



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 19 June 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE ASSEMBLY

Tuesday, 19 June 2018

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12:00.

The Speaker read the prayer and acknowledgement of country.

The SPEAKER: I remind all members to extend the usual courtesy to the Treasurer for the Budget Speech to be delivered uninterrupted.

Bills

APPROPRIATION BILL 2018

APPROPRIATION (PARLIAMENT) BILL 2018

NSW GENERATIONS FUNDS BILL 2018

STATE REVENUE LEGISLATION AMENDMENT BILL 2018

SNOWY HYDRO LEGACY FUND BILL 2018

First Reading

Bills introduced on motion by Mr Dominic Perrottet, read a first time and printed.

Second Reading Speech

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations)
(12:01): I move:

That these bills be now read a second time.

PART 1 OVERVIEW

Introduction

This is a budget for the people of our great State.

The nearly **8 million** who call New South Wales home.

Our working families, young apprentices and those needing a helping hand.

Our new mums, business owners and our Indigenous brothers and sisters.

Our citizens of today—and the generations to come.

We are a Government that puts people first.

And this budget does too.

Families like the Mevawalas from Quakers Hill—getting a break on their bills.

People like Bobby Burke—who planted the Bathurst Community Garden.

Indigenous boys like Wyatt, looking for hope—and help.

Children like Angel—welcomed into the loving arms of her adoptive family

Survivors like Jose—turning his life around after addiction and despair.

Young girls like Brydie—longing to play sport with her friends.

And business owners like Paul—wanting to give his staff more hours.

These are real people.

With real stories.

And today I'm going to outline how this Budget, this Government, this Coalition—is making their lives better and their aspirations count.

Budget result

We believe social outcomes and strong financial management are two sides of the same coin.

You can't have one without the other.

That's why we've been bold in making better use of our public resources.

Keeping expenses on a tight leash.

And generating surpluses to invest with impact.

This is the discipline of a government determined to keep delivering.

Today I announce, our surplus for **2017-18** stands at **\$3.9 billion**—with surpluses averaging **\$1.6 billion** projected in each year over the next four years.

This better than expected result is due to increased investment returns, higher GST pool receipts and growth in other revenues like mining royalties.

It's also testament to the health of the budget, our strong financial management and our diversified revenue base.

Over the past **12 months**, housing cooled more quickly than previously forecast.

As a result, transfer duty revenues—**11%** of total revenue—will be **\$1 billion** lower than we expected in last year's Budget; and **\$5.5 billion** lower in the three years to **2020-21**.

Despite this, our finances remain in excellent shape—because this Government has laid foundations that are built to last.

Our **Triple A** credit rating is affirmed.

Net debt negative for the third year running.

Operating expenses per capita are the lowest of the mainland states, as is our **debt to GSP**.

And when it comes to net worth—New South Wales is now the first ever quarter trillion dollar state—a year earlier than predicted.

The biggest obstacle to our financial security has been an Opposition that believes in wealth without work and politics without principle—placing partisan advantage over the public good.

History will judge them accordingly.

Asset recycling was the golden key that unlocked the door of opportunity for New South Wales.

That is why today we can announce our infrastructure investment hits another record—**\$87.2 billion** over the next four years.

The largest in the nation.

New South Wales today is not great by chance—but great by choice.

Strong financial management has created a virtuous cycle of growth and return—allowing us to make record investments where it matters.

This is the Coalition advantage.

The decisions we make yield dividends.

Letting us focus on dual horizons.

Building for tomorrow.

And delivering for today.

PART 2—DELIVERING FOR TODAY

Helping families with the cost of living

We work hard keeping our finances in shape.

So we can do more today for families who need it.

With wage growth slow around the world, many are feeling the strain.

And we're doing our bit to help.

In the past **12 months**, we cut the cost of green slips by an average of **\$124** per year.

We slashed stamp duty, seeing **30,000** first home buyers surge into the market, saving tens of thousands of dollars.

Sydney Water customers are saving an average **\$100** off their bills each year.

We're helping low-income and special needs households—save up to **\$285** a year with our energy rebates.

And from next month, we'll make car registration free for regular toll users, saving some drivers more than **\$700** a year.

And now we are upping the ante.

We're launching a new "one-click energy switch" website, helping families claim the best energy deals.

We're turning Service NSW into Savings NSW, helping people access all their rebates and concessions.

We're making sure parking fines are about fairness—not revenue raising—cutting the top ten by **25%**—and calling on local councils to do the same.

And we're slashing caravan registration by **40%**—delivering savings of up to **\$471** for families and grey nomads.

All these initiatives have helped families like the Mevawala family from Quakers Hill.

With free rego, two Active Kids vouchers and two CTP refunds—they've saved over **\$800** so far.

But our hip pocket savers aren't just about money.

Financial freedom removes barriers to opportunity—and that's what we want for every family.

Last year, we launched Active Kids—a **\$100** voucher for every school-aged child to participate in sport.

The response has been overwhelming, with more than **390,000** vouchers redeemed since January.

One of them is 8-year-old Brydie, who was able to play netball for the first time.

She's now her team's goal shooter—and thinking of taking up soccer as well.

We want NSW kids to be active—and creative as well.

So today I announce a new initiative.

Creative Kids.

A **\$100** voucher for every school child—to participate in extra-curricular activities—like music, drama, art, coding, and second language classes.

We know this won't cover all the costs.

But we want to open up a world of opportunity for our kids.

Giving more parents—and more children—the encouragement they need to reach their potential.

Giving young people the best start in life

Early childhood

This budget delivers today for our young people, giving them a better start in life.

We know early learning can set our kids up for success.

Last budget we reduced early learning costs in the year before school for four-year-old kids.

This budget goes further.

Today I announce we're creating **4,800** new community preschool places in our fastest growing areas—like Camden, Parramatta, Blacktown and the Hills.

And from 2019, in an Australian first, every three-year-old in New South Wales will now have access to subsidised early learning.

That's part of an almost **\$200 million** investment in our children, saving families on average **\$825** a year.

Apprentices

For those preparing for life beyond school, we will help them on the journey.

Establishing new TAFE Connected Learning Centres and additional mobile training units.

We also know cost can be a barrier to learning new skills or forging a new career.

So over the next four years, we will offer **100,000** fee free apprenticeships.

An army of skilled workers in industries with jobs at the ready.

The apprentices we train today—will build the New South Wales of tomorrow.

Investing in essential public services

This budget delivers more essential public services we rely on today—and every day.

For our schools, we're employing over **880** new teachers.

But it's about quality teaching as well.

So we're boosting the ranks of highly qualified teachers.

And will continue to invest in them, with **\$50 million** in additional funding for our School Leadership strategy.

In the next year, our healthcare system is getting a billion dollar boost for more frontline workers.

Almost **1,000** more nurses and midwives

300 more doctors

120 more allied health professionals.

And over **750** paramedics and call staff over the next four years.

That's over **2,000** medical professionals for the times when minutes matter and seconds count.

We know that in the fragile early moments of life—it's important mothers and babies get quality care.

So we're employing **35** new family health nurses—and recruiting **100** midwives.

From the most precious moments, to the everyday, we want to make life easier.

So starting next year, every parent of every baby born in our State will have the option of receiving the NSW Baby Bundle.

An Australian first—it's packed with practical items to give new parents confidence and support.

It's a bundle of care for your bundle of joy.

And, importantly, it is part of a holistic Parents Package that includes more postnatal home visits, newborn bloodspot screening, improved mental health services and more family care centres in regional NSW.

This budget continues improving our transport network—with convenient connections.

There's **\$2.1 billion** over the next four years for better infrastructure and more train services.

2,000 additional weekly bus services over the next year in Sydney's East and West.

And **\$281** million in the coming year to fix pinch points that clog up our roads.

We're also supporting those keeping our communities safe.

There'll be **100** more police on the beat.

Former defence Blackhawks for the Rural Fire Service.

And new vehicles and vessels so the State Emergency Service can do more when disaster strikes.

Creating opportunity for Indigenous citizens

We believe our Indigenous communities have so much more to gain—and so much more to give—when it comes to our shared success.

Delivering for today means addressing the problems they face.

I don't claim to speak for the Indigenous community.

But when I have met their youth and leaders—one thing has been made very clear to me:

Symbolic gestures and virtue signalling—cannot break the cycle of disadvantage.

The missing link—is not a flag on a bridge.

It is economic participation—sharing in the opportunities to get ahead.

One of the biggest barriers to success for young Indigenous Australians is whether they finish high school.

It's a challenge the Clontarf Foundation has been working to overcome for **18** years.

Offering a mix of mentoring, social and health support—and lots of footy.

Often these young men have confronting stories, like 18-year-old Wyatt—who moved to Moree, after losing his mother and grandmother.

He says:

"I arrived an angry young person who thought at the time I was heading to jail—or even worse, end up dead. I might have slipped away if I didn't have help from Clontarf."

Today Wyatt has the HSC behind him.

Two jobs, a car, and a place of his own.

On the weekends he plays footy for his local Aussie Rules team—and—his local Rugby League team.

Thanks to Clontarf, that's one young life that didn't slip away.

As he now says—*"I know my mum and my nan would be extremely proud of who I have become."*

We are a government that places substance before symbolism.

So this budget provides **\$3.75 million** for an additional **1,000** students to be part of the Clontarf success story.

And today we are honoured to be joined by a few representatives of the **1,800** students who attend one of their **26** NSW Academies.

Clontarf fosters confidence.

But confidence also comes from a strong connection to culture.

So this year we will commit **\$2.8 million** to Australia's first ever Aboriginal Languages Trust—preserving the languages and dialects of our first people.

We're also expanding the Youth Koori Court to Surry Hills.

And guided by the insights and expertise of Warren Mundine, **\$10 million** is being set aside for new Indigenous Social Impact Investments—to open the door to economic opportunity.

Making New South Wales the best place to do business

Delivering for today means backing our business community.

Farmers or florists, builders or bakers—all are pioneers of prosperity.

Not just for themselves, but for thousands of families they support.

When jobs are created, it is because they are creating them.

And we believe they deserve a fair go.

If we want wages higher, we need taxes lower.

That's why—from **1 July** this year—we forge a path to raise the payroll tax threshold to one million dollars.

Over the next four years, more than **5,000** businesses are projected to pay no payroll tax at all—saving **\$881 million** in tax over the forward estimates.

And eliminating around **\$50 million** in administration costs too.

This will also see **40,000** businesses saving over **\$5,000** in **2018-19** and over **\$13,000** by **2021-22**.

Our payroll tax cuts give thousands of businesses room to grow.

Like Paul and his butcher shop in Macquarie Centre—wanting to lower his overheads so he can employ his staff for longer.

This takes the total tax cuts of the last three Coalition budgets to **\$4.2 billion**—dollars the people of New South Wales can now keep for themselves.

Caring for those who need it most

This budget delivers more today for those who need it most.

Over **18,000** children in New South Wales are in temporary care, because their home environment is not safe enough.

The best thing we can do for many of these kids is to give them a stable home.

This is something our Government is passionate about.

And our reforms have already doubled the adoption rate.

As Jeremy Sammut from the Centre for Independent Studies wrote last year—

"When it comes to recognition of the desperate need for more adoptions—it's New South Wales first and daylight second."

In this budget—we'll provide funding to double the adoption rate again—and give **1,000** children a permanent, safe home over the next four years.

So children like 8-year-old Angel—and her three adopted siblings—can experience the love and care of foster parents like Paul and Tamone James.

In Paul's own words—*"From the first time we held any of them—we treated them as our own—and knew we would do anything for them."*

That's the kind of commitment every child deserves.

This budget also delivers more for those who are risk.

An additional **100** caseworkers—to protect our children.

More funding to tackle family violence and reduce reoffending.

Our largest ever investment in Police Citizens Youth Clubs (PCYCs)—nearly **\$40 million** over the next four years—for new and better facilities.

\$3.2 billion in **2018-19** for the commencement of the National Disability Insurance Scheme.

And a **\$1 billion** commitment over four years to reduce homelessness.

With more housing, better outreach and improved health care.

Adele House

This budget is also helping people turn their lives around.

People like Jose Porcia.

In a desperate moment, after the death of his fiancé, Jose made a terrible choice.

His decision to use ice led to his life spiralling out of control.

Caught in a vicious cycle.

An addict willing to commit terrible crimes to feed his addiction.

Shot at...jailed...his life was at rock bottom.

But after one last brush with the law—Jose entered Adele House—a drug and alcohol facility in Coff's Harbour.

What's different about Adele House is the treatment doesn't stop at beating addiction.

Over **12 months**—the program gives participants the life skills they need.

Support, recovery—and most importantly—independence.

I recently visited Adele House and witnessed firsthand the incredible work the team there does.

I saw men whose lives had been destroyed by drugs—reclaiming their dignity and their pride.

And it was there that I met Jose—who today has turned his life around and is now helping men just like him.

So this budget provides **\$5 million** for Adele House—matched dollar for dollar by private donors—to construct a new rehab facility—increasing its capacity from 60 to 100 beds—and doubling its power to save lives.

Jose is here with us in the gallery today.

As are Adele House Directors Will Morgan and Richard Allaway.

I want to acknowledge them and thank them for what they are providing—hope for a better future, and the means to achieve it.

PART 3—BUILDING FOR TOMORROW

Investing in social infrastructure

While we are delivering today, we are also building tomorrow.

We do not control the levers of population growth in our State.

But we do control how we respond.

And our response has been to build social infrastructure on a scale never seen before.

Our schools and hospitals aren't just slogans on a big red bus.

They're real—they're funded—and they're being built all around us.

This budget commits a record **\$8 billion** over the next four years for better health facilities.

Forty new and upgraded hospitals at every point on the compass.

We're refurbishing the birth suites and theatres at St George hospital.

In the booming western suburbs of Sydney—a **\$5.7 billion** hospital blitz—including Campbelltown, Nepean, Blacktown and Mount Druitt.

And we're planning for future works at John Hunter, Westmead, Albury, Canterbury, Bankstown, Shoalhaven, Hornsby and Goulburn.

A **\$10 million** Rural Health Infrastructure Program will deliver upgrades to Tenterfield, Scone, Gloucester and Dungog.

And today I can announce—a **\$740 million** investment to transform Liverpool hospital into a world-leading Health and Academic Precinct.

This includes new, state-of-the-art neonatal intensive care and maternity facilities—and a comprehensive cancer centre.

We're also making a historic investment to help those battling mental illness.

\$700 million as part of a new Mental Health Infrastructure Program—

To upgrade acute mental health units, better equip emergency departments and build specialist facilities.

And we're ensuring medical research stays in New South Wales with **\$150 million** over 10 years for our biggest killer—cardiovascular disease.

When it comes to schools, we're breaking our own records.

\$6 billion to fund more than 170 new and upgraded schools.

That's **an additional 2,000** new permanent classrooms, for thousands of new students—

We're also building better spaces for kids to learn in—with **\$160 million** this year to tackle the school maintenance backlog.

And we'll have cooler schools—air conditioning for up to **1,000** schools—with a **half-billion** dollar investment over five years.

Anything you can do, we can do better.

Infrastructure to connect our State

This Government is building a better New South Wales.

And this budget ramps up the pace to get big projects finished faster.

There's more than **\$17 billion** to get on with the job of WestConnex—NorthConnex—the Sydney Metro—and Light Rail in Sydney, Newcastle and Parramatta.

\$1.8 billion to get things moving on the F6 extension, Sydney Gateway, the Western Harbour Tunnel and Beaches Link.

And for the first time, a **\$3 billion** reservation from Restart NSW—to begin Metro West.

Today's budget also sets in motion our plans for the Western Sydney Airport—

With **\$439 million** dollars in the next year to build the connections to make it easy to get to

And new funding to begin the North-South Rail Line.

Out in our regions—a wave of new infrastructure is sweeping the State.

\$4 billion in Snowy Hydro proceeds will be received, with money allocated to plan the first round of projects.

There is **\$1.2 billion** for Pacific Highway upgrades from Coffs Harbour to Ballina and new funding for Sealing Country Roads, Fixing Country Rail and building the new Shoalhaven River bridge.

And we've allocated **\$50 million** to invest in our primary industry research stations, boosting productivity in our agricultural sector.

Preserving our natural environment

Today we are the custodians of our State's natural wonders—and our responsibility is to conserve them for future generations.

Soon, our Government for the first time—will issue sustainability bonds—to help finance projects that benefit our natural environment.

We'll create a new green canopy for Greater Sydney—planting **five million** trees by **2030**.

We'll invest more to preserve and enhance our national parks and nature walks.

Allocate **\$36.8 million** to protect endangered koalas and funding for conservation work through the Saving Our Species program.

And investing **\$100 million** to acquire more open spaces for everyone to enjoy.

World class culture

Three years ago—the mighty NSW Blues walked out to the biggest state of origin crowd in history.

The only problem was—it was in Melbourne.

That's why this budget commits the final funding to complete the new Western Sydney Stadium.

And kick-starts the rebuild of the old Sydney Football Stadium.

And we're also improving local sporting facilities, investing **\$200 million** across the State.

Great cities have great stadiums and they also have great museums.

This budget helps deliver the Powerhouse Museum in Western Sydney.

More investment for the Regional Cultural Fund, to support culture in the bush.

And it funds a new exhibition hall at the Australian Museum that's fit for a King.

Our city and State are the pride of Australia—and it's our job to invest in them today—not play politics with their future.

PART 4—SECURING OUR FUTURE

Economic Outlook

Managing a good budget is only part of the equation.

But a good government is focused on the economy too.

New South Wales today is the midst of an economic boom—the likes of which we have not seen in decades.

We have been the fastest growing state economy over the past five years.

This growth is only good because it creates new opportunities for our people to contribute—and share in our prosperity.

New South Wales today boasts the lowest **unemployment rate** of any state for three years running.

In Western Sydney, it's below **5%** for the first time since records began.

Our participation rate has hit record highs.

Youth unemployment is lower than any other state.

Regional jobs have been booming.

And women are leading the charge—with **60%** of new jobs.

Today we're laying the foundations for strong jobs growth to continue for years.

We have emerged from our economic challenges and now face the future with confidence.

Generations fund

Madam Speaker, before I finish—there is one more thing.

Last year over **90,000** children were born in New South Wales.

One of them—my youngest baby girl, Harriet, is here today.

Like every parent, I wonder—and I worry—about her future.

Her opportunities. Her challenges.

The type of world she will inherit.

And what I can do to make a difference.

We already know for generations ahead it won't be easy.

That as our population ages, the budget will struggle to keep up.

It has been said that *"a society grows great—when its people plant trees—in whose shade they know they shall never sit."*

That means—it's up to us to act now.

To fulfil our most fundamental moral obligation:

Leaving a better State for those who come after us.

Today we launch the NSW Generations Fund:

A future fund like no other in the world.

It will harness the unprecedented strength of our balance sheet—

To offset debt and insure against the **\$17 billion** fiscal gap forecast by **2056**.

Securing our State's finances today—and into the future.

And ensuring our children can weather the storms ahead.

To seed the fund—we will make an initial investment of **\$3 billion**.

The returns will grow over time, strengthening our State's ability to meet future commitments.

But in a world first, up to half of the investment returns will enable the new **My Community Dividend** program.

Where communities will decide how that money is spent to make their neighbourhoods healthier, happier and better places to live.

Any citizen can submit an idea in their area.

And everyone over 16 can vote for their favourite project.

Like Bobby Burke's community garden in Bathurst that has brought families and young kids together.

The Generations Fund is another innovation from a Government that puts people first.

Conclusion

This is a budget that shows the conservative heart.

The good that government can do when it manages money well.

New help for families with the cost of living.

Giving our young people the best start in life.

More frontline services when we need them.

Tax relief for small business.

A helping hand for those who need it most.

And record schools, hospitals, road and rail to build our future State.

All this delivered on a stable platform of solid surpluses and fiscal discipline.

Seven years ago this government dared to imagine a better future.

New ambitions for our State, new aspirations for our people.

A New South Wales—stronger, fairer and more free.

That's the future we're fighting for.

And we fight for it every single day.

But we know our work is not yet finished.

And working together, our best is yet to come.

This is a budget building for tomorrow and delivering for today.

I commend it and the bills to the House.

Debate adjourned.

Documents

FINANCIAL STATEMENTS 2018-2019

Tabling

Mr DOMINIC PERROTTET: I table copies of the following papers:

- (1) Budget Statement 2018-19 (Budget Paper No. 1).
- (2) Infrastructure Statement 2018-19 (Budget Paper No. 2).
- (3) Budget Estimates 2018-19 (Budget Paper No. 3).

I move:

That the papers be printed.

Motion agreed to.

The SPEAKER: I advise members that copies of the budget papers are available on the internet and for collection from the Table Office.

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

*Visitors***VISITORS**

The SPEAKER: I extend a warm welcome from the New South Wales Parliament to Dr Cecilia Malmstrom, the European Commissioner for Trade, guest of the President of the Legislative Council. I welcome Helen Perrottet, wife of the Treasurer, and daughters, Amelia, Charlotte and baby Harriet. They are beautiful children; the baby, Harriet, made a lot of noise earlier in the day. Welcome to the students and teachers from Cammeraygal High School, guests of the member for North Shore. I warmly welcome and acknowledge the presence of the Hon. John Dowd, AO, QC, and his guests. We welcome you to the Chamber.

*Announcements***CENTENARY OF FIRST WORLD WAR**

The SPEAKER (14:20): Throughout June 1918 Lieutenant-General John Monash meticulously planned an assault on German positions in and around the town of Le Hamel on the River Somme, just north of Villers-Bretonneux. It was the first battle in which the value of Monash's logistical planning was proven and the effectiveness of his philosophy of combined arms warfare decisively demonstrated. In the pre-dawn hours of 4 July, five Australian brigades along with four American army companies advanced behind a creeping artillery barrage with additional cover from British aircraft. They were closely supported by British and American tanks.

Innovatively, Monash arranged for medical supplies and ammunition to be dropped to his advancing troops by parachute and to be carried forward in bulk to established positions by tanks. The new wireless technology of radio was utilised for the first time as a means of communicating from captured positions. Never before had an advance been so well supported and so rapidly and effectively resupplied. Consequently, all objectives were secured within 93 minutes, just three minutes more than Monash's detailed battle plans. German counterattacks were in vain. Two Australians received the Victoria Cross for their actions during the battle; over 800 others lost their lives. The success of Monash's tactics made the Battle of Hamel a watershed in military history. His combined arms strategy and thorough logistical planning became the basis for the larger-scale attacks that subsequently broke the German lines and brought the war to an end. Lest we forget.

*Bills***KOSCIUSZKO WILD HORSE HERITAGE BILL 2018****STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2018****PUBLIC HEALTH AMENDMENT (SAFE ACCESS TO REPRODUCTIVE HEALTH CLINICS) BILL 2018 (SHARPE)****COMPANION ANIMALS AND OTHER LEGISLATION AMENDMENT BILL 2018****MISCELLANEOUS ACTS AMENDMENT (MARRIAGES) BILL 2018****Assent**

The SPEAKER: I report receipt of messages from the Governor notifying His Excellency's assent to the abovenamed bills.

*Notices***PRESENTATION**

[During the giving of notices of motions to be accorded priority]

The SPEAKER: Order! Members will come to order. Members clearly have heightened emotions because it is budget day, but it is far too early for Opposition members to start interjecting with ridiculous and childish comments.

[Later,]

The SPEAKER: Order! Government members will come to order or they will be placed on calls to order.

*Question Time***HOSPITAL INFRASTRUCTURE**

Mr LUKE FOLEY (Auburn) (14:26): My question is directed to the Premier. Given the Government will get cracking on the knockdown and rebuild of the stadium at Moore Park this year yet people in the Tweed, Maitland, Westmead, Randwick, Liverpool and Campbelltown have to wait until 2025 and 2026 for their hospital upgrades, does this not say it all about the Government's wrong priorities?

The SPEAKER: Order! I caution the Minister for Health about using unparliamentary language.

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:26): Didn't the Treasurer do an outstanding job today? I cannot believe the Leader of the Opposition would ask that question. Since we have been in government we have increased the health budget left to us by Labor by 45 per cent.

The SPEAKER: Order! If the member for Londonderry does not cease shouting she will be removed from the Chamber.

Ms GLADYS BEREJIKLIAN: Since Labor left government we have increased the health budget by 45 per cent and the education budget by 48 per cent. That is what good governments do. Those opposite should be hanging their heads in shame. Labor would never, ever have been able to deliver the budget that we have delivered today.

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

Ms GLADYS BEREJIKLIAN: I am pleased to say that for the great people of New South Wales not only are we investing record funding in schools, hospitals, roads and rail and all of those things that make our community strong but also we have increased our State's net worth to \$260 billion. I inform those opposite, especially the shadow Treasurer, that when we came to government the State's balance sheet was worth only about \$180 billion. In the time that we have been in government mums and dads, the great taxpayers of this State, now own \$260 billion worth of schools, hospitals, roads and rail.

What the Leader of the Opposition's question tells us is that the Labor Opposition is lazy, lazy, lazy. The Opposition asks the same questions time and again. It is interesting to note that the Leader of the Opposition does not have many policies to talk about, but one policy he has talked about is scrapping the Government's wages policy. That is very interesting because the Labor Party across Australia has adopted our policy. Our 2.5 per cent is equally the most generous in the nation. If Labor ever made it to this side of the House, its wages policy would wipe out \$5.8 billion over the forward estimates.

Ms Jenny Aitchison: Point of order: My point of order is under Standing Order 129. The Leader of the Opposition asked about hospitals. For the people of Maitland, I would like to know more about hospitals.

The SPEAKER: It was a question about the budget.

Ms GLADYS BEREJIKLIAN: The member for Maitland should say thank you for Maitland Hospital.

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

Ms GLADYS BEREJIKLIAN: As I was saying, those opposite left our State billions and billions of dollars in debt.

The SPEAKER: Order! The member for Cessnock will come to order. I call the member for Keira to order for the first time. Government members will come to order.

Ms GLADYS BEREJIKLIAN: Today the Treasurer was able to tell the people of New South Wales that in the general government sector we have negative net debt; we are cash positive to the tune of \$9.8 billion. But I digress.

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

Ms GLADYS BEREJIKLIAN: Frankly, those opposite should be embarrassed by how they left the State when we came to office. It has been difficult getting the budget back into the black. We have worked our guts out day in and day out delivering infrastructure and delivering the money.

The SPEAKER: Order! The member for Swansea will cease shouting. I call the member for Rockdale to order for the second time. Members will be leaving the Chamber early today if they continue with this type of behaviour. I call the member for Maitland to order for the first time.

Ms GLADYS BEREJIKLIAN: We know those opposite have lost confidence in the Leader of the Opposition. I note that a new candidate for Wollondilly was announced by the Labor Party, but it was announced by the member for Maroubra, not by the Leader of the Opposition.

Ms Jodi McKay: Point of order—

[*Time expired.*]

STATE BUDGET

Mr GARETH WARD (Kiama) (14:31): My question is addressed to the Treasurer. How is the this Government building for the New South Wales of tomorrow and delivering for the people of New South Wales today, and can the Treasurer advise the House of any alternative approaches?

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:32): I thank the great member for Kiama, who is delivering more for his community. He is the greatest member for Kiama in Kiama's history. What we have seen in the budget today is that he is able to deliver due to the strong finances in New South Wales. Today is not a great day just for the people of Kiama, it is a great day for everybody across our great State who has joined with us and backed our asset recycling approach to enable our strong financial management which today delivers dividends all across our great State. As I have said, this is a budget that puts people first. The budget realises our vision and reflects the values of the Liberal Party and The Nationals—the great Nationals, the backbone of regional New South Wales and the great conservatives that they are.

The SPEAKER: Order! The member for Keira will cease wandering and resume his seat.

Mr DOMINIC PERROTTET: The budget delivers for middle Australia, the backbone of our State. When we look at the jobs figures across New South Wales and today's unemployment rate, it is very pleasing to see the people of New South Wales sharing in our economic prosperity. The budget builds on seven years of reform, discipline and delivery and it shows the good that governments can do when they put themselves in a strong financial position by managing money well. The Berejiklian-Barilaro Government is delivering outcomes that are the envy of this great country. The budget is strongly in surplus and is delivering the Holy Grail of numbers: our net debt is negative for the third straight year, our triple-A credit rating is reaffirmed and our economy is powering the nation. Further, 48 per cent of our country's economic growth is being driven from right here in New South Wales, which has a third of the nation's population. We are the jobs capital of Australia.

This budget is built on a solid financial foundation. It enables the Government to do more for families, communities and young people across New South Wales. As seen in today's budget, the Government is doing more than ever when it comes to the cost-of-living pressures. Under the great Minister for Finance, Services and Property the Government is turning Service NSW into "savings NSW", a one-stop shop to help families across the State understand the cost-of-living packages that are available in New South Wales. There is a new one-click energy website to provide the best deals for people in New South Wales and a toll relief package comes into effect on 1 July this year, cutting car registration up to \$700-odd for families across New South Wales.

The budget confirms the Government's legacy as the builders of this great State with a record social infrastructure. The Leader of the Opposition is tweeting about schools and hospitals. Look at the health and education infrastructure investment in this budget. The record was broken in the last budget for education with an allocation of \$4.2 billion over four years. Today the Minister for Education is breaking his own record with \$6 billion being allocated over the next four years, helping to fund more than 800 new quality teachers. The best health Minister in our State's history, Brad Hazzard, does more and more—

Mr Brad Hazzard: Can you say that again?

Mr DOMINIC PERROTTET: He is the greatest health Minister in our State. During the budget process, I have loved touring the State with Brad Hazzard. The shadow Health Minister, Mr Walt Secord, is a disgrace. I do not mind Labor shadow Ministers making comments about the budget but to talk down our nurses, our doctors and our paramedics is absolutely disgraceful.

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

Mr DOMINIC PERROTTET: We have the best health system in this country.

The SPEAKER: I call the member for Bankstown to order for the second time. I call the member for Strathfield to order for the first time. All members who are called to order three times will be removed from the Chamber for the rest of the day.

Mr DOMINIC PERROTTET: A record investment of \$8 billion over the next four years has been announced. What a great announcement. I tell you who is laughing, the member for Liverpool, with an allocation of \$740 million for a new hospital in Liverpool. He is loving it. Not only are we the party for Western Sydney, we are coming for Liverpool too.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr DOMINIC PERROTTET: The Government will fund 170 new and upgraded schools, such as Randwick Girls' High School, Randwick Boys High School and Darcy Road Public School. New schools will be built at Westmead, Rhodes East, Edmondson Park and Green Square. Let us not forget transport because that has been the foundation stone of— [*Extension of time*]

In transport, \$87.2 billion has been announced for infrastructure over the next four years, a substantial portion of which will be allocated to build the roads and rails to allow communities to flow faster. Stage one of the F6 is being delivered and WestConnex and the Sydney Metro continue. Those opposite promised the North West Rail—probably when the member for Liverpool was still at school. It is being delivered by the Government today. This Government has established the first NSW Generations Fund, a future fund to harness the financial strength of today to prepare the State for the great challenges that lie ahead and the opportunities that will arise. The Berejiklian-Barilaro Government has done the hard work so that our State can share in the success. The moral of today's budget is that the Liberals and The Nationals deliver dividends; Labor delivers deficits.

Support cannot be provided for the cost of living if the budget is in deficit. Schools and hospitals needed across the State cannot be built if the budget is in deficit. When in government, the Opposition increased taxes. This Government has cut \$4.4 billion in taxes over the last three budgets. That can only be done when a government is in a strong financial position and when the house is in order. Labor talks a lot but never delivers. The only thing Labor delivered was five of the seven toll roads on Sydney's roads and the Opposition now complains about a problem that was its creation.

The SPEAKER: Order! I call the member for Londonderry to order for the second time. The member will be removed from the Chamber if she continues to interject.

Mr DOMINIC PERROTTET: Under Labor, the State got higher taxes, fewer services and cancelled projects, and more of the same every time. Today is a great day for the people of New South Wales. This Government backs them all the time.

CBD AND SOUTH EAST LIGHT RAIL PROJECT

Mr MICHAEL DALEY (Maroubra) (14:39): My question is directed to the Treasurer. Given that not a single person in New South Wales believes that the cost of the Premier's CBD light rail project will be contained at \$2.1 billion, why does today's budget continue that fiction?

The SPEAKER: The member for Maroubra has upset poor Harriet.

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:39): I apologise to Harriet; she has to go now. It is probably better for the kids anyway. It is a silly question and the family walks out. I understand completely. The Labor Party can only dream of being in a position to deliver a budget like the one the Government is delivering today. Imagine the shadow Treasurer this morning: a bad morning, off goes the alarm, he hits the snooze button, it is nine o'clock. His wife runs in and says, "2SM is on the phone, Ryan. Come on, get out of bed."

Ms Jodi McKay: Point of order—

Mr DOMINIC PERROTTET: He cannot face the day because he knows good news for the people of New South Wales is bad news for the Labor Party.

Ms Jodi McKay: My point of order relates to Standing Order 129. The question was about the CBD and South East Light Rail. The Treasurer is now a minute into his answer, one-fifth of the way into his answer, and he has not mentioned the CBD and South East Light Rail.

The SPEAKER: The member for Strathfield just took 30 seconds of the time. The member will resume her seat; she is wasting time. I will add another minute to the answer if the member continues. The Treasurer is entitled to make introductory comments.

Mr DOMINIC PERROTTET: I welcome the interjection from the member for Strathfield, who wants to know about our great light rail projects, whether in Sydney or in Parramatta or where Crackers loves it in Newcastle. We are revitalising the city of Newcastle. While the Government is delivering \$87.2 billion of

infrastructure over the next four years—which is probably not just a national record but a world record—the only thing Labor was good at delivering was glossy brochures. It is good to see the member for Strathfield—

Ms Jodi McKay: Point of order—

Ms Gladys Berejiklian: It is not all about you.

Ms Jodi McKay: It certainly is not about you, Premier. The question was about you though because the CBD and South East Light Rail is your vanity project. So the question definitely is about you.

The SPEAKER: The member for Strathfield will resume her seat.

Ms Jodi McKay: I would like the Treasurer to answer the question. The point of order relates to Standing Order 129.

The SPEAKER: The member for Strathfield will resume her seat. The member is out of order. The member will address points of order to the Chair, not to the Premier. I will not take further points of order from the member.

Mr DOMINIC PERROTTET: We all know who knows a thing or two about vanity. Whilst the Government is delivering \$87.2 billion worth of infrastructure, the one thing the Labor Party was very good at delivering was glossy brochures. I have here *Community Matters* from the member for Strathfield, who has found a way of putting 22 photos of herself throughout the publication. There are no infrastructure projects, just a lot of photos of the member for Strathfield.

Ms Jodi McKay: Point of order—

The SPEAKER: I will not take a point of order from the member for Strathfield. The member's points of order are vexatious and time-wasting.

Mr Luke Foley: Point of order—

The SPEAKER: The Clerk will stop the clock.

Mr Luke Foley: My point of order relates to Standing Order 129. The Treasurer should not start on about electorate brochures or the Labor Party will show the one of him at Hawkesbury River railway station.

The SPEAKER: The Leader of the Opposition will resume his seat. That was not a well-articulated point of order.

Mr DOMINIC PERROTTET: Last year I raised the point that this side of the House delivers more for Labor seats than Labor ever delivered for Labor seats.

The SPEAKER: Order! The member for Rockdale will stop waving things around and come to order.

Mr DOMINIC PERROTTET: That is why this arrangement is working quite well, whether it is the light rail, which the member for Maroubra wishes went all the way to Maroubra so that he could come to work via the light rail, or in Strathfield, where Croydon Public School, Homebush West Public School and Marie Bashir Public School are getting upgrades.

Mr Michael Daley: Point of order: The question was about the light rail budget. The Treasurer can mention the light rail any time he wants.

The SPEAKER: The points of order are getting tedious. The Treasurer just mentioned the light rail budget. The member for Maroubra will resume his seat.

Mr DOMINIC PERROTTET: The light rail is great and it is going to revitalise Sydney and the eastern suburbs. We love the light rail. We love every single one of our infrastructure projects that we are building. The Labor Party did not build them; it did not have the capacity to do so because of its budget deficits. Week in, week out, the Government brings strong financial management that allows the Government to deliver the social dividends that make a real difference to people's lives

The SPEAKER: Order! The member for Maroubra will cease shouting.

Mr DOMINIC PERROTTET: Those opposite have opposed us every step of the way. The Opposition talks about schools and hospitals but it is never in a position to deliver them because it never has its finances in order. The Government's asset recycling program was opposed by the Labor Party. The Government's wages policy was opposed by the Labor Party. Every decision the Government has made to build the infrastructure that will make a difference to people's lives has been opposed by the Labor Party. Today is a great day for the people of New South Wales and it shows what good economic management can do. If one's finances are in order good

governance enables one to spread the dividends and to invest it across the State. Whether it is the electorate of Strathfield or any other electorate in New South Wales, this budget will make a real difference to people's lives.

STATE BUDGET

Mr LEE EVANS (Heathcote) (14:44): I address my question to the Premier. Will the Premier inform the House how the 2018-19 budget delivers improved frontline services for the people of New South Wales and any related matters?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:45): I thank the member for Heathcote and note that his electorate has done well out of the budget including Heathcote Road, the F6, the T4, the T8, and the list goes on.

The SPEAKER: The member for Wollongong should not be influenced by the member for Rockdale.

Ms GLADYS BEREJIKLIAN: As time is of the essence to get the strong budget message out, I will say how grateful we are to the Treasurer and to every member who fought for funding for the schools, hospitals, roads, services and rail projects in their electorates. They make a difference to people's lives. That is what good governments do and that is what this budget does. This Government is a government for families, workers, seniors, and businesses. Those opposite are moaning, I do not think they are having a very good day. The Opposition has asked one question about the budget and moved on.

Mr Ryan Park: I love it.

The SPEAKER: The member for Keira will not love it for much longer. I call the member for Keira to order for the third time.

Ms GLADYS BEREJIKLIAN: The Opposition has not asked a new question today. Government members are aware that those opposite are feeling sensitive today as they are not having a very good day. Government members do not mind talking about the benefits of this budget because they are aware of what it means for the future of the people of New South Wales: It means that this Government supports them today and is building a future for the State, which makes them incredibly proud. Government members have worked hard to build a surplus, they have worked hard for zero debt, they have worked hard for the infrastructure pipeline that will transform the State and they have worked hard to introduce to families, workers and people across the State cost-of-living measures that make a real difference.

This budget is about people. It is not about building things or providing services; it is about making a difference to people's lives. Members will speak more specifically about other items in the budget, but I thank the Minister for Health for his contribution to health services. Health will receive a record \$23 billion in recurrent frontline spending plus \$8 billion in infrastructure over the forward estimates. It is a 45 per cent increase on the funding that Labor provided when it was in office. In Health alone this budget introduces 1,370 additional staff—950 nurses, midwives, doctors and allied health workers. Those are the people who make a difference. I thank the frontline workers and say that this Government will deliver a better workplace for them. The Liberal-Nationals Government has added 16,000 health workers to the front line. That is a big commitment. The announcement of 750 paramedics and call centre staff was welcomed by everybody, including the unions, and we are grateful for their support.

The education Minister has secured \$15.7 billion in recurrent funding for education, which is 48 per cent above—almost double—what those opposite provided when in government. It has enabled the employment of an extra 883 teachers on top of the 4,500 teachers employed since the Coalition was elected. This Government is pleased to announce it will upgrade or build 170 new schools in addition to what has already been done. The Opposition does not like to admit that it closed about 90 schools when in government—the Opposition closed schools and the Coalition opened schools.

I thank the outstanding police Minister. New police stations will be built and 100 extra police will be employed. The commissioner and the police Minister are working hard to deliver even more police. The budget dedicates \$118 million to new police stations; many in regional New South Wales as this Government understands the challenge of policing in the regions. I commend the police Minister for the increase in funding to Police Citizens Youth Clubs and the new equipment and resourcing for police.

In the area of transport and roads I thank the outstanding transport Minister, the member for Bega, and the outstanding roads Minister, the member for Oxley. Those two Ministers have funding of \$51 billion for infrastructure and roads over the next four years. This Government is proud of the progress to date and even more proud of what will be done over the next four years and beyond. The new projects that this Government is starting were for decades in Labor's "too hard" basket, but this Government is delivering. [*Extension of time*]

Every major project that this Government announces is opposed by Labor. Every major project that this Government delivers Labor wants to rip up. We will ignore Labor and deliver what the people of New South Wales want and need because that is good governance. What I am most proud of is that this is the party of the workers. It has created half a million jobs since it has been in government. It has the lowest unemployment, including youth unemployment, but it is providing, through the Deputy Premier's hard work, 100,000 free apprenticeships. That means that young people, and more mature people, will be able to save thousands of dollars.

The SPEAKER: I call the member for Swansea to order for the first time. I call the member for Londonderry to order for the third time. I inform members that if they are directed to leave the Chamber today it will be for the remainder of the day and not for two or three hours.

Ms GLADYS BEREJIKLIAN: I do not know why those opposite are against efforts to increase the number of tradies and to give them an opportunity to be their best. Having a good and secure job that is backed by skills is important to every individual and family. The Government understands the importance of that and has built on its record by ensuring that over the next four years at least 100,000 new apprenticeships will be offered to every person wanting an apprenticeship in the future.

The SPEAKER: I call the member for Swansea to order for the second time.

Ms GLADYS BEREJIKLIAN: If we need to add more money we will. That is the kind of government we are. Strong economic management provides hope and opportunities for the future. Every person, whether in the regions or in the city, no matter their postcode, circumstances or background, will have an opportunity to be their best. That is what good governments do.

STATE BUDGET AND EDUCATION

Mr RYAN PARK (Keira) (14:52): I direct my question to the Premier. Will the Premier confirm that the budget includes the purchase of 520 new demountable classrooms, which will take the number of demountables to more than 5,300?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:52): We have far fewer demountables per school child population than when those opposite were in government. Those opposite closed 90 schools when they were in government. This Government is building or upgrading 170 new schools across the State. Has the shadow Treasurer worked that out yet? This Government is incredibly proud of the Education budget. This Government knows the shadow Treasurer is excited by the budget, but I urge him to read the budget papers before he asks such a question. Not only is this Government spending a record amount in providing upgraded schools and new schools; it is building on the number of projects already delivered. This Government has made a huge dent in the maintenance backlog it inherited and it has spent a record amount to address the \$800 million maintenance backlog.

The SPEAKER: There is too much audible conversation in the Chamber.

Ms GLADYS BEREJIKLIAN: This Government has completed one-third of that backlog and it is aiming for zero. I commend the education Minister for the commitment to provide air-conditioning to 1,000 schools. The Government is aware that the quality of teaching in the classroom as well as the bricks and mortar are important. I am incredibly proud that, in support of our teachers and principals, the Treasurer today announced in the budget a \$50 million fund to support leadership within our schools to make sure teachers have the training they need and principals have the resources they need to provide extra quality education in the classroom. We are incredibly proud of that because we know the benefit of providing each child with a quality education. We know what happens when children are given the chance to go to school, get educated, and get the qualifications and skills to set them up for life. We are providing that across the board not only in the bricks and mortar and infrastructure we are delivering but also in the classroom.

I was extremely pleased with the Treasurer's announcement of the support we are providing for Indigenous communities. We want every Indigenous child to aspire to finishing year 12 and obtaining the skills and education that are needed in order for them to be able to lead a great life—something that we want for every child in this State. I could not be more proud of our funding commitment to education, which highlights Labor's appalling record. We are incredibly proud of our record, which means we are providing support to government schools and non-government schools alike. We respect the right of parents to choose. We respect the fact that every child needs support. We are incredibly proud to be the first government in the nation to sign up to Gonski. Before anybody else talked about it we introduced needs-based funding where the funding follows the student. We are incredibly proud of that.

In the education area I could not be more proud of our Minister or of our record and what that means for children and young people in the future. We know how important that is. Yesterday when we made an

announcement about apprenticeships we attended a vocational college. By the time students at that college finish year 12 they have already completed about half their apprenticeship. No matter the career path students choose or the opportunity they want, our education system in New South Wales will set them up for life. We are backing it up with our record investment today, whether it is in infrastructure or services. We are backing our teachers, providing more of them, or supporting parents and citizens associations in allowing them and principals to have a say in how their school is run. These are the kinds of things that make a difference to children and students. There is nothing I am more passionate about—making sure every child in our great State has the opportunity to be their best, and that is what record education funding does. I thank the member for Keira for his question.

Visitors

VISITORS

The SPEAKER: I welcome to the public gallery the wife of the Deputy Premier, Deanna Barilaro, and their daughter, Sophia, guests of the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business.

Question Time

VOCATIONAL EDUCATION AND TRAINING

Mr KEVIN ANDERSON (Tamworth) (14:57): My question is addressed to the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business. How is the New South Wales Government growing the skilled workforce across the State?

Mr Clayton Barr: We need some skills on the other side.

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:57): I have always liked the member for Cessnock; he is so smooth. He could easily be a Nationals member. I thank the member for Tamworth for his question. He is a fantastic local member delivering for the broader Tamworth electorate.

Mr Brad Hazzard: A great hospital too.

Mr JOHN BARILARO: A great hospital, a great TAFE, a great local council delivering on behalf of the people of Tamworth and the member for Tamworth is part of that secret ingredient. How does one deliver for regional New South Wales? One partners with community and local government to deliver, deliver, deliver, and he has been doing that consistently throughout his time as the local member. This is a great question about growing the skilled workforce. This morning the Treasurer announced a record infrastructure spend of \$80.1 billion in this budget, which will grow over the next four years to \$87 billion. When one attaches to that our recent announcement that 20 per cent of tradies on site will need to be apprentices, one can understand why the Government is so focused on ensuring that young people are encouraged into apprenticeships and to become part of the skilled workforce, not just for today but for the future.

We are focused on making sure that regional New South Wales and metropolitan New South Wales—the whole of New South Wales—have a skilled workforce for the future. It is rare that government has the opportunity of a record infrastructure spend that also leverages the private sector so that there are jobs as far as the eye can see. Our greatest threat to the economy of our State and nation will always be Labor but if one takes that out of the equation it will be the lack of human resources, the skilled workforce that underpins the economy and allows us to build the stuff we so desperately need and, more importantly, deserve.

There is no question that we have focused on that in the budget. Right across the vocational education and training [VET] system, forever and a day we have always looked after the most vulnerable and disadvantaged in our community. About 100,000 people already in the VET system pay no fee for vocational training. They might be survivors of domestic violence and their dependants, young people in out-of-home care on welfare in social housing—the list goes on and on. We want to make sure that the most disadvantaged have a real opportunity to get training through job creation that possibly can change not only their lives but also their family circumstances.

Yesterday a significant announcement was made that took this to a new level. That was the announcement that the budget has a target of 100,000 apprentices. This will be achieved by removing the fee for apprentices to get training. We want to back those young people and mature-aged people who want to be part of the workforce that is going to build this State not just for today but also for the future—not just on government infrastructure, even though that is significant, but also in the private sector. There are about 60,000-odd apprentices already in the sector, with 50 per cent in regional New South Wales and 50 per cent in metropolitan areas, so this is an investment in regional New South Wales, its economy and its kids, making sure they have a pathway. I am

passionate about making sure that we do not ever sell down the idea that vocational education and training is a genuine first choice pathway for so many people in this State.

It is not always about university; it is not university or VET. It is a choice but we have to be able to promote the opportunities that come off the back of vocational training. If one looks at the economy, the jobs and businesses of the future one finds that nine out of 10 of those jobs are going to be in the VET sector. We need a strong VET sector. We have a strong economy, we have an infrastructure spend, we have a building boom, we have tourism and hospitality growing; every sector is booming so it is no wonder we have an unemployment rate of 4.9 per cent. We must make sure that we continue to unlock opportunities for the future. That is why we made the significant announcement to unlock the army of apprentices, as the Treasurer said, to make sure we can build the New South Wales of the future. It was surprising members opposite did not really embrace the announcement. They have championed and jumped on every bandwagon trying to talk down TAFE and vocational training. I thought yesterday they had an opportunity to embrace it.

[Interruption]

Those opposite said that if elected they will guarantee—

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

Mr JOHN BARILARO: —that TAFE gets 70 per cent of the skills budget.

The SPEAKER: Order! I call the member for Newcastle to order for the second time. I call the member for Newcastle to order for the third time. I direct the Deputy Serjeant-at-Arms to remove the member for Newcastle from the Chamber for the rest of the day.

[The member for Newcastle left the Chamber at 15:02 accompanied by the Deputy Serjeant-at-Arms.]

[Extension of time]

Mr JOHN BARILARO: Labor's policy for TAFE is a guaranteed 70 per cent of funding. In today's budget, out of my \$2.2 billion skills budget, TAFE receives \$1.77 billion—80 per cent of funding going to TAFE NSW. Those opposite will cut 10 per cent of funding. The member for Londonderry, the shadow Minister, keeps demonising private providers. She thinks the Master Plumbers Association is dodgy; she thinks the National Electrical and Communications Association is dodgy; she thinks that the community colleges in Tamworth, Coffs Harbour, Byron region and Murwillumbah are all dodgy. She thinks the Cerebral Palsy Alliance is a dodgy registered training organisation [RTO]. I will tell members what is dodgy under those opposite. What happened was that RTOs associated with unions got funding, and I will talk about the National Union of Workers. We gave it a contract worth \$1.3 million and we thought there was a problem with what it did. We cancelled its contract because it was not delivering in accordance with the contract agreement.

The Labor Queensland Government gave the same organisation \$11 million for training. While those opposite want to talk down private providers and they try to muddy the water with VET FEE-HELP, the 300-plus private providers in this State—under Smart and Skilled—have to follow guidelines and pay up-front. They go through an audit process each day. I am proud to say that every day I am prepared to cancel contracts on any RTO that rips off students and taxpayers in this State. TAFE gets its fair share. TAFE NSW, supported by the NSW Teachers Federation and the reforms we put in place, is not only the largest RTO in New South Wales but also the largest RTO in Australia. We are proud of TAFE NSW. It is growing and it now has a \$180 million capex budget.

PRESCHOOL FUNDING

Ms KATE WASHINGTON (Port Stephens) (15:05): My question is directed to the Premier. What is the response to John Cherry from Goodstart Early Learning, who says that 83 per cent of children in preschool get no benefit from the budget, which only reverses the 2014 cuts that were made to community preschools?

The SPEAKER: Order! The member for Port Stephens will come to order.

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:05): One of the proudest announcements we made in today's budget was on early learning. The shadow Minister does not do her homework in the community and she does not do her homework on early childhood education. For the first time in Australia we are the first State to offer the same benefits to three-year-olds that four-year-olds receive in early learning in our preschools. It is the first time any State government has had the resources and the will to make this happen. I am incredibly proud of this. This investment will also have a positive impact on child care. Many parents did not have the option of preschool because it was too expensive and they were putting their children in child care. They will now have greater options to put their children in early education.

When it comes to the cost-of-living pressures, this announcement alone will save parents or carers with children in early childhood education about \$800 per year—assuming there is one child; it is potentially more. We appreciate that when children have an opportunity to attend early learning at three years of age, it prepares them that much earlier for their school life. I am incredibly proud of this announcement. I am embarrassed for the member for Port Stephens for asking the question. I am embarrassed that she has not got her facts right. I am embarrassed that Labor never did this when it was in office.

The SPEAKER: Order! I call the member for Port Stephens to order for the second time. She will cease arguing.

Ms GLADYS BEREJIKLIAN: She should be hanging her head in shame. She cannot tell the truth on important policy and she does not tell the truth in her electorate.

The SPEAKER: Order! I call the member for Port Stephens to order for the third time, and remind her that she will remain on three calls to order until tomorrow if she continues to interject.

Ms GLADYS BEREJIKLIAN: That is why we are coming after Port Stephens, because you cannot tell the truth locally and you cannot tell the truth statewide. You told people that we were closing the Tea Gardens police station when we are giving it a \$1 million upgrade. You told people we would not be preserving koalas when we announced a koala sanctuary in her electorate.

The SPEAKER: Order! I remind the member for Port Stephens that she is already on three calls to order.

Ms Jodi McKay: Point of order: The Premier should direct her comments through the Chair and not across the table.

The SPEAKER: Considering the interjections from the member for Port Stephens it is almost understandable. I uphold the point of order.

Ms GLADYS BEREJIKLIAN: I am happy to revert to the question because it embarrasses the member for Port Stephens for asking it in the first place. Our announcement for preschools is historic. It is the first time that a State government in Australia is committing savings to enable three-year-olds in addition to four-year-olds to attend early learning. I am pleased to say that our Government is investing nearly \$500 million in early childhood education. The likes of it has never been seen before. Labor did not come anywhere near that amount or anywhere near the policy adjustments that were needed to get to this place.

What I find to be the most cruel part of Opposition members' comments to date is that they are happy to spend the money they could never make when they were in office. They delivered deficits, cancelled projects, waste and mismanagement. They did not have the ability to turn things around. If they cared so much about early education, why did they not provide this opportunity for three-year-olds when they were in office? They did not know how to do so. We are pleased with what we have provided for early education. I say to the member for Port Stephens: Apologise to all those parents who will be benefiting from this announcement, apologise for getting your facts wrong, apologise for getting on radio this morning—

The SPEAKER: Order! I direct the Deputy Serjeant-at-Arms to remove the member for Port Stephens from the Chamber for the rest of the day.

[The member for Port Stephens left the Chamber at 15:09 accompanied by the Deputy Serjeant-at-Arms.]

Ms GLADYS BEREJIKLIAN: The member for Port Stephens should get used to it—

The SPEAKER: Order! I will make it two days if the member does not go quickly.

Ms GLADYS BEREJIKLIAN: The member for Port Stephens will not be back here after March so she can get used to being out of the Chamber. I say with the deepest sense of gratitude to the hardworking people of New South Wales who supported our decisions, which have led to us providing the most comprehensive early childhood education package that any State government in Australia has done: I am incredibly proud of this announcement. I know that many parents will benefit from having three-year-olds attend early education in addition to four-year-olds.

STATE BUDGET AND HEALTH

Mr GEOFF PROVEST (Tweed) (15:11): My question is addressed to the Minister for Health, and Minister for Medical Research. What benefits has the community received in health that have come from the strong management of the New South Wales budget?

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research)
(15:11): I thank the member for Tweed for his question. He is an active local member of Parliament in the Coalition Government who has been advocating on behalf of his community and, as a result, he has seen the benefit. I shared a public meeting with him in the Tweed and we heard the level of excitement for a brand spanking new Tweed Hospital—\$534 million is coming to the people of the Tweed. It is fantastic to have an opportunity to speak about the budget today. In the course of looking at the budget I picked up a Labor document, which states what Labor would do for health in the next four years. It is fascinating. In this document, Mr Foley referred to all the things he is going to do. If we have any of this delivered we would have next to nothing because Mr Foley decided that over the next four years he is going to hire 840 nurses. Since we came to office we have hired 7,650 nurses.

We have hired almost 10 times the number of nurses that Labor said, in its generosity, it would provide. It also said that over four years it is going to provide 500 paramedics. We have provided 750 paramedics. We have provided 300 doctors this year and, since we came to office, we have provided 2,650 new doctors. In addition, we have 1,770 allied health staff—occupational therapists, physiotherapists and psychologists. We are delivering for the health community across this State. We value our doctors, our nurses, our paramedics and all those people on the front line who are looking after patients in this State.

Having looked at the staff aspects, I thought perhaps they were going to deliver a bit on infrastructure. When I had a close look, it seemed to me that there was quite a list of hospitals with measly amounts of money. There was \$5 million here and \$7 million there—not much. Grafton Base Hospital was going to get \$7 million. We have allocated \$17.5 million just on the ambulatory care centre. We have allocated three times the amount, just on one hospital. Let us look at some of the bigger hospitals in the south-west and western part of Sydney where our Government is working very hard to make sure that patients are well looked after and have twenty-first century infrastructure. The Leader of the Opposition promised that Westmead Hospital would receive \$430 million. Our Government has allocated \$900 million to stage one.

Nepean Hospital is interesting. I thank Dr Nhi Nguyen, who is chairman of the staff council, and Dr Peter Flynn for being strong advocates and for working with the member for Penrith. The member has been strongly advocating for Nepean Hospital. If Labor had been in government it would have received \$351 million. This Government is delivering \$1 billion for health in Nepean. Going back to the Tweed, the Opposition was going to deliver \$211 million. Can you imagine the Leader of the Opposition driving up the road in the big red bunkum bus and suddenly realising, "I'm almost at Tweed. Get away quickly. Run away." He would know that he had not given the Tweed anything compared with what the Coalition is delivering and off he would go, straight to Lismore—where he would look up and see a massive new tower and think, "Oh hell! We can't stay here either", and off he would go again.

Mr Clayton Barr: Madam Speaker—

Mr BRAD HAZZARD: You got a new tearoom. What are you complaining about?

The SPEAKER: Order! The Clerk will stop the clock. The Minister is being relevant to the question he was asked. What is the member's point of order?

Mr Clayton Barr: I actually do not have a point of order. I was just concerned about the Minister's health and wanted to give him a chance to take a breath.

The SPEAKER: Order! The member for Cessnock will resume his seat. That was frivolous time-wasting.

Mr BRAD HAZZARD: Today's budget is strong for the south-west. Bankstown Hospital has been allocated \$25 million. Where is the amazing member for East Hills? We are delivering \$25 million for the new emergency department and planning money for the new facilities that will be built. We are providing the services for Bankstown. [*Extension of time*]

Mr Clayton Barr: This is going to kill him.

Mr BRAD HAZZARD: You'd be surprised. I'm enjoying it.

The SPEAKER: Order! Members will come to order.

Mr BRAD HAZZARD: As the Liberal-Nationals health Minister I am extremely proud of our Government looking to govern for the whole State. Roughly one-third of all our dollars is going into the regions but a very substantial amount of our money is going into western and south-western Sydney. Today we announced more than three-quarters of a billion dollars for the new Liverpool Hospital.

Mr Paul Lynch: It is 3.5 this year? Come on.

Mr BRAD HAZZARD: The member for Liverpool is talking down his own hospital. The member should be judged at the next poll. Today Professor Les Bokey said on behalf of the nurses and doctors at Liverpool Hospital, "We are over the moon." The member for Liverpool is somewhere in the universe but he is obviously not seeing what they are seeing. That three-quarters of a billion dollars will provide a first-class health and education precinct for Liverpool and it will be a major hospital going forward. Again, that is something I looked for on Mr Foley's list. There is no Liverpool on the list. Nothing would have been done in Liverpool at all if those opposite had won government. In fact, there is no mention of Maitland either. This Government is delivering \$470 million to Maitland. Bankstown, Liverpool, Penrith, Nepean, Mount Druitt, Blacktown and every part of western and south-western Sydney is being looked after by our Government. Are we spending \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion or \$7 billion on infrastructure?

Government members: No!

Mr BRAD HAZZARD: Are we spending \$8 billion?

Government members: Yes!

Mr BRAD HAZZARD: Yes! We are spending \$8 billion on infrastructure in the next four years. We are delivering what Labor could not.

LIBERAL PARTY BRANCH MEETING

Mr STEPHEN KAMPER (Rockdale) (15:19): My question is directed to the Premier. Given violent street clashes between Liberal Party—

The SPEAKER: Order! The member for Rockdale will wait until Government members come to order. The Minister for Health will cease interjecting.

Mr STEPHEN KAMPER: Given violent street clashes between Liberal Party factions, will the Premier use the State's anti-consorting laws to crack down on the gangs of thugs who are terrifying law-abiding citizens on the streets of my electorate?

The SPEAKER: Order! I am not sure if it was a serious question but it will be given a serious answer. The Premier has the call.

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:21): More than anything else the question demonstrates what a strong budget we have delivered. Members of the Opposition have run out of puff after the first question. They have asked the Treasurer one question on budget day. They are a lazy opposition. They are lazy when it comes to policy.

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

Ms GLADYS BEREJIKLIAN: Their leader does not have a strategy. He does not have a plan and he does not have their support. He also does not have hope because the member for Maroubra is announcing their candidates, not the Leader of the Opposition.

The SPEAKER: Order! Members who are on one or two calls to order are now deemed to be on three calls. I warn them that if they continue to interject they will be removed from the Chamber for the rest of the day.

Ms GLADYS BEREJIKLIAN: I would have thought that the member for Rockdale would have asked me a question about the health, education, roads and rail projects in his electorate.

Mr Stephen Kamper: Point of order: My point of order is relevance. The question was about violence on the streets.

The SPEAKER: Order! The member will resume his seat.

Ms GLADYS BEREJIKLIAN: I would have thought that the member for Rockdale would want to talk about the brand-new intensive care unit at St George Hospital. I understand the new maternity unit is receiving \$10 million. The member should be thanking us. And why does he not support the F6? Our members love the F6.

The SPEAKER: Order! The member for Rockdale will be removed from the Chamber if he continues to interject. The member for Wollongong will come to order. Government members will come to order.

Ms GLADYS BEREJIKLIAN: I am sure the member for Rockdale is also quietly thanking us for the upgrades to the T4 and T8 rail lines that are helping his constituents. The member could have asked questions about a number of things. The issues he raised are for the party organisation and not for this Chamber. Of course, anyone who has broken the law will be dealt with accordingly. Members opposite have run out of puff barely two hours after the budget was delivered. They have no strategy, no plans, no funding—nothing for the people of

New South Wales. They have endorsed this budget because they know it is a good budget. They know the Treasurer and the Liberal-Nationals have delivered the best budget this State has ever seen. We will continue to build on this budget because that is what the people of New South Wales want. While members opposite go down to the gutter we will keep building for the people of New South Wales.

STATE BUDGET AND EDUCATION

Mr ADAM CROUCH (Terrigal) (15:24): My question is addressed to the Minister for Education. How is the Government providing improved school infrastructure across New South Wales?

Mr ROB STOKES (Pittwater—Minister for Education) (15:25): I thank the member for Terrigal for his question and for his abiding interest in education and in the great public schools that serve his wonderful beachside community. Recently I had a great opportunity to be with the member for Terrigal, Terrigal Public School Principal Michael Burgess and local Executive Director Karen Jones to announce a significant expansion of facilities at that school. At Wamberal Public School we were able to turn the sod on the project that will provide an additional 10 classrooms and remove on-site demountables to allow the playground to be opened up for kids to enjoy. Fifteen classrooms will also be provided at Wamberal. Up the road at Warnervale the building of a brand-new school is about to commence. This budget will deliver great public education facilities across the length and breadth of this State.

As the Premier and the Treasurer have articulated so eloquently today, budgets are about priorities. They explain a government's vision for the future of a State. This budget clearly outlines our Premier's abiding passion for public education. It makes manifestly clear that we will put taxpayer dollars where they need to go, which is to provide great educational opportunities for every child across New South Wales regardless of where they live. The comparisons could not be starker. The general recurrent budget is almost 50 per cent larger than the budget provided by those opposite in their last year of government. We are providing about three times as many teachers this year as were provided under those opposite.

As the Premier articulated, this is the first State to sign up to the Gonski reforms funding principles. As others have walked away from those principles, we remain committed to them and are putting our money where our mouth is. The \$6 billion in school infrastructure funding over four years compares to the same amount being spent over 14 years when members opposite were in government. As I said, the comparison could not be starker. In maintenance alone, we are spending about 2½ times more this year than those opposite spent in their last three years in government. The building of schools since the start of responsible government in New South Wales falls into three eras.

The first era was with the passage of the Public Schools Act by the Coalition Government in 1866 when it went from about 259 schools to about 1,100 great schools—such as Darlington Public School at which we are currently investing in the next generation of infrastructure for that community. The next great period of school building was in the post-war migrant boom and population boom—the baby boom—between the late 1940s and the late 1960s. For example, schools that this Government is delivering upgrades for include Kingswood High School, Fairvale High School, which was built in the late 1960s, and Barrenjoey High School in my community that is celebrating 50 years this year. Those schools were built to fulfil utilitarian functional roles. Members would be familiar with the doughnut style of school that was built in a templatised design by the New South Wales Government Architect in those days.

This budget sets us up for the third great phase in school building over the next few years. This is an opportunity that we on this side of the Chamber will not miss. We have an extraordinary and colossal school build underway across New South Wales. We have 110 projects currently under construction and an additional 40 that will commence this year. In this budget we have announced planning that will commence for an additional 22 schools that will be added into the pipeline of development to provide for the next generation of infrastructure. That talks about this Government's priorities. This budget is about prioritising infrastructure that will make the lives of people better. We know that we can make no better foundational investment in the future than by providing great public schools, and that is what this budget delivers.

Documents

AUDITOR-GENERAL

Reports

The CLERK: In accordance with section 63C of the Public Finance and Audit Act 1983, I announce receipt of report of the Auditor-General, entitled "Universities 2017 Audits", dated 8 June 2018, received out of session on 8 June 2018 and authorised to be printed.

*Committees***PUBLIC ACCOUNTS COMMITTEE (PAC)****Reports**

Mr BRUCE NOTLEY-SMITH: As Chair: I table the report of the Public Accounts Committee, entitled "Examination of the Auditor-General's Performance Audit Reports February 2016 – September 2016", dated 19 June 2018.

I move:

That the report be printed.

Motion agreed to.

LEGISLATION REVIEW COMMITTEE**Report: Legislation Review Digest No. 57/56**

Mr JAMES GRIFFIN: As Chair: I table the report of the Legislation Review Committee, entitled "Legislation Review Digest No. 57/56", dated 19 June 2018.

I move:

That the report be printed.

Motion agreed to.

Mr JAMES GRIFFIN: I also table the minutes of the committee meeting regarding Legislation Review Digest No. 56/56.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS****Order of Business**

Mr ANTHONY ROBERTS: I move:

That on Thursday 21 June 2018 standing and sessional orders be suspended to permit:

- (1) Following the speech of the Leader of the Opposition on the Appropriation Bill and cognate bills the passage through all remaining stages with the question, "That these bills be now read a second time" being put forthwith without consideration in detail on the bills.
- (2) A member, immediately following the passage of the Appropriation Bill and cognate bills, to move the motion, "That this House take note of the Budget Estimates and related papers for 2018-2019".
- (3) After the member has moved "That this House take note of the Budget Estimates and related papers for 2018-2019":
 - (a) the debate is to be adjourned without motion moved;
 - (b) the resumption of the debate is to be set down as an order of the day for a later time; and
 - (c) the mover may speak to the motion at a later time prior to their right of reply.

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**.

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**.

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**.

The CLERK: I announce that the following petition signed by more than 500 persons has been lodged for presentation:

Glebe Island Multi-User Facility

Petition calling on the Government to commission an independent impact assessment of the proposed Glebe Island Multi-User Facility and to protect adjacent residential amenity by imposing operating conditions such as night and weekend bans, received from **Mr Alex Greenwich**.

RESPONSES TO PETITIONS

The CLERK: I announce that the following Minister has lodged a response to a petition signed by more than 500 persons:

The Hon. Andrew Constance—South Coast Rail Line—lodged 17 May 2018 (Mr Jamie Parker)

Motions Accorded Priority

STATE BUDGET

Consideration

Mr MARK COURE (Oatley) (15:33): I bring this motion to the House today as a matter to be accorded priority because this Government that is delivering record investment for the people of southern and south-west Sydney. This Government is delivering record spending on roads and transport, health and hospitals, education and more. We are focused and we are determined to ease the cost of living for residents across New South Wales, and make getting to and from work easier and more efficient. We are investing in the health of the people in New South Wales through record-breaking investments in our hospitals, research and frontline health staff and through employing more nurses across the State.

This Government is making a \$2.3 billion investment in world-class hospitals and health services. A record \$8 billion will be invested over the next four years in new facilities, upgrades and new redevelopments. It also includes funding for 40 new, upgraded or redeveloped hospitals. Our health expenditure now totals \$25 billion. This Liberal-Nationals Government is also investing record sums of money in our children's future—through improved education infrastructure and teaching outcomes—with upgrades to many schools across New South Wales like Penshurst Public School. We are also making a record investment in school maintenance at new and upgraded schools.

We are making a real difference to people's lives across New South Wales. After 16 years of Labor, this Government is getting on with the job of building for tomorrow and delivering for today. For years Labor talked about the F6, but it never delivered. This week the New South Wales Liberal-Nationals Government proudly announced it will deliver stage one of the F6 extension. Speaking of much-needed road improvements, we will also deliver upgrades to Henry Lawson Drive and Heathcote Road. The Government is also committed to our public transport system. Indeed, we will deliver much-needed upgrades to the T4 and T8 lines, after Labor's neglect and numerous failed Labor transport plans. Those on this side of the House have delivered more trains and more services. People need to be able to access the improved and ever increasing services and that is why we will be delivering commuter car parks at Engadine, Edmondson Park and Beverly Hills railway stations. Health is also a major priority in this year's budget. I repeat: our total expenditure for health now totals \$25 billion. When it comes to the south and south-west of Sydney Labor is no friend.

COST OF LIVING

Consideration

Mr RYAN PARK (Keira) (15:40): My motion should be accorded priority because men and women across this State are struggling to make ends meet. Family budgets are being squeezed and wages are flatlining, yet the cost of living continues to soar under this Government. Those opposite have a hide to say that the budget delivered by the Treasurer today is about people. Take, for example, a person in the electorate of Penrith who sits in the car park that is the M4 each day and pays thousands of dollars in tolls each year for the privilege. I wonder if that person thinks this budget is about them? What about the small business owner whose electricity prices have increased by 60 per cent, despite this Government's promise that prices would not increase following the privatisation of our electricity networks? Is this a budget for pensioners? Pensioners in this State are deciding

whether or not to turn their heaters on or to keep their air conditioning units running because their bills have increased so much that they can no longer afford to put food on their tables.

Is this a budget for young families? Young families have not received a wage increase for four to five years and they are struggling to keep pace with increasing cost-of-living expenses. It is not a budget for those people. However, it is a budget for Mr Shepherd and the very important trustees of the Sydney Cricket and Sports Ground. They get a fantastic deal. What do they get out of this budget? A new stadium. Recently I was at the ANZ Stadium with my eight-year-old son watching the Dragons win yet again. It was unbelievable how few people were there. In fact, my son asked me, "Dad, why are they doing this stadium up? No-one comes here." My eight-year-old son is incredibly smart—thanks to his mother and the fact that he is also a Dragons supporter—but for him to ask why the Government is funding a new stadium when there are vacant seats everywhere begs the question: What people are those opposite actually talking about? *[Time expired.]*

[Interruption]

The DEPUTY SPEAKER: Order! The member for Keira will remove himself from the Chamber for a period of one hour.

[Pursuant to sessional order the member for Keira left the Chamber at 15:39.]

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

The House divided.

Ayes47
Noes31
Majority.....16

AYES

Anderson, Mr K
Bromhead, Mr S (teller)
Cooke, Ms S
Davies, Mrs T
Evans, Mr A.W.
Gibbons, Ms M
Griffin, Mr J
Henskens, Mr A
Kean, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Provest, Mr G
Sidoti, Mr J
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

Aplin, Mr G
Brookes, Mr G
Coure, Mr M
Dominello, Mr V
Evans, Mr L.J.
Goward, Ms P
Gulaptis, Mr C
Humphries, Mr K
Lee, Dr G
Notley-Smith, Mr B
Pavey, Mrs M
Roberts, Mr A
Speakman, Mr M
Toole, Mr P
Ward, Mr G
Wilson, Ms F

Ayres, Mr S
Conolly, Mr K
Crouch, Mr A
Elliott, Mr D
Fraser, Mr A
Grant, Mr T
Hazzard, Mr B
Johnsen, Mr M
Maguire, Mr D
O'Dea, Mr J
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
Doyle, Ms T
Harris, Mr D
Hornery, Ms S
Lynch, Mr P
Mehan, Mr D
Parker, Mr J
Tesch, Ms L (teller)
Zangari, Mr G

Atalla, Mr E
Car, Ms P
Daley, Mr M
Foley, Mr L
Harrison, Ms J
Kamper, Mr S
McDermott, Dr H
Mihailuk, Ms T
Piper, Mr G
Warren, Mr G

Bali, Mr S
Catley, Ms Y
Dib, Mr J
Greenwich, Mr A
Hoenig, Mr R
Leong, Ms J
McKay, Ms J
Minns, Mr C
Scully, Mr P
Watson, Ms A (teller)

PAIRS

Barilaro, Mr J
Berejiklian, Ms G
Constance, Mr A
Perrottet, Mr D

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

Motion agreed to.**STATE BUDGET****Priority**

Mr MARK COURE (Oatley) (15:47): I move:

That this House:

- (1) Welcomes the 2018-19 Budget's record investment in southern and south-west Sydney, including:
 - (i) delivering stage 1 of the F6;
 - (ii) the T4 and T8 line upgrades;
 - (iii) the Henry Lawson Drive and Heathcote Road upgrades;
 - (iv) hospital upgrades, including St George and Liverpool;
 - (v) planning for upgraded commuter car parks including Engadine and Edmondson Park railway stations; and
 - (vi) record education funding, including new and upgraded schools.
- (2) Notes Labor's \$5.8 billion black hole.
- (3) Acknowledges only strong economic management under the Liberal and Nationals Government can deliver these projects.

Today we welcome the 2018-19 Budget's record investment in southern and south-west Sydney. This Government is getting on with the job, providing for the people of New South Wales, investing in our children's future and delivering across health, roads, transport and education. This week, the Liberal-Nationals Government proudly announced it will deliver stage one of the F6, which was opposed by Labor. This will benefit the extensive network of Sydney's motorways, and bring great relief to motorists of southern and south-west Sydney. The first section of the F6 extension will enable drivers to bypass 23 sets of traffic lights and save up to 15 minutes on each journey. The record extension is expected to cost between \$2.2 billion and \$2.6 billion, and will take more than 10,000 vehicles off General Holmes Drive each day and up to 2,000 trucks off our local streets and roads.

This project is a great win for the people of southern and south-west Sydney, who, during Labor's 16 years of Government, had to endure not only increasing traffic congestion but also increasing excuses from those opposite as to why the F6 was talked about but never delivered by Labor. Only a Liberal-Nationals Government can be trusted to improve local roads. This budget delivers more than \$2.6 billion over the next four years for road projects across western and south-west Sydney, including \$100 million to upgrade Henry Lawson Drive and \$173 million to upgrade Heathcote Road. This budget is focused on improving motorist travel times, easing congestion and improving road safety. The Government is committed to its public transport system. Only a Liberal-Nationals Government has been able to deliver much-needed upgrades. It will upgrade the T4 and T8 train lines, where commuters will reap the benefits of more services and more trains across this network.

The Government is delivering for commuters across the State, including commuter car parks at Engadine and Edmondson Park train stations. These are just two of over 400 projects that the Liberal-Nationals Government has delivered through the Transport Access Program. The Government announced recently that it will deliver a commuter car park for Beverly Hills railway station, which is in my electorate. The 2018-19 Budget allocated a record \$25 billion investment in hospitals and emergency services, which includes St George Hospital and Liverpool Hospital. St George was left unfunded and neglected by the Labor Government. Those opposite should be ashamed of their lack of investment in and lack of commitment to St George Hospital. When it comes to St George Hospital, Labor is no friend.

Let us not forget the \$740 million announced today for Liverpool Hospital, which will see an expansion of its emergency department, neonatal intensive care, maternity and critical care capacity and of course much more. I note the member for Holsworthy is in the Chamber. The Government has a clear and proven record of investing in health, which is a claim the Opposition has never been able to make. The Government is making a record spend in education for schools across New South Wales—170 new and upgraded schools to support communities throughout New South Wales. When it comes to southern and south-west Sydney, Labor is no friend.

Mr CLAYTON BARR (Cessnock) (15:52): I speak against the motion moved by the member for Oatley, particularly what it really means for Government's priorities and how it is managing its finances in something of a David Copperfield manner to produce the outcomes it claims to have produced. I will start with Table D.1 on page D - 2 of Budget Paper No. 1. On page D - 3 is a table headed "Net Lending/(Borrowing)". If anybody would like to have a stab at how much will be borrowed for this year's budget to produce the \$3 billion surplus, they can go right ahead. But they probably will not get it. In 2018-19, \$10.5 billion has been borrowed to produce a \$3.5 billion surplus. That is a little bit like me taking out a \$10,500 loan and then saying I have \$3,500 in my pocket to go on holiday. But I have taken out a loan that ultimately must be repaid. The true underlying story of this budget—as with previous budgets—is the intergenerational debt that is being left behind going forward.

The Government likes to talk about net debt, but it refuses to talk about debt in its entirety. The budget clearly shows that State borrowings in the four-year projections will be \$43 billion. That is the truth of what we are producing. In fact, those borrowings will grow by \$3.7 billion per year over each of the next four years. The Treasurer stands in this place and says we will have a \$3 billion intergenerational fund, but it will be smaller than the annual increase in the size of the debt. That is the truth of this budget. The other truth of the budget is that the Government is making priority spending decisions based on all of this.

Here is a question for the member for Oatley: Which one of these projects will be funded by the \$10.5 billion being borrowed? Will it be stage one of the F6? Will it be the T4 and T8 lines? Will it be Henry Lawson Drive? Will it be the hospital upgrades? Will it be the planning for the commuter car parks? Will it be the record education funding? A significant portion of those projects will be funded by borrowings—borrowings that will be paid back by future generations, not by that lot on the other side. How will this State pay back borrowings when future revenue is in decline because every asset that makes money has been sold off, but future expenses are on the increase.

Mr Mark Coure: Say it like you mean it. Go on.

Mr CLAYTON BARR: You don't even know what I am talking about, Mark. You don't understand any of this. The Fiscal Responsibility Act 2012 requires this Government to keep future long-term expenses below future revenue growth. And guess what? This budget finally acknowledges the truth that everyone has known for quite a long time: As of this year, expenses are growing faster than revenue. We are going in a negative direction on every front. Those on the other side of the House do not understand the budget. They get their lines from Treasury then they come in here, pretend to understand the budget, and just read out the lines.

Mr Mark Coure: You've already got a \$5 billion black hole when you're in Opposition.

Mr CLAYTON BARR: The interjection from the member for Oatley indicates that he does not understand. When this Government came to power in 2011 he was not listening, because originally it was \$4.2 billion, then it was \$4.1 billion, then it was \$5 billion, and then it was \$5.8 billion. The numbers keep changing. The Government has commissioned three independent reports to determine whether there was a budget black hole—and guess what? There was not one. For 16 years the Labor Government presided over 15 budget surpluses; in the seven years those opposite have been in government, they have not done three. That is the truth of the New South Wales budget and the economy at the moment.

Those stooges opposite walk in here and read out these ridiculous motions when they do not understand the budget—they are puppies being led by the nose of Treasury. They have a transport Minister who is doing dodgy things, taking transport infrastructure offline so that it does not appear in the budget, and they have all sorts of other assets and holdings that are offline and not in the budget because of accounting changes. Those on the other side do not understand the budget. This motion is a nonsense. It is an absolute farce for those opposite to claim to be the financial managers of this State. They say it because they do not understand. They should be embarrassed by this motion.

Mr LEE EVANS (Heathcote) (15:58): We will get some sense back into the debate. Today is a great day for New South Wales. For the first time in probably your time in Parliament, Mr Deputy-Speaker, we have a budget that not only spends but that is also in surplus, and that is fantastic for the people of New South Wales and something for them to be proud of. The member for Oatley has already outlined some of the things we are spending our money on, such as the T4 and T8 line upgrades to a digital system, which means that services will be run closer together and there will be more of them. Once rolled out across the whole system, trains will come online and it will mean more services for my constituents.

In relation to hospital upgrades, this is the first time in my seven years in this place that I have heard the Opposition accuse the Government of pork-barrelling in Opposition electorates. Every hospital within the electorates of those opposite has been either upgraded or replaced. We cannot be more proud of the Health spend in the seven years we have been in government. Today the Treasurer outlined \$8 billion worth of spending over

the next four years. The budget significantly boosts Health allocations to more than \$25 billion to ensure world-class facilities and services for the people of New South Wales, including \$10 million to fast-track works to expand and refurbish the birthing suite and existing theatres at St George Hospital; refurbish the Bankstown-Lidcombe emergency department; commence work on Campbelltown Hospital car park; and plan for the Canterbury Hospital upgrade.

This year's budget provides 1,370 more health staff, including 950 nurses and midwives, 300 medical practitioners and 120 allied health professionals, resulting in a record frontline clinical and clinical support staff of more than 105,000. This means that since 2011 more than 16,000 nurses, midwives, doctors, allied health professionals and hospital support staff have been added. The budget delivers on the Government's 2015 election commitment to employ 360 new specialised nursing, midwifery and support positions and to provide extra training positions for medical, allied and oral health staff. *[Time expired.]*

Ms TANIA MIHAILUK (Bankstown) (16:01): The passion in this room is like dynamite. I am delighted that the member for Oatley yet again steps up to do the Motions Accorded Priority in this place. It is always fun when he has something to say—hooray for Coure! What the member for Oatley should do is fight this Government on its introduction of tolls for the first time on the entrance of King Georges Road to the M5. In the past six months, after the Government announced it will increase the tolls for 40 years on the M5, which means that people from Camden down to Canterbury, including all of his beloved residents of Oatley, will be forced to pay for the tolls on the M5 until 2060. There has been not a mumble, a murmur, a sound or a whimper from the member for Oatley. He has made no objection. We have not seen him stand up for the residents of Oatley or heard him say anything to fight this Government on this outrageous introduction of tolls for the first time on King Georges Road. We did not hear anything about it in his contribution today.

I am delighted that the member for Oatley is gloating about pork-barrelling in certain electorates. Let us have a really good look at how many electorates miss out on train stations. I loved that the member for Hornsby had something to say about this the other day. It is wonderful to see that a station in Hornsby that has only 150 commuters or so has a lift, when Chester Hill, Birrong, Yagoona, Villawood and Punchbowl train stations continue to miss out. How many people from Oatley use those stations? There is no question they travel to Punchbowl to jump on the train there. The member for Oatley knows he has residents in Riverwood who are missing out on a train station lift.

But let us talk about East Hills. The Government mentioned the Bankstown Hospital upgrade. A measly \$25 million has been allocated for this upgrade, but \$2.3 billion has been allocated for stadiums. Do people remember what the member for East Hills boasted about at the last election? It was his dream to upgrade Bankstown Hospital. This was his dream of extending across the road and building a new hospital in Bankstown. Where is it? Look at his lovely pamphlet. Look how much money he spent. He did not declare any of the expenditure on this brochure. Where is the hospital? I have not seen it anywhere. It is not in the health Minister's announcement today.

The DEPUTY SPEAKER: Order! The member for Bankstown will resume her seat.

Mr Stephen Bromhead: Point of order: The member for Bankstown is using a prop.

[Time expired.]

Mr MARK COURE (Oatley) (16:05): In reply: Today is an historic occasion. This Government is delivering record spending on roads, transport, health, hospitals, education and more. This year's budget delivers record amounts of funding for infrastructure and services across southern and south-west Sydney. The New South Wales Government is delivering the benefits of its strong financial management to families and individuals across the State with cost-of-living relief, unprecedented school investment and record hospital funding among the centrepieces of this year's budget. I have already spoken about some of the many benefits for the people in the south and south-west of Sydney, but I will recap on five of those benefits.

The first is the F6, a road extension expected to cost between \$2.2 billion and \$2.6 billion, which will enable motorists to bypass up to 23 sets of traffic lights, ease congestion, and reduce the time spent in traffic to spend more time at home. The T4 and T8 lines will be upgraded. As a member of Parliament, this excites me. The number of trains that will run during the morning and afternoon peaks on the T4 Illawarra line and the T8 Airport line will increase because of an \$880 million investment in technology improvements to modernise the Sydney Trains Network. This budget includes \$100 million to upgrade Henry Lawson Drive, which is opposed by the member for Bankstown it seems. The Government will also upgrade Heathcote Road. The member for Heathcote has a grin on his face and is very excited about that upgrade. The Government is allocating \$173 million towards the upgrade of the Woniara Road bridge winding between Hammondville and Voyager Point.

And let us not forget St George Hospital, which is dear to my heart and dear to the heart of the community in my local area. The Government is increasing its investment with more than \$10 million to upgrade the birth and delivery suite at St George Hospital, which local residents have wanted for a long time. This hospital was originally built approximately 30 years ago. The Government is getting on with the job with record spending that delivers funding for 40 new and upgraded or redeveloped hospitals, with health expenditure totalling more than \$25 billion. The Government is also allocating the record amount of \$740 million for Liverpool Hospital.

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

The House divided.

Ayes48
Noes29
Majority..... 19

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Brookes, Mr G	Conolly, Mr K
Cooke, Ms S	Coure, Mr M	Crouch, Mr A
Davies, Mrs T	Dominello, Mr V	Elliott, Mr D
Evans, Mr A.W.	Evans, Mr L.J.	Fraser, Mr A
Gibbons, Ms M	Goward, Ms P	Grant, Mr T
Griffin, Mr J	Gulaptis, Mr C	Hazzard, Mr B
Henskens, Mr A	Humphries, Mr K	Johnsen, Mr M
Kean, Mr M	Lee, Dr G	Maguire, Mr D
Marshall, Mr A	Notley-Smith, Mr B	O'Dea, Mr J
Patterson, Mr C (teller)	Pavey, Mrs M	Petinos, Ms E
Piper, Mr G	Provest, Mr G	Roberts, Mr A
Rowell, Mr J	Sidoti, Mr J	Speakman, Mr M
Stokes, Mr R	Taylor, Mr M	Toole, Mr P
Tudehope, Mr D	Upton, Ms G	Ward, Mr G
Williams, Mr R	Williams, Mrs L	Wilson, Ms F

NOES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Chanthivong, Mr A	Daley, Mr M	Dib, Mr J
Doyle, Ms T	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Hoenig, Mr R	Hornery, Ms S
Kamper, Mr S	Leong, Ms J	Lynch, Mr P
McDermott, Dr H	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	Parker, Mr J
Scully, Mr P	Tesch, Ms L (teller)	Warren, Mr G
Watson, Ms A (teller)	Zangari, Mr G	

PAIRS

Barilaro, Mr J	Lalich, Mr N
Berejiklian, Ms G	Foley, Mr L
Constance, Mr A	Cotsis, Ms S
Hancock, Mrs S	Finn, Ms J
Perrottet, Mr D	Haylen, Ms J

Motion agreed to.

Notices

PRESENTATION

[During the giving of notices of motions]

The DEPUTY SPEAKER: Order! I ask members to respect the House and question the language used in the motion by the member for Blue Mountains. I will seek advice on the motion.

Budget

BUDGET ESTIMATES AND RELATED PAPERS 2017-2018

Debate resumed from 16 May 2018.

The DEPUTY SPEAKER: The question is that this House take note of the budget estimates and related papers.

Motion agreed to.

Bills

JUSTICE LEGISLATION AMENDMENT BILL (NO 2) 2018

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General) (16:25): I move:

That this bill be now read a second time.

As 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 43 to 51 of the proof *Hansard* for that day.

Second Reading Debate

Mr PAUL LYNCH (Liverpool) (16:26): I lead for the Labor Opposition on the Justice Legislation Amendment Bill (No 2). The Opposition does not oppose the bill. The bill's object is to amend a number of pieces of legislation relating to courts and crimes and related matters. The bill proposes amendments to 17 pieces of legislation. That includes amendments to the Criminal Procedure Act, the Law Enforcement (Powers and Responsibilities) Act, the Mental Health (Forensic Provisions) Act, the Crimes (Sentencing Procedures) Amendment (Sentencing Options) Act, the Terrorism (High Risk Offenders) Act, the Government Information (Public Access) Act, the Crimes Act, the Crimes (Sentencing Procedure) Act, the Children's (Criminal Proceedings) Act, the Succession Act, the Supreme Court Act, the Criminal Assets Recovery Act, the Court Suppression and Non-publication Orders Act, the Crimes (Domestic and Personal Violence) Act, the Guardianship Act, the Powers of Attorney Act and the Young Offenders Act.

In addition to amendments to these 17 Acts contained in schedule 1, schedule 2 provides consequential and statute law revision amendments to 23 other pieces of legislation, including some that are also amended pursuant to schedule 1. An amendment is made by schedule 1.3 to the Court Suppression and Non-publication Orders Act. Section 8 (1) (d) of that Act provides that a court may make a suppression order if it is necessary to avoid causing undue distress or embarrassment to a party or to a witness in criminal proceedings involving an offence of a sexual nature, including an act of indecency.

The Government sustained a tad of embarrassment in November last year in a District Court case in Dubbo. As a result, the identity of the defendant was suppressed in an historic sex abuse case despite the fact that the complainant was happy to have her identity revealed. I note that history was not acknowledged in the second reading speech, although it is fairly clear that was the genesis for this amendment. The general principle of open justice is a good one and should not be departed from without powerful reasons. This proposed amendment inserts a new subsection (3), which qualifies subsection (1) (d) by saying there must be exceptional circumstances for a suppression or non-publication order to be issued to avoid causing undue stress or embarrassment to a defendant in criminal proceedings involving an offence of a sexual nature. That seems to be an entirely sensible proposal.

Amendments to the definition portions of several parts of the Crimes Act are made by schedule 1.4. It makes it clear that the breasts of a female person, or transgender or intersex person identifying as female are private parts whether or not the breasts are sexually developed. The necessity for this amendment is said to flow from a Court of Criminal Appeal decision. I understand the case is *Turner v Regina*, 2017 NSW CCA 304. Schedule 1.6 amends the Crimes (Domestic and Personal Violence) Act so that proceedings relating to an apprehended violence order against a child are to be held in closed court, as is currently the case for proceedings in which a child is a witness or a protected person.

The aggravating, mitigating and other factors in sentencing set out in section 21A of the Crimes (Sentencing Procedure) Act are amended by schedule 1.7. An aggravating factor to be taken into account in sentencing is if the victim's occupation is a person working at a hospital other than a health worker. Health workers are already dealt with by section 21A (2) (a). This amendment is to include people such as support staff and security guards. Nineteen of the amendments in schedule 1.8 amend the as yet uncommenced provisions of the

Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act, which was passed by this Parliament last year. We are now midway through this year and last year's legislation still has not commenced. The Government's legislative program and its implementation are not noted for efficiency or speed.

The Labor Opposition welcomed some of the 2017 provisions with some enthusiasm. Perhaps we spoke too soon. Requiring amendments to the Government's own legislation within 12 months of its introduction and before it commences suggests a less than competent approach. Schedule 1.10 item [14] amends the Criminal Procedure Act relating to what it calls terrorism evidence. This is evidence designated by the prosecuting authority to be terrorism evidence. This designation can be applied even if material has already been handed over. A legal representative can be given a copy of the material with restrictions as to how it can be seen by their client. An unrepresented defendant can obtain reasonable access to view or listen but not to copy the material.

Schedule 1.10, item [15] inserts section 298A into the Criminal Procedure Act. This provides in criminal proceedings that a person cannot seek to compel, by subpoena or otherwise, a victim of a sexual assault offence to reveal the identity of the victim's counsellor. That is clearly a provision that one would welcome. The Government Information (Public Access) Act is amended by schedule 1.13 by providing it to be conclusively presumed that there is an overriding public interest against disclosure of information contained in any document prepared for the purposes of the High Risk Offenders Assessment Committee. Schedule 1.15 applies the Civil Procedure Act to proceedings in the Local Court before the Chief Industrial Magistrate by amendment to the Industrial Relations Act.

Schedule 1.17 amends what is known as LEPPRA—the Law Enforcement (Powers and Responsibilities) Act. It removes part 4, division 2 and creates a new section 23. The existing power of the police requires a person in a public place or school to submit to a search if the police officer suspects on reasonable grounds that the person has a dangerous implement. On one view that does not actually give the police the power to search, although I would have thought in practice everyone assumed they had the power. Certainly this amendment clearly gives them that power. I note there was some excitement about this in the other place, which seems to me to miss the point of how it will actually work in practice.

Section 198A is amended so that when a police officer gives a move-on direction to a group of intoxicated persons in a public place the police officer is not required to repeat the associated warning to each person in the group. This applies the existing provision about warnings to persons in a group under part 15 of the Law Enforcement (Powers and Responsibilities) Act to a warning under section 198 (6), which once again seems to me not a terribly great leap. The Supreme Court Act is amended to take account of *Morgan v District Court of New South Wales* [2017] NSW CA 105. Schedule 1.22 has items running to several pages amending the Terrorism (High Risk Offenders) Act, which passed through the Parliament only last year. Yet again the Government amends its own bill a short time after it puts it through the Parliament. Section 60 of the principal Act is replaced entirely. The Opposition does not oppose the bill. I note, as I apprehend, an amendment will be moved of which the Government has notified me today. I take in good faith the explanation that has been given to me and indicate that the Opposition will not oppose the amendment.

Mr RON HOENIG (Heffron) (16:32): I make a contribution to the Justice Legislation Amendment Bill (No 2) 2018 and in doing so I endorse the remarks of the member for Liverpool. I raise two issues in respect of the bill. The first relates to schedule 1.7 and proposed amendments to section 21A of the Crimes (Sentencing Procedure) Act 1999. Section 21A of the Crimes (Sentencing Procedure) Act contains provisions that require courts to take into account both aggravating and mitigating factors when determining sentence. However, the Court of Criminal Appeal has rightly held that that does not abrogate the common law responsibilities of the court taking into consideration certain factors when sentencing; in other words, section 21A is in addition to those common law factors.

While it is understandable that Parliament has sought to give guidance to sentencing judges on specific offences with aggravating or mitigating factors, in practice a check mechanism has been created, which, according to judgements made by the Court of Criminal Appeal, has resulted in sentencing judges falling into error. Bearing in mind that all those factors in section 21A are contained in common law, the provisions are superfluous. Until the Parliament changes the common law, sentencing judges will continue to make errors. Puisne judges have large sentencing lists containing offenders of the most serious offences. While Parliament would like judges to be encouraged to give extempore judgements, the judges are reserving their judgements and the judgements are becoming complex so as to avoid making errors. As such, there is no need to include provisions in section 21A that are already in common law.

Common law is not simply judicial activism; it has been developed over hundreds of years through trial and error. When Parliament intrudes, it often causes unintended consequences. Adding provisions to section 21A that include factors that are already taken into consideration in sentencing leads judges to make errors. Many of the appeal cases in the Court of Criminal Appeal come from offenders who have been sentenced or have an

application for leave to appeal and focus on the failure of the sentencing judge to take all of the provisions in section 21A into consideration, to give section 21A sufficient weight or to mention section 21A, which would have caused a different sentence to be imposed.

The High Court has said repeatedly that the function of sentencing judges is an intuitive process, it is not a mechanical process. It is similar to the giving of damages, which the Attorney would understand as it was an area in which he practised. As to the amendment to section 21A to include as an aggravating factor an offence that occurs to a person working at a hospital other than a health worker, I can assure the House that a judge, as a matter of common law, already would take those aggravating factors into consideration when imposing a sentence. I would rather the Attorney and his department review the operation of section 21A with a view to removing a number of provisions, which may have a dramatic effect on the number of appeals in the Court of Criminal Appeal and judges being accused of making errors.

I refer to the proposed amendments that incorporate proposed part 2B, terrorism evidence, within the Criminal Procedure Act. There are similar but not identical provisions that relate to sexual offences, particularly child sexual offences. In offences of that nature, the Parliament has required for very good reasons the withholding of the provision of material to an accused person. These are unusual provisions and are generally contrary to principle but the Parliament had good reason to enact them. As someone who has appeared in hundreds of these types of trials, I can assure the House that there are reasons of substance for those persons who are on trial not to be given access to that material.

As to terrorism offences, in the absence of the Attorney advising the House why those provisions are necessary, it is an extraordinary intrusion into the criminal trial process. If there are valid reasons to withhold material from an accused person which no doubt is inculpatory to an accused—it would hardly be exculpatory information that the Attorney is concerned about—then the default position is not that it should be withheld but that an application should be made or an order of the court be sought. Not all terrorism offences would fit into that category. The Attorney has not given an explanation. I can only imagine that it relates to material that is relatively sensitive and might involve threats to witnesses or informers or might compromise the investigation or the gathering of intelligence by law enforcement or intelligence services. While that might be understandable, those are generally exceptions. One does not fundamentally change the principle of running a criminal trial unless there are valid reasons.

I concede that the Attorney has gone to enormous trouble—which many of his predecessors would not—to ensure that part 2B operates as fairly as possible. However, it still offends against principle and no credible explanation has been given. The Parliament is left guessing. It is not a matter of agreeing to those provisions because everybody is frightened when the word "terrorism" is used. I suppose that is the purpose of terrorism. One does not change fundamental principles or the right of an accused person to have access to the material of which he is accused without there being good reason. That reason has not been disclosed. Again, if there are very good reasons, those decisions should not be left in the hands of the prosecutor. Parliament has had to intrude in a number of areas where prosecutors have failed in their duty to provide material to which an accused person is entitled. To set up a regime that will not enable a person, without explanation, to have access to inculpatory or exculpatory material relevant to a criminal trial offends against principle and is a dangerous precedent.

Mr JAMIE PARKER (Balmain) (16:43): On behalf of The Greens, I address the Justice Legislation Amendment Bill (No 2) 2018. I acknowledge that a great deal of work and effort has gone into this legislation. I acknowledge also that the bill contains several positive measures, particularly those that protect victims of sexual assault from having to disclose the identity of their counsellor and other issues concerning domestic violence and child assault offences. The Greens have concerns about the legislative overreach which will potentially impact on the right to a fair trial; prevent suspects on terrorism-related charges from accessing potentially critical evidence; and provide police with new powers to stop, search and detain. Further, we have issues about the continual watering down of civil liberties. The Greens are particularly animated on this issue because it goes to the heart of a good balance between the State and its citizens.

The first issue I want to raise concerns the right to a fair trial. The bill introduces a new part 2B in the Criminal Procedure Act entitled "Terrorism evidence" and is modelled on part 2A, "Sensitive evidence", in the same Act. It introduces a concept of terrorism evidence in the context of criminal proceedings. A prosecuting authority cannot be required to give an accused person a copy of a thing that the authority decides is "terrorism evidence". During the course of proceedings, a prosecuting authority can also seek the return of evidence it designates as terrorism evidence. I acknowledge that there are some safeguards in the bill. For example, an unrepresented accused must be granted reasonable access to view or listen to the terrorism evidence. However, such access may be supervised by the prosecuting authority, and "reasonable access" is not defined. For those who are represented, their lawyer may retain a copy of the terrorism evidence, but accused persons cannot view or listen to that evidence without the supervision of their lawyer.

Under new part 2B the court has no role in deciding that evidence is terrorism evidence and what the appropriate level of access should be to such evidence. Notwithstanding some of the part's safeguards, which I acknowledge, The Greens remain concerned that these provisions may unduly trespass on the right to a fair trial. We also believe there is a second issue concerning the right to a fair trial; that is, the amendment to section 60 of the Terrorism (High Risk Offenders) Act 2017 and related provisions that apply to terrorism intelligence applications. In amending the existing provisions relating to terrorism intelligence applications, the bill raises a number of issues concerning the right to a fair trial. Under the bill the Supreme Court must—rather than may—grant a terrorism intelligence application if satisfied that the relevant information is terrorism intelligence, among other things. If granted, special confidentiality provisions apply which may significantly restrict the accused's access.

If the court is not satisfied that the information in question is terrorism intelligence the applicant must be provided with an opportunity to withdraw the information from the proceedings. The accused then has no access to the information and the court must disregard it. These amendments may trespass on the accused's right to a fair trial, including by potentially impairing the ability of the accused to properly understand and respond to the case against him or her. If an accused person is unrepresented, the court must appoint an independent third party representative to make submissions on the accused's behalf. While this may be considered a safeguard, there is no requirement in the Act that this person, that is, the independent third party, be legally qualified. The penalties attached to terrorism are significant. It is our view that in such circumstances it is particularly important that the right to a fair trial is protected.

The third issue concerning a right to a fair trial is inserting a new section 60A in the Terrorism (High Risk Offenders) Act 2017 so that the State or a relevant authority may make a claim in proceedings under the Act that a certain document or report is subject to public interest immunity. It allows a State or a relevant authority to claim public interest immunity over a document or report in proceedings under the Act. However, if the court is not satisfied that public interest immunity applies, the State or authority must be given the opportunity to withdraw that document or report. The court is not required to allow a document or report to be withdrawn from consideration if the court considers its withdrawal would be manifestly unfair to the accused. However, the bill also provides that nothing in the Act abrogates public interest immunity. We note that the ability of the State to withdraw evidence from the proceedings even when a claim of public interest immunity is not made out, trespasses on the right to a fair trial. Although the court is not required to allow such evidence to be withdrawn if it considers that it would be manifestly unfair to the accused, the term "manifestly unfair" is not defined and may be an inappropriately high threshold.

I note a few other matters such as access to government information. Schedule 1.13 to the bill amends the Government Information (Public Access) Act 2009 to create a conclusive presumption that there is an overriding public interest against disclosure of information contained in any document prepared for the High Risk Offenders Assessment Committee. Under the bill there will be a conclusive presumption that there is an overriding public interest against disclosing this information such as a document prepared for the High Risk Offenders Assessment Committee. A core function of the committee is to review risk assessments of offenders and make recommendations to the Commissioner of Corrective Services for action which can be taken by the State in relation to these offenders. Such action may include applying to the court for an extended supervision order or continuing detention order.

The committee is also responsible for overseeing the exercise of high-risk offender functions of relevant agencies and identifying gaps. The committee may also have other information, such as research into the effectiveness of the high-risk offenders scheme, which will be captured by this conclusive presumption against disclosure. The Greens are concerned that this provision may unduly trespass on the public interest in accessing government information, particularly in relation to decisions by the State concerning the ongoing supervision and detention of individuals in circumstances where a term of imprisonment has already been served. This matter is particularly relevant to situations where a term of imprisonment may have already been served and we believe this should be addressed by Parliament.

Search and seizure without a warrant is a standalone power introduced by the bill. It will enable a search of persons for dangerous implements without a warrant in public places and schools rather than requiring that the person submit to a search. This is covered under proposed section 23 of Law Enforcement (Powers and Responsibilities) Act 2002. This power also allows a police officer to seize and detain certain items found in the course of a search, rather than requiring the person to produce the knife or implement. However, the power consolidates and updates existing search and confiscation powers already found in division 4 of the Law Enforcement (Powers and Responsibilities) Act 2002. The Greens are concerned when any amendments seek to extend search and seizure powers. We express concern about that issue.

Finally, when it comes to the right of liberty and freedom of movement in the context of terrorism offenders, extended supervision orders and continuing detention orders are proposed to now be imposed on persons who are no longer in custody or subject to supervision. The new minimum requirement is that the offender was in custody or subject to supervision at the time the order was filed. The ability for a court to impose an extended supervision order or continuing detention order on persons who are no longer subject to supervision or detention and have otherwise served their custodial sentence we view with significant concern and believe it may trespass on a person's right to liberty and freedom of movement.

Regarding the right to personal physical integrity and freedom of movement, the bill enables Juvenile Justice officers or Corrective Services officers who are ordered by a court to take a defendant to hospital for a mental health assessment to exercise the same functions in respect of the defendant as they would have for a detainee. These include the powers of restraint, search and the use of reasonable force. We are concerned about this amendment and the potential to trespass on the right to personal physical integrity and the right to freedom of movement. I note for the record that the existing section already provides for a court to nominate a Juvenile Justice officer or Corrective Services officer to take a defendant to hospital.

On the whole The Greens recognise there are some positive aspects in this bill. However, we do not support many of the elements of the bill and therefore we will not support the bill in its entirety. We have raised issues and concerns, and note the importance of the International Covenant on Civil and Political Rights. We believe these fundamental principles need to be protected such as a right to a fair trial and deviation should occur only in times of public emergency and then only to the extent that is strictly required. The Greens think this bill has a potential to overreach that extent.

Ms TANIA MIHAILUK (Bankstown) (16:52): I make a brief contribution to debate on the Justice Legislation Amendment Bill (No 2) 2018. As the shadow Minister for Mental Health I raise the matter of proposed section 33 (5) (c) and in particular section 33 (5) (d), where an appropriate police officer may make a bail decision in respect of a defendant brought before the appropriate police officer under this section. It enables a defendant who has been detained for a mental health assessment to be taken to a police station after assessment for a police officer to decide whether or not to grant the defendant bail instead of being taken before a magistrate.

I seek clarification from the Attorney General regarding this matter—today or at a later date. I appreciate these changes are suggested by the Mental Health Review Tribunal but I note that in the speech of the Hon. Scott Farlow in the other House he suggests that this power be used where a defendant is discharged from a mental health facility and cannot immediately be brought back to court. There have been discussions regarding mental health facilities and the pressures they face, particularly resourcing and the capacity of the 41 mental health units across New South Wales to cope with the high demand for facilities.

I have concerns about patients being discharged at an appropriate time and place so that they can be brought before a court. This proposed section will enable patients to be discharged at inappropriate times that will put a strain on police resources and may deprive patients of their rights when they are brought before a magistrate. Those issues could arise down the track. Can reviews of this provision be undertaken? I do not know whether such a review is being sought. Is the tribunal of the view that it does not have the resources if patients are discharged outside business hours during the week or on weekends? Why is this section necessary, particularly in view of recent media reports about people seeking support being turned away from mental health facilities? I ask the Auditor-General to elaborate and to inform members why this issue is being dealt with today. The Opposition does not oppose the measure but as shadow Minister for Health I draw attention to concerns that could arise as a result.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (16:56): In reply: I thank those members representing the electorates of Liverpool, Heffron, Balmain and Bankstown for their contributions to debate on the Justice Legislation Amendment Bill (No 2) 2018. The member for Liverpool observed that schedule 1.8 makes amendments to the provisions of the Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017 and that those amendments are to provisions that have not yet commenced. The sentencing reforms are anticipated to commence later this year. I note that this legislation was introduced along with several other landmark criminal justice reforms. The high-risk offender reform commenced in December last year. The early appropriate guilty plea reform commenced in April. The parole reform commenced in stages between November 2017 and May 2018.

As members will appreciate, the criminal justice reforms were substantial reforms to the entirety of our criminal justice system. They take important steps to improve outcomes for victims and increase supervision of offenders. Commencement dates for the reforms have been set to allow the legal profession and the courts to adjust to these substantial changes. The member for Liverpool made an observation as to why, after passing such significant reforms to community-based sentences, the Government is making changes to legislation prior to

commencement. Again I note that these are the most comprehensive and significant reforms for community-based sentencing in New South Wales for many years.

As part of its preparation to roll out reforms later this year, the Department of Justice identified a number of provisions that required amendment in order to operationalise them and to make them more practicable and efficient for staff. It is not surprising that, as agencies update their operational procedures in light of the new legislation, they are able to discover ways in which the law could be adapted to better implement the intent of the reforms and to make them as operationally practicable as possible. The Government has listened to the advice of the operational experts and introduced these amendments at the earliest opportunity in order to improve the legislation before it commences.

The member for Heffron made some observations about amendments to section 21A of the Crimes (Sentencing Procedure) Act 1999 and amendments to the Terrorism (High Risk Offenders) Act. The amendments to section 21A of the Crimes (Sentencing Procedure) Act implement a recommendation of the Committee on Law and Safety of this House in its inquiry into violence against emergency services. The amendments will put consideration of the vulnerability of a hospital worker beyond doubt. As I understand it, at one stage the member for Heffron appeared to suggest that section 21A was altogether unnecessary and that it was basically superfluous because of the operation of the common law anyway.

At another stage in his speech I understood him to say that section 21A somehow seduced sentencing judges into error and that the more provisions in section 21A the greater the risk of error. If those are his arguments they appear to be inconsistent. If it is an error to disregard section 21A and otherwise would not be, it would appear that section 21A must have some operation over and above the common law. The purpose of section 21A is to enumerate clearly for counsel, judges and the lay person who wants to understand the judicial process, factors that are to be taken into account as aggravating circumstances. The amendments in this bill put the vulnerability of a hospital worker beyond doubt as such a circumstance.

The member for Heffron also asked why amendments to the Terrorism (High Risk Offenders) Act are needed at all. The member for Balmain expressed concern about these amendments and asked whether they undermine the right to a fair trial. This is a difficult area and a difficult balancing act. On the one hand it is fundamental to our system of justice that accused persons have a fair trial. But on the other hand, where it is practicable to do so, we have to make sure that court processes do not unnecessarily undermine protection of the community by agencies dealing with terrorist activity where it is at all possible to avoid that happening.

Under the bill, the prosecuting authority will designate evidence as "terrorism evidence" where it advocates support for engaging in any terrorist acts or violent extremism; relates to planning or preparing for, or engaging in, any terrorist acts or violent extremism; or advocates joining or associating with a terrorist organisation. The prosecuting authority will write to accused persons or their lawyers, if they are represented, advising them that they will not provide this evidence to accused persons. If they are represented, the prosecuting authority will give a copy of the evidence to their lawyers. The notice will explain that the person can view or listen to the evidence under the supervision of a prosecuting authority or a person's lawyer. It will provide contact details for the accused person to arrange to view the evidence. If the accused person seeks to view the evidence the prosecuting authority must give the person access as soon as practicable. Access will be given in a way that ensures the accused person does not copy the evidence.

The Government is committed to ensuring that accused people receive a fair trial and that is why the scheme allows accused persons' lawyers to possess any terrorism evidence in proceedings against them and view it with the accused persons to ensure that they can give instructions to their lawyers about the offence. When accused persons are self-represented they can view the evidence which means they can still prepare a defence. The scheme does not, in the circumstances, diminish or interfere with the right to a fair trial. The amendments include numerous safeguards to ensure a fair trial. In the case of an unrepresented eligible offender, proposed section 60 (5) will allow an independent qualified person to represent the party for the purposes of making a terrorism intelligence application. The regulations will prescribe the qualities or qualifications that such a person is to have.

That independent third party representative is allowed access to information or terrorism intelligence in respect to the representative who has been appointed, and can make submissions to the court on behalf of the eligible offender as to whether it is terrorism intelligence and a level of access to terrorism intelligence. It is important to note that it is not the police or some other executive authority that decides whether this is terrorism intelligence; it is a decision of the Supreme Court and there is an effective contradictor that will act on behalf of the unrepresented eligible offender to make submissions as to whether it is terrorism intelligence and the appropriate level of access. Where the eligible offender is legally represented there is cascading form of access but ultimately in some form or another at least the parties' legal representatives get to view the material in question.

On the one hand it is a fair balance of the right to a fair trial, while on the other hand it protects what can be very sensitive intelligence information. The member for Heffron asked why the scheme is necessary at all. I would have thought it self-evident that where there is sensitive terrorism intelligence, and it is sourced from agencies with the task of undertaking complex investigations to protect our community from harm, it is important to ensure that the material is adequately protected from disclosure to avoid jeopardising active investigations. Australia's national terrorism threat level remains probable. That means "credible intelligence assessed by our security agencies indicates that individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia". On the one hand these amendments seek to balance the protection of sensitive material and not jeopardise terrorism investigations and operations, while on the other hand they ensure that an offender gets a fair trial. That is the case here because the unrepresented eligible offender gets to see it, and if he or she is represented at least his or her representative gets to see it, and there may be a greater level of access.

The member for Balmain expressed concern about proposed section 60A, which is to be inserted in the Terrorism (High Risk Offenders) Act. He was concerned about the ability of a claimant for public interest immunity to withdraw a document if the claim was unsuccessful. In this provision there is an important safeguard that the Supreme Court is not required to allow the document or report to be withdrawn from consideration in the proceedings if the court considers that its withdrawal would be manifestly unfair to a party to the proceedings who is an eligible offender. Obviously in forming a view as to whether or not to allow a withdrawal, the court in determining manifest unfairness would have regard to whether the material was exculpatory of the eligible offender.

The member for Balmain also referred to amendments to the Government Information (Public Access) Act 2009, which governs the process for giving the public access to information from New South Wales agencies and in particular the amendment that the bill seeks to make so it would be conclusively presumed that there is an overriding public interest against disclosure of material that will be or has been the subject of a terrorism intelligence application under the Terrorism (High Risk) Offenders Act, and to material or documents that are provided to or prepared for the High Risk Offenders Assessment Committee and sub-committees to inform a decision whether or not to proceed with an application. This amendment is necessary because that material could adversely affect the capacity of persons or bodies involved in preventing terrorist acts from preventing such acts; it could prejudice criminal investigations; it could enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or it could endanger a person's life or physical safety. Given the sensitivity of the material in question, it is appropriate that there be an overriding public interest against disclosure of material.

The member for Balmain and the member for Bankstown raised concerns about the proposed amendments to the Mental Health (Forensic Provisions) Act 1990. Corrective Services, Juvenile Justice and the NSW Police Force are currently authorised under section 33 of the Mental Health (Forensic Provisions) Act 1990 to transport defendants to and from courts and mental health facilities where the court refers the defendant to a mental health facility for assessment. All three agencies will continue to perform these transports. The amendment is to make it clear that when they take a defendant to and from a mental health facility, in accordance with the order of a court, Corrective Services and Juvenile Justice may transport the defendant in the same way as they would transport an offender or detainee.

Furthermore, the amendment makes it clear that if the court order requires the defendant to be brought back to court, in the event that he or she is found not to be mentally ill or to be a mentally disordered person after assessment, Corrective Services and Juvenile Justice have the option of taking the defendant to a police station where the police may decide whether to grant bail. This power will be used where a defendant is discharged from a mental health facility and cannot immediately be brought back to court. For example, a defendant might be discharged from a mental health facility late on a Friday and cannot be brought back before the court until the following week. By making provision for defendants to be brought to a police station in these circumstances, a decision can be made as to whether they should be remanded in custody until the next court date or be granted bail.

The member for Balmain raised concerns about amendments to the Law Enforcement (Powers and Responsibilities) Act 2002. Schedule 1.17 [3] replaces the current power under part 4, division 2, of the Law Enforcement (Powers and Responsibilities) Act with a new clearer power. This amendment is needed because the NSW Police Force has identified operational issues with the existing provision because it does not provide a clear enough power. At present a police officer may require a person who is in a public place to submit to a search. However, the Act contemplates that the person may decline to submit to the search, in which case he or she may be charged with an offence and fined up to 50 penalty units.

If the person refuses to submit to the search, while there is that offence, the police officer is not able to use reasonable force to search the person. Where a person refuses to submit to a search, the police officer is faced

with a choice: to charge the person with failing to submit to the search or to arrest the person. The police officer can only do this if the circumstances outlined in section 99 of the Act are present. For example, the police officer suspects on reasonable grounds that the person is committing or has committed an offence and the police officer is satisfied that the arrest is reasonably necessary to stop the person committing or repeating the offence or committing another offence, or to protect the safety or welfare of any person. The other option is to take no further action.

If the police officer arrests the person he or she can use reasonable force to search the person but, if not, a person with a dangerous implement in his or her custody such as a knife will be able to retain that implement. This is the case whether or not they are charged with failing to submit to a search. The amendments will improve the search power so that police are clearly able to search a person if they suspect, on reasonable grounds, that the person has a dangerous implement in his or her custody unlawfully. The amendments do not create new concepts. They use language that mirrors the current section 21 of the Act, which relates to the power for police to search persons without a warrant where they suspect, for example, that the person has a dangerous article that has been used in the commission of an offence, or anything that is stolen or unlawfully obtained. Under that provision police can use reasonable force to search persons in those circumstances.

The amendments address a disparity and remove the need for a police officer to arrest a person in order to seize a dangerous implement. Arrest powers are a last resort and police officers should not have to rely upon them to trigger search powers. I note a safeguard in the amendments—namely, a police officer must suspect that the person has a dangerous implement in his or her custody unlawfully in order to search him or her. A range of key legal stakeholders support the amendments, as that safeguard will limit any potential effect on vulnerable members of the community. These amendments will make schools and public places safer, while limiting the need for police officers to use the power to arrest.

The bill will make amendments to improve the operation of the justice system by addressing emerging issues, closing gaps, and clarifying and updating legislation affecting the courts and the justice agencies. The bill also introduces important amendments to the scheme protecting the community from offenders who have reached the end of their prison sentence and pose an unacceptable risk of committing a future terrorism offence. I foreshadow, as the member for Liverpool has noted, that the Government will be moving amendments to this bill. I will therefore be asking that the bill be considered in detail. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Mr Mark Speakman.

Consideration in Detail

The ASSISTANT SPEAKER: By leave: I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 to 3 be agreed to.

Clauses 1 to 3 agreed to.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (17:15): By leave: I move Government amendments Nos 1 and 2 on sheet C2018-078D in globo:

No. 1 **Offenders under suspended orders**

Page 24, Schedule 1.22. Insert after line 4:

[4] Section 12A

Insert after section 12:

12A Persons under suspended orders to be treated as being supervised or detained under this Act

A person in respect of whom an order under Part 2 or 3 has been made is to continue to be treated as being supervised or detained under this Act for the purposes of any definition for this Act set out in a provision of this Division that uses that expression even if the person's obligations under the order have been suspended.

No. 2 **Offenders under suspended orders**

Page 28, Schedule 1.22. Insert after line 34:

Item [4] makes it clear that a person in respect of whom an order under Part 2 or 3 of the Act has been made is to continue to be treated as being supervised or detained under this Act for the purposes of any definition for this Act set out in a provision of

Division 1.3 of the Act that uses that expression even if the person's obligations under the order have been suspended.

The Government amendments seek to address an anomaly that was brought to the attention of my office late last week by virtue of a current application before the Supreme Court of New South Wales under the Terrorism (High Risk Offenders) Act 2017. Unfortunately, terrorism continues to present a serious and ongoing threat to the safety and security of New South Wales, Australia and the international community. New South Wales has taken a leadership role in ensuring that Australia's counterterrorism framework remains responsive to this evolving threat.

The Terrorism (High Risk Offenders) Act 2017, which the Government introduced last year, assists in mitigating the terrorism risk. The Act enables the State to apply for the post-sentence supervision in the community or detention in a correctional centre of offenders who pose an unacceptable risk of committing a serious terrorism offence if not kept under supervision or detained. The bill before the House seeks, among other things, to amend the Terrorism (High Risk Offenders) Act to enable orders to be made provided the application commenced when the offender was under supervision or detained, even if they are not in custody at the time the final order is determined by the court. These amendments are contained in schedule 1.22 to the bill. I note the terms of the current section 20 of the Terrorism (High Risk Offenders) Act. If passed, schedule 1.22 [5] will amend the chapeau of section 20 (a) to read:

The offender is in custody or under supervision (or was it custody or under supervision at the time the original application for the order was filed).

However, sections 7 and 10 of the Act define "eligible offender" and "convicted New South Wales terrorism activity offender" respectively as the person who is "serving (or is continuing to be supervised or detained under this Act after serving) a sentence of imprisonment for a New South Wales indictable offence". As currently drafted, these provisions of the Act potentially create a jurisdictional issue for the court in deciding a final application under that Act and may not capture persons who are lawfully detained but whose interim or extended supervision orders are suspended by virtue of that lawful detention.

The intention was to ensure, as much as possible, consistency between the operation of the Act and the Crimes (High Risk Offenders) Act, which applies to the post-sentence supervision and detention of high-risk sex and violent offenders. The issue has been brought to the Government's attention due to the factual circumstances of an offender who is currently in lawful custody but whose interim supervision order [ISO] is suspended by virtue of the operation of section 28 (6) of the Terrorism (High Risk Offenders) Act. There is a risk that without this amendment, offenders subject to ISOs or extended supervision orders may not be eligible for a final order under the Act on the basis that they are in lawful custody for other alleged offending, including alleged breaches of conditions of the ISO or extended supervision order [ESO]. The Government considers that this issue should be rectified by making it clear that the court has the jurisdiction relating to such offenders. The Government amendment to the bill will insert a new schedule 1.22 [4] which, if passed, will insert a new section 12A into the Act, providing that:

A person in respect of whom an order under part 2 or 3 has been made is to continue to be treated as being supervised or detained under this Act for the purposes of any definition for this Act set out in a provision of this division that uses that expression even if the person's obligations under the order have been suspended.

The amendment clarifies that a court may make a final order for a continuing detention order [CDO] or an ESO in relation to an offender regardless of whether the person's ESO or ISO has been suspended by operation of the Act. The amendments are to ensure that there can be no doubt that a court has jurisdiction to make the final order under the Act in situations where an offender's ISO or ESO is suspended by virtue of the offender being in lawful custody. The Government has reacted as quickly as possible to respond and address this issue and ensure community safety.

The ASSISTANT SPEAKER: The question is that Government amendments Nos 1 and 2 on sheet C2018-078D be agreed to.

Amendments agreed to.

The ASSISTANT SPEAKER: The question is that schedules 1 and 2, as amended, be agreed to.

Schedules 1 and 2, as amended, agreed to.

Third Reading

Mr MARK SPEAKMAN: I move:

That this bill be now read a third time.

Motion agreed to.

VICTIMS RIGHTS AND SUPPORT AMENDMENT (STATUTORY REVIEW) BILL 2018**Second Reading Debate**

Debate resumed from 6 June 2018.

Mr PAUL LYNCH (Liverpool) (17:21): I lead for the Opposition on the Victims Rights and Support Amendment (Statutory Review) Bill. The Opposition does not oppose the bill granted that it is largely a technical bill that makes the sort of comparatively minor amendments we would expect arising out of a statutory review. There should be no mistake made about our views, however. We opposed the principal Act in 2013. The scheme established by that Act remains woefully and scandalously inadequate. The Government claims the earlier scheme was unsustainable. In plain English, it did not want to continue the compensation scheme for victims of crime. The Government that can splurge on stadiums is not prepared to provide compensation to the victims of crime. I remind members that many victims are victims of domestic violence or sexual assault. The Government was, of course, shamed into early amendments to the scheme concerning victims of sexual assault. The perversity of the Government's action is emphasised by the fact that the gutting of the scheme was driven by the fear of an avalanche of historical claims. The inadequacy of the scheme is starkly revealed when compared with the level of payments that may be made by the national redress scheme. Recently that was subject to referral legislation in this House.

As I said, the amendments in this bill are comparatively minor and largely stem from a statutory review. Section 119 of the principal Act provides that the Minister, in this case the Attorney, must review the Act as soon as possible after a period of three years after the date of assent to the Act. The Attorney directed that the department carry out the review on his behalf. Submissions were called for on 3 June and closed on 29 July. The review was tabled in this place on 6 June, on the same day that the second reading speech was given. I note with pleasure that was a review process that was completed with a great deal more expedition than the review of the defamation Act, which was recently tabled more than six years late.

Turning to the provisions of the bill amending the principal Act, changes are made to section 36 dealing with recognition payments. Those changes mean that recognition payments are paid to the child under 18 years of age of a homicide victim regardless of whether they were financially dependent or not. Equally, a recognition payment will be made regardless of whether they were financially dependent to the then spouse or partner of a homicide victim. Changes are made to section 39 in relation to the documentary evidence required to support an application for victim support. That has been raised directly with me by advocacy services and the same issues were obviously raised in the review. Whether these changes go far enough I am not convinced, but no doubt time will tell. Paragraph 2.8 of the statutory review reads: A significant number of submissions stated that the current documentary requirements are too restrictive and may operate to deter victims attempting to access the VSS. This is because police or government agencies may not be a victim's preferred first point of contact when disclosing violence. Victims of domestic violence, child sexual assault and/or physical abuse and sexual assault, who may face significant barriers to reporting violence to the police or other authorities, are much more likely to attend health services shortly after the violence in order to receive treatment for their injuries. The current requirement may also impact disproportionately on marginalised or stigmatised groups, such as Aboriginal or LGBTIQI victims, due to a reluctance to engage with the law enforcement and government agencies. The amendment here allows reports by an agency that provides support services to victims of crime to be added to the categories of medical or police report for applications for financial assistance for immediate needs or economic loss. Amendments to section 40 are made to deal with what is described as an unintended drafting anomaly concerning application time limits for family members of homicide victims. Section 43 is amended to give the commissioner power, effectively, to apply a slip rule. Section 49, dealing with internal reviews, currently allows a review period of 28 days, which is extended to 90 days by this bill.

Section 66 makes a victim a competent but not compellable witness in proceedings in the NSW Civil and Administrative Tribunal [NCAT] by a defendant seeking administrative review of a restitution order by the Commissioner of Victims Rights. Amendments to section 113 mean that medical reports concerning the victim that are lodged with NCAT or admitted in evidence are not to be disclosed or provided to the defendant, who would be the applicant in those NCAT proceedings. Section 99, dealing with factors to be taken into account by a court in determining whether to give a direction for compensation, is amended by deleting the word "condition" in relation to an aggrieved person. This is an attempt to avoid possible discriminatory impacts. New section 112A makes a sensible amendment concerning the provision of personal information where the victim is under 18 years of age or lacks the capacity to understand the nature of the information.

New section 101 makes a minor change about the address of an offender being provided to a victim in pursuit of court-ordered compensation. Granted the likelihood of address changes, I am not overly persuaded of the practical utility of that; it is a matter of whether it is going to work in practice. Granted also that such compensation orders preclude a victim from the Victims Compensation Scheme, I am entirely unpersuaded of the practical benefit of these provisions in the overwhelming majority of cases. Granted the uncertainty of recovery,

it is unlikely most victims would seek court orders for compensation if it prevented them from the admittedly modest amounts of victims' compensation under the scheme. The final provisions I will mention are those referred to in the statutory review in part 3 entitled "Improving the administration of the VSS". Paragraph 3.0 states:

We recommend three key amendments to improve the operation of the VSS through ensuring its financial sustainability. In its 2012 review of the old scheme, PricewaterhouseCoopers (PwC) found the scheme to be financially unsustainable. PwC estimated the contingent liability of the old scheme to be \$392 million at June 2012, projected to increase annually by \$38 million due to claims life and the assessed liability of unpaid claims.

Like an ineradicable birth stain, the fact that this is a scheme designed for the benefit of accountants and treasury bureaucrats, not for victims, keeps grabbing centre stage. This section of the report of the review has three elements, each of which is included in the bill before the House. Item [7] of schedule 1 provides an extra section 41A. This provides that an application for victim's support lapses if 12 months has passed since the applicant was first requested to provide evidence to support the application if the applicant has been requested on three separate occasions to provide that evidence and the commissioner decides that the applicant does not have a valid reason for failing to provide that evidence. The Attorney's second reading speech almost suggests that this is to benefit victims. The truth is that it is about reducing the contingent liability of the scheme and is driven by financial motivations.

Recommendations 15 and 16 of the statutory review are reflected broadly in item [11] of schedule 1. Two subsections, (2A) and (2B), are added to section 48 of the principal Act. One makes approval of victim's support subject to the condition that a victim must notify the commissioner of any amount that the person has already received from other sources in connection with the act of violence to which the victim's support relates. The sources here are not defined or restricted in any way. The second reading speech provides the indication "such as insurance claims or other forms of compensation". That speech also makes the point that the scheme is "a scheme of last resort". One has the impression that some government bureaucrats think the scheme would be much more efficient without any victims at all. The new subsection (2B) in section 48 provides that the commissioner may withhold payment if the victim fails to comply with subsection (2A) dealing with providing advice of amounts received from other sources.

The 2013 regulation is amended in various ways to deal with counsellors. Clauses 10 (2) and 11 (b) increase the amounts paid for funerals from \$8,000 to \$9,500. That simply emphasises the fact that there was no automatic indexation of amounts specified under the 2013 Act. Not only did the Government gut the compensation amounts under the old scheme but in a final twist of the accountant's knife, they did not index the remaining reduced amounts. Finally, I note the provisions of schedule 3, which makes minor amendments to the Crimes Act, the Children (Criminal Proceedings) Act and the Crimes (Domestic and Personal Violence) Act, which are all entirely supportable. The Civil and Administrative Tribunal Act is also amended, and I note again items [14] and [18] of schedule 1. Labor will not oppose this bill, but we have a view that it should be significantly improved. A government that has embarked upon this Government's stadium splurge can do a great deal better for the victims of crime.

Mr DAMIEN TUDEHOPE (Epping) (17:29): I make a contribution to the debate on the Victims Rights and Support Amendment (Statutory Review) Bill 2018. I take the opportunity to concentrate on one aspect of the bill—the improvement in relation to counselling services. The amendments to this scheme were part of the amendments that were taken to the Parliament by Greg Smith when he was the Attorney General.

Mr Paul Lynch: It's all your fault.

Mr DAMIEN TUDEHOPE: I note the interjection, but I reject the suggestion. The bill makes a number of amendments to the Victims Rights and Support Regulation 2013 in order to improve victims' access to counselling services under Victims Services' Approved Counselling Service, which was one of the recommendations of the review. The Approved Counselling Service provides free individual counselling to victims as part of the support available under the Victims Support Scheme. Counselling is provided on a short-term basis of up to 22 hours, with a clear focus on rehabilitation. Clients may also ask counsellors to support them through their justice journey—for example, through providing counselling in preparation for reporting a crime to police, support to attend court, and assistance with preparing a victim impact statement. They are important aspects of the victim's journey where significant counselling services should be provided.

Counselling performs an important function in the rehabilitation of victims. It is important to ensure that victims are able to access counselling as soon as possible after the relevant act of violence and that they have access to sufficient counselling hours to help them properly recover and rehabilitate. Schedule 2 [2] will make counselling more widely available in rural and regional areas by allowing the commissioner to approve 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. In those circumstances, this amendment is worthwhile.

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: the experience of the proposed counsellor in dealing with victims of violent crime; whether there is an existing therapeutic relationship between the proposed counsellor and victims in the relevant area; and 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.

Schedule 2 [3] 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 their 22 hours of counselling for one act of violence, the commissioner would need to find that there were "exceptional circumstances" in order to provide additional counselling to that person for a subsequent act of violence. Schedule 2 [3] will rectify this by providing that the limit of 22 hours of counselling applies for each act of violence, rather than for each victim.

Schedule 2 [4] 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. Schedule 2 [5] 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 the Attorney General, Brad Hazzard, made a public commitment to providing victims of child sexual abuse or physical abuse with access to unlimited counselling under the Victims Support Scheme. This bill improves the counselling services that are available to victims of crime. The amendments outlined will ensure that victims are able to access counselling as soon as possible after the relevant act of violence and ensure that victims have access to sufficient counselling to assist them with their recovery and rehabilitation. I commend the bill to the House.

Ms JENNY AITCHISON (Maitland) (17:34): I note at the outset that the Opposition will not be opposing the Victims Rights and Support Amendment (Statutory Review) Bill 2018 but also note that the bill will review a scheme that is woefully inadequate. The new scheme was put in place when the Government decided the previous scheme could not be financially sustained. That goes to the heart of everything that is wrong with this Government. Today Government members bragged about a so-called surplus. They intend spending billions of dollars on stadiums while victims tell local members every day about the difficulties they face when seeking redress as a result of failures in the criminal justice system. Many of those difficulties revolve around their interactions with police when reporting crimes. Yesterday some clients of the After the Storm program at Burwood Community Welfare Services Inc. visited the member for Strathfield at her electorate office. The stories that those survivors of domestic violence and sexual assault told of the response by the Government to horrific cases of abuse involving children and themselves as parents and as partners of perpetrators was astounding. The scheme is the only lifeline those victims have. It is known as the scheme of last resort and it is vital to those victims.

Victims have stated that they cannot access the Staying Home Leaving Violence program because it has not been rolled out in their areas. They have tried to access Victims Services but there has been a three-month wait for some of those services. That has meant that women who have been told to stay at home are waiting in fear for their lives and the lives of their children until the scheme kicks in. The shadow Attorney General, who is in the Chamber, spoke about the woefully inadequate limits on the scheme for addressing the pain and suffering of victims. As shadow Minister for the Prevention of Domestic Violence and Sexual Assault, I say that the Government needs to ensure that there are enough funds for things such as refuges so women can leave their homes and access the Women's Domestic Violence Court Advocacy Services or WDV CAS. Under this Government there has been a 100 per cent increase in the WDV CAS workload but it has only funded it 20 per cent. Those services are now being put out to tender, and that is also a concern.

My major concern is that the Government needs to start thinking about the long-term impact of violence on victims and survivors and how that will create problems for the next generation if it is not addressed. I note the changes around removing limitations for counselling for victims of child sexual assault and child physical abuse. I am interested to see how that impacts adult survivors of domestic violence. I am told that victims who exhaust their initial allocation may be able to seek more. The bill states that is possible if there are specific acts of violence, but how is that measured? If there is long-term ongoing emotional or psychological violence will that be counted

as one act every time the perpetrator is abusive? As part of the criminal activity the acts escalate and they continue over a long time. What is the value in limiting the allocation to an arbitrary number such as 22 hours when the bill is seeking to help people who have severe and significant trauma because of the abuse they have suffered?

The Government is proudly spouting about a surplus in its budget, but it is still trying to put a bandaid on a scheme that is woefully inadequate in providing services for victims and survivors of violence and sexual assault. That is a real problem for us. Other issues that need to be addressed are the changes to mental health funding and the gutting of community health under this Government that have meant that more people have been forced into Victims Services. While Victims Services is perhaps an easier process than going through the courts and proving someone has been a victim of violence, there is still an onus on the victim to prove they have been subjected to a violent crime.

In contrast, under community counselling people who were victims of violence could go straight into a community counselling service run by the Department of Health in their local health district and access those services without having to prove why they needed help. The core issue is that when a person reports a violent crime, the first response they receive and whether they are believed or not has a huge impact on their capacity to follow through in meeting their own needs. The Opposition does not oppose the bill but it is damning it with faint praise to say it is fixing problems in a scheme that is not adequate in the first place.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (17:42): In reply: I thank the member for Liverpool, the member for Epping and the member for Maitland for their contributions to the debate. To a modest extent the member for Liverpool and to a greater extent the member for Maitland pined after what they suggested were the good old days of the old scheme. The old scheme was a failure and had to be replaced. It was characterised by protracted delays for victims receiving their compensation—with victims waiting, on average, over two years before they received their payment. By 2013 victims were waiting on average at least 30 months to receive their payment—long after the bills for medical treatment, funeral expenses and the costs of relocating out of harm's way had been met. Having to wait such a long time undermined the spirit of the scheme, which was designed to help rehabilitate victims of violent crime in a timely manner.

Victims need to be supported while they recover and come to terms with what has happened to them, not wait years for a handout that they hope will cover all those unexpected medical bills and relocation costs, while worrying how they will manage in the meantime. Instead, in 2015-16 the timely scheme determined financial assistance for victims of crime on average 26 days from the lodgement of a claim. That is a huge improvement on the protracted delays that victims experienced under the previous scheme. The member for Maitland adverted to counselling issues. The bill improves counselling for victims. Schedule 2 [2] will make counselling under the Victims Services Approved Counselling Service more widely available in rural and regional areas by allowing the commissioner to approve suitably qualified people as counsellors in areas where there is a shortage of social workers and psychologists.

This amendment will enable, where appropriate, counsellors who have an existing therapeutic relationship with a victim to be approved as counsellors to continue providing counselling to that victim. This prevents victims from having to retell their experience to a new counsellor and risk re-traumatisation. The member for Maitland spoke at length about the horrific toll that domestic violence takes on victims. The number of domestic violence victims receiving support under the scheme is increasing dramatically. The total number of applications made by domestic violence victims under the Act, including applications for counselling, recognition payments and financial assistance, increased significantly from approximately 5,700 in the financial year 2015-16 to 10,700 in the financial year 2016-17.

The bill makes a number of amendments that will specifically help victims of domestic violence, which I addressed in my second reading speech. The Victims Support Scheme is just one part of the Government's commitment to provide support to victims of domestic violence. Its commitment to reduce domestic violence is reflected in the investment of more than \$350 million over four years in the 2017-18 budget—far more than those opposite ever spent—to address domestic violence through the Domestic and Family Violence Blueprint for Reform. It is a blueprint that will provide 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 referral 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 and that is one of the New South Wales Government's highest priorities. It requires a reduction of domestic violence reoffending within 12 months by 25 per cent by 2019, reported in 2021. From the 2013 baseline that is a reduction of 14.2 per cent.

The bill will improve the operation of the Victims Rights and Support Act 2013 and will 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 commend the bill to the House.

The ASSISTANT SPEAKER: 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.

Visitors

VISITORS

The ASSISTANT SPEAKER: I welcome Vic Alhadeff to the gallery. It is good to see you again. I think you must spend more time here than you do at home. Enjoy your time here.

Bills

CRIMES AMENDMENT (PUBLICLY THREATENING AND INCITING VIOLENCE) BILL 2018

Second Reading Debate

Debate resumed from 5 June 2018.

Mr PAUL LYNCH (Liverpool) (17:47): I lead for the Opposition in debate on the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. The Government's performance on this issue has been abysmal. The Opposition will not oppose this bill because it largely contains provisions we have advocated for for years. Many of the elements in my 2016 private member's bill voted down by the Government in this place by 48 votes to 31 are contained in this bill. The bill contains many of the elements for which notice was given earlier this year by the Leader of the Opposition.

The provisions of section 20D of the Anti-Discrimination Act impose criminal liability for the act of "racial vilification". Despite egregious examples of what most would agree was serious racial vilification there have been simply no prosecutions. In November 2012 Premier O'Farrell referred this issue to the Legislative Council Standing Committee on Law and Justice. In a report dated December 2013, entitled "Racial Vilification in NSW" the committee made unanimous cross-party recommendations. The Government has been stuck there for years. Self-evidently, it has taken the Government five years to produce a bill that contains many of the recommendations in that report. During that time the Government voted down my private member's bill, which contained many of the committee recommendations. The member for Epping vehemently opposed my bill as a matter of principle. I will be fascinated to hear his contribution to this debate.

The delay of five years is extraordinary. Its own committee members pointed the way in 2013—it is not as if the Government did not know. In 2015 Attorney General Upton conceded that the laws in this area were broken. She promised to introduce new laws in the first half of 2016, but she did not. In late 2016 the Government commenced yet another consultation process, this time with Stepan Kerkyasharian. Stakeholders were told with great glee that amendments would be introduced to section 20D in mid-2017. Once again, that did not happen. At the end of last year media reports exposed that the Government had decided to take no action and highlighted a Cabinet battle, with Ministers Perrottet, Roberts, Elliott and Upton opposing any change. They rolled the now Attorney.

Their approach no doubt echoed the comments in 2016 by the member for Epping during the second reading debate on my bill. He said he opposed my bill on free speech grounds, just as he did the recent free access legislation. The Ministers voting with him on that latter legislation are those identified by the media as opposing this bill in Cabinet. The core of this bill is to insert into the Crimes Act a new section 93Z. In summary, this provision will create a new criminal offence of publicly threatening or inciting violence on the grounds of race, religion, sexual orientation, gender identity, or intersex or HIV/AIDS status. A number of things are done in creating this offence. Most obviously, it is a provision of the Crimes Act rather than the Anti-Discrimination Act. These are crimes and it is symbolically important to have the offence in the Crimes Act. Schedule 2 makes clear there is no need for a referral by the president of the Anti-Discrimination Board to the Director of Public Prosecutions [DPP] for prosecution and the incidents can be investigated by police as crimes.

In practical terms this is quite significant. The people best able to investigate crimes, to prepare statements in admissible form, to prepare statements that allow prosecutions, are police rather than, for example, officers of the Anti-Discrimination Board. That is the job that police do every day. I note in passing that this practical difficulty and issues surrounding briefs prepared by non-police have echoes of the situation of the Independent Commission Against Corruption submitting briefs to the DPP for possible prosecution. Proposed section 93Z replaces currently existing offences. Their replacement is affected by schedule 2 to the bill. The offences of serious racial vilification under section 20D of the Anti-Discrimination Act, serious transgender vilification under section 38T of that Act, serious homosexual vilification under section 49ZTA, and serious HIV/AIDS vilification under section 49ZXC are all removed.

Schedule 2 also has the amendments to the Anti-Discrimination Act to no longer require investigation by the Anti-Discrimination Board for prosecution to occur. Proposed section 93Z gathers together all these vilification provisions into one section rather than having them spread over various portions of legislation. While section 20D has not resulted in successful prosecutions, other of the vilification provisions have. In my view, it would be entirely inappropriate to make amendments only to section 20D and not to sections 38T, 49ZTA and 49ZXC as they are all based on the same legislative template and all of these forms of vilification should be criminalised. There are several differences between proposed section 93Z and the previous provisions. The terms "homosexual" and "transgendered" are replaced with "sexual orientation" and "gender identity".

Another positive difference is that the current protections are extended to intersex status. That seems entirely uncontroversial. The protections are extended to include "religious belief or affiliation" but do not define a religion. That extension is welcomed by the Labor Opposition. Earlier this year the Leader of the Opposition gave notice of a bill that contained that provision and it remains on the *Business Paper*. Historically there are some traditional concerns about including religion in anti-discrimination legislation, especially in this State. Race was included as a protected attribute in the anti-discrimination legislation and was defined to include in section 4 ethno-religious origins. In a second reading debate that phrase was said to include Judaism, Sikhism and Islam, but that is not what tribunals and courts subsequently held it to mean.

Opposition to extending religion as a protected attribute is usually based on one of two grounds. One is that it is close to a blasphemy law, which is regarded as inappropriate in a modern pluralistic liberal democracy. Nearly 250 years after the death of Voltaire, I agree: blasphemy laws have no place in New South Wales. However, there are several problems with that argument. The first is that those who pursue it have done nothing to remove the blasphemy offence, which is exclusively of Christian religions, from the law in this State. Section 574 of the Crimes Act maintains it is still a criminal offence in this State to scoff at the Christian religion, although not at any others.

Secondly, the bill has nothing to do with blasphemy or being critical of religions. It is directly and inextricably linked to violence, incitement to violence, or threats of violence. People who oppose this provision due to a fear of blasphemy or a fear for freedom of speech simply have not read the bill or understood it, and cannot seem to distinguish this from the Federal Parliament's section 18C.

The second potential criticism is that religion can be notoriously difficult to define. Will it include Wicca, white witches or Jedi knights? That is a legitimate academic argument, but I am untroubled by it in this bill because this bill is connected very explicitly with violence, incitement to violence or threats of violence. If it were a more general anti-discrimination issue, then maybe that is a legitimate point, but it seems to me that is no argument against the provisions of this bill. Proposed section 93Z makes clear that recklessness can constitute sufficient criminal intent for prosecution. That has been a live issue discussed for some time. It was recommended by the Legislative Council committee and included in my 2016 bill. It is included here, and should be.

Proposed section 93Z (2) deals with what is sometimes called the "presumed race" issue. If a person is the subject of racial vilification because the perpetrator believes and says the victim is Japanese when in fact they are Chinese, a prosecution may fail under the provisions of the existing law. Resolving this was also a Legislative Council committee recommendation and a provision of the Opposition's bill. Once again that is in this bill, and should be in the bill. Proposed section 93Z (4) provides that prior prosecution should only be commenced with the approval of the DPP. This is a change to the current position which requires the consent of the Attorney General. The Legislative Council committee report recommended removing the provision for consent of the Attorney General. That is a position with which I agree. The committee adopted that view because the committee thought it would perhaps politicise the decision-making process.

The provision of the requirement for the Attorney's consent stems from an earlier time when the Attorney was seen to be above the political fray compared to other Ministers and had a degree of independence. I suspect the current Attorney might like to go back to those days, but I think they are probably long gone. The requirement for Attorney's consent was seen as a safeguard on overzealous or injudicious prosecutions. The perception of the Attorney's role has changed significantly, perhaps for the worse, but nonetheless it has changed. There are still

provisions requiring the Attorney's consent for prosecution, for example, section 316 and proposed section 316A of the Crimes Act. It seems a little odd, frankly, that those provisions concerning the Attorney remain especially when, as I understand it, the Attorney has delegated his decision-making power to the DPP.

One of the other ongoing debates is the private versus public publication issue. The general public policy objective has been to criminalise public action but not necessarily private ones. That inevitably gives rise to disputes about what is considered private and what is considered public. This bill includes any form of communication available to the public that includes social media and other electronic methods. It also includes any conduct observable by the public. For more abundant caution, it can be a public act even if occurring on private land. That seems like a reasonably good place to start to get this definitional issue right.

The precise offence in proposed section 93Z is of threatening or inciting violence towards another person or group on the basis of the protected attributes. "Incite" is the term currently in the provision of section 20D. Labor had proposed to lower the bar for prosecution by replacing this with the term "promote". There was discussion of course about this in the Legislative Council report. The bill provides this as an alternative basis for the offence to threaten violence. Section 20D (1) (a) has a reference to threatening already, albeit in a differently structured offence. The current maximum penalties for section 20D are 50 penalty units or six months imprisonment or both for an individual and 100 penalty units for a corporation. That is the same as the penalty for section 49ZXC. Section 38T has 10 penalty units or six months imprisonment or both for an individual and 100 penalty units for a corporation, as does section 49ZTA.

Proposed section 93Z provides a maximum penalty of 100 penalty units or three years imprisonment or both for an individual or 500 penalty units for a corporation. This makes proposed section 93Z an indictable offence to be dealt with by a judge. However, schedule 3 to the bill amends the Criminal Procedure Act so that proposed section 93Z is inserted into Table 1 of that Act, which means it may be dealt with summarily unless the prosecution or person charged elects otherwise. As I indicated, granted that the Opposition has advocated for so many of these provisions for so long, it is hardly a surprise that the Opposition will not oppose the bill. It has taken this Government five years; that is five years way too long and it is frankly outrageous that it has taken so long.

Mr RAY WILLIAMS (Castle Hill—Minister for Multiculturalism, and Minister for Disability Services) (17:58): As the Minister for Multiculturalism, I welcome the opportunity to support the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018, which introduces a new indictable criminal offence of publicly threatening or inciting violence into the Crimes Act. The offence will apply to public threats or incitement of violence against targeted persons or groups in New South Wales. The new offence will replace four existing serious vilification offences contained in the Anti-Discrimination Act 1977. Laws protecting identified groups from threats of violence are important to securing the safety of the New South Wales community. I acknowledge Vic Alhadeff in the Chamber this evening and commend and thank him for his diligence in pursuing this change so that this offence is included in the Crimes Act for the safety of not only his own community but also all diverse communities.

The New South Wales Government is committed to protecting our diverse and vibrant communities for the benefit of all New South Wales residents. The bill follows extensive consultation on, and reviews of, New South Wales serious vilification laws. This includes the 2017 Report on Consultation: Serious Vilification Laws in NSW by Stepan Kerkyasharian, AO. As the Attorney General has noted, Mr Kerkyasharian met with 50 groups or individuals during 2017 and his consultations indicated that moving the offences into the Crimes Act would provide more clarity, particularly for the police when investigating serious vilification offences.

The most important obligation of government is to keep the community safe. That is the driving force behind the amendment to the bill—to protect individuals and groups in our community from those who would incite or threaten violence against them. The incitement of violence towards people because of who they are or what they believe is unacceptable and will not be tolerated by the Government. The legislation will create a new offence in the Crimes Act of publicly threatening or inciting violence against people on the grounds of race and religious affiliation and gender, including a maximum penalty of three years imprisonment and a fine of \$11,000.

After this legislation passes, jail time is a real option for individuals who threaten our community's safety in this way. We are sending a clear message that people will not threaten the safety of this community with cowardly threats and vile incitements to violence. In 1989 the New South Wales Liberal-Nationals Government was the first government in Australia to introduce legislation to help protect historically targeted communities from harm. The Government is acting again to strengthen the law and support people to go about their lives without fearing for their safety just because of their ancestry.

This new amendment has nothing to do with shutting down debate or limiting free speech. Even though we might find some ideas repulsive, our democracy allows freedom of expression. As the Minister for

Multiculturalism, I am proud to note that when it comes to social cohesion and diversity, New South Wales is the envy of the world and together all communities have helped create what is a wonderful Australian culture. According to the 2016 Census, in New South Wales we practise 144 religions, speak 275 languages and come from 305 different ancestries. We are truly a culture that is the sum total of people from every nation on earth. The food we eat, the clothes we wear and the sports we play are a reflection of each one of us.

I am proud as the Minister to see many of the achievements of our diverse community. Our greatest asset as a State and as a nation is our people. On most weekends I attend many of our multicultural festivals and events. Just last week members of our Muslim community celebrated Eid and I was able to celebrate this major festival with many of our communities across Western Sydney. I make particular note of the end of Eid and the celebration at Rosehill Gardens of Chand Raat that the Premier and I attended last Thursday night, together with 15,000 of our closest friends.

These festivals not only generate economic revenue for our local communities, but also are a source of pride when it comes to demonstrating our State's harmony and diversity. Every person who comes to this country, works hard and makes a positive contribution to society deserves to be valued. In New South Wales we have put into law our steadfast commitment to our culture, evident in the Multicultural NSW Act 2000. In 2018-19 this Government will invest more than \$23 million directly on behalf of programs to create greater social cohesion. This includes promoting our Community, in Partnership, taking Action [COMPACT] program, which engages many of our youth and diverse communities at a grassroots level.

In addition, we will continue to provide support and services for new arrivals. The Government will maintain and build on work undertaken by the NSW Coordinator General for Refugee Resettlement, Professor Peter Shergold. The New South Wales Government has committed more than \$146 million across four years from 2016-17 to ensure the right services and supports are in place to assist new arrivals. The investment targets employment, health, education, legal support, community and youth services. Some of the projects include \$22 million to deliver the Refugee Employment Support Program in Western Sydney and the Illawarra to support up to 7,000 refugees to find sustainable and suitable employment and an additional \$6.1 million to the South Western Sydney Local Health District, focusing on the key settlement locations of Fairfield and Liverpool.

Four new community hubs have been established in the Fairfield local government area, supporting 18 existing hubs in Fairfield, Parramatta, Blacktown, Bankstown and Cumberland. These community hubs support women and families to help them provide the best start for their children in life. In 2017 these community hubs ran activities for nearly 4,000 families, leading in some cases to real jobs for those attending and gaining skills. The Government has invested \$32.4 million over four years to meet the health needs of refugees soon after arrival while Legal Aid New South Wales has been given \$4 million to provide access to timely, relevant legal information and advice to people in their own language. A \$1.83 million Refugee Youth Peer Mentoring program was delivered by the Department of Family and Community Services in Western Sydney, the Illawarra and Riverina.

The investment in our diverse communities highlights the Government's commitment and support for our growing diverse population in New South Wales. In addition, the Attorney General's bill is a further sign that this Government will not waver in its support for the safety of our diverse communities. I record my thanks to and appreciation of the Attorney General and his office, and the many community and religious leaders who have provided their feedback to the Government on this important matter. The leaders of diverse communities play an important role in promoting our social harmony. The Government recognises their leadership and contributions through the bill. I commend the bill to the House.

Ms JENNY LEONG (Newtown) (18:05): On behalf of The Greens I offer The Greens support for the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. The bill inserts a new section 93Z into the Crimes Act 1900, which creates an offence of inciting violence against a person or group of people on the grounds of race, religious affiliation, sexual orientation, gender identity, intersex status, or HIV or AIDS status. It is not a defence to the proposed offence if a person's assumptions or beliefs about the group of people was correct or incorrect when they committed the offence. The offence applies to public acts that include all forms of communication to the public, any conduct observable by the public, or public distribution of material. The act can be public even if it occurs on private land. The offences of serious vilification on the grounds of race, transgender status, sexuality, and HIV or AIDS status are proposed to be removed from the Anti-Discrimination Act 1977.

The Greens support the bill because we support the strengthening of laws against vilification and violence, particularly against vulnerable people and minority groups. It is clear that threatening and inciting violence can have a genuine impact on people and their ability to participate freely as citizens and community members in society. The reality is that the bill removes the current requirement that the Attorney General grants consent for prosecutions and the necessarily political decision-making it would entail. Instead, the decision to prosecute will be made by the Director of Public Prosecutions who is far better placed to assess such matters. The

increased penalties reflect the seriousness of the offending with a maximum penalty of 100 penalty units and/or three years imprisonment for an individual or 500 penalty units for a corporation. The offence is to be dealt with summarily unless the prosecutor or person charged elects otherwise.

Stakeholders, including the New South Wales Bar Association and the Law Society of New South Wales have indicated their support for the proposal. In his second reading speech, the Attorney General identified that to date no prosecutions have been brought under the provisions of the Anti-Discrimination Act. While this is accurate, it does not necessarily mean that the existing laws have not served an important role. Those provisions set the bar for public activity and guide those who seek to target others and those seeking their own protection. It is important to note that acts of publicly threatening and inciting violence can have an impact on people's ability to participate freely in society. As a member of Parliament I have felt that my ability to act freely in my role in this place and as a member of the community has been challenged as a result of people's comments and threats to me about my race.

The reality is that people genuinely live with threats of racism, violence or intimidation, which means that they cannot participate freely in society. A diverse community should be able to not only celebrate its differences but also recognise that it is up to others to provide protection to those who need it. It should not be incumbent on the individual who feels threatened by those who are inciting violence to stand up on their own behalf. It is crucial that bills such as this one send a clear message that members of this Parliament do not support or condone publicly threatening behaviour or people inciting violence because of one's race, religious affiliation, sexual orientation, gender identity or intersex status.

It is important to note the inclusion of persons who are a part of a group that may face publicly threatening or inciting behaviour as a result of their sexual orientation, gender identity or intersex status, or because they have HIV or AIDS. Recently I participated in an inquiry that looked into violence against emergency services personnel, and I was disturbed by the lack of awareness of how HIV and AIDS can be transmitted and treated. It was clear that we have a long way to go before the community fully understands and that we must recognise the need to provide protection to those people.

It is important that we recognise that making amendments and treating those offences as crimes is not enough. We must make a genuine commitment to the idea that we do not support or condone forms of discrimination and crimes against people identified as being vulnerable. We must go further. The reality is that the bill provides protection to people for specific acts. The Greens are committed to seeing people's human rights protected more broadly so that people can live free from discrimination. I look forward to the day when we are standing in this Chamber talking not only about protecting people against those who publicly threaten them and incite violence but also when we are celebrating respecting people's human rights and the ability to live free from discrimination as a result of introducing a human rights Act for New South Wales.

Mr JONATHAN O'DEA (Davidson) (18:11): I welcome the support from those opposite of various persuasions, including The Greens, the Independents and Labor on the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. Everyone should be acknowledged. Everyone in New South Wales deserves to live a full life without fear of violence. No-one should fear for their physical safety because of the way that they present to the public or because of the groups with which they associate. The bill is about making New South Wales safer and building confidence in public safety, especially among some of the more vulnerable groups in our community.

Under the provisions in the bill, if a person incites a physically violent act or publicly threatens people on the grounds of race, religious affiliation, sexual orientation, gender identity, intersex status, or HIV or AIDS status, it will be regarded as an offence with a maximum penalty of three years imprisonment and a fine of \$11,000 for an individual or \$55,000 for a corporation. The bill reasonably limits freedom of expression to prevent incidents of people inciting others to violence based on the way that someone looks or the beliefs that they hold. It is not about preventing people from saying things that simply bruise egos, hurt feelings, harass, insult or intimidate people. It is about threatening physical harm or generating fear of physical harm to a person or group.

I acknowledge Vic Alhadeff, the Chief Executive of the New South Wales Jewish Board of Deputies, who is in the public gallery. Mr Alhadeff has argued strongly for this reform. I give some examples, not to target any particular group but to highlight those that have been in the public domain, and I do so in the spirit of recognising the value that all groups contribute to our society.

I will give a few examples, but do not wish to suggest that any individual is representative of any particular group. Vic Alhadeff has rightly highlighted the case of an imam who, during a sermon at a mosque in Lakemba, openly called for a jihad against Jews. Even though the imam's sermon was widely distributed online to disenfranchised young men to harness hatred and worship murder, he was not prosecuted under current laws. This law should capture such incidents and make it easier to prosecute and convict the deliverer of that message.

Another example a teenage boy who, in 2012, was seen wearing a T-shirt with the notation, "Behead all those who insult the Prophet". He was one of two teenage boys who were arrested in Bankstown in October 2016 for planning a terrorist attack.

Criticising those who insult the prophet is permitted as free speech but calling to behead anyone who insults the prophet is unacceptably inciting violence. This intent to incite violence involves a violent reaction to those with opposing views. The failure to initially address the expression of violent retribution may have contributed to the boy's subsequent planning of a physical act of terror. New South Wales has the highest number of planned terrorist attacks in Australia. It is hoped that this legislation will help to reduce the spread of radicalism and incitement to violence from terrorism groups. This is not just a law to protect vulnerable people in our community. It should also help to prevent the proliferation of violent thoughts which can sometimes lead to terrorist acts.

Another example is a neo-Nazi fascist group calling themselves the Antipodean Resistance, which has been distributing stickers throughout Sydney trying to recruit schoolchildren. The stickers ask "white Australian youth" to "join the fight". Apparently these stickers have been found in my electorate of Davidson as well as across Sydney. This group has also been distributing posters depicting an execution and stating, "Legalise the Execution of Jews". My electorate has one of the largest populations of Jewish people in Australia and they are rightly concerned about the implications of these messages for followers of their faith. The targets of these messages have a right not to live in fear and the generators of these hate messages should be able to be prosecuted. The previous laws relating to this type of behaviour have not worked. Not one person has been convicted or prosecuted for current similar offences since they were introduced in 1989 by a Coalition Government. These landmark reforms will create a new offence in the Crimes Act 1900 and replace and improve the existing offences in the Anti-Discrimination Act 1977. The amendment to this bill should make the law more effective.

The Government has listened to the community and is acting to further protect our diverse and vibrant community. The Legislative Council Standing Committee on Law and Justice extensively considered Stepan Kerkyasharian's report entitled "Racial Vilification Law in NSW" and there was widespread stakeholder consultation. The Government is now acting to strengthen protections for the benefit of New South Wales residents as a whole. Preventing incitement to violence is not about unduly limiting free speech. It is about preventing threats to physical harm and reasonably promoting lives free of fear. It is about preserving public safety. I therefore strongly commend the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018 to the House and I thank the Attorney General for bringing this reform.

Mr ALEX GREENWICH (Sydney) (18:18): The Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018 introduces four serious offences into the Crimes Act for publicly threatening or inciting violence against someone or a group of persons on the grounds of their race, religion, sexual orientation, gender identity, intersex status or HIV-AIDS diagnosis. These offences will replace the serious vilification offences currently in the Anti-Discrimination Act. Everyone has the right to live their life with dignity and peace and without harassment and vilification. For some people, just because they are, for example, Jewish, Muslim or gay, there is always a real threat of verbal abuse or vicious attacks from another member of the public. At best this can be upsetting and at worst someone's sense of safety can be at serious risk.

New South Wales introduced anti-vilification laws on the grounds of race in the Anti-Discrimination Act in 1989. My predecessor, Clover Moore, added homosexuality to those grounds in 1993 and introduced the offence of serious vilification. Transgender status was added in 1996. When Clover Moore introduced her bill, she provided the House with atrocious examples of homophobic violence. Gay bashing was still a common thing in 1993. Although things have improved, gay, lesbian, bi, transgender and intersex people still regularly face slurs and threats of violence because of who they are. Inciting violence against lesbian, gay, bisexual, transgender, and intersex [LGBTI] people still occurs. During the marriage equality campaign, my electorate office phones were turned off for two weeks due to the sheer volume of abusive calls. These included death threats and accusations of spreading AIDS. I still have a pile of hate mail that included some of the most offensive material aimed at LGBTI people I have ever seen. Police were so concerned about the nature of threats that they came to my office to assess safety risks and investigated a number of threats of violence.

It has long been a concern that despite certain groups still being the target of intimidation and threats based on their race, religion or LGBTI status, no prosecutions for serious vilification have been made. This bill will make it easier to charge and prosecute perpetrators. I welcome new powers for NSW Police to investigate acts that aim to encourage violence against a group of people just for the colour of their skin, the god they worship or who they love. However, I do have reservations about the loss of the offence of serious vilification because the terms "hatred", "contempt" and "severe ridicule" have not been replaced and there is no reference to harm to property. I understand that the simpler and clearer definition of "threatening or inciting violence" will be easier to apply to real situations of public prejudice-based harassment and intimidation. It would be helpful for the

Attorney General to address as part of his reply how forms of serious vilification and harm to property that were covered by serious vilification will be covered in the new regime.

The move to criminalise hate-based threats is in line with community standards. But more needs to be done to prevent abuse, harassment and discrimination of certain groups of people, particularly LGBTI people. The Australian Human Rights Commission June 2015 Sexual Orientation, Gender Identity and Intersex Rights report found that LGBTI people continue to experience serious discrimination and human rights abuses. It recommended that all States review their anti-discrimination laws to become more inclusive of sexual orientation, gender identity and intersex status. Intersex, for example, is not included as a ground for the vilification offence in the Anti-Discrimination Act. It should be added, as should religion. A full review with public submissions would enable the Government to identify gaps. This bill is a good start and I commend it to the House.

Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (18:22): I am proud to speak to this important bill before the House. It has been a long time in the making. Let me begin by acknowledging Vic Alhadeff, who is in the gallery, for his strong and tireless advocacy over many years, as well as the current President, Jeremy Spinak. I extend my good wishes for his best health. The New South Wales Jewish Board of Deputies spoke out on this issue and helped to build a coalition of community groups under the umbrella exhortation "Keep New South Wales Safe". The bill before us tonight is truly a win for the fair-minded and it is a clear loss for the pedlars of hateful words that can lead to violence. At its very core, this bill is saying inciting violence cannot be ignored, it cannot be minimised and it cannot be put into the too-hard basket.

Many of us have known for some time that the existing laws were not working. I knew that well, having been Attorney General over the prior two years. Improvements had to be made. The new laws have been carefully crafted so that they tackle the problem of inciting violence while not veering off into becoming an attack on free speech. That is important. I believe it is the right response to a problem that is too real for many people in our local communities and to many people who live in my electorate of Vaucluse. I note that six years ago when Premier the Hon. Barry O'Farrell MP requested that the Legislative Council Standing Committee on Law and Justice inquire into the serious racial vilification offence in the Anti-Discrimination Act the committee made recommendations in a joint report.

Then the Committee on Law and Justice released a report on that inquiry in December 2013. The committee came to the view that the effectiveness of the serious racial vilification offence in the Anti-Discrimination Act had been hindered by a number of procedural impediments that had prevented the practical application of the offence by the courts and prosecutors. As I said, I came across many of those impediments when I served as Attorney General. I am pleased to note that the bill directly addresses those procedural impediments. First, the bill will remove an existing requirement for the President of the Anti-Discrimination Board to make a referral for prosecution within 28 days after receipt of a complaint. That is a short time frame.

Secondly, the new offence will be contained in the Crimes Act 1900. This will clarify once and for all that the NSW Police Force will have a lead role in the investigation of potential offences. That is important. Thirdly, the bill inserts a requirement that the offence must be commenced only with the approval of the Director of Public Prosecutions. That is appropriate. Fourthly, the bill clarifies that recklessness is sufficient to establish criminal intent and it is irrelevant whether or not any person formed a state of mind or carried out any act of violence in response to the alleged offending act. Finally, by adding the option of threatening violence, the prosecution would not necessarily need to adduce evidence that the defendant in fact intended to incite or was reckless as to inciting a third party to inflict violence. They are all important changes that bring clarity that was not there under the old law.

These landmark reforms create a new offence in the Crimes Act 1900 which will replace and improve existing offences contained in the Anti-Discrimination Act 1977. The new offence will prohibit the threat or incitement of violence against any person on the grounds of race, religious affiliation, sexual orientation, gender identity, intersex or HIV-AIDS status. The new offence will be punishable by up to three years imprisonment—which is a substantial increase from the current maximum term of six months—and a fine of \$11,000 fine or \$55,000 in the case of a corporation.

Although this has been a long journey for this legislation, let us remember that it was a Coalition Government in 1989 that was the first government in Australia to introduce laws to support targeted individuals and groups. Now in 2018 we have acted again to strengthen those laws to stamp out the threat or incitement of violence, thereby to enhance community safety. This bill has been carefully considered and closely scrutinised, yet it is a legally robust response to a real threat. Every person in our community should be able to go about their lives without fear of violence because of who they are or what they believe. This is an important change to the law that will work every day to make our community, and the community that I represent, even safer. I commend the bill to the House.

Mr JIHAD DIB (Lakemba) (18:27): I refer to the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. I too acknowledge in the public gallery Vic Alhadeff from the New South Wales Jewish Board of Deputies, with whom I have worked for many years in many different capacities. I congratulate the board on its role in bringing many different community groups together and forming a coalition of people of various faiths and cultures. That speaks to the very values of Australia. I am pleased that the Minister has brought this bill, but the review was conducted six years ago and it should not have taken six years to get to this point. Since 1989 there was not one conviction under the original piece of legislation.

As previous speakers have said, the bill modernises the grounds relevant to this offence so that it provides protection against the vilification of persons and groups on the grounds of race, religion, sexual orientation, gender identity or intersex or HIV-AIDS status. The bill creates a new offence in the Crimes Act for publicly threatening or inciting violence. It is important that the offence moves from the Anti-Discrimination Act to the Crimes Act. It recognises very strongly the repercussions for inciting hatred and violence towards others. Whilst this is an important step in the right direction, I would have liked the promotion of hatred included. There is a grey line between inciting and promoting hatred. I am sure some people will use the defence "I did not incite, I promoted".

People will use the excuse of free speech. We must always defend free speech but when does free speech cross the line and become the promotion of hatred? People may use the defence of free speech to espouse hatred, violence and ignorance towards others, which ultimately, I believe, creates a strong link to violence. The person who continually promotes hatred may not commit a violent act but someone else may become violent as a result of that promotion of hatred. The bill before the House is necessary. There has not been a successful prosecution for racial vilification under existing New South Wales legislation, which demonstrates it is well overdue for review.

I acknowledge my parliamentary colleague the member for Liverpool, the shadow Attorney General, who not long ago introduced a very similar bill. Most members would agree that the bill introduced by the member for Liverpool was very similar. It was almost word for word. Lo and behold, his bill was defeated. Perhaps the Government wanted to introduce the legislation. The member for Liverpool has worked so hard on this issue and has been persistent but his legislation was voted down. I am concerned when such important bills are not supported simply because they are Opposition bills. Having said that, the Opposition will support the bill before the House.

Those who have heard me speak in this place—and I thank Hansard for interpreting my mumbles—would have heard me say that we come to this place because we want to make a difference, we want to make this State and our society better and we want to create opportunities for everybody. We may wear different tribal colours and we may have differences of opinion but we all agree that we are here to serve the people and to do good. We spend a lot of time in this Chamber arguing but we agree on legislation such as the bill before us. I am pleased that this bill gives power to the Director of Public Prosecutions. I refer to paragraph five of a submission from the New South Wales Council for Civil Liberties, which states:

The new provisions appear likely to address the problems which have blocked any prosecutions being initiated under the current Act since 1998.

In terms of process, the movement of the offence from the Anti-Discrimination Act to the Crimes Act will transfer the lead investigative role to the NSW Police Force and the DPP will have the statutory power to approve prosecutions which currently sit with the Attorney General.

Ambiguity in the current somewhat convoluted description of the offending conduct has been removed by a new, single test offence: *"A person who, by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons on the specified grounds is guilty of an offence".*

That offence is very clear and very important. We all have our own stories and backgrounds. The member for Newtown shared her experiences—which many of us have also faced as a result of our cultural backgrounds. Members of Parliament have thick skins and we are used to barbs being thrown at us. The member for Newtown and I are able to protect ourselves but I am worried about those who are more vulnerable and do not have any connections to community groups. This new legislation provides protection for those who need it the most. It is important that religion is included, particularly in light of recent events and the member for Davidson referred to circumstances in his electorate. Sadly, about 1½ weeks ago a sign at the front of an Islamic school in my electorate had sprayed on it "Suicide bomber". Little kids in the primary school walked past the sign and read it.

These laws will ensure that we can do something about that. In our society people should not be able to cause such enormous offence and get away with it. It is not just about calling someone a name; it has a much deeper message. I have dealt with white supremacy issues not only in my electorate but also in nearby areas. They incite incredible hatred and violence and make all sorts of claims. Currently they might be able to get away with it but things will change with this legislation. Indeed, that is why I strongly support it. When this law is passed it will not only be easily and readily accessible but it will also offer the protections we need. Those heartless people who commit these acts need to know that in future their actions will have serious consequences. The impacts of

racism cannot be underestimated. I reiterate that there is a difference in being told something and in knowing one is the victim of racism. No doubt all members in this place could share similar stories about racism.

I will briefly mention a couple of issues that previous speakers have referred to in this debate. We are all victims of those who use threatening and unsafe intimidatory behaviour and/or language. One only has to look at the disgusting and disgraceful things that appear on social media. I expect that this legislation will deal with those sorts of things. People should not be allowed to hide behind a keyboard to make all sorts of hurtful threats, accusations and incitements of violence and get away with it. I am very passionate about this issue because not only have I experienced it but I also know of others who have experienced it. I may be strong enough to deal with it but I know of many younger people who cannot. This sort of behaviour makes them feel as if they do not belong.

People talk about how wonderful Australia is. The Minister for Multiculturalism gave statistics on the number of religions, cultures and languages that we speak in this country. That is the beautiful side of modern Australia. Everybody should be able to be who they are, whether through their culture, religion or sexual identity. Everybody has a right to feel protected. This bill, which is long overdue, is a step in the right direction but it needs to be strengthened. In passing this legislation we are doing the grown-up thing in making sure that we protect those who need it the most. I again thank the member for Liverpool who has been fighting for this for so long. I thank also Vic Alhadeff and the Coalition. Finally, I thank the Attorney General for introducing this bill. I commend the bill to the House.

Mr AUSTIN EVANS (Murray) (18:37): I support the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. The electorate of Murray is not only regional but also very multicultural. My constituents comprise a large number of people from different races and religions. Historically, Griffith has been home to a large number of Italian and other southern European groups. Across the electorate we have a large Aboriginal and Torres Strait Islander community, as well as people from India, including a large Sikh community. In fact, a couple of weeks ago we hosted the Sikh Games Griffith and more than 15,000 people attended. A number of my constituents have made representations to me about this bill, including some connected with the New South Wales Jewish Board of Deputies. I thank them all for their representations. I congratulate the Government on introducing this bill, which addresses those and many other representations. I commend the bill to the House.

Mr RON HOENIG (Heffron) (18:39): I speak to the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. At the outset, I commend the bill to the House. However, I remind members that we had to drag the Government kicking and screaming to introduce this bill. A few moments ago the member for Liverpool reminded me of a newspaper article of 11 December 2017. Under the title "New South Wales drops pledge to reform state's racial vilification laws" it stated:

Attorney general Mark Speakman says there "are no present plans" to amend Anti-Discrimination Act.

Interestingly, that was only six months ago. Earlier when sitting in the Whip's office I almost choked as I listened to the member for Vacluse talk about how wonderful the bill is. I note that the Chief Executive Officer of the New South Wales Jewish Board of Deputies is in the public gallery. He too must have almost choked as he listened to her contribution. In the *Daily Telegraph* of 15 December 2017, under the title "Gabrielle Upton U-turn on backing laws to 'disarm' hate preachers", there was an article by Sharri Markson. I do not understand how that journalist knows what goes on in Cabinet but she exposed the member for Vacluse, and Minister for Local Government, and Minister for the Environment, for opposing the very nature of this sort of legislation.

Obviously in the last six months the reactionary forces of the Liberal Party have been defeated and the Attorney General—who is not a reactionary Attorney General by any stretch of the imagination—and the Minister for Innovation and Better Regulation, the numbers man, have succeeded in getting the numbers for this legislation to be successful. The people of New South Wales sincerely thank that faction of the Liberal Party for this important piece of legislation. This bill creates a single indictable offence in the Crimes Act of publicly threatening or inciting violence on the grounds of race, religion, sexual orientation, gender identity, intersexuality or HIV-AIDS status and removes those offences from the Anti-Discrimination Act.

I remind members that the recommendations to remove, amend and update the current offence under section 20D of the Anti-Discrimination Act, which has been on the statute books for several decades, was subject to a recommendation by the Law Reform Commission in 1999 that the offence of serious racial vilification should be moved to the Crimes Act. In 2009, then Director of the Public Prosecutions Mr Nicholas Cowdery advised that there had been no prosecutions under that Act. That was 18 years ago; the government of the day in that period of time should have hung its head in shame. In 2013 a cross-party Legislative Council committee, which was tasked by former Premier Barry O'Farrell to inquire into the serious racial vilification under that Act, unanimously recommended amendments to the legislation. That was a bipartisan approach, yet the Government took no action.

In 2015 the then Attorney-General, the member for Vacluse, promised to introduce new laws in the first half of 2016 but failed to do so even though she admitted in 2015 that those laws were broken. In 2016 the shadow

Attorney General introduced a private member's bill to strengthen section 20D. Among other things, it adopted recommendations of the 2013 committee report. The Government voted that bill down by 48 votes to 31. Labor subsequently said that it would again introduce a bill—and a bill of the Leader of the Opposition is on the *Notice Paper*. Anyone who suggests that there is any great change between the bill of the Leader of the Opposition and the bill of the Attorney General is dealing with semantics. The Government's bill defines "vilification" as "threatening or inciting violence against members of a protected group". The Opposition's bill defines "vilification" as "promoting violence against a protected group". The meaning is the same. The Government has had seven long years to come up with a better definition—it has certainly had an opportunity to do so since 2013.

The Government's bill provides for 100 penalty units or three years imprisonment, which is far more substantial than the penalty of six months proposed in the bill of the Leader of the Opposition. The Government's bill abolishes the need to seek the consent of the Attorney General for prosecution, as does the bill of the Leader of the Opposition. The Government's bill extends the time frame for the president of the Anti-Discrimination Board to make a referral for prosecution from 28 days to within six months, whereas the bill of the Leader of the Opposition requires referral within 12 months. Both bills are similar. If members think the reactionary forces of the Liberal Party have had a change of heart I remind them of what was said when they voted down the bill of the member for Liverpool, which is almost identical. The member for Epping said that the shadow Attorney General had accused the Government of being frightened of and controlled by "extremist forces" who hide behind "declarations about the importance of free speech". He said:

If declaring one's support of free speech makes one an extremist in this day and age then I am proud to call myself one.

He also said:

This bill represents the creeping arm of government reaching ever deeper into Australians' lives. It represents the fundamental belief by those opposite that the people of New South Wales need the Government to tell them what they can say, what they can think, what is right and what is wrong. It represents the fallacy that government knows best and that citizens must toe the approved government line; if they do not, they can expect to face the full force of the law. Its proponents claim that it is necessary for a united Australia; in fact, it divides.

That was the view expressed by the member for Epping who garnished the support of Executive Government to defeat a bill that is identical to this one. Bearing in mind what the Attorney said at the end of last year, this bill represents a significant victory for common sense and a significant victory for the Photios forces in the Liberal Party. It represents a significant victory for the Attorney General but, more importantly, it represents a significant victory for the member for Liverpool whose actions over a number of years dragged this Government kicking and screaming to introduce similar legislation. Government members might claim credit for this great reform which will prevent racial vilification in this State but they are hardly united. Most Government members hate everything in this bill. It has taken a long time for the Government to introduce this bill which I hope will be passed by both Houses. I hope that those reactionary forces never have an impact on discrimination policy in this State.

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:49): I am honoured to support the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. Something is finally being done to protect people from those who wish to incite violence in this State. It is long overdue. The incitement of violence—physical or otherwise—against someone based on his or her race, religion, sexual orientation, gender identity or HIV-AIDS status should have no place in our society. This is a step in the right direction. The current laws, which have been on the statute book for more than 30 years, were introduced by the Greiner Government. In that time there has not been a single prosecution. I do not believe we should ever limit free speech but when someone incites physical violence we should all draw a line. These new laws will now mean that Neo-Nazi thugs or Islamic extremists who advocate violence can be prosecuted and convicted, which is a good thing. This is not just about physical threats to minority groups, to the Jewish community, or to lesbian, gay, bisexual, transgender or intersex people in our community. These changes will work to keep us all safe, which is a good outcome. I thank all those who have been involved in getting us to this point. I acknowledge in particular the efforts of the Attorney General for introducing this legislation and for achieving this outstanding outcome.

Ms Jodi McKay: And the shadow Attorney General.

Mr MATT KEAN: I acknowledge the shadow Attorney General. I will not mention the comment of the member for Heffron about the coalition he formed with members on this side of the party divide but I acknowledge all the community groups that formed a coalition to bring us to this point, led by the champion of this bill, Vic Alhadeff. I thank him for the work that he continues to do to fight for the rights of minority groups in our community to ensure that they are also protected.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (18:51): In reply: Before I commence my speech in reply, I also acknowledge the advocacy of the Chief Executive Officer of the Jewish Board of Deputies, Vic Alhadeff, also spokesman of the Keep NSW Safe coalition. Vic has been a tireless advocate for this change to New South Wales law, which is long overdue. I thank Vic for his strident and articulate advocacy on this topic.

I thank all the members who supported this bill for their contributions to this debate—the member for Liverpool and the members representing the electorates of Castle Hill, Newtown, Davidson, Sydney, Vacluse, Lakemba, Murray, Heffron and Hornsby. I note the bold claim by the member for Liverpool about the Crimes and Anti-Discrimination Legislation Amendment (Vilification) Bill which was introduced by the Opposition in 2016.

Contrary to some suggestions by the member for Heffron that the bill before the House is an imitation of the Opposition's bill, or the product of the Liverpool Photios faction, let me outline some key differences between the Opposition's bill and the Government's bill. First, the Government's bill creates a new indictable offence. The Opposition's bill proposed a summary offence. Creating an indictable offence will reflect the seriousness of the offence and ensure there is no time limit to commencing prosecutions. The time limit was a key difficulty with the prosecution of the serious vilification offence in section 20D of the Anti-Discrimination Act and its analogues, as identified by the Legislative Council Standing Committee on Law and Justice in its inquiry into racial vilification law in New South Wales. The Opposition's bill only proposed to extend the time limit for prosecution from six months to 12 months.

Secondly, the Government's bill sets a higher maximum penalty to reflect community standards and the objective seriousness of the offence. The maximum penalty in the bill is 100 penalty units or three years imprisonment, or both for an individual, and 500 penalty units for a corporation. The Opposition's bill proposed a penalty of six months imprisonment and 50 penalty units for an individual, and 100 penalty units for a corporation which effectively retained the maximum across the existing serious vilification offences. The Government is taking a strong stand against threats and incitement to violence. Thirdly, the Government bill introduces a criminal offence that will clarify that the NSW Police Force will take the lead in investigations. This will clarify and avoid the procedural issues identified by the Legislative Council inquiry. By contrast, the Opposition's bill proposed that the president of the Anti-Discrimination Board consider referring a complaint under the Opposition's proposed new serious vilification offence to the Commissioner of Police.

Fourthly, in the Government's bill, to provide a safeguard the approval of the Director of Public Prosecutions is required to commence a prosecution. The Opposition's bill did not have this safeguard. Fifthly, and critically, the Government's bill goes further than the Opposition's bill by expanding the protected grounds to include religious belief or affiliation; sexual orientation, which is wider than homosexuality; gender identity, which is wider than transgender status; and intersex status. The Opposition's bill only retained the existing grounds of race, transgender status, homosexuality, and HIV-AIDS status.

I note the comments of the member for Liverpool and the member for Heffron about the delay in introducing this reform. The Government has carefully considered the recommendations made by the Legislative Council Standing Committee on Law and Justice on its inquiry into racial vilification law in New South Wales and has undertaken extensive community consultation to inform its proposed reforms to the criminal offence of serious vilification in the Anti-Discrimination Act 1977. The report of that committee raised serious and important issues and it was necessary for the Government to conduct further consultation not only on the serious racial vilification laws but also on all serious vilification laws in the Anti-Discrimination Act.

Because of the lapse of time since consultations were undertaken by the committee in 2012, it was essential that the Government undertake further targeted consultation in order to achieve broad community consensus before progressing any reform. Issues raised by stakeholders since the release of the report in December 2013 and during consultations went beyond the committee recommendations. The Government has been committed to obtaining the views of a large cross-section of the community with a view to developing a common understanding on a way forward that strikes the right balance between preserving freedom of speech and protecting people from violence.

The Government undertook extensive community consultation over a number of years to ensure that the bill makes amendments that will most appropriately protect the New South Wales community. Most recently, in November 2016, my predecessor as Attorney General, the Hon. Gabrielle Upton, requested that Mr Stepan Kerkyasharian, AO, undertake broad consultation with the community, including groups representing a diverse range of races and faiths as well as the lesbian, gay, bisexual, transgender and intersex community. Mr Kerkyasharian provided a report on that consultation process in May 2017. That report has been published on the New South Wales Department of Justice website.

Over the past year the Government has given careful consideration to the issues raised by various stakeholders and captured in Mr Kerkyasharian's report. This bill is the culmination of a considered and detailed examination of the issues expressed in numerous reports on the issue of serious vilification in New South Wales, and by many stakeholders and community groups. The bill achieves a comprehensive reform of the criminal offences. It introduces a new indictable criminal offence of publicly threatening or inciting violence in the Crimes Act, which will apply to public threats or incitement of violence against targeted persons or groups in New South Wales, and will replace four existing serious vilification offences contained in the Anti-Discrimination Act.

This Government is committed to protecting our diverse and vibrant communities for the benefit of all New South Wales residents. Importantly, a new offence of publicly threatening and inciting violence demonstrates that the Government will not tolerate threats of violence or incitement of violence. We have listened to the community and we are committed to ensuring that any behaviour that puts community safety at risk will not be tolerated. I thank all those who have advocated for this bill and 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.

Private Members' Statements

FAIRFIELD ELECTORATE INFRASTRUCTURE

Mr GUY ZANGARI (Fairfield) (18:58): Today the 2018-19 State budget was handed down, with the Treasurer boasting about how this budget was the best thing since sliced bread. Unfortunately for the residents of Fairfield, the bread was as stale as the Treasurer's jokes. The Fairfield community has suffered for eight long years under this Government as we have been forced to endure one failed budget after another. It is hard to fathom how members of the Government can stand before us today with smiles on their faces and a spring in their step, all the while knowing this budget hurts so many people and negatively impacts on so many services across New South Wales. Residents in Fairfield understand that quality education is the foundation for a productive and bountiful future for their children. That is why local residents have been so strong in their advocacy for more resources and greater support for our local schools.

In recent years, our local schools have had a pretty hard time securing the funds they so desperately need. Schools have had to start looking outside the box in order to meet the growing demand for specialised support services aimed at the complex needs of residents in our area, with almost no assistance being provided by our State and Federal governments. Our local schools are struggling with the soaring number of enrolments, overcrowded classrooms and a multimillion-dollar maintenance backlog that this Government continues to disregard. Fairfield's schools are underfunded and our children deserve better. The Berejiklian Government has clearly chosen to invest billions into stadiums while our community's needs remain ignored.

Fairfield City has a booming population with thousands settling into our community each and every year. Despite that, the Government has well and truly dropped the ball when it comes to transport solutions to meet the needs of our community. The Government has failed year upon year to address this growing problem, while compounding our issues by removing the inner west line and completely decimating the transport timetables. Journeys that previously took 10 minutes when the Labor Government was in power now take almost an hour as a result of the onerous amount of line changes commuters are forced to make to get to their destination. Compounding this problem is a network that does not run on time, trains that are frequently cancelled and trains that are more often than not in a state of disrepair. The end result is a lot of Fairfield commuters who are frustrated and fed up with a transport system that fails to meet their basic needs.

The New South Wales Government has failed to address the concerns of Fairfield residents time and again, and the budget handed down today fails just as much as every budget before it. Cost-of-living pressures are spiralling out of control with no reprieve in sight for local families. No new funding has been provided for or investments made in Fairfield Hospital, which has been neglected by the Berejiklian Government for eight consecutive years. Fairfield Hospital is in dire need of additional funds to upgrade its facilities and services and to adequately resource and support the hardworking personnel who are continually forced to do more with less. Despite the large influx of families settling in the area, the Fairfield community is being forced to go without because the Berejiklian Government simply does not care about our needs.

Over eight years we have seen a plethora of services decimated in Fairfield as a direct result of those opposite. The contract for a local bus company, Custom Coaches, was handed to a Queensland company, which resulted in hundreds of local jobs being lost; Roads and Maritime Services was removed from the area entirely; and our local Fire and Rescue service got moved into another local government area. Family and Community Services was hammered hard, with job losses across the board; the whole system has been gutted, which has had a flow-on effect in our community. We lost the Cabramatta Street Team and the tremendous work it did in our local community.

The Fairfield train station is no exception to the Government's heinous cuts as staff have disappeared left, right and centre, with only a skeleton staff left behind. Our local ambulance station has gone and it has been moved to Bankstown. The community continues calling for lifts or ramps to be installed in our local train stations. The Government has done nothing about that since 2011. It would appear that refugee support services are not a high enough priority for the Government, not to mention the tolls. The Government loves tolls. We are going to be getting plenty more of them thanks to those opposite. It is clear that the 2018-19 budget is a momentous failure for the residents of Fairfield and it has done nothing to address the growing needs of people within our community.

ELDER ABUSE

Mr ALISTER HENSKENS (Ku-ring-gai) (19:03): Ku-ring-gai has responded to the call by the Minister for Ageing for members of Parliament to raise awareness of elder abuse in their electorates and the support services available to their constituents. Elder abuse—the causing of physical, psychological, emotional, sexual or financial harm or distress to an older person—is an important issue. The New South Wales Government has historically demonstrated its commitment to preventing elder abuse and improving safeguards for vulnerable older people, including its continued delivery of the Elder Abuse Helpline and Resource Unit.

On 15 June 2017 Minister Davies encouraged the recognition of World Elder Abuse Awareness Day by holding a morning tea. On that day representatives from Ku-ring-gai's retirement villages and community groups, including the Ku-ring-gai Neighbourhood Centre, Lifeline Harbour to Hawkesbury and the Ku-ring-gai Community Workshop—the "Men's Shed"—joined me for coffee, tea, sausage rolls and cake and, more importantly, a wide-ranging discussion about the issues faced by elderly people in the community. Sadly, most of what I heard that day concerned emotional, psychological or financial abuse of older relatives by family members or carers.

Stories included accounts about the threats to stop grandchildren from visiting retirement villages and nursing homes; the refusal to be invited to family weddings unless financial benefits were provided; the withholding of money and the refusal to purchase essential clothing; resorting to eating pet food while living in multimillion-dollar homes because it was all they could afford with the money given by family members; and in a time of rising house prices, pressure to move out of home when not ready to do so—either to allow younger members of the family to take possession or to pass on the proceeds of sale to them—or to take out a reverse mortgage to fund the purchase of a house for a younger relative. The stories were both disturbing and sad.

Just as troubling was my realisation that many instances of elder abuse must go unreported because of the older person's feelings of shame or embarrassment that their family member—often a son or a daughter—is the perpetrator, or the fear of retribution or neglect. But they triggered a desire by everyone present to do whatever they could to keep older family, friends and members of the Ku-ring-gai community safe and connected. It is easy to forget that they are at greater risk because of their physical frailty, cognitive impairment, illness, social isolation and the frequent need for assistance with the most personal and basic tasks. My response was to arrange a number of forums at retirement villages and aged-care centres in Ku-ring-gai over the following months at which I promoted the Elder Abuse Helpline and Resource Unit. I also reminded the residents of the importance of preparing a will, making a power of attorney, appointing an Enduring Guardian and initiating a discussion about advance care planning.

Last week I again convened a World Elder Abuse Awareness Day morning tea. This time—no doubt because of the larger number of retirement village residents in attendance—the focus of the discussion was more on issues arising between residents and the managers of their villages. In these circumstances, the alleged abuse is more often psychological than financial—the failure to foster a sense of community and the unwillingness to address concerns compassionately were frequently mentioned—but such behaviour is just as alienating and stressful for those who are the subject of it. It provided a great opportunity for the managers of other villages to share what works for them and for the community groups to communicate the ways in which they can assist. In that regard, I particularly thank Geoff Wolf, Sue Lawrence and Michele Bell for participating in the discussion and for their insights.

Ultimately, there was a consensus on the power of regular and open communication to ensure the safety of our senior citizens, to provide a clear understanding of the options and help available to them and to assure them that they were being heard and their input is respected. Positive action by government in relation to elder abuse is continuing to happen. On 18 February this year Minister Davies announced new funding for caseworkers to manage complex elder abuse cases and to offer assistance beyond the normal referral sources, coordinating services such as police, Family and Community Services, health and disability services and culturally and linguistically diverse organisations.

On the same day as my morning tea the Federal Attorney-General launched Elder Abuse Action Australia. This is an alliance of peak groups from each of the States and the Federal Government to protect people

from elder abuse, particularly fraud and theft, which will facilitate the development of the Attorney-General's national plan to combat elder abuse. I will never allow myself to become complacent about the threat of exploitation faced by seniors and I will continue to work hard to destigmatise the existence of elder abuse in Ku-ring-gai by encouraging the elderly to tell their stories, as difficult as that may be. It has to stop.

MID-WESTERN REGIONAL COUNCIL

Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (19:08): I congratulate the Mid-Western Regional Council—better known in the Cudgegong area as the Mudgee council, which also includes the communities of Rylstone, Kandos and Gulgong—which is led brilliantly by Mayor Des Kennedy and General Manager Brad Cam. I thank them for their vision, their insight and their patience in the acquisition of the former Cudgegong Shire Council chambers, which will now become the Mudgee Art Gallery and cultural precinct. In 2015 when I became the member for the Mudgee area I started on a journey with a community which is well renowned for its tourism offerings, its viticulture, its capacity to host events and its sensational agricultural region as a tourism mecca. But there was a missing piece in the offering of the Mudgee region, and that was the ability to showcase the magnificent arts and culture from a thriving artistic and cultural community.

The council took the initiative to open a theatre many years after its historic and beautiful movie theatre closed and fell into private hands. A theatre was opened for community use and still operates to this day and provides a valuable service. The artistic community of Mudgee and the Cudgegong region is one of the strongest in country New South Wales, yet it had no place to showcase its art and craft. It does now, thanks to the help of the New South Wales Government. I thank the Minister for Finance, Services and Property, Mr Victor Dominello, for his assistance. The Cudgegong Shire Council chambers was owned by the community some time ago—before many local government amalgamations. This Government is not the first government to amalgamate councils—a little known fact that is lost on Opposition members who have a significant history of amalgamating councils.

Some years ago Cudgegong changed and the building and its assets were transferred to the State. It was used for State government offices, then occupied by Local Land Services, and it then became unoccupied. It sat on the State's books and was no longer a sought-after building, given its Georgian history and the cost of upkeep as a functioning office. The question was what to do with such a building. There was so much social good and an obvious need for it to be transferred to the ownership of the Mid-Western Regional Council that in 2015 the council and I started a journey together. As I indicated, with the assistance of Minister Dominello, that was secured a couple of weeks ago and for the peppercorn agreement of \$1 it is now the new site of the Mudgee Art Gallery and cultural infrastructure precinct. The council and I, together with the arts society, are now working on a master plan to make application to the Regional Cultural Fund to secure some funding to be co-funded by the council and philanthropic donations to this centre. Importantly, it will not be a single community asset showcasing art; there will be activation of the site for small business to operate a cafe or restaurant.

It is a pleasure to deal with the Mid-Western Regional Council, which is a genuine partner with the State Government because the asset will also host its tourism office. This beautiful building will not only house tourism offerings; visitors will also be able to view art from the region. This is a clear demonstration of a project where partnerships between local and State governments can be successful and productive. The Mid-Western Regional Council is a delight to work with. It is an example to many neighbouring councils of what outcomes can be achieved if we work together, rather than politically posturing and playing silly politics in a juvenile sense, as one of the mayors in my electorate does. This is an opportunity to say congratulations to Mudgee as a community. Congratulations to Mid-Western Regional Council which will now have a community asset that will serve it well in the future to promote arts and culture in the mid-west.

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (19:13): I thank the member for Dubbo for bringing news of the acquisition of the former Cudgegong Shire Council chambers by Mid-Western Regional Council to the attention of this House. I congratulate the leadership and vision of Mayor Des Kennedy and the wonderful team of staff and councillors who lead that community so well. The member for Dubbo is passionate about his electorate, and rightly so because the Mudgee region is a beautiful, picturesque and inviting place for both international and interstate tourists.

Recently Mudgee and Dubbo featured in a wonderful campaign conducted by the State Government directed at Hong Kong and mainland China. It has promoted the virtues of staying in the Mudgee and Dubbo regions because of the beautiful food and beverage offerings, and the fabulous accommodation. This acquisition undertaken by the Mid-Western Regional Council for the arts and tourism sectors will be a huge boon for the local community. I again congratulate the member for Dubbo and Mayor Des Kennedy.

AUSTRALIAN AMBASSADOR TO SAUDI ARABIA

Mr JIHAD DIB (Lakemba) (19:14): I acknowledge Mr Ridwaan Jadwat, who on 25 May was appointed as the Australian Ambassador to Saudi Arabia, with non-resident accreditation to Bahrain, Oman and the Yemen. Mr Jadwat is a senior career officer in the Department of Foreign Affairs and Trade and is a highly accomplished diplomat. If members were to read his curriculum vitae they would understand why I am so impressed by him. He also holds a bachelor of laws and a bachelor of economics. Most significantly, he is a former student of the wonderful Punchbowl Boys High School.

Mr Jadwat's story is a great Australian story. He came to Australia when he was young and his subsequent experience here has allowed him to reflect on the opportunities that public service has afforded him. He was born in apartheid South Africa, where the mixing of races was a crime. We all know the history of apartheid South Africa, where some people belonged and some did not. That gave him a unique understanding of the world and the wonderful life we have in Australia, which did not involve being segregated into racial groups. He has vivid memories of life under social segregation, where everything including suburbs, beaches, restaurants, cinemas, bathrooms and even public transport had white and non-white areas.

As his last task before departing on his mission to Saudi Arabia, Mr Jadwat hosted an Eid morning tea in Parliament House on behalf of the Prime Minister. He talked about how much it meant for multicultural Australians to have the opportunity to become outstanding citizens and wonderful contributors to this great nation. The frequent debates about immigration and multiculturalism encourage us to reflect on what is modern Australia, but sometimes those debates descend into dog-whistle politics. What is lost in that are the stories of individuals and what they bring to this nation if we allow them to blossom. Mr Jadwat is a perfect example of someone who has blossomed. Not only has he made his own way but Australia has also offered him the chance to create a better life. Not only has he been welcomed but he has also wanted to pay back by making a great contribution. We can only imagine the pride of his parents and his local community, and particularly the community I serve at Punchbowl.

Whenever I travel overseas, people ask me where I am from. When I reply that I am Australian, I can hear the wheels turning. They then say, "No, where do you really come from? Your name does not sound Australian and you do not look Australian." I take the opportunity to talk to them about our great country and the fact that modern Australia appreciates everyone's stories. It does not matter whether they are First Nations people, people who arrived with the First Fleet, cameleers, goldminers, those who came here to build the Snowy Mountains Scheme, people who escaped persecution after the Second World War, free settlers or people who may have arrived only last week, we listen to their stories. I tell them that our Australian story is strengthened by the fact that everyone has an opportunity to make a contribution and everyone does exceptionally well.

When I spoke to Ridwaan to congratulate him on his appointment, we talked about many things. I told him how proud his community and I are of him. It is a great achievement to become an ambassador for this great nation. He responded by asking me whether it would be possible for him to talk to the boys at Punchbowl Boys High School. I told him that I knew they would love that, as would I. He said he did not want to tell them how great he is. That is not the kind of person he is; he is an incredibly humble man. He wants to tell them that it does not matter where they were born, what faith they practise, the colour of their skin, their name or how much money they have in their pocket or their bank account, this is a nation where every person has an opportunity to succeed.

Sometimes young people need someone to tell them they can achieve. A while ago we were talking about race-hate crimes. People need to see others with a similar family name and with similar cultural beliefs being successful in this country. They should be told that they are part of the great Australian story, and that is especially true of our young people. As I said, Ridwaan is a humble person, but he does not forget where he has come from and who he is. He does not know what it will mean to the students of Punchbowl Boys High School and Wiley Park Girls High School, which his wife attended, to hear from someone like him who has been appointed as an Australian ambassador. It will be inspirational. I wish Ridwaan Jadwat all the best in his new role.

DROUGHT ASSISTANCE

Mr PHILIP DONATO (Orange) (19:20): Last week, along with many farming families, I eagerly awaited this Government's pre-budget announcement about greater drought assistance. Following my advocacy for the reintroduction of subsidies to help our struggling farmers, and the Government's response to my public campaigning, which indicated an announcement would soon come, I held out hope that common sense would prevail and that the Government would finally come to our farmers' rescue. Hopes were dashed when I, along with thousands of desperate rural families, witnessed the greatest failure from this Government to help rural and regional New South Wales. The Government's hollow announcement delivered anguish for farmers and their families, in spades. They are suffering along with the animals and crops that they tend.

The back-slapping between the Premier, the Deputy Premier and Minister for Primary Industries would have been the only noise heard following the announcement. That is other than the noise of a circling crow's cry as it descended to feast upon rotting carcasses in a barren paddock somewhere. No applause would ever come from farmers whose heads fell into cupped hands in despair. The Government's response to my public campaign for improved drought assistance prompted it to embark on what it named a "listening tour", during which it rashly appointed a State drought coordinator. The Government further announced that the drought coordinator would be listening to farmers. However, some feedback I have received is that she might be providing unsolicited business and financial advice instead.

With so much said by the Government about listening, I would have thought that some of it would have sunk in, but it is clear that has not occurred. I have spoken to countless farmers, and the response is predictably the same; they need and want freight subsidies for water, fodder and stock. These measures have proven to work in the past and they would work again. Freight subsidies are swift, direct and make a big difference for farmers because the largest component in providing feed is freight. I recently held a meeting with representatives of NSW Farmers, who advised me that their organisation is on the same page as me. They want fodder and water subsidies instead of low interest loans. A local farmer affiliated with the New South Wales Nationals moved a motion at a conference on the weekend calling on the Government to reinstate drought declaration categories and transport subsidies in New South Wales.

Last week, the Tamworth branch secretary of the NSW Nationals publically called for subsidies rather than loans. Nationals' Deputy Premier Barilaro and Minister for Primary Industries the Hon. Niall Blair are not listening even to their own members. It is clear that they are not prepared to listen to the wider farming community, who are enduring this drought. When everyone was waiting for an announcement to save them from crippling debt incurred by endless costs of feeding and watering starving stock, the Government had the gall to announce increased low-interest seven-year loans from \$20,000 to \$50,000 for farmers to bring in fodder and grain to sustain stock. While some will benefit from the increase in the loan amount, the onerous process still precludes many farmers from undertaking the lengthy process, which involves shame-inducing financial counselling and queuing at a Centrelink office.

This Government does not want the public to know what is really going on. Stock are dying from starvation and thirst. Farmers are euthanising stock too weak to stand. I am hearing that on average eight cattle are destroyed each day at a saleyard because they are in such poor condition that they cannot be sold. Schoolchildren are having to fill their water bottles at school to take water home to drink because the rainwater tanks are empty. One family lived for weeks relying solely on a diet of Weet-Bix and milk. Farming families are resorting to driving into town to shower at gyms and other community venues. This simply is not right. This Government continues to apply the term resilience in its drought assistance. Farmers epitomise resilience, and for a government to use this word it is downright patronising. Farmers are sick of hearing this Government bang on about drought preparedness and preparation when the drought has not yet broken and their 18 months of preparation measures have long been exhausted. Let us talk preparation when and if they get through this.

I acknowledge that the Government responded to my requests for the installation of weather radars, which will assist farmers to plan and to manage their farms with increased reliability provided from accurate weather mapping. It also finally responded to my calls for better kangaroo management, which until now has been a nightmare for farmers to manage as they competed for the few blades of grass that remained. The \$4 million allocated to welfare is positive, but I am advised by an authority on this matter that this figure will not go very far in counselling services for rural communities. The overwhelming message from the bush is it wants the Government to provide subsidies for transport of fodder, water and stock. They do not want this city-centric Government to spend billions of dollars on rebuilding serviceable sport stadiums and relocating museums. The underlying message here is that this Government can decide on the future of the bush or the bush will decide this Government's future.

GOULBURN ELECTORATE INFRASTRUCTURE

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (19:24): I bring to the attention of the House some wonderful investments in the Goulburn electorate. Last Friday 15 June, the Minister for the Arts, the Hon. Don Harwin, visited Goulburn with some fantastic news for the arts and cultural identity of the region. First up was the Berrima District Museum in the Southern Highlands to announce \$113,324 under the first round of the Regional Cultural Fund.

These funds will be used to fund stages one and two of the museum master plan project. This includes the fit-out of two new exhibition spaces and the introduction of digital content. It will also include three large new showcases containing a significant proportion of the museum's collection, which will be installed for visitors to experience and discover. Remember, Berrima is one of the most unique, intact Georgian towns on mainland

Australia. It is about ensuring that our unique history is loved and enjoyed not only by us but also by future generations—young people, who think digitally. Harlon and the wonderful museum team have worked really hard for this.

But the good news did not stop there. We visited the Goulburn Regional Conservatorium to announce \$1.3 million towards the development of the creative precinct and a renewed facility to provide a central creative space for Goulburn's local community to collaborate in and stimulate imaginations. The precinct, which was once a TAFE pottery workshop, will offer spaces for rehearsal, performance, professional development, community collaboration and creative exploration. It is something music lovers in Goulburn particularly have wanted for a long time, and this Government has delivered it.

Finally, Minister Harwin and I announced a staggering \$4.5 million towards to the Goulburn region performing arts centre, a theatre that will have the highest technical specifications to facilitate use for theatrical, music, dance and spoken word performances. Goulburn does not currently have such an arts venue, so this project will transform the cultural life of the region. In providing the full balance of the moneys needed, I know this will take the burden off Goulburn ratepayers, who would otherwise have had to carry a debt. The best part of this is that the performing arts centre and the establishment of the creative precinct will complement each other: one as a creative workspace, the other for public performances. There is no doubt these investments are very exciting and will allow Goulburn to become, in our view, the new "Off Broadway", capitalising on our ideal location between Canberra and Sydney.

It is not just the arts that have seen a recent investment by the current Liberal-Nationals Government. Last week, after more than a decade of strong lobbying by the community, the New South Wales Government committed to a school for Murrumbateman. The budget as delivered today has begun the process of planning for a new primary school. I am so pleased that the hard lobbying has paid off. After we have scoped and designed it to meet community needs, we will invite tenders to build our school. The Government's commitment is the direct result of the Murrumbateman community's continuous petitioning combined with local enrolment projections and recent changes to the Australian Capital Territory Government enrolment rules. An immeasurable amount of work has gone into securing this school for Murrumbateman. Words cannot describe how pleased and proud I am for each and every name collected in favour of this school, especially those of the members of the Murrumbateman School Working Group, Councillor Mike Reid and Kate Olsen.

This Government invests in the future, particularly in the education of the next generation. The commitment for a school in Murrumbateman delivers on that. In addition to the commitment to a new school, the Government is continuing to invest in the education of our little ones. The recent Quality Learning Environments grants are further reiteration of this point. In the Goulburn electorate this includes Bundanoon District Community Preschool, which received \$14,860; Boorowa Early Education Centre, which received \$6,900; KU Donkin Memorial Preschool in Moss Vale, which received \$14,000; SDN Crookwell Preschool and Occasional Care, which received \$15,000; and Tarago Preschool, which received \$15,000.

I have more than 50 schools in my electorate, and not too many fewer preschools. All these amounts of money make a difference to the education they can offer. I look forward to seeing the results of each of these projects. I am so proud to be part of a government that recognises the importance of regional investment and regional communities. Regional New South Wales is finally getting its fair share of our successful economic management and progress after years of neglect under the former Labor Government. These investments will help set our communities up for the future so that everyone in New South Wales can be a winner.

CHARLESTOWN ELECTORATE INFRASTRUCTURE

Ms JODIE HARRISON (Charlestown) (19:29): I wish to talk about a number of activities and good works that have been undertaken in the Charlestown electorate recently. I am very proud to have a number of businesses and their staff from my electorate named as finalists in this year's Lake Macquarie Business Excellence Awards. The aim of the awards is to recognise businesses operating in the City of Lake Macquarie who provide exemplary products and services.

I congratulate the finalists from the Charlestown electorate in the following categories: Business of the Year—Precision Taxation Accounting and Management, and A Growing Understanding Speech Pathology; Business Leader of the Year—Cody Kennedy; Young Business Executive—Lauren Haskins and Kelly Eke; Excellence in Work, Health and Safety—Charlestown Caring Group and Precision Taxation Accounting and Management; Excellence in Customer Service—Kelly Eke and Natalie Doolan; Excellence in Innovation—Design Anthology Gateshead; Start-up Superstar—A Growing Understanding Speech Pathology and Porter Veritas Conveyancing at Whitebridge; Outstanding Young Entrepreneur—Lauren Haskins, and Sarah Poissant from The Rainbow Clinic; Excellence in Small Business and Digital Technology—Mama P Health Foods, Zimple

Digital, Precision Taxation Accounting and Management, and McCallum Partners; and finally Contribution to the Region—Allambi Care. I wish them all the very best for the awards night, which will be held on 28 July.

I also commend members of the Charlestown community for their efforts to establish a safe-haven home in Nepal for the rehabilitation of rescued, at risk and trafficked young women. In particular, I thank Robyn and Steve Raymond for establishing not-for-profit group 3 Angels Australia, the Charlestown Seventh-day Adventist Church for their fundraising efforts, and Redhead businesswoman Belinda Bow for shedding light on the issue with her documentary *Latitude*. The mission statement of 3 Angels is to empower communities to create a long-term solution to human trafficking in Nepal. During this parliamentary sitting week approximately 150 young girls and women will be trafficked out of Nepal and into India. The girls, mostly aged between 12 and 25 years, are taken from their homes and communities to work as sex slaves in the brothels of Mumbai, Bengaluru, Delhi, Siliguri and Kolkata. Thanks to all involved, the safe haven in Nepal is now up and running, providing education and equipping girls and women with useful skills they can use to lead independent lives.

A number of events took place in my electorate during National Reconciliation Week, an opportune time for all Australians to consider how each of us can contribute to achieving reconciliation in Australia and how we can strengthen respectful relationships between the wider community and Aboriginal and Torres Strait Islander peoples. I was very pleased to attend an event in Charlestown to celebrate National Reconciliation Week. A unique art exhibition titled *Lenses & Brushes* was hosted by The Place: Charlestown Community Centre. The exhibition showcased an artistic collaboration between Aboriginal artist Maree Bisby and Newcastle photographer Stephen Carter and celebrated some of the region's most beautiful and iconic locations including Redhead Beach in my electorate.

Twelve artworks, six from each artist, were displayed as well as a discussion about the role of art in reconciliation and the artists' inspiration in creating their artworks. The work of Maree and Stephen was absolutely amazing. The Centre for Hope also celebrated National Reconciliation Week on Sunday with a Mabo Day celebration at its drop-in centre at Windale. The celebration included dancing, music, art and a bush tucker barbecue. I thank both The Place and the Centre for Hope for holding these events to remind us of the importance of our shared histories, cultures and achievements.

Finally, I congratulate comedian, radio host and social media sensation Tanya Hennessy for her outstanding contribution to the arts. Tanya, born and raised in my electorate of Charlestown, attended the Hunter School of the Performing Arts and studied theatre at Charles Sturt University. She then went on to develop a career in radio at NEW FM and HIT in various parts of Australia. In her spare time, Tanya creates short, humorous video blogs which have shot her to fame on social media. The real indicator of Tanya's success is that today she has amassed more than one million Facebook likes on her page, 105,000 Instagram followers, almost 62,000 YouTube subscribers and more than 5,700 Twitter fans. Tanya has publicly stated that her ultimate goal is to return to working and living in Newcastle, which she says is "the greatest city in the world". She clearly has the right idea. I would love to see Tanya back home.

NORTHERN DISTRICTS LITTLE ATHLETICS CLUB

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (19:34): In the Hornsby shire we have a number of outstanding sporting clubs and tonight I am proud to speak about one of my favourites—Northern Districts Little Athletics. For 36 seasons the Northern Districts Little Athletics club has been providing a place for kids to compete in a range of athletics competitions from long jump to cross-country. All athletic endeavours are pursued at the Northern Districts Little Athletics club. While there is emphasis placed on technique, the club values having fun most of all. The sense of community is strong at Northern Districts Little Athletics club. Parents get to Foxglove Oval bright and early to set up equipment and get ready for the session. I am always impressed when I visit the club to see a huge number of parents pitching in and making every session a success. I take this opportunity to thank all the parents who currently volunteer and those who have volunteered in the past to make this club the wonderful place we know and love today.

The 2017-18 season has seen great success for the Northern District Little Athletics. They have had 20 representatives compete in the Little Athletics NSW State Championships earlier this year. Jasmin and Isabelle Guthrie, Annabelle Rogers and Ethan Oliver all received medals. A special mention goes to Isabella Guthrie who set a new State and national record for the under-15 300-metre hurdles and Ethan Oliver, who was selected in the under-13 New South Wales Team to compete in the Australian Little Athletics Championship. Isabelle and Jasmin are rising stars; you will be seeing them in the future. They have been chosen for the New South Wales under-16 target talent program. Along with Annabelle, they also competed in the Australian Junior Athletics Championships this year. This was not the first year the club has been able to set a national record. It currently holds four national records.

Along with Isabella's record set this year, Belinda Scott set the record for the under-14 long jump in 1991. Also in 1991, Stephanie Parker set the national record for the under-15 90-metre hurdles. Alysha Burnett—who is known to many as she recently competed in the Commonwealth Games—holds the under-15 javelin record, which she set back in 2012. She is an outstanding talent. The Burnett family has given so much to our community, particularly athletics. The club also holds the State record in 17 events. This is a phenomenal achievement and something of which the Hornsby community can be very proud.

The club has also had a number attend the Australian Little Athletics Championships—Stephanie Parker in 1996, Katrina Moyes in 1998, Eric-Ken Watanabe in 2004, Elliot Lang in 2006, Alysha Burnett in 2009 and again in 2011, Keo Weekes in 2013, followed by Samuel Park and Oscar Enasio in 2015 and then Ethan Oliver recently in 2017. I also mention Rohan Bright, who competed in the Commonwealth Games for para swimming but also competes in athletics, who is also a member of this great club. All of these amazing athletes could not have been able to get their start without the little athletics club and the support of the volunteers who run the club. Each week the club needs parents to run each event, set up and run the canteen, and a long list of jobs each week, which are filled by wonderful volunteers. On top of that, the hardworking committee is able to keep the club a success year in, year out.

The club has been headed up by a great man, Stuart Guthrie, for a number of years. He does a phenomenal job and I am proud to call him a mate. He has been supported by secretary Carla Todd, treasurer Janelle Oliver, registrar Gail Silver, and heading up the track and field is Matt Gleeson. Stuart has recently stepped down from the presidency. I take this opportunity to put on public record my appreciation for his many years of public service. He has given so much to the club, as has the whole Guthrie family. They are phenomenal people and we wish them all the best in their future endeavours. I am sure they will be staying involved with the club. I also wish Matt Gleeson the best of luck as he takes over the presidency. I know he will do a phenomenal job and if there is any support that I can give him, I would love to be involved. Making up the hardworking committee are Adam Harding, Gail Silver, Martin Smellie, Jacki Simpkins, Andrew Gill, Heather Shepherd, Chriss Roberts, Prudence Silver, Abby West, Troy McMullen, Leanne Johnson, Michelle Garde and Katherine Ashley. I thank them for all the time and effort that they give to the community.

To be recognised as a life member of any club is a huge honour and Northern District Little Athletics club has three important volunteers who have gone above and beyond—Cheryl Burnett, Wayne Bingham and Michael Halmy are all life members and have given countless years of service to the club. Thank you Cheryl, Wayne and Michael for your dedication to this wonderful community organisation. Earlier this year I was pleased to assist the club with a grant of \$62,812 to help rip up and re-surface its tartan long-jump runway. This will allow it to have three lanes and a much safer surface for the kids to compete. I know the work has been completed and will be ready for the season start later this year. Thank you to the Northern District Little Athletics club for contributing to our community and helping to ensure there is a place for the next generation of Australian athletes.

**The House adjourned, pursuant to standing and sessional orders, at 19:40 until
Wednesday 20 June 2018 at 10:00.**