should think again. We had the option of transitioning to a hybrid system like that adopted in Western Australia, which would have allowed us to retain ADHC as we transitioned to the NDIS. That would have been more gentle for clients and service providers. It is lamentable that the New South Wales Government did not do that. The service providers are grim because non-profit organisations are being forced to make decisions from a profit perspective, and that is hindering their ability to service their clients effectively. I am particularly and extremely concerned about Aboriginal people in my electorate and the hurdles they must overcome to access the scheme.

### WOLLONDILLY ELECTORATE DROUGHT ASSISTANCE

**Mr JAI ROWELL (Wollondilly) (20:53):** Almost two years ago to the day, Wollondilly and the Southern Highlands were experiencing one of the worst storms ever to hit the area. Ultimately, we lost many homes and one life, and businesses in the main street of Picton were destroyed. Too much rain fell in a very short time. Only now are we starting to recover, with the effects still being felt in some sections of our community. Two years on, the opposite is the case. Wollondilly and the Southern Highlands are facing a drought that is pushing our farmers to the brink. It is devastating farms that have been in families for generations.

Drought is affecting the entire State and, indeed, many parts of Australia. May was an extremely dry month in Australia—in fact, it was the third driest month on record. I know personally of many farmers in my electorate who have had to offload all their livestock because they cannot afford to feed them. Farmers are being forced to make some very difficult decisions. In one case, farmer John Fairley, owner of Country Valley Milk, took his plight to the public and ran a campaign for the community to adopt a cow to help pay for feed. He said on television and wherever someone was listening:

The time has come to swallow my pride and ask for help. The realisation that we will be fully feeding cows, all winter has arrived. Even if it rains next week and we get crops in, it will get cold and we will still have no feed. My 83-year-old Dad said he has never seen it worse than this.

Putting his pride aside, he asked for help—and I can tell you, as I know him, that was a big step. But the community came to his aid, helping to adopt many of his cows to get him through winter. Feed is costing him more than \$7,000 a week, let alone the need for water. He is now helping other farmers. That is the Wollondilly spirit. That is what we do. However, this innovative approach cannot help everyone, and many of my local farmers are doing it tough.

My electorate is generous and I commend people such as Sharon Robertson who came up with the Dilly Drought Drive to raise money to purchase water and feed for local farmers. I also thank the Lions Club of Tahmoor for getting involved and, of course, everyone sponsoring them, such as the Rotary Club of Picton, Derks Pet and Rural, Bendigo Bank Picton branch, The Oaks Butchery, The Oaks Farm Supply and Downes Wholesale Nursery, to name but a few. Today I met with an organisation that is looking to donate \$20,000 to help local farmers through the Dilly Drought Drive.

Not only does this drought place financial and marital strain on farmers but it also increases the risk to one's mental health. As the former Minister for Mental Health I was proud to introduce more support for mental health in regional, rural and remote communities, including the introduction of mental telehealth. However, this does not bring the rain. Farmers are our backbone. Without them, the nation stops working. Our food does not come from a supermarket alone—it comes from our farms. Wollondilly is a large producer of beef, fruits and many other agricultural products. Our farmers need help. That is why I continue to raise their plight with the very highest levels of government.

It is great that the New South Wales Government is assisting our farmers. For example, DroughtHub provides a one-stop online destination for information on a vast range of services and support available to primary producers, their families and communities to prepare for and manage drought conditions. We on this side are committed to working closely with farmers, industry and stakeholders and have delivered a \$300 million drought package to ensure New South Wales is better prepared for future drought conditions. The programs include the Drought Transport Fund of low-interest loans; the Farm Innovation Fund, which is a loan scheme for capital works to a value of up to \$250,000 for infrastructure to help droughtproof farms into the future; transport of donated fodder with 100 per cent of the cost of transporting fodder, acting in conjunction with community groups; the Animal Welfare Transport Subsidy; the Farm Business Skills Professional Development Program; and Farm Debt Mediation, to name but a few.

I have also been talking to government about what other measures can be put in place, including having the NSW Drought Coordinator visit Wollondilly farmers. We need more help. We need rain, we need water and we need fodder. I will continue to put our farmers' plight to government and community so we can help those who keep the nation ticking. I call on the Government to continue its strong track record of helping farmers and ask that we find even more ways to help. I look forward to having more to say in future about additional initiatives of the Government. As I said at the start of my speech, only two years ago we were talking about storms and too much rain; now there is not enough. I am proud to represent an electorate where, regardless of the circumstances, we come together to help one another and lend a hand. In this case we need government at all levels—local, State and Federal—to come together and help even more than it is already. We do not want to lose our farmlands nor our farmers. To our farmers, I say this: We are with you every step of the way.

#### MYALL LAKES ELECTORATE INFRASTRUCTURE

**Mr STEPHEN BROMHEAD (Myall Lakes) (20:58):** I inform the House of exciting news in my electorate of Myall Lakes over the past week. Last week the New South Wales Cabinet Ministers and the Premier came to the electorate. The first big announcement of which I wish to advise the House is a \$50 million roads package for local roads. The number one issue when I tour the electorate is the plight of the council and the condition of roads. The local roads in my electorate are in such poor condition that they are about to turn to rubble. The newly amalgamated council of three councils also absorbs the water utility, so it is really a four-council amalgamation.

The water utility came to the party with \$180 million worth of debt, so the council came to me and said, "With the special rate variation we've received we can borrow \$50 million on a special low-interest loan for amalgamated councils. Can you get the Government to match that dollar for dollar? We don't want to come with a begging bowl. We want to help ourselves and lift ourselves up by the bootstraps, but it would be great if the Government could match us and help us dollar for dollar." That makes a \$100 million roads and bridge package for local roads in the Myall Lakes electorate, on top of the \$30 million road package through the original moneys in the amalgamation and the savings that have been found. This is also on top of funding for the Martin Bridge and the further \$20 million we are fighting to get for the Cedar Party Creek Bridge.

I have spoken about this in the Parliament on numerous occasions. I have had meetings with the roads Minister, Melinda Pavey. The community has petitioned and is absolutely behind this. I congratulate MidCoast Council and Mayor David West for their advocacy and initiative in taking on this challenge, approaching me and getting the Government behind it. This amalgamation is a unique situation, as I said, and therefore it needed something special. No other area in New South Wales has this complicated amalgamation of councils and a \$180 million backlog in road and bridge infrastructure. This can now be addressed over a four-year period so that children can go to school safely, communities are connected and freight can move from one place to another rather than using the number of bridges with weight restrictions and other restrictions—the old wooden bridges that are falling down.

The next announcement I want to talk about is the \$128,000 for the police citizens youth club [PCYC], with a further \$124,000 from Minister Toole. It is \$128,000 from the Government and \$124,000—we are matching the PCYC movement for upgrades, repairs and refurbishment. It was great to see that the loop of the road in front of the PCYC was upgraded a couple of years ago with a \$19,000 Community Building Partnership grant, but the entrance road still needs fixing. I have spoken to MidCoast Council about that.

The next announcement was for the Manning Base Hospital. I thank the Premier and Minister Brad Hazzard who attended the hospital last Friday for the announcement of \$20 million to enhance stage one. That makes \$40 million for stage one. The first part of stage one will be completed in November this year. That is another \$40 million to continue with that build for new oncology, new renal dialysis, a car park underneath, another double-decker car park, and a purpose-built second floor for medical imaging. With the second \$20 million, the medical imaging will go into the purpose-built floor and free up for other works the space it currently occupies. I thank the general manager, Jodi Nieass, the Hunter New England Health board, the Hunter New England Health Chief Executive Officer Michael DiRienzo and Brad Hazzard for their assistance. I congratulate the staff, who deserve the best work environment. The community deserves a great hospital to go to. I am fighting for funding for stage two redevelopment.

Minister Don Harwin announced \$1.8 million in arts and culture funding for the Manning Entertainment Centre, the Taree Film Society, the Manning Regional Art Gallery and the Lake Street Gallery in Forster. I congratulate Bob Berrigan, Tim Stack, Maurie Stack, Denis Brown, Peter Williams and Phil Walkom for all their work and advocacy. Once again, that is \$1.8 million from the Government—and the community, the friends of the entertainment centre, are matching it almost dollar for dollar by putting in well over \$1 million themselves to bring it to a proposal of more than \$2.5 million. I say well done to all of those people.

### KIAMA ELECTORATE INFRASTRUCTURE

**Mr GARETH WARD (Kiama) (21:03):** Delivering infrastructure which saves and improves lives in my local community is extremely important to me. I have lived and worked in my community my entire life. I see my role in this Parliament as one of a community servant. For me, my community will always come first and I will always use this forum to bring forward issues, no matter how uncomfortable they may be for this or any future government. My first concern and duty are to the people—the lives and the welfare of the residents of my electorate—who gave me this extraordinary privilege. There is no doubt that our community has successfully lobbied and convinced the New South Wales Government to invest historic funds into upgrades of the Princes Highway.

I am proud of those important achievements, which evaded all of my predecessors for more than six decades. But today I bring to the attention of the House an urgent and important call to upgrade Shoalhaven District Memorial Hospital. My friend and colleague the member for South Coast and I have secured many positive investments for Shoalhaven District Memorial Hospital. We have worked with our community to deliver improvements such as the Shoalhaven Cancer Care Centre, a suicide prevention unit, the Sub Acute Adult Mental Health Unit, an aged-care unit and upgrades to the emergency department. All of these improvements have made a positive difference for patients, staff and the community. The campaign of the member for South Coast and I for more car parking facilities was successful, with the New South Wales Government committing \$10 million towards the project and the New South Wales Premier recently announcing a call for tenders. But as communities grow, governments must provide the investments in community infrastructure that are essential to shoulder the growth and expansion.

We are fortunate to have skilled and passionate healthcare workers at Shoalhaven hospital. Our doctors, nurses, allied health professionals and staff at all levels are much loved and deeply respected for their dedication and commitment to our community. But what has become clear to me is that Shoalhaven hospital is now in need of a major upgrade. Recently, when my mother came out of surgery for a breast cancer, there was a risk that she would be left without a recovery bed. A bed was eventually found in the maternity ward. I concede to the House that this incident made me sick to my stomach and, more than that, made me angry. It is stories like my own family's and those of others that have made me realise that this situation is not good enough and we must do better. After speaking with frontline health workers, I believe that the current hospital cannot provide the services demanded by the growing Shoalhaven population. Data relating to surgical cancellations and out-of-area referrals are strong and serious evidence to support the call for a major upgrade.

I want Shoalhaven hospital to have a greater teaching role. We have an outstanding medical school at the University of Wollongong, and training country kids means there is a greater likelihood that they will stay in the communities that they grew up in. Our hospitals should be places that people want to work in and strive to serve. But facilities for surgeons and staff are simply insufficient and are one of the reasons cited by medical experts as to why they would prefer to work elsewhere. I note that under previous management, Shoalhaven hospital was covered by the Shoalhaven Clinical Council, which created a link between senior clinicians and management that embedded a link to the local health district board. This council was dissolved more than five years ago and many staff at Shoalhaven hospital feel a significant disconnect between their work and their management in Wollongong.

Whilst I appreciate that governments and management will always seek to do the greatest good for the greatest number, I am not convinced that Shoalhaven hospital and Shoalhaven residents are getting their fair share.



Indeed, many decisions have been made that have had a clinical impact, such as the conversion of recovery beds to ward beds. I do not believe that these decisions are in the best interest of the community. I use the time of this House to make the position of our community crystal clear. The forthcoming budget must respond to the calls made by me, the member for South Coast, clinicians, doctors and, most importantly, our community. Our local hospital is no longer a "cottage hospital" and needs an upgrade. The forthcoming budget must start the process.

I put the health Minister on notice that the member for South Coast and I will not be letting up until we see a satisfactory commitment from the New South Wales Government. I understand the process and acknowledge that planning will be the first vital step. But let me make myself very clear: Once this work is done our community will demand and expect the funding of a master plan that meets the needs of a growing community and delivers the quality health care that Shoalhaven residents require, expect and deserve. Anything less will be unsatisfactory.

**Ms Anna Watson:** What about Shellharbour?

**TEMPORARY SPEAKER (Mr Adam Crouch):** Before I call the member for Fairfield, I remind the member for Shellharbour that she was removed from the Chamber last night for interjecting. I will not hesitate to have her removed again tonight. The member for Kiama will cease interjecting. Members will be heard in silence under Standing Order 52. I will not hesitate to remove members if they interject.

### **FAIRFIELD RELAY FOR LIFE**

**Mr GUY ZANGARI (Fairfield) (21:08):** The beloved Fairfield Relay for Life was recently acknowledged for its tremendous contributions to our community and named the best student event in the 2017 Global Spirit of Relay Awards. The Global Spirit of Relay Awards are organised each year by the American Cancer Society to acknowledge and commend all those who participated in Relay for Life events and helped fundraise throughout the year. Each year more than 5,000 Relay for Life events are staged across 29 nations. All relay events share the common goal of raising funds and awareness to continue the fight against cancer. As the local member of Parliament and a patron of the Fairfield Relay for Life, I am incredibly proud of all our outstanding volunteers for their ongoing efforts and commitment all year round.

Our volunteers selflessly give their all to ensure that the Fairfield Relay for Life grows from strength to strength with each passing relay. In recent years, the Fairfield Relay for Life has received growing support from our local schools, as more and more young people want to help out and get involved. Last Wednesday I had the great pleasure of hosting an afternoon tea to present the 2017 Global Spirit of Relay Awards to the dedicated Fairfield Relay for Life volunteers and committee members to say thank you for their tireless efforts in our local community. One of the local volunteers, Mr Tran, gave an astute recount of what it is like as an organiser for the Fairfield Relay for Life event each year. He said:

Words can't describe how much work goes into it. We need to cover many areas, from liaising with local businesses, schools and community groups to planning all the activities.

If you were to compare Vivid Sydney to Fairfield Relay for Life, I'd say we have to organise probably just as much stuff. The main difference is we have to compress all that effort into 10 people.

Seeing young people acknowledge and understand the impact of cancer in our society makes this all worth it. Cancer doesn't discriminate and getting more people active and involved in cancer fundraising and awareness campaigns is a phenomenal achievement for us all.

Our community is incredibly supportive of the Fairfield Relay for Life and we are tremendously lucky to have so many compassionate and motivated volunteers who tirelessly devote themselves to the cause all year round. Each year the Fairfield Relay for Life grows in size and the 2017 relay was bigger and better than ever before. Last year we saw the biggest increase in participation yet, with nearly 700 active participants engaged in the relay. That was almost 50 per cent more than in previous years. The community also dug deep and contributed \$95,000 to the Cancer Council, which will go towards a range of cancer advocacy and research projects to help with the fight against cancer. As we are all aware, the Cancer Council does a terrific job. Many of us would have recently attended the plethora of Biggest Morning Tea events held around our electorates and the Biggest Morning Tea in the Speaker's garden, which was a big success.

We cannot thank the volunteers enough for their invaluable service to our communities. The 2018 Fairfield Relay for Life will be officially launched at its upcoming trivia night on 21 July at Bonnyrigg High School, with the relay set to take place on 17 and 18 November 2018. If anyone would like to get involved and help out with a great cause, I encourage them to get in touch with the Cancer Council and ask to be put in touch with their local Relay for Life team. I am incredibly proud of our local volunteers and it is a true honour to be involved in the local Relay for Life. I thank every person who gets involved in our local relay and the volunteers who continually give so selflessly to help those in need, making our community a better place to live.

### NORTH STRATHFIELD RAILWAY STATION UPGRADE

**Mr JOHN SIDOTI (Drummoyne) (21:13):** It gives me great pleasure to announce that North Strathfield railway station is getting an upgrade. As a member of Parliament, I believe it is announcements and projects like this one that get to the core of what it means to make a difference. The community has lobbied to improve the accessibility of North Strathfield railway station for many years and this Government has listened. The upgrade will mean that customers with a disability or restricted mobility, the elderly, and parents and carers with prams and strollers will now be able to better access North Strathfield station. On Monday morning, I was very happy to host the Premier the Hon. Gladys Berejiklian, the Treasurer the Hon. Dominic Perrottet, and the Minister for Transport and Infrastructure the Hon. Andrew Constance at North Strathfield station to make this announcement. On completion, North Strathfield station will have a new footbridge and three lifts.

I recognise the members of the community who wrote to me about this very important issue and those who signed petitions. Their longstanding support has not gone unnoticed. I acknowledge that this station was previously in my electorate but, following the last redistribution, it is now situated just short of the boundary. Many of my constituents use this train station, though, and that is why I continue to stand with the community to campaign for this project. In the 49 years that Labor held the seat of Drummoyne, the Labor Party got complacent. They thought that on election day the community would forget about Labor's neglect of public transport in the inner west. I tell members in this place that that changed in 2011, when I was elected. Today I say to my constituents that I will not forget them. I will not do what the Labor Party did; I will continue to fight to ensure that the Drummoyne electorate gets improved services.

Whether it be upgraded train stations, new and improved ferry wharves or more bus services, transport services in the Drummoyne electorate are being delivered. It is all thanks to the New South Wales Government's Transport Access Program—an initiative to deliver safe, modern and accessible public transport to the State's accessible public transport infrastructure. Over the forward estimates in the budget next week, a further \$822 million will be invested in the program. In real terms, that means at least 11 more stations will be fully funded and made accessible. That takes the funding to more than \$2 billion. Of the 307 stations on the suburban and intercity networks in New South Wales, 173 have been made accessible. This is in stark contrast to Labor which, while in Government, completed only two accessible upgrades a year. Shame! At that pace it would have taken 90 years to upgrade all stations on the network.

This announcement regarding North Strathfield station comes on the back of having every other train station in my electorate made accessible during my term as the member for Drummoyne. Concord West station and Rhodes station have also been upgraded. It does not stop there. Since I became a member of Parliament in 2011, works at Drummoyne ferry wharf and Chiswick ferry wharf have also been completed, making them fully accessible, with lighting and undercover shelter. The ferry boarding times have also been improved. I have also opened the newly upgraded Cockatoo Island wharf, which is in my electorate.

Only yesterday I welcomed the Minister for Transport and Infrastructure to officially open the Abbotsford ferry wharf, which has just been completed. Works to upgrade Cabarita wharf are well underway. This is a very popular wharf and, instead of closing it while this project is being completed, the Government has erected a temporary wharf for commuters. The Transport Access Program has absolutely changed the game in the way constituents access public transport in the Drummoyne electorate. The next game changer will be the Sydney Metro West.

### SPECIAL OLYMPICS AUSTRALIA ATHLETES KRIS AND HALEY BROWN

**Mrs LESLIE WILLIAMS (Port Macquarie) (21:17):** I acknowledge two extremely talented athletes in my electorate, the husband and wife team of Mr Kris Brown and Mrs Haley Brown, who have recently competed in a 16-strong Mid North Coast squad at the Special Olympics Australia national championships in Adelaide. Special Olympics Australia is a fantastic organisation that encourages individuals with intellectual disabilities to compete on a national platform, with an enormous 3,108 participants from 59 accredited clubs, competing around Australia. These games originated from a global movement to improve social inclusion and personal achievement for people with intellectual disabilities, and to recognise the valuable role people like Kris and Haley play in our community.

Kris has been playing golf since the age of 12, when his father Kenn Brown started coaching him. Since taking up the sport again 18 months ago, Kris has already won two State championships in a sport that he passionately loves, not only for the victory but also for the social atmosphere and the positive relationships built by the organisers of the Special Olympics. Haley has been recognised by her peers as one of the best tenpin bowlers in the State of New South Wales. She is seen as a team player and mentor of the game and competitors find her one of the most challenging to defeat. The Special Olympics offers wonderful opportunities for people

with intellectual disabilities but it gave Kris and Haley the chance to meet each other, which resulted in this beautiful couple getting married and recently celebrating their fifth anniversary.

I also congratulate Port Macquarie athlete Cameron Skinner for competing in basketball and Vikki Thompson, Jennifer Davis, Darren Wallis, Kylie Barefoot, Renee Lewin, Aaron Fox and Chelsea Kelly for contending in tenpin bowls. Special Olympics committee Mid North Coast chairperson Dianne Davis acknowledges the great significance these games hold for the entrants. She referred to the excitement and exhilaration displayed by members waiting to be named in the squad. She said:

The look on their faces when we read the squad out ... it was like some of them had won the lotto.

She continued:

It gives them an opportunity where they all feel like they have achieved something.

Since the games' beginnings almost 50 years ago, the Special Olympics have supported a staggering five million athletes in 177 different countries. The Special Olympics organisation believes in the "power of sport to create a better world"—a philosophy that I believe is paying dividends for our sporting achievers in the Port Macquarie electorate. Special Olympics is a year-round, multi-sports program. It includes the World Games, which is hosted on a four-year cycle in summer and winter sports. Today, almost 600,000 people in Australia are living with some form of intellectual disability.

The Special Olympics is worth celebrating because it facilitates, and encourages individuals between the ages of eight and 80 to participate in, a yearly event that recognises the essential benefits that team sports contribute to people with special needs. For Kris, Haley and the team, participating in a specially recognised sport has also opened the door to new experiences, including their first plane flight, travelling to different cities across Australia and having an opportunity to see new cultures along the way. Once again, I congratulate our extremely talented athletes on their commendable achievements in this year's 2018 Special Olympics Australia national championships in Adelaide.

#### SEVEN HILLS ELECTORATE PUBLIC TRANSPORT

**Mr MARK TAYLOR (Seven Hills) (21:21):** I take this opportunity to further update the House on the exciting transport projects happening in and around Seven Hills, which they will positively impact the lives of many. These projects include the Parramatta Light Rail, Sydney Metro West and additional bus services for Western Sydney. These all form part of the New South Wales Government's \$80 billion infrastructure pipeline and the largest transport infrastructure program in Australia, with an investment of \$43 billion over the next four years. The Parramatta Light Rail has received the green light, and many Seven Hills electorate residents are excited. I am pleased to represent part of Westmead. It is a growth hub which will continue to expand its health, tertiary education, innovation, and research and training facilities through both public and private investment in the near future.

It is great to see yet another public transport project being delivered by the Liberal Government because it will help transform Western Sydney for the better, with stage 1 of the project currently allocated \$1 billion, adding to the current Westmead Hospital redevelopment investment of \$1 billion. The Parramatta Light Rail is an essential investment for Western Sydney. The Parramatta area is continually growing and the Government is investing in public transport to keep up with demand. The light rail will serve people who want to "turn up and go" to work and those who want to travel within the area for cultural, entertainment or sporting events. The project will see even more job creation for Western Sydney and New South Wales, with around 5,000 employees to work across the site over the next five years.

Stage 1 of the project has received planning approval and construction will start within months. It will span from Westmead to Carlingford via the Parramatta central business district. It will connect key destinations such as the Westmead precinct, the new Western Sydney Stadium, the new Powerhouse Museum, three Western Sydney University campuses and new communities at Camellia and Telopea. Further, the Parramatta Light Rail will see services for commuters every seven and a half minutes at peak times. This will serve commuters travelling for work or study, those seeking essential services and those enjoying the many entertainment options available.

The planning approval process allowed the Government to hold extensive consultation with local residents, businesses and stakeholders such as the Westmead Hospital, the Children's Hospital at Westmead, Western Sydney University, City of Parramatta Council, Western Sydney Business Chamber and the Parramatta Chamber of Commerce. A final business case for a planned stage 2 of the Parramatta Light Rail will connect the Parramatta CBD to Ermington, Melrose Park, Wentworth Point and Sydney Olympic Park. It is set to be completed by the end of 2018. Construction will begin within the coming months and services are expected to begin in 2023.

Sydney Metro West is another exciting project near completion for the residents of my electorate of Seven Hills. This railway corridor has been a long time coming and, thanks to this Government, this outstanding project will benefit the ever-growing west and will cost approximately \$12 billion. Stage 1 of the link will connect from the north-west through the local government areas of Blacktown, The Hills, Hornsby and Ryde and onto the current train system at Chatswood. Stage 2 will see the Stage 1 link end at Chatswood connect through the North Shore, Sydney CBD and through the inner west, south west to Bankstown. It is also further great news that stage 3 of the Sydney Metro will now provide a corridor directly from the CBD and Parramatta to Westmead in my electorate.

There is also great news concerning bus service in the electorate. It is great to see the Government investing in more than 2,000 additional bus services across New South Wales in the next year and in particular a further 500 in Western Sydney. These additional bus services are vital for my community of Seven Hills, which will see some of our busiest routes such as the 705 Blacktown to Parramatta via Seven Hills, get more services. This will help ease the burden of the morning and afternoon peaks for many local commuters in my area. This is part of the \$15.6 million boost to the Growth Services by the Treasurer and Minister for Transport and Infrastructure among the Government's increased \$1.5 billion investment for bus services across our great State. All great news for the electorate of Seven Hills.

### YOUTH SUICIDE

**Mr DAVID HARRIS (Wyang) (21:25):** I bring to the attention of the House the incidence of youth suicide on the Central Coast. Unfortunately it is not uncommon for constituents to approach me to tell me that a family member has taken their own life. It is even sadder to hear that someone has lost their child to suicide: there is no greater pain for a parent than to bury their child. This pain is made more potent and complicated by suicide. There is always a confluence of reasons that lead to it, but there is rarely a satisfying answer for those who grieve. I was inspired to make this speech when I was contacted by a grieving mother by the name of Michelle, who tragically lost her son four months ago.

Michelle raised with me some of the potential consequences of prescription drugs and how they can affect our children in what are very fragile years. Most people know a story of someone prescribed antidepressants, perhaps without the best level of scrutiny and without having an understanding of the wide-ranging side effects and consequences of their use. Many young people find that hard points in their lives or external causes of depression go away and they stop taking their medication or lower their dosage without physician supervision. In many cases this leads to antidepressant discontinuation syndrome.

According to the Harvard Medical School, symptoms of antidepressant discontinuation syndrome can affect your digestive system and include: nausea, vomiting, cramps, diarrhoea or loss of appetite. It may affect blood vessel control, including: sweating excessively, flushing or finding hot weather difficult to tolerate. It may affect your sleep patterns, including: trouble sleeping, unusual dreams or nightmares. It may affect balance and cause dizziness, light-headedness or a feeling as though you do not quite have your sea legs when walking. It may affect movement control, including: tremors, restless legs, uneven gait, and difficulty coordinating speech and chewing movements. It may cause unwanted feelings, mood swings, agitation, anxiety, mania, depression, irritability or even paranoia or suicidal thoughts. It may cause strange sensations, including: pain or numbness, hypersensitivity to sound or ringing in the ears. It may cause brain zaps—a feeling that resembles an electric shock in your head—or a sensation that some people describe as "brain shivers."

These symptoms may sound alarming, but they are a reality for a lot of people who do not fully understand what they are taking. When this is combined with the trials and tribulations of youth it can be a disaster for the mental health of our young people. Given the huge uptake of antidepressants in our society, particularly with young people, it is natural for people to become a bit sceptical of the effects of these drugs. It is important that we continue to question the practices of prescribing them if we are to get patient care right and not overly rely on medicating ourselves out of a complex range of mental health problems.

I note that there is currently an upper House inquiry into the Prevention of Youth Suicide in New South Wales and I hope it does touch on some of these concerns that are held by many in our community. Rates of youth suicide are slightly higher on the Central Coast than they are for the New South Wales average. This would be unsurprising to most people who live there, as, sadly, it is hard to find a young person who has not lost a friend or classmate either during their time at school or in the following years. There have been several cases of a person suiciding because their friend committed suicide. That occurred in the north of the coast just recently.

Mothers and fathers such as Michelle have to suffer this reality all too often. Friends and family are left in despair. I do not know any politician who does not agree we need to do more in the space of mental health and suicide prevention. But it is time we do a whole lot more than talk about it. I sincerely hope this upper House inquiry makes some serious recommendations and that the Government accepts them. The people of the Central

Coast and across the State are counting on it. This issue goes beyond politics. I think that all of us really feel for those families that are grieving and trying to work out what they could have done. Did they see signs before the young person, or any person, took their own life?

It is very sad and it is very upsetting. I feel very much for people such as Michelle. When she asked me what was being done about it, I realised there have been a lot of reports and a lot of investigations, but far too often people are still taking their own lives. I know we can never make a perfect system that looks after every person, but we must do a whole lot more in mental health. We only recently got headspace in the northern part of the Central Coast, which is fantastic, but there is still a whole lot of work to do on resilience, particularly in our school system.

### ***YM EFFICIENCY CARGO SPILLAGE***

**Ms KATE WASHINGTON (Port Stephens) (21:30):** Last Thursday, a large cargo ship was battered by rough seas off the coast of Port Stephens. The heavy swells made the cargo ship list to such an extent that 83 shipping containers fell into the ocean, with many more containers onboard damaged beyond repair. The 83 containers that fell overboard have had a devastating impact on our coastal environment. Tonnes and tonnes of lost cargo have been floating around the ocean, sinking to the ocean floor or washing up on our beaches, including the mangled-metal shipping containers. The tonnes of rubbish that now burden our coastline includes plastic wrapping, food products, nappies, containers, sanitary products, surgical masks, beauty products, car spare parts and even clocks.

It has been reported today that the Taiwanese company, Yang Ming, which owns the cargo ship concerned called YM Efficiency—somewhat ironically—has apologised for the event. The company's insurer has been responsive in dealing with the impact of the incident and promptly engaged contractors to begin the salvage operation. Local company, Varley Group, was engaged as the salvage contractors by the insurer and I understand that helicopters have surveyed the coastline, divers have been in the water and approximately 100 contractors have been on the beaches coordinating the clean-up. There are legitimate questions about the incident and how it could have been avoided. I am not an expert in cargo shipping and it seems this kind of thing is rare when it comes to Australian shipping lanes, but the focus at the moment must be on the clean-up operation.

On that front, I acknowledge that the company involved appears to have been doing the right thing, but that has not stopped the Government's Hunter spokesperson, Scot MacDonald, claiming credit for the salvage operation and thanking the environment Minister Gabrielle Upton for her "quick response". I am still at a loss to understand what the Minister for the Environment has had to do with any of the clean-up—but good on them for taking credit. On the other hand, there has been a massive response from local residents who took no time at all to roll up their sleeves and start cleaning up the beaches. The local response is a testament to the strength of my community and how much we care about the beautiful environment in which we live.

The mess and debris have been found from Jimmy's beach and Yacaaba Headland, Fingal Beach and to Birubi Beach. I particularly acknowledge residents among the Tea Gardens Hawks Nest community and the Winda Woppa Association Inc., whose homes were on the edge of a road being washed away by the big seas. The residents saw the ship list and were still on the beach cleaning up the rubbish being washed ashore as each wave rolled in. I thank each and every volunteer who gave up their time in brutal weather conditions to do what they could do to help and the many who continue to do so. I have been speaking with the salvage contractor, Varley Group, as well as Maritime Services to stay on top of the clean-up operation, which is progressing despite the inclement weather. I have also been speaking with representatives from our local commercial fishing industry who have significant concerns not only about the rubbish now floating through the ocean, but also the dangers posed to fishers as a result of the debris that is in the water.

There are still hundreds of kilos of destroyed shipping containers, large chunks of metal, mechanical and structural parts of cars, and large plastic objects that present serious dangers to our commercial fishers—so much so that I am told that local commercial fishers did not go out fishing today because of the hidden risks in the water. I will be working hard to make sure the fishers are compensated for any losses they suffered and to ensure that the large items that remain in the water are salvaged.

I also have been in touch with Huon Aquaculture to find out the condition of the yellowtail kingfish pens off the coast of Port Stephens, given the recent big weather and debris. I am told that the integrity of the pens has not been compromised, but that debris is entering the pens. That has been cleaned out. I thank Angus Mitchell and his team at maritime services, who have been keeping me up to date, as well as the local company, Varley Group, which are heading up the massive salvage operation on the ground, in the air and on the water. But above all, I again thank the many residents who have been on the beaches and in the water, recovering all the debris that they can. I have been looking at images of what is happening on our beaches, in the dunes, in the national parks, in our waterways and in our seaweed. There are enormous quantities of plastic—it is plastic upon plastic.

While authorities have been urging residents to leave the clean-up to the contractors, the direction has been met with frustration. Our locals know that every piece of plastic they pick up is one less risk for our whales, dolphins, and other wildlife—a view that it is difficult to argue against. Given all that has been happening, it is somewhat ironic that yesterday was World Environment Day and that today in Port Stephens our official whale watching was launched. The extent and depth of the devastation that the container disaster has caused to our pristine environment is massive. It must be cleaned up. I will continue to liaise with all agencies and our community to ensure that our shores are cleaned up, that businesses adversely impacted are supported, and that our pristine environment is restored.

### **TWEED ELECTORATE POLICE NUMBERS**

**Mr GEOFF PROVEST (Tweed) (21:36):** Once again I state that I am 100 per cent for the Tweed! Tonight I inform the House about our hardworking men and women of the NSW Police Force. In recent times a number of media articles have been circulating within the Tweed electorate regarding official numbers of police officers. At the outset of my speech I state my full support for Commissioner of Police Mick Fuller and deputy commissioner Gary Worboys, who looks after regional areas. I also fully support my local superintendent, Wayne Starling, and his local inspector.

**Ms Anna Watson:** Wayne is a good guy.

**Mr GEOFF PROVEST:** I note the interjection from the member for Shellharbour—he is a really good guy. The current police strength in our region is 181 plus 19 Traffic and Highway Patrol officers, making a total of 200. In the past few months the Tweed received five probationary constables, an additional six general duty positions and two criminal investigation positions. The Northern Rivers region of New South Wales also will now be home to a new specialist police team that will target mid-level crime and disrupt drug supply. The team consists of one sergeant and four constables. The North Coast Region Enforcement Squad will conduct investigations into drug supply, firearms offences, property crime and any criminal syndicates in the area.

I praise the Government for its tough stance on crime. I applaud the efforts of our police that continue to make a difference to community safety. It is interesting to note that 15 of 17 major crime categories in the State were rated as stable or down in the 24 months leading up to March 2018. However, it upsets me a great deal that the Labor candidate for the Tweed has deliberately misled the community about the number of police officers who service the Tweed. It is nothing but disgraceful that the Labor candidate deliberately manipulates information purely to score political points. In the Tweed, we value honesty and integrity—two things that are severely lacking in this latest baseless attack. It is no secret that in March next year there will be a general election in New South Wales. Under previous Labor governments, there was corruption, financial mismanagement and coal seam gas licences spread right across the North Coast region.

**Ms Anna Watson:** Point of order—

**Mr GEOFF PROVEST:** The member for Shellharbour cannot handle the truth. This is the truth.

**Ms Anna Watson:** I really do not like to take a point of order, but private member's statements are about what is going on in a member's electorate, not about Labor candidates in the Tweed or anywhere else. Mr Temporary Speaker, could you ask the member for Tweed to confine his remarks to his electorate. He was not being relevant.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The member for Shellharbour will resume her seat. The member for Tweed was being relevant.

**Ms Anna Watson:** No, he wasn't.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Yes, he was. The member for Shellharbour will refrain from arguing with the Chair. If the member for Shellharbour would like to make a private member's statement this evening, she will resume her seat.

**Ms Anna Watson:** Mr Temporary Speaker, so you are setting a precedent for private member's statements of this type?

**TEMPORARY SPEAKER (Mr Adam Crouch):** The Clerk will stop the clock. I point out to the member for Shellharbour that I have been listening to private members' statements and there have been comments from both sides of the House referring to various issues.

**Ms Anna Watson:** No.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The member for Shellharbour will refrain from arguing with the Chair, or I will ask her to leave the Chamber, which is what happened yesterday. The member for Tweed has the call.

**Mr GEOFF PROVEST:** I wish to add that private member's statements are about issues that affect a member's electorate.

**TEMPORARY SPEAKER (Mr Adam Crouch):** That is correct.

**Mr GEOFF PROVEST:** They are about issues that affect a member's constituents.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The member for Tweed does not need to justify his statement. He may proceed.

**Ms Anna Watson:** Not about Labor candidates.

**Mr GEOFF PROVEST:** The Labor candidate not only is engaging in misinformation but also is insulting our hardworking men and women of the NSW Police Force, and he should hang his head in shame. The Government has increased police numbers.

**Ms Anna Watson:** How did he insult them?

**Mr GEOFF PROVEST:** By spreading misinformation and creating fear in the wider community.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! The member for Shellharbour will come to order.

**Mr GEOFF PROVEST:** That is so typical of Labor. When the Coalition was in opposition, I sat on the Opposition side of the House and watched the outcomes of corruption. I saw four Labor Premiers and many Labor Ministers go. Why? Because they were always self-serving. They did not care about the good people of New South Wales. They cared only about themselves. As we know, a number of them are serving time in jail—which is where they should be.

**Ms Anna Watson:** Table the misinformation.

**Mr GEOFF PROVEST:** The significance of that misinformation is that people in the Tweed electorate value honesty and integrity. What I have seen of the local Labor candidate and the local Federal member is nothing short of disgraceful. They insult our local police officers and they should hang their heads in shame. They also should apologise to our local police officers. The Berejiklian-Barilaro Government is getting on with the job. I give credit to our local hardworking police officers.

#### PLACE AWARD RATES

**Ms ANNA WATSON (Shellharbour) (21:41):** I condemn the inaction of Government members when it comes to the exploitation of our State's workers by unscrupulous employers. The extent of this problem in the Illawarra recently was uncovered by a young University of Wollongong student, Ashleigh Mounser. Like so many students, Ashleigh was looking for a casual or part-time job to earn some money while she was still studying. Miss Mounser applied and was interviewed for two local hospitality jobs. When it came to the end of the interview she rightfully asked how much she would be paid for the position. One employer offered her just \$12 dollars an hour and the other offered an even lower amount, \$10 dollars an hour. Thankfully, Miss Mounser declined both the positions.

Frustrated with the situation and curious to see how many other young people were having the same experiences, Ashleigh posted in a University of Wollongong Facebook group an invitation for people to share their stories of when they had been ripped off by employers. What followed was an outpouring of reports from hundreds of students who had been underpaid and who had been forced to participate in endless unpaid internships, with no promise of a job. They had been put on traineeships without their knowledge or paid under the table, or by cash in hand. This is unacceptable. Miss Mounser inadvertently had uncovered ongoing, widespread and systematic wage theft within 62 businesses in the Illawarra. This news would hardly come as a surprise to any young person in our State who has tried to find work. On a local level, I know a sushi outlet in Shellharbour and a pharmacy in Flinders that is just minutes from my office that recently were found guilty of underpaying and exploiting their workers. These issues are everywhere, and it is time to take action.

Unlike those opposite, Labor has developed a five-point plan to tackle this issue and deliver real change for our State's workers. Point one, introduce new wage theft law to criminalise deliberate failure to pay wages and entitlements. I take my hat off to Daniel Andrews in Victoria regarding the criminalisation of these issues. Any employer who is purposefully not paying their workers fairly can be charged with a criminal offence. Make no mistake, refusing to pay your employees or underpaying your employees is theft—outright theft. If an employer

is exploiting or taking advantage of their workers, they are breaking the law and deserve to be punished accordingly.

Point two, introduce new laws hold head franchisers accountable for the actions of franchisees. If a franchiser is lending their name and reputation to a business and its operator, then they should be monitoring the conduct of these businesses and be held accountable for their actions. Point three, widen the powers of workplace inspectors to undertake wage audits. This issue is pervasive. We need to enhance the power of our workplace inspectors to detect and act on the underpayment of workers, to protect and secure the rights of our workforce. This is really basic stuff. This is not new, but it has become rife under this Government.

Point four, a licensing scheme for labour hire companies to force compliance with existing labour laws. We need to stamp out scam contracting and this is how we will do it. Point five, introduce new laws to protect Sunday penalty rates in all State awards and agreements. The Federal Liberal Government is attacking our State's most vulnerable workers with their penalty rate cuts. We need to do everything we can to protect Sunday rates for our workers and ensure that they are properly compensated for their time.

I stand with Labor and I support each and every one of these points. This is something that is so close to my heart. I remind the House that these laws are not an attack on business owners. The vast majority of employers follow the law. These laws are about seeking out those employers who are breaking law, ensuring that every single worker in our State is paid fairly for the work that they do, and levelling the playing field for employers who are already doing right by their workers. Miss Mounser was in a position to be able to stand up to these employers—and I take my hat off to her. She was incredibly brave to do so, but so many others are not so lucky. [*Time expired.*]

**Ms Anna Watson:** Mr Temporary Speaker, I seek an extension of time.

**TEMPORARY SPEAKER (Mr Adam Crouch):** There is no provision for extensions of time in private member's statements. The member's time has expired.

**Mr Daryl Maguire:** Mr Temporary Speaker, I am disappointed that the member—

**Ms Anna Watson:** You really like to gag—

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order!

**Ms Anna Watson:** When it comes to workplace relations, industrial relations—

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! The member for Shellharbour will resume her seat.

**Mr DARYL MAGUIRE:** I am disappointed that the member seeks to cloud a very important issue concerning the underpayment of staff. None of us would agree with that. And to seek to cloud it as a New South Wales law is disingenuous.

**Ms Anna Watson:** Tighten the laws.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order!

**Mr DARYL MAGUIRE:** The member knows that these matters are controlled by the Federal Government and what she is seeking to do is to misinform—

**Ms Anna Watson:** What I am seeking to do is to protect young workers.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order! The member for Shellharbour was heard in silence.

**Mr DARYL MAGUIRE:** The member is seeking to mislead those unfortunate people who have been underpaid. I suggest that the member come into this place and name those businesses.

**Ms Anna Watson:** I just named two of them.

**TEMPORARY SPEAKER (Mr Adam Crouch):** Order!

**Mr DARYL MAGUIRE:** Importantly, these issues can be taken up at a federal level. There are organisations in place where it can be dealt with.

#### **WAGGA WAGGA VETERAN AND VINTAGE MOTOR CLUB INC.**

**Mr DARYL MAGUIRE (Wagga Wagga) (21:48):** On Saturday 9 and Sunday 10 June 2018 the Wagga Wagga Veteran and Vintage Motor Club will hold its fifty-first annual car rally. I raised this important event in the House previously to inform members, and indeed the wider public, about the car rally. The Wagga Wagga Veteran and Vintage Motor Club has been operating for 51 years. On the June long weekend it brings motoring



enthusiasts together to reacquaint old friendships and to get their cars—their pride and joy—and travel the length and breadth of the Riverina. Last year we had Mark Fletcher's Classic Restos come and film the event and interview motoring enthusiasts with the help of a Destination NSW grant from the Minister for Tourism and Major Events, the Hon. Adam Marshall. It was a great success and I encourage members to google that fiftieth anniversary show.

Last year there were some 250 entries and so far this year we have 120. My entry is 119. We will all meet at the club rooms on Saturday 9 June and depart the rally at 9.30 a.m. We will travel to the beautiful township of Tumbarumba in the electorate of Albury where we will lunch, as well as gather the cars and talk about those things that are important to motoring enthusiasts. We will travel home through the Murrumbidgee Veterans Retreat, which is an area that has been put aside for Vietnam veterans. The retreat was built as a place where former service men and women can meet and support each other. We all know the effects of combat and having served this country can have on veterans. On Saturday evening the guests are encouraged to make their own arrangements and to meet up with friends at the many restaurants and eating venues across Wagga Wagga. There are always people who come from many States to this particular rally. On Sunday morning we will depart at 9.30 a.m. on the traditional soup run to the township of Marrar. We will have a light barbecue lunch at Eurongilly and afternoon tea at the beautiful riverside township of Oura. There will be pre-dinner drinks at the Rules Club Wagga Wagga, followed by a presentation dinner.

It would not be a car rally without having prizes for the best motorcycle, the best veteran and vintage car, as well as 50s, 60s, 70s, 80s, best commercial vehicle and best in rally. Of course there is a competition and the prize is competed for enthusiastically. Again this year Mark Fletcher of Classic Restos will travel with us and film this fantastic event as we travel to Tumbarumba and go on the run on Sunday 10 June. The rally is a great tourism event for Wagga Wagga. For 51 years members of the club have joined together and, with the assistance of the Classic and Historic Automobile Club of Australia [CHACA]—the classic group I am in—we manage to help and direct this rally which, from time to time, can be quite large. The groups work together very well.

CHACA holds a swap meet in July and the Veteran and Vintage Motor Club then joins with us to manage the gates and help to look after the 1,000 sites we have at the Wagga Wagga showground. People come from all over Australia to swap parts, talk automobiles and boost the pockets of those who choose to take parts and accessories for motor bikes, cars and other stuff. The Vintage and Vintage Club is a great organisation. I look forward to this weekend, but importantly what I look forward to is the fact that people will come to the Wagga Wagga region, they will stay in motels, they will spend their money in the town and they will talk about the wonderful experience that they have on the June long weekend rally. I wish everyone well. Drive safely.

**The House adjourned, pursuant to standing and sessional orders, at 21:52 until**

**Thursday 7 June 2017 at 10:00.**