



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 20 June 2018**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE ASSEMBLY

**Wednesday, 20 June 2018**

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

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

### *Announcements*

#### **FIRST ELECTIONS IN NEW SOUTH WALES**

**The SPEAKER:** Today we are celebrating 175 years since the first elections in New South Wales. In June 1843, 175 years ago, the first elections were held in New South Wales for the first representative body, which went on to become the New South Wales Parliament. The Australian Constitutions Act 1842 provided for a 36-member Legislative Council, with 12 members appointed by the Governor and 24 members elected. Elections were held in a staggered manner on various dates between 15 June and 3 July 1843, including today's date, 20 June.

The New South Wales Parliament and the New South Wales Electoral Commission are commemorating the first elections with an event today in the Jubilee Room at 11.30 a.m. I encourage all members to come and meet the New South Wales Electoral Commissioner and his team. It is a good opportunity for us all to reflect on democracy in this State for 175 years. Women would not have been able to be a part of that democracy then: they were not able to vote or to stand as a candidate. These rights were established in 1902 and 1918 respectively. Nevertheless, it is a history we should be proud of and a legacy we should live up to and protect.

*[Notices of motions given.]*

### *Bills*

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

##### **Second Reading Debate**

**Debate resumed from 6 June 2018.**

**Mr PAUL LYNCH (Liverpool) (10:12):** I lead for the Opposition in debate on the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. The Opposition does not oppose the bill. Many of the provisions in this legislation emerge from recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse; others emerge from the Joint Select Committee on Sentencing of Child Sexual Assault Offenders and the Child Sexual Offences Review, which was recommended by the joint select committee. A number of specific offences are introduced or amended by the bill and there are broader changes both as to offences and sentencing.

The bill introduces a new provision, section 316A of the Crimes Act, which is described as a concealment offence. There is already a concealment offence in legislation, specifically section 316 of the Crimes Act. This has been the subject of previous controversy, with some arguing that the moral obligation on a person to report wrongdoing should not be translated into criminal liability. It has been the subject of inquiries by the Law Reform Commission, with some arguing against the existence of the offence and, indeed, from recollection, the Law Reform Commission recommending its abolition.

Section 316 provides that it is a criminal offence to not report a serious indictable offence. Clearly, that can already include those forms of child abuse that are a serious indictable offence. The recent conviction of Bishop Wilson from Adelaide concerning events in the Hunter is an example of the use of that section. On the face of it, this applies in the confessional. That is, there is already a law that would breach the seal of the confessional in this State. It seems to have never been used in that way. Section 316 requires that the prosecution prove that the defendant knows or believes that an offence has been committed. As the Attorney General indicated in his second reading speech, and as the royal commission report argues, that is a high standard to achieve. An alternate offence is now provided in this bill in new section 316A. It is restricted only to child abuse offences, in contrast to section 316 which has no similar limitation although it is limited to serious indictable offences. New section 316A, however, is not restricted to serious indictable offences.

Child abuse offences are defined for the purposes of this section in subsection (9) of section 316A, which also includes a schedule of offences. Clearly, concealment of some of those offences would not have been caught

by section 316. New section 316A requires less to be proved than does section 316. Section 316A will apply where a person knows or believes or reasonably ought to know that a child abuse offence has been committed. This imposes an objective standard that will avoid what is known as wilful blindness. It means actual knowledge does not necessarily have to be proved. There is a defence of reasonable excuse of which a non-exhaustive list is provided in the section. Section 316A removes child sex abuse concealment offences entirely from section 316.

New section 316A retains the requirement for prior consent of the Attorney for prosecution of various professions, including the clergy. I understand the Attorney has delegated this function to the Director Of Public Prosecutions [DPP] for some time. So, effectively, it has been a decision for the DPP rather than for the Attorney. We cannot argue that somehow that prevents prosecution of the clergy, for example, Bishop Wilson whom I mentioned a few moments ago. The penalty is the same as for section 316: two years maximum imprisonment or five years where a person solicits or accepts a benefit in exchange for not reporting. The offence is not retrospective.

Another new offence that was also recommended by the royal commission is in new section 43B of the Crimes Act, shortly described as a failure to reduce or remove the risk of a child becoming the victim of child abuse. This offence applies only to adults who work as an employee, contractor, volunteer or otherwise for an organisation that is engaged in child-related work. The offence will occur if the person knows another adult who works in the organisation with children and poses a serious risk of physically or sexually abusing a child under the care, authority or supervision of the organisation. The risk will need to exist at the time it is apparent to the person and the person will need to have the power to reduce or remove the risk because of their position in the organisation. For the offence to be proven, the person must be criminally negligent in their failure to remove or reduce the risk. The organisations referred to in the section are those with employees, volunteers or contractors doing child-related work within the Child Protection (Working with Children) Act. The maximum penalty is two years imprisonment. The offence is not retrospective.

Item [20] of schedule 1 omits the current offence in section 66EA of persistent sexual abuse of a child. That offence was introduced only in 1999. It was an attempt to deal with persistent cases of abuse where it was difficult for victims to distinguish individual incidents and provide particulars of each incident. Requiring that to be done in a prosecution would mean, quite perversely, that it would be easier to prosecute in a circumstance where there was only one discrete assault which was clearly remembered rather than a large number of persistent assaults. The royal commission recommended the adoption of an offence based on the Queensland model for this type of circumstance. I understand that this model has been adopted also in South Australia. The Attorney's second reading speech states that this bill now adopts that model. I note that the Director of Public Prosecutions placed evidence before the royal commission indicating his concern that the current offences had failed and his preference for the Queensland model. Section 66EA will now criminalise the maintaining of an unlawful sexual relationship with a child under 16 years of age.

New section 66EA (2) defines an "unlawful sexual relationship" as one in which an adult engages in two or more unlawful sexual acts with or towards a child over any period. "Unlawful sexual act" is defined in new section 66EA (15) by reference to existing offences. It extends, for example, to an act of indecency with a female under 16 years. New section 66EA (4) provides that the prosecution does not have to allege the particulars normally required for a prosecution but is required to allege the particulars of the period of time over which the relationship existed. New section 66EA (5) says that the jury must be satisfied that the unlawful sexual relationship existed but is not required to be satisfied of the particulars of any unlawful sexual act, nor are members of the jury required to agree on which unlawful sexual acts constitute the unlawful sexual relationship. If the jury is not satisfied that the offence under this section is proven but is satisfied of a particular act, then the defendant may be convicted in relation to that incident. The maximum penalty for the offence is life imprisonment.

Proceedings can only be instituted with the approval of the Director of Public Prosecutions [DPP]. According to the second reading speech, the aim of that is to ensure that it is only used where the victim cannot give sufficient particulars to charge individual offences. The offence will apply retrospectively. The New South Wales Bar Association has raised concerns with me about this provision. Its major concern relates to the proper administration of justice. I refer to its briefing note:

This new offence with a maximum penalty of life imprisonment raises the following concerns:

1. It does not require a jury to agree as to the nature of the sexual acts involved in order to convict an individual;
2. It does not recognise the range of sexual acts that can occur involving different levels of criminality and attracting penalties proportionate to the actual crime;
3. It creates significant difficulties for a sentencing court and a real risk that the sentence imposed will be much more severe than justified by the verdict of the jury.



The Bar Association points to the Victorian example of clause 4A in schedule 1 of the Criminal Procedure Act 2009 and argues:

The Victorian provision avoids the seriously problematic aspects of the new section 66EA. It avoids any potential breach of the principle that a sentencing court should sentence in accordance with the jury's findings with respect to the elements of the offence. It overcomes the difficulties with particularising specific sexual incidents where there is continuing sexual abuse, without creating the potential for real injustice that arises from the new section 66EA.

As I indicated, the Opposition does not oppose the bill but I would ask the Attorney in his reply to address the concerns of the Bar Association. There are also changes to grooming laws. A new offence criminalises grooming a person, normally a parent or carer, with the intent of procuring a child under 16 under the care of that person for unlawful sexual activity. This requires the offender to provide a financial or other material benefit to that adult. Proceedings can only be instituted with the approval of the DPP. The existing offence of grooming a child under 16 in section 66EB is broadened to include providing a financial or material benefit to the child. The provisions of section 73, Sexual intercourse with child between 16 and 18 under special care, are amended. A new offence is included in section 73A so that the behaviour criminalised extends beyond intercourse to sexual touching. Recommendation 1 in the October 2014 report of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders—of which I was a member—reads:

The Committee recommends that the NSW Government reviews all offences and other provisions in NSW which are particularly relevant to child sexual assault offences and offenders with a view to:

- Consolidating and simplifying the current framework, where possible, so that it is more user-friendly for the legal community and victims.
- Identifying areas where current offences could be consolidated or revised.
- Identifying whether any new offences should be created, to fill any gaps in the existing framework.

Recommendation 3 was that the review be carried out and finalised as a matter of high priority. Four years later the consequences of those recommendations are at least in part implemented. This involves the reorganisation of division 10 of the Crimes Act, together with modernising and reordering amendments. Additionally, the language of "indecent" is now replaced by "sexual touching" and "sexual act". That is a sensible change and people will have a much better idea of what a charge actually means if those labels are applied. "Sexual touching" is intended to mean contact offences involving some form of physical contact with the victim. "Sexual act" mean offences that do not involve contact with the victim but involve sexual conduct. The sexual act offence penalties are the same as are currently the case for indecent offences. Penalties for sexual touching are the same as are currently the case for indecent assault. There is a new offence of sexual touching of a child under 10 which has a maximum penalty of 16 years and a standard non-parole period of eight years.

Schedule 2 to the bill has important provisions that amend the Child Protection (Offenders Registration) Act in relation to the child protection register. New section 3C provides a discretion to a court in some circumstances to treat a child offender as non-registrable, that is, not to list them on the Child Protection Register. The circumstances in which the discretion can be exercised are if the victim was under 18 years of age, where the child has not previously been convicted of a class 1 or 2 offence, and where full-time detention or an operative control order is not imposed and the court is satisfied that the person does not pose a risk to the lives or sexual safety of children.

There are other important provisions concerning the practice known as sexting. The provisions seem a sensible attempt by this Parliament to come to terms with behaviour which we may regard as incomprehensible but which should not be criminalised. New section 91HA (9) provides it is a defence to a charge of possessing child abuse material if the only person depicted in the material is the accused person. Subsection (10) provides a defence to the charge of producing or disseminating child abuse material if the person produced or disseminated material when under 18 and if the only person depicted was the accused.

New section 91HAA provides that a person is not guilty of possessing child abuse material if the possession occurred when under 18 years of age and a reasonable person would consider the possession of the material as acceptable having regard to a number of factors. One of these factors is the relationship between the accused and the child depicted. The use of "reasonable person" and "acceptable" obviously creates a degree of uncertainty but I think that follows from the complexity of the issue rather than any failure of drafting or intellectual rigour. It is a reflection of how difficult the area is. These are particularly useful provisions which will avoid the potential for young people to run the risk of being unnecessarily criminalised.

Another provision relating to children and young people is item [46] of schedule 1 which, among other things, provides a new defence in section 80AG. It is a defence to the prosecution of various sexual offences against a child between 10 and 16 years of age if the victim is of or above 14 years of age and the age difference between the alleged victim and accused is no more than two years. The heading of the section is "Defence of

similar age". Whatever one might want to say about such behaviour, it is hard to see why it should be in the purview of the criminal law.

Schedule 3 amends the Crimes (Sentencing Procedure) Act. One amendment provides that in relation to historical child sexual abuse, a court when sentencing an offender cannot regard good character or behaviour as a mitigating factor if that was of assistance in the commission of the offence. This presently is the case for current offences but this provision extends it to historical offences. New section 25AA provides that an offender must be dealt with by the court in accordance with the sentencing pattern and practices at the time of sentencing in relation to child sexual offences. The current common law provision in this State is that the court should be guided by sentencing patterns at the time of the offence. To do otherwise, it was argued, was a form of retrospectivity and thus bad in principle. In practical terms, in relation to these offences previous patterns were less severe than is presently the case with current patterns of sentencing.

The objection in principle is met by three powerful arguments. The first is that it relates to child sexual offences and not more broadly. The second is that the earlier and more lenient sentencing patterns were not the result of some carefully thought-out and sensibly calibrated analysis but resulted from attitudes that refused to accept the seriousness of the offences and the behaviour that they covered. Third, as the Attorney pointed out in his second reading speech, the maximum penalty for the offence will remain as it was at the time of the offence—that is, as I understand it, the model adopted in England. The standard non-parole period, if any, is also that which is applicable at the time of the offence rather than at sentencing. It seems to me that this is an entirely sensible provision and these are proper responses to what might otherwise be objections in principle.

The bill deals with section 78 of the Crimes Act. There was a limitation period which meant that various sexual offences against some children had to have prosecutions commenced within 12 months of the offence. Those offences changed over time and there were a number of them. The limitation period was abolished in 1992 but the abolition was not made retrospective. This bill will make that abolition retrospective, which means in practical terms that these types of historical offences committed before 1992 can now be prosecuted. It was a specific recommendation of the royal commission and followed significant discussion at the royal commission. A significant part of the report was devoted to it. The Criminal Procedure Act is amended to provide for a new type of jury directions to allow the provision of educative material. New section 80AF has a procedural provision to deal with complexities in offences occurring over time. As I indicated, the Labor Opposition does not oppose what is a complex but reasonably well thought-out bill which does good things for the criminal law in this State.

**Mr DAMIEN TUDEHOPE (Epping) (10:27):** I speak in support of the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. I will concentrate on a number of provisions contained in this amendment bill. Both the Attorney General and the shadow Attorney General have gone to considerable length to outline the full extent of the bill and the provisions contained therein relating to additional offences of child sexual abuse. The royal commission highlighted the need for government and non-government institutions to better protect children and to be held accountable when they fail to do so. The bill clearly demonstrates the Government's commitment to strengthening child abuse laws to better protect children. A key way the bill will do this is through two new offences of failing to report child abuse and failing to protect a child from abuse. The failure to report offence will criminalise those who know abuse is occurring and do nothing. The failure to protect offence is more forward looking and preventative. It will criminalise those who know abuse is likely to occur and who do nothing. Together, these offences will address the evidence the royal commission uncovered of egregious failures in institutions, of wilful blindness, active cover-ups and transferring perpetrators to another area or institution so their conduct is out of sight and out of mind.

I move to the new offence of failing to report child abuse. The bill introduces a specific offence of failure to report child abuse in a new section 316A. The royal commission recommended the introduction of an offence of this nature targeted at child sexual abuse in an institutional context. The new offence goes further than this recommendation. It will apply to all adults, not only those attached to an organisation, and it will apply to physical abuse in addition to sexual abuse. New South Wales is unique in that there exists an offence under section 316 of the Crimes Act 1900 for failing to report or concealing any serious indictable offence. This is the only jurisdiction in Australia with an offence of this nature. Given that it captures any serious indictable offence, its application is broad. However, the offence under section 316 requires the prosecution to prove that a person knows or believes that an offence has been committed.

This is a high standard of proof and means that the offence is not particularly well suited to situations where a person has grounds to suspect an offence has been committed, but takes no action. In this sense, the offence may not address the examples of wilful blindness by those in authority that the royal commission highlighted. The offence under section 316 applies to victims and children who fail to report offences. For these reasons, schedule 1 amends the Crimes Act 1900 to insert a new section 316A to specifically address child abuse offences. The offences differ to the model recommended by the royal commission as they will exist alongside and

build on the offence of failing to report any serious indictable offence in section 316 and ensure a more targeted and appropriate response is available for the failure to report or the concealment of child abuse. The new offence under section 316A will require a lower knowledge threshold. It will apply where a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child.

This objective standard will ensure that a person cannot use wilful blindness to escape the application of the offence. Unlike section 316, the new offence will apply only to adults. This ensures that children who do not report abuse against others or themselves will not be criminalised. The offence will apply unless the person has a reasonable excuse. The new offence under section 316A provides a non-exhaustive list of reasonable excuses to demonstrate that the offence clearly does not apply in certain circumstances. These specified reasonable excuses include: the person reasonably believes the offence is already known to the police; the person has already reported the offence under mandatory reporting obligations, such as to the Child Protection Helpline or to the Ombudsman under the Reportable Conduct Scheme; or the person reasonably believes another person has reported it. This excuse recognises that, although it is preferable to report offences to police, a criminal sanction should not apply to a person who has tried to do the right thing by reporting to another government agency or authority.

The third excuse is that the victim is now an adult and does not want the offence to be reported. This strikes a balance between the need to alert police to offences in order to protect other children and the importance of protecting the privacy and autonomy of adult survivors. The next excuse is a person's fear for their safety or the safety of another person. This excuse may apply, for example, if a mother decides not to disclose information about her partner abusing her child due to fear of violence to herself or to the child. The final reasonable excuse is if the information was obtained when the person was under the age of 18. This will ensure that children are not criminalised under this provision. The offence will apply to members of the clergy—although, as with the existing section 316 prosecutions against clergy and other prescribed professionals, it must be approved by the Attorney General and that authority has been delegated to the Director of Public Prosecutions.

The offence will not be retrospective, but it will apply to past instances of abuse where the person learns of the abuse after the commencement of this new offence. The maximum penalty will be two years imprisonment, or five years where a person solicits or accepts a benefit in exchange for not reporting. These penalties reflect the existing maximum penalties for offences under section 316. By building on the existing section 316 offence to specifically target the sexual and physical abuse of children, the new offence under new section 316A will ensure that there is an additional safeguard in place to protect some of the most vulnerable members of our society from further abuse.

I interpose here to reflect on whether this offence has the effect of removing the seal of confession, which has been the subject of much media controversy. The privilege that attaches to the seal of confession is found in the Evidence Act. It is a uniform evidence Act and as such any amendment to that Act must be made as the result of consultation between the Council of Attorneys-General. The Commonwealth Attorney-General has already indicated a predisposition to that type of amendment, but the privilege that attaches to a priest and a penitent as contained in the seal of confession and the Evidence Act would not be subverted by virtue of the proposed amendments in this bill.

I now move to the offence of failing to protect a child from abuse. A second key offence introduced by the bill is the offence of failing to protect a child from abuse. As is the case for the offence of failing to report abuse, this will cover both physical and sexual abuse of a child. The royal commission recommended that all jurisdictions introduce an offence of this nature. Schedule 1 [1] amends the Crimes Act 1900 to insert a new section 43B. The offence will address situations where an adult negligently fails to reduce or remove a risk of future physical or sexual abuse of a child. This offence is designed to prevent child abuse rather than bring abuse that has already occurred to the attention of the police. It recognises that it is not sufficient to wait until abuse occurs and then inform police.

The royal commission did not recommend a specific model for the offence, but considered that the Victorian offence was a good starting point. Accordingly, new section 43B is modelled on the Victorian offence under section 49O of the Victorian Crimes Act 1958. However, unlike Victoria, the offence will cover physical abuse as well as sexual abuse. It will operate to criminalise a failure to protect all children under the age of 18 years. The Victorian offence applies only to a child under 16 years. In this way, the offence under new section 43B is an extension of the Victorian model and will have the benefit of protecting all children, regardless of their age, from any form of serious abuse. The offence will apply to an adult who works in an organisation that provides services for children. This will include an adult working as an employee, contractor or volunteer. [*Extension of time*]

The organisations captured are those that employ anyone doing child-related work within the meaning of the Child Protection (Working with Children) Act 2012. This will cover a broad range of organisations, including sporting clubs, early education and childcare providers, and residential service providers. The new

offence will also apply to authorised carers. This is a term used throughout legislation in New South Wales. It covers individual foster carers as well as out-of-home care organisations. Although the royal commission recommended that individual foster carers be excluded from this offence, it is important that adults working in such organisations are captured by the offence. Although the offence covers authorised carers generally, the elements of the offence mean that it is likely to capture conduct only by those authorised carers who are in management positions at an organisation, rather than individual foster carers.

A person will be criminalised only if they know that another adult in the organisation who works with children poses a serious risk of physically or sexually abusing a child and they have the power to reduce or remove the risk by virtue of their position in the organisation and they negligently fail to do so. The royal commission heard about situations where persons had allegations of abuse made against them but were allowed to continue to work with many other children or were moved from one place to another within an institution and then went on to abuse other children. The offence is targeted at addressing situations such as this and ensuring that those in positions of authority and responsibility in organisations working with children take action to reduce and remove a known and serious risk.

In this way the offence is targeted at those in positions of authority and responsibility in organisations working with children who, rather than use their power to protect children, turn a blind eye to a known and serious risk. The maximum penalty for the offence will be two years imprisonment. This new offence reinforces the importance of protecting our children and ensures that there is an appropriate criminal justice response when steps are not taken to reduce or remove a serious risk of sexual or physical abuse to a child by those who are in a position to do so. In conclusion, overall the new offences under new section 316A and new section 43B recognise that the protection of children from any form of abuse is paramount. Both of these offences send a clear message that the systematic failures of government and non-government institutions highlighted by the royal commission will not be tolerated in the future. Wilful blindness will no longer be excused. The community expects more, and these new offences recognise this by ensuring that there will be consequences for failing to protect children from physical and sexual abuse.

I support the bill and I commend the staff of the Attorney General for the manner in which they have brought the bill to the House and the quality of their work in supporting the Attorney General. The manner in which they have addressed the recommendations of the royal commission in a variety of pieces of legislation is a great credit to them, and this is probably the last of those pieces of legislation. The Government has done outstanding work with those series of bills, and the Attorney General's office should be complimented on that.

#### *Visitors*

### **VISITORS**

**TEMPORARY SPEAKER (Mr Lee Evans):** I welcome to the Chamber advisers' area Mr Cooper Gannon, from Miranda High School, who is doing work experience in the office of the member for Miranda.

#### *Bills*

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

#### **Second Reading Debate**

#### **Debate resumed from an earlier hour.**

**Ms JENNY AITCHISON (Maitland) (10:42):** I speak in debate on the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018 and state at the outset that the Opposition does not oppose the bill. It is vital that we undertake a review based not only on the findings of the royal commission but also in the context of today's society. Access to sexual material online, television shows, in the media and in advertising is all pervasive and it is important to acknowledge this greater accessibility to pornography and sexualised material and the impact it has on people's behaviour. It is pleasing to note that the bill acknowledges modern-day sexting. It seeks to find a balance between criminalising behaviour that should be criminalised while ensuring that young people who are exploring their sexuality, at whatever level—on their own with their own thoughts and ideas about it—are not caught by this legislation.

It is important to look at some of the major innovations in the bill, particularly new section 316A, which makes it an offence when a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child and does not report it without a reasonable excuse. That covers physical and sexual abuse. This is vital because when we talk to victims of sexual assault—children, women and men—we hear that their primary concern is whether they will be believed. If the first person the victim contacts about what has happened to them—or who has witnessed what has happened—either does not believe them or, even worse, turns a blind eye, it has an impact on the way the person deals with the sexual abuse or assault, not only in whether they

follow it up with a report to police or some other action, but also in how they feel about the trauma and its impact. Victims feel a deep sense of betrayal and hurt when they experience sexual assault and nothing is done by the people who they trust most in the world. In a care setting that is obviously a carer; in a family setting it may be a parent.

The legislation also deals with grooming. It introduces a new offence of grooming an adult to procure a child under his or her care for an unlawful sexual activity and extends an existing offence of grooming a child. That is important. We have seen many cases where parents have been groomed by partners to exploit their children. It is important to bring that into the legislation to make it easier to take action. These issues go to the heart of why we need this legislation and why the royal commission was held so long after many instances of sexual abuse took place in our community. This morning I read an article by Tom Meagher, the husband of Jill Meagher, reflecting on when he saw the person who was charged with Jill's rape and murder. He acknowledged that the man was not the monster that he expected. Society characterises sexual abusers and those who perpetrate sexual or physical assault as being "other"—monsters whom we would never be and would never see in our family.

It is important to make the point that people who sexually abuse others—particularly children—are simply people in our community. We sit near them and work alongside them every day. Hopefully, we are not ever aware of their activities because we do not want to be in a situation where we are bystanders to that kind of behaviour. If we are aware of it, we should report it. But we have to end this false dichotomy that they are people who exist outside our communities, and therefore we are safe. That is a fundamental part of Labor's approach to education about respectful relationships, for instance. It is easy to teach a young child about "stranger danger" and perpetuate the myth that they may be prey to sexual assault only from strangers. But we know that that addresses only some 30 per cent of sexual assaults. We need to look not only at legislative mechanisms such as this—which is important—but also at educating everyone in our community to ensure that people are aware that sexual abuse and assault can happen in any family, in any setting and in any socioeconomic group.

That is why Labor wants to have education about respectful relationships from kindergarten to year 12. We want it across the spectrum. We do not want to have only "stranger danger" training for young children and then try to intervene at year 7 and tell students, "Now we want to talk to you about what appropriate relationships are and where the line is crossed." I refer members to the discussion around consent that came out of the terrible case concerning a young woman, Saxon Mullins, which was referred to the Australian Law Reform Commission. We cannot legislate our way out of the current sexual assault crisis in our State, nation or across the world. We need to work on education. That brings me to my other concern, which is around why there is no sexual assault strategy underpinning this bill.

This year we have considered approximately seven or eight bills dealing with victims of sexual assault but the Government has still not brought forward a sexual assault strategy. The sexual assault strategy was promised nearly three years ago, and it is now two years overdue. That is a real concern. People are able to view material online more easily, which may change their expectations of what is appropriate sexual behaviour, and they also have greater access to tools that can create sexually inappropriate or sexually abusive material. In the old days, if people wanted to take a photo of someone, they had to get the photo developed. Today people can use their phone to take photos, which can be viewed by others around the world in seconds. Today tools that can be used in the wrong way are more easily accessible and allow the publication of images much more quickly.

I will also talk about the broadening of the current offence of grooming a child under 16 years of age to include providing a child with financial material benefit. Many people who are victims of sexual assault have come to see me and told me about the guilt they have felt because they accepted something from the perpetrator. Their cognitive powers at the time of the abusive behaviour were such that they did not understand the grooming relationship and that somebody was trying to persuade them. It was only when they were older and looked back on those events that they understood the abuser had engaged with them in a transactional manner. We must be aware of the availability of tools that can be used to produce sexual images of people. The new defence in that space for a person possessing child abuse material who can show the material depicts only themselves is quite sensible. [*Extension of time*]

The key provision in this legislation must be the creation of the offence for persons who negligently fail to remove a child at risk. For generations, institutions moved people around and allowed them to perpetrate abuse in other areas. The new offence puts the onus on all of us to report abuse wherever we see it. Last year the shadow Attorney General and I met with Pastor Bob Cotton, Paul Gray and Glenn Kolomeitz to discuss this issue. They believe a sanction of some kind should be imposed on those people who saw abuse happening and did nothing about it. It is hard to stand up and say something, but we all must do it. Those involved with the Me Too movement have asked, "What if it was my mother, my sister, my daughter, my grand-daughter or my aunty?" But all of us must ask, "What if it was me?"

Until we start thinking about these situations with empathy, we cannot begin to understand the sense of betrayal that victims of sexual abuse feel. Victims of abuse have felt betrayed not only by the perpetrator of sexual abuse but also by those people they trusted to look after their interests, their health and their safety when they walked away and did not help or when they backed the abuser. I hope that in reviewing this legislation everyone in the community takes that principle on board. It is hard to be the person who calls out disrespectful behaviour or behaviour that is beyond the limit of our expectations because it is a slippery slope to harassment. But we need to ensure that we call it out, because those behaviours exist on a continuum. We all have a responsibility to do that.

I ask: Where is the Minister for the Prevention of Domestic Violence and Sexual Assault on this issue? Given that for nearly three years this Government has failed to produce a sexual assault strategy, it would have been nice to see her in the Chamber discussing this bill. It also would have been nice to see the Minister for Women, because this issue is pertinent to her portfolio also. Regardless, I will be pleased to see this legislation passed by the House today. The Opposition does not oppose it, and I commend the bill to the House.

**Ms ELENi PETINOS (Miranda) (10:55):** I support the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. This bill forms the Government's response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I note and welcome the Opposition's support of this bill. Sexual abuse of children is an abhorrent crime that has no place in today's society. The suffering of those who have experienced child sexual abuse is exacerbated when that conduct occurs in trusted institutions that are supposed to protect and support those children. The historic failure of those institutions to respond to the most vulnerable members of our community and protect them from the horrors of such abuse further heightens the injustice experienced by victims.

The Royal Commission into Institutional Responses to Child Sexual Abuse held 57 formal public hearings over 400 days, during which it received shocking and appalling evidence about the abuse of children from more than 1,200 witnesses. The commission also received more than 8,000 personal stories about child sexual abuse, which were shared during private sessions over its five-year span. The commission's final report contained 409 recommendations, as well as a comprehensive account of its work and findings. Eighty-five of the recommendations in the final report had already been made in the "Criminal justice" report, which was released in August 2017. That report ran to more than 2,000 pages and was an in-depth review of criminal law and criminal justice issues as they pertain to child sexual abuse across all Australian jurisdictions.

In its "Criminal justice" report, the royal commission commended many of New South Wales' practices in addressing and responding to sexual offending against children. Several of its recommendations for change were directed at other jurisdictions to implement matters that are already covered by New South Wales law. However, the report also highlighted areas where New South Wales must do more. This bill is a key step in that process. The final report and "Criminal justice" report are testament to the courage of survivors who shared their heartbreaking stories and to the hard work of all those who supported the royal commission. This Government will ensure that courage and hard work were not in vain. We all have a responsibility to act on the recommendations of the commission in order to prevent abuse of such magnitude from being repeated. This Government is steadfast in its commitment to bringing that reform.

In the past five years, the Government has made a number of important changes in response to the recommendations of the royal commission. These include joining the National Redress Scheme and bringing legislation to give effect to that commitment, leading significant reforms to improve permanence and stability for children in out-of-home care, introducing reforms to make it easier for child sexual abuse survivors to access civil justice, appointing specialist judges trained in managing child sexual assaults matters, and introducing legislative reforms aimed at reducing trauma experienced by victims during sexual assaults proceedings. This bill reflects the aim of the Government to ensure that the criminal justice system is as effective as possible in responding to sexual violence, including child sexual abuse. A criminal justice response is important not only for survivors seeking justice for their personal experiences, but also to encourage reporting of child sexual abuse where it has occurred and to prevent child sexual abuse in the future.

In this bill the Government is focused on not only responding to the needs of survivors but also ensuring that past mistakes are not repeated. The bill introduces historic new offences for failing to reduce or remove a risk of a child becoming a victim of child abuse and for failing to report child abuse offences. These new offences aim to prevent those abuses from occurring in the first place, and ensure that if they do the future risk to victims and potential victims is mitigated. The bill also introduces tougher penalties for child sexual offences, including life imprisonment for persistent sexual abuse of a child, and 16 years imprisonment for sexual touching of a child under 10. These penalties recognise the devastating and lifelong impact of that abuse on victims, and the community's expectations regarding the punishment of such offenders.

Specifically, this bill introduces four new offences that reflect community expectations and ensure that offenders are held to account before the law for their abuse. Adults who work in an organisation and are aware of another adult doing child-related work in that organisation who poses a serious risk of abusing a child but fail to act will now be held accountable for that failure. This will apply to those who are in a position of power to do something to prevent the abuse and fail to act. A maximum penalty of two years imprisonment will apply to this offence. This penalty will not only apply to sexual abuse but to all forms of abuse of children.

Any adult who knows, believes, or reasonably ought to know that a child has been abused and fails to report the offence without a reasonable excuse will now be liable for prosecution, including members of the clergy. The maximum penalty for this offence will be two years, and up to five years when a person has received inducement for not reporting. Excuses deemed reasonable will be limited to instances where a person has reported to another authority, such as the mandatory reporting scheme, or has a reasonable belief that someone else has already reported the allegation. Another reasonable excuse will be when the victim is now an adult and does not wish the offence to be reported to the police. This is an important inclusion as it ensures the privacy of historic victims, giving them autonomy as to whether their case is pursued or not.

Offences will also apply to adults who groom other adults through the giving of financial or material benefits with the aim of making it easier to access the child for unlawful sexual activity. This offence will carry a maximum penalty of six years imprisonment where the child victim is under 14 and five years where the child victim is between 14 and 15. Furthermore, a new offence will apply to the sexual touching of a young person aged between 16 and 17 who is under the special care of the offender. The maximum penalty will be four years imprisonment where the child victim is 16 and two years where the child victim is 17. This bill will also strengthen three existing offences. Amendments have been made to make it easier for the prosecution of persistent sexual abuse of a child where there is ongoing, indistinguishable instances of abuse. The maximum penalties for this offence will be increased from 25 years to life imprisonment.

This reform package is one of the State's largest to the criminal law, and is designed to strengthen, improve and extend our criminal law so that it better meets the needs of survivors of child sexual abuse and improves the ways perpetrators are held to account. The Government has taken the recommendations of the royal commission seriously. The bill reflects the Government's commitment to ensuring that our criminal justice system protects our children—the most vulnerable members of our society—from the risk of child sexual abuse. While these reforms will not undo the harm suffered by victims of child sexual abuse, the bill goes a long way to ensuring that our system better meets the needs of survivors and that perpetrators are appropriately punished. I commend the bill to the House.

**Ms JODIE HARRISON (Charlestown) (11:03):** The objects of the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018 are:

- (a) to create an offence of failing to reduce or remove the risk of child abuse,
- (b) to replace offences of indecent assault and act of indecency with offences of sexual touching and sexual act and to create a new offence of sexually touching where the alleged victim is a young person under the special care of the accused person,
- (c) to increase the penalty for persistent sexual abuse of a child to imprisonment for life and to provide that the offence occurs if there is an unlawful sexual relationship between the accused person and a child,
- (d) to introduce a new offence of grooming an adult to procure a child under his or her care for an unlawful sexual activity and to extend an existing offence of grooming a child,
- (e) to permit the prosecution of a child sexual offence where the exact date on which it occurred is uncertain and a change in the law or the age of the child makes it difficult to determine which offence to prosecute,
- (f) to require proceedings against children or young persons for offences relating to the production, dissemination or possession of child abuse material to be approved by the Director of Public Prosecutions and to provide exceptions and defences to those offences where the material depicts only the accused person or where the accused person is under the age of 18 years and a reasonable person would consider that its possession by the accused person is acceptable.

I will speak more about that particular provision later. The objects also include:

- (g) to create an offence of failing to report a child abuse offence,
- (h) to give retrospective effect to the repeal of a provision that prevents the prosecution of certain historical child abuse offences,
- (i) to permit a court when sentencing a person for a sexual offence that was committed when the person was a child to order that the person is not to be treated as a registrable person in respect of that offence,
- (j) to provide that in sentencing for historical child sexual offences the sentencing is to be in accordance with current sentencing patterns and practices,

- (k) to permit a Judge in a trial for a prescribed sexual offence to inform the jury as to certain matters relating to the reasons why there may be differences in a complainant's account,
- (l) to make a number of statute law amendments.

I have made a considered effort to make contributions to debates on bills before this House that respond to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, which former Prime Minister Julia Gillard pioneered. Australia's governments and institutions are now responsible for responding to the royal commission's recommendations and delivering the changes that the community has rightly come to expect. Of the 189 new recommendations in the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse less than a handful placed an onus on State governments. In relation to this bill, it was recommended that:

State and territory governments should introduce legislation to create a criminal offence of failure to protect a child from risk of abuse within an institution.

Many survivors said that speaking up about their experience of institutional child abuse was difficult and not a one-off event. Talking about their experience involved telling parents, partners, families, friends and institutions at different stages of their lives. For those we heard from, it took an average of almost 24 years to tell someone they had been sexually abused as a child. In some cases parents, partners and close friends supported survivors when they were told about the abuse. However, many survivors told us that at the time of the abuse adults responded poorly. When used well, words can help survivors to feel understood and empowered. Unfortunately, the royal commission found that when survivors told an institution's staff or management about their abuse the reaction was almost always negative.

Therefore, this recommendation focuses on preventing abuse, or at the very least identifying it as early as possible, and improving the way that perpetrators are investigated, prosecuted and sentenced, and improving survivors' access to justice and ongoing support. This legislation is necessary for many reasons, particularly as it relates to the royal commission which other members have detailed eloquently. I will address the parts of the bill that relate to what is commonly known as "sexting" and which other members might not focus on in their contributions. Sexting is a vexed issue, but I think the bill strikes the right balance and I will outline why.

Schedule 1 [52] to the bill provides an exception to an offence of possessing child abuse material if the possession of the material occurs when the accused person was under the age of 18 years and a reasonable person would consider the possession of the material by the accused person as acceptable. Schedule 1 [53] provides a defence to an offence of possessing child abuse material if the only person depicted in the material is the accused person. A defence is also provided to offences of producing or disseminating child abuse material if the production or dissemination occurs when the accused person is under the age of 18 years and the only person depicted in the material is the accused person. A defence is also provided to offences of producing or disseminating child abuse material if the production or dissemination occurs when the accused person is under the age of 18 years and the only person depicted in the material is the accused person. These parts of the bill seem small, but I believe they are equally important as other aspects of the bill to young people.

As a member of the Committee on Children and Young People, I engage in detailed scrutiny of existing legislation, hear from experts, consider public submissions and ultimately make recommendations about suggested changes to legislation. Issues regarding children and young people are of great concern to me. The committee undertook an inquiry into the sexualisation of children and young people, and its report was tabled in this place on 16 November 2016. The inquiry received submissions and heard evidence from a number of witnesses about sexting as it relates to young people today. I am pleased that this bill implements the recommendations of the committee in relation to that.

Submissions and evidence to the inquiry that are particularly worth raising in this debate came from Youth Action, the Advocate for Children and Young People and the Law Society of New South Wales. The Law Society raised in its submission that there was no legislation specifically relating to sexting in New South Wales but that sexting could, in some circumstances, be captured under child pornography offences. The Law Society identified that consensual sexual activity including sexting is legal for people aged 16 or older, but that sharing sexual images of people younger than 16 could be captured by the offence of production, dissemination or possession of child abuse material.

Further, the committee was told that consensual sexting between under 16s could also be considered as an offence of committing an act of indecency and in certain circumstances could result in the young person who was engaged in consensual sexting being registered under the Child Protection (Offenders Registration) Act. Although so far no young person has been placed on the Sex Offenders Register solely for an offence related to sexting, it is possible under our current law. When we look at the number of young people who are involved in the practice, that possibility is disturbing and many people would consider the application of the law as it currently



stands regarding consensual underage sexting as overreach. It could mean that a consensual act undertaken early in a young person's sexual life as part of that young person's relationship could have serious consequences for them for the rest of their life. The Advocate for Children and Young People said in evidence:

In a recent study, *Sexting and Children and Young People* (2015), with which the former commission (on children and young people) was involved, over 2,200 young people aged 13 years and over, with the primary target group being young people aged 13 to 18 years, the study found that 40 per cent to 50 per cent of young people aged 13 to 18 had sent a sexual picture or video via communication technology and between 60 per cent and 70 per cent had received a sexual picture or video. Most sexting occurred between partners in committed relationships.

Further, the advocate said:

There was very little evidence of peer pressure or coercion to engage in sexting. Rather, young people reported engaging in the practice as a consensual and enjoyable part of their intimate relationship.

Youth Action submitted to the committee:

... the practice of consensual, peer-to-peer (or age-appropriate) sexting is one of the ways in which young people can explore and develop their sexual identity, and thus it can play a positive role in relationships between young people.

The committee heard very clearly that we should be acting to address what appears to be the increasing prevalence of sexting amongst young people and how the law in this State deals with it. This bill does that. It recognises that young people consensually explore their sexuality in different ways, including what we describe as sexting, and removes it, in those very specific circumstances, from the Crimes Act. I reiterate that this particularly relates to consensual taking and sharing of images of oneself. Anything that is not consensual should certainly not be allowed under the law. Governments, institutions and the broader community share responsibility for keeping our children safe. In what I believe to be the best interests of our children, I do not oppose the bill.

**Mr GARETH WARD (Kiama) (11:13):** I support the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. I note the provisions that are outlined in the legislation, and the strengthening of child abuse laws to better protect children and improve outcomes for survivors. I am sure all members of Parliament support that. As difficult, challenging and uncomfortable as some of the matters may be, they are important issues for lawmakers to address and speak openly about. The bill makes a number of amendments also to improve legislation in New South Wales related to protecting children who have been accused or convicted of sexual offences. Those amendments are equally important as they ensure that the strengthened laws appropriately reflect community views about normal sexual development and experimentation amongst young people. I will highlight three important amendments and make some remarks about future reform. The amendments that I will address outline the key changes being made by this bill to reduce the criminalisation of children and young people in regard to offences associated with this legislation.

Schedule 1 to the bill amends the Crimes Act 1900 to introduce a limited defence of similar age when a young person is accused of an offence involving sexual intercourse, sexual touching or sexual acts with a person of a similar age to themselves. This amendment has existed as a proposal for a number of years. It acknowledges that despite the fact that the criminal law draws a hard line at the age of 16 for the purposes of consent to sexual activity, in the course of normal sexual development and experimentation young people under 16 may voluntarily engage in sexual activity with each other.

Although we may have different views about whether such activity is desirable or even appropriate, it should not be seen as criminal, particularly since offences of that nature could have severe impacts for a young person who is convicted of such an offence. For example, two 15-year-olds may decide to engage in sexual acts in the course of their relationship. So might a 15-year-old and a 17-year-old. Voluntary peer-appropriate sexual activity in the context of those relationships should not be criminalised, regardless of views about whether it is right or wrong. The question for the law is whether that should be a criminal activity of itself, and I do not believe it should be. At present it is likely that police officers would elect not to charge a person for offences in such circumstances, but electing not to charge or prosecute may not always be an option.

The amendments make it clear when sexual intercourse, sexual touching or sexual acts between people of a similar age should not be criminalised at all. The defence involves safeguards to ensure that the defence is only available when the sexual activity is between older children of a very similar age. It is limited to circumstances where the complainant is at least 14 years of age and the age gap between the complainant and accused is no greater than two years. That makes it very clear that we are dealing with young people of a certain age and not an imbalance as far as a maturity quantum is concerned. The defence is not available for aggravated forms of relevant offences.

The bill will make the defence available for special care offences, which are those offences that apply when a 16-year-old or 17-year-old is under the special care of the offender because that person is their teacher, health professional or step-parent, for example. The circumstances covered by the similar age defence would

likely never arise in relation to those relationships. However, the special care offences also apply where the offender has an established personal relationship with the victim through the provision of religious, sporting, musical or other instruction. The prosecution does not need to prove any abuse of power or authority in order to make out the offences in those circumstances. All the prosecution needs to make out is that the two parties had that relationship with each other.

It is possible that there might exist a peer-appropriate sexual relationship between two teenagers that is covered by that aspect of the offence—for example, a year 12 student providing tutoring to a year 10 student or a 19-year-old coaching a soccer team of 17-year-olds. It would be a perverse result if voluntary sexual conduct between teenagers in such a relationship was lawful when they were 15 and 17 but became unlawful as soon as the youngest turned 16 because it was covered by the special care offence. Clearly, that is not a good public policy outcome. For that reason the special care offences have been included as offences to which a similar age defence will apply in that particular circumstance. Overall the amendment provides a limited defence that is necessary to avoid inappropriate criminalisation of young people. We do not want to be making criminals of young people who are doing what is often ordinary in the context of growing up.

Schedule 1 to the bill introduces limited defences to the offences in section 91H of the Crimes Act 1900 to avoid criminalising young people engaging in sexting with other young people. This is a very modern circumstance that this Parliament must now deal with. The amendments address concerns that the practice of sexting by young people may fall within the offence of produce, possess or disseminate child abuse material. The defences will apply where, for example, peers have taken, shared and kept nude photographs of themselves. There are specific circumstances in which the defences will apply.

First, there will be a defence where a person possesses child abuse material that depicts them only. This may arise where a person has taken a nude photograph of themselves when they were under 16 and they still have it in their possession but they have not sent it to anyone. This defence does not have an age limit as a person might have a selfie on their phone from when they were under 16 years for some years without deleting it. Secondly, there will be a defence where a person has produced or disseminated child abuse material that depicts them only. This may arise where a person takes a photograph of themselves and then sends it to another person. This defence will only be available where the person is under the age of 18 to ensure that disseminating such material is criminalised once the person reaches adulthood.

Thirdly, there will be an exception to the offence of possessing child abuse material that depicts someone else where the person possessing the material is under the age of 18 and a reasonable person would consider their conduct in possessing the material acceptable, having regard to all relevant circumstances. This aspect covers the recipient of the sext. It will not apply if the image is sent to another person. The onward dissemination of the image depicting a minor should continue to be criminalised to prevent distribution. This Parliament has already dealt with offences relating to revenge porn. In circumstances where a person under the age of 18 is going to be charged with child sexual abuse material, the bill will also introduce a requirement for the Director of Public Prosecutions to approve the charge before it proceeds. This requirement will ensure that only appropriate matters are prosecuted after the surrounding offences and any potentially applicable defences are carefully scrutinised.

These amendments will act to minimise the way in which relatively commonplace adolescent practices are criminalised in New South Wales. This is important to avoid the potentially lifelong consequences of a criminal record or registration on the Child Protection Register for young people unwittingly involved in this behaviour. Surely members do not believe that these commonplace occurrences should be considered at a criminal standard. That is not good public policy. The defences and exceptions have been kept relatively narrow to preserve the integrity of the child abuse material offences and ensure that those who create and distribute child abuse material can be prosecuted. We are not talking about those who are genuinely doing wrong; we are talking about unwitting behaviour of young people. No defence has been included for the intimate images offences, which were recently introduced in new division 15C in the Crimes Act. These offences focus on recording and distributing images of another person rather than of oneself. This conduct will continue to be criminalised for children under 16 years.

The last amendment is the introduction of a narrow discretion for courts to decide that a person being sentenced should not be listed on the Child Protection Register when they were below the age of 18 at the time of the offence. Schedule 2 to the bill amends the Child Protection (Offenders Registration) Act 2000 to introduce this discretion, but only where the juvenile is being sentenced for a sexual offence against another child; the juvenile was sentenced to a community-based sentence—that is, not a term of full-time imprisonment or a control order; and the court is satisfied that the juvenile does not pose a risk to sexual safety or lives of children. In other circumstances the person will be registered. They will also be registered if they have committed any other class 1 or class 2 registrable offences. While the proposed similar age and sexting defences would cover many of

the circumstances in which this discretion would be enlivened, those defences are limited as I have outlined. [*Extension of time*]

This amendment is necessary because there may be instances that fall outside those defences where it would nonetheless be unfairly punitive for a young person to be registered, given the lifelong consequences that being listed on the Child Protection Register entails, if the court is satisfied they do not pose an ongoing risk. I am also concerned that this Parliament has not addressed section 127 of the Evidence Act. That section permits clergy not to report instances of child sexual assault revealed to them. The church no longer has the moral licence to possess this protection. It is not appropriate that because a person is part of a particular religion they should be immune from reporting child sexual abuse where they see it. It is unfortunate that this legislation does not cover that particular aspect. Some would say that would occur in very limited circumstances. It does not matter how limited those circumstances are; no-one should be immune from reporting these atrocious acts.

If a person of the Anglican faith were to report any criminal acts to a member of the Anglican clergy, there is a requirement on that representative to report it. I appreciate that is difficult for people of the Catholic faith, although I have spoken to many who have no issue with mandatory reporting of child sexual abuse. It is not an acceptable situation that section 127 of the Evidence Act continues to allow people to seek cover from these offences. This is particularly so in light of the evidence presented to the royal commission where, for example, instances were given of these acts being reported to priests and not communicated, and other instances where children were moved between schools so the abuse could continue. I ask that at a future date the Government consider amending section 127 of the Evidence Act to reform this situation.

The bill contains many significant amendments to ensure that the strengthened child abuse laws do not adversely or unfairly impact upon children and young people accused of sexual offences in circumstances where the offences are triggered by voluntary sexual activity between young people. They are an important feature of the Government's comprehensive response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. These are sensible amendments. I am appreciative that a very good conversation is taking place in the House about these very serious matters. Sadly, I do not believe this will be the last conversation we will have in relation to these issues, but we should all be united in providing the strongest regime of child protection laws. We all want New South Wales to be the safest place in which to raise our children. This bill is a step in the right direction. I commend the bill to the House.

**Mr RON HOENIG (Heffron) (11:27):** At the outset I state that I endorse the remarks of the member for Liverpool in this debate on the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. Nothing I say in this contribution should be seen, either expressly or by implication, as inconsistent with the observations of the member for Liverpool. The bill primarily stems from the Royal Commission into Institutional Responses to Child Sexual Abuse and the Child Sexual Offences Review, which was conducted in response to recommendations of the Joint Select Committee on Sentencing of Child Sexual Assault Offenders. I pay tribute to the former Gillard Government for announcing the creation of a royal commission into child abuse. That decision was subject to considerable criticism but as the royal commission started taking evidence from victims of child sexual abuse, or survivors as they are now called, that criticism dissipated rapidly.

I have spent most of my working life in the criminal justice system. In that time more than 50 per cent of the cases I have been involved in have concerned child sexual abuse. I have sometimes prosecuted but mostly defended those charged with child sexual abuse offences. In my lifetime I have dealt with horrendous child sexual assault cases. Lawyers are objective—they are required to be objective—and should not apply their own moral judgements to the horrendous acts with which they deal. However, from my experience the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse only scratch the surface.

This activity, which permeates humanity, is so widespread that it is beyond our comprehension. We had to start somewhere and we needed someone like Justice McClelland to chair a royal commission to point that out to us. Child sexual assault cases impact on the community generally. I have been told by judges that juries that have been reluctant to convict for offences of this nature, in particular, historical uncorroborated child sexual assault allegations, are now convicting. It was rare for juries to convict someone of historic uncorroborated child sexual assault allegations but they are now doing so because they have an understanding of the impact of child sexual assault. Even lawyers with as much experience as I have are sometimes shaken by the impact of child sexual assault.

About eight or nine years ago I was counsel assisting in an inquest. As I said earlier, I have dealt with thousands of them and I viewed them objectively in order to present a case to the court or to prosecute an accused. If I had taken a subjective view of the facts of each case I would not have been able to do my job. The inquest related to the death of a child prostitute and a Crown witness whose remains were discovered eight or nine years after he did not attend the District Court to give evidence in a trial against Frederick Rix. I called a man aged 32 to give evidence. When he was 16 he alleged that he was sexually assaulted by Rix when Rix took him on a paper

run around the Waterloo area. Rix was subsequently found guilty. This young 16-year-old—a choirboy and a good student at a local school—was admitted to a number of mental institutions and was addicted to drugs.

That was the first time I heard a witness describing the impact of child sexual assault, which shook me. Members might think I should have been aware of the impact on victims after all the cases of child sexual abuse with which I was involved, but it was not something to which I could turn my mind. Most people would be horrified and would wonder how anyone could engage in this sort of disgraceful activity. Most people would be horrified by the treatment of children in institutional care, or children in the care of organisations or people that the community trusted. How can people treat children in that way? There must be something wrong with them. I have read hundreds of psychological and psychiatric reports and I can assure members that nearly all offenders do not have a psychiatric illness or suffer from a psychological issue. A small number of them have been sexually abused and effectively those persons choose to engage in that sort of activity because they have a particular sexual preference.

When consenting adults engage in sexual activities they negotiate on an even playing field but those who have a different sexual preference that involves children, which we might think of as bizarre, do not negotiate on an even playing field. This legislation refers to the grooming of young children. Young people are vulnerable and predators prey on them as that is their sexual preference. The findings of the royal commission have been incorporated into this bill. Also incorporated are recommendations from the royal commission relating to the creation of an offence in proposed section 43B of the Crimes Act for failing to reduce or remove the risk of a child becoming a victim of child abuse, which carries a penalty of two years.

The provisions in proposed section 316A make it an offence when somebody "knows, believes or reasonably ought to know that a child abuse offence has been committed against another person" and that person does not report it and has no reasonable excuse for not doing so. Those provisions will put an end to people turning a blind eye to this sort of heinous activity. I have listened to the evidence of a number of people not only from religious organisations but also from secular organisations that turned a blind eye to this sort of activity when they knew, or they ought to have known, that many vulnerable people were suffering as a result. Wilful blindness is no longer a defence. [*Extension of time*]

Some provisions effectively amend section 21A to ensure that good character is not taken into consideration in historical offences. Yesterday the Attorney General misunderstood what I said about section 21A and thought I was being inconsistent. I might not have expressed myself clearly as I was speaking off the cuff. The Crimes Amendment (Sexual Offences) Act 2008 restricts the application of good character to sexual offences where good character has been utilised to facilitate the offending. That important provision has been in existence for 10 years and does not apply to historical offences. It should be supported. I ask the Attorney General and the Government to continue to monitor proposed section 80AG, which provides a defence for sexual behaviour "if the alleged victim is of or above the age of 14 years and the age difference between the alleged victim and the accused person is no more than 2 years". I am effectively addressing what has often been called carnal knowledge, whereby the complainant is over 14 years of age but under 16 years of age.

When the Parliament starts applying arbitrary age limits to consensual partners it can lead to difficulties or injustice. For example, I have appeared for an offender who had consensual sexual relations with a girl who was 15 years and 11 months. The boy was 18 years of age and he was charged, for a variety of reasons, with a sexual offence. Whilst society has, through its laws, not approved of a girl of 15 years and 11 months engaging in sexual activity for another month, the reality is that following the conviction of the offender, even though he is always dealt with on a non-custodial basis, his name is entered on the sexual offenders register. So whilst there is limited discretion, I ask the government of the day to continue to monitor that provision. How do members of Parliament say, as a matter of law, if two people are engaged in a sexual act and they are aged between 14 and 16, if one partner is within two years of the other that is okay but if it is two years and one month it is not okay?

All these things should be looked at on their merit and far more discretion should be used. If this starts leading to injustice and the court lists start filling up because there is 2½ years difference between consenting sexual partners and people are going onto the sexual offenders register, I believe there needs to be intervention. It is not a matter of morality; it is a matter of understanding that young people, whether we like it or not, engage in consensual sexual activity at a very young age. It is staggering when one sees some school reports—as I did when I was at the bar and they were produced in criminal trials—the young age at which some people engage in this sort of activity. Again, I am not expressing a moral view; I am just pointing out an area that should be of some concern and that should be monitored.

**Ms JENNY LEONG (Newtown) (11:42):** On behalf of The Greens I speak in debate on the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018 and offer The Greens' support for the bill. We support the bill and the New South Wales Government's commitment to implement the recommendations of the royal commission earlier this year. However, I flag that The Greens will move an amendment in the other place to

acknowledge and recognise a significant shortcoming in this bill. My Greens colleague David Shoebridge will move an amendment to seek to remedy the omission in the bill of the royal commission recommendation to remove the seal of the confessional for child sexual abuse. The royal commission found that the confessional was an obstacle to justice and unambiguously recommended that the seal be removed. Unfortunately, this bill does not include that recommendation and my Greens colleague David Shoebridge will move an amendment in the other place to remedy that.

The bill makes a number of amendments to the criminal law following the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The recommendations in the bill are most of the basic criminal justice reforms, but we note that there are a number of outstanding recommendations about police response and charging policy, investigations, evidence policy and procedure, judicial directions and other areas. We will continue to monitor the progress of the implementation of those reforms. This bill will create a new offence of concealing child abuse offences, which is modelled on the existing section 316. Adults who knew or reasonably should have known child abuse offences have been committed will have to provide that information to the police or face prosecution. That is good, but, as with the existing section 316, it still requires the Attorney General to consent to a prosecution if it is against a member of a profession identified in the regulations. The current regulations include, amongst other things, lawyers and members of the clergy.

While lawyers must be able to hold confidential information given to them by their clients, the same cannot be said of priests. Under the proposed law there will continue to be special treatment for members of the clergy and special protections for the confessional. It makes the prosecution of a priest for failing to disclose child abuse evidence a political matter, and that should no longer be the law. As I have said, the royal commission unambiguously recommended that this not be the case, and The Greens are committed to seeing that recommendation upheld. We urge members in the other place, who are considering this legislation and are having conversations about it in their party rooms and amongst their colleagues, to consider supporting that recommendation.

The Catholic Church has long argued that the confessional should be above the law and, to date, has had the support of the Parliament of New South Wales for that position. The Greens and the royal commission both disagree with that. The idea that we put a confessional above the law cannot be in any way logically argued when we have seen and heard stories of the harm that has been done to so many young people as a result of many years of abuse and heinous and unspeakable causes of harm. It is clear that the royal commission unambiguously recommended the removal of the confessional as a barrier to reporting, and that is why The Greens will move an amendment to address that issue.

Ireland made changes in 2015 with the Children First Act, which introduced mandatory reporting for clergy. Other jurisdictions in Australia have committed to implementing the royal commission recommendation, with South Australia and the Australian Capital Territory already committed to legislating it. This is a test of the good faith of the Government. We call on all members in this House and in the upper House to consider supporting this amendment. I cannot imagine the pain and the impact on the survivors of such abuse. I cannot imagine the impact of this kind of abuse on their families, their loved ones and their communities. I thank all of the brave survivors and people who have spoken out with such courage and resilience and with such a commitment to standing up against injustice. The Greens will continue to stand with them in their long road to see the implementation of all the recommendations. I believe we should do everything we can to prevent the protection of anything that would in any way enable harm to occur to children. I urge everyone in the other House to support The Greens amendment.

**Dr HUGH McDERMOTT (Prospect) (11:49):** I contribute to debate on the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018, which is an important piece of legislation relating to child protection in New South Wales and reform. The reforms that have been put forward in this bill by the Attorney General basically reflect a number of the recommendations that were made by the Royal Commission into Institutional Responses to Child Sexual Abuse and by the Child Sexual Offences Review. Over the past few years we have heard horrific stories about abuse—sexual, physical and psychological—against children in State institutions, by the churches, and other bodies and organisations that should be there to protect children, our most vulnerable, not exploit them or use them for their own sexual gratification. These reforms go some way towards fixing this issue so that the perpetrators and the organisations that protected them at times can be held to account. I will go briefly through the different sections of the Act that are being reformed and I will make some comments about the confessional and about the protection of clergy who protect paedophiles.

Under the bill new section 43B of the Crimes Act creates an offence if a person fails to reduce or remove a risk of a child becoming a victim of abuse. For this offence the person needs to be an adult working in an organisation providing services to children. I note that this offence will apply to both physical and sexual abuse—therefore not just the sexual abuses that were discussed before the royal commission. Physical and emotional

abuse must be able to be prosecuted by the Director of Public Prosecutions [DPP] in New South Wales. New section 316A will make it an offence when a person knows, believes or reasonably ought to have known that a child abuse offence has been committed against a child and does not report it. This offence applies only to adults and covers physical and sexual abuse. Members of the clergy and others on a list of professionals can be prosecuted with the consent of the Attorney General, as in the current formulation of the law.

It has been said in some of the discussions this morning that this is politicising the law and that only the Attorney General can sign off on prosecutions. In reality it is the DPP who prosecutes. I cannot imagine an Attorney General saying we should not prosecute a priest, a lawyer or some other professional when asked to do so by the DPP. That is not how it works. It is not some kind of political fix. The DPP will decide, not some politician who says that a paedophile should not be prosecuted for hurting a child. Under section 316 as it currently stands it is a criminal offence not to report a serious indictable offence. That section as it now stands enables the seal of the confessional to be broken and someone who knew about a serious indictable offence, including the rape of a child, could be prosecuted. There have been prosecutions; Bishop Wilson was recently convicted of such an offence.

Section 66EA of the Crimes Act, which criminalises persistent sexual abuse of a child, will be replaced by a new section which will make it an offence to engage in an unlawful sexual relationship with a child under the age of 16. This will apply retrospectively; all these offences should be retrospective. There should be no limitation for prosecuting people who abuse children. Again, the offence can be committed only by an adult and the maximum penalty is life imprisonment. There have been cases in the past in this country and in others where the sexual offender has killed the child because it is the same penalty so it does not matter. The offender is not looking at the child as a human being but as an object of sexual gratification. That issue needs to be considered by the Attorney General and by others.

The Crimes Act is amended to broaden the current offence of grooming a child under 16 years of age to include providing a child with a financial or material benefit. A new grooming offence is added under new section 66EC, which deals with providing benefits to adults to make it easier to procure a child. A new section 73A is also introduced so that sexual touching within a special care relationship is criminalised, expanding the current provisions that deal only with sexual intercourse. That is an important reform because sexual or physical abuse of a child is more than just intercourse. There are a number of ways in which a perpetrator can touch a child in an inappropriate manner which leads to the long-term harm of that child. The sexual offences in division 10 of the Crimes Act are restructured and modernised following the recommendation of the joint select committee. There is an increase in the penalty for sexual touching of a child under the age of 10. When sentencing an offender for a current sexual offence, the rule of not taking good behaviour into account in mitigation where good behaviour facilitated the offending is extended to historical offences.

New section 25A will require court sentencing for historical offences to apply current sentencing practices and standards in accordance with the royal commission recommendations. Time and again sexual predators or perpetrators are being found guilty of offences that occurred in the 1970s when penalties were not severe enough. This reform means that perpetrators will be dealt with under current sentencing laws. The repeal of the limitation previously contained in section 78 is now retrospective. There should be no limitations on investigating and prosecuting child sexual abuse—another royal commission recommendation. Certain offences against children aged 14 or 15 had to be prosecuted within 12 months which meant that if children did not report the abuse until they were adults, or until they thought they had the power or the strength or support to report that abuse, nothing could be done. With these changes, something can be done. The limitation was repealed in 1992 but it was not made retrospective. Many offences that occurred prior to 1992 and that were referred to the royal commission can now be dealt with.

There are new defences against prosecution for sexual behaviour that relates to a complainant who is of or above the age of 14 years and the age difference between the alleged victim and the accused person is no more than two years. This relates to teenagers having sexual intercourse, probably for the first time or in a committed relationship and there is voluntary sexual behaviour, and the accused cannot be prosecuted. There is now a defence against prosecution. There are also defences regarding sexting, which is a modern phenomenon. The law has been slow in catching up with it but sexting is now a normal part of sexual behaviour for teenagers and other people. It is important that our laws reflect that change in society. It is a reasonable defence if a person under the age of 18 depicts only himself or herself and it is consensual sexting and selfies. [*Extension of time*]

One of the major recommendations of the royal commission related to the sanctity of the confessional and the right of clergy from any denomination to refuse to divulge knowledge of child sexual abuse. As a Catholic, I find it incredible that over the decades members of our clergy defended paedophiles. In the early 1990s I worked for the Catholic Church. I worked for Cardinal Edward Clancy in Polding House for a couple of years and in that role I investigated allegations such as this. I was not a solicitor then but I found many examples of individuals,

both clergy and teachers, who had committed offences against children. In some cases those people were prosecuted but in other cases they were transferred within the order or moved around. How can someone with a sense of social justice who knows the tenets of the church and of canon law defend such acts and argue that it was given in a confessional so nothing further can be done about it? Priests and bishops not only in the Catholic Church but also in churches throughout this country and the world did that. It would beggar belief if anyone were to say that people were not obliged to report child abuse.

From my point of view it is unbelievable that a member of the clergy, or any person, could refuse to name a paedophile. It must be remembered that often a paedophile will confess to having committed repeated offences against many children. The evidence given at the royal commission bore that out. The innocence of those children has been violently destroyed; for the rest of their lives they suffer with nightmares and flashbacks of what happened. The trust given freely has been destroyed. I do not know anyone who can justify silence when weighed against the safety and goodwill of those who trust in the church, in our professions, in State institutions or anything else.

I can understand a priest refusing to reveal anything but the most serious offences. I understand concealing minor offences, but not paedophilia or such abuses. I know victims of abuse through my involvement with groups such as the Care Leavers Australasia Network and others involved with the royal commission, and I know firsthand the devastation the survivors have experienced. There is no reason or excuse to stay silent—those who do must be prosecuted. It is as simple as that. Survivors and victims of crime, and our children, must come first. That must be the guiding light with this legislation. I thank the Attorney General and those members supporting these reforms, and I commend the bill to the House.

**Debate adjourned.**

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

### **Second Reading Debate**

**Debate resumed from 6 June 2018.**

**Ms YASMIN CATLEY (Swansea) (12:01):** I am pleased to lead the Opposition's response to the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. The Opposition supports the shared economy. It was Leader of the Opposition Luke Foley who took the lead in New South Wales and embraced the emerging potentials to the New South Wales economy. The sharing economy disrupts not only traditional economic and commercial models but also longstanding and conventional regulatory models. This Parliament has grappled with the disruption of new models such as Uber and now it turns to the circumstances presented by sharing homes through online platforms such as HomeAway and Airbnb.

Labor understands that good government must respond sensibly and prudently when armed with data about the impacts of opening up residential homes to the sharing economy while remaining sensitive to conflicting rights and attitudes. The economic impacts and obvious benefits of additional incomes for thousands of New South Wales citizens has to be balanced with the longstanding rights of residents to the quiet enjoyment of their homes. As I have said, any bill must include a prudent response equipped with information and facts. If Parliament is to consider legislating such a contested area of public policy it must have placed before it the entirety of that response. This is what good governments do. But this is a bad Government and this bill has been concocted by the Minister for Innovation and Better Regulation and by the Minister for Planning.

The bill presents a vague framework backed by insufficient evidence. It is a dog's breakfast. It has been cobbled together in a desperate attempt to get something through the party room after three years of sitting on the matter. But, most concerning, it is a desperate attempt to kick this issue into the long grass and hope that short-term holiday letting disappears for the next nine months. The bill is another "trust us" bill: short on detail and ambiguous in clarity. Both of these Ministers would get a big "F" for the final product. It is a failure when compared to the original brief of setting out balance, flexibility and clarity for the broader community.

At the centre of the short-term holiday letting debate is a conflict between two rights: the right to do whatever you wish with your property versus the right to quiet enjoyment of your property. There are two liberties—negative and positive—freedom to as opposed to freedom from. The Government has not only torn itself apart on short-term holiday letting but also failed to present a coherent and complete legislative response to it. The objects of the bill are commendable and set out a broad framework for the regulation of short-term holiday letting in New South Wales. The bill amends the Fair Trading Act 1987 to establish a mandatory code of conduct applying to all participants in the short-term rental accommodation industry.

The bill provides for the code to be introduced via regulation. The code will allow sharing of data between the government and the platforms; implement a two strikes and you are out policy to ban hosts or guests who

commit two serious breaches of the code within two years for five years; implement penalties of up to \$220,000 for individuals and \$1.1 million for a corporation; establish a dispute resolution process to resolve complaints; grant NSW Fair Trading inspectors the power to police online platforms; set out the rights and responsibilities of participants; allocate responsibility for the funding, administration and operation of the code to the online platforms; and amend the Strata Scheme Management Act 2015 to allow the by-laws, with 75 per cent majority, for a strata scheme to prohibit short-term rental accommodation in the case of premises that are not the principal place of residence.

In making the announcement the Government has foreshadowed new statewide planning laws that will allow short-term holiday letting as exempt development for 365 days when the host is present, apply a 180-day cap for Greater Sydney and no cap for other areas of New South Wales when the host is not present, give councils outside Greater Sydney the power to introduce a cap of no fewer than 180 days per year, and apply certain planning rules to properties on bushfire-prone land. That framework is all well and good, but there is little detail as to how it will work, how compliance will be ensured and, importantly, what will be the costs to participants, taxpayers and other affected stakeholders.

I will deal with some of the Opposition's concerns with the bill. It should not be seen as a critique on the principle of short-term holiday letting but on the botched way in which the Government has handled the matter, and the complete lack of detail and context received by the Parliament to consider the bill since the Government announced the package of reforms two weeks ago. The Government states that its package will enable data sharing between it and the online platforms. There is no detail on how that will work or if it will be sufficient to enable compliance with the law. Many jurisdictions in other parts of the world have introduced a mandatory registration scheme for all hosts, allowing the government to have ready access to the nature and extent of the industry.

Many of the arguments about short-term holiday letting are exacerbated by the lack of information and data. A compulsory registration scheme would appear to be a relatively simple and transparent way to capture data and information that will ensure that critical components of the Government's framework—such as caps, two strikes and you are out and dispute resolution—can function, given we are dealing with multiple online platforms. In the absence of any information on how data sharing will operate, will the Minister provide further detail, including if and how local government has access to this information, whether strata committees have access to this information and how the sharing will work between government and short-term holiday listings on multiple platforms?

The introduction of a cap of 180 days for short-term holiday letting in Sydney and the potential for regional councils to reduce nights to 180 begins to address a great concern about residential housing being transformed entirely into commercial short-term lets. This is an important issue for the State, given housing affordability and the failure of this Government to do anything about it. The Opposition would appreciate advice from the Minister on how the 180-day cap was reached. The cap is particularly high, given London has a 90-day cap, France has a 120-day cap and Amsterdam has a cap as low as 30 days. Again, the lack of data and the testability of data makes it difficult for Parliament to make a truly informed decision.

The caps are important because there are obviously thresholds over which it is more financially rewarding to take residential stock offline and use it entirely for short-term letting. Looking at average rents in Sydney's hotspots as well as average per night figures for short-term lettings, it would appear that there is a threshold of approximately 100 days per year when it is more financially rewarding to go down the short-term letting path. Obviously, a 90-day cap would have a greater bearing on this threshold than a 180-day cap. Without quality data the Opposition is concerned that the 180-day cap may work against the availability of housing and rental stock, and will not assist efforts to address the cost of housing, which we all know is the greatest cost of living pressure.

While we appreciate that the Government does not really care about cost of living and finding real strategies to bring down such costs, we would appreciate the Minister's view on the caps and why the 180 days was chosen against lower caps that operate in similar jurisdictions around the world. The Opposition feels the caps are too high, but will reserve its judgement pending the subsequent review, which Opposition members hope will be informed by quality data. The other concern is the ability of regional councils to introduce a cap but to not have the ability to consider caps lower than 180 days. That has already attracted criticism from a number of councils, which, with some justification, believe they are best placed to regulate activities such as short-term holiday letting. The Opposition believes there may be some merit in allowing a council to seek the approval of the Minister for Planning to apply a cap of lower than 180 nights if it can present evidence of the adverse social or economic impacts the short-term holiday letting is having on its local government area or parts of that local government area.

Such a provision is not to endorse nimbyism but to provide a stronger local voice on short-term holiday letting and guarantee amenity of local residents by ensuring that costs of housing are factored into any decision-making framework. Unlike this Government, Labor supports local government and local



decision-making. The Opposition believes that a one-size-fits-all approach is not optimal and it will look at the planning laws to determine whether greater flexibility can be incorporated into the statewide regulations. We would appreciate advice on whether such laws will be subject to further public scrutiny, whether they will be a disallowable instrument and, most importantly, the precise time frame for the introduction of the laws.

Thousands of residents living in strata buildings have expressed concerns. I note the member for Drummoyne is at the table and I know he will share the view, as he has said in this place, that the 75 per cent opt-out rule is unfair and will make it difficult for complexes to ban short-term holiday letting. Even taking into account the use of proxies and recognising that some units such as penthouses may have a larger proportion of votes, there is a concern that while a majority of residents may not wish to have short-term holiday letting they may be overruled by a minority.

The other concern is that the Government chose to make owners' corporations opt out of short-term holiday letting rather than provide that an owners' corporation must make a positive decision to opt into short-term holiday letting. The Opposition believes this rule should be reviewed at the earliest opportunity to ensure that the views of the majority are taken into account. Again, I seek the Minister's advice on why the 75 per cent opt-out rule was chosen, as well as a clarification that if 75 per cent choose to opt out, does that mean that a subsequent vote of 75 per cent support would be required to opt back in?

One of the key objects of this package was to provide greater clarity, yet when it comes to making by-laws there is probably more confusion than ever. I seek the advice of the Minister on how proposed section 137A interacts with existing provisions in section 136 and section 139 if an owners' corporation can make a by-law prohibiting certain types of activity in section 136 but cannot make decisions that affect an owner's right to deal in a property. The bill appears to address this aspect when it comes to investors, but there is ongoing uncertainty surrounding the broader application. What if an owners' corporation made by-laws preventing the use of common property for short-term holiday letting? Is that reasonable, and who would judge the reasonableness of any by-law? My concern is that these provisions will be challenged and may end up in the courts—something we see today.

The Government had the opportunity to fix this mess but has chosen not to do so. As I have stated, the Opposition does not have the luxury of looking at even a draft code of conduct when contemplating this bill. That is a major failing. Typical of this Government, we are consistently asked to consider bills without much detail. Again I ask the Minister to provide detail. For example, will the names and details of all the individuals associated with renting a short-term holiday let be required to enforce bans and penalties? What if a group of six individuals take it in turns to be the contact person for the letting? If one is banned, can another person, who may have been just as responsible for the behaviour resulting in a ban, put their name down? This is the sort of detail that must be considered in any code.

Does the Minister have any idea of the cost of administering the code and has he sought the advice of his department in determining how the costs will be borne and by whom? Similarly, the House has no real detail on how the planning law will work for short-term holiday letting. We cannot trust the Government to get this detail right. As I have stated, the Opposition thinks there should be an option for council to make a case to go below the relevant caps if there is a strong social and/or economic case to do so.

As the shadow Minister for Fair Trading, I am greatly concerned about the financial impacts on Fair Trading. The investigative and disputes resolution aspects of the bill will need considerable resourcing, yet the Government has cut Fair Trading to the bone, to the point where it can hardly fulfil its existing obligations. If members do not believe me they should ask the Ombudsman. I ask the Minister to advise whether he has been allocated additional resources to enable Fair Trading to undertake the extra responsibilities required of it through this package. Will we have a resourced Fair Trading that can ensure compliance with the law and resolve the inevitable disputes that will emerge, or will we have a further emaciated agency that will not be able to satisfactorily regulate short-term holiday letting in this State?

This week I thought we would have been able to look at the Government's long-awaited response to its review of the Residential Tenancies Act—finally. The fact that we will have to wait until the next parliamentary session is a shameful indictment of the Government's competency and priorities. I will put on the record the views on short-term holiday letting of organisations such as the Tenants' Union, which has raised concerns about the lack of rights of renters and about what goes on around their homes. We acknowledge the concerns of flat owners who feel largely disempowered to have a say on what takes place in the building in which they live, but it is much worse for tenants. Families who live in flats are concerned with people coming in and out of common spaces, so imagine what it must be like for a family who rents. Short-term holiday letting is about balancing respective and often conflicting rights. My concern is that an increasing number of people in New South Wales do not have their rights considered. We know that this Government generally considers renters to be second-class citizens. The sniggers we heard in the House when the Minister confessed that he was a renter betrayed the real sentiment of

Government members. I would appreciate advice from the Minister as to whether he has considered tenants' rights to the quiet enjoyment of their rented homes and, if so, how will their views be taken into account.

The Opposition will move a key amendment to the bill, which deals with the code of conduct. While we do not have the luxury of being able to consider a code of conduct—not even a draft one—the Opposition is concerned that the bill states that various aspects of a code such as the rights and obligations, administration of the code, warnings, bans and exclusion registers, dispute resolution, reports and cost recovery only may be included in any future code. This House is being asked to consider a bill to regulate short-term holiday letting in which key elements of the code of conduct may or may not be included. This is slippery language from a slippery government.

The Opposition will move an amendment to replace the word "may" with the word "will" in the context of proposed sections 54B (2) and parts of 54B (3). Despite our reservations and notwithstanding the lack of detail on how this legislation will work, the Opposition will not oppose the bill in the lower House. It is a shameful indictment of this Government and of the competencies of the two Ministers that after two years and a parliamentary inquiry the House is presented with a fig leaf of a bill. It is a shoddy bill in which the real detail and devilish issues are not addressed and are pushed out to a process beyond the bill. The bill leaves the public, the industry and the Parliament with more questions than answers.

The bill was meant to be a key part of a response that would provide clarity and certainty as well as balance conflicting rights and interests. The Ministers have failed in that respect and have deferred much of the detail of their response to a regulation, a code and a planning law about which we have scant detail. Once again, members are being asked to consider a bill that is largely bereft of the detail that is required to make informed decisions. This shoddy Government treats Parliament with contempt. It is an overwhelmingly bad government that consistently brings forth "trust us" legislation when it has lost the trust of Parliament and the people.

Labor assumes that the Government will take its sensible amendment on board because if it is fair dinkum it would not dare oppose it. Labor will not oppose the bill in this House, but it reserves its judgement to a frank debate in the other place. Labor wants to see more detail on the planning laws and the code of conduct before the bill is passed through both Houses. The Government should present a draft code and planning laws before the bill passes through both Houses. It is only right and fitting that the details of critically important components of the bill are presented to Parliament.

A good government—which this Government is not—would allow a detailed, considered and open assessment of the entire bill. A transparent government—which this Government is not—would allow enough time for member of both Houses to assess the bill to ensure that it balances competing interests. A competent government—which this Government is not—would accompany legislation with regulations, codes and the detail of the operation of a new regulatory framework for short-term holiday letting in New South Wales. Once again, the Minister has introduced an ill-conceived, poorly thought out and disappointing bill to this House. Labor will not oppose the bill, but it reserves its judgement in the other place.

**Mr JOHN SIDOTI (Drummoyne) (12:24):** The Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 will introduce a co-regulatory approach to the regulation of short-term rental accommodation through the development of a code of conduct, which is a good thing. As previous members have said, the system has been operating unregulated to a great degree. That was one measure that was examined in the options paper on short-term letting that was released last year. I understand that many key stakeholders were supportive of a code of conduct and a co-regulatory approach, with legislative support to ensure that the code would be effective, which is what the bill will provide.

Despite what we hear, every comment I have ever made in this place about short-term accommodation comes straight from the heart of my community. Local members fight and try to develop good regulation and policy to support the needs of its citizens. Half of my constituency consists of strata units. Strata is a complex beast in itself. I have said from day one that the best approach for regulation for short-term letting would be to empower strata. I am glad the Minister has endeavoured to do that.

The bill amends the Fair Trading Act so that a code of conduct for the short-term rental accommodation industry may be declared. The code will be mandatory and enforceable. It will be developed in consultation with key participants and organisations and also in liaison with key government agencies, which is critical. Industry will be responsible for meeting the costs of administration and operation of the code. This has to occur, otherwise it will be detrimental to the industry. Talking a little more on that point, a number of stakeholders own a bed and breakfast establishment. Small business is the bread and butter of this economy. Conservative voters who operate businesses legitimately have expressed their concerns that they will incur costs.

For example, a small business owner who runs a seven-room establishment in the Blue Mountains will incur costs relating to compliance, public amenity upgrades, developer contributions, commitment to developing quality tourism, ongoing costs associated with mandatory compliance, including fire prevention, tag and test, health and safety—all of which are non-conditional for Airbnbs—food safety checks, providing disability access, tree planting and driveway upgrades. My concern is that we have small businesses operating in various parts of the State that have invested a lot of hard-earned money in running their establishments and comply with regulations that Airbnb properties will not have to.

In the past the Government has intervened and regulated industries, such as the taxi industry. The idea is to have a level playing field where the same legislative requirements apply to the industry as a whole. For example, if we are charging \$800,000 for green slips for taxidriver, we cannot charge \$800 for Uber drivers. The idea is to have fair competition. I am sure that this bill provides the Minister with the flexibility and the authority over the trial period to listen to the genuine stakeholders who have serious concerns. I am sure this diligent Government will address those concerns, because that is what good governments do. The last thing we want to do is to disadvantage our citizens who have adhered to the regulations at their own expense. It is a difficult situation, as is local government. Legislation does not discriminate between rural and metropolitan New South Wales. What is good in one part of town is often different in another part of town.

Overdevelopment is a huge issue in Sydney; yet rural New South Wales is screaming out for more development. The one-size-fits-all approach is a testing concept. The policy for short-term accommodation must be strategic and blunt but it must also be sharp enough so that there are no unintended consequences. Unfortunately the planning system is complex and there will always be unintended consequences. I will give an example that I have encountered in my industry before coming to this place that relates to the fear of unfair competition. When a function centre is built in metropolitan Sydney, one car parking space is required for every three people. When a restaurant that caters for the same number of people is built, the same amount of car parking is not required. It is about one-tenth the requirement for function centres. To get around the rules, function centre owners could call the venue a restaurant, but they cannot provide meals unless the venue is booked for a function because it is a function centre. When policies are made that create an unfair playing field, astute investors will take advantage of the situation to suit themselves, and that is not in the best interests of communities.

With our changing communities, I am concerned about policies such as those for short-term accommodation. I hate phrases like "shared economy"; I find that infuriating. The terminology used for the planning system should be simple and truthful. Unfortunately, it often has a double meaning. Legislation such as the bill before us is often already in the public domain. The media broadcaster we listen to will determine whether or not we have the correct facts. That is a story for another day. The unintended consequences of this type of legislation is that local communities start to see zoning changes and commercial residential developments moving to their neighbourhoods. For example, the State environmental planning policy relating to boarding houses, with all the best intentions, has resulted in de facto short-term accommodation. It is not affordable and it does not match the initial aim of that policy. I am glad that the policy is under review. That type of accommodation can be opened in any residential zone, as can short-term accommodation, and it becomes a commercial operation.

I have been unable to find information on insurance. I know that a bed and breakfast establishment in a residential area is often charged insurance at a higher commercial rate. Will Airbnb-style accommodation pay a residential rate of insurance or will it pay a commercial rate? I do not know the answer. Will Airbnb accommodation require different insurance? Does a higher risk attach to this type of accommodation? I do not know whether these issues have been addressed. However, I am confident that the Minister and the Government will address these issues because they have provided flexibility in the bill—despite the fact that the Opposition has referred to the bill as open-ended.

The bill has been designed to encourage genuine consultation and feedback and to enable genuine changes. The point I have been making is that one size does not fit all. We will see discrepancies and different views will be put before we get to the final bill. I support the bill and I commend the Minister for the amendments. It would be awful for a strata corporation not to have the majority say in what happens in its building. We need a strict code of conduct. People's privacy is everything to them and to jeopardise that would be at our own peril. Until now, party houses have been operating unregulated. This bill will give strata corporations more say in determining what happens in their buildings.

**Mr ALEX GREENWICH (Sydney) (12:34):** The Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 gives owners' corporations a statutory power to ban short-term rentals in their building by special resolution for lots that are not the host's principal place of residence. In situations where a lot is the host's principal place of residence, the bill includes an express prohibition on by-laws that control or limit short-term renting. The bill also provides a framework for a mandatory code of conduct for short-term rental participants, which I understand is aimed at preventing party houses.

At the outset, I acknowledge that this is a complex and emerging area of law and policy, as we have already heard in the debate. I thank the Minister and his staff for the ongoing consultation with me and key stakeholders with the intention of getting the balance right. Short-term letting has a place in the economy but if left unchecked it can have significant impacts on community, amenity and housing affordability. International evidence from cities of high tourist demand, such as New York, Paris, Barcelona and Berlin, shows that when short-term letting is poorly regulated it leads to widespread community outrage and growing calls for blanket bans.

The communities I represent are already feeling the pressure and seeing their neighbourhoods and buildings change. One only has to look at Millers Point, which not long ago had a strong and supportive community of both social and private housing residents. After the eviction of all social housing tenants, private residents now complain that their tight-knit community has been replaced by transient holiday visitors because many homes sold were converted into holiday accommodation. I welcome the new provisions in the bill to allow an owners' corporation to introduce a by-law to ban short-term letting of accommodation that is not the host's principal place of residence. I understand the term "principal place of residence" is widely used and current interpretations relating to the example of land tax and capital gains tax will apply. This is different from how the planning system defines commercial operations, which relies on how many days a year a premise is let on a short-term basis, with the Government using 180 days as the limit.

There may be situations where a lot could comply with the planning laws for a residential home while at the same time not be the host's principal place of residence and therefore make this by-law useful. It will also enable owners' corporations to take action on commercial properties in addition to planning enforcement. However, it will be difficult for owners' corporations to determine whether a lot is the host's principal place of residence. Someone letting their property on a short-term basis can keep their name on the strata roll as the occupant and on the utility bills for the property. Owners' corporations may be unable to track the number of days a year short-term visitors stay in a place and the bill provides no mechanism for monitoring, such as a mandatory registration system.

Time will tell whether these new powers will stop buildings turning into quasi hotels. Given we are talking about commercial activity, bans should apply automatically for all buildings, with each scheme able to vote to opt in to commercial short-term letting rather than being required to opt out. Owners' corporations should have greater power to democratically set the rules that short-term letting can occur in their building to suit their needs. For example, they should be able to restrict the number of lots let on a short-term basis at a certain time, such as New Year's Eve. There is no evidence to suggest that giving owners' corporations these powers would result in widespread bans. To discourage bans, the Government should have given owners' corporations new tools to help them manage problems beyond party houses. Model by-laws with different levels of restrictions could have been developed to help owners adopt regimes that suit their buildings' needs.

Owner corporations could be helped to take a bond from hosts to deal with by-law breaches or damage to common property. We also need new powers to recover from hosts the increased costs resulting of short-term letting, such as upgraded insurance policies, fire systems, building and waste management, and pool facilities. We know that cost is a significant concern among owners' corporations and they will continue to look for ways to do this on their own. More and more developers agree that apartment communities should have a strong say in how short-term letting operates in their buildings because they understand that a building with a strong community of permanent residents is a more attractive place to live than a building overrun with transient visitors.

While much of the focus has been on apartments, short-term letting is also a concern for people who live in terraces and freestanding homes in areas of high tourist demand. Terrace residents in my electorate report that neighbourhoods have lost their sense of community where large numbers of residents have been replaced with holiday-makers. I have already cited the example of Millers Point.

The planning instrument promised by the Government aims to address this by requiring a change of use if a home is let for more than 180 days on a short-term basis. There is concern that 180 days does not reflect the sharing economy but supports commercial operations. Short-term letting has a history of planning law breaches. The Government has not introduced any new mechanism to monitor which homes are being let and when and there is no way to ensure compliance with such a long period. Furthermore, letting a home for half the year on a short-term basis could be more profitable than signing a lease with a long-term tenant, who may have more demands on a property. Six-month leases could become the norm, with tenants evicted for the warmer months when tourism increases.

Other cities such as London, San Francisco, New Orleans and Reykjavik have imposed a limit of 90 days. Paris, which had a 120-day limit, introduced a registration system because its limit was being flouted. The Tenants Union research suggests that 60 days would be best. While I support the aims of the code of conduct to suspend

homes from short-term letting for five years if there are two serious breaches over two years, the details are not yet available and the focus appears to be on party houses. Concerns across the world and in my electorate go beyond party houses; the dominant concerns are the loss of community and impacts on housing affordability. These concerns these should not be ignored.

An estimated 6,000 homes have already been removed from Sydney's rental market. An assessment by AirDNA in September last year indicates that the figure could be more than 3,000 in my electorate alone. Research by the Griffith University and the University of Sydney published in *The Conversation* on 21 May in an article titled, "Airbnb: who's in, who's out, and what this tells us about rental impacts in Sydney and Melbourne", shows that short-term letting activity, particularly commercial activity, is focused in certain areas. It concludes that looking at the impact on rent across the metropolitan region is misleading because the impacts are geographically concentrated in the inner city and harbour and coastal areas where tourism is high. In these areas, including my electorate, residents are being squeezed out. [Extension of time]

On 7 June an article in the *Australian Financial Review* by Jimmy Thomson and Sue Williams titled, "Tenants Union says Airbnb 'skewing' study" confirms that the Tenants Union has serious concerns about the impact of short-term letting on rental affordability. The executive officer states that Airbnb cherry-picked data from its report to back its claim that rent has not been affected by short-term letting. The Tenants Union position is to have limits on personal use, planning controls on commercial use and a register to ensure compliance. I share the concern of the Opposition that the 180-day limit is not world's best practice to prevent impacts on rental affordability. The Government will need to monitor this in the future, as have governments across the world.

Without details of the code of code of conduct and planning instrument, it is difficult to know how well the Government's new regime will address concerns with short-term letting. I have only touched on issues but there are additional concerns such as homes having adequate insurance, fire safety measures and whether councils will be able to enforce new rules. A mandatory registration system is essential for compliance with this model. Without transparency about the details of the letting of properties, commercial operators will be able to easily contravene laws and hijack the system. A mandatory short-term letting registration system would ensure that participants comply with the Government's regime because oversight and enforcement of the 180-day limit will be possible. A registration system would also enable the Government to collect data to establish any long-term impacts on housing affordability.

In a briefing with the Minister last week, we discussed that the code of conduct could provide for a premises registration system. I believe this is essential to the success of the Government's regime. I foreshadow that I will move an amendment at a later stage to ensure that the bill will provide for a mandatory registration system showing all premises that are let on a short-term basis and when. The promised 12-month review of the new system must ensure that short-term letting remains a part of the sharing economy and does not negatively impact on rental affordability or strata communities. I hope that the review will engage experts and involve thorough assessments. In closing, I pay tribute to the fantastic work of the Owners' Corporation Network, particularly Karen Stiles and Stephen Godard, in mobilising apartment owners and residents into action to protect their democratic rights. I thank the thousands of people who signed my petition for by-law rights to limit short-term letting. Their efforts have ensured that we did not end up with a free-for-all system. I will not oppose the bill.

**Ms ELENi PETINOS (Miranda) (12:44):** I support the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. This bill achieves a fair and reasonable balance between the rights of occupants to use their properties for short-term letting and the rights of neighbours not to be disturbed by this activity. Two key legislative concepts that are introduced in this bill are the Government's proposed regulatory framework to manage short-term rental accommodation in New South Wales, which is the power to create a mandatory code of conduct forms the first component of this legislation, and the provision relating to the making of by-laws in strata schemes.

By way of background, the new regulatory framework that will be introduced by this bill is the result of extensive and thorough examination by both a parliamentary inquiry and the release of a government options paper followed by a lengthy public consultation process. The parliamentary inquiry into the adequacy of the regulation of short-term holiday letting in New South Wales started in late 2015. The inquiry conducted public and private hearings and received 212 submissions from a wide range of individuals, local councils, companies, associations and others with an interest in the short-term holiday letting industry. The submissions provided significant details about how the short-term letting industry operates across the State. Views were strongly polarised. The inquiry's final report was tabled in the Parliament on 19 October 2016. I commend the members of the House who were responsible for providing this comprehensive report.

In the report, the chair of the inquiry, our colleague the member for Oatley, wrote that there was general consensus around the need for a consistent definition of short-term letting within planning legislation. The member for Oatley also noted that while the level of complaints about short-term letting appeared to be low, serious and

effective responses were needed, without stifling the whole industry. The report made 12 recommendations covering planning laws, strata scheme management matters, the collection of data, complaints management and other matters. A whole-of-government response to the report, which was tabled on 19 April 2017, generally supported the inquiry's recommendations. However, it was decided that it would be appropriate to test approaches to short-term letting with the general community by releasing an options paper for broad public consultation.

A joint options paper was developed by the Department of Planning and Environment in consultation with the Department of Finance, Services and Innovation. The paper was released on 22 June 2017 for three months' public consultation. The options paper covered a range of potential regulatory responses under planning laws and strata scheme management laws as well as co-regulatory options and existing regulatory approaches in other jurisdictions. These regulatory responses largely reflected the findings and recommendations of the parliamentary inquiry. By the deadline for comment, at the end of October, nearly 8,000 submissions had been received. Following analysis of the submissions, the Minister for Planning and the Minister for Innovation and Better Regulation developed a new regulatory framework for the short-term letting industry.

As a result of this extensive work, the framework will include a new environmental planning instrument permitting short-term letting as exempt development for up to 180 days in greater Sydney, with 365 days allowed in all other areas of New South Wales. Outside of greater Sydney, local councils will have the power to change that limit to any number between 180 and 365 days. This allows councils outside the greater Sydney area to make a decision that is appropriate for their community, which is particularly important given the vital role tourism plays in regional economies.

I reiterate that premises in the greater Sydney area where the host is a permanent resident will be allowed to be exempt from restrictions for 365 days. Where the host is not a resident, a limit will be enforced, allowing premises to be rented out for short-term accommodation for up to 180 days per year. The determination of 180 days was made as it is approximately the number of weekend days and public holidays in a year and allows the owner ample opportunity to take advantage of short-term rental accommodation should long-term renting not be practical. The new environmental planning instrument is being developed separately from the measures in the bill. The bill addresses the other elements of the regulatory framework and will provide for the industry code of conduct and the changes to the strata scheme management laws. I now turn to the provisions relating to bad behaviour.

The regulatory framework recognises that the short-term letting industry makes a significant economic contribution to many areas of New South Wales; that short-term letting involving the actual sharing of homes by hosts is rarely, if ever, the cause of problems for neighbours; and that short-term letting accommodation is frequently used by families on holidays and is not used solely for parties. But it is understandable that some neighbours are unhappy about short-term letting when the host is not in residence, as this seems to be a key factor in the negative impacts due to inconsiderate, antisocial and inappropriate behaviour by guests. As the Minister has explained, the code of conduct will include a dispute resolution and complaints-handling process. However, I emphasise that this will not penalise those responsible guests and hosts who do the right thing. The code will provide for a "two strikes in two years and you're out for five years" policy. This will ensure that guests who conduct themselves in a manner that impacts on the enjoyment of a neighbour's home will be prevented from returning and, where applicable, it will apply to the owner for failing to manage such behaviour.

A complaints adjudication system will be established and available to neighbours, strata committees and owners' corporations. This will provide a platform to share information with Fair Trading NSW that will include a disciplinary register and provision for cost recovery. Independent adjudicators appointed by Fair Trading NSW will assess the complaints based on evidence. Those who have a complaint made against them will have the opportunity to make a defence. Those who are banned under the code will be listed on an exclusion register and online short-term letting platforms will be required to monitor the exclusion register before allowing hosts or guests to use their service.

The new code and the exclusion register are tough but necessary measures to ensure a sustainable short-term rental accommodation market in New South Wales. Penalties will apply where breaches of the code occur. Online booking platforms will face fines of up to \$1.1 million for breaches and \$220,000 for individuals. These significant penalties are aimed at ensuring the "two strikes" policy is enforced. There has also been a lot of discussion about the implication of this bill for strata schemes. The bill will provide for owners' corporations to introduce by-laws restricting short-term letting, but only when the lot is not the principal place of residence of the person who is letting it. This provides another effective means to directly target the problems that result from entire premises being let solely for short-term stays. The by-laws will still need to be approved by a special resolution, which means a 75 per cent vote in support at a general meeting of an owners' corporation. This will ensure that any such restrictions reflect the clear majority view of individual strata schemes. These regulatory

initiatives collectively address the exact areas of concern raised during the parliamentary inquiry and the public consultation process on the options paper while ensuring that the good players in the industry can keep operating.

The bill has been subject to a lot of fearmongering. Before this legislation was introduced, I took the opportunity to talk to Airbnb about its potential impact on my electorate. I can reassure my constituents that this legislation will not adversely impact our community. I have been advised that currently in my electorate only 20 to 30 properties are listed on Airbnb. In addition, 9,000 of my constituents currently use Airbnb to enjoy the use of other people's premises whilst travelling around the State. Based on the facts, there is no truth in the assertions that properties will be turned into hostels and we will have increased incidental and temporary populations in our electorates. I reiterate that in my electorate less than 30 people currently let their properties through Airbnb, so those suggested ramifications are simply not possible. [*Extension of time*]

My office has received a significant amount of correspondence from people who live in unit complexes. They are concerned that they will be unable to control the nature of tenancies within those premises. As I said earlier, this legislation requires a 75 per cent vote in support of a by-law at a general meeting of the owners' corporations. That is consistent with the threshold required for all other types of by-laws applicable to owners' corporations. This threshold will ensure that an appropriate outcome is reached for the people who live in those dwellings. This bill strikes the appropriate balance for my constituents and I commend it to the House.

**Mr EDMOND ATALLA (Mount Drutt) (12:55):** I make a brief contribution to debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. The term "short-term rental accommodation arrangement" is defined in the bill as a commercial arrangement for giving a person the right to occupy residential premises or part of residential premises for a period of not more than three months. The objects of the bill are:

- (a) to amend the *Fair Trading Act 1987* to authorise the regulations to declare a code of conduct applying to participants in the short-term rental accommodation industry,
- (b) to amend the *Strata Schemes Management Act 2015* to allow the by-laws for a strata scheme to prohibit short-term rental accommodation in the case of premises that are not the principal place of residence of the person who is giving the right of occupation.

We now have a discrepancy between strata schemes rental properties where strata schemes cannot be short-term rentals unless they are the principal place of residence of the occupier yet a home does not have to be a person's principal place of residence to be turned into a short-term rental property. The Government needs to address this issue. In his contribution, the member for Drummoyne asked if we are aiming to create a level playing field between short-term rental markets and those that are currently regulated such as motels and bed and breakfast accommodation. He gave the example of the discrepancy between the taxi industry and Uber. Will this legislation create a discrepancy with short-term rental properties in planning zones that do not have to pay land tax, bed tax or payroll tax? Will we be operating two industries on an uneven playing field? These important issues have been raised with me by constituents who currently operate regulated rental accommodation such as motels. Further, it makes it difficult to understand the full impacts of this bill without a code of conduct being attached to it. That is an issue the Minister should have addressed when he introduced the bill.

I can understand the complexity of trying to regulate a currently unregulated market. We cannot underestimate what the current share economy generates for the New South Wales economy. I understand that the share economy accounts for \$15 billion of the rental market, which cannot be ignored. We are talking about a \$31.3 billion industry, a third of which is composed of the short-term rental market. The bill does not address a very important issue: Are we going to regulate these short-term rental properties to accommodate disabled people? Currently, one in 20 motel rooms have to be suitable for people with disabilities. What happens when we regulate short-term rental properties? Is the code going to impose on these rental properties that they have to be suitable to accommodate people with disabilities, or less able people? The bill is very vague and silent on this area. That needs to be addressed and the Minister needs to clarify the intent.

If the Government is going to regulate short-term rental properties, will it also make sure that these properties are suitable to accommodate people with disabilities, similar to what is required for motels? For example, someone raised with me the issue of guide dogs for the blind. A motel cannot refuse a blind person with a guide dog even if pets are not allowed in the motel. Are we going to discriminate against blind people if someone does not allow guide dogs to enter their short-term rental property? These things need to be addressed if we are going to regulate this industry. We understand this is an unregulated market now. It is a cash market, there are no obligations, and there is no policing of people renting out their property to declare that income for tax purposes. If we are going to regulate this industry, how are we going to capture those people who currently avoid declaring their rental income for tax purposes?

**Mr Michael Johnsen:** They have to declare it now.

**Mr EDMOND ATALLA:** Under this bill, it is very vague. How do you actually—

**Mr Michael Johnsen:** We do not regulate income tax.

**Mr EDMOND ATALLA:** Yes, but how do you capture all of those who are operating in the short-term rental market? How do you capture everyone who rents out short-term rental properties?

**Mr Mark Coure:** It is a federal issue.

**Mr EDMOND ATALLA:** I understand that, but how do you register short-term rental properties? How will you go about registering every property that has been listed as a short-term rental property? Will you go through all of the Stayz listings and capture it that way? As a State, we are now saying we want to regulate and have a register of these short-term rental properties. How do you do that and how do you police it? [*Extension of time*]

I am concerned about the impact on investment properties which are currently available for long-term rentals. After we start regulating and this becomes an issue in the public domain, will this impact on the long-term rental market and create a shortfall in the number of properties available? There is evidence that you can have a better financial gain from short-term rental properties than from long-term rental properties. When investors become aware that they can have a better financial gain from short-term rentals, are they going to turn their properties into short-term rentals and impact on the investment properties? That is an issue that cannot be overlooked and needs to be addressed.

The other issue, which we have all experienced, is unruly guests—those who rent properties for weekends or other short periods and create havoc for their neighbours. This bill says we will have a two-strikes policy: those people who get two warnings will not be permitted to rent out their properties. But if someone is only there for the weekend or a week, how are you going to give them two warnings? They will be gone by the time you give them warnings so how are you going to address unruly residents in short-term rentals? What powers will be given to local government to deal with those who are only there for the short term and who create havoc for their neighbours?

This bill is attempting to regulate an unregulated industry, but the bill is very vague on a lot of issues. The Government is saying, "Trust us, we will produce the code of conduct that is going to address all of those things." I hope the Government does address all of the issues, some of which I have raised here today, when it develops a code of conduct, because a dog's breakfast could be created if it does not. While I understand that Labor will not oppose the bill, there are concerns with the ongoing uncertainty and ambiguity around aspects of the bill. In particular, there is concern about the implementation of the code through regulation and the ability to police such a code. I thank the House for the opportunity to contribute to this debate.

## **WATER MANAGEMENT AMENDMENT BILL 2018**

### **First Reading**

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

**TEMPORARY SPEAKER (Mr Geoff Provest):** I set down the second reading of this bill as an order of the day for a later hour.

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

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**Mr BRUCE NOTLEY-SMITH (Coogee) (13:08):** I represent the seat of Coogee, the most desirable seat not only in this State but in the entire Commonwealth, if not the world. The desirability of my seat of Coogee attracts many people who like to visit and stay. Platforms such as Airbnb have taken off exponentially in my electorate. Residential apartments were developed in Coogee in the 1920s, and particularly in areas close to the coast. That development has certainly persisted and more than half of the dwellings now in Coogee are in apartment blocks. Therefore, short-term holiday letting is common because of the available stock.

If this industry is not regulated, this new approach to the use of residential properties will be an incredible threat to our traditional understanding of residential zoning in our neighbourhoods. People should be able to enjoy the peace and quiet of an area zoned for residential development that has been afforded them for well over a century. Zoning was established to separate industries that were either offensive or noisy from residential areas so that people could live in peace and in cleaner and quieter environments.

I am happy that this bill has come before the House, and I look forward to seeing the findings of the review that will be conducted in 12 months, because we are going into untested waters. We want to regulate this industry to ensure that people do not lose their residential amenity and that this practice does not become a serious



threat to the availability of traditional long-term rental accommodation. I believe that is a very real threat. As was pointed out earlier, and I have also pointed out to the Minister, in an electorate like Coogee someone could rent out an apartment on one of these platforms for 180 days a year and leave it empty for the rest of the year and still come out ahead financially. That is a serious problem for my constituents and for people who would like to rent an apartment in the area.

I know that some people will always raise personal property rights. Perhaps they will quote Hobbes, Locke and so on. However, the property rights that we respect in this society come with an obligation; that is, we must have regard to the detrimental impact availing ourselves of them might have on our neighbours. If it does, something must be done, and that is why we must regulate this industry.

What the Minister for Innovation and Better Regulation has done in proposing a code of conduct, essentially a blacklist, and a two-strikes-and-out system is a positive move. I thank the Minister for the long conversations we have had about this matter and about my personal experiences as a councillor in dealing with unregulated short-term accommodation in Coogee and Randwick. Randwick City Council had significant problems in the early 2000s with both legal and illegal boarding houses and backpacker establishments. Those establishments were sold off and converted into apartment buildings which are now offered as long-term rental accommodation or are owner-occupied. That problem subsided substantially and I do not want to see it raise its ugly head again as a result of the use of these platforms, which could have a major impact on my constituents' quiet amenity. Therefore I am happy to support the bill. I have expressed my reservations—

**Business interrupted.**

*Community Recognition Statements*

**ELOUERA SURF LIFE SAVING CLUB**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:15):** I congratulate the Elouera Surf Life Saving Club [SLSC] on its outstanding results at the Surf Life Saving Sydney Awards of Excellence on 26 May 2018. Elouera SLSC won the Club of the Year Award, which encourages and recognises outstanding achievements in club development that results in surf clubs providing safer beach and aquatic environments for the community. The Surf Sports Team of the Year was the Wilko Open Women's team, the Surf Lifesaver of the Year was Jackson Towns, and the Junior Female Lifesaver of the Year was Sophie Burns. The President's Medal was won by Ron Hegarty, who is on the board of management and is a life member of the club. Elouera SLSC was established in 1966 with a small tent on the beach and one surf boat. Last season its volunteers contributed more than 9,000 patrolling hours, 80 first-aid treatments and 37 rescues. I congratulate the club on its fantastic contribution to life in Cronulla.

**KING PARK PUBLIC SCHOOL**

**Mr GUY ZANGARI (Fairfield) (13:16):** On Monday 4 June 2018, I had the great pleasure of visiting King Park Public School to see the school's cycling education program firsthand. It was phenomenal. Principal Sue Goodwin and Mr Bruce Draper have been working in conjunction with We Ride Australia to educate students and parents about the importance of road safety and the numerous benefits of cycling and walking to school and to work. The students and staff of King Park Public School have taken up this challenge and are heralded as strong advocates for safe cycling. Thanks to We Ride Australia and Mr Draper, the students now stand as shining examples in highlighting the importance of road safety programs throughout our community. As a result of their success, We Ride Australia has strongly recommended that the school nominate for the 2018 Cycling Luminaries Award. I commend and congratulate Ms Sue Goodwin, Mr Bruce Draper and the year 5 students on their commitment to spreading the message of road safety and riding skills.

**QUEEN'S BIRTHDAY HONOURS AWARD RECIPIENT DEL HEUKE**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:17):** I congratulate Del Heuke, OAM, who was awarded the Medal of the Order of Australia in the Queen's Birthday Honours on Monday 11 June. Del has been recognised for her service to veterans and their families. Her service in a range of volunteer positions includes her work with the Returned and Services League of Australia, Wingham Sub-Branch, as pensions and welfare officer since the 1980s. Del, who lives in Forster, said her motivation to help veterans and their families came from her experience as an RAAF nurse. She was 23 years old when she joined the RAAF Nursing Services and did tours of conflict areas in South-East Asia during 1965 and 1966. Initially she was at Butterworth in Malaysia before moving on to casualty evacuations from Vietnam and Borneo. Interestingly, according to the rules at the time, she had to resign from the RAAF when she married. She met her husband on her first night in Malaysia.

**WYONG FAMILY HISTORY GROUP INCORPORATED.**

**Mr DAVID HARRIS (Wyang) (13:18):** I recognise the contributions to our community of John Selwood, a dedicated and leading member of the Wyong Family History Group Inc. The group was founded in 1983 and is run by volunteers to promote, to research and to preserve the family history of members, visitors and Wyong shire pioneers. John has been instrumental in a number of local projects that document and celebrate our history, including the project to lay plaques at Anzac Road and Anzac Avenue to commemorate the naming of those roads. He has transcribed countless funeral and parish records, ensuring these important primary sources of our history are not lost to time. The Wyong Family History Group and the entire region have benefitted greatly from John's more than 15 years of service. I also congratulate John on the recent awarding of his life membership of the Wyong Family History Group.

**PENSHURST WEST CRICKET CLUB**

**Mr MARK COURE (Oatley) (13:19):** Recently I had the privilege of attending an awards ceremony hosted by Penshurst West Cricket Club. In its fifty-third year, Penshurst West Cricket Club continues to have a good number of players, which is a reflection of the outstanding support from locals who have a love for the sport. David Gibson, president and chairman of the club, has been instrumental in the club's progress, alongside treasurer Belinda Gibson, secretary Patrick Hogan and other office bearers. They have worked hard to achieve some outstanding results in this year's season. Player numbers for the 2017-2018 were more than 176 in total. The club was able to field eight junior teams and four senior teams. It was a tremendous year for the club, with representation in the grand finals in four out of the five junior grades, along with two senior teams making it through to the final game of the year. I congratulate the club. I am proud to have provided much-needed funding for the upgrading of the synthetic pitch and rebuilding of the nets at Olds Park. These projects are now complete. I am delighted that they will be put to good use when the cricket season commences in a few short months.

**QUEEN'S BIRTHDAY HONOURS AWARD RECIPIENT BERNIE CURRAN**

**Mr TIM CRAKANTHROP (Newcastle) (13:20):** Today I congratulate the much-loved and respected former University of Newcastle academic Dr Bernie Curran, who was appointed a Member of the Order of Australia in this year's Queen's Birthday Honours. Dr Bernie Curran received the honour of Member, AM, of the Order of Australia for significant service to tertiary education, particularly through higher learning opportunities for young people in rural areas. In his more than 40 years at the University of Newcastle he has held various positions, including executive officer of the University of Newcastle Foundation, warden of Evatt House and lecturer of classics. Dr Curran has inspired thousands of students to achieve their full potential with his infectious enthusiasm and passion for teaching and learning. On behalf of all Novocastrians I thank Bernie for his overwhelmingly positive contribution to our community.

**MASADA COLLEGE PRINCIPAL WENDY BAREL**

**Mr JONATHAN O'DEA (Davidson) (13:21):** Masada College within my electorate has been farewelling a valuable and crucial long-serving leader of their school, former principal Wendy Barel. Last week I attended a junior school assembly with students, parents and staff at Masada College's campus to farewell Wendy and recognise her tremendous contribution and inspirational leadership over the years. Students from years K-6 performed loving and creative displays of appreciation for Wendy's contribution and the senior school is holding a similar occasion this week. Wendy served as school principal for 12 years from 2006 to 2017. She was previously head of curriculum, preschool to year 12; deputy principal, preschool to year 12; and head of senior school. Many of her students have graduated to make a meaningful impact in the broader Jewish and Australian community. I thank Wendy for her total of 17 years service to Masada College and her legacy to our broader community. I wish Wendy Barel and her family all the best as she faces a challenging medical condition.

**YOUTH SOLUTIONS THIRTIETH ANNIVERSARY**

**Mr GREG WARREN (Campbelltown) (13:22):** I congratulate Youth Solutions on reaching a proud milestone of 30 years of service to the Macarthur region. I extend these congratulations to the Chief Executive Officer of Youth Solutions, Ms Geraldine Dean, as well as the president of the board, Ms Rebecca Whitford, and their wonderful team. Youth Solutions opened in 1988 as the Macarthur Drug and Alcohol Youth Project and was established as a health promotion charity that works with young people in the Macarthur region to prevent or reduce alcohol and drug related harm. Their 30 years of distinguished service and good work have been recognised through numerous awards from Camden and Campbelltown councils, the national Alcohol and Drug Foundation, the Western Sydney Community Forum and many others. I ask the House to join me in recognising the fantastic job done by the team at Youth Solutions and wish them the best in continuing the great legacy that has been established in their 30 years of diligent service.

### QUEEN'S BIRTHDAY HONOURS AWARD RECIPIENTS

**Mr JAMES GRIFFIN (Manly) (13:23):** I advise the House of three extraordinary individuals in my electorate of Manly who were honoured with a Medal of the Order of Australia in this year's Queen's Birthday Honours. Mrs Patricia Newton of Dee Why was awarded the medal for her service to surf lifesaving. She is a life member of Dee Why Surf Life Saving Club and was club president between 1998 to 2000. Patricia was the first female president of a surf life saving club in Australia. Patricia was also the founding chair and coordinator of the Traumatic Incident Peer Support Team within Surf Life Saving, which supports the welfare of members following the intense and sometimes traumatic work undertaken by our surf lifesavers.

Major John Bridle of Dee Why was acknowledged for his service to a range of community organisations, including the NSW RSL Lawn Bowls Association, of which he has been a representative player, an umpire and the honorary treasurer since 1999. Major Bridle is also the former president and current public officer of the Brookvale Probus. Pastor Perez de Lasala was awarded the medal for his service to pipe organ restoration. He has been the organist at Sacred Heart Catholic Church Mosman since 1978 and is the director of the New South Wales council of the Organ Historical Trust of Australia.

### LAKEMBA IFTAR CELEBRATIONS

**Mr JIHAD DIB (Lakemba) (13:24):** The Islamic holy month of Ramadan has just concluded. It is a time in which Muslims fast from sunrise to sunset. It is a month of empathy with the less fortunate, spirituality, joy, kindness, generosity and togetherness, as families, friends and the community at large gather around the table to break their fast, known as iftar. Like many members, I attended iftars celebrating our unity as a community during this past month. Iftars were hosted by community groups, families and schools. At each of these, the prevailing sense of community was clear. This was not just about Muslims but about our shared humanity.

As always, the food was amazing, the sweets divine and the company even better. I attended iftars on all but three nights of Ramadan. I thank all the groups who opened their doors so we could enjoy one another's company as citizens of modern multicultural Australia. Regardless of a person's religious background, the coming together of people, rekindling old friendships and making new ones whilst breaking bread, is something that we can all appreciate. We are better as a society when we are together, when we share in each other's special moments and when we respect and value our differences. After 29 days of fasting, celebrating Eid-ul-Fitr in Lakemba with more than 40,000 people was, as always, a phenomenal experience. I thank the Lebanese Muslim Association, Canterbury SES, City of Canterbury Bankstown Council, Campsie police command and the many volunteers who worked together to make this an outstanding morning. Eid Mubarak.

### TOONGABBIE RAILWAY STATION MURAL

**Mr MARK TAYLOR (Seven Hills) (13:25):** On Wednesday 30 May I attended the celebrations of the opening of the upgraded Toongabbie railway station mural. The mural faces Portico Parade, Toongabbie and depicts a story of a young Australia on a historical timeline. The mural was created by a dedicated and creative team of visual arts students from The Hills Sports High School at Seven Hills in conjunction with local artist Danielle RG of Creative Groundz Studio in Lalor Park. I acknowledge the school for its support of the mural, its principal and the incredible students who helped paint the mural, including Alicia, Anaya, Brittany, Cara, Chloe, Emily, Genevieve, Gipsy, Jade, Lailah-Mae, Nathan, Rachel, Rebecca, Sameer, Tayla, Trey, Tylysha and Alisha. After I spoke to the students at the mural, there was an acknowledgement of country by Western Sydney Aboriginal elder Uncle Wes at the school followed by an awards ceremony for the students involved. I thank the community and engagement team of Transport for NSW and the project team of Downer EDI Works.

### MOUNT DRUITT INDIGENOUS CHOIR

**Mr EDMOND ATALLA (Mount Druitt) (13:26):** I invite the House to join me in recognising Mr David Armstrong, a local in my area. Mr Armstrong is recognised for creating the Mount Druitt Indigenous Choir, established in 2010 as a way to help local children build resilience and develop life skills. The children of this choir sing in both English and the native Indigenous language of the traditional owners of the Mount Druitt electorate, the Darug people. In a short eight years, this choir has well and truly made a name for itself, performing across the country, uniting audiences and representing the elders of our land, past, present and emerging. This choir also goes by the nickname "One Good Day", which exemplifies the impact they have on the local community. I thank Mr Armstrong for his continued efforts and look forward to seeing the choir perform throughout the remainder of 2018.

### GRAFTON HOCKEY ASSOCIATION

**Mr CHRISTOPHER GULAPTIS (Clarence) (13:27):** I offer my congratulations to six young hockey players from the Grafton Hockey Association who played at the Primary Schools Sports Association [PSSA] State

hockey championships recently held at Narellan. Kade Simpson, Kael Cook, Charlie McGarvie and Charlie Nilon all played in the North Coast PSSA team, while Riley Wondergem and Nate Cahill played for the NSW Combined Independent Schools team. Grafton has produced some wonderful hockey players over the years and it is fantastic to see so many junior players representing at this level. I congratulate the boys and wish them all the best for the rest of their year.

#### **ITALIAN SOCIAL WELFARE ORGANISATION OF WOLLONGONG**

**Mr PAUL SCULLY (Wollongong) (13:27):** The Italian Social Welfare Organisation of Wollongong, or ItSoWel as it is better known, has been operating in Wollongong for more than four decades, providing support to the large Italian community in the Illawarra. As their needs have changed, so too have the types of support ItSoWel offers. On 8 June ItSoWel held its annual gala ball to help it raise funds to carry on its good work and to try some new and innovative approaches to the support it offers. My colleagues the member for Cunningham, Sharon Bird, and Councillor Tania Brown and I joined a couple of hundred people including Nicola Care, a member of the Italian house of representatives, and Senator Francesco Giacobbe to support a new initiative to assist older Italians with dementia. We also had the chance to acknowledge the lifetime of work of Salvatore Chiodo. To accept his award, for a few minutes he stepped out from behind the camera, where he can regularly be found documenting the events and celebrations of the Italian community. I congratulate Turo for his lifetime contribution, dedication and commitment to his community. He is always watching out for them.

#### **TERRIGAL UNITED FOOTBALL CLUB**

**Mr ADAM CROUCH (Terrigal) (13:29):** Sports clubs make an incredible contribution to the Central Coast community. Terrigal United Football Club is one of the many local clubs in my electorate. It has a significant membership of around 1,400 members and more than 100 teams. Indeed, the club is so big that it has three home grounds: Duffys Oval, Terrigal High School oval, and Terry Oval in Springfield. Recently, I was delighted to join club President Sharon Baxter and volunteers to announce a commitment of \$1,250 from the Government towards a defibrillator for Terry Oval. As Sharon explained to me, all football players—and particularly those around 35 to 45 years old—are at risk of cardiac arrest. That is why the commitment of funding to purchase a lifesaving defibrillator will make an important contribution to the club. I thank Sharon and her team of volunteers who are committed to providing for the 1,400 club members. I congratulate them on receiving funding from the State Liberal Government.

#### **IMPACT INTERNATIONAL SOLAR FARM**

**Dr HUGH McDERMOTT (Prospect) (13:29):** Impact International is one of the oldest family businesses in Smithfield. It has nearly 90 years of experience in manufacturing aluminium, laminate and plastic tubes for food, pharmaceuticals and medicine. The company was founded in Slovenia in 1925 before tensions there forced the family to abandon their business and flee to Australia. In 1958 Dusan Lajovic founded Impact International in Smithfield, and the family have worked on the same site for the past 60 years. In 1994 the family returned to Slovenia and bought back the business that they first founded. On 1 June I was proud to cut the ribbon on their latest achievement: a huge new solar farm built completely by Australian companies. On a sunny day it provides 100 per cent of the energy needs for the factory, eliminating 300 tonnes of carbon from the atmosphere annually. I congratulate Dimitri Lajovic, Aleks Lajovic, the Impact International team and Smart Commercial Solar on putting the project together. I acknowledge the Slovenian Ambassador to Australia, Helena Drnovšek Zorko, for attending the event.

#### **ARCADIA PONY CLUB**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:30):** I acknowledge the outstanding work of the Arcadia Pony Club, which I recently visited to see the great work its members are doing. The club has had some recent successes, with several of its riders competing in the Sydney and Bathurst royal shows. Riders Rosie Kenny and Madeleine Breatnach were part of the team that placed an impressive third place overall. Madeleine also won the Reserve Champion for her age group, which included performing hacking, dressage, jump round, and sporting events. Aria Miltiades joined the two girls in Bathurst where they performed very well. I congratulate my great friend Jo Morgan—she is outstanding—and current President Julie Parker on their dedication to the pony club. It is fantastic to see young talents being given the opportunity to travel and compete in the sport that they love. I congratulate the girls on their fantastic results and thank the hardworking volunteers and parents of the Arcadia Pony Club members for teaching and supporting the girls on their journey. I am sure that the club will produce a future Commonwealth and Olympic champion.

#### **DONINGTON RETIREMENT VILLAGE**

**Ms TANIA MIHAILUK (Bankstown) (13:31):** On Sunday 10 June I was delighted to pop into the Donington Gardens retirement village following news that the council has come to its senses and will finally

install a much-needed bus shelter for the 60-plus elderly residents. The mayor rejected the original request for a bus shelter that Donington Gardens secretary Mr Tony Mullins submitted, on the grounds that an existing concrete pad with a seat was sufficient. Following great coverage from the *Canterbury-Bankstown Torch*, strong feedback from local residents and my representation, I am delighted that the council has done the right thing by installing the shelter outside the retirement village on Rex Road in Georges Hall. I congratulate Tony Mullins and the residents of Donington Gardens on their tenacity and am delighted by the successful outcome.

#### **ZONTA INTERNATIONAL AWARD RECIPIENT JORGA ATTARD**

**Mrs LESLIE WILLIAMS (Port Macquarie) (13:32):** It is with great pleasure that I make mention of Zonta International Young Women in Public Affairs winner for 2018 and graduate of MacKillop College Jorga Attard for her outstanding community service and passion to drive quality healthcare initiatives in underprivileged countries. A local girl from Sancroix in my electorate, Jorga is currently studying undergraduate nursing and postgraduate medicine and dentistry at the University of Sydney but she holds firm to the grassroots that she believes have motivated her to understand the value of community engagement and given her a passion for helping others medically and physically, which are goals that she strives to achieve each day.

The mission of Zonta International is to provide empowerment to women worldwide through service and advocacy. Zonta International has some 30,000 members in more than 1,200 clubs in 67 countries. Its objective is to promote justice and universal respect for human rights through education, health care and the legal and professional status of women through service and advocacy internationally. The Young Women in Public Affairs Award program aims to recognise young women aged 16 to 19 who display outstanding community leadership qualities through dedicated service and commitment to volunteer projects. Jorga's career ambition is to volunteer with medical missions in the Solomon Islands to improve healthcare services in that community. I wish her all the best for her future endeavours.

#### **GOSFORD ELECTORATE ABORIGINAL ELDERS**

**Ms LIESL TESCH (Gosford) (13:33):** I give a personal shout-out to and thank the Aboriginal men who joined us in the Chamber the last time we sat. I commend Uncle Phil Pulman, Uncle Reg Watman and Ian Martin for the work that they continue to do to support members of our Aboriginal and non-Aboriginal community in the Gosford electorate. I thank all our Aboriginal elders, both men and women, who provide a strong network of support, knowledge and leadership to younger members of the Central Coast community and beyond. I am honoured to have the relationship I have with the elders in our community. They know that I am looking out for them in this place, and I know that they are looking out for me. It is an honour to be in this place, working beside Labor Party leader Luke Foley and shadow Minister for Aboriginal Affairs David Harris, who are driving Labor's commitment to develop a treaty with Aboriginal people. It is only by walking and working together that we will close the gap. This land was—and always will be—Aboriginal land.

#### **MACKSVILLE SCOTTS HEAD SURF LIFE SAVING CLUB**

**Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (13:34):** I congratulate Macksville Scotts Head Surf Life Saving Club on its end of season awards. Michael Coulter ran a great day. I acknowledge Jim Brazel for taking over from Andrew Moran and keeping the club going during the season. Volunteers on the committee have done some special work. I acknowledge Angie Walker for receiving the Bonser Family Senior Club Member of the Year—an incredible achievement—and juniors coordinator Lara Jones for getting 200 kids to the nippers season this year. It is exciting to see the renewal and rejuvenation. The nippers are very much the foundation of all surf lifesaving clubs. I acknowledge the Boats Reserves and Masters 220-year crews who competed during the season, with the Masters heading to the championships known as The Aussies. They did not have a great result but had a lot of fun. Lara Jones was the runner-up Judy Moran Senior Club Member of the Year, Oliver Walsh was the George and Mary Hicks Junior Club Person of the Year and Alanna Walsh was the runner-up Junior Club Person of the Year. Mark Blackman, Keith McKay, Jeremy Donnelly and Brent Russo also had a great season.

#### **SWARA-LAYA FINE ARTS SOCIETY**

**Ms JULIA FINN (Granville) (13:35):** Over the long weekend the Swara-Laya Fine Arts Society held its twelfth annual cultural festival at Parramatta Riverside Theatres with a series of incredible Carnatic music and dance performers from across south India and Australia. Each year the festival is held over the June long weekend, filling the Riverside Theatres with three days of great music and dance performances. It was a great pleasure to join them for the Australian premiere of *Kama*, a fantastic full-length Indian classical dance musical of exceptional quality by acclaimed composer and choreographer Madurai R. Muralidaran and performed by students from Sydney Kalaabavanam. I congratulate Kanagasabai Jeyendran and everyone involved in Swara-Laya on another successful festival.

**BRAVERY AWARD RECIPIENT TYLER CAMPBELL**

**Mr GEOFF PROVEST (Tweed) (13:36):** I acknowledge a remarkable member of our community. Last week Kingscliff fisherman Tyler Campbell was awarded a bravery certificate at a special ceremony hosted by the Tweed-Byron Police District. On 26 August 2017, Tyler, along with Lismore local Matthew Brown, bravely dived into flowing waters to save a 79-year-old woman whose car had plunged into a creek at Chinderah. Tyler was just heading out on his kayak to go fishing when he saw the car partially submerged in the water. Matthew was driving behind the lady and witnessed her car veer off the highway into the waters. In the time that Matthew needed to pull his car over safely, Tyler had already paddled up to the car. Naturally, the driver was starting to panic. The amazing men managed to use their feet to push the passenger side window down and pull the lady out before her car sank. I congratulate both of them. It is a well-deserved award and definitely one to be proud of.

**TRIBUTE TO LIBBY RAINES, OAM**

**Ms TRISH DOYLE (Blue Mountains) (13:37):** Last month Libby Raines, OAM—an absolute stalwart of Mount Wilson—died peacefully. Libby loved the bush and, as a keen walker, founded the Mount Wilson bushwalking group in 1990, leading the group for 28 years. She was also a recipient of the Bushcare Legend Award. She was a passionate gardener, horticulturalist and botanic artist whose gardening knowledge and wisdom was phenomenal. She and her husband, Keith, created the magnificent garden Merry Garth in Mount Wilson. For nearly 30 years they developed the 2½ hectare garden into a serene place of wonder and beauty.

Libby joined the Mount Wilson and Mount Irvine Rural Fire Brigade in 1991 and was awarded a long service medal in December 2015. She served as an active firefighter, driver and station officer and helped out numerous times with catering. Libby was also a community first responder. The Mount Wilson Progress Association valued her contribution, especially as treasurer. She was also a devoted member of St George's church. I celebrate Libby's life and acknowledge the loss felt deeply by her family, the mountains community and the wider gardening and Bushcare world. As her friend Judy Tribe has said, "A sadness has fallen on the mountain." Vale Libby.

**BATTLE FOR SYDNEY COMMEMORATIVE SERVICE**

**Ms FELICITY WILSON (North Shore) (13:38):** Recently I attended the seventy-sixth anniversary of the Battle for Sydney commemorative service with the Hon. Tony Abbott, MP. Early in the morning of 1 June 1942 three Japanese midget submarines snuck into Sydney Harbour to launch an attack on the United States Navy cruiser *Chicago* at Garden Island but instead killed 21 individuals aboard the HMAS *Kuttabul*. The night the war came to Sydney is an event etched into the minds of many and a solemn reminder of the need to protect our nation and what it stands for. It impacted many in my community. I thank all those who contributed to the service, and particularly note Jonny Austen of Mosman High School, who performed a re-enactment of when Jim Cargill detected the Japanese midget submarines before their deadly attack on HMAS *Kuttabul*. I congratulate the committee, HMAS *Penguin* and Queenwood School on their work delivering the special ceremony.

**BRAIN CANCER RESEARCH FUNDRAISER THOMAS O'BRIEN**

**Mr PHILIP DONATO (Orange) (13:39):** I recognise an inspiring young man, Thomas O'Brien of Orange. Tragically, earlier this year Thomas lost his grandfather Peter Fisher to brain cancer. Thomas' reaction was far more mature than his 11 years. He wanted to do something so that other kids did not have to suffer the loss of their grandfathers or other relatives like he did. Thomas was determined to raise money for the Mark Hughes Foundation for brain cancer research—he only had to shave the hair from his head in the peak of a freezing Orange winter to do so.

Thomas raised \$9,800 and his friend Daniel Ritchie helped out by raising another \$1,000. Thomas rallied his fellow students, their parents and teachers of the Orange Public School to get behind this initiative. Drew Bale, a teacher at the school, pledged to shave his head and donate \$500 of his own money if the students donated another \$500. The day of the big head shave arrived on 8 June and the student body arrived in support, wearing their beanies and collectively donating another \$500 in gold coins, with one student, Andrew Thompson, donating \$80 of his pocket money on the day. Thomas is an inspiration to all of us. His family, school and community are justifiably proud of his tremendous initiative and effort.

**ALBURY GANG SHOW**

**Mr GREG APLIN (Albury) (13:40):** Last weekend the Albury Entertainment Centre was filled with enthusiastic audiences enjoying the fifty-third Albury Gang Show—a celebration of the creativity and performance of local Scouts and Guides. At rehearsals over the past four months almost 50 cast members prepared for a two-hour show of music, comedy, song and dance. Supported by a backstage team of 67 people, with

380 costumes being made for the 2018 show, this wonderful presentation relies almost entirely on volunteers and helpers like Jenny Harrison, Ange Spann, Joanne Amos, Emma and Sue Timmermans, Dee Sweetland, Anne Breedon, Sarah Sandford and Kerry Anderson.

The executive and production team do a superb job, planning and writing material over almost 12 months and harnessing the talents of a diverse group of young Scouts and Guides whose average age this year was only 13½. I congratulate Sam McDade, Melissa Chippett, Kevin Scott, Anne Moffat, Jenny Harrison, Andrew Ferguson, Georgia Snook, Daniel Braines, Hannah Marheine, Harley Maclachlan, Steve Reynolds and Cayt Roach. The enjoyment was infectious, the routines were fun and the staging was truly brilliant. I say well done to all involved in the fifty-third Albury Gang Show.

#### **PATRICIAN BROTHERS COLLEGE, FAIRFIELD**

**Mr GUY ZANGARI (Fairfield) (13:41):** On Saturday 16 June 2018 Patrician Brothers College, Fairfield, celebrated its sixty-fifth or sapphire anniversary at Club Marconi. The event celebrated major milestones of the college while raising funds for the Delany Foundation and a new outdoor recreation facility at the school. Past and present Brothers, principals, teachers, students and parents gathered to celebrate the college's achievements. It was great to hear from guest speaker Brother Aengus Kavanagh, who is always entertaining and a great source of Patrician historical facts. The event would not have been possible without the efforts of college principal, Mr Peter Wade, and the gala dinner committee, who organised the major car raffle, giant raffle prizes, silent auction items and auction memorabilia. Special thanks go to donors and supporters for their generous donations and contributions. The compere for the night was proud former student from the class of 1980, radio host and media personality Mr Chris Smith. I congratulate Patrician Brothers College, Fairfield, on celebrating 65 years of service in the Fairfield electorate.

#### **QUEEN'S BIRTHDAY HONOURS AWARD RECIPIENT LEIGH VAUGHAN, OAM**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:42):** I congratulate Leigh Vaughan, OAM, who was the recipient of a Medal of the Order of Australia for her service to the arts and music education, to local government and to the community. For Leigh, who has worked tirelessly to promote and advance many causes in the Great Lakes region and beyond, the news was both unexpected and overwhelming. The list of the services for which Leigh's medal was awarded is extensive, with many years of hard work and dedication put into each position. Not only was Leigh recently re-elected as the chair of the board of Arts Mid North Coast—an organisation of which she has been a board member since 2002—she is also deputy chair of Sinfonia Mid North Coast, the community orchestra, a position she took up after she was the founding chair. Leigh served nine years on Great Lakes Council, she is also a member of the advisory committee at the Charles Sturt University Port Macquarie campus, a director of Company of Voices, which she founded 22 years ago, and she recently stepped down from her position at the Great Lakes Band committee.

#### **CENTRAL COAST COUNCIL STRATEGIC PLAN**

**Ms LIESL TESCH (Gosford) (13:43):** I congratulate and thank the Central Coast Council Strategic Plan team. The newly released, first-ever community strategic plan for the Central Coast is a fantastic opportunity to understand the aspirations and concerns of the Central Coast community as a whole. "One Central Coast" will enhance the day-to-day life experience and opportunities for the people of the coast. We have really enjoyed being asked to have our say, and we appreciate the pop-up offices, online opportunities and the chances to contribute that have dotted the coast over the past few months, giving residents a chance to help shape our community, our region and our future. I thank everyone who contributed to the extensive community consultation process. It has been 18 months in the making, involving hundreds of people and more than 33,000 separate pieces of information. I congratulate Julie Vaughn and the team on all their work; it was great to see them recognised at the inaugural Gosford City Rotary Club Bob Ward Vocational Awards last week. Bring on a great future for our community!

#### **CANREVIVE FUNDRAISING DINNER**

**Mr MARK COURE (Oatley) (13:44):** I recently attended the CanRevive twenty-third anniversary fundraising dinner. I acknowledge Eric Yeung, the president of CanRevive, and all committee members. CanRevive was established in 1995 in Haymarket by two cancer survivors and one carer to support Chinese-speaking people through their cancer journey. Its aim is to help to minimise the impact of cancer on patients and their families by providing much-needed information and emotional support to cater for their cultural and linguistic needs. In 2008 a branch centre was set up in Hurstville, in my electorate. The use of these premises was donated, and services are being offered to clients living in the southern suburbs. In 2011 the CanRevive Cancer Foundation was established. Its main purpose is to raise funds to secure the continuation of CanRevive services across New South Wales and to raise the level of financial accountability and transparency. To date, more than 1,000 cancer patients and their families have been helped every week. More than 80 people attend the

activities in the centre. On behalf of all members I congratulate the CanRevive organisation on its twenty-third anniversary. The money raised went to much-needed charities.

#### VESAK CELEBRATION

**Dr HUGH McDERMOTT (Prospect) (13:45):** Vesak is a celebration of the birthday of the Lord Buddha. This year, it fell on 22 May, and I was honoured to be invited as a guest of the Vietnamese Buddhist community to their ceremony at Phuoc Hue Monastery in Wetherill Park, in the electorate of Prospect. Buddhists have been celebrating the life of Gautama Buddha for 25 centuries, and I extend my warm thanks to the leadership of the Phuoc Hue Monastery, the Venerable Thich Phuoc Tan, and to all Buddhists in my electorate. The teachings of the Lord Buddha very much reflect what is the best of our community: tolerance, empathy, equality, and goodwill towards all. May the Lord Buddha smile his blessings upon them and their families.

#### FOREST RUGBY CLUB CHARITY RELAY

**Mr JONATHAN O'DEA (Davidson) (13:46):** Forest Rugby Club recently celebrated its sixtieth anniversary by holding a charity relay at Melwood Oval on 8 to 9 June. In 24 hours, hundreds of relay runners participated in 18 shifts. I ran for a short time, along with Wallaby Jack Dempsey and various under 6 players. The event raised nearly \$27,000 for two local charities, the White Knight Foundation and Bushlink. The White Knight Foundation was established in August 2013 following an unprovoked attack on Liam Knight, a member of Forest Rugby Club. A steel rod thrown at a party pierced Liam's skull, impacting his long-term health. The foundation provides support for victims of youth violence and runs education programs to raise awareness of the dangers of unprovoked youth violence. Bushlink, part of Northside Enterprise, creates meaningful employment opportunities for disabled people through a network of environmental project teams. I congratulate President of the Forest Rugby Club David Dickerson, Director of Special Projects Paul Davidson and all involved on their outstanding efforts in the diamond anniversary year of the club.

#### STELLA MARIS COLLEGE DA VINCI DECATHLON

**Mr JAMES GRIFFIN (Manly) (13:47):** I recognise the students of Stella Maris College who have excelled again in this year's sixth annual New South Wales da Vinci Decathlon. The da Vinci Decathlon competition is a series of academic challenges designed to test and stimulate the minds of students across 10 disciplines: engineering, mathematics and chess, code breaking, art and poetry, science, English, ideation, creative producers, cartography and general knowledge. I congratulate year 11 students Riona, Sarah, Alice, Erin, Sydney, Carly, Mia and Maisie, who placed first in the science category. I also congratulate year 8 students Alexandra, Jazmin, Mia, Lisa, Emily, Grace, Anabel, who finished second in cartography. All students who competed can be proud of their hard work and interest in a wide variety of disciplines, which is reflective of the diverse education they are receiving at Stella Maris College, Manly.

#### MOSMAN HARBOUR GREEN SPACE

**Ms FELICITY WILSON (North Shore) (13:48):** Anyone enjoying Sydney Harbour would know that the Mosman harbour slopes boast significant greenery, which contributes to the overall scenery and beauty of our harbour and reflects my local community's desire to preserve trees, parks, open space and greenery. I recognise the extension of scenic protection in the State Environmental Planning Policy (Exempt and Complying Development Codes) for the harbour slopes of Mosman and I congratulate my community and the New South Wales Government on this outcome. I thank in particular Mosman Council, including General Manager Dominic Johnson, and Craig Covich and the Mosman Park Bushland and Parks Association, led by President Kate Eccles, for working with me to achieve this outcome. I particularly thank the Minister for Planning for listening to our community's concerns and for supporting the request when I brought it to him.

#### *Bills*

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

#### **Messages**

**TEMPORARY SPEAKER (Mr Geoff Provest):** I report receipt of a message from the Legislative Council agreeing to the Legislative Assembly's amendments to the abovementioned bill.

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



*Announcements***LEGISLATIVE ASSEMBLY MICROPHONES**

**The SPEAKER:** I inform members that due to the trouble with audio yesterday, the microphones are permanently switched on. Members should be careful about what they say to other members, including the person behind them, because their comments will be recorded.

**CHAMBER SUPERVISOR IAN DELAHUNTY**

**The SPEAKER:** I wish Chamber Supervisor Ian Delahunty a happy birthday. I will not say his age. He is only very young.

*Visitors***VISITORS**

**The SPEAKER:** I extend a warm welcome to Mr Tony Hazzard, the brother of the Minister for Health, and Minister for Medical Research. I am given to believe this is the first time in 28 years that he has come to see his brother perform. Unfortunately, the Minister does not have a question today.

I welcome to the gallery students and their teacher from Lismore Heights Public School, guests of the member for Lismore. I welcome participants of the Leadership Illawarra Program who are visiting Parliament today, guests of the member for Kiama. I welcome also Cooper Gannon from Kirrawee High School, who is undertaking work experience at the Miranda electorate office, guest of the member for Miranda. I welcome Adrienne Warnock, Gavin Breen, Warren McLean, Sue Smith and Colleen Fuller from Grandparents as Parents, guests of the member for Bankstown. I welcome also to the gallery Cody Jones, guest of the member for Gosford.

*Question Time***POLICE NUMBERS**

**Mr LUKE FOLEY (Auburn) (14:24):** I direct a question to the Minister for Police and Minister for Emergency Services. Will the Minister inform the House why the budget puts community safety at risk by delivering a mere 100 new police officers when the Police Association states that 2,500 are badly needed?

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. The Minister does not require assistance.

**Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (14:25):** I thank the Leader of the Opposition for his question. This Government prides itself on the support it has given the NSW Police Force since 2011, is presently giving and will continue to give—and consequently the New South Wales community—to secure the highest levels of public safety possible. Since the Liberal-Nationals have been in government more than 1,000 police officers have been added to the ranks of the NSW Police Force. The budget released yesterday announced this financial year an additional 100 police officers will be added to the NSW Police Force. Critically, the \$83 million is for specific allocation of those officers.

With the assistance of the Minister for Roads, Maritime and Freight 50 of those officers will be dedicated highway patrol officers stationed in regional New South Wales to help drive down the road toll in this State. In New South Wales two thirds of the deaths on our roads occur on country roads, highways and back roads, despite regional New South Wales having only one third of the population. That is a significant and key investment. As the Leader of the Opposition well knows, because he attended the NSW Police Association conference with the Premier and me a couple of weeks ago, the NSW Police Force has undergone its most significant restructure in 20 years. The NSW Police Force has been re-engineered to allow the specific governance of police resourcing, operations and deployment to be determined by the Commissioner of Police and his commanders, not dictated through popular political purposes by government or as a result of political pressure from those opposite.

The police will determine where and how their resources will be stationed and utilised to achieve public safety. What the Leader of the Opposition failed to mention was the fact that at the conference he attended the Premier made it clear that there is more to come. Before the end of the year the commissioner has been asked to inform government of the quantum of police needed to take the force forward, to make sure the resources are at stations where they are required in the numbers they are required, and doing the duty types required to keep New South Wales safe. That is a commitment by which this Government stands; it is a commitment for which the commissioner asked. A number of commands have been operating for only a couple of months. Each of the re-engineered commands, whether police area commands or district commands, have been given a three-month period to bed down the new arrangement and to do an internal review in order to put before the commissioner the

way they want to police their local area command and what they will need to do it. For example, in the Orange area, the Canobolas District Command, Superintendent Shane Cribb will work with his management team—

**Mr Philip Donato:** It is Chris Taylor.

**Mr TROY GRANT:** Sorry, Chris Taylor. Superintendent Cribb went to Taree; I apologise. They will put the numbers to the commissioner and he will come back to the Government with that information. This Government has honoured all its promises in the past seven years and this promise will be honoured as well. Before the end of 2018 the Parliament and the community can have confidence that the quantum and specific duties required in the NSW Police Force to keep the State safe will be known.

### EARLY CHILDHOOD EDUCATION

**Mr CHRISTOPHER GULAPTIS (Clarence) (14:29):** I address a question to the Premier. Will the Premier inform the House how the New South Wales Government is delivering the benefits of its strong financial management to families by providing improved educational outcomes for children?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:30):** I thank the member for Clarence for his question and note how much I enjoyed my last visit to his community. He impressed me as a member who is in touch with his community. The member covered many issues showing the deep connection he has with his community. I know that the member cares deeply about this issue, as do all Government members. What is more important than providing good early education to our children to make sure they have the opportunity to be their best during their entire learning experience? We would love them to go on to study at university or for a trade to ensure they have the skills for job security during their lifetimes.

**Ms Anna Watson:** They can't afford TAFE.

**Ms GLADYS BEREJIKLIAN:** I heard an interjection about TAFE.

**The SPEAKER:** Order! The member for Shellharbour will not debate with the Premier.

**Ms GLADYS BEREJIKLIAN:** Last year in the budget reply speech the well-researched Leader of the Opposition said the Labor Party was committed to subsidising 70 per cent of TAFE. Guess what? The Government was already subsidising 77 per cent of TAFE and in this budget it is up to 80 per cent.

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

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition said in his budget reply speech last year that Labor would cut funding for TAFE from 77 per cent to 70 per cent.

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

**Ms GLADYS BEREJIKLIAN:** The Leader of the Opposition announced 70 per cent subsidies while the Government provides 77 per cent subsidies and this year's budget will provide 80 per cent. I encourage the Opposition to try to beat that.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I remind all members that if they are directed to leave the Chamber it will be until tomorrow morning. They will not be removed under Standing Order 249A.

**Ms GLADYS BEREJIKLIAN:** I digress from the important question asked by the member for Clarence. This morning I was pleased to join the Minister for Early Education, the Hon. Sarah Mitchell, and the Treasurer at St Peters Community Preschool where we witnessed firsthand the opportunities offered to three-year-olds and their families to attend preschool more frequently. It will save each family wishing to send their three-year-old to preschool at least \$800 each year and allow children to have access to vital early education. This Government understands the positive impact that a preschool experience can have on the learning experience of children. That funding is provided in tandem with the major boost to Education in the budget. I congratulate the Minister for Education.

The funding the Minister has secured in day-to-day service delivery, quality teaching and the bricks and mortar for more schools at greater capacity is unprecedented. The Government is giving families, parents and carers an end-to-end experience for their children—from early childhood, to primary, secondary and tertiary—to receive the best education available in New South Wales. It is estimated that 6,500 children will benefit from this funding through additional places becoming available due to this policy, and that is in the best interests of all. It was disappointing to hear the shadow Minister comment on radio that the Government had done nothing about long day care. I point out to the shadow Minister that long day care is funded by the Federal Government. The State Government funds preschools and the Federal Government does day care.

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

**Ms GLADYS BEREJIKLIAN:** I think she has been spending too much time with the shadow Treasurer, the member for Keira, but that is a Federal Government issue versus a State Government issue. The changes we made to early childhood education come on top of recent reforms we made to reduce daily fees by 25 per cent and participation rates as a result have increased by 40 per cent. We know that fees have a direct correlation to participation. When we subsidise two days a week for three-year-olds, we know that will increase participation which is welcome because we want children to have greater access to preschool and early childhood education. That is a positive outcome. [*Extension of time*]

We know it is important for our communities. I thank all those in early childhood institutions who have already come forward to thank and commend the Government for what it has done. We do it because we care about the future of education and we care also about cost-of-living pressures on families who want to have a bit of a break and make sure they have those options available for their three-year-old and four-year-old children. As I said, it was disappointing yesterday to hear the shadow Minister who is supposed to be an advocate for access to preschools. Why the Labor Party would oppose a policy to give three-year-olds access to preschools is unfathomable.

**The SPEAKER:** Order! I remind the member for Maitland that this is not a debate.

**Ms GLADYS BEREJIKLIAN:** I note that Opposition members are very sensitive about the issue today but they are the only people who are complaining about giving three-year-olds access to preschools and also giving parents and working families a break. That is why we are the party of the families; we are the party of the workers; and we are the party of education, health and infrastructure.

**The SPEAKER:** Order! Although I am loath to do so, I call the member for Shellharbour to order.

**Ms GLADYS BEREJIKLIAN:** None of this would be possible if it were not for our ability to manage the economy and the budget well.

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

**Ms GLADYS BEREJIKLIAN:** The member for Cessnock is touchy, touchy, touchy. By anyone's standards we are extremely proud of the budget result and we are also proud of the fact that we are providing resources where they are needed most and investing in our children, which is perhaps the greatest investment that any government can make.

#### STATE BUDGET AND TRANSPORT

**Mr RYAN PARK (Keira) (14:37):** My question is directed to the Treasurer. Did the Treasurer make a mistake as to whether Hawkesbury River railway station is in his electorate and did he also make a mistake in the budget which saw this station lifted 150 places up the priority list, ahead of much busier stations at Unanderra, Macquarie Fields, Doonside, Schofields, Riverwood and Woy Woy?

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:37):** This is embarrassing.

**The SPEAKER:** Order! The House will come to order. The Clerk will stop the clock. The Treasurer will be heard in silence. I call the member for Keira to order for the first time.

**Mr DOMINIC PERROTTET:** This is pretty embarrassing. The budget was handed down yesterday, the best budget in the country, and maybe the best budget ever. Vic Alhadeff is nodding and Minister Brad Hazzard's brother is nodding; he loves it. He has not come to Parliament for 28 years and this budget has brought him here. I understand that. I will address the question but this guy is arguably the best local member in this place. Not only does he have a great sense of humour; he is achieving great outcomes for his electorate. My people were out and about in Parliament last night and they told me that the shadow Treasurer was a little down; they tried to comfort him through the process and rehabilitate him at this time.

One of the great things I love about the member for Keira—in fact, it is my favourite economic publication—is his Ryan Park economic update. This is big stuff. When we are getting across the economics of the State and reading good reports, nothing beats this economic update. In January there were five points and in February there were five points. He talks about the unemployment rate. It is now 4.9 per cent, the lowest in the country, and has been for the past three years, but back then it was 5.1 per cent, which he says was the same as when Labor left office.

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** The Clerk will stop the clock. Government members are wasting time. What is the point of order?

**Mr Clayton Barr:** My point of order is relevance under Standing Order 129. The question was about train stations and the Treasurer has strayed well away from the leave of the question. I ask that you bring him back to the leave of the question.

**The SPEAKER:** I will listen further to the Treasurer. He is talking about issues relating to the budget and is being vaguely relevant.

**Mr DOMINIC PERROTTET:** He says it was 5.1 per cent but what he does not say is that that was one of the highest unemployment rates at the time. He talks about first home buyers coming back into the game in New South Wales—30,000 over the past 12 months; those are our great initiatives in last year's budget. It is three times the rate of the year before. It was a tough month in February so when it came to March his publication went down to four. There was a 20 per cent reduction in his economic publication.

**Ms Jodi McKay:** Point of order: My point of order relates to relevance under Standing Order 129. Madam Speaker, I know you have listened further but the Treasurer still has not mentioned any of the train stations we have raised.

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

**Mr DOMINIC PERROTTET:** When we made our great Transport Access Program announcement this year, in what electorate did we announce that great initiative? It was in the electorate of the member for Strathfield. I say thankyou to the member for Drummoyne because were it not for him advocating not just for his community but also for her community that train station would not have come.

**The SPEAKER:** Order! The House will come to order.

**Mr DOMINIC PERROTTET:** Following yesterday's budget, hot off the press, is Ryan Park's June economic update, and there it is.

**Ms Jodi McKay:** Point of order—

**The SPEAKER:** The Treasurer will return to the question.

**Mr DOMINIC PERROTTET:** Our Transport Access Program is delivering great support to communities across the State, wherever people are. What was the biggest capital announcement in yesterday's budget? It was \$740 million for Liverpool Hospital. The member for Liverpool yawns at \$740 million being invested in his community.

**Ms Jodi McKay:** Point of order: The Treasurer is flouting your ruling, Madam Speaker. You have warned him twice and he has not followed your ruling.

**The SPEAKER:** I ask the Treasurer to return to the leave of the question.

**Mr DOMINIC PERROTTET:** Whilst the member for Liverpool has not said thankyou, we know doctors and nurses throughout Liverpool thank us very much and are excited about this great new investment. *[Time expired.]*

#### DROUGHT ASSISTANCE

**Mr MICHAEL JOHNSEN (Upper Hunter) (14:44):** My question is addressed to the Deputy Premier. What measures is the New South Wales Government taking to assist landowners affected by drought?

**Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:44):** What did you guys announce as your draft package? You backed in the Farm Innovation Fund, which is about loans.

**Mr Clayton Barr:** You are going to load them up with more loans.

**Mr JOHN BARILARO:** I accept that interjection from the member for Cessnock.

**The SPEAKER:** Order! The Deputy Premier will address his comments through the Chair. The member for Cessnock will cease interjecting.

**Mr JOHN BARILARO:** I thank the member for Upper Hunter for his important question because we know a big part of this State is in drought. When the State is in drought, we know that farmers, their families and the community do it tough. The last thing we want to do, especially in this place, is use this issue as a political football, as some have already done. I will answer the question from the member for Upper Hunter, which is:

What have we done to support farmers and regional communities? A few weeks ago, the Premier, the Minister for Primary Industries and I travelled to a region about 40 kilometres outside of Dubbo to make an announcement that the Government will introduce a \$284 million drought package to support farmers during this tough period. If we could make it rain, we would, but we cannot. Therefore, we have to do whatever we can to put in place whatever support measure is required to allow farmers to get through this tough time. We know it will rain at some stage. We have been through drought before, but we must ensure that we work with communities in the meantime.

One fundamental aspect of our \$284 million drought package was topping up of the Farm Innovation Fund to \$250 million. The Farm Innovation Fund provides low interest loans. Since 2015, 1,300 farmers to date have already taken out loans to the value of \$220 million. It was important that we topped up that fund. The fund enables farmers to look at efficiencies and productivity and, most importantly, install infrastructure on their land to drought-proof their property for future droughts. It means that many of the farmers who have taken out low interest loans have been able to manage this drought better than those in the past. Does it mean it does not hurt? Does it mean it is not impacting on those farmers? No, it does not. But we are trying to lessen the impact of drought. When I first got to my feet, the member for Cessnock interjected and said, "You are going to load them up with more loans." But it was the Labor Party's policy to top up the Farm Innovation Fund. I do not know why the member for Cessnock wants to play politics on this issue because the only announcement that the Labor Party has made is: Top up the Farm Innovation Fund. The member for Cessnock needs to talk to his shadow Minister for Primary Industries to find out what the policy is or stop playing politics with people's lives, with farmers and their families in regional New South Wales.

That is why part of the \$284,000 was not just for the Farm Innovation Fund. The focus of this announcement is the allocation of \$4 million for mental health. We are getting counsellors to support our farmers. We know farmers and their families are doing it tough. It is hard for individuals to put up their hands when they are doing it tough. Part of this package allocates \$4 million to mental health so we can support them as best as we can to get them through this tough time. Droughts also have an impact on regional roads, especially dirt roads. The Minister for Roads, Maritime and Freight has allocated \$5 million to help councils grade dirt roads, especially those that have seen more activity from large trucks bringing in fodder from other parts of the State or interstate. Councils will struggle with the cost of regrading roads, so we will assist them with that \$5 million investment.

Another issue is the gap in data. The Minister for Finance is a big fan of data. He is known as the DAC man—the Data Analytics Centre man. Data is key. The Far West and Central West have been missing Doppler radars. For the first time we have allocated \$25 million as part of the package to put in place new Doppler radars that will enable landholders and farmers to predict what is coming on the horizon so that they can make the right decisions. Kangaroos bring on the impacts of drought more quickly, which is an issue all over the State. Kangaroos are also doing it tough. They are entering farmland and eating what little feed is available. Many kangaroos are dying in waterways. This Government has announced that it will manage those numbers. New South Wales has a target of 300,000 kangaroos, but we have reached only 13 per cent of that target. It is important that we take away the red tape that restricts landholders to deal with the explosion of kangaroo numbers in New South Wales. [*Extension of time*]

The red tape includes connecting professional commercial harvesters with landholders and that will be done through Local Land Services. We have removed the need to physically tag kangaroos but farmers will still have to register for a digital tag. We have removed the issue around "shoot and let lie". Killing an animal and leaving it to die is a biosecurity risk, which is a big issue for farmers. We have increased the number of shooters allowed to have a licence so that we can manage the number of kangaroos impacting on our landholders.

I know freight subsidy is a big issue in the media and everyone is talking about freight subsidies being the missing piece. Freight subsidies distort the market and they push up the price of freight, including the price of feed. We have seen that in the past. The Government has put \$55,000 on the table for interest free loans, with no repayments for two years. Hopefully we will be out of drought in two years and when farmers are doing better they can start paying back their loans. That \$55,000 helps farmers pay freight for water and feed and for some small infrastructure on their farms. Importantly, when farmers are struggling, especially those who have maxed out their overdraft, they have no ability to match a freight subsidy.

In real terms, a freight subsidy would be 50 per cent of the cost of freight but a farmer would have to pay up front and then claim a 50 per cent subsidy. Most farmers are struggling with cash flow. Our model shows that the zero interest, no payment loan approach allows farmers to have cash flow today to enable them to get through the tough times. When things are better, like all good farmers, they will contribute and the money will go back into the Farm Innovation Fund for future droughts. We all want to be part of the solution for the future. This comprehensive package is dealing with all issues in regional New South Wales, especially mental health.

*Visitors***VISITORS**

**The SPEAKER:** I welcome Vic Alhadeff to the gallery.

*Question Time***ABORIGINAL EQUALITY**

**Ms JENNY AITCHISON (Maitland) (14:51):** My question is directed to the Minister for Women. Given the \$4 million grant to the Clontarf Foundation to support programs for Aboriginal young men, how much additional investment has been made to provide similar opportunities to Aboriginal girls and young women?

**The SPEAKER:** Order! Government members will not comment on the question. The Minister does not need any help. The Minister has the call.

**Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (14:51):** I thank the member for Maitland for her question. It is important that we remind the House and those listening that the solution of members of the Labor Party to advance equality for Aboriginal people is to fly the Aboriginal flag on top of the Sydney Harbour Bridge. If that is their solution to equality they have removed themselves from this race.

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

**The SPEAKER:** The Minister will resume her seat. Ten seconds in and the member for Maitland wants to take a point of order.

**Ms TANYA DAVIES:** It is important to put that on the table.

**The SPEAKER:** The Minister will resume her seat. Is the member for Maitland taking a point of order?

**Ms Jenny Aitchison:** Let her go.

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

**Ms TANYA DAVIES:** That question gives me a wonderful opportunity to speak in this place about the work that this Government is doing to support all women, regardless of their background and their nationality. This Government is committed to serving everyone in New South Wales. It does not matter where people live or what their postcode is, this Government supports every member of our community. One key driver for supporting an individual is his or her ability to be economically self-sufficient. In order to support that concept across this State, the Liberal-Nationals Government has worked tirelessly to deliver 500,000 jobs in this State since it came to office.

**Ms Jenny Aitchison:** Point of order: It is Standing Order 192. I have asked the Minister how much additional investment—

**The SPEAKER:** I heard the question and the Minister is being relevant to the question she was asked.

**Ms Jenny Aitchison:** The Minister has not addressed additional investment.

**The SPEAKER:** The Minister is being relevant to the question asked. The member for Maitland will resume her seat. The Minister has the call.

**Ms TANYA DAVIES:** In relation to those jobs, 60 per cent of them, that is, 300,000 jobs, are held by women. That is what the Government has delivered. In further support of women, we are ensuring that every job in the New South Wales government is flexible by 2019. That commitment supports men as well as women to juggle their family commitments with other caring commitments.

**The SPEAKER:** The member for Wyong will stop shouting across the Chamber. The Clerk will stop the clock. The member for Wyong and the member for Barwon will come to order and stop arguing. The member for Londonderry will stop contributing to the cacophony. I call the member for Londonderry to order for the second time. The Minister has the call. If there are further arguments, members will be removed from the Chamber. Members will not shout across the table.

**Ms TANYA DAVIES:** It is really important that the Government supports everyone across the State, but particularly our fellow Aboriginal community members. It is so important to note The Sisters Speak program, which is a program this Government is backing. The program, which supports young Aboriginal women, is running successfully in Dubbo and Kempsey. It is important that everyone in the community knows—

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

**The SPEAKER:** The Minister is being relevant to the question. Does the member want to have another argument at the table? I will hear her point of order.

**Ms Jenny Aitchison:** It is Standing Order 129. The Minister has failed. She is not talking about what additional programs—

**The SPEAKER:** The member for Maitland will resume her seat. I call the member for Maitland to order for the first time. I call the member for Maitland to order for the second time. I call the member for Maitland to order for the third time. If the member is called to order again, she will be removed from the Chamber for the rest of the day. The member will stop shouting across the Chamber. I asked the member to resume her seat. I have ruled on the point of order. The Minister is being entirely relevant to the question she was asked.

**Ms TANYA DAVIES:** We know that the Clontarf Foundation has been running for some time and that the girls' academies, which are a new initiatives, are starting to spring up across the State through the support of the Liberal and Nationals Government. It is important that we also remind our community that it was this side of politics, the Liberal and The Nationals, that enshrined the protection of Aboriginal languages in this State and there is more to come. This Government is committed to every individual in this State, no matter what their background, language or postcode. This Government saw the first female Attorney General, the first female Speaker and, I am proud to say, this Government will see the first female Premier re-elected to government. [*Time expired.*]

**Ms Jenny Aitchison:** Madam Speaker, the Minister's time has expired. I was asking for extra time for information—

**The SPEAKER:** If the member for Maitland had not misbehaved for the last five times and had not taken spurious points of order, I might have taken note of her request. I remind the member for Maitland that she is on three calls to order and that she will be removed from the Chamber until tomorrow if she continues to interject or speak to me in that manner. The member is being disrespectful to the Chair.

[*Interruption*]

**The SPEAKER:** I asked the member for Maitland five times to state her point of order. The member sought the call and I gave it to her. The member for Maroubra will not interject. The member for Maitland does not need his help.

#### STATE BUDGET AND INFRASTRUCTURE

**Ms MELANIE GIBBONS (Holsworthy) (14:58):** My question is addressed to the Treasurer. How has the New South Wales budget been received by the community and are there any alternative approaches?

**Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:59):** I thank the member for Holsworthy for her question and say what a great budget it was—schools, high schools, primary schools, hospitals, everything.

[*Interruption*]

If the member for Maitland wants further information I will give her further information. That was the most disgraceful question in this place and it shows—

**Mr Clayton Barr:** Point of order—

**The SPEAKER:** The Treasurer will resume his seat. What is the member's point of order?

**Mr Clayton Barr:** It is Standing Order 73, attacks on members should be made by way of substantive motions.

**The SPEAKER:** The member should read his own notebook on what he says in this Chamber, arguing as he does across the Chamber and with me. The member will resume his seat. There is no point of order.

[*Interruption*]

**Mr DOMINIC PERROTTET:** To infer and bring into question the work of the Clontarf Foundation shows the difference between this side of the House and the other side of the House—symbolism, substance.

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

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

**Ms Jenny Aitchison:** It is Standing order 129. The Treasurer is not being relevant to the question that was asked. That Minister has a highlighted statement of \$4 million which he spent on one program, which does not affect women. He is a disgrace.

**The SPEAKER:** I direct the Deputy Serjeant-at-Arms to remove the member for Maitland from the Chamber under Standing Order 249 for the rest of the day.

*[The member for Maitland left the Chamber at 15:00 accompanied by the Deputy Serjeant-at-Arms].*

**The SPEAKER:** Order! The Treasurer has the call. The House will come to order.

**Mr DOMINIC PERROTTET:** I apologise for the disappointing behaviour on the other side of the House. Let's be positive. What a great day yesterday was for the people of New South Wales. Do not take it from me, but take it from everyone across the State. I will read out some of the comments from people who are backing us in. Arthur Moses from the New South Wales Bar Association said:

I am grateful for the additional allocation of funds to Legal Aid NSW and the constructive discussions I have had with the Premier, who understood the difficulties of delays in criminal cases.

**The SPEAKER:** Order! Opposition members will come to order.

**Mr DOMINIC PERROTTET:** Bunja Smith of the Aboriginal Legal Service said in relation to the Youth Koori Court:

We are pleased that the Attorney General has listened and allocated funding for this culturally appropriate program to be extended to Surry Hills Children's Court.

Well done to the Attorney General. A comment from Carol Giuseppe of Tourism Accommodation Australia:

Tourism Accommodation Australia NSW has welcomed measures to address the significant skills shortage in the key tourism sector ... great for labour and skills, and for transport infrastructure.

**The SPEAKER:** Order! Members will come to order and resume their seats.

**Mr DOMINIC PERROTTET:** The Tourism and Transport Forum (Australia) said:

NSW's rock solid fiscal position has allowed the Government to continue digging and drilling to build a truly world-class public transport system that will create jobs, improve transport connectivity, reduce congestion and help to make Sydney and New South Wales not only better places to live but to visit.

**The SPEAKER:** Order! The member for Bankstown will be removed from the Chamber for the rest of the day if she continues to interject. I call the member for Bankstown to order for the first time.

**Mr DOMINIC PERROTTET:** The Australasian Railway Association—and one would think it would know something about transport—commented:

The allocation of an initial commitment of \$3 billion towards Metro West with a total of \$4.3 billion for the Sydney Metro network, including \$1.9 billion towards building Sydney Metro City and Southwest and \$2.4 billion .. are all exemplars of a government who is committed to recognising the integral role that rail plays as part of a transport solution.

The Sydney Business Chamber commented:

The New South Wales Government's commitment to a \$740 million expansion—

At least it is thankful—

... of the Liverpool Hospital will make the precinct and all of Liverpool a magnet for new jobs in health, education and research that will leverage this public investment by setting up a new business in this city.

That comment is from David Borger, the former Labor Party member who is now a Liberal-Nationals voter.

**The SPEAKER:** Order! Members will not converse across the Chamber.

**Mr DOMINIC PERROTTET:** The Sydney Business Chamber says we are "bringing home the bacon for business and the community with a strong pipeline of projects". Tracy McLeod Howe, Chief Executive Officer NCOSS, has welcomed the \$200 million investment in early childhood education. Today I was with the Premier and the Minister for Early Education, Sarah Mitchell—

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

**Mr DOMINIC PERROTTET:** The Property Council of Australia said:

Treasurer Perrottet's second budget boosts support for our growing communities and locks in long term growth and investment. It also said, "We congratulate the Treasurer on his second budget".

*[Interruption]*



Thank you very much. I appreciate the sentiments. Stephen Cartwright from the New South Wales Business Chamber stated:

This is a Budget which provides some welcome relief for small business in the form of an increased payroll tax threshold and builds future capacity through record investment in infrastructure and skills.

Stephen Cartwright is doing a fantastic job supporting small businesses across New South Wales, and in the budget tax cuts with payroll and apprentices across the board— [*Extension of time*]

Earlier the Deputy Premier referred to regional New South Wales. We are supporting the regions, which is backed in by the NSW Farmers' Association:

The NSW Farmers' Association commends the NSW Government for a budget that has delivered for regional and rural communities, in challenging times due to drought conditions ...

It particularly made note of the \$250 million Farm Innovation Fund, of which I know the Deputy Premier has been a strong advocate. David Castledine, a good bloke, from the Civil Contractors Federation stated:

A record-breaking infrastructure expenditure of \$87.2 billion.

The Australian Medical Association has welcomed the State budget and is a big supporter of the health Minister. In addition to all the investment in health it called out the Active Kids Program and stated:

It's good to see additional investment in the Active Kids Program and more broadly in childhood development with the Creative Kids Program as well.

That was very nice of the association and we appreciate its sentiments. The Australian Paramedics Association stated:

Today's announcement by Minister Hazzard to increase paramedics by 750 over three years is a positive development which will boost morale amongst paramedics.

Our favourite one, the Health Services Union, stated:

This is as good as it sounds. I wouldn't say that lightly and Minister Hazzard has got a lot of involvement in this and we appreciate his input ... HSU paramedics have been fighting for this in excess of 10 years.

As I said yesterday, I appreciate members of the Opposition making occasional comments when we make great statements but Walt Secord should resign based on what he has said about paramedics. Why are these great announcements? Why are they backing them in? Because we, on this side of the House, put people first: those opposite do not. Whether it is Beijing Bob, Shanghai Sam or Ho Chi Minh having all this money appear in his electorate office, when it comes to March next year we on this side of the House will be dining out on Deep Fried Foley.

#### FAMILY AND COMMUNITY SERVICES CASEWORKERS

**Ms TANIA MIHAILUK (Bankstown) (15:06):** My question is directed to the Minister for Family and Community Services. Given that in the past year 60,000 children at significant risk of harm were not seen by a caseworker, why are caseworker positions still being left vacant when the budget shows that there were major underspends in Family and Community Services?

**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) (15:07):** Obviously Labor members cannot read the budget papers. They never could and they never will, and that is why they are condemned to that side of the Chamber.

**The SPEAKER:** Order! I remind the member for Bankstown that it is not an argument. She should know better.

**Ms PRU GOWARD:** In fact, it is an historic time for the Family and Community Services [FACS] cluster this year, as we move to the full roll-out of the National Disability Insurance Scheme. I am advised that the underlying increase in non-disability areas of the FACS cluster is an 8.7 per cent increase from 2017 revised budget to this budget.

**Mr Dominic Perrottet:** They can't read the budget papers.

**Ms PRU GOWARD:** That is right, they cannot read the budget papers. That is an increase of \$298 million. This is a great opportunity to talk to the endangered shadow Minister—we like endangered species—who really should understand how good government works.

**The SPEAKER:** Order! The member for Bankstown well cease interjecting.

**Ms PRU GOWARD:** Let us start by comparing our performance with that of the former Labor Government.

**The SPEAKER:** If the member for Port Stephens is bored she can leave the Chamber.

**Ms PRU GOWARD:** It was this Government, and at the time I was the Minister who legislated to publish the Annual Child Deaths Report, that increased transparency. Labor did not. I was the Minister who introduced the caseworker dashboard, which is why the member for Bankstown knows the vacancy rates because we increased transparency.

**The SPEAKER:** Order! I call the member for Bankstown to order for the third time. If the member for Bankstown continues to argue she will be removed from the Chamber for the day. The member for Bankstown will stop arguing when the Minister is answering a question.

**Ms PRU GOWARD:** I was the Minister who began that transformation and the former Labor Government did nothing for 16 years. It is under this Government that frontline caseworkers have seen a record number of children reported at risk—15,000 more children seen in 2016-17 than under Labor in 2010-11. It is under this Government that the caseworker vacancy rate dropped to 3 per cent in the last quarter. I remind the House that under Labor it ballooned to, what was it, 5 per cent, 6 per cent? No, it was 13 per cent in 2009-10. It was a disgraceful result and it was this Government that reduced the number of children entering care by almost 24 per cent in 2016-17. Under Labor the number of children in care, by contrast, doubled over a decade.

It was this Government that introduced new evidence-based therapeutic programs, something the Opposition could not afford, to keep families together, including Functional Family Therapy Child Welfare [FFT-CW] and Multisystemic Therapy for Child Abuse and Neglect [MST-CAN], which will help 900 families a year to keep their children. It was this Government that achieved a record number of 129 adoption orders in 2016-17; under Labor it was only 45—increased from 45 to 129. It was the members of the former failed Labor Government that were dragged kicking and screaming through a special commission of inquiry before they would even utter the word "reform". Many of us in this Chamber remember that.

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

**Ms PRU GOWARD:** The 2018-19 budget invests \$2 billion to protect and support our most vulnerable children, young people and families. It allocates \$740 million more for child protection and out-of-home care services than in our first budget in 2011-12. That is a 66 per cent increase in our investment in child protection and out-of-home care since coming to government. On top of that increased investment, this budget will invest an additional \$59 million over four years to help protect vulnerable children and young people and find a safe home for life.

**The SPEAKER:** Order! This is my last warning to the member for Bankstown.

**Ms PRU GOWARD:** That means an additional 78 caseworkers, 10 casework support workers and 12 casework managers over the next two years.

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

**Ms PRU GOWARD:** In addition, \$17 million will help the Government achieve its goal of more than 1,000 open adoptions over the next four years. The member for Bankstown would do well to learn a little more about this complex portfolio and to learn about the families.

[Interruption]

Clearly she does not understand a thing. She needs to understand the families that we assist, the work that our caseworkers do and the programs in which we invest. She might spend less time plotting against her leader and more time understanding what the job entails. But the member for Bankstown can do that for as long as she likes. She has another nine months to go. We will get on with ongoing reform so we can continue to improve the lives of vulnerable children and families. That is what good government looks like.

#### STATE BUDGET AND COST OF LIVING

**Mr STEPHEN BROMHEAD (Myall Lakes) (15:12):** My question is addressed to the Minister for Finance, Services and Property. How does the New South Wales budget help ease the cost of living for families and seniors across New South Wales?

**Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (15:12):** I thank the outstanding local member for Myall Lakes who has some great news for Myall Lakes about the cost of living, but I will talk about that later. Yesterday was a great day. We will never see a better day when it comes to a

budget—no debt in New South Wales, surplus after surplus, records amount of money in infrastructure: roads, rail, schools and hospitals.

**The SPEAKER:** Order! Opposition members will come to order.

**Mr VICTOR DOMINELLO:** Some \$87 million.

**The SPEAKER:** Order! Government members will come to order. I am struggling to hear the Minister.

**Mr VICTOR DOMINELLO:** It is great news because we know that the cost of living is an issue. We are in such a strong financial position because we on this side of the House know how to manage a budget so we can provide some assistance to the cost of living for various households in New South Wales.

I will walk the House through some of the initiatives announced in yesterday's budget. The first of those initiatives was Creative Kids, with \$216 million invested over four years. Every school child who is creative—and I do not know any child who is not creative—who wants to do music, drama, art, coding and language classes will receive a \$100 voucher. That will be a big help to parents and it comes on the back of the great success we have had with the Active Kids initiative. Last year we launched Active Kids and parents have already received about \$30 million in rebates from that initiative.

Yesterday the Treasurer announced a "one-click energy switch" initiative, which basically means that Service NSW can now do the heavy lifting for the people in this State. Energy bills have a big impost on household budgets. There are a lot of providers in the marketplace and there are a myriad of websites that do energy price comparisons. But after customers have spent time looking at the comparisons they then have to contact the providers and do the switch themselves. Most people are time poor so it is a heavy impost to do this. People will now be able to give their energy bills to Service NSW and a couple of data points and they will then work out the cheapest prices available. They will then say, "Are you interested in saving X dollars?"

**The SPEAKER:** Order! The member for Cessnock will come to order and stop being childish.

**Mr VICTOR DOMINELLO:** "If so, please press this button." They will then do the switching for people.

**The SPEAKER:** Order! I call the member for Cessnock to order for the third time. If the member continues to interject he will be removed from the Chamber for the rest of the day.

**Mr VICTOR DOMINELLO:** A typical family could easily save \$1,000 dollars each year on their energy bills as a result of this initiative. Funding of \$19 million has been allocated for cost of living officers at Service NSW. This will be piloted at five key areas: Wynyard, Parramatta—

**Dr Geoff Lee:** Thank you.

**Mr VICTOR DOMINELLO:** The member for Parramatta is most welcome. It will also be piloted at Lismore, Wetherill Park and Taree—that is great news for the member for Myall Lakes because he knows how important this is. Basically there will be 40 different cost-of-living initiatives across 12 different agencies. We did a survey and about 58 per cent of the people in this State were not aware of all the various initiatives we have. We then did a further analysis and 80 per cent of the people said they would like some assistance to navigate that. We are listening to the citizens of New South Wales and we are providing that assistance through this pilot. This is fantastic news. So mums and dads and other people in this State will get some real savings as a result of this initiative.

We all heard the Premier announce that New South Wales will be the first State in Australia to provide subsidies for three-year-olds going to preschool. This will mean a saving of about \$825 per child, which is serious money. That is in addition to the NSW Baby Bundle, which the Treasurer announced yesterday. I will say more about that in a moment. These initiatives are in addition to the reforms this Government has already introduced such as green slips. The average green slip refund is about \$70, which is in addition to the reduction in premiums as a result of these reforms.

[*Interruption*]

I will talk about caravans as well. The average premium reduction in Sydney is around \$157 and in Myall Lakes it is around \$58. [*Extension of time*]

There is also \$30 million in toll relief. Families that spend more than \$1,300 per year on tolls will basically get their registration for free. For those who have a four-wheel drive it is about \$715 dollars and for those who have an average sedan it is about \$355. Basically they are getting that for nothing. We have introduced these initiatives in the budget because we are in a strong position to do so—no debt, with surpluses—to help people with the cost-of-living pressures. As I said, we have announced the NSW Baby Bundle. We see a lot of

babies in maternity wards, but there are some really big babies on the other side of the Chamber. They do dummy spits so we have bundled up a whole lot of packages.

For example, yesterday when the Treasurer was announcing the budget those opposite had a massive dummy spit. They will get a fresh dummy under the baby bundle. A lot of them would have been absolutely terrified when we were announcing the surpluses and the strength of our economic position. I also imagine that some of them will be worried about their position in nine months so we will provide them with a security blanket. Again, we were announcing all the schools, hospitals and roads in the various electorates. I imagine some of them also had a bit of an accident so we will provide them with nappies as well. But it does not stop there.

**The SPEAKER:** Order! The members who interject on this subject are showing how childish they are.

**Mr VICTOR DOMINELLO:** I have more to talk about on this subject but time does not permit me to do so. [*Time expired.*]

### DOMESTIC VIOLENCE AND SEXUAL ASSAULT

**Mr ALEX GREENWICH (Sydney) (15:20):** My question is directed to the Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault. What is the Government doing to support lesbian, gay, bisexual and transgender [LGBTI] victims of domestic violence and sexual assault?

**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) (15:20):** I thank the member for Sydney for his question. The member has previously written to me about domestic violence and sexual assault in the lesbian, gay, bisexual and transgender [LGBTI] community and I acknowledge his strong commitment to supporting those affected by these terrible crimes. This Government is committed to ensuring all victims of domestic and family violence and sexual assault have a clear path to safety. We are committed to helping all victims, no matter where they live in New South Wales, no matter what their gender preference, to rebuild their lives free from violence.

We know that some communities are at higher risk and can face barriers in reporting domestic violence or sexual assault. It was this Government that launched the NSW Domestic Violence Blueprint for Reform, which recognises the importance of appropriate support for high-risk communities that can be especially vulnerable to violence. Earlier this month I met with ACON. I can confirm that ACON will continue its work to prevent domestic violence in the LGBTI community. I am also pleased to advise the House today that ACON's work in violence prevention and victim support will be expanded to also include sexual assault under the Government's upcoming sexual assault strategy.

The Government's approach to tackling domestic violence in New South Wales is making a real difference. I welcome today's release by the NSW Bureau of Crime Statistics and Research [BOCSAR] that shows a significant decline in domestic violence in New South Wales. BOCSAR found that the significant drop in victimisation over the eight-year period indicates there has been "a real change" in prevalence of domestic violence. That is a wonderful result for all of our communities. This Government is making a real difference to the lives of domestic violence victims in New South Wales. We are supporting people to rebuild their lives while targeting the perpetrators of this crime like never before. The same BOCSAR analysis found that the annual rate of domestic assault incidents occasioning grievous bodily harm—a very severe form of injury—fell by 15.5 per cent from 2008-09 to 2015-16. This Government is tougher than ever on the criminals who perpetrate domestic and family violence, but we know we can do better.

It is wonderful to see the decline in the number of victims, a reduction that BOCSAR noted has not been recorded elsewhere in Australia. There is always more work to do and we will continue to provide more support services and accommodation options for domestic and family violence victims. Our investment of more than \$390 million over four years will support survivors to rebuild their lives and also hold perpetrators to account. This is in addition to the hundreds of millions of dollars the Government spends each year to combat domestic and family violence through mainstream services in justice, police, health, child protection, social housing and homelessness.

Our investment in the 2018-19 budget includes five new Staying Home Leaving Violence sites, to support domestic violence victims and their children to remain safely at home while the perpetrator is removed, and \$44.1 million over three years in new funding to continue reducing domestic and family violence reoffending and holding perpetrators to account. There is also \$20.6 million for Safer Pathway, which will be statewide by the end of 2018. The budget also commits \$26.5 million in this financial year for Start Safely, to help people escaping violence move into stable housing in the private rental market. I remind members that that subsidy is available to enable domestic violence survivors to get back on their feet and to re-establish themselves.

Further, there is \$10.7 million for the Women's Domestic Violence Court Advocacy service to continue to support victims through the difficult criminal justice process and \$7.2 million for Australia's first police high-risk offender teams targeting domestic violence perpetrators. The Government will invest more than \$200 million over four years aimed at supporting victim survivors of sexual assault, working to prevent instances of assault from occurring and ensuring perpetrators are held accountable. In 2018-19 alone, \$54 million will be spent to address sexual assault across the Health, Justice and Family and Community Services clusters. There is new funding for the Law Reform Commission's review of consent laws, which I recently announced together with the Attorney General, and new funding as part of the NSW Sexual Assault Strategy for community awareness campaigns and education about sexual assault, sexual harassment and consent. [*Extension of time*]

**The SPEAKER:** Order! Those members who object and are disinterested in the Minister's answer can leave the Chamber.

**Ms PRU GOWARD:** As part of the NSW Sexual Assault Strategy there is new funding for community awareness campaigns and education about sexual assault, harassment and consent. Prevention and early intervention clearly start with an appreciation of how we need to establish a culture of respect and that begins with us as leaders of New South Wales. The Government's record in tackling domestic violence and sexual assault is a proud one. Our initiatives will continue to provide more support services for victims, tougher interventions for perpetrators and, as importantly, we will continue to champion better community awareness about these crimes and the importance of the role we can all play in preventing them.

#### STATE BUDGET AND WESTERN SYDNEY

**Dr GEOFF LEE (Parramatta) (15:26):** My question is addressed to the Minister for Western Sydney. How will the New South Wales budget benefit the people of Western Sydney and are there any alternative approaches?

**Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (15:27):** I thank the member for Parramatta, and Parliamentary Secretary for Western Sydney for his question. The budget delivers in absolute droves for the people of Western Sydney. We know that a strong economy grows a strong community and strong communities have lots of jobs. Across Western Sydney the unemployment rate is now at 5 per cent—just a tick above the statewide 4.9 per cent. That is the lowest unemployment rate in almost 20 years. In the past 12 months, the Government has generated more than 67,000 new jobs for the people of Western Sydney. We are making massive inroads, particularly for young people. In the past 12 months, youth unemployment has fallen to its lowest level since data was collected. Since we formed government, we have generated more than 30,000 new jobs for young people across Western Sydney between the ages of 15 and 24.

How does that compare to the last seven years of the previous Labor Government? We have generated 30,000 jobs in our seven years; those opposite generated just 1,200 jobs in seven years for young people in Western Sydney. There is no better way to give young people a great start in life, particularly those in Western Sydney, than through what we are delivering as a result of our management of the New South Wales economy. We are building for tomorrow with this budget, with the allocation of \$3 billion to the western metro. This infrastructure is a crucially important part of the long-term future for Sydney, ensuring that Western Sydney continues to have great access to the rail network. We have started the planning for the North South Rail Line in outer Western Sydney, making sure that the rail network is linked to the new Western Sydney Airport. The budget has allocated \$258 million to the Parramatta Light Rail for the start of stage two planning.

I can go on and talk about the funding of work across the Western Sydney City Deal, with eight councils—Labor, Independent and Liberal—working together to make sure that Western Sydney is up and running and that we continue to deliver jobs. The Government is investing \$150 million for the liveability program. We are connecting people across Western Sydney with \$2.6 billion worth of roads: \$100 million for Henry Lawson Drive, Bringelly Road, Northern Road and Campbelltown Road; and \$470 million into the M4 Smart Motorway project, which will widen the M4 between Roper Road and the M7. We are investing in the north-west at Memorial Avenue, and Smithfield Road is being widened. In the next 12 months we will open the first tunnel of WestConnex underneath Parramatta Road. The only thing we do not know is what those on the other side want to charge for the toll because they want to keep that secret. Is it \$6 or \$7? Why don't you just tell people, if you have nothing to hide?

**The SPEAKER:** Order! There is too much noise in the Chamber. The member for Strathfield will come to order.

**Mr STUART AYRES:** We are seeing new schools everywhere. There will be new schools at Edmondson Park, both primary and high schools and Westmead primary school. Liverpool boys and girls high schools are being upgraded.

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

**Mr STUART AYRES:** New schools that are progressing or schools being upgraded are Arthur Phillip High School, Parramatta Public School, Oran Park High School, Jordan Springs Public School, Bella Vista Public School, North Kellyville Public School, O'Connell Street Public School, Hurlstone Agricultural High School, Gledswood Hill Primary School, Mainsbridge School and Yandelora School at Camden. Upgrades are progressing at Fairvale High School, Bardia High School, Schofields Public School, Parramatta West Public School, Campbell House School, Glenfield Park School, Greystanes Public School, Riverstone High School, Canley Vale High School and Carlingford Public School. There are schools everywhere.

On top of that, the Government is proud of the work we are delivering in health across Western Sydney with funding of \$5.7 billion. Right at the top of the list in this budget is \$740 million for Liverpool Hospital. We are committed to making sure that people across the south-west are getting what they need. The Government has funding of \$900 million for Westmead Hospital, \$700 million for Blacktown and Mount Druitt hospitals, \$775 million for Campbelltown Hospital, \$300 million for Rouse Hill Hospital and, in my part of the world, \$1 billion for Nepean Hospital. What does Labor want to do there? Labor wants to invest \$360 million in the Nepean Hospital. Let me be clear about this. Labor wants to cut \$640 million from the infrastructure program at Nepean Hospital. I warn the member for Holsworthy to keep a close eye on the project because there is no doubt that Labor will want to cut the money from Liverpool. [*Extension of time*]

On top of schools and hospitals, we are building a stadium in Western Sydney and we are moving the Powerhouse Museum there. Those opposite do not want to see a stadium or a museum in Western Sydney. As the Treasurer said yesterday, great cities deserve great stadiums and great museums. Everyone on this side of the Chamber knows that Western Sydney is a great city. What is the alternative? I can tell everyone in New South Wales that yesterday a dark cloud descended on those opposite. It was like the Last Supper here last night. Wherever they could find a dark corner to wallow in they found it. But there is a ray of light just around the corner. They have figured it out, every single one of them, whispering in the corners, "Just wait for September". I thought that September is football finals time and everybody is excited. Then I realised that in September all of the Labor backbench can move on the leadership without going to the rank and file. They are going to wait until the grand final weekend and then move on the leadership.

**The SPEAKER:** Order! The member for Bankstown will cease shouting. If she continues to interject, she will be removed from the Chamber. The member is already on three calls to order.

**Mr STUART AYRES:** The member for Prospect, the member for Granville, the member for The Entrance and the member for Port Stephens know that if the member for Auburn remains the leader they will not win their seats. I am glad that the members opposite last night figured it all out. We will just wait.

**The SPEAKER:** Order! The member for Prospect and the member for Blue Mountains will cease shouting. Government members will come to order.

**Mr STUART AYRES:** We will wait while they all slice little pieces off him and when September comes they can bring the next one on. [*Time expired.*]

#### *Documents*

### UNPROCLAIMED LEGISLATION

**The SPEAKER:** In accordance with Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 20 June 2018.

#### *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**.

#### **Aerial Cables**

Petition calling on the Government to develop an achievable plan to lay aerial cables underground, received from **Mr Alex Greenwich**.

#### **Sydney Football Stadium**

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

#### **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**.

#### *Business of the House*

### **DEAFBLIND AWARENESS WEEK**

#### **Reordering**

**Ms FELICITY WILSON (North Shore) (15:35):** I move:

That General Business Notice of Motion (General Notice) given by me this day [Deafblind Awareness Week] have precedence on Thursday 21 June 2018.

Deafblind Awareness Week aims to inform the community about deafblindness, which is identified as a combination of sight and hearing impairment that causes difficulties with communication, accessing information and mobility. Deafblind Awareness Week is launching this Sunday 24 June 2018. The celebrations include an acknowledgement of the birthday of an amazing woman, Helen Keller—an author and academic and a deafblind person. Deafblindness can have a significant effect on a person's quality of life, even when the hearing or vision impairment is mild, as the two senses usually work together to compensate for each other.

It is estimated that there are about 2,500 people nationwide, 500 residing in New South Wales, who are deafblind. The estimates are significantly greater if people over the age of 65 are included in this data. The Deafblind Association (NSW) was established in 1989 and aims to advance the cause of deafblind people through communication, advocacy and education. I acknowledge the efforts of the Deafblind Association (NSW) for its ongoing support and promotion of Deafblind Awareness Week. The association's effort is assisting to educate the broader community about people who have a combination of sight and hearing impairment and how this impairment can impact how they communicate, gain access to information and get around.

In 2014, New South Wales passed legislation to promote the inclusion of people with disability through aiming to increase positive attitudes and behaviours, liveable communities and improving access to employment and mainstream services. The NSW Disability Inclusion Plan was developed through the passing of the legislation and has provided a platform for the implementation of innovative projects and activities to meet the priorities of the Act. The Government is leading the creation of jobs for people with disability through Jobs for the Future, which is a whole-of-government strategy. Increasing the participation of people with disability in public service employment is a priority of this Government and we are in the process of developing a robust plan to make these improvements. I consider the promotion of awareness of the deafblind community extremely important and I note that on this day we launched the parliamentary friendship group the Friends of Hearing Health and Awareness, for which the Deputy Speaker chaired the inaugural meeting. I thank the Deafblind Association (NSW) for its work to educate the wider community through Deafblind Awareness Week.

**Ms TANIA MIHAILUK (Bankstown) (15:38):** My motion should be given precedence tomorrow because this Government needs to explain why it is busy handing out sweeteners around the State such as the Northern Beaches Tunnel and splurging on stadiums, while 60,000 children in this State who are at risk of significant harm remain unseen. Earlier in question time we heard the bile that trickled out of the mouth of the Minister for Family and Community Services when she tried to justify the current unfilled caseworker positions, knowing all too well that she presides over a Family and Community Services [FACS] system that has lurched from crisis to crisis. She has ignored the parliamentary inquiry into child protection and she had the audacity to come into this place after she hid the Tune review into out-of-home care for more than 18 months.

Her predecessor, Minister Hazzard—who I notice does not defend her—issued an extract of the report in November 2016 but Minister Goward has refused to allow this much-anticipated report, which highlighted the shortcomings in the child protection system, to be made public. It demonstrates what this Government is all about. It is very clear that the entire budget is about political expediency over protecting the lives of vulnerable children in this State. The Minister comes into this place and boasts about her woeful record for the past seven years, when

she has cut hundreds of millions of dollars from the FACS budget and has cut caseworker positions one after the other all across the State in every one of the districts of those opposite. She boasts about those vacancy rates.

What makes me even more sick about this Government is that it had the opportunity to catch up but in the last two years it underspent the FACS budget. The Government pocketed \$100 million on the back of the lives of vulnerable children in this State. Government members should be ashamed of themselves. The Premier and the Treasurer—who are nowhere to be seen in this Chamber—signed off on those budgets, knowing all too well that the budget was being cut and that the \$100 million could have paid for more caseworkers, who could have seen the 60,000 children who are at risk of significant harm. The Premier and Treasurer boast that they have delivered a budget for the people. It is not a budget for the people because it ignores the livelihood of vulnerable children in this State. Those opposite think that is funny and that their efforts are good enough. In March next year the people will tell them they are not good enough.

**The DEPUTY SPEAKER:** The question is that the motion of the member for North Shore have precedence on Thursday 21 June 2018.

**The House divided.**

Ayes .....45  
Noes .....31  
Majority.....14

**AYES**

Anderson, Mr K  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Evans, Mr A.W.  
Gibbons, Ms M  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L.J.  
Goward, Ms P  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Ayes, Mr S  
Conolly, Mr K  
Crouch, Mr A  
Elliott, Mr D  
Fraser, Mr A  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Provest, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

**NOES**

Atalla, Mr E  
Car, Ms P  
Crakanthorp, Mr T  
Donato, Mr P  
Harris, Mr D  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G  
Zangari, Mr G

Bali, Mr S  
Catley, Ms Y  
Daley, Mr M  
Doyle, Ms T  
Harrison, Ms J  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Scully, Mr P  
Washington, Ms K

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Finn, Ms J  
Hoenig, Mr R  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Tesch, Ms L (teller)  
Watson, Ms A (teller)

**PAIRS**

Barilaro, Mr J  
Berejikian, Ms G  
Constance, Mr A  
Grant, Mr T  
Perrottet, Mr D

Haylen, Ms J  
Foley, Mr L  
Lalich, Mr N  
Cotsis, Ms S  
Kamper, Mr S



## PAIRS

Roberts, Mr A

Hornery, Ms S

**Motion agreed to.***Motions Accorded Priority***STATE BUDGET AND WESTERN SYDNEY****Consideration**

**Mr KEVIN CONOLLY (Riverstone) (15:47):** My motion deserves priority because of the unprecedented infrastructure investment that the Government has committed to in Western Sydney. For years this region was taken for granted by Labor. They thought it was their heartland, that they did not have to do anything and the tribes of Labor voters would turn up and vote to support them. The Labor Party neglected those people and treated them with contempt. They promised but never delivered. This situation continued for years until, finally, in 2011 a government was elected that cares about the west. Since then we have been delivering for the people. Those long, dark years are now receding into the past as a bitter memory. As the Treasurer said, the members opposite have never seen so much delivered for their seats as has been delivered under this Government. The House should give priority to this motion so that the members opposite have an opportunity to say thank you. The member for Liverpool desperately wants to thank the Government for the huge investment of \$700 million in Liverpool Hospital and for the work being done on Mainsbridge school.

**Mr Gareth Ward:** It is rumoured that the member for Liverpool smiled about it.

**Mr KEVIN CONOLLY:** It is rumoured; I do not know if there is photographic evidence of it. The member for Campbelltown has been desperate for an opportunity to say thank you for the more than \$600 million to be invested Campbelltown Hospital. The member for Blacktown and the member for Mount Druitt are keen to get up and do a duo, a tandem thank you for the work being done on their hospital campuses—a region for which for many years former Labor member for Blacktown Paul Gibson campaigned. He wanted something to be done and he wanted the Labor Party to do it. Would they do it? No way.

It has taken a Liberal-Nationals Government to deliver for the people of Blacktown and Mount Druitt and we will continue to deliver. The members opposite deserve an opportunity to say thank you for what the Government is delivering to their region. The member for Prospect wants to thank the Government for the work being done at Greystanes Public School, the Western Sydney Parklands investment and the upgrade to Smithfield Road. The member has many reasons to thank this Government. He would like to pin a medal on the chest of the Treasurer, if he has any room to spare. The member wants to say thank you for all the work that has been done in his electorate. The member for Fairfield wants to talk about Canley Vale High School and Fairvale High School.

**Mr Guy Zangari:** It has just got "n.a." When is it going to start? How much money?

**Mr KEVIN CONOLLY:** The Government will deliver top-class investments for those schools, which those opposite would never have been able to deliver. [*Time expired.*]

**STATE BUDGET AND EDUCATION****Consideration**

**Mr JIHAD DIB (Lakemba) (15:51):** This is a recycled budget. There are more smoke and mirrors in this budget than there were at the latest Justin Bieber concert. The Treasurer—

**The DEPUTY SPEAKER:** Order! I know a lot of members are Justin Bieber fans but Hansard is having great difficulty hearing the member for Lakemba. Members will cease interjecting. The member for Lakemba has the call.

**Mr JIHAD DIB:** I say I am sorry, Treasurer—or Mr Dom Perignon—but I am not a true believer when it comes to this budget. This budget has more spin than a fifth-day pitch at the Sydney Cricket Ground. The Government does not tell the whole story. It tells us that there are 170 new projects. In fact, there are only 20 new projects in this budget and only half of those are schools.

**Mr Gareth Ward:** You have only read the first page. You have got to turn to the next one.

**Mr JIHAD DIB:** I have read the whole lot. The Government does not tell the whole story. The Government loves an announcement and I looked at what was announced for my electorate. Punchbowl Public School, which deserves funding, was mentioned in the budget. When does it start? Not applicable. When does it

finish? Not applicable. How much is it going to cost? Not applicable. I will refer to some of the other schools. Croydon Public School, not applicable; Curl Curl North Public School, not applicable; Dapto Public School, not applicable; Darlington Public School, not applicable; demountables public school, not applicable. Did I say "demountables"? The Government has tried to hide the fact that it is purchasing 520 more demountables. Don't you love how they hid it in amongst the school upgrades?

**Mr Gareth Ward:** Yes, we hid it in the budget paper.

**Mr JIHAD DIB:** It really is applicable because that now takes demountables to 5,300. The Parliamentary Secretary said it was hidden in the budget papers. Yes, it was hidden in the budget papers, in amongst the school upgrades. We had Dom Perignon tell us there was \$160 million for the maintenance backlog. That is not a new announcement of \$160 million. It is a reannouncement from last year. How about the Cool Schools policy, that great policy of the Labor Party? The Labor Party planned it, costed it and analysed it. The Government said it was just hot air. I ask Dom Perignon: Who is full of hot air now? The answer is it is Government members. The Government is bereft of ideas. This Government, during seven years of neglect, has closed 21 more schools than it has opened, cut \$1.9 billion from the Education budget, and torn to shreds the once mighty Department of Education. After seven years it has finally discovered education— [*Time expired.*]

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

**The House divided.**

Ayes .....45  
Noes .....32  
Majority..... 13

#### AYES

Anderson, Mr K  
Bromhead, Mr S (teller)  
Cooke, Ms S  
Davies, Mrs T  
Evans, Mr A.W.  
Gibbons, Ms M  
Gulaptis, Mr C  
Humphries, Mr K  
Lee, Dr G  
Notley-Smith, Mr B  
Pavey, Mrs M  
Rowell, Mr J  
Stokes, Mr R  
Tudehope, Mr D  
Williams, Mr R

Aplin, Mr G  
Brookes, Mr G  
Coure, Mr M  
Dominello, Mr V  
Evans, Mr L.J.  
Goward, Ms P  
Hazzard, Mr B  
Johnsen, Mr M  
Maguire, Mr D  
O'Dea, Mr J  
Petinos, Ms E  
Sidoti, Mr J  
Taylor, Mr M  
Upton, Ms G  
Williams, Mrs L

Ayres, Mr S  
Conolly, Mr K  
Crouch, Mr A  
Elliott, Mr D  
Fraser, Mr A  
Griffin, Mr J  
Henskens, Mr A  
Kean, Mr M  
Marshall, Mr A  
Patterson, Mr C (teller)  
Provest, Mr G  
Speakman, Mr M  
Toole, Mr P  
Ward, Mr G  
Wilson, Ms F

#### NOES

Atalla, Mr E  
Car, Ms P  
Crakanthorp, Mr T  
Donato, Mr P  
Greenwich, Mr A  
Hoenig, Mr R  
McDermott, Dr H  
Mihailuk, Ms T  
Parker, Mr J  
Tesch, Ms L (teller)  
Watson, Ms A (teller)

Bali, Mr S  
Catley, Ms Y  
Daley, Mr M  
Doyle, Ms T  
Harris, Mr D  
Leong, Ms J  
McKay, Ms J  
Minns, Mr C  
Piper, Mr G  
Warren, Mr G  
Zangari, Mr G

Barr, Mr C  
Chanthivong, Mr A  
Dib, Mr J  
Finn, Ms J  
Harrison, Ms J  
Lynch, Mr P  
Mehan, Mr D  
Park, Mr R  
Scully, Mr P  
Washington, Ms K

#### PAIRS

Barilaro, Mr J

Lalich, Mr N

## PAIRS

Berejiklian, Ms G  
Constance, Mr A  
Grant, Mr T  
Perrottet, Mr D  
Roberts, Mr A

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

**Motion agreed to.****STATE BUDGET AND WESTERN SYDNEY****Priority**

**Mr KEVIN CONOLLY (Riverstone) (16:01):** I move:

That this House:

Supports the 2018-19 budget's record investment in Western Sydney, including:

- (1) \$2.4 billion in 2018-19 for Sydney Metro Northwest.
- (2) \$3 billion reserved for Metro West.
- (3) \$258 million towards Parramatta Light Rail stage one.
- (4) Continued funding for the redevelopments of Liverpool, Westmead, Campbelltown, Nepean, Blacktown and Mount Druitt hospitals.

It is important that this House records its support for the record investment in Western Sydney delivered by this budget. It is important to realise that none of it would have been possible if the policies of those opposite had been followed. The Labor Party has opposed every one of the funding sources that enabled this Government to deliver these outcomes for the State, and in particular for Western Sydney. It is only because of the policies of the Berejiklian-Barilaro Government that funding for hospitals, schools, rail programs and parkland is available.

I was part way through talking about which members needed to thank the Government when I ran out of time while outlining why my motion deserved priority. The member for Macquarie Fields needs to thank the Government for Bardia Public School, Lindfield Park Public School and Ajuga School. The member for Auburn would love to thank the Government for committing \$3 billion towards the Metro West project, which will serve the electorate of Auburn. The member for Londonderry is rejoicing that the Jordan Springs Public School project is underway. All of those projects are possible because of sound fiscal management by the Liberal-Nationals Government. It has made the funds available and made investment in those communities possible.

I will recap a few of the many highlights of the budget. With regard to rail, \$2.4 billion has been committed to the final stage of the Metro Northwest. That project was promised by those opposite, cancelled, promised again, cancelled again and never delivered. It has taken a Liberal-Nationals government to deliver it on schedule in 2019. It will serve the people of the region and change how that region works. The Metro West will receive \$3 billion for planning and early procurement. The third leg of the metro system, which is taking shape across Sydney, will serve the rapidly increasing patronage demand in the corridor between Parramatta and the central business district.

The Parramatta Light Rail stage one will receive \$258 million and will support growth in Western Sydney, create new communities and connect regions as Parramatta takes its place as the central city of the three cities as planned by the Greater Sydney Commission. Parramatta has an important role and the light rail project will support that. The budget provides for sport and culture by funding the stadium and the museum. They are services which a central city—one of the three great cities of the region—and its people deserve to have. In the Environment portfolio area there is \$5.6 million to continue the Western Sydney Park Improvement Program. *[Quorum called for.]*

*[The bells having been rung and a quorum having formed, business resumed.]*

**Mr GARETH WARD (Kiama) (16:06):** I move:

That standing and sessional orders be suspended to restore two minutes of the member for Riverstone's speaking time.

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

**Motion agreed to.**

**Mr KEVIN CONOLLY (Riverstone) (16:07):** In Health we are delivering at Liverpool, Westmead, Campbelltown, Blacktown and Mount Druitt and Nepean hospitals and the Children's Hospital, Westmead, with \$75 million for site acquisition for Rouse Hill Hospital. Right across Western Sydney we are investing in hospitals and upgrading the services available to the people of the region. We are investing in a long list of schools—and we heard the Minister earlier repeat some of them—including Arthur Phillip High School, Parramatta Public School, Oran Park High School, Jordan Springs Public School, Bella Vista Public School, North Kellyville Public School, O'Connell Street Public School, Hurlstone Agricultural High School, Gledswood Hills Public School, Mainsbridge School, Yandelora School, Fairvale High School, Bardia Public School, Schofields Public School, Parramatta West Public School, Ajuga School, Campbell House School, Glenfield Park School, Greystanes Public School, Riverstone High School, Canley Vale High School and Carlingford Public School. Also, there is funding for planning the new Edmondson Park primary and secondary schools and the new Westmead Primary School, while Liverpool Boys High School and Liverpool Girls High School are each getting an upgrade. This is enormous expenditure.

The Government is delivering for hospitals and for schools. Labor members might talk, but they would not have the money because they have opposed every funding source that has been put up. The Coalition is the party that has the capacity and the will and that has delivered on hospitals and schools. In the Roads portfolio, the Government is undertaking completion of Schofields Road, Memorial Avenue, Hambledon Road, Boundary Road-McCulloch Street, Campbelltown Road, Jane Street, Mulgoa Road, Henry Lawson Drive, the M4 Smart Motorway project, Bringelly Road, the M12 Motorway, the Northern Road upgrade and work on Windsor Bridge and Smithfield Road. This is all roadwork across the region. The Government is doing work on roads, rail, light rail, hospitals, schools—every government sector across Western Sydney is benefitting from the strong fiscal management of this Government. The Government will deliver the school air conditioning policy because it has the funds. Labor stands committed to cut \$200 million from the Government's program to air-condition schools. That is Labor's current policy. Let us see Labor sell that.

**Dr HUGH McDERMOTT (Prospect) (16:09):** I thank the member for Blacktown for representing his community, the member for Mount Druitt for representing his community, the member for Bankstown for representing her community, the member for Fairfield for representing his community and all other Labor members including those representing Londonderry and such places who actually stand up for their communities. I know that the member for Riverstone used to teach religion at Bede Polding College. I was told by some former students that he was a very good teacher. However, after that speech he will surely have to go to confession. There was not much truth to it.

Let us understand the Government's real priorities in the budget. It has billions of dollars to waste on stadiums but not to spend on schools or hospitals. It is trying to play catch-up for the past almost eight years of neglect of our health and education systems, especially in Western Sydney. The Government can talk up its big programs such as stadiums and WestConnex, but it has not delivered the micro-infrastructure—the things that matter every day to people. Indeed, the Government has never delivered. The Government has billions of dollars in surplus but what will happen with schools? I cannot say because for Prospect the budget merely shows "n.a." and that is reflected in every single Western Sydney electorate. There are no dates and no actual amounts of money. Every school in my electorate that is mentioned in the budget document was discussed in last year's budget, so there is nothing new.

The Government is not dealing with the crisis of overcrowding or insufficient staffing in hospitals and schools. Once again, the Government is prioritising the wrong infrastructure projects. Not a cent has gone to Fairfield Hospital, despite the deaths of babies over the past 12 months to two years. They died as a result of a lack of resourcing because the Government is not delivering for the hospital. Westmead, Liverpool and Campbelltown hospitals have to wait until the 2020s for their projects to be completed. However, what is one project that the Premier and Treasurer want this year? It is Allianz Stadium, which will never be filled to capacity. The families of Western Sydney are not stupid. They know the con and lies that the Government is trying to push after seven years of constant slashing and burning.

There will be 180,000 new school places needed in the next 15 years yet the Government is only providing 13 new schools, and they will not necessarily be in the areas where they are needed. According to last year's budget the Government made commitments to build a few new classrooms but they were at schools that do not really need them. The ones that really do need classrooms get nothing. The Government promised air conditioning because it was scared of Labor's air conditioning policy, but it does not say where it will deliver the air conditioning systems. Once again in the budget papers it is "n.a.". Time and again the Government has the wrong priorities. At the moment there are 4,781 demountables, and that number grows every day. There are plans to actually increase the number of demountables in Western Sydney. It is just not good enough.

I turn now to the infrastructure misspend of the Government, which ignores the infrastructure that is desperately needed in Western Sydney. The budget shows that the WestConnex Sydney Gateway is no longer part of WestConnex at a cost of \$15.4 million in planning money. The Government has given no real commitment to making it happen. No money has been committed for the WestConnex Rozelle interchange and only \$20 million in planning money has been allocated for the Parramatta light rail stage two while \$258 million has been allocated for Parramatta light rail stage one. However, the harbour tunnel is fully funded. That is because it is going through the Liberal heartland. The Government does not spend money in Western Sydney where it is needed. Let us look at the different regions. What does Blacktown have? It has no new funding allocated in Education, Health or Roads. Fairfield has no new funding allocated in Education or Health but has \$400,000 for one road project. Well done to it for that. There are no new nurses— [*Time expired.*]

**Mr MARK TAYLOR (Seven Hills) (16:14):** It is a pleasure to talk about this budget and the positive news it brings for the great people of New South Wales. Unfortunately, members opposite do not share that positive spirit. The member for Prospect has always been against WestConnex. He is frightened of good infrastructure; he does not like it. He is worried that his constituents will get home more quickly. They will get home more quickly to vote him out; that is the problem. He wants to slow them down so they cannot get home.

I commend the motion moved by the member for Riverstone because Western Sydney is home to more than one-quarter of the population of New South Wales and is experiencing faster population and employment growth than the rest of the State. That growth demonstrates that Western Sydney is being transformed. The Government remains committed to its long-term vision for creating proactive, sustainable living places in Western Sydney, which is a great area. As I said, I commend the motion moved by the member for Riverstone and his discussions about the great infrastructure build that is taking place in Western Sydney. That includes \$2.4 billion for the Sydney Metro Northwest, \$3 billion for Metro West and \$258 million for Parramatta Light Rail stage one. We have heard about the continued funding for the redevelopment of Liverpool, Westmead, Campbelltown, Nepean and—importantly for members opposite—Blacktown and Mount Druitt hospitals.

It is good to speak about infrastructure but it is also good to speak about how great it is to live in Western Sydney. The budget includes initiatives for leisure facilities so that residents can enjoy themselves at sports and cultural events. In 2018-19, \$183.7 million will be spent on the Western Sydney Stadium. Construction has commenced. Last week the Minister for Sport and I stood on the roof of that stadium that will bring great facilities to Western Sydney. An allocation of \$240 million will relocate the Powerhouse Museum to Parramatta and expand storage at the Museum Discovery Centre at Castle Hill. Those initiatives will bring culture to Western Sydney and an opportunity for schoolchildren to go to Parramatta instead of travelling into the city to have an educational experience. It is great news for Western Sydney.

In 2018-19, \$24.5 million will go towards the Parramatta Road Urban Amenity Improvement Program to continue to transform the corridor with new homes as well as 50,000 extra jobs and community facilities and open spaces across the area. The Western Sydney Parklands will receive \$5.6 million to continue the park improvement program to activate and link the north and south parklands, improve play and recreational areas, and restore and expand the bushland corridor. This budget is about infrastructure, great places to live and jobs in Western Sydney.

**Mr STEPHEN BALI (Blacktown) (16:17):** The budget says a lot but there is little substance to it. I will help the member for Riverstone and the member for Seven Hills, because they talked about Western Sydney. Unfortunately, many of our electorates—Mount Druitt, Blacktown, Riverstone, Seven Hills and Parramatta—are not receiving most of the funding. For example, the motion mentions that there is \$2.4 million for Sydney Metro Northwest, \$3 billion for Metro West and \$258 million for the Parramatta Light Rail. Apparently, they are not in Western Sydney. Accordingly, I move:

That the motion be amended by inserting:

"(2) That Western Sydney according to the Government rhetoric includes Blacktown, Parramatta, Cumberland and the Hills Shire councils to be involved as part of the Western Sydney City Deal."

How can we talk about these different areas and Parramatta Stadium and say they are part of Western Sydney when, according to the Minister for Western Sydney, they are not? Why is it so important from my perspective? We have heard much about the liveability fund. Four councils that make up the bulk of Western Sydney are excluded from the Western Sydney City Deal. They make up half of the population, half of the economy and half of the development approvals. They have been robbed of \$15 million. How can the member for Seven Hills stand in this place when his electorate is part of Western Sydney yet he is denying the residents of Seven Hills \$15 million allocated to liveability projects? The member for Riverstone is denying people in his electorate \$15 million allocated to liveability projects. Riverstone is one of the fastest growing areas and in the next 18 years some 150,000 people will be moving there. This morning Alan Jones aptly renamed the member for Parramatta

as the rubber stamper. He is saying that Parramatta is the capital of Western Sydney. None of us disagree with that, so why is it not part of the Western Sydney City Deal?

No money for the Cool Schools Program went to Blacktown or Mount Druitt schools. Do we not get hot in those areas? Each week 22,000 people use the Doonside railway station, which is separated into the north side and the south side. A lot of elderly people, people in wheelchairs and women with prams cannot access shops on the north side. Only 555 people use the Hawkesbury River railway station but it is receiving an easy access lift. We must ensure that Western Sydney is treated as a whole. [*Time expired.*]

**Mr KEVIN CONOLLY (Riverstone) (16:22):** In reply: I will not be supporting the amendment. It is silly and a good reason for arguing why someone should not be a mayor of a council and a member of this place at the same time, given the conflicted perspectives that might cause that person to bring here. How the Federal and State governments worked on an issue concerning the Badgerys Creek airport has nothing whatsoever to do with the definition of Western Sydney as it relates to other issues. The two are separate and do not need to be conflated in this motion. If the member for Blacktown cannot understand that, that is evidence as to why he should not be doing both jobs at the same time.

The important point is that billions of dollars are being invested in Western Sydney that would not be being invested had the policies of members opposite been followed. Had the Labor Party been successful at being elected to government we would not have had massive investments in all those hospitals that have been listed. It would not have happened if Labor members were in government. We would not have seen all those schools being upgraded or new schools being built because there would have been no funding to do so. If we need evidence, we only have to go back seven years. When I was campaigning for the first time before this Government was elected the biggest issue in Riverstone was the need for a new high school. The Labor Party said it was not necessary.

**Mr Stephen Bali:** Lies.

**Mr KEVIN CONOLLY:** We have a letter from the Minister to Mr Aquilina saying that the school was not needed at that time. The only reason those opposite said that was that they had no funds to meet the need so they were not going to admit it was necessary. They can put in dozens of demountables at Glenwood High School to make up for the shortfall, proving the need for a new school, but they could not fund the new school and that is the problem. They could not fund anything. If the Opposition's policies had been followed we would not be doing this in Western Sydney.

The people of Western Sydney owe a huge debt of gratitude to the Liberal-Nationals Government, the Berejiklian-Barilaro Government and, what is more, they know the choice that they would face. They know what would happen if Opposition members ever got back into office. First, they would cut \$200 million from the air-conditioning program—that is their first promise—but then we would see all the money dry up for other projects because they cannot manage money, they will not manage money and they will never be able to deliver what this Government is delivering for Western Sydney.

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

**Mr Andrew Fraser:** Point of order: It is customary for members moving an amendment to prepare it and to give it to the Clerks. The member for Blacktown moved an amendment but did not have it prepared and did not put it on the table. The amendment is somewhat spurious and should be ruled out of order. Opposition members have not followed the correct procedure in preparing amendments and handing them to the Deputy Speaker and to the Clerk.

**Ms Anna Watson:** That is not your call.

**Mr Andrew Fraser:** It is my call; I am a member of this House.

**Ms Anna Watson:** That is up to the Speaker.

**Mr Andrew Fraser:** It might be up to the Speaker but I am taking a point of order. If the member for Shellharbour understood standing orders—

**The DEPUTY SPEAKER:** Order! I will rule on the point of order after I have addressed the interjections of the Opposition Whip. The member's comments were out of order. The member will not argue across the table when a point of order is being taken. She is not entitled to tell other members what to do. I uphold the point of order. I was handed two pieces of paper. One piece of paper contained one part of the amendment and the other piece of paper contained the other part of the amendment.

**Mr Stephen Bali:** It is on the one sheet.

**The DEPUTY SPEAKER:** It is not. I suggest that the member for Blacktown ask the Clerks how to properly prepare an amendment. It is not professional to present an amendment in that way. In my opinion the Clerks should not have accepted it. I uphold the point of order. I rule the amendment out of order as not conforming with the forms of the House.

The question is that the motion be agreed to.

**Motion agreed to.**

### *Bills*

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

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**Mr BRUCE NOTLEY-SMITH (Coogee) (16:30):** In summing up my contribution to debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 I repeat that we need a strong regulatory framework. We cannot have a laissez faire approach to this new structure of people dealing with properties. We want to ensure that residential amenities in our cities—in particular, on the beautiful slopes of Coogee—are maintained and that blocks of apartments do not become quasi hotels or hostels in the absence of regulation. I am keen to see the results of the review that will take place in 12 months time. I will express my views to the Government well before that if this bill and its accompanying code of conduct prove unsatisfactory. The Minister has been extremely accommodating and consultative on this bill and I congratulate him on listening to members in this place who represent the views of their constituents. I support the bill and commend it to the House.

**Mr PAUL SCULLY (Wollongong) (16:32):** I contribute to debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 which seeks to regulate short-term holiday letting through online platforms such as Airbnb, Stayz or HomeAway, as it is now known, and others of their ilk. This industry is a growing one and it generates more than \$15 billion a year to the New South Wales economy. It accounts for approximately 25 per cent of visitor nights. According to BIS Shrapnel, the short-term holiday letting industry is a \$31.3 billion industry across the country and New South Wales represents about a third of that figure. While overall data in the industry is poor, there are approximately 32,000 Airbnb listings in New South Wales alone.

This bill seeks to establish a broad framework of regulation by amending the current Fair Trading Act 1987 to establish a mandatory code of conduct which will apply to all participants in the industry. It amends the Strata Schemes Management Act 2015 to allow by-laws for a strata scheme to prohibit short-term rental accommodation in cases where the premises being let is not the principal place of residence. As part of the legislation the Government has also proposed new statewide planning laws which will allow short-term holiday letting as an exempt development for 365 days when the host is present, and impose a 180-day cap when the host is not present for areas in greater Sydney; while no cap will apply for other areas of New South Wales.

Local government authorities outside Greater Sydney will have the power to introduce a cap no lower than 180 days per year for short-term holiday letting, and planning rules will apply to properties on bushfire prone land. The purpose of the bill is to provide certainty around the rules for short-term holiday letting, while also minimising any negative impacts on residential housing affordability and the rights of existing residents in areas where short-term holiday letting already takes place. Unfortunately, it appears that this legislative package—aside from providing a broad framework as I have mentioned—does not provide further detail on the how these proposed provisions will work. I know that this legislation has caused an enormous amount of division on the Government benches. On 30 May 2018 the *Sydney Morning Herald* reported on that division.

**Mr Gareth Ward:** Point of order—

**Mr Jamie Parker:** There is no point of order.

**Mr Gareth Ward:** You've got factions as well. Just talk to Mr Jeremy Buckingham. You are big enough to have factions. Congratulations!

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

**Mr Gareth Ward:** I am taking a point of order.

**The DEPUTY SPEAKER:** The member for Kiama will resume his seat.

**Mr Gareth Ward:** I am taking a point of order.

**The DEPUTY SPEAKER:** The member for Kiama will resume his seat. When the member takes a point of order he should not speak across the Chamber.

**Mr Gareth Ward:** I am entitled to take a point of order.

**The DEPUTY SPEAKER:** I am entitled to make my decision. The member for Kiama will resume his seat.

**Mr PAUL SCULLY:** Can the Clerk stop the clock?

**The DEPUTY SPEAKER:** The member for Wollongong can seek an extension of time.

**Mr Gareth Ward:** I am seeking to take a point of order.

**The DEPUTY SPEAKER:** The member for Kiama will resume his seat.

**Mr Gareth Ward:** I am entitled to take a point of order.

**The DEPUTY SPEAKER:** I have asked the member for Kiama to resume his seat. I call the member for Kiama to order for the first time.

**Mr PAUL SCULLY:** It seems that division is alive and well. I was referring to an article in the *Sydney Morning Herald*. Some members may try to deny the facts and events that have taken place but I am entitled to read into *Hansard* matters that have been reported in the public domain. On 30 May 2018 the *Sydney Morning Herald* reported—

**Mr Gareth Ward:** Point of order: My point of order relates to relevance under Standing Order 76. The bill is not about an article that appeared in the *Sydney Morning Herald* and other matters to which the member for Wollongong is referring. He should be asked to return to the leave of the bill.

**The DEPUTY SPEAKER:** The member for Wollongong will return to the leave of the bill.

**Mr PAUL SCULLY:** My comments related to the public debate in the lead-up to the introduction of this bill and how some of its elements were developed during the course of that debate. I am happy to leave out that one sentence that caused the member for Kiama so much angst as I do not want him to blow a blood vessel over something as simple as a sentence in a report in the *Sydney Morning Herald*. I am sure he is a great subscriber to the *Sydney Morning Herald*.

**The DEPUTY SPEAKER:** Order! The member for Wollongong will return to the leave of the bill.

**Mr PAUL SCULLY:** While the Government's announcement calmed some but not all of the stormy waters, I note from an earlier interjection of the member for Kiama that the provisions in this bill are still causing concern among stakeholders and the community. In order to pre-empt the member for Kiama I will remain relevant to the bill. We have asked the Government to clarify several matters in this debate and the shadow Minister for Innovation and Better Regulation covered these concerns in her contribution. I have concerns about the lack of detail about the mandatory code of conduct in particular. We want to know how it will be finalised so we know precisely what is included, how it will be enforced and the costs of enforcing it.

A new role is proposed in this bill for Fair Trading NSW, which has implications for its resourcing and enforcement of the proposed mandatory code of conduct. There are remaining questions relating to the implementation of the 75 per cent strata management rule, and the definition of "principal place of residence" appears to be ambiguous. These important details are missing from this bill and many of its provisions rely on regulations. It is unclear whether the regulations will be a disallowable instrument. As the shadow Minister indicated in her remarks, these matters must be clarified by the Government.

I acknowledge that the Government has made changes from its initial position to impose caps on short-term holiday letting, which were originally to include Wollongong, according to public reports. I recognise that different areas of New South Wales will have differing views on this matter but I did not agree with such a cap being imposed on short-term letting in Wollongong. Wollongong is an increasingly popular destination for tourism for people to enjoy the experience of our beautiful natural environment. Some people even make the mistake of going further down the coast to the electorate of the member for Kiama. They stop in Wollongong.

**Mr Gareth Ward:** No they don't. They are coming to my electorate from your electorate. They are escaping the local member.

**Mr PAUL SCULLY:** It is also a popular destination for culture, business, education, entertainment and sporting events. We have two massive entertainment venues—WIN Entertainment Centre and WIN Stadium. Prior to becoming a member of Parliament, I worked for the University of Wollongong. Part of my role was to attract and help to assist with international conferences, some of which were quite large. They were not large enough to fill the WIN Entertainment Centre but they were certainly large enough to put pressure on the accommodation market in the local area. Spillover accommodation in periods of peak demand, such as Airbnb



and the like, have proved to be a useful means for filling demand in hotels and established commercial accommodation. As a popular tourism holiday destination, Wollongong has required some flexibility in letting arrangements offered by those online shared short-term letting providers. The initial proposal to impose a 180 day cap did not provide such flexibility for short-term property letting in Wollongong. In my inaugural speech last year I stated:

Innovation and disruptive technologies have given rise to the "gig economy"—our next industrial revolution—the new or the "now" economy. This is changing competition and employment relationships. This is not new. Technological change has changed work and society in the past. But innovations and technology need to work for us. They should help improve the common good, not erode it. They should help bind people, not divide them. They should help create jobs, not destroy them. They should drive new industries, new jobs and new possibilities. The "gig economy" is here to stay. Trying to regulate disruptive technologies out of existence is nothing more than wishful thinking.

*[Extension of time]*

I note in this context that Airbnb and other online short-term letting providers recently entered into an agreement with the Transport Workers Union to promote fair rates of pay and labour standards in the on-demand economy. Transport Workers Union National Secretary Mr Tony Sheldon—soon to be a Labor senator—said that Airbnb's decision to sign the agreement would improve the platform because many of the gig economy platforms are built on unravelling fair rates of pay and hard won conditions. He continued:

With Airbnb we are encouraging a race to the top. Under this agreement a package or food delivery company that demonstrates it pays safe rates of pay and observes decent employment conditions will be actively promoted by Airbnb.

This is a significant market opportunity for anyone prepared to adopt ethical labour practices.

That is a good move. I acknowledge that leasing arrangements with tenants is a vexed issue. Parts of the Wollongong electorate have tenancy rates of the order of 76 per cent and 80 per cent. I do not want tenants put into a precarious position where they may be punted from those tenancies so that owners can seek some sort of short-term advantage in periods of high accommodation demand. In the Wollongong electorate and in the electorates of the member for Shellharbour, the member for Lake Macquarie and others, that has been their experience for a long time. Holiday rental is a thing of the past. However, it has been highlighted in the current context because more people have become involved in it because of the ease of entry through online platforms.

We do not want to see people being compressed on their tenancies in order for someone to then exploit the peak of the market. We need to be mindful of that. Hopefully, it will be addressed in the detail in some of the regulations. This is also a vexed issue in areas of high demand for short-term accommodation where people in existing accommodation businesses have made a lot of investment. They continue to meet their regulatory requirements in operating their businesses, and those standards should not be allowed to fall. Those who engage in short-term letting are not subject to the same regulatory requirements. It is the same as the taxi industry and Uber; the level playing field we seek. The shadow Minister foreshadowed that Labor will be moving amendments to provide certainty in the provisions relating to the implementation of the code of conduct and other matters. I urge all members to support those amendments.

**Mr GREG PIPER (Lake Macquarie) (16:45):** I speak in debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 and observe at the outset that this relatively simply bill deals with a very complex issue. However, I am pleased that we are finally seeing some overdue reform in this area. I wish that our communities did not need this kind of intervention, but the evidence is clear that at least some of the operators who use this relatively new disruptive model of holiday letting provide an experience to surrounding neighbours that is truly disruptive to their residential amenity. I have spoken in this House on a number of occasions about the negative impacts that the short-term rental accommodation industry is having on residential areas in my electorate. That is not to say that I oppose the industry outright, and nor do the many constituents in my electorate who have had issues with short-term holiday rentals being established next door to their homes.

Hundreds of residential home owners in my electorate are letting their homes or spare rooms out to short-term visitors. In fact, that number has more than doubled since I first raised this matter in this House. At least some of those home owners are earning a supplementary income from empty or under-utilised assets. I have no problem with this type of sharing economy in principle. In fact, I have no problem at all with shared homes in instances where the owner or host lives on site. But most of these homes are in residential areas and there is a valid argument that they disadvantage traditional tourist accommodation providers such as hotels, motels and resorts, which have complied with planning rules, paid the associated compliance costs and are subject to stringent operational guidelines and conditions. Equally there is a valid argument from neighbours of those properties that a lack of regulation has turned their once-quiet residential neighbourhoods into transient tourist zones. Importantly, this can also eat into the supply of residential housing stock that in many areas is in great demand.

Some of my constituents have had all manner of problems with neighbouring properties being rented out on short-term leases. One constituent had properties either side of his waterfront home leased out through Airbnb.

He had no end of trouble with noisy tourists destroying any sense of the tranquil waterfront environment they had come to enjoy, as well as destroying any sense of residential neighbourhood for those who had bought into the area. Other neighbours said things like, "It just does not feel like our neighbourhood any more. We are getting a new neighbour almost every day. Noise and activity has increased substantially." They hastened to add that not all guests were noisy drunks, but many were. Sadly, no amount of calls to the property owner, the local council or, in some cases, the police could provide a timely fix.

I am aware of many instances where homes in my electorate have been turned over to party crowds. In one case, a mother rented a large home on the lake waterfront to hold her teenage daughter's birthday party after she had been turned away by local clubs and hall operators that had seen one too many eighteenth birthday parties get out of control. She was able to do so freely and without question. It ended with the familiar story of drunk kids fighting with police, smashed bottles and neighbours abused. When one hears about these party house stories one might have the initial thought that this might relate to more traditional tourist areas such as Byron Bay or the Gold Coast, but that is no longer the case. They are happening in average residential communities, and they can happen anywhere. I am not suggesting that this happens at every property leased to short-term tenants but it does happen—and it happens far too often.

I turn now to the bill. I note that many of my recommendations, as well as those of the parliamentary committee, are included in the content of the bill. They include shared experiences and ideas on how to deal with this matter. Significantly, the bill contains a number of measures aimed at protecting the rights of individual home owners. It also establishes a code of conduct within the industry, which should go a long way towards negating some of the problems. It provides measures for strata managers to control short-term holiday lettings in a way that is suitable to at least 75 per cent of apartment owners. I accept that this has been a complicated area to manage and a significant issue in high-density areas such as Sydney. But I am hopeful that this bill will deliver owners' corporations the capacity to decide the extent to which their strata operation is transformed into a quasi-hotel. I also agree that in cases where a host lives permanently on site those premises can be let to short-term guests 365 days a year. That is certainly consistent with the traditional bed and breakfast model, which has operated in most communities for decades without significant problems.

However, it is disappointing that premises outside Sydney where no host is present on site can be let for 365 days a year. The bill will allow local councils to reduce that number to 180 days a year, but some of my constituents say that that number is too high and it should be reduced to 90 days. I agree with them. Councils are burdened with managing the fallout from problems with short-term letting so they should be given more power to set limits that are better tailored to the local situation. The Minister said in his media release that the 180 days a year "approximately equates to weekends, school holidays and public holidays". With all due respect, that was like saying to residential neighbours of these properties, "Hey, the house next door is only going to be a party house on weekends and public holidays." I do not think this condition will achieve the desired result, nor will it restrict short-term holiday lettings to weekends only. I would have preferred to see councils given the capacity to restrict such operations to 90 days a year or to whatever number they see fit. They should also be given more power to use discretion on a case-by-case basis.

Nevertheless, the mandatory code of conduct will go a long way towards establishing complaint-handling mechanisms within the industry and set appropriate operational guidelines. I am somewhat wary of industry-managed codes of conduct—the banking industry has a code of conduct and we have all seen how well that has worked out. However, I am heartened that this code of conduct will establish a proper complaint-handling system for neighbours of short-term rental accommodation, as well as strata committees and owners' corporations. The complaints will be assessed by independent adjudicators that have been approved by Fair Trading, while a "two strikes and you're out" policy will be introduced for hosts who do not play by the rules. Even though I support this, I still have some reservations. For example, I am yet to see any great detail as to what will constitute a serious breach of the rules. I note the Minister's comments that it could be "any behaviour which unreasonably interferes with a neighbour's quiet and peaceful enjoyment of their home", but we will have to wait and see the detail of the code of conduct.

I have always maintained there is a place for a sharing economy in our community, but advancements in technology have been so fast that any form of fair and proper regulation in this area has not been able to keep up. Online booking platforms such as Airbnb and HomeAway state that their industry is now adding \$31 billion to the national economy. While some may question the accuracy of that figure, I wonder how much has been taken from the traditional but, more importantly, legitimate hotel industry—namely, an industry that exists in appropriately zoned areas and in appropriately managed ways. I also wonder what the social cost has been to residential neighbourhoods that are now, legally, being turned into quasi tourist zones.

As one of my constituents said recently, "People do not purchase a family home in an R2 low-density residential zone with the expectation of living next door to a private hotel or serviced apartment ... These proposed

arrangements will in effect throw our planning regulations out the window when it comes to the types of activities allowed in residential zones. The implications of this for communities, families and individuals could be detrimental in the extreme." I accept that the genie is well and truly out of the bottle, and I doubt whether we will be able to get it back in. This package of reforms will be reviewed in 12 months to determine its effectiveness, and I appreciate that the Minister has kept the review period quite tight. With some reservation, and pending consideration of amendments which have been foreshadowed by the Opposition and the member for Sydney, I support the bill.

**Mr JONATHAN O'DEA (Davidson) (16:54):** I make a short contribution to debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. I support the legislation and thank the Minister for listening to feedback from the backbench and others. This legislation provides an overdue clarification of the Government's position and on the legality of short-term leasing in New South Wales. The position supports local economies, especially in coastal areas. It is a permissive legislation but it also foreshadows a tough regime in terms of cracking down on bad behaviour through a proposed "two strikes and you are out" policy. It also recognises property rights but it attempts to balance those property rights with the rights of body corporates, in particular, their power to ban short-term leasing in certain circumstances. That is in addition to their power to make other by-laws relevant to short-term leasing.

Previous speakers have spoken at length on matters but I want to focus on two areas which warrant further attention beyond this legislation. Those two areas involve ensuring that there is appropriate transparency and improving competitive neutrality in the sector more broadly. First, transparency is needed for monitoring compliance with relevant regulations and other code provisions, for relevant tax purposes and for ensuring that appropriate data and information sharing, including regarding tourism and the visitor economy generally, are garnered. A lot of effort is made to ensure that we have appropriate statistics on the visitor economy and those statistics tell a good story, but we want to make sure we have the whole story. I know, Mr Deputy Speaker, that you would be particularly appreciative of that in your role supporting the tourism industry.

Such matters can largely be addressed via the proposed code, which will be mandatory. Appropriately, this code will be subject to further consultation before finalisation. While the code can likewise address potential concerns regarding competitive neutrality, there should also be a review of planning matters and the general regulatory environment for bed and breakfast businesses, serviced apartments and the tourism accommodation sector. That should aim at lightening the level of regulatory burden on relevant businesses vis-a-vis short-stay accommodation organisations such as Airbnb. The bill before us is a good start to what should be an ongoing process of necessary reform, including through the code. I am also heartened by the fact that there will be a review in 12 months so that further refinement can be made, as appropriate. As previous speakers have said, the genie is out of the bottle. This bill provides certainty and consistency but it should be part of an ongoing process.

**Mr DAVID HARRIS (Wyong) (16:58):** I make a contribution to debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. I welcome the bill in that currently there is no regulation in this area. This bill introduces some regulation. However, I note concerns that have been raised with me by constituents about short-term rental accommodation, particularly in beachside suburbs in my electorate and mainly at Norah Head, which is a beautiful spot on the coastline. It is a residential area but does have some tourism accommodation. The issue of short-term accommodation has been causing people a lot of concern.

The main concern that has been raised with me is the tension between full-time residents and short-term visitors. Although not always an issue, it can cause problems. The major issue at Norah Head relates to party houses. A house is rented for a weekend where up to 20 people—and sometimes in excess of 20—party from Friday night to Sunday, causing problems of parking, noise, rubbish and a whole range of other issues. In one case, residents, including young children, were subjected to nudity on the veranda of a house. Police were called and intervened, but that only stops the problem for that day. The next weekend and following weekends it happens again. I will not name residents or give their addresses because I do not want them to be victimised.

I refer to a case where a couple own and reside in one property and have a second property that they rent to a family of five, a couple with three young school-aged children. The house next door is used as a party house. I am not sure if it is marketed that way or if that is its reputation. Local residents complain about the noise that is made by people using the swimming pool day and night. They say that it is usually a quiet street. The neighbours accept that people have parties from time to time and they let each other know when they are going to hold a party. However, since this property has been used as a party house the partying is now constant. The young family is now thinking about moving. The couple I referred to raised with me that they think it is unfair that legitimate renters have to move because of problems associated with short-term rentals.

A gentleman who lives in the same area and who mentioned the same issues referred me to an online petition entitled "Neighbours Not Strangers", which is a campaign to protect neighbourhoods from problems arising from short-term rentals. As many members have said, this bill is an attempt to regulate what is already

happening in our communities. I am concerned, as are other members, that although the bill notes that there will be a code of conduct, we have not seen the code of conduct and we do not know how it will operate. Residents have asked me what constitutes a major breach. If the police are called as a result of too much noise, is that a breach? If police are called because short-term visitors are parking in residents' driveways and taking up all the car spaces, is that a breach? There is not enough information for us to determine whether the code of conduct will address all of the issues that affect residents. I ask the Minister to tell us what might be in the code of conduct.

Residents have raised questions about a property being rented by different individuals. Does the property owner have a right to appeal, saying that the people renting the property were a bad mob and that it will never happen again, only for the behaviour to continue with the next group? If an owner is banned, is the ban for one month, two months, three months or forever? We have no indication about what actually happens. What if a person sells a property and the next owner comes along and it starts all over again? These are real concerns. Residents want to know that their neighbourhood will be protected. They have made an investment—for residents at Norah Head it is a fairly major investment—and they want to know that their rights to a quiet, peaceful neighbourhood are protected.

People in my electorate have contacted the Federal member who has contacted the council. Although it is not clear in the bill, I assume that councils will be responsible for enforcing the regulation. The question then is: Will councils receive funding to monitor the registration of properties? Will councils have to contact an owner of a property to inform them that they are in breach? Is that a role for which councils will be responsible? Councils have indicated they have not been properly consulted and they are unsure about the costs that will be imposed on them by this regulation. That is an important issue. If we are putting a bill through this Parliament that will have knock-on costs for local government, we should be able to give councils an idea of what those costs will be. Who will be responsible for this role if it is not the role of councils? I do not want my local police spending time trying to regulate the short-term accommodation market instead of dealing with issues such as domestic violence offences.

At Norah Head and in other beach suburbs in my electorate often police are unable to attend to callouts because they have to triage incidents in the area. If they do not turn up to an incident, is that incident properly recorded? This bill is very short compared to some bills that go through this place. Unfortunately, considerable detail has been omitted from the bill. As members, we have to go to the people we represent and say that as the Government tells us that this legislation is good legislation and will be reviewed in 12 months we will be voting to support it. When I told that to my constituents, they were not very happy. They asked me how could I vote for a bill when I cannot guarantee that it will make a difference to their situation. I told them to take it up with the Minister. I told them that currently there is nothing in legislation and that at least this bill introduces some regulation, but they were not very happy. I will tell them that there are problems with the bill. The letter has not gone out to them yet because the bill has just come before the House.

**Mr Mark Coure:** You are speaking against it but voting for it?

**Mr DAVID HARRIS:** That is the way we work on this side; you know that.

**Mr Mark Coure:** That is in *Hansard* now.

**Mr DAVID HARRIS:** What I said is between me and the caucus room. Several Government members have raised similar concerns but they too will vote for the bill. This bill is working both sides and no-one is really happy with that. [*Extension of time*]

No member who has spoken in this debate thinks that this bill answers all the questions. Whether it is members on this side of the House, the Independents, The Greens or Government members, everyone has raised issues about this bill: what it does, what it means and what it will do. It is unfortunate that the digital economy causes so much disruption and dealing with the issues is difficult. At the end of the day, it is the punters who have to live with the decisions we make. They have to cope with their lives and their investments which are being disrupted.

Another group that has contacted me about the bill is the more established accommodation people. Previous speakers have mentioned this as well. Like the taxi industry, they are regulated and they have rules they have to follow. They are very concerned that the regulations and rules they have to follow mean a cost to their business but other people who are coming in and undermining their business do not have the same rules applied to them. We have to take that into account. We know what happened with the taxi industry and the heartache that caused. It sent quite a number of people to the wall. This is another area where if we do not get it right legitimate people with legitimate businesses will be hurt, and I do not think that is fair.

Whilst we have to regulate this industry, I think the number of days allowed for short-term renting is questionable. In a regional area it is 365 days, unless the council reduces it, and the minimum is 180 days. A few

members have said that number is far too high, and I agree with that. I think about 90 to 100 days is more the ballpark figure. If members can be informed about the code of conduct and what will be in it, we can reassure our communities that we are doing the right thing. At the moment, as we have no information, there is a very low level of confidence.

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (17:10):** I make a contribution to the debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018, which is in response to the New South Wales Parliament's planning and environment committee's public inquiry into short-term letting. I am a member of that committee, as are two of my colleagues. Short-term accommodation is not a new industry. I am sure that many members, if not all, have used short-term accommodation in one form or another for personal or professional reasons. What is new is that the market for short-term accommodation has substantially changed through the emergence and participation of technology. It has allowed more micro short-term accommodation suppliers to the market, created a global demand base, widened the geographical spread of supply, broadened the level of economic activity away from the central business district or clustered areas, and diversified the travel experience of short-term accommodation users.

These changes happened very quickly, yet our regulatory framework has not changed. Whilst this proposed bill does signal Parliament's intention to better manage the changing market structures of the industry, it falls well short of clarity and certainty for all industry participants. The use of technology in short-term accommodation is here to stay and it is better to regulate the market than to totally ban it. We all know how banning an industry works out—just ask our friends in the greyhound racing industry. New section 54B (1) outlines that through regulation rather than in the legislation a code of conduct for industry participants may be developed. New section 54B (2) (a) to (h) states that it may make provisions about rights, obligations, processes and required actions from industry participants, but does not define which one of the defined industry participants, as detailed in new section 54A (a) to (e), has carriage of that responsibility.

New section 54 (3) goes further and indicates that it may include punitive measures in the event of the contravention of the code of conduct. The operative word "may" in section 54B does little to clarify or provide certainty for industry participants—for example, new section 54B (2) (e), "may require the provision of information or reports to the Secretary". My question is: Which one of the industry participants has carriage of this responsibility? Is it the agent, the host, the platform provider, two of the three, or all three of them? This scenario of who carries the responsibility for the required functions and how it works remains unanswered in the legislation.

Let us go to another example: new section 54B (3) (b) and (c), which covers the compliance framework. How does enforcement work, who has responsibility and how will the rules be enforced? Dr Crommelin from the City Futures Research Centre at the University of New South Wales raised the point about ambiguity. It is all well and good to have a regulatory framework, but if it is not enforced or unable to be enforced effectively with clear lines of responsibility and ownership, then all we are creating is increased uncertainty. I also note in new section 54B (3) (b) where it refers to a cost recovery mechanism for the enforcement and administration of the code of conduct. Once again, which one of the industry participants is paying for this? How much is to be collected? Where is this revenue going to be spent? What happens if the revenue collected is inadequate? Is this a sneaky little bedroom tax in the making? These are just some of the questions that industry participants, amongst many others, will be asking.

The uncertainty is a problem of the Government's own making because it could not sort out its internal ideological differences. There has been a great deal of commentary on but not a lot of certainty in the proposed bill. I note that in schedule 2, which amends the Strata Schemes Management Act 2015, new section 137A (2) provides for the primacy of a person's principal place of residence and prevents any by-law being enforceable to prohibit a person from using their residence for short-term accommodation. This is the same recommendation that was outlined in the committee's recommendations. A well-functioning short-term rental accommodation market is in everyone's interests. It adds value to our economy, allows regional areas to share in the tourist dollar, meets a temporary demand surge, provides visitors with a diverse experience of the special characteristics of the different towns and suburbs and grows the industry as a whole without necessarily taking anything away from existing short-term accommodation suppliers.

The planning and environment committee conducted a detailed inquiry and received evidence and submissions from a range of stakeholders. It is important to note these findings and evidence when developing the code of conduct. The code should not seek to regulate or over-regulate the industry, especially where the focus is on an issue or issues which are more specific to a particular section of the industry or to a particular participant and are not widespread. There has been a lot of public commentary about the code and what it may contain regarding night limits, geographical exemptions, administration, compliance and enforcement. I reserve my

further judgement until the code has been finalised, but I hope it can provide greater clarity and certainty than that which is contained in schedule 1 to the bill. Then again, it may not.

**Mr JAMIE PARKER (Balmain) (17:17):** On behalf of The Greens, I address the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. I will not repeat the discussion that has already taken place about the functions of the bill. The committee sat for almost 12 months on the inquiry—

**Mr Mark Coure:** Two years.

**Mr JAMIE PARKER:** The committee sat for two years, says the member for Oatley, on the inquiry into the adequacy of the regulation of short-term holiday letting inquiry. This complex issue was not only engaging but important. The legislation does propose some worthwhile changes, one of which is the threshold issue about the type of accommodation and its use. Much has been said about antisocial behaviour, which is really a management issue, and on the type of housing and its use. As to antisocial behaviour, a range of mechanisms can be developed in order to manage antisocial behaviour. One of the major failings in the approach by the Government is that a code of conduct has not yet been developed. Almost two years were spent on the parliamentary inquiry. It has now been a year or so since that inquiry and still there is not a code of conduct for the public to examine.

In my electorate, hosts on Airbnb and other sites are obviously pleased about the fact that a primary place of residence can be used for short-term stay accommodation. I have had meetings with Airbnb, which has also organised meetings with hosts in my electorate. The vast majority of those hosts are local people, in particular older people who have a spare bedroom. Their children have left home and they rent out a bedroom on an intermittent basis. Those people are delighted with this approach. However, they are very concerned that they have not seen the code of conduct. They are not able to determine the level of support they can give to this legislation because the code of conduct is yet to be seen.

The inquiry looked at the Queensland legislation around party houses and considered it to be an adequate way to address antisocial behaviour. However, there is the more complex issue of use. The Land and Environment Court found that short-term stay accommodation was incompatible in a residential zone under the City of Sydney Local Environmental Plan [LEP]. That led to a flurry of activity about the use of property that was not permitted in a residential zone. Challenges to the impact of short-term accommodation on the traditional rental market is an issue. While contested, it is not unusual. Around the world there have been issues with short-term stay accommodation, including Airbnb, and strict regulations have been introduced. In smaller areas, such as Byron Bay and other communities, short-term accommodation has had an impact not only on traditional renting but also on traditional accommodation providers. The impact on traditional accommodation providers should not be underestimated.

Some members have said that down the track regulation around traditional accommodation should be addressed, especially those providing accommodation in the same market. The Shangri-La hotel would not be concerned about short-term stay accommodation, but for a small bed and breakfast that is operating in Byron Bay or in my electorate and is competing directly with higher quality housing stock the regulatory environment is critical. It is not good enough for the Government to say that it will introduce a bill that permits short-term stay accommodation in residential environments and bring in regulations down the track. I have received several emails and have been contacted by people in the community about this issue.

Property owners in Byron Bay have said that merely to open the doors of their bed and breakfast, before even switching on a light, it costs them approximately \$2,700 per week. That consists of, amongst other things, land tax, council rates and insurances. They talked also about the costs they incur to ensure the accommodation is suitable for people with disabilities, disabled parking spaces, traffic management reports, development applications, compliance obligations around fire safety audits, annual food safety audits and swimming pool standards. At the same time, two doors down a property that is very similar to their bed and breakfast can operate as Airbnb accommodation and does not have to undertake one single form of compliance. The Airbnb property pays residential rates, not commercial rates. Clearly, this is having an enormous impact on these businesses.

The Government says that it will worry about that at a later time and may undertake a regulatory review. That is good enough. The evidence shows that the impact on the traditional rental market is significant. In my electorate there are a lot of hosts and a lot of renters. Renters are feeling the pinch. As a member of Parliament and a former mayor, I know that investors in particular are switching their properties to short-term stay accommodation. Let us not kid ourselves. During the committee inquiry, we saw some Airbnb hosts with 147 and 120 properties. This is not mums and dads letting out a bedroom over the long weekend. This is an industry of people that are committed to using investment properties, in particular in strata buildings in the central business district, to generate revenue. Strata buildings have basically been turned into hotels. The Greens believe that the protections for strata buildings are necessary. The Greens support the view of the member for Sydney that this

legislation is deficient in protecting strata buildings being turned into hotels. The City of Sydney was successful in court proceedings it instigated against a group from AccorHotels.

The final thing that I will say regarding impacts upon strata groups is that it is not just about antisocial behaviour but also the additional cost caused by wear and tear on the building. If someone is visiting the city they will use the pool, the barbecue area, the sporting facilities and the gym. Traditionally with long-term ownership or rental there is light usage of those facilities, but when half the properties are Airbnb short-term stay accommodation the pool is full, the gym is full and the services are being heavily used. It then falls on the other strata payers to manage those costs. This is a complex issue, but The Greens believe there are key principles that should be supported. One size fits all is a crude banner. The decision should be left to local councils who strategically plan for and consult with the community rather than overriding town planners.

A range of councils have individual controls around short-term stay accommodation and this legislation basically overrides that approach. Local councils will not be able to customise short-term stay accommodation for their communities such as no short-term stay accommodation in properties with more than four bedrooms, or limiting days to 60 instead of 90 or 120 days. The Greens believe that local councils should make those decisions and should be entrusted as the people with knowledge of their communities. The Greens are concerned by the lack of information provided in the bill. The only opportunity for oversight is during this debate because State environmental planning policies are not disallowable instruments. It is a crude form of accountability. The Greens support State environmental planning policies becoming disallowable instruments. There is no other opportunity for the Parliament to make decisions about the massive structural change being proposed.

It has not been six months; it has been years of debate and discussion and The Greens believe the bill in its current form should not be supported. It is important to give certainty to "hosts", as defined by Airbnb, and to provide relief to those people already in the retail accommodation sector. Despite the amount of time taken by the Government to propose this bill it does not provide all of the necessary answers. In conclusion, local governments will carry the can for this legislation but there is no additional funding or support available for them. A genuine sharing economy is important and should not suffer negative consequences because of poor legislation. It should benefit everyone. In the current circumstances—which include a lack of information and a lack of assistance and recognition of those traditional accommodation providers—and for all the reasons I discussed and because of the issues raised by the member for Sydney and the member for Lake Macquarie, The Greens are unable to support the bill at this time.

**Mr STEPHEN BALI (Blacktown) (17:27):** I speak in debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. Many members of this House have spoken in detail on the bill and I will not reiterate the many important points they have raised. I have a few key concerns. The bill states that it provides a framework, but I see little substance as far as enforcement. The member for Wyong stated in his contribution that the bill raises more questions than answers. The two-strikes policy is a great initiative but is based on self-regulation. There is no acceptable professional body that has the industrial grunt to ensure providers enforce the two-strikes policy. The best way to enforce and monitor this issue would be through a licensing fee administered by local government.

The advantage of having local government administer and monitor the code of conduct includes, but is not limited to: registration of all the accommodation available in the local area; an annual declaration by vendors of adherence to the annual limit of 180 days; and inspection of accommodation for fire safety and accessibility issues. If a rented home has a pool, who is responsible for ensuring that the pool is safe for occupants? To gain a currency certificate the accommodation provider will need to demonstrate to council that public liability insurances, and other matters, are up to date, no noise complaints have been made and that parking issues have been addressed. The member for Mount Druitt said that motels and hotels cannot refuse to provide appropriate accommodation for people with a disability or who have guide dog requirements. The same issues must be addressed by those offering short stay accommodation.

If we choose councils to be the regulators and enforcers they will experience many and varied challenges. One of those challenges will be to effectively monitor noise complaints. Many members have noted that noise is a primary problem but councils have few effective powers to resolve noise complaints. For instance, if a council officer is called about a noise complaint and attends the premises they only have the power in the short term to issue a seven day notice to cease and desist. If the noise complaint occurs on a weekend it will be useless to issue a seven day notice on Friday night when the tenants will be gone by Monday. Council powers need to be beefed up in that area. Any fees need to match the costs incurred by council to provide essential services such as additional staff or a monitoring system.

When the State Government introduced pool inspections it proposed a fee, and I see this proceeding in the same vein. We should identify the appropriate fee and allow councils to monitor it at no cost to council. There is a need to enhance the powers of council rangers to undertake inspections. Presently, depending on the issue, a

person has the right to tell a council inspector who knocks on their door to go away. The local council ranger requires effective powers that enable an immediate reaction if there is an issue. The most common complaint raised by members today has been noise and inappropriate activity at these places. It might be more effective to have a costly fine rather than a two-strikes policy and to let the market sort out the problem. A council could contact the owner or property manager and issue a warning to control the party house within the hour. If the problem is not resolved in that time the council ranger could issue a substantial fine such as \$5,000.

I am sure the vendors will then jump at an opportunity to ensure that there are no noise or inappropriate activity complaints about the accommodation. There must be a coordinated approach. In the first instance, Parliament must determine the extent of the regulations on the industry rather than rely on ministerial decree. It is important for the industry to flourish but there must be an effective set of rules that allows all members of the industry to exist on an equal playing field. I appreciate the Minister's attempt to regulate the unregulated, but any solution must be workable to ensure that we are not kicking the problem down the road. The most important question is: Who will be the better regulator or enforcer of the bill? That question must be answered for this to become an effective industry into the future.

**Mr DAMIEN TUDEHOPE (Epping) (17:34):** I will make a short contribution to the debate on the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. I note the Parliamentary Secretary who had carriage of the inquiry in relation to this bill is in the Chamber. The report has become known as the Coure report and is the standard-bearer of reports, known for its comprehensive nature and the recommendations within it. The tension between private ownership and regulation of private ownership is always a vexed question. It is generally the case that we respect people's rights in using property they own in the manner they see fit. However, one must always take into account the amenity of the people who maybe impacted by one's use of that property.

This bill, very commendably, tries to acknowledge the problem that exists with the use of private property in circumstances where it impacts other users of that property. It exists primarily in circumstances where people own properties in strata schemes. The Minister, in acknowledging that, has said to owners of strata schemes that when people buy into the strata scheme they buy into a community of residents and the owners, as a community, have the power, having discussed it amongst themselves by a 75 per cent majority, to make rules about the use of property so as to accommodate short-term holiday letting.

All speakers in this place have acknowledged the difficulty with this legislation. I join with the member for Davidson in his observations about the bill. There are continuing obligations to develop a code of conduct on the use of short-term holiday lettings, both by the owners of property and those who use the platforms for the marketing of short-term holiday lettings. In that regard I make some short observations. Stayz, Airbnb and other holiday letting companies who use internet-based means to let accommodation often do not do so in a transparent way, which makes the collection of data around short-term holiday lettings very difficult to maintain.

One of the components of the bill is that short-term holiday lettings are limited to 180 days. How will people know that is what has happened unless there is some form of data collection in respect of that short-term holiday letting? There needs to be some transparency about how this is done. Going forward in developing a code of conduct the industry itself must play a role in being a good corporate citizen by acknowledging its obligations. I suggest to those involved in the industry that they should ensure they are good taxpayers and that for the sake of the Australian economy the people involved in short-term holiday letting pay the appropriate taxation on income they receive. The bill goes a long way to addressing the issues. Transparency and regulation are yet to be developed in relation to it. I commend the Minister for listening to the concerns that have been raised. I commend the bill to the House.

**Mr RON HOENIG (Heffron) (17:38):** I make a contribution to the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018. My heart warms when I hear the member for Epping, who is so reactionary, advocating government control and intrusion into the lives of citizens who happen to own the fee simple of their own properties. Nevertheless, short-term letting issues only became apparent with the success of Airbnb, a worldwide phenomenon. I must say that I have been a user of Airbnb facilities. However, I am aware from complaints I have received in my electorate that some problems are associated with short-term letting and Airbnb. But it is not just Airbnb that might have an impact in various areas. I am almost overwhelmed with complaints from East Village, Zetland, about serviced apartments run by Meriton in a dense residential area that is in fact one of the largest in Australia. Many of the people who own or rent properties in that location complain about the operations of short-term letting.

Let us make no mistake about the level of success of the Airbnb operators. People who only owned a computer and ran a computer program have now created one of the five most valuable unlisted companies in the world. However, since the worldwide success of Airbnb some problems have developed. Bearing in mind the nature of the problems, it was a pretty poor effort by the Minister for Innovation and Better Regulation. I do not know about the term "innovation" in his title; there is nothing innovative about this dreadful bill. It is a pretty poor



response from the Minister and his predecessor, whose department has been leading the way on consumer protection for eight long years. If this is a response to the problems arising from short-term lettings, this little bill provides for a code of conduct for short-term rental accommodation for a period of not more than three months. It then provides for amendments to the Strata Titles Management Act 2015 to empower bodies corporate to be able to make a special resolution of an owners' corporation to prohibit a lot from being used for short-term rental accommodation if there is a 75 per cent vote.

I take no issue with schedule 2 relating to amendments to the Strata Titles Management Act because if the strata body is unreasonable, the Strata Titles Management Act provides mechanism that enable people to go to the tribunal to seek a review of determinations if there is unfair or improper conduct. As a matter of principle my issue goes back to 1215 and the Magna Carta—that is, the indefeasibility of title in respect of the ownership of property. If I own property, whether it is the land on which something is situated or, alternatively, if I hold a strata unit, I have a certificate of title granted by the State to give indefeasibility of title. What right has the State to interfere in my ownership or my ability to either sell that land or to lease it? The right of the State to interfere is when it impacts adversely upon the quiet enjoyment of other people within the community. That is the function of the State. The situation in respect of short-term letting—

**Mr Damien Tudehope:** Covenants on title.

**Mr RON HOENIG:** The covenants have been entered by agreement, and you should know that. Do I need to give the member for Epping a law lecture? To try to regulate by way of a code of conduct is a ridiculous proposition that impacts upon principle because anyone who regulates will regulate conduct by way of either legislation—an Act of Parliament—or alternatively by regulation.

It offends against principle that a bureaucrat can sit in a room and develop a code of conduct which binds an individual and has the force of law without being tabled in Parliament. It misunderstands what a code of conduct is. The member for Epping will recall the evidence that Dr Waldersee gave to the Committee on the Independent Commission Against Corruption. He indicated that codes of conduct were aspirational documents and were not to be used as swords or shields. For some reason, the Minister for Local Government or the Minister's predecessor has repeatedly fallen for that trap. Now the Minister for Innovation and Better Regulation has adopted a similar ridiculous model that offends against principle.

It is one thing to enact legislation concerning ridesharing. The reason that many of us were so critical was that the Government intruded on a market that had regulated itself and, as a result of the Government regulation, those who invested in taxi plates lost considerable funds. This particular market is not a regulated market. Nobody is paying a bed tax. Nobody is guaranteed protection in hotels or serviced apartments run by other persons. It is, in fact, a market that should operate as long as it does not impact on the quality of life of other citizens in New South Wales. The way to enable that is to enact legislation or regulation that sets the standards that are required. It might be determined that regulations should provide for the safety of occupants beyond what would normally be required in a normal residential apartment because of the nature of its use. That might be reasonable, but those requirements are not contained in the bill. Principles that might justify the State intruding on this market to provide protection to either those who lease premises or those who are impacted by the poor behaviour of others using the premises are not contained in the bill. They are not purported to be contained in a regulation tabled in this House, but they will be contained in some mythical code of conduct.

When the State, through this Parliament, determines the standard of behaviour of fellow citizens, then the jurisdiction to determine that behaviour is vested in this sovereign Parliament or, alternatively, if the Parliament authorises regulations it is vested in the Executive government, providing the Parliament does not disallow those regulations. That is the way in which this State will control the behaviour of individuals. This is a poor response. Various jurisdictions around the world exercise controls. It is not only in Western democracies but also in countries that do not have the robust democracies that we have in the bear pit. The Minister for Innovation—if he had any innovation—could learn from many nations around the world about how to regulate and control the holiday letting market. Up to this point the work of the Department of Fair Trading has been exceptional, but the bill is a poor response.

**Mr MARK COURE (Oatley) (17:48):** It is an honour to speak in debate on the Fair Trading Amendment (Short-Term Rental Accommodation) Bill 2018. I acknowledge the work of the Minister for Innovation and Better Regulation. The legislation is about getting the balance right. Under the current planning legislation, most home owners are breaking the law. The legislation will see the same principles apply across Sydney and a different standard across regional and rural New South Wales. This Government is empowering strata communities and will protect communities from antisocial behaviour.

I acknowledge the work of the Minister and the Department of Fair Trading to get the bill to this House. This Government is implementing a mandatory code of conduct, and I will talk about that briefly. The sharing

economy is booming in New South Wales as more people find creative ways to turn their unused things into income. One of the biggest money-spinners is space. More than 5,000 home owners in New South Wales are turning granny flats, spare rooms, garages and empty houses into tourism gold. These short-term lettings give holiday-makers from Australia and overseas a chance to live like a local in neighbourhoods that do not feature on tourism maps.

As we have heard, not everyone is a winner. As policymakers, we have to work to get the balance right for consumers, home owners, their neighbours and the community. It is challenging being confronted with New York, Philadelphia, Paris, Amsterdam and London. Those cities are moving toward fair and progressive regulation for home sharing. Throughout 2016, I chaired the parliamentary Committee on Environment and Planning, which heard evidence from communities across New South Wales as part of its inquiry into the short-term holiday letting regulation. For some regional and coastal towns, it has breathed new life into communities, bringing precious tourism dollars to local businesses, creating new jobs and opening up places off the beaten track. It has given savvy towns the chance to showcase the best they have to offer. Other communities have had issues with antisocial behaviour, especially in holiday towns with a transient population and absentee home owners. Our laws must change to reflect the new reality. This regulation will address and solve those issues.

The sharing economy and short-term rental accommodation has been around for generations. What has changed is the platform. People are viewing Stayz and Airbnb on the internet to rent short-term holiday accommodation for family vacations. In New South Wales more than 85 per cent of Airbnb hosts rent out the home they live in. The typical host earns more than \$4,000 each year. Their guests stay longer and spend more than traditional tourists, which benefits not only the hosts but also small businesses and the economy. The Deloitte Access Economics report estimated that more than 45,000 people in New South Wales earned income by participating in the sharing economy. That figure will only grow as the years go by.

This legislation provides that certainty once and for all. There is inconsistency in the planning legislation which is one of the reasons that the Committee on Environment and Planning looked into short-term holiday letting regulation across the State. The Government is empowering strata communities with a mandatory code of conduct, which is necessary, and it is suggesting that short-term rental accommodation be limited to 180 days per year. Not all platforms have a code of conduct. I am led to believe Airbnb has a code of conduct. This legislation will invoke a two strikes and you are out rule. Some platforms such as Airbnb have three strikes. The protections are in place. I once again acknowledge the work of the Minister and congratulate him on getting this legislation to this Chamber. I support the bill.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (17:53):** In reply: It is good to see the Assistant Speaker in the chair because this issue greatly affects his electorate. I appreciate his input in getting the bill to this place. As members have heard, the purpose of the Fair Trading Amendment (Short-Term Rental Accommodation) Bill 2018 is to introduce measures to protect the rights of individual home owners to ensure the continued economic development of short-term rental accommodation to the State's economy and to address and deal with the bad behaviour of guests.

The bill strikes the right balance between preserving the ability of home owners to use their properties as they wish with public concerns about adverse impacts of short-term rental accommodation on neighbourhood amenity. The reforms will provide for a mandatory and enforceable code of conduct for the short-term rental accommodation industry, enable the code of conduct to establish rights and obligations for all industry participants and a complaint handling process, enable an exclusion register to be established for guests and hosts who breach the code, allow the imposition of civil penalties for breaches of the code and allow strata by-laws to prohibit short-term rental accommodation [STRA] but only for lots that are not the host's principal place of residence. The full reform package includes the development of a new planning instrument to clearly define and allow short-term rental accommodation. The planning instrument is being dealt with separately to this bill so I will only address the content of this bill this evening.

We have listened to everyone from industry to other stakeholders and to the wider community. I make no apology for ensuring that we took our time to get this right. These are the toughest laws in the country and I am confident they will both protect the rights of property owners while at the same time ensuring that neighbours and the wider community do not have to cop bad behaviour from rowdy guests. Opposition members queried the specific content of the code of conduct. The code will be developed in consultation with the industry and key stakeholders such as tenancy groups. There will be opportunities throughout the code development process for consultation, feedback and input before it is finalised. The time line for finalising the code of conduct will depend on how long the consultation process takes. I make no apologies for taking the time to make sure that we get the code of conduct right. However, be assured that it will be developed as quickly as possible.

To ensure the content is appropriate, we will also be introducing a 12 month review after the code of conduct is introduced. While we know what we want the code to achieve, the specific content will be determined

during consultation with key industry groups and other affected stakeholders. This includes details such as the model for industry to fund, administer and enforce the code; penalties and enforcement structures for non-compliance with the code; the dispute resolution process; criteria for determining a serious breach of the code; functions of the arbitrators; process for external reviews of decisions and for ensuring procedural fairness; operation of the register of excluded properties, hosts and guests, including the relevant privacy concerns of such a register; definition of the short-term rental accommodation platform; the specific data on STRA bookings, complaints and dispute resolution to be collected; and the process for reviewing the operation of the code.

The only purpose of the bill today is to mandate the code. Once the code is mandated we can develop the code that best suits communities across New South Wales. I note that we are debating the bill today, therefore it is not appropriate to talk about the content of regulations that are designed to ensure the flexibility of a regulatory scheme and make sure that it remains suitable and appropriate. The code of conduct will impose a range of obligations on short-term letting platforms, letting agents, hosts and guests. Platforms and letting agents will be required to ensure guests and hosts are aware of the code and understand their obligations and the potentially significant penalties for failure to comply. Obligations on guests will include limitations on their behaviour that will cause a nuisance and otherwise adversely impact on neighbours. Hosts will be required to take steps to ensure that guests comply with the code's requirements. It is envisaged that the existence of a penalty regime and a possibility of being listed on the exclusion register will act as a strong deterrent to antisocial behaviour. Those who are not deterred will still face significant penalties and possible exclusion from the industry.

The member for Swansea asked whether the regulations developed implementing the code of conduct will be disallowed. The usual process under section 41 of the Interpretation Act 1987 would apply to a disallowance of any regulations made regarding the short-term holiday letting industry. With regard to the availability and sharing of data, the bill allows, among other things, the code to require the provision of reports or information on the short-term rental accommodation industry and on the operation of the code. I note the issue raised by the member for Swansea on data sharing. When developing the code of conduct we will look at what type of information may be required and with whom it should be shared. Privacy considerations will also be closely considered when determining specifically which information will be collected and with whom it will be shared. As we have heard, there are existing provisions under the strata schemes laws that can help owners' corporations deal with short-term letting.

To raise awareness of these options NSW Fair Trading will develop a specific short-term letting information kit for the strata sector. By-laws can be adopted requiring lot owners to notify owners' corporations at least 21 days before the change of use of that lot. By-laws can also be adopted restricting the occupancy of bedrooms of a lot to no more than two adults. This may assist owners' corporations to control overcrowding related to short-term letting. There is a longstanding obligation on the owners and occupiers of lots not to create or permit a nuisance or hazard, either in a lot or on the common property. Another longstanding obligation is that residents may not use the common property in a manner that interferes unreasonably with the use or enjoyment of the common property by other residents. With regard to the comments of the member for Swansea on how the new by-law provisions will interact with the existing strata legislation, the provisions in part 7, division 2 of the Strata Schemes Management Act which covers sections 134 to 141, collectively deal with what by-laws can and cannot do.

All those provisions must be read together to fully understand how by-laws can operate. In effect, this means that adding section 137A to deal with short-term letting by-laws alters the operation of the by-law framework in this division and allows such by-laws to be valid despite section 139 restrictions. The proposed approach for owners' corporations to adopt STRA by-laws is exactly the same as the usual process for adopting by-laws. They require a special resolution that is supported by 75 per cent at a general meeting of the owners' corporations. If an owners' corporation adopts a by-law limiting short-term letting, the same process will apply if they later decide to amend or delete that by-law. This is the same threshold that applies to other major decisions of a strata scheme such as any changes to any by-laws or approving a collective scale of the scheme.

Under strata scheme management laws, the NSW Civil and Administrative Tribunal [NCAT] is empowered to resolve disputes such as those involving by-laws. If an occupant of a strata scheme objects to a by-law or considers that it was invalidly adopted or considers the by-law to be harsh, oppressive or unreasonable, he or she can apply to the NSW Civil and Administrative Tribunal for orders to invalidate the by-law. The member for Sydney queried how a principal place of residence will be defined. NSW Fair Trading will provide educational materials to assist owners' corporations with guidance on determining whether a lot is an owner or a tenant's principal place of residence. Factors which can help determine where a person's place of residence is located include: current electoral enrolment details, a current driver licence, utility bills, a residential lease, presence of the person and his or her family in the property, location of people's personal belongings, whether their home and content insurance relates to that address, the address for delivery of mail and the address on a strata roll.

If an owner's corporation adopts a by-law prohibiting short-term letting where a lot is not the host's principal place of residence and takes action against a person for not complying with such a by-law, the host can agree to have the matter determined by NCAT if he or she disagrees with the owner's corporation. The member for Sydney, the member for Mount Druitt and the member for Swansea were also concerned about the impact of these reforms on rental availability and affordability. There have been a number of recent reports and other commentary on the impact of short-term rental accommodation on the long-term rental market. There is little agreement on the extent of any impact. A recent report from the University of Sydney has often been quoted as suggesting that the impact may be significant. However, this report focuses on five municipalities in Sydney that are known as tourist areas and where long-term rents are already high.

A report published in March 2017 by the Tenants' Union of NSW suggested that Airbnb had not yet impacted on the private rental market. This was for a number of reasons including that at the time the research was undertaken the average number of nights per year that individuals rented their houses out on Airbnb was not close to the number of nights required to cover the medium rent for that type of property in a year. However, the report also noted that this matter required further study in order to make any real claim about the impact of short-term letting on the private rental market.

On the University of New South Wales City Futures blog, there was a recent posting of a report that found approximately three-quarters of Airbnb listings involved genuine home-sharing, as opposed to entire dwellings that were being rented out on a commercial basis, defined as more than 90 days per year. Rental availability and affordability are affected by a range of interconnecting factors, including property prices, interest rates, tax incentives and the rate at which new dwellings are constructed. The bill will require online short-term letting platforms to provide the NSW Fair Trading Commissioner with information and data on the operation of the industry. Being able to collect this type of data will allow us to gain accurate figures, straight from the source, on how the industry is operating. It may be possible to combine this with other data in order to gain information about possible interactions with rental affordability and availability.

A number of concerns have been raised about how enforcement and compliance will occur and be funded. The policy framework we are introducing is a co-regulatory system so that the industry will have responsibility to fund and operate the code of conduct, with government still having regulatory oversight and access to industry information. I note the comments of the member for Swansea and the member for Wollongong about additional resources being needed to enforce the code of conduct. Proposed section 54B (3) (b) allows the regulation which declares the code of conduct to authorise the NSW Fair Trading Commissioner to recover from short-term rental accommodation industry participants the costs incurred during the enforcement and administration of the code. In this regard, compliance and enforcement activities conducted by Fair Trading will operate on a cost-recovery basis.

This means that Fair Trading will not bear the costs associated with enforcing the code of conduct. This model will also act as a further incentive for short-term rental participants to comply with the code, given that they may be liable for paying for any enforcement and compliance action taken as a result of breaches. I note the comments of the member for Mount Druitt about the enforcement of the code. It is important to reiterate that the short-term rental accommodation industry will administer and enforce those parts of the code that apply to hosts and guests. Meanwhile Fair Trading will enforce the elements of the code that apply to online booking platforms, real estate agents who facilitate short-term renting and other industry participants who may be prescribed by the regulation. This will be on a cost-recovery basis as I have mentioned.

I am confident that the provisions of this bill offer a proportional and effective mechanism to directly address the core concerns regarding short-term rental accommodation. They strike an important balance between permitting individuals to use their homes within reasonable limits with the need to protect the interests of neighbours. Overall, this package of reforms should provide significantly greater certainty to all involved in this industry. However, to ensure that they are delivering on our intentions, the Government will review the code of conduct one year after it commences to ensure it is delivering on our objective and, importantly, is proving effective in stamping out the disruptive behaviour associated with short-term letting and protecting the amenity of strata schemes and neighbourhoods.

It has been a big effort to get the bill to this place. A parliamentary inquiry has been held. An options paper attracted 8,000 submissions and a great deal of interest has been shown by every member of Parliament. I thank all members of Parliament who participated in this debate and helped to shape this policy into what I believe is an effective response to the short-term rental accommodation market. I thank those members who spoke in this debate, particularly my shadow counterpart the member for Swansea, who as always takes a keen interest in these matters. I appreciate the way she engaged in this debate. I also thank members representing the electorates of Drummoyne, Sydney, Miranda, Mount Druitt, Coogee, Wollongong, Lake Macquarie, Davidson,

Wyong, Macquarie Fields, Balmain, Blacktown and, of course, who could forget the member for Epping who has a keen interest in this important policy area.

I also thank my team—who worked hard to get us to this place—led by my outstanding Chief of Staff, Ben Coles; my policy adviser, Julia Stewart who is in the gallery today, joined by Richard Hodge, our impressive parliamentary liaison officer in addition to the media team that has been handling that side of things, Brooke Eggleton and Bill Briggs. In particular, I thank the hardworking team in the department: Katerina Paulidis, Warren McAlister, Diana Holy and Alanna Linn. 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.**

#### *Visitors*

#### **VISITORS**

**The ASSISTANT SPEAKER:** I welcome to the public gallery students from the Legal Profession Admission Board and also Jeannie Douglas and Rita Bila from the Parliamentary Education Unit.

#### *Bills*

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

**Consideration in detail requested by Ms Yasmin Catley and Mr Alex Greenwich.**

#### **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 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**Ms YASMIN CATLEY (Swansea) (18:11):** By leave: I move Opposition amendments Nos 1 to 6 on sheet C2018-083A in globo:

- |       |   |
|-------|---|
| No. 1 | <b>Code of conduct</b><br>Page 3, Schedule 1, proposed section 54B (2), line 39. Omit "may". Insert instead "must".     |
| No. 2 | <b>Code of conduct</b><br>Page 4, Schedule 1, proposed section 54B (3), line 13. Omit "may".                            |
| No. 3 | <b>Code of conduct</b><br>Page 4, Schedule 1, proposed section 54B (3) (a), line 14. Insert "is to" before "make".      |
| No. 4 | <b>Code of conduct</b><br>Page 4, Schedule 1, proposed section 54B (3) (b), line 16. Insert "is to" before "authorise". |
| No. 5 | <b>Code of conduct</b><br>Page 4, Schedule 1, proposed section 54B (3) (c), line 20. Insert "may" before "exclude".     |
| No. 6 | <b>Code of conduct</b><br>Page 4, Schedule 1, proposed section 54B (3) (d), line 23. Insert "may" before "contain".     |

It may be unorthodox but I want to thank Ben, Julia and Richard from the Minister's office who are always helpful when I am working on bills. The Opposition has moved key amendments that deal with the code of conduct for short-term rental accommodation. We moved these amendments because we believe this code of conduct needs teeth. It needs to protect the people of New South Wales and not be a toothless tiger that may or may not provide our State with the protections that are needed in this emerging industry. The bill in its current form shows that this Government is not serious about a robust code of conduct. Its vague and slippery language fails the residents of our State.

I have already spoken about our disappointment at the fact that this Government is proceeding with the bill without the details of the code of conduct. What is even more worrying is that it "may" get serious about a short-term rental accommodation code of conduct, not that it "will" get serious about it, which is not good enough. This is part of a bigger agenda to ensure that business continues as usual, with no real fix. Until this Government changes the language in the code of conduct we cannot be sure that it has the best interests of the residents of New South Wales at heart. As I have said before, we did not have the luxury of looking at a code of conduct, or even a draft code, when contemplating this bill. But we want to know that this Government will enforce that code when it is introduced.

The Opposition is concerned that the bill states that various vital aspects such as administration, warnings and bans, dispute resolution, reports, cost recovery, data statistics and more may be included in the final code. It is another example of the Government rolling out half-hearted fixes to get it through the next nine months. The Government wants to talk the talk on short-term rental accommodation, but it will not walk the walk and include language in the bill to protect people. These amendments propose to replace the word "may" with the word "must" in new section 54B (2) and parts of new section 54B (3). Accordingly, new section 54B (2) would read:

- (2) Without limiting the matters for or in respect of which a code of conduct may make provision, a code of conduct must...

Instead of the Government's watered down subsection which reads:

- (2) Without limiting the matters for or in respect of which a code of conduct may make provision, a code of conduct may ...

Likewise, section 54B (3) would read:

- (3) A regulation that declares a code of conduct must...

Instead of the current subsection which reads:

- (3) A regulation that declares a code of conduct may...

In its final form new section 54B (3) would read:

- (3) A regulation that declares a code of conduct:
- (a) is to make provision for or with respect to appeals against the listing of a person's details on the exclusion register, and
  - (b) is to authorise the Secretary to recover from short-term rental accommodation industry participants the costs incurred by the Secretary in connection with the enforcement and administration of the code, and
  - (c) may exclude a specified short-term rental accommodation industry participant or class of short-term rental accommodation industry participants from the application of the code or any part of the code, and
  - (d) may contain provisions of a savings or transitional nature consequent on the declaration of the code.

Labor's amendments will give the code of conduct some authority, unlike the weak provisions provided for in the original bill. What is the point of this bill if the Government refuses to provide certainty and clarity around the code of conduct for short-term rental lettings and for residents who live around these properties? Opposition members want to make sure that we have the best possible short-term rental accommodation bill. We are proposing these amendments because residents need adequate protection and certainty. I ask the House to consider these amendments. They will provide the people of New South Wales with some certainty. We need laws with teeth—namely, laws that will not leave the public with more questions than answers. I urge the Government to consider these amendments.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:17):** I appreciate where the member for Swansea is coming from with her proposed amendments but the Government strongly opposes them. It opposes them because the short-term rental accommodation market is evolving exponentially; it is changing dramatically. These amendments propose to restrict the matters for which the code of conduct can provide. We need to ensure maximum flexibility to be able to deal with the evolving short-term rental accommodation market, as well as the new challenges from this evolving marketplace. I place on record that this Government's objective is clear: It wants to see the toughest laws in the country when it comes to bad behaviour. The principles that underpin this bill are all about ensuring that people can use their properties as they wish, within reason, as long as that does not interfere with the peaceful enjoyment of their neighbours. That is what this bill seeks to achieve. I repeat: We need maximum flexibility to make that possible and that is why the Government is opposing these amendments.

**Ms JENNY LEONG (Newtown) (18:18):** The Greens support Opposition amendments Nos 1 to 6. I acknowledge the Minister's comments. I contend that in saying these things "must" be included in the code of conduct it will give the Government the flexibility to address any additional changes that may occur in the area of short-term letting. It will not restrict the Government; it will hold it to account. It will mean that at this point in time these things will be included but as things evolve there will also be the potential to expand. I agree that this is a changing space and we need to be flexible. But the Government will also be able to change the legislation if things change in such an extreme way in the future. At the very least, saying that these things must be included in the code of conduct at this point in time will give us some certainty, and it will not prevent other things from being included in the future.

If the landscape of short-term rental accommodation were to change so greatly further changes would need to be made. This Parliament is the appropriate place for that to be done. New legislation could be introduced to deal with those changes. These amendments will not restrict the Government from looking at additional issues that may not as yet have been thought about—things are moving quickly in this area. Indeed, the matters currently

articulated will be included in the code of conduct. By transparently placing it on the table we are saying, "This is what we are delivering on now." I am sure the public would be open to the inclusion of additional things in the future as that would be reflective of the changing landscape.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:20):** I thank the member for Newtown for her contribution. It would be counterproductive to limit the scope of the code of conduct before the consultation process has even begun. Indeed, that counterproductive strategy would be detrimental to the ultimate effectiveness of the code. The Government is also concerned that these amendments do not reflect the high standards of the legislative drafting practice that is the hallmark of the excellent work produced by the NSW Parliamentary Counsel's Office. They have assisted in the drafting of this bill and the word "may" as opposed to "must" is the language that is usually used in whole range of bills. Again, the Government opposes the Opposition's amendments.

**Ms YASMIN CATLEY (Swansea) (18:21):** The Minister said that he wants maximum flexibility but the Opposition's amendments do not remove that flexibility. New section 54B (2) states, "Without limiting the matters for or in respect of which a code of conduct may make provision...". So the Government can already do that. The Opposition is only asking that the code of conduct include the framework that the Government has set out in the bill. The flexibility is already in that section. It is disappointing that the Government will not accept our amendments because, if it had, it would have shown it is serious about having a tough code of conduct. The Minister has claimed that this bill will introduce some of the toughest laws in the world. So how could the Government not support these sensible amendments? These amendments will give this bill some teeth. They will give those people who use short-term letting, both as a guest and a host, and residents who have short-term lettings in their communities some assurance that, at the very least, the items the Government has identified as being so critical are a "must" in this bill. The Government is being disingenuous in not supporting this legislation.

The Minister issued a media release about this and in that media release he said, "These are the toughest laws in the country. They will make sure residents are protected while ensuring that hosts who do the right thing are not penalised." So it is okay for the Minister to say in a media release that the Government will do things but it is not okay to put "will" in the legislation. The Minister has got this one wrong. These amendments will give people confidence in this legislation. The bill provides for a 12 month review. That is sensible. The Opposition is asking for this to cover a 12 month period. I understand what the Minister said and I agree with him that we would be looking at a host of things. It has taken three years to formulate this legislation. We know that it is a changing environment and that the data obtained by the parliamentary review is very different to the data that we use today. I am very disappointed that the Government will not be adopting these very sensible amendments. I believe the community will be very disappointed also because it looks as though the Government is not serious about making this legislation as tough as it claimed in the media it would be. Rather than the legislation being tough and looking after consumers, it looks more like a wet lettuce.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:25):** The Government is committed to having the toughest laws in the world when it comes to dealing with bad behaviour and ensuring that people can peacefully enjoy their neighbourhoods without being disturbed by party houses, bucks nights' and other such activities. That is the objective of the code of conduct and we will consult broadly with the industry and interested parties to achieve that objective. Our two-strikes policy, as proposed in the bill, will be the toughest legislation in the world when it comes to regulating behaviour on short-term holiday letting platforms.

None of the amendments proposed by the Opposition will advance that objective, nor will they enhance the ability for us to achieve that outcome. It would be a mistake and counterproductive to limit the scope of what we are trying to achieve before we have even started the consultation process. We will undertake proper consultation and we will engage with stakeholders and interested parties to make sure that we achieve our objective, that is, that people can use their properties how they see fit so long as they do not impact adversely on other people's quiet enjoyment of their neighbourhoods.

**The ASSISTANT SPEAKER:** The member for Swansea has moved Opposition amendments Nos 1 to 6 on sheet C2018-079. The question is that the amendments be agreed to.

**The House divided.**

Ayes .....23  
Noes .....45  
Majority.....22

AYES

Atalla, Mr E

Bali, Mr S

Barr, Mr C

## AYES

Car, Ms P  
 Daley, Mr M  
 Finn, Ms J  
 Harrison, Ms J  
 Lynch, Mr P  
 Minns, Mr C  
 Tesch, Ms L (teller)

Catley, Ms Y  
 Dib, Mr J  
 Greenich, Mr A  
 Hoenig, Mr R  
 McDermott, Dr H  
 Park, Mr R  
 Warren, Mr G

Chanthivong, Mr A  
 Doyle, Ms T  
 Harris, Mr D  
 Leong, Ms J  
 Mehan, Mr D (teller)  
 Scully, Mr P

## NOES

Anderson, Mr K  
 Bromhead, Mr S (teller)  
 Cooke, Ms S  
 Davies, Mrs T  
 Elliott, Mr D  
 George, Mr T  
 Griffin, Mr J  
 Henskens, Mr A  
 Kean, Mr M  
 Marshall, Mr A  
 Patterson, Mr C (teller)  
 Provest, Mr G  
 Speakman, Mr M  
 Toole, Mr P  
 Williams, Mr R

Aplin, Mr G  
 Brookes, Mr G  
 Coure, Mr M  
 Dominello, Mr V  
 Evans, Mr A.W.  
 Gibbons, Ms M  
 Gulaptis, Mr C  
 Humphries, Mr K  
 Lee, Dr G  
 Notley-Smith, Mr B  
 Pavey, Mrs M  
 Rowell, Mr J  
 Stokes, Mr R  
 Tudehope, Mr D  
 Williams, Mrs L

Ayres, Mr S  
 Conolly, Mr K  
 Crouch, Mr A  
 Donato, Mr P  
 Evans, Mr L.J.  
 Goward, Ms P  
 Hazzard, Mr B  
 Johnsen, Mr M  
 Maguire, Mr D  
 O'Dea, Mr J  
 Petinos, Ms E  
 Sidoti, Mr J  
 Taylor, Mr M  
 Ward, Mr G  
 Wilson, Ms F

## PAIRS

Cotsis, Ms S  
 Foley, Mr L  
 Haylen, Ms J  
 Hornery, Ms S  
 Kamper, Mr S  
 Lalich, Mr N  
 Mihailuk, Ms T  
 Zangari, Mr G

Barilaro, Mr J  
 Berejiklian, Ms G  
 Constance, Mr A  
 Grant, Mr T  
 Hancock, Mrs S  
 Perrottet, Mr D  
 Roberts, Mr A  
 Upton, Ms G

**Amendments negatived.**

**Mr ALEX GREENWICH (Sydney) (18:33):** I move amendment No. 1 standing in my name on sheet C2018-079:

No. 1      **Registration of premises used for short-term rental accommodation**

Page 3, Schedule 1, proposed section 54B. Insert after line 43:

- (c) provide for the registration of residential premises used for the purposes of short-term rental accommodation arrangements and for the registration system to include details about when residential premises are used for those purposes, and The amendment is a straightforward one. It ensures that the short-term rental code of conduct in the Fair Trading Amendment (Short-Term Rental Accommodation) Bill 2018 can include a mandatory registration system where all hosts add their premises to a register and provide data on the nights that they are there on a short-term basis. As I said in my speech in the second reading debate, I reinforce my acknowledgement of the Minister for the great work he did in consulting with the sector, his stakeholders and me with the intention of getting the balance right with this legislation in an evolving and emerging area of policy and law. This will ensure compliance with the Government's regime.

Unlawful short-term letting has proven difficult to police, with enforcement agencies required to prove activities with extensive evidence that is challenging to collect. Sydney will soon have a 180-day-a-year limit for short-term renting, for a premises to remain compliant with residential zoning. The Government says that this



limit will ensure homes are not wholly converted to visitor accommodation. But the limit will be easy to disobey and many operators will do so because it is profitable. It is not feasible for neighbours to watch and count the days that there are short-term visitors in order to develop an annual tally. Compliance must be built into any system, and that is only possible through a registration system.

Without oversight of which properties are being let and when, commercial operators will easily contravene laws. A register would enable authorities to monitor compliance. It has strong support among strata communities where there is a history of short-term letting contravening building rules and where it can be difficult to determine which apartments are hosting short-term guests. A registration system would also help the Government collect data to establish any long-term impacts on housing affordability. The system could be funded by charging hosts a registration fee and could be managed through Service NSW, for example.

Registration systems already operate in San Francisco, New Orleans, Paris, Japan and Iceland, and community campaigns for a register are growing across the globe in places of high tourist demand. The Tenants Union and the Owners Corporation Network both say a registration system is vital for any regime to work. My amendment does not mandate a registration system or determine what a registration system should look like. The Government will retain flexibility, as it does with the wider code. However, it will ensure that a registration system can be introduced without having to go back to Parliament should the Government determine it is necessary. It is important that we can implement oversight and transparency of short-term letting. I commend the amendment.

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:36):** Following careful consideration of the amendment to new section 54B of the bill that has been proposed by the member for Sydney, the Government supports the amendment. The amendment will add a register of residential premises used for short-term rental accommodation to the matters that may be provided for under the code of conduct for the industry. It confirms that the code of conduct may deal with registration. The amendment simply adds certainty to the matters which the code of conduct may deal with, and on that basis the amendment is supported. New section 54B already includes a range of matters that the code may provide for, including rights and obligations of industry participants, administration arrangements for the code, provision of information, and sanctions for breaches. While new section 54B of the bill does not restrict the matters that the code may provide for, the inclusion of a register could provide additional means to ensure the code can be effectively enforced.

The bill is intended to set out a flexible and broad power to make a code of conduct. The code of conduct will be changed over time and may need to be changed after the 12-month review. All matters to be included in the code will be developed in consultation with industry stakeholders, including key government agencies. The code will ensure that we can address identified problems in the industry while allowing the responsible players to keep operating. That is a fair and reasonable approach. Furthermore, the Government is committed to a review of the new framework once the code of conduct has been in operation for 12 months. At that time, the need for any additional measures will be carefully considered.

**Ms YASMIN CATLEY (Swansea) (18:37):** I thank the member for Sydney for bringing to the House this very sensible amendment, which will seek to introduce a registration scheme in the short-term holiday letting industry.

**Mr Matt Kean:** May.

**Ms YASMIN CATLEY:** I thank the Minister for his interjection. It is as though he was reading my mind. It is unfortunate that the Government did not accept Labor's amendment, which included the word "must" in the provision to introduce these regulations into the code of conduct. The member for Sydney would have been delighted if it were a mandatory registration system and the broader community would also have enjoyed this legislation. I believe many of the arguments around short-term holiday letting are exacerbated by the lack of information and the complete lack of data. That is why this amendment is sensible. This amendment seeks to correct this lack of data and to provide real insights that will inform future policymaking in this area. I mentioned this earlier and I reiterate it tonight.

**The ASSISTANT SPEAKER:** Order! I remind members of Standing Order 42. The member for Swansea is speaking to the amendment. If members want to converse they should do so outside the Chamber.

**Ms YASMIN CATLEY:** I know that the Minister thinks that this can be seen as a heavy-handed approach but, so far, he has not come up with any real solutions to fix this problem. I believe that this amendment will do that. A registration system is a very good start. As I have said previously in this House, many countries around the world have introduced mandatory registration schemes for all hosts, keeping their governments up to date with the nature and extent of the industry. It is a vital part of ensuring the laws work for those they intend to serve. It is good public policy to have public data available to enable compliance with the law. The bill as it stands raises too many questions, particularly because of the lack of a clear and transparent registration system. How

does the Government intend to transparently enforce a crucial element of the bill without a registration system? How will the Government enforce caps effectively across multiple platforms? How will the Government enforce the two-strikes rules? How will disputes be dealt with? We cannot just leave it up to the industry to hand over the data whenever it feels like it.

We are dealing with multiple online platforms and when people break the caps or get into disputes we need to have that information immediately. This amendment will achieve that. We need to know when something goes wrong without waiting for the multitude of platforms to hand over their data and for the department to collate it and figure out what has been done and what has gone wrong. This is not about increasing red tape. The Government should know that this is about ensuring that the law works to the best of its ability. The Government needs to ensure that enforcement is not about guesswork or supposition. Enforcement should be effective. We support this amendment as it will provide the Government with the substance and facts it needs to get the job of regulating short-term holiday letting done.

**Mr ALEX GREENWICH (Sydney) (18:41):** I thank the Government, the Opposition and crossbench for their support of the amendment.

**The ASSISTANT SPEAKER:** The member for Sydney has moved amendment No. 1 standing in his name on sheet C2018-079. The question is that the amendment be agreed to.

**Amendment 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 MATT KEAN:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **CRIMES AMENDMENT (PUBLICLY THREATENING AND INCITING VIOLENCE) BILL 2018**

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

### **Returned**

**The ASSISTANT SPEAKER:** I report receipt of messages from the Legislative Council returning the abovementioned bills without amendment.

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

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (18:43):** In reply: I thank the following members for their contributions to the debate on the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018: the member for Liverpool, the member for Epping, the member for Maitland, the member for Miranda, the member for Charlestown, the member for Kiama, the member for Heffron, the member for Newtown and the member for Prospect. I thank the member for Liverpool for his commentary on the new persistent child sexual abuse offence.

One of the issues that the royal commission scrutinised in great detail was that of persistent child sexual abuse and the difficulties of prosecuting this abuse. It is very difficult because of the way memory works and the fact that victims can find it impossible to distinguish and recall the details of particular instances of abuse. The royal commission gathered specific expert research on this issue and concluded that it should be expected that complainants will find it difficult to provide particulars of child sexual abuse in many cases. The royal commission surveyed the various models of persistent child sexual abuse offences in Australia, which have all been introduced over recent decades to address this problem. It determined that the most successful model is the Queensland model, which has now also been adopted in South Australia. It is this model which is adopted in the bill.

The bill closely follows the royal commission's recommendations about how the offence should be formulated based on Queensland's model. It aims to balance the need to have an offence which enables successful prosecution of persistent abuse with the need to ensure the accused person's right to a fair trial. On the indictment, prosecutors will be required to allege that an unlawful sexual relationship existed and the period of time over which that relationship existed. The indictment will also include the name of the alleged victim. In addition, the

prosecution will be required to provide particulars to the defendant, including the two or more unlawful sexual acts that it alleged made up the unlawful sexual relationship. These particulars would be based on evidence that has been gathered during the course of the police investigation, including evidence from the victim and any other relevant witness. This information will provide further certainty to the defendant about the charge against them.

The offence will cover conduct that ranges from sexual acts and sexual touching to sexual intercourse. This is consistent with New South Wales' existing model of the offence and with the Queensland model. It recognises that prolonged and persistent sexual abuse of children often covers a range of conduct that escalates in seriousness over time. It is true that the offence does not require the jury to agree on the unlawful sexual acts that the accused has engaged in. Instead, the jury will be required to unanimously agree that an unlawful sexual relationship existed based on two or more unlawful sexual acts. This is a deliberate aspect of the offence recommended by the royal commission. It aims to avoid situations where a jury is unanimously agreed that the accused persistently abused the child, but the person is acquitted because the jury cannot agree on which of the precise combination of 10, 20 or even more unlawful sexual acts occurred.

A convicted person will receive a fair and proportionate sentence, despite the range of conduct covered, because the sentencing judge will determine beyond reasonable doubt what conduct the person engaged in as part of the judge's determination of the seriousness of the offence. The judge will then impose a sentence commensurate with the seriousness of the offence in the particular circumstances. In doing so, the sentencing judge will have regard to the relevant maximum penalties for each unlawful sexual act that they have determined, beyond reasonable doubt, occurred. In addition to a persistent child sexual abuse offence, Victoria currently has a form of charge called a "course of conduct" charge. This allows prosecution of multiple instances of some offences. The royal commission recommended that jurisdictions could consider introducing a course of conduct charge, in addition to reforming the persistent sexual abuse offence in the way adopted by the bill. However, it noted that use of the course of conduct charge in Victoria to prosecute child sexual abuse has been very limited to date.

The royal commission also noted that the course of conduct charge has a significant limitation in that it can only be used to prosecute multiple instances of the same offence—that is, multiple instances of sexual touching or multiple instances of sexual intercourse. It is known that persistent abuse can escalate over time and involve many different types of conduct, which greatly reduces the usefulness of a course of conduct charge to address this behaviour. The royal commission was clear that a course of conduct charge was a potential add-on to the recommended persistent sexual abuse offence, not an alternative to it. The majority of New South Wales stakeholders considered that a course of conduct charge would be of little assistance to prosecutions if New South Wales reformed its persistent child sexual abuse offence in the way recommended by the royal commission. For this reason, the Government has not made provision for a course of conduct charge in the bill.

I note the comments made by the member for Kiama and the member for Newtown in relation to the confessional privilege. The application of the "failure to report" offence to religious confessions is tied to the confessional privilege in section 127 of the Evidence Act. This Act is part of the system of uniform evidence law applying across New South Wales, Victoria, Tasmania, the Australian Capital Territory, the Northern Territory and the Commonwealth. It is highly desirable to preserve consistency within this uniform law system. In addition, the complex balance that must be struck in this area and the way that it, on one view, might be said to impact freedom of religion means that the issue would benefit from national consideration and a consistent national approach.

The Council of Attorneys General is already considering the royal commission's recommendations about tendency and coincidence evidence. Tendency and coincidence evidence is dealt with in the uniform evidence Acts across New South Wales, Victoria, Tasmania, the Australian Capital Territory, the Northern Territory and the Commonwealth. The New South Wales Government has asked the Council of Attorneys General to consider also the religious privilege provided for in the uniform evidence Acts. This was discussed at the Council of Attorneys General on 8 June 2018 and it was determined that further work should be undertaken in this area.

To preserve uniformity, the New South Wales Government holds that a national approach is the preferred approach, if at all possible, to religious privilege in the uniform evidence Acts. I note in the meantime that the failure to report and failure to protect offences that are introduced by the bill will, it would appear, cover the overwhelming majority of cases where abuse has come to the knowledge of the church. In other words, it seems that in the overwhelming number of cases knowledge of that abuse has come outside the confessional. In the meantime, the vast majority of cases are dealt with by the bill. It is hoped that a uniform approach or a harmonised approach is possible at a national level, at least amongst those States that have uniform evidence Acts.

I thank the member for Heffron for his comments in relation to section 80AG. The New South Wales Government will continue to monitor this legislation to determine that it is achieving its policy intent. I thank the member for Newtown for her comments in relation to the failure to report offence. The existing law, and the

current form of the bill, require the Attorney General to approve prosecutions where the circumstances of the offence merit additional scrutiny because the accused is likely to be under conflicting duties. This requirement for approval does not prevent prosecutions or protect certain categories of person.

As noted by the member for Prospect and other members, the practice in New South Wales is for the Attorney General to delegate decision-making under section 316 to the Director of Public Prosecutions. Nevertheless, I will shortly move amendments to provide that the requirement for approval of prosecutions under both section 316 and proposed section 316A reflect the administrative arrangements that currently exist so that it will be the Director of Public Prosecutions rather than the Attorney General who must approve a prosecution under those sections. I therefore request that there be consideration in detail of the bill. I also thank the member for Prospect for his comments in relation to this issue and his continued advocacy in relation to survivors of child sexual abuse. The bill will significantly reform and strengthen New South Wales' sex offence legislation so it better reflects community expectations, protects children and helps survivors to obtain justice.

In the past five years the Government has made a number of important changes in response to the recommendations of the royal commission. These include joining the National Redress Scheme and legislating to give effect to that commitment, leading significant reforms to improve permanency and stability for children in out-of-home care; introducing reforms to make it easier for child sexual abuse survivors to access civil justice; appointing specialist judges trained in managing child sexual assault matters; and introducing legislative reforms aimed at reducing trauma experienced by survivors during sexual assault proceedings. The bill reflects the aim of the Government to ensure that the criminal justice system is as effective as possible in responding to sexual violence, including child sexual abuse and child abuse more generally. We all have a responsibility to act on the recommendations of the royal commission in order to prevent abuse of the magnitude that we have seen from being repeated. The Government is steadfast in its commitment to bring in reform. I commend the bill to the House.

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

**Motion agreed to. Consideration in detail requested by Mr Mark Speakman.**

#### **Consideration in Detail**

**TEMPORARY SPEAKER (Mr Adam Crouch):** By leave: I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

**Clauses 1 and 2 agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedules 1 to 5 be agreed to.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (18:54):** By leave: I move Government amendments Nos 1 to 3 on sheet C2018-091 in globo:

**No. 1      Concealing offences**

Page 20, Schedule 1. Insert after line 18:

**[56]      Section 316 Concealing serious indictable offence**

Omit "Attorney General" from section 316 (4).

Insert instead "Director of Public Prosecutions".

**No. 2      Concealing offences**

Page 20, Schedule 1 [56], line 19. Omit "Section 316 Concealing serious indictable offence". Insert instead "Section 316 (6)".

**No. 3      Concealing offences**

Page 21, Schedule 1 [57], proposed section 316A (6), line 28. Omit "Attorney General". Insert instead "Director of Public Prosecutions".

These amendments relate to section 316 of the Crimes Act 1900 and proposed section 316A. The offence in section 316 covers failing to report any serious indictable offence. This offence can be used to prosecute failing to report child abuse where the child abuse is a serious indictable offence and to prosecute concealing any other serious indictable offence. Schedule 1 [57] amends the Crimes Act 1900 to insert proposed section 316A specifically to address failing to report child abuse offences. It will exist alongside section 316. The bill amends section 361 so that it no longer covers serious child abuse offences. Instead, failing to report these offences will be covered by proposed section 316A.

The amendments affect the requirement for approval of prosecutions under section 316 and proposed section 316A to reflect the administrative arrangements that currently exist. Consistent with the modern statutory

approach to the approval of prosecutions that have added complexity, the Government seeks to amend both sections 361 and proposed section 316A so that the Director of Public Prosecutions [DPP] rather than the Attorney General must approve a prosecution under those sections. The DPP is best placed to assess the likelihood of a successful prosecution under these provisions given the competing professional or confidentiality obligations owed by select professions and occupations. Under existing section 316, the power to approve prosecutions is in practice already delegated to the DPP for this reason.

Several other provisions that require approval before the prosecution can be commenced require approval from the DPP rather than the Attorney General. One example in this bill is in new section 66EA. As is the case with the existing version of section 66EA, the new proposed section will require the approval of the DPP before a prosecution can be launched. The amendments will create parity across all of these provisions by allocating the power to approve prosecutions to the DPP.

**Mr PAUL LYNCH (Liverpool) (18:57):** The Opposition supports these amendments because they formalise the existing arrangement, and in that sense they are entirely sensible. More than that, it is more in keeping with contemporary practice that it be the Director of Public Prosecutions [DPP] rather than the Attorney General who would consent to prosecutions. We had a discussion about this last night in the debate on the Crimes Amendment (Publicly Threatening and Inciting Violence) Bill 2018. The model adopted in that legislation was for the DPP rather than the Attorney General to approve prosecutions. Old section 20D of the Anti-Discrimination Act 1977 had the Attorney General playing that role.

The upper House committee that inquired into that bill recommended that to avoid politicisation it was more appropriate that the power be with the DPP rather than the Attorney General. I think that is right and also that there is a greater sense of independence if the DPP rather than the Attorney General has that power. I am not casting any aspersions on the current Attorney General, but that is how people would perceive it. I note there has been some argument that repealing the consent to prosecution is something that the royal commission required. That is certainly not my reading of what the royal commission recommended.

As I recall, the royal commission recommended that there should be no excuse protection or privilege relating to clergy, and it said nothing about removing approval for prosecution. It did have a lengthy discussion about section 316 of the Crimes Act 1900, but its focus was not on changing approval provisions but entirely on establishing a lower standard of knowledge being required to commit the offence. That is what the provision in the substantive part of the bill does. Therefore, it seems to me that these amendments are in no way inconsistent with what the royal commission recommended and the Opposition supports them.

**Ms JENNY LEONG (Newtown) (18:59):** The Greens support the Government's amendments. They make a marginal improvement, but The Greens still have serious concerns and will be moving an amendment in the upper House to address the royal commission's recommendation No. 35. That recommendation was that the failure to report an offence should apply in relation to information disclosed in, or in connection with, a religious confession, and that there should be no excuse protection or privilege in relation to religious confessions for the failure to report an offence.

The royal commission is unambiguous in its recommendation to remove the confessional as a barrier to reporting child sexual assault. As my colleague Mr David Shoebridge has said on a number of occasions, it is clear that this is about political will and whether we want to address this issue and to prevent further child sexual abuse by providing protections where those protections are not required. In fact, the royal commission recommended that those protections be removed.

I understand that many members in the other place are still considering this legislation. I urge members in this place to consider whether we want legislation that, as I stated in my contribution to the second reading debate, makes many amendments to deliver improvements. I question how we could ever provide protection to the confessional rather than prevent child sexual abuse. The royal commission was thorough and heard heartbreaking stories from people who found it extremely challenging to participate. We must provide protection to people who may be able to prevent child sexual abuse from occurring.

As I said, The Greens will move an amendment in the other place, and I urge members there to accept the reasons for providing children with this protection. It is our role as members of Parliament to provide that protection. I urge the Labor Party, The Nationals and the crossbench members to support The Greens amendment. It is unfortunate that we cannot move it in this place. I hope that members here will accept the royal commission's recommendation No. 35 and that when the legislation returns, potentially amended, they will support it to protect children at risk of sexual assault.

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (19:02):** I thank the Opposition and The Greens for their support of these amendments. As the member for Liverpool observed, the question of who

consents to a prosecution is separate from the question of any privilege that attaches to it. I thank the member for Newtown for her observations. The issues she has agitated will be agitated at the Council of Attorneys General with a view to working out a uniform approach that may be or may not be adopted, at least by those jurisdictions that have uniform evidence Acts.

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that Government amendments Nos 1 to 3 on sheet C2018-091 be agreed to.

**Amendments agreed to.**

**TEMPORARY SPEAKER (Mr Adam Crouch):** The question is that schedules 1 to 5, as amended, be agreed to.

**Schedules 1 to 5, as amended, agreed to.**

### **Third Reading**

**Mr MARK SPEAKMAN:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **UNEXPLAINED WEALTH (COMMONWEALTH POWERS) BILL 2018**

### **Second Reading Debate**

**Debate resumed from 6 June 2018.**

**Mr GUY ZANGARI (Fairfield) (19:03):** I speak on behalf of the New South Wales Labor Opposition on the Unexplained Wealth (Commonwealth Powers) Bill 2018. The object of the bill is to install the legislative frameworks to allow New South Wales to participate in the national cooperative scheme which would allow each respective jurisdiction to refer certain matters to the Commonwealth. The purpose of this is to provide the Australian Federal Police with the ability to use New South Wales offences to confiscate unexplained wealth from criminals under the Commonwealth Proceeds of Crime Act 2002.

In June 2013, the then Federal Labor Minister for Home Affairs, and Minister for Justice, the Hon. Jason Clare, MP, appointed former Australian Federal Police [AFP] Commissioner Mick Palmer, AO, APM, and former NSW Police Commissioner Ken Moroney, AO, APM, to a panel to assist State and Federal governments with the development of policy geared towards a national scheme addressing unexplained wealth. The objective was to provide the AFP with the appropriate powers to clamp down on serious organised crime across Australia without running into jurisdictional issues relating to certain offences. The introduction of this bill will allow the participation of New South Wales in this national scheme, which will hopefully see other jurisdictions follow suit.

This bill has come forward as a result of ongoing discussions and developments with governments across all jurisdictions, wherein New South Wales would be the first State in Australia to sign up to this scheme. The definition of "unexplained wealth" is set out as property or wealth that might not have been lawfully acquired. It also makes it clear that the meaning of lawfully acquired property and wealth includes but is not limited to the meaning of those terms in the pre-assent version of the Commonwealth Proceeds of Crime Act.

Presently, it is understood that the AFP frequently has its hands tied due to constitutional constraints which limit its ability to confiscate unexplained wealth from criminals who may be operating across several jurisdictions throughout Australia. The implementation of similar legislation is anticipated to be rolled out across other Australian jurisdictions in the near future, which will provide the national scheme with the teeth it requires to clamp down on serious organised crime across our nation. Under existing agreements, New South Wales receives a share of any confiscated proceeds which are seized in joint operations with the Australian Federal Police, so long as New South Wales contributes to the investigation.

In his second reading speech the Minister emphasised that, under changes in this bill and as a result of the national cooperative, any future confiscated proceeds which were seized as a result of a referral to the Commonwealth from New South Wales offences will still be equitably distributed to New South Wales irrespective of whether or not we provided any further participation in the investigation. Furthermore, it has been noted that the intergovernmental agreement which will allow New South Wales to participate in the national cooperative scheme will contain sufficient protections for New South Wales to ensure no amendments can be made to the agreement that our State does not agree with. The scheme is set to be reviewed after four years, with the sunset clause concluding after six years, with the option to renew. Under the proposed bill, the following will be considered a relevant serious criminal offence for the purpose of this bill, as set out in section 6 (2) of the Criminal Assets Recovery Act 1990:

(a) an offence referred to (before the commencement of the *Drug Misuse and Trafficking Act 1985*) in section 45A of the *Poisons Act 1966*:

(i) of supplying any drug of addiction or prohibited drug within the meaning of the *Poisons Act 1966*, or

(ii) of cultivating, supplying or possessing any prohibited plant within the meaning of that Act, or

(iii) of permitting any premises, as owner, occupier or lessee of the premises, to be used for the purpose of the cultivation or supply of any prohibited plant within the meaning of that Act or of being concerned in the management of any such premises, or

...

(c) a prescribed indictable offence, or an indictable offence of a prescribed kind, that is of a similar nature to a drug trafficking offence, including in either case an offence under a law of the Commonwealth, another State or a Territory, or

(d) an offence that is punishable by imprisonment for 5 years or more and involves theft, fraud, obtaining financial benefit from ... corruption, harbouring criminals, blackmail, obtaining or offering a secret commission, perverting the course of justice, tax or revenue evasion, illegal gambling, forgery or homicide, or

(e) an offence under section 50A, 51, 51B, 51BA or 51BB of the *Firearms Act 1996*, or

(e1) a drug premises offence, or

(f) an offence under section 80D or 80E of the *Crimes Act 1900*, or

(g) an offence under Division 15 or 15A of Part 3 of the *Crimes Act 1900* (other than an offence under section 91D (1) (b) of that Act), or

(g1) an offence under section 93T or 93TA of the *Crimes Act 1900*, or

(h) an offence under section 197 of the *Crimes Act 1900*, being an offence involving the destruction of or damage to property having a value of more than \$500, or

(i) an offence under the law of the Commonwealth or a place outside this State (including outside Australia) which, if the offence had been committed in this State, would be a serious criminal offence referred to in paragraphs (a)-(h), or

(j) an offence of attempting to commit, or of conspiracy or incitement to commit, or of aiding or abetting, an offence referred to in any other paragraph of this subsection.

Last but not least, schedule 4 sets out a number of consequential amendments to the Criminal Assets Recovery Act 1990 No. 23 to give effect to this bill. The purpose of this bill is to allow for the installation of the necessary framework required to facilitate New South Wales' involvement in the national cooperative between police agencies and the AFP, with the intent of cracking down on serious organised crime gangs and criminal organisations across the country. All members understand the importance of this bill and support measures aimed to fight back against the scourge of organised crime across Australia. The New South Wales Labor Opposition fully supports the hardworking men and women of the NSW Police Force and the Australian Federal Police as well as the intent of the national cooperative scheme, as set out by the former Federal Labor Government in 2013. In concluding my address this evening, I put on the record that I do not oppose the bill.

**Mr JAMES GRIFFIN (Manly) (19:11):** I speak in support of the Unexplained Wealth (Commonwealth Powers) Bill 2018. Taking away the profits of criminal groups is one of most effective ways of tackling serious and organised crime. That is why every Australian jurisdiction has criminal asset confiscation regimes, both conviction-based and civil schemes. Civil schemes are undoubtedly the most effective as they can reach those who profit from the criminal acts of others. Regrettably such people, sometimes called the "Mr Bigs", may never face criminal conviction, but they should never feel safe from proceeds of crime confiscation.

Despite the efforts of the various confiscation agencies around the country, not least our own highly successful Crime Commission, there is no doubt that the volume of criminal assets continues to grow in Australia. No-one is going to pretend that the changes effected by this bill are going to reverse this situation overnight. They are, however, an important first step in building a truly national response to the scandal of cashed-up crooks flaunting their success in the faces of ordinary hardworking citizens. The legal name for this is "unexplained wealth", and the term is self-explanatory. If a person is suspected of being involved in serious criminal activity and seems to be living well beyond their means, a confiscation agency can ask the person to explain what their legitimate sources of income and wealth may be. All assets that exceed those legitimate sources are "unexplained wealth" and can be confiscated by court order.

When used properly, unexplained wealth orders can make all attempts to launder the proceeds of crime futile. In many cases, particularly in New South Wales, criminals realise that the strength of the evidence against them is too strong to fight and voluntarily surrender assets under a consent order. Against that background I now examine what this bill does. The proposed national scheme would give the Australian Federal Police greatly expanded scope to take unexplained wealth proceedings under the Commonwealth Proceeds of Crime Act 2002 by allowing these proceedings to be based, in part or in whole, on State—not just Commonwealth—offences.

The proposed relevant offences on which the Commonwealth may rely are those defined as a "serious criminal offence" in section 6 (2) of the Criminal Assets Recovery Act 1990, with some appropriate exemptions. This process requires States to give the Commonwealth a limited referral of powers. This is a text-based referral that expires after six years and can be terminated at any time by the Governor's proclamation. The Commonwealth is not seeking to cover the field in constitutional terms. The Commonwealth will soon introduce a bill that complements the New South Wales bill we are debating this evening. This makes it explicit that the confiscation laws of participating States will operate concurrently with the Commonwealth Proceeds of Crime Act 2002. Assuming the passage and commencement of this bill and the complementary Commonwealth bill, the Australian Federal Police will be able to rely on the same New South Wales offences as our Crime Commission when initiating unexplained wealth proceedings. By allowing the Commonwealth to take action under a greater range of circumstances, the amount of confiscated proceeds will increase due to utilisation of the operational capacity of the Commonwealth. This will substantially undermine serious and organised crime, thus contributing to an increase in community safety.

Efforts to pursue proceeds of crime will be assisted by a dedicated further funding allocation of \$12.6 million over four years to the AFP in the most recent Federal budget. Whenever the Commonwealth relies on a New South Wales offence, New South Wales will receive an equal share of any confiscated proceeds regardless of our level of participation in the investigation. It is worth mentioning that in New South Wales, confiscated criminal assets are divided between the Victims Support Fund and the Confiscated Proceeds Account, which can be used to fund crime prevention, drug rehabilitation and other worthwhile projects. The Government hopes that by signing up to the National Unexplained Wealth Co-operative Scheme with the Northern Territory and the Australian Capital Territory, we will prompt other States to follow our example. The bill we are debating today is designed to be a template for any other States that want to help us dismantle organised crime syndicates across the country. I commend the bill to the House.

**Mr RON HOENIG (Heffron) (19:15):** I make a contribution to debate on the Unexplained Wealth (Commonwealth Powers) Bill 2018, and in so doing I endorse the remarks of the member for Fairfield. I make my contribution because of the significance and historical importance of what this Parliament is doing in the bill, which relates not so much to the subject matter of the bill as to the interaction between the Commonwealth of Australia Constitution Act and the New South Wales Constitution Act. I reflect on the battles that have taken place since the 1901 commencement of the Commonwealth Constitution between the Commonwealth and this sovereign Parliament over who has jurisdiction under section 51 of the Constitution. Those battles over jurisdiction have been documented in the Commonwealth Law Reports for the last 117 years, and they have been ferocious. For 117 years Premiers have demanded in this Chamber that the Commonwealth respect State rights. New South Wales Premiers have fought for the right of this Parliament to legislate over intrusions of the Commonwealth since the High Court sat in Darlinghurst, before its construction in Canberra.

Enacting a bill that refers powers to the Commonwealth, even for valid and important reasons that no-one in this House would oppose, does not dissipate the significance of what we are voting to do. In this country our fierce battles are not like those in some of the provinces of Europe, where they fight to the death. In this country we fight on the floor of this Parliament or in the Federal Parliament, and we have our disputes resolved by the High Court of Australia. This Parliament and the Commonwealth Parliament have respected the High Court's decisions for 117 years. That is the significance of what we are about to do. For a sovereign Parliament to refer powers to the Commonwealth is a significant, historical and constitutional act. I wanted to make a contribution to this debate for that reason alone.

The other point I will briefly make is that dealing with the proceeds of crime and extracting unexplained wealth from organised crime is the key to law enforcement. Community members might say that we should catch these people and lock them up, but the most successful way of dealing with criminal organisations, as countries around the world have found, is to take their money. I note that the Minister for Police is nodding his head. He would be aware, as would all law enforcement officers, intelligence officers and those who have been in the criminal justice system, that there is a range of people throughout Australia whose wealth is enormous and cannot be explained. We must empower the Australian Federal Police to investigate in respect of State laws so there is no constitutional impediment, and provide a vehicle for the Federal Police to deal with organised crime. Let us hope all of the States sign a memorandum of understanding and enact similar legislation.

Organised crime is no longer located just in Kings Cross and certain other parts of Australia; it is now located nationally and internationally as criminals seek to profit from illegal activities. We must empower our law enforcement officers to take away the proceeds of that crime. Whilst the Police Minister has referred to some \$30 million worth of success from the Crime Commission, and no doubt he is aware of it because he or his delegate has to approve the commission's investigations, to me that is nowhere near enough. Over the years, I have seen the assets and operations of outlaw motorcycle gangs and other people associated with crime. We need to empower our law enforcement officers to take criminals' money. Hopefully, that will deter those criminals who operate



international illegal conspiracies at a high level. They are not normal thieves or crooks. If we can successfully impart these laws to the Commonwealth and its investigative and intelligence agencies, we might at least cause those criminals to operate in another country and not in ours.

**Mr PHILIP DONATO (Orange) (19:21):** I thank the member for Heffron for his informative speech on Constitutional law and the jurisdictional issues around this matter. I support the Unexplained Wealth (Commonwealth Powers) Bill 2018. I acknowledge that the Minister for Police is in the Chamber, and I thank him for bringing this important bill to this place. Organised crime always has and always will be a serious matter for the community and law enforcement agencies. When we think of organised crime, we think of sophisticated crime syndicates operating in an often nefarious, planned and illicit system. We think of large sums of money, expensive cars, houses and other property. Historically, organised crime has been associated with illicit drug activity, the manufacturing and supply of drugs, money laundering or other serious conspiracies which are often profitable and are usually run by criminal gangs, associates, outlaw motorcycle gangs or other criminal elements in our society.

Organised crime syndicates are often in-depth, complex, wide-ranging and multilayered. They extend their criminal tentacles across the State and Territory borders to maximise their operations and make detection and prosecution even more difficult for law enforcement agencies. Like the criminal proceeds of crime legislation that was introduced a few years ago, legislation designed to target these criminals and seize their assets is an important tool in fighting crime and preventing criminals from being able to profit from their criminal activities. I accept that legislation was required to address issues that have been encountered in cross-jurisdictional matters so that any technical deficiency could be rectified and dealt with appropriately. This bill acts as a machinery instrument so that matters of unexplained wealth and information gathering could be referred to the Commonwealth Parliament.

I turn now to the content of the bill and the second reading speech of the Minister, especially in relation to clause 5, the definition of unexplained wealth. Clause 5 simply defines this as property or wealth that might not have been lawfully acquired. Clause 6 defines the aspect of information gathering and tracing of unexplained wealth or assets that may be hidden interstate. This will assist multi-agency interstate information and intelligence sharing between law enforcement agencies.

It is clear that there is strong public interest in relation to these matters. Criminals and their associates should not, and must not, ever be able to profiteer from their criminal activities. For the misery, the destruction and the grief organised crime syndicates cause our community, their proceeds, unexplained wealth and assets seized by law enforcement agencies should be returned to the Crown and the State so that funds can ultimately be returned to government or public hands. This bill facilitates this. I commend the bill to the House.

**Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (19:24):** In reply: I thank members for their contribution to this debate and their support of this legislation—namely, the member for Fairfield, who is the Opposition spokesperson for police, the member for Manly, the member for Heffron and the member for Orange. The bill will refer certain matters relating to unexplained wealth and information gathering to the Parliament of the Commonwealth and will authorise the Australian Federal Police to use certain New South Wales offences as a basis for confiscation of unexplained wealth of criminals under the Commonwealth Proceeds of Crime Act 2002.

The new national scheme will operate concurrently with the New South Wales confiscation laws under the Criminal Assets Recovery Act 1990. I am proud that New South Wales will be the first State or Territory to join a national scheme and that has taken further steps to combat organised crime groups operating illicit trade across State, national and international boundaries, as each of the speakers referred to. The member for Heffron spoke specifically about the significance of this legislation from a carefully crafted framework of laws and the potential constitutional issues. In that vein I am pleased to say that the safeguards crafted and contained within the bill—as acknowledged by speakers from the Opposition and the Shooters, Fishers and Farmers Party—are locked in to give them comfort that there is no interruption or offence to any constitutional matters.

In achieving that outcome I take this opportunity to thank my predecessors for their contribution to the development of this policy, former Minister for Police the Hon. Michael Gallacher and Minister Stuart Ayres. From a State perspective I place on the parliamentary record the strong support, appreciation and gratitude of the people of New South Wales to the Director of the Office of Police, Mr Adrian McKenna, Andrew O'Connor, from the Office of Police, and more recently Bobby Josifovski. Their extraordinary work on the architecture of the legislation provides strong safeguards to New South Wales that ensure it achieves two outcomes: first, going after the crooks and having an impact on organised crime and, secondly, protecting the rights and privileges of New South Wales.

In addition to the New South Wales contributions I thank Federal Minister for Home Affairs Peter Dutton, MP, who has today introduced the complementary Commonwealth bill, the Unexplained Wealth Legislation Amendment Bill 2018. In doing so I thank the officers from the Commonwealth departments who have worked with New South Wales officials to arrive at this point. I thank Minister Dutton's predecessor in this policy area, Minister Michael Keenan, MP, who led the national charge for reform. It is through his advocacy and support that New South Wales has achieved this outcome tonight. I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

**Mr TROY GRANT:** I move:

That this bill be now read a third time.

**Motion agreed to.**

## **WATER MANAGEMENT AMENDMENT BILL 2018**

### **Second Reading Speech**

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (19:29):**

I move:

That this bill be now read a second time.

I am pleased to present the Water Management Amendment Bill 2018 to the House. It is a bill that follows on from the important reforms that this Government has already made for the future of water management. The Government has a responsibility to the people of New South Wales to take an equitable and transparent approach to the management of our water now and for future generations. In December 2017 the New South Wales Government announced the Water Reform Action Plan, a blueprint to reform water management in this State. The Water Reform Action Plan highlights three areas for action and discussion with the community: metering of water take, the establishment of a public register of water information to improve transparency, and better management of environmental water. The action plan is based on the values of transparency and equity as well as the desire to move New South Wales towards the world's best water management framework. This bill makes the legislative amendments required to implement that action plan.

The bill does three main things: it provides the building blocks for implementing the proposed water reforms for metering, transparency measures—including a single public register—and better outcomes for environmental water; it streamlines, clarifies and provides certainty around the delivery of water management in New South Wales; and it ensures that New South Wales is able to meet its obligations under the basin plan and intergovernmental agreements, including delivery of the New South Wales water resource plans. I now turn to the detail of the bill. The bill includes a number of provisions to support the implementation of the Government's proposed metering policy. Under the bill, holders of water supply work approvals will be required to install, use and maintain meters unless they are exempt. The exemptions will be set out in the regulations, which will be subject to consultation in the second half of 2018. These exemptions will be reviewed in five years, which will ensure they remain fit for purpose.

The bill allows for metering conditions to be included on water access licences as well as licences still in force under the Water Act 1912. In addition, the bill allows for regulations to be developed for complementary matters that are critical for accurate and properly functioning meters. The bill authorises the regulations to set the standards and requirements the meters must meet, including in relation to installation and maintenance, and for the protocol that must be followed in the event of meter failure. In addition, the bill clarifies the offence provisions relating to a failure to install, use or maintain a meter, providing false or misleading information, and failing to notify when the meter is faulty. It is also important that the legislative framework is able to be enforced and the penalties for noncompliance are appropriate. The bill allows the regulations to prescribe a methodology for estimating the quantity of water taken for the purpose of taking action under section 60G for water illegally taken.

The bill enables the introduction of compliance audits and enforceable undertakings as new compliance tools. Written undertakings will be accepted as an alternative to other enforcement action, including bringing a prosecution or civil enforcement proceedings. In response to what we have heard from the community the bill will amend the Act to increase maximum penalties for offences under it. Tier 1 maximum penalties for corporations and tier 2 maximum penalties for corporations and individuals will be increased. Penalties need to be significant enough to prevent them being treated as simply a cost of business. The increase in maximum

penalties is a clear signal to the community that the Government recognises the seriousness of these offences and is committed to achieving greater compliance by water users.

This bill also provides mechanisms to protect and manage environmental water better. Item [27] of schedule 1 to the bill amends the Act to allow for the assignment, or temporary trading, of individual daily extraction components or IDELs. Item [33] amends the Act to support assignment of IDELs by requiring the assignment of IDELs to be recorded in water allocation accounts. The regulations may set out particulars that need to be recorded in a water allocation account in relation to this. Government amendments to the bill introduced in the other place removed the proposed new section 324 (1A) and instead amended the existing section 324 (1) of the Act, which relates to the making of temporary water restriction orders. The amendment clarifies that managing water for environmental purposes is within the scope of the public interest test for making a temporary water restriction order.

Stakeholders had raised concerns that the new section 324 (1A) was too broad and ran the risk of reducing the reliability of licence holders' access to water without adequate compensation. It was never the Government's intention to create a whole new framework for imposing temporary water restrictions. The intention of the bill is to clarify the existing powers so they are beyond doubt with respect to managing water for environmental purposes without the need to set up a new separate power. However, we acknowledge the concerns raised by stakeholders and last night the Government moved amendments to this provision in the other place.

Item [90] will amend the Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012 to remove ambiguity in interpretation of the individual annual take limit rule consistent with the original intent of the rule. Item [90] will also amend the Barwon-Darling water sharing plan to remove the current complex and difficult to implement methodology for assigning IDELs and allow for the plan to be amended in the future to include rules for the establishment and assignment of IDELs once an appropriate methodology has been identified. Item [90] will also amend a number of unregulated systems' water sharing plans to allow for these plans to be amended in the future to provide for the active management to share flows.

The bill allows mandatory conditions to be imposed on a water access licence or approval by regulation. In response to stakeholder concerns about potential impacts on property rights, the Government moved amendments in the other place last night to limit the new mandatory conditions regulation-making power to conditions relating to metering equipment or any other means of measuring water flows, requiring notice of changes to water supply works that increase capacity of the works to take water, reporting by licence and approval holders of water taken, and measures recommended by the Natural Resources Access Regulator to improve compliance with and enforcement of the Water Management Act.

We still have the ability under the Water Management Act to impose mandatory conditions relating to other matters via amendments to water sharing plans and subsequent notification to licence and approval holders. Prescribing mandatory conditions by regulation, even in its more limited scope, will provide a simpler, clearer and more transparent regulatory framework. This is consistent with the application of mandatory conditions by regulation under other legislation such as the Biosecurity Act 2015. Simplifying the framework was a key recommendation of the Matthews review.

We have listened to the concerns raised by stakeholders about imposing mandatory conditions on licences and approvals by regulation without consultation. The bill now provides at item [56] that a mandatory condition, other than one that is of a machinery nature or is minor in its effect, must not be prescribed unless it is publicly exhibited for at least 28 days. Further, we have responded to concerns about the provision in the exposure bill that may have had the effect of restricting compensation. It was never intended that the ability to impose mandatory conditions by regulation would reduce water allocations. We realise that including this provision raised concerns with water users that we may have been proposing to reduce water allocations.

Let me be clear: There was never any intention to reduce water allocations by mandatory conditions imposed via regulations. It was also never intended to impact on the current compensation framework under sections 87 and 87AA of the Act. However, we have listened to our stakeholders' concerns and moved Government amendments to limit the scope of the mandatory conditions regulation-making power. The bill expands the existing statutory protections to exclude Crown liability for the release in good faith of water for environmental purposes.

It is normal for government to have statutory protections to carry out the necessary functions of government. These protections generally operate to limit claims that can be brought against government when it has acted in good faith. The Act already contains a number of statutory protections in relation to the availability of water and the quantity and quality of water. As we explore ways to better manage environmental water, it has become clear that we need to address a potential gap in the statutory protections under the Act when releases of

environmental water are made. Government needs to be able to exercise this important function without fear of recourse.

The Government recognises that this may impact on landholders who may be affected by environmental water releases. The Government wants to strike a balance in terms of managing these impacts. That is why we are putting in place a framework that will facilitate negotiations between affected landholders and government when making environmental water releases. The framework will provide a mechanism for landholders to raise issues and discuss mitigation of any impacts. The Government will consult with affected stakeholders in developing the framework.

In response to stakeholder concerns, the Government moved amendments in the other place last night. The amendments to section 398 of the Water Management Act at items [82] and [84] of schedule 1 to the bill will now commence by proclamation, so they can commence when the landholder negotiation framework is in place. The Government's vision is for a much more robust, transparent and accountable system, which promotes confidence that this precious resource is being managed efficiently, effectively, in accordance with the law and, above all, fairly. I commend the bill to the House.

### Second Reading Debate

**Mr CHRIS MINNS (Kogarah) (19:42):** I oppose the Water Management Amendment Bill 2018. The Opposition moved a series of amendments in the Legislative Council last night that were defeated in totality. We do not propose to move any amendments in this House unless there is a major change in the numbers in the next couple of hours.

**Mrs Leslie Williams:** What a realist.

**Mr CHRIS MINNS:** I am a realist; that is right. I oppose the bill on the basis that it is the final piece of evidence we need that the New South Wales Government is prepared to do absolutely nothing about systematic water theft and mismanagement of the Darling River. For months the Government has said to stakeholder groups, farmers, the media and this Parliament that it will accept the findings of the Matthews report into water theft and take legislative action. The bill is proof that this is not the case. It pays lip-service to the idea of action but in reality all of the tough decisions around metering, compliance, a public register and an individual daily extraction component are absent from the bill. All will be dealt with via regulation at a later date or not at all. In other words, the Minister is effectively saying, "Sign up and trust me". It is worth asking: Why would we trust The Nationals in general and this Minister in particular when it comes to these issues? I start where it all began with what we all—including the Minister—acknowledge was the beginning of this crisis: the *Four Corners* episode of Monday 24 July on water theft on the Darling River called "Pumped" and reported by Linton Besser.

The report uncovered widespread practices of meter tampering, allegations of industrial water theft, ministerial incompetence and senior bureaucrats effectively closing down enforcement and compliance on several water systems, as well as senior public servants giving privileged and confidential information to lobbyists who worked for the cotton industry. The report said there were major problems with the Government's 2012 water sharing plans. That television program effectively prompted this legislation. Many farmers have told me how problems on the Darling became drastically worse after the 2012 water sharing plan was brought into effect. The *Four Corners* reporter stated:

The rules which came in after extensive lobbying by irrigators allowed them more access to water than prior to 2012 when the Murray-Darling Basin Plan was signed.

University of NSW scientist Richard Kingsford says even buybacks—water bought by the government to save the environment—can now be pumped.

After this report prompted widespread outrage from Rural NSW, the Government reluctantly announced the creation of the Matthews inquiry, chaired by Ken Matthews, an eminent former Commonwealth Secretary of Primary Industries. Labor was sceptical of his appointment but should not have been. He provided a clear, independent and dispassionate report that went to the finding of water theft in this region. It is an exemplary report and has become the northern star to reforming this crucial waterway. The Matthews report found allegations of meter tampering, water theft and logbook non-compliance. Damningly he said:

My interviews with members of staff involved in water management suggested a culture of tolerance for expedient work practices in the interests of "outcomes", but at the expense of due and proper process. I saw examples of possible failures to confront unethical behaviour. I heard public servants clearly deficient in their understanding of the Westminster conventions. I observed a group culture diverging from the best traditions of Australian public administration.

We have heard about a potential Independent Commission Against Corruption inquiry into these allegations as well as a royal commission in South Australia. It is worth remarking on the Matthews inquiry because it effectively reported to this Parliament that the Government let down the people of this State when it came to water

management. The bill, as it is presented, asks us as legislators to trust the Government. This inquiry would lead a reasonable person to doubt the administration of WaterNSW.

Earlier this year the Ombudsman revealed that the organisation had been misled by WaterNSW and it issued a scathing report into its administration. Incredibly, this was after the Matthews report was finalised and the Government promised to clean up water abuses. WaterNSW told the Ombudsman that in 2016-17 some 105 penalty infringement notices had been issued and there were 12 criminal prosecutions. In truth, there were no infringement notices and no criminal prosecutions. More astonishingly, it was later revealed that the Minister—probably inadvertently—misled Parliament as a result of using information from WaterNSW.

He was told by the Ombudsman that the information he had relied on was untrue, but he waited three weeks to correct the record in Parliament. It is important that this Parliament consider that during those three weeks the Senate voted on and debated the disallowance motion moved by The Greens on the northern basin. The Minister was threatening to pull New South Wales out of the Murray-Darling Basin Plan but he could not risk the exposure of yet another example of a New South Wales government body misleading an oversight agency about compliance. In effect, it would have confirmed what the critics of the New South Wales Government and Minister Blair had been fearful of.

I remind the House of the Water NSW Amendment (Staff Transfers) Bill that was introduced by the Minister. Labor was told that the bill was to consolidate compliance and enforcement employees into the commercial arm of WaterNSW. It was presented as a benign bill that was supposed to make water management more efficient. I remember receiving a briefing from Gavin Hanlon, the most senior water bureaucrat in the State at the time. Labor opposed the bill. It is lucky it did so because it later emerged that buried in the legislation was a provision to disband the strategic investigations unit and also push people such as Jamie Morgan—a fearless whistleblower and someone to whom the people of New South Wales owe a great debt—out of a job. That information was not revealed to us at the time. I do not allege that Government members who voted on the legislation believed that was the intention of the bill.

Labor was asked to trust The Nationals and the water sharing plans of 2012. They have resulted in the devastation of the river. Labor was asked to trust Minister Blair that 12 criminal prosecutions had taken place and that 105 fines had been issued when in fact the answer was zero and zero. Labor was asked to ignore the fact that the Minister for Regional Water had misled the House and that he waited 21 days to correct the record. On the eve of the 2019 election, Labor is presented with a piece of legislation that effectively says, "Sign up and trust us later." In good conscience we cannot do that. The bill is a cynical attempt to convince the public that the Government has accepted the recommendations of the Matthews report and is taking action.

An example that might help members deal with the complicated issues in the bill is the recommendation from Matthews that a public register be created to allow transparency in the water market. The bill provides for a register to be implemented but there is no information about when it will start, who it will apply to, what volumes will be recorded, whether price will be shown, or whether an individual's account will be made public. Again, this is a key recommendation of the Matthews report but the bill says that the specifics of a register will be determined via regulation at a later date. The community and I fear there will be more soft-touch compliance after the election.

Another example pertains to metering. The Matthews report demanded that metering of irrigators in the northern basin occur much the same as widespread compliance in the southern basin. The member for Murray would know that his constituents have abided by the metering provisions. To the best of my knowledge there is widespread compliance of metering in the southern basin but not in the northern basin. It is an historic anomaly that the Matthews report demanded be fixed. While allowing for metering, the bill contains no specifics such as when they will be imposed. How will the Government introduce regulations to distinguish between large-scale irrigators and small mum and dad farms? Who will pay for the rollout of the metering? The legislation contains no information about how this commitment will be met. All we have is a second reading speech from the Minister insisting that at some point he will comply with the recommendation. He seems to be imploring, "Trust me, I will do it."

No doubt the Minister is in a difficult situation. He has to balance a demanding constituency with irrigator interests as well as his colleagues in The Nationals. If he had no intention of conforming with the recommendations of the Matthews inquiry and if they were beyond his remit as Minister for Regional Water then he should not have committed the Government to them. Under the bill, the Minister may bring in a public register, or he may not. He may bring in metering provisions, or he may not. He may bring in an individual daily extraction limit, or he may not. It is a clever—if not cynical—way of pretending that compliance is occurring while pushing the difficult reforms beyond the next State election. The bill contains no provision that compels the Government to do anything about the dire state of the Darling River. The passage of the bill will mean that major corporations are taking millions of litres out of the waterway and it is still likely to run dry by Christmas.

**Mr Kevin Humphries:** No.

**Mr CHRIS MINNS:** That is interesting.

**Mr Kevin Humphries:** We have just had an environmental flow down and it looks pretty good.

**Mr CHRIS MINNS:** We will see who is the Christmas turkey.

**Mr Kevin Humphries:** You wouldn't have delivered on it.

**Mr CHRIS MINNS:** We are all getting ready for your retirement, let us not ruin it. I return to the decision of the Government last night to amend its own legislation in the Legislative Council, specifically those powers contained in section 324 of the Act. That section would have allowed the Minister to temporarily embargo pumping as environmental flows move down the system, in effect protecting the environmental flow that taxpayers had already paid for. I repeat, it would protect the environmental flow that taxpayers had already paid for. That section of the bill was held up repeatedly as justification to many groups that the Government was serious about reforming the waterways with a view to giving effect to a key section of the Ken Matthews report. His interim report states: A threshold requirement is to deal with any illegal diversions from environmental entitlements. However, a lasting solution to the problem needs to also deal with water extractions that are within the present rules. This provision was removed by the Government last night in the other place. I do not know what happened between the second reading speech of the Minister and the debate.

**Mr Jamie Parker:** He got rolled.

**Mr CHRIS MINNS:** But I know there was a party room meeting and that powerful interests are against this and other sections of the reform bill. This section of the bill was gutted, at whose behest we do not know. If the bulk of new regulation will be carried out via regulation and that regulation will be drafted, negotiated and implemented by the Minister, a pertinent question must be asked, given that the Minister was prepared to dump the only part of the bill that marginally impinged on irrigator interests. Left to his own devices, without legislative binding, can we expect further soft touch compliance? In other words, if the Minister buckled on this point, the idea that we will get genuinely tough compliance measures after the election are very slim.

**Mr Jamie Parker:** Zero.

**TEMPORARY SPEAKER (Mr Lee Evans):** Order! I call the member for Balmain to order for the first time.

**Mr CHRIS MINNS:** We oppose the section of the legislation dealing with individual daily extraction limits (IDELs). The Government proposes to change the Barwon-Darling Water Sharing Plan by removing clause 52, which sets out a range of requirements under the individual daily extraction limit. Two notes state that individual daily extraction limits and total daily extraction limits [TDELs] will be reviewed on or before 1 July 2019. Ken Matthews called these reforms urgent. Delaying them in this instance, while simultaneously allowing trading of them, risks certain market participants monopolising class A water licences at the head of the river at the expense of those who live downstream. We are concerned about the provision. Ultimately, reform to fix the Darling River will be determined at the ballot box and not through this legislation. I remind members of the words of the Mr Ken Matthews in his interim report. He said:

Some of these reforms may not be welcomed by the current beneficiaries of an inadequate system. However, to rebuild public confidence will require more than incremental change. No change is not an option.

The Opposition opposes the bill in the interests of the future of the Darling River.

**Mr AUSTIN EVANS (Murray) (19:56):** I support the Water Management Amendment Bill 2018. Water is our most precious natural resource and is important to our industries, our environment and our communities. That is why everyone should be given the opportunity to comment and be heard when it comes to improving the rules about how water in New South Wales is shared and managed. The new rules need to be practical and clear. They need to make sense in people's everyday lives. As we all know, there can be a big difference between writing policy and the practical application of that policy. The Government recognises that engaging with stakeholders and the community leads to better policy outcomes and better implementation. Genuine community consultation identifies unintended consequences of policy decisions, and leads to better understanding of options, process and outcomes. That is why a key part of the Government's water reforms was public consultation with the people who will be impacted by the changes.

In March 2018 the Government released consultation papers seeking comment on water take measurement and metering, transparency measures, better management of environmental water and floodplain harvesting policy. I make the comment at this point as someone who has been involved in the water game for a long time and who has had to deal with the endless consultation we have had to face through this water reform

process. These were some of the best consultation documents I have ever seen. They were clear, covered all the issues and were concise. These consultation papers were on public exhibition for nearly five weeks and put forward multiple options for community consideration and feedback. This was genuine engagement in action. We wanted the community to be involved in the analysis of the policy options. We wanted to know the pros and cons of each option to help inform whether or not a certain option should be pursued.

That is what we got. The Government received constructive comments from all parts of the community, from peak stakeholder groups, to water users, to genuinely engaged members of the community. The input from members of the public was instrumental in shaping the proposed policy positions. Their views have helped shape the bill being debated today, and will result in better outcomes for regional water use. Our engagement with the stakeholders does not end with the passage of the bill. We will consult on the draft regulations that will support the bill. We will consult on the proposed policy positions reflected in those draft regulations to make sure they do not have unintended consequences. We will consult on the timing and implementation of final policies.

Further to the options paper released in March, the Government undertook an extensive roadshow to consult with regional communities about the water reforms. The roadshow included 20 separate events across 12 regional and metropolitan locations in New South Wales and more than 350 people were spoken to. I was able to attend one of the meetings at Wentworth; it was well attended and was a good discussion day. The consultation meetings were attended by water users, environmental groups, councils, landholders, first nations peoples, and by members of the general community who are interested and invested in the reforms. The roadshow events were a big success. The overwhelming feedback from stakeholders was that they felt meaningfully informed and truly engaged. They had the opportunity to talk to a range of different government representatives at each event. Their voices were heard loud and clear.

I will illustrate this by talking about four examples of major policy positions that have been significantly influenced by the consultations. Both the Matthews report and the Murray-Darling Basin Water Compliance Review have highlighted the need for a more comprehensive and robust metering framework. During the consultation process, people were presented with different options as to what such a framework should look like and whether thresholds for having a meter should apply. There was general support across the State for near universal metering with different requirements for small and large water users. That is exactly what the Government is doing. The Government has started conversations with stakeholders to have all water users with pump sizes over 100 millimetres or bores larger than 200 millimetres required to install a meter. This will ensure that approximately 95 per cent of infrastructure capacity for existing licensed water take in New South Wales is metered. It strikes the right balance between managing risks and not imposing significant costs on small or low risk users and it reflects the community's feedback.

Throughout the State there also was a general view that existing information was difficult to obtain and that there should be improved levels of information transparency. The strong support for more transparency measures included support for a comprehensive and accessible public register. But there were concerns about including information that may be commercially sensitive, such as individual water account balance information. Feedback received from stakeholders suggested there may be ways to aggregate the data or publish it at a time when the information was no longer commercially sensitive. The Government takes these concerns seriously and will continue to consider carefully the different options. We are committed to getting this policy right. We are not rushing to set rules until we know the likely impacts and are more certain of any potential issues that will need to be managed to ensure robust water markets.

Another issue the community and stakeholders were concerned about was the risk of current maximum penalties being treated as just a cost of doing business. We are not talking about penalty infringement notices; we are talking about penalties where an individual has been found guilty of a criminal offence. An assessment of the maximum penalties available in the Water Management Act indicates that some of these penalties are not enough of a significant deterrent where considerable profit could be made from taking water illegally. That is why the Government will raise maximum penalty amounts. Penalties for offences under the Water Management Act will be raised to be consistent with the Protection of the Environment Operations Act and the Environmental Planning and Assessment Act. Tier 1 penalties for corporations will be raised to \$5 million and tier 2 penalties for corporations will be raised to \$2 million and for individuals to \$500,000. This is a strong signal to licence holders and the broader community that the New South Wales Government will not tolerate water theft.

The final policy position that has been heavily consulted upon includes the environmental protection measures. This Government has listened to the people. It listened to Mr Ken Matthews and to other inquiries that recommended greater protection of environmental water. It listened also to stakeholders who wanted to ensure that finding a balance did not have impact unduly on their property rights. That is why the Government took positive steps last night to amend the bill. The amendments passed last night in the Legislative Council reduced the risk to property rights being impacted; gave us more time to develop a stakeholder engagement framework

when releasing environmental flows and, most importantly, clarified that a section 324 order can be made to manage environmental water when it is in the public interest.

This means we retain the ability to manage environmental water in extreme climatic events that dictate it is in the public interest. We also have included methods for managing environmental flows in the future, including the use of individual daily extraction limits [IDELs] in the Barwon-Darling and active management in the Barwon-Darling, Gwydir and Macquarie rivers. The use of section 324 orders is not intended to be an enduring method of protecting environmental water. Between the metering, compliance, transparency and enforcement regimes created in this legislation, we will have the ability to move to a system of active management which will make the use of the section 324 power obsolete. This is a great example of how this Government works and listens to stakeholders and develops solutions that balance the rights of all water users and plans for the future. This bill has been developed with input from all relevant stakeholders and from the broader community. The people of New South Wales own this water reform. It is often said that managing water is not rocket science; it is much more complicated than that. Over many years people with no experience and no exposure to water legislation thought they knew what they were doing but it brought about incredible destructive and unintended consequences. I commend the bill to the House.

**Mr JIHAD DIB (Lakemba) (20:07):** I contribute to debate on the Water Management Amendment Bill 2018 and agree with the concluding comments of the member for Murray about the importance of water. We have to ensure that we look after the life source of the nation. The member for Murray also referred to consultation which is where I will make my pitch. The Government introduced this bill which was debated yesterday in the Legislative Council. The legislation did not give effect to the recommendations in the Matthews' report but the Minister promised that nearly all the reforms will be dealt with after the next election through regulations which is a matter of great concern to me. People want to know the position that this Government has taken from the start. It is not about the importance of water or whether this legislation is right or wrong; ultimately it is about the regulation and metering. People want to know what will happen up-front.

I am also concerned about the provision for New South Wales to withdraw from the Murray-Darling Basin agreement through regulation rather than legislation. Members in this place make some important decisions. Withdrawing from the Murray-Darling Basin agreement requires debate in this Chamber; it should not be at the whim of a Minister, an individual or a group of individuals. That is what we all expect in a Westminster system. When the Government wants to delay a matter until after the State election I can understand why people are cynical because it boils down to credibility. I am not attacking the Minister because he is a decent person but people are concerned that it has been taken out of the hands of members of Parliament. Members are asked to vote and agree to a bill without knowing all the details. We know from good practice that we need to find out as many details as possible before we agree to legislation.

It is nine months since the Matthews report was handed down so there has been plenty of time to make the calls and to have consulted well to get this legislation right. We are moving towards the end of this term of Parliament and legislation should be concluded properly rather than putting something off until after the State election, which effectively is what this bill will do. I am not normally cynical but I become cynical when I read some of the legislation in this place. I have a major and valid concern about waiting until after the State election to see the ultimate regulation. The report which dealt with allegations of water theft was commissioned by Mr Ken Matthews, AO, former Secretary of the Department of Primary Industries.

**Mr Kevin Humphries:** He didn't. We commissioned the report.

**Mr JIHAD DIB:** My apologies. A report was commissioned by the Government and the author of the report was Mr Ken Matthews. He was asked to look into large-scale water theft and he made a number of recommendations, some of which are given effect in this legislation. However, this bill is deliberately vague because it does not provide clarity in relation to the enforcement and transparency measures. I will focus on the major issues of metering and compliance about which the Government should make a definitive statement. I want to trust the Minister and the Government but I would trust them a lot more if they put it in black and white. I am sure that when they are sitting on the opposition benches they will say that they expect to have clarity and that it should be put in black and white so that people would have more trust.

My biggest concern with this legislation is the lack of clarity. The member for Kogarah and shadow Minister studied this legislation in depth and told us about his major concerns. Why would someone who has not had much to do with the Murray-Darling Basin take an interest in this bill? It is because of the importance of water and the importance of transparency and good governance. I refer to the core issues of trust and respect. I would be more willing to vote for legislation if I knew its full details. I am concerned about the vagueness of this bill. I am concerned that we will be told about the regulations only after the next election. There is too much potential for people to do the wrong thing with this legislation.



Part of our job is to ensure that we close any loopholes, but this bill does not allow for that. I support the agreements and decisions that have been made by our shadow Minister. This bill is too vague and unclear and people will take advantage of that. The Minister introduced legislation that should have included metering limits at the outset; he should not ask people to trust him after the election. If he wants people to trust him he should provide those details now.

**Mr KEVIN HUMPHRIES (Barwon) (20:13):** I support the Water Management Bill 2018 and thank the Minister for introducing the bill and for clarifying a number of issues. Opposition members are trying to rewrite history. A number of Opposition members have been described as representing electorates that supply bottled water; they have no irrigation licences and they have not grown up with the industry. They have not been part of the Murray-Darling Basin Plan with which I have been involved for some time. In fact, in 2007-08 the Liberal-Nationals Coalition supported the Labor Party's involvement in the Murray-Darling Basin Plan. Those opposite were not here.

**Mr David Harris:** I was.

**Mr KEVIN HUMPHRIES:** The member for Wyong was. But he got punted and then he came back. Well done, David. It was initially a Howard-Anderson initiative federally, to which the New South Wales Government signed up. At that time Phil Costa was the Labor Minister for Water and people like Adrian Piccoli—who has been replaced by the current member for Murray, Austin Evans—and I spoke on behalf of the Opposition because our electorates represented most of the State. We endorsed the position that Labor took at that time to support a Federal Coalition movement to develop a basin plan. At that time we were engaging in discussions, both publicly and privately, to support a plan that had to be enacted. We had to come up with a plan to support water recovery both for the environment and for our communities. The irrigation sector also needed certainty and it was a matter of urgency between Victoria, South Australia, New South Wales and Queensland. Those on this side, both in opposition and in government, have always supported this plan, and we will continue to do so. Indeed, Minister Blair has made that perfectly clear. Any assertion by those opposite or The Greens—

**Mr Jamie Parker:** I have not spoken yet.

**Mr KEVIN HUMPHRIES:** Let me get to that. Over time those on this side have given certainty to all stakeholders, particularly through The Nationals and the Coalition, because that is our background. We have grown up with these people and we front up to them every day—not those who fly-in and fly-out. The member for Kogarah raised an issue and then said, "We will meet you at the ballot box." The solicitous assertions of those opposite are more about what The Nationals have achieved, both in opposition and in government at the State and Federal level, and that needs to be clarified. This is about an inner city argument between The Greens and the Labor Party trying to fight for a minimalist environmental vote that has plummeted in the bush. Mr Jeremy Buckingham, who pretends to represent The Greens out west, has been sacked by his party because of his bad behaviour and his fake news. He has basically been driving an issue that he knows nothing about. It takes more than brochures, drones and visits to people who are vulnerable at a difficult time when there is not a lot of water about, to convince the broader community of the argument. It is also extremely naïve for the Labor Party to come on board and say at this stage, "We are going to save the world and the west."

We cannot just talk about environmental flows and the health of the river system, particularly the Barwon-Darling river system, because it is much more encompassing than that. The Barwon River ends just before Bourke. The unregulated system starts at Mungindi and ends at Menindee Lakes. As the member for Murray said, the Macquarie River—and to an extent the Bogan River—is a regulated river. The Namoi, Gwydir and Macintyre rivers are also regulated rivers, and we rely on cross-border flows from Queensland. This legislation basically says, "Let us acknowledge the fact that we have shepherded environmental water down that system for years." And we have been successful in doing that with the Commonwealth Environmental Water Holder and the Office of the Environment and Heritage, in consultation with the irrigation industry. New South Wales is also a Waterbank holder. Indeed, everybody the member for Murray described as having a water-sharing plan has been involved in an extremely lengthy process to set up this plan for at least 10 years in each of those valleys to give security to every stakeholder in that process—and that includes the environment.

The environmental shepherding of water has benefited not only the environment but also industry and communities. It makes no sense to release water from that major water storage purely because of environmental concerns and for industry advantage. But we can combine both those entities into what we call water bundling—which has been happening for years now—to get more bang for our water buck. This is an issue about water storage and what to do with it when we have it. For many years now New South Wales has been a leader in that process. In fact, it was a New South Wales Labor Government, and we extended it under our government, that took the lead on behalf of the Murray-Darling Basin and we got a good outcome. We do not necessarily respond to the cries of the South Australians for more water, nor do we respond to individual concerns about the cries from industry or the environment for more water—we respond as a whole. That was the idea of the plan and we have

been fundamentally successful in doing that. Importantly, the Minister has now recognised the public interest in what is going on with environmental water.

Over time I have had many meetings with the Commonwealth Environmental Water Holder—the largest water entitlement holder in this country—and that entity would say that this needs to be managed far more aggressively to enable better outcomes. I urge those opposite to get on board with how this system works. We all have a part to play. Anyone who visited my electorate in the past six weeks would know that environmental flows have come out of the Pindari, Copeton and Burrendong dams and that the Barwon-Darling system is pretty healthy—all our weir pools are full. Indeed, our communities are safe in the knowledge that they have ongoing water not only for domestic purposes but also for recreational purposes in the future. The water has reached to below Wilcannia and down towards Menindee.

We know that off the back of good management, and the flows into the system that come naturally out of Queensland, that we are in a good position. Ministers cannot call on embargoes. That due diligence will never change because it has to go through a legitimate process of assessment on a wide number of fronts. But at the end of the day it works; it should not change. If The Greens were ever in a position of responsibility where they did not support dams or weirs and if the Labor Party were not to support this legislation, despite us having worked together for years to get to this point, the rivers largely out west would become a dish drain. We do not want to go back to that. We have put in important management practices and environmental shepherding is one of the best things we have done.

The public interest test, which every community along the river called for, has worked extremely well. I take this opportunity to commend the Commonwealth Environmental Water Holder for the discussions it has engaged in along the river in the past 12 months in particular. We know when the river is flowing—whether it is the Barwon-Darling system or other river systems—people are in a better frame of mind. It also gives them better outcomes, let alone the environmental outcomes that we all want to achieve. This river system works and we all support the Natural Resources Commission. People want transparency and better compliance. Now that is happening, but it needs to be kept in context. In my view some of the discussions have been seriously over exaggerated, but that remains to be tested by others. At the end of the day we are here and we will continue to manage our water to achieve the best outcomes for all our communities, including the environmental outcomes.

**Mr RON HOENIG (Heffron) (20:23):** I speak in debate on the Water Management Amendment Bill 2018. An inquiry by the Independent Commission Against Corruption, a South Australian royal commission, the top three bureaucrats in New South Wales have been sacked or resigned, and criminal charges have been laid for water theft, yet the member for Barwon, and former Minister, says that this is a Greens' inner city leftist conspiracy. What a joke! I might not be The Greens' greatest supporter—

**Mr Kevin Conolly:** You are close to it.

**Mr RON HOENIG:** Not according to The Greens. I note the audacity of the member for Barwon when he wants to give us a history lesson. I appreciate it, but when it comes to what has been going on, his head is well and truly in the sand. The Matthews inquiry was commissioned by the New South Wales Government on 2 August 2017 in the wake of the *Four Corners* report of 24 July entitled *Pumped: Who's benefitting from the billions spent on the Murray-Darling?* Thank God for *Four Corners* and the ABC. That is probably why the reactionary forces want to sell the ABC.

That program alleged widespread non-compliance with the New South Wales water law, in particular, that certain irrigators had pumped water without permission, that environmental water resources were being used for commercial purposes or were being pumped greatly in excess of their entitlements, that meter tampering was commonplace and that the compliance and enforcement was ineffective. It also carried allegations of inside, restricted information being provided by senior departmental officials to large irrigators and their representatives. That program strongly implied that the New South Wales Government, and The Nationals in general, were administering water policy in the interests of large irrigators at the expense of environmental concerns. That allegation was not totally without substance if you look at the words of the then Deputy Prime Minister, and leader of the National Party, when he said:

... taken water and put it back into agriculture so we can look after you and make sure we don't have the Greenies running the show, basically sending you out the back door.

WaterNSW is now prosecuting several large irrigator families for water theft, as a result of the ABC's *Four Corners* investigation. Water theft in the Barwon-Darling system is of vital significance, not only for the survival of the vast ecosystem which it feeds and the livelihoods of irrigators along its route but also for the townships which rely on it for their drinking water, namely, Broken Hill. Matthews delivered his interim report on 8 September 2017 and his final report on 24 November 2017. This bill is based upon the December 2017

NSW Government Water Reform Action Plan. The bill purports to be the means of enforcing the Matthews report and the action plan's recommendations.

I suggest to the House that the bill has so many gaps in it that you could drive a Mack truck through it and it is part of a general conspiracy to push the whole issue past the election so that the National Party and irrigators can go back with a weak-kneed control mechanism and continue to do what they have been doing in the past. I want to talk about where the bill fails. The Minister contends that the bill addresses the recommendations of the Matthews inquiry and restores confidence in water management. The Minister says there are three areas to be addressed: the establishment of a public register of water information to improve transparency; metering of water take; and better management of environmental water. It is Labor's view that the reforms are deliberately vague about enforcement and transparency measures and give even more benefits to certain irrigators. In relation to register and reporting, one such example is what is proposed in section 391B to provide for one public register for all information required to be kept in a register under the principal Act. Subsection (1) of that proposed section says:

- (1) Information that under this Act is required to be kept in a register is to be kept in one public register in the form and manner determined by the Minister.

Subsection (2) says:

- (2) Different parts of the register may be kept in different forms and manners determined by the Minister.

Subsection (4) says:

- (4) Regulations may be made for or with respect to the following:

That relates to a register. Again the Parliament is being asked to take on face value the good intentions and trustworthiness of the Government and to delegate sweeping broad powers to the Minister and his department which have demonstrated that they are a complete failure in respect of enforcing the current laws and had to be exposed by the ABC. One of the Matthews report's key findings in respect of these bureaucrats was that water-related compliance and enforcement arrangements in New South Wales have been ineffectual and require significant and urgent improvement. Specifically, the report found: that the overall standard of New South Wales compliance and enforcement work has been poor; arrangements for metering, monitoring and measurement of water extractions, especially in the Barwon-Darling river system, are not at the standard required for sound water management and expected by the community; certain individual cases of alleged non-compliance have remained unresolved for far too long; and there is little transparency to members of the public of water regulation arrangements in New South Wales, including the compliance and enforcement arrangements which should underpin public confidence.

Those findings should raise morbid terror in all citizens in New South Wales who have a trust in the Government to manage drinking water for the people out west and all irrigators should express concern. In respect of the metering of water, I suggest to the House that the bill falls short of the recommendations of the Matthews report that pumping be universally metered—the so-called no meter, no pump provision. The bill provides that all water extractions may be licensed. In fact, only 95 per cent of water users are expected to be forced to comply. There is no explanation as to who and why 5 per cent of irrigators are expected to be exempted, save to say that they are small irrigators. In respect of the use of environmental water, the bill grants the Minister the power to withdraw New South Wales from the Murray-Darling Basin Plan by way of regulation, overriding the role of the Parliament in oversighting such a significant move. This is all the more worrying given the Minister's public comments regarding his consideration of carrying out such a withdrawal. This bill risks jeopardising decades of work on water policy between the Commonwealth, Queensland, New South Wales, Victoria and South Australia. The Legislation Review Committee notes:

Such orders may not be a statutory rule for the purpose of section 21 of the Interpretation Act 1987 and may therefore not be subject to the usual tabling and disallowance requirements which enable Parliament to scrutinise actions of the Executive.

Concerns about the lack of uniform metering of water flows have been canvassed earlier in this brief. Generally, the bill devolves too much power to the Executive Government—a Minister and a Department that have been the subject of immense scrutiny and criticism of their mishandling of water. These concerns have been echoed by the Legislation Review Committee, where it said:

The detail of many parts of the Bill is deferred to the regulations. The Committee prefers that substantive matters are addressed in principal legislation. Unlike regulations, principal legislation is subject to a higher degree of parliamentary scrutiny and may be amended.

It is for this reason that the Labor Opposition has been calling for the water portfolio to be confiscated from the National Party since the time that the water theft scandal has broken. The Nationals have had control over water policy. I hate to use the vernacular but it is like putting Dracula in charge of the Red Cross Blood Bank. The reality of the situation is simply this: irrespective of the failure and the contribution of people like the member for

Barwon in the past, the management of these water resources has been nothing short of scandalous and a disgrace. Under the Westminster system, the Minister is accountable to this House and this Parliament for this failure. The Minister should adopt Matthews' recommendation—which this bill does not do—and accept responsibility for his failure because he and The Nationals have failed miserably.

**Mr JAMIE PARKER (Balmain) (20:24):** I speak on behalf of The Greens to address the Water Management Amendment Bill 2018. What a disappointing, shambolic bill. The Government is so fragile in its views and its principle that it will amend its own bill on the day that it is being debated. After years of discussion and consultation, the Government is so fragile and the Minister's position is so vulnerable and weak that he gets rolled on his own bill on the day it is being debated in the other place. That to me is a real tragedy. If the community consultation was so good and if the Government was so confident in its views, why would an amendment come before the House to remove such an important power that the Minister had?

The bill does include some good changes that theoretically give the Minister and the regulator greater power to protect environmental water. It makes improvements to offences around the use of meters, increases penalties and introduces some transparency around water use. I am sure every member would agree that the way in which water has been dealt with in this State has been a disgrace and a scandal. Weighed against these improvements are serious issues, including the introduction of a regime for trading in daily extraction limits, which will see water extraction at low flows concentrated in the northern part of the Darling River and will turn the lower Darling into a sacrifice zone. The bill also allows the Government to pull out of the Murray-Darling Basin Plan by regulation, privatises water metering and scraps the requirement for water sharing plans to be reviewed every five years.

The bill is a response by the Government to the significant issues identified by the 2017 Matthews inquiry into water management and compliance regarding the protection of environmental water. Members in this place have spoken about a conspiracy of The Greens, and so on. It is not us. They should refer to the Government's own consultant's report. The inquiry identified the protection of environmental water as "an urgent need" and proposed "an interim solution involving greater use of event-based mechanisms and utilising individual daily extraction limits" which should be delivered "within three months". The report identified the major shortcomings and problems particularly concerning the issue of "an urgent need" around environmental water. Yet the Government seems to attack The Greens when it says The Greens are talking about these issues. It is an issue that the Government has identified itself as being a significant problem.

It has been said in debate that the only water some members know is bottled water. I would never have the arrogance to suggest that a member, for example from a rural or regional area, should not vote in this place on a matter that affects people in the city. I believe that every member comes to this place as an equal and every member should address every issue. Water is at the heart of everything that is living in this State and it is important that every member is across the issue and has a right to contribute to the debate.

I will identify the key issues in the bill. First, I refer to the removal of the requirement for water sharing plans to be reviewed every five years. In our view, that is unacceptable when we know that climate change and other weather events are causing radical changes to rainfall patterns and evaporative potential. Our view is that we need a mechanism to review water sharing plans regularly, as per the current arrangement of every five years, to ensure that these matters can be dealt with effectively. The 2014 changes meant that water sharing plans were based on out-of-date, pre-2004 data. We want to ensure that the data is up to date and that the data reflects changing patterns.

Secondly, we are concerned about the introduction of individual daily extraction limits on the Barwon-Darling which have been postponed to July 2019 at the earliest, and the introduction of a regime for trading. Following the removal of restrictions on pump sizes with the introduction of the Barwon-Darling Water Sharing Plan in 2012, the Government proposed to ensure that the taking of water at low flows with A-class licences would be restricted by the introduction of individual daily extraction limits [IDELs] on licence holders and total daily extraction limits on water sources. That was never done and it has resulted in one irrigator, Websters, which controls most of the A-class licences, taking massive amounts of water at low flows and preventing any water making it to Wilcannia and beyond.

Despite Ken Matthews saying that IDELs need to be introduced within three months, the Government has added a note to the bill that will put their introduction off until at least July 2019. The Government has also added an amendment to allow the trading of IDELs between licences regardless of water source or licence class. That is seriously problematic. It could allow IDELs to be concentrated in one section of the river—for example, Websters near Bourke—and it could be used as a method to ensure the Commonwealth Environmental Water Holder has to pay compensation for any environmental flows if they wish to stop pumping occurring. There is no provision in the bill to stop IDELs being traded across licence categories or even across water sources, despite this being in the exposure draft, and that is very concerning. The third issue with the bill is the privatisation of

metering—which has not been discussed at great length—which new section 399A allows, I suspect after lobbying from the NSW Irrigators Council. The NSW Irrigators Council said:

NSWIC strongly recommends private ownership of meters. This ensures that responsibility for meter maintenance and replacement when necessary clearly rests with the WAL holder.

We think that meters should be publicly owned, operated and maintained, with a cost recovery mechanism set by the Independent Pricing and Regulatory Tribunal to ensure small users are not slugged with huge costs. This is an issue for the smaller users, who will be taking on the responsibility for water metering. We think it is fairer and more cost-effective for meters to be publicly owned and maintained, together with a cost recovery mechanism.

The fourth issue we have with the bill is that the new sections allow the State to pull out of requirements under the Federal Water Act 2007 by regulation, not by legislation. It should, of course, be done by legislation. The fifth issue with the bill is removal of a section that specifically allows the regulations to impose mandatory conditions to stop the taking of water for the purposes of protecting an environmental water release. Members would be aware of what happened last night in the other place when this bill was debated. The bill originally included a new provision that allowed the Minister to make mandatory conditions on access licences, including ones relating to protecting environmental flows. That is a sensible provision.

We were assured in briefings from the Minister's office and from the department that the Government intended to use that provision as a way to develop a long-term solution for managing environmental flows so that it did not have to rely on temporary embargoes every time. The water Minister gave his endorsement to this section in his second reading speech. He said it was a way "to provide a simpler, clearer and more transparent regulatory framework", which "is consistent with the application of mandatory conditions by regulation under other legislation such as the Biosecurity Act". After a significant environmental release aimed at connecting the Macquarie and Barwon rivers to allow golden, silver and spangled perch fingerlings to spread was severely impacted when an irrigator broke the agreement and pumped a considerable amount of water from the environmental flow, a Department of Primary Industries report entitled "Making the Connection: Designing, delivering and monitoring flows between catchments" specifically called for new legislative protections of environmental flows.

**TEMPORARY SPEAKER (Mr Greg Aplin):** Order! There are too many audible conversations in the House.

**Mr JAMIE PARKER:** The report stated:

Adequate legislative protection of environmental flow events from extraction in both the regulated and unregulated Macquarie water sources is required. Protecting the integrity of flows is also emerging as a key factor to the success of connectivity watering events and facilitating this should be a focus in current planning and legislative frameworks throughout the Basin.

But what happened? The water Minister was rolled. The best possible light that could be put on this was that the Government was so incompetent, so hopeless, that it did not even see these so-called unintended consequences until five minutes before the legislation was debated. In fact, it is my suspicion that the irrigators and their constant lobbying managed to roll the Minister with the support of others in this place. The Minister was forced to introduce a last-minute amendment to reduce his own powers to protect flows of water released for environmental purposes. It seems to me that the irrigators are dictating policy to this Government, and that is the key problem. The Government has introduced a bill that makes significant changes to water management but is very low on details about how the changes will be implemented and then, as the member for Kogarah said, it is asking for the "trust me" approach.

The Government has managed this space in the most disgraceful way—there has been an investigation, a royal commission and criminal charges—and the Government is now saying, "Trust us". The Government's policy is so weak and brittle that at the last minute the Government was amending it on the floor of the upper House when it was about to be debated. We are very concerned about the way that water is managed for every person in this State. We believe that the past record of this Government has not been strong, and we are concerned that the Government amended its own legislation at such short notice. The five key points that I identified need to be addressed. While we recognise some positives, we cannot support the bill and we will vote against it.

**Mr DAVID HARRIS (Wyong) (20:43):** I make a contribution to debate on the Water Management Amendment Bill 2018. As the shadow Minister correctly said, a review of this legislation was made necessary following the embarrassing revelations on *Four Corners* about water theft and mismanagement. This, of course, resulted in an independent investigation into New South Wales water management and compliance and the Matthews report.

This bill purports to give effect to the Matthews inquiry. As has been outlined, the Opposition does not believe that is the case. Tonight I want to raise the rights of a group that has not been mentioned so far, that is, the

Barkindji people. Earlier this year, the member for Lakemba and I travelled from Moree to Broken Hill, meeting with communities across the whole river system. In Wilcannia there were signs posted around the bridge and the town stating that their river was being stolen. The river has great cultural significance for the Barkindji people. They call the river their mother. As part of their protest, they talked about how they were losing their mother. The signs were easy to understand: no river, no fish, no life. They made it very clear that they do not trust the Government.

Badger Bates came to Sydney to meet with the Premier and the Minister for Regional Water. He met with the shadow Minister for Water and the Opposition leader but was denied a meeting with the Premier and the Minister for Regional Water. I do not know whether he met with the Premier and the Minister subsequently, but at the time he was knocked back to even talk about the rights of his people and the impacts on them. When we went to this area we saw that large sections of the Darling River south of Bourke are nothing more than puddles of stagnant water. What is so poignant is that whilst there were times when the river did not flow before 2001, since then there have been very long periods when there has been no flow. Since 2001 there have been 15 occasions of significant no-flow periods, one of which lasted 520 days.

The *Four Corners* program showed people illegally taking water, which resulted in the environmental flows not continuing. That has impacted on the Barkindji people because they rely heavily on the river. Some members in this place would not count the Barkindji people's interests as significant. But in an area such as Wilcannia, which has 90 per cent unemployment and gross economic disadvantage, people rely on hunting and fishing to exist. When the river does not flow, they lose one of their key lifelines. When the river is not flowing the levels of depression rise. Whilst we talk about the rights of irrigators to use the water, we need to remember that they are not the only people who require that water. Unfortunately, in this debate the Barkindji people's interests have been set to one side. The Barkindji people held a protest in June 2016 and another in April 2018 in which they made it very clear that their cries for help to the Government were falling on deaf ears.

Despite the Matthews inquiry and the Murray-Darling Basin Water Compliance Review recommending a policy of no meter, no pump, the bill before us allows the Minister to create exceptions to this in regulations. We know a bill is in trouble when the Environmental Defenders Office and the irrigators criticise it. The feedback from some irrigators is that they feel ambushed by the bill because they thought it was solely about the Murray-Darling Basin. In the bill there are references to other areas of the State and the trading of licences between areas. This means that companies can buy licences and trade into other areas as a way to get around the systems that have been put in place. There is no trust on this side of the House for the bill. At first it showed some promise. But when we look at the fine detail, as the shadow Minister did, we find that the bill is a smokescreen to get the Government through to the next election and then hopefully for it to continue on doing whatever it wants to do. The Government is not taking into account the needs and aspirations of the stakeholders because they are the people who are criticising the bill.

I concur with everything that has been said by members on this side of the House. I challenge every person who does not understand the issue to go out to this area and have a look at the river. They will understand that it is not about words on a page and numbers to be traded back and forth. It is about people's lives. As we saw in the *Four Corners* program, the interests of the big irrigators are being put before the interests of the average person and the traditional owners of the land and the long-term environmental issues that affect that area. This issue affects every person. In relation to new section 66(1AA), I have been provided material which states, "Oppose. Reason: Water sharing plans are clearly intended to be the primary means of regulating consumptive use of water in New South Wales. This section allows for non-compensable alteration of the reliability of water licences and the intent and provisions of the water sharing plan without the requirement for actual intervention in the water sharing plan and consultation and compensation." When irrigators realise that there are key fundamental problems with the bill, it is inherent on the Opposition to raise those concerns and to oppose the bill.

One of the main reasons I oppose the bill is because the rights of the traditional landholders have not been considered. On this side of the House, we are talking about the concept of negotiating a treaty. One of the important parts of treaties is to ensure that people have fundamental rights when it comes not only to land but also to water. That is the belief on this side of the House. The other side of the House wants to criticise the flying of flags on bridges because they do not understand the meaning of reconciliation. They do not understand what the land means to Aboriginal people. If they spent time with them and listened to their stories, they would not rush off bills such as the one before the House. It shows the disdain that the Government holds for the heritage of the Aboriginal people. When the Opposition seeks to give a notice of motion in the upper House to talk about treaties, the Government knocks it back without debate. Let us have true talks about reconciliation and about all of the people who are affected by bills such as the one before us. That is what we should be doing, instead of looking after the big irrigators.

**Mr CLAYTON BARR (Cessnock) (20:52):** I pay tribute to the impassioned and insightful contribution made by the member for Wyong in his role as shadow Minister for Aboriginal Affairs. I talk with the member for Wyong quite frequently and I know that he travels constantly all over the State to places that many people in this Parliament never go to. I recommend that members read the contribution that he has just made when deliberating on this debate. I also acknowledge that the shadow Minister for Water, the member for Kogarah, gave an excellent speech earlier today in which he dissected the bill paragraph by paragraph. Last night the Hon. Mick Veitch in the other place gave a similarly articulate and insightful contribution. I do not want to rehash those comments. Essentially the water that falls to the land is first and foremost for the environment. It has been that way long before mankind—

**Mr Thomas George:** Is that right?

**Mr CLAYTON BARR:** That is right. It has been that way long before mankind arrived and started to impose its will on this place. The oldest race on this planet is the first nation's people. They lived with the environment and the rivers flowed. As the member for Wyong just pointed out, in 2018 a large number of people continue to rely on the health of that ecosystem to survive. There are those who want to use the water for the purpose of agriculture, including massive volumes for cotton farming. The three fundamentals are environment, people and profit. Sadly, this particular bill is placing profit at the head of the queue. That is out of whack and off kilter. The lives of people and the health of the environment come second and third to profit. Fundamentally, the people of New South Wales have lost confidence in The Nationals to manage and control the Water portfolio.

**Mr Thomas George:** Rubbish.

**Mr CLAYTON BARR:** I acknowledge the interjection of the member for Lismore, who I have enormous respect for. The truth is that the community lost faith in The Nationals when the *Four Corners* program caused this issue to explode on to the public agenda. For the member for Lismore to say "rubbish" indicates that he is still not listening to the people of New South Wales. That is fine; Labor is happy to take the electorate of Barwon from The Nationals. The couple of people who make a contribution to The Nationals campaign fund will not win them the seat. They will need tens of thousands of votes to win, not just two or three from the people who fund the campaign. This must be sorted out.

This bill is full of holes and requires amendment by those who introduced it, yet members are asked to trust that appropriate adjustments will be made through regulation that cannot be scrutinised in this Chamber. The people of New South Wales no longer trust The Nationals. Labor does not trust The Nationals and therefore it will not support a bill that does not contain detail and that was introduced in the other place in an improper format. It is unacceptable. We have three choices: environment, people's lives and profit. Tonight Labor will choose the environment and people over the profits of donors to The Nationals. The Labor Party will oppose the bill.

**Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (20:57):** I have listened intently to the contributions made to debate on the Water Management Amendment Bill 2018 this evening, as well as to those made in the other place. To the west of the Northern Tablelands electorate is the Gwydir Valley. For those who are unaware, the Gwydir Valley became regulated in 1970 when the Copeton Dam was built for the purpose of establishing an irrigation industry to the west around the Moree area. All water within the Gwydir Valley is managed through implementation of the water sharing plan, which is designed to meet the provisions of the Water Management Act 2000. Some conditions still remain from the Water Act 1912, which were carry-over provisions accepted at the time when the Water Management Act 2000 passed through the Parliament.

Each of the water sharing plans, including the one that covers the Gwydir Valley, is now required to comply with the Murray-Darling Basin Plan 2012. That includes the sustainable diversion limits to be implemented by 1 July next year. These limits have reset the bucket for all Murray-Darling basin water resources. I give that background because I want to talk a little about the Gwydir Valley. Whilst I appreciate some of the sentiments expressed by members on both sides, I am concerned that in the heat of the debate in this Chamber other members have used comments and allegations against individuals made on a television program, which may or may not be true, to brand everyone involved in the industry and everyone who relies on it for their livelihood as people who should feel guilty about stripping livelihoods from others or destroying the environment.

It may be instructive for members to learn that the sustainable diversion limits for the Gwydir Valley surface water resources require a 46 gegalitre long-term average annual diversion entitlement to be recovered for additional environmental purposes above the water sharing plan. Currently in the Gwydir Valley, New South Wales and Commonwealth recovery can be calculated at 46.9 gegalitres. They have recovered for the environment 4.9 gegalitres more than the basin plan requires. That is important, because I want to put on the record the commitment that the irrigators in the Gwydir Valley have shown to complying with the requirements. They have given up more water than the plan requires. Of interest is the wonderful diagram and information that the

Department of Primary Industries publishes every month on its website about regulated water storages across New South Wales and their current allocations.

At the moment Copeton Dam is at 26.7 per cent capacity. That means that currently it is holding around 311,132 megalitres. This is also very interesting. I will pose a rhetorical question: Of the 311,132 megalitres available in Copeton Dam, remembering it was established in 1970 as an irrigation dam, how much water do members think is available for productive versus environmental flow? The answer is on the website. Only 25 per cent of the water in Copeton Dam is available for productive use for irrigation, whether general security or high security. Of the water currently available in Copeton Dam 230,700 megalitres is owned by the New South Wales or Commonwealth environmental holder. It is there for environmental flow. There is 842,000 megalitres available for irrigators to grow crops. That water is used to grow crops to either feed us or clothe us.

I say that not to denigrate contributions made by others in this place but to highlight that sometimes in the hurly-burly of debate we lose perspective about what these industries actually do in the regions and the role they play. The water sharing plan has been implemented and the Murray-Darling Basin Plan has been implemented. The Gwydir Valley has complied and contributed more than it had to, which has come at a significant economic cost to the Moree shire. There have been a number of economic assessments, and the estimates of recurrent economic loss and activity in that community range from \$60 million to \$70 million per annum. I am not saying as the local member that we should get that water back; that horse has bolted. I fully support the aims of this legislation as well as the water sharing plans. There had to be a change and that has happened.

It is important that we acknowledge the economic impact that has had—not to say, "That was terrible, we should reverse it" but to acknowledge that a significant hit was taken to try to get that balance right between productive use of that water and the environment. There is no more sobering statistic about how that pendulum has swung when one considers that three-quarters of the water stored in Copeton Dam at the moment is there for the environment; the irrigation sector gets 25 per cent. I am not making any commentary about whether that is right or wrong; that is just the fact.

I reject assertions by people who have contributed to debate on this bill in both Houses seeking at various times to denigrate people in the industry. There are great people in every industry and ultimately there are bad people and those who will try to exploit and push the boundaries. If they choose to do that, then they should be rooted out and face the consequences of their actions, and I fully support that. However, at the same time, let us not use a debate like this to denigrate all those very good people in the industry who do their best, have complied with the law, are trying to make a living and support their local community, the economy and the many thousands of jobs that rely on the work of that industry. In my view there is a place for everything. Whether or not people want to acknowledge it, we need the irrigation industry in this State and in this country. I commend the bill to the House.

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (21:05):**

In reply: I thank the members representing the electorates of Kogarah, Murray, Lakemba, Heffron, Barwon, Balmain, Wyong, Cessnock and Northern Tablelands for their contributions to debate on this very important bill. I turn to some of the points raised. First, I clarify the position on section 324 of the Act. Members have spoken about this section tonight and stakeholders also have raised concerns about the proposed new power being too broad. It was never the intent of this Government to create a whole new framework for imposing temporary water restrictions. The intention of the proposed amendment was to clarify the existing powers.

The Government has listened to the concerns of stakeholders and last night moved amendments to this provision in the other place. I listened to the comments of the member for Balmain, who said that the Government has made changes to a bill that it introduced in the other House. That is exactly what good governments do. They listen, they consult and they make necessary changes when required. Thank God we will never see people like the member for Balmain in government. The Greens want to impose their rules and conditions on everyone in this State. There is something wrong with anyone who does not live like they do. It is highly hypocritical of the member for Balmain to criticise a parliamentary process that has been working for many years.

I commend the Minister for his consultation on this bill, which achieves the necessary outcomes for the irrigation industry in the State. Section 324 will no longer be amended to create a separate power to enable the Minister to make a temporary water restriction for the purpose of managing water for environmental purposes in addition to the public interest power under subsection 324 (1). Instead, the existing provision in subsection 324 (1) will be amended so that managing water for environmental purposes is included as part of the public interest. The changes we have made mean that the Minister will need to be satisfied that the temporary water restriction is in the public interest. Impacts on water users will be considered as part of the public interest test. This is not about impacting on property rights; it is about getting the balance right. This provision will only be used if the benefits are significant and tangible.



Orders made under section 324 have already been used to help protect environmental water where it is in the public interest. Most recently this was used to manage environmental water that was released in the northern basin. This event has demonstrated that government, environmental and industry stakeholders can work together to effectively manage systems. The lessons from this event will inform future events using temporary water restrictions. We heard that we need to consult more on the details of the environmental water reforms so that people can identify how the proposals may affect them. This is an important aspect of our reforms and we want to understand what the impacts will be on existing water users, if any, and how we may be able to mitigate those impacts. Therefore, we are undertaking further consultation on environmental water reforms because we have to get it right.

I turn now to points raised by the member for Kogarah. It is simply not true to say that the Government is not taking action. The bill is all about taking action. It sets up a framework that will enable the Government to respond to the findings of the Matthews report. It sets up the future of water management. It includes widespread metering, tougher compliance and enforcement powers, and better protection for the environment. We are not asking the community to just trust us; I heard the member for Kogarah and the member for Cessnock say that. The Government is committed to working with communities in delivering these reforms. We have consulted widely on these reforms and we will continue to do just that.

I acknowledge that these are important reforms and we must take our time to get them right. The Government moved quickly to respond to the *Four Corners* program. It took just two days for the Government to appoint Mr Matthews to investigate the allegations that were made. I commend the Government for ensuring that decisive action was taken to address those allegations. The Government is continuing to get the reforms right. This bill is an important step and the Government remains committed to implementing the reforms fully. The Government is not walking away from the basin plan. The provisions in the bill are not about that. In fact, the bill contains all the necessary amendments to comply fully with obligations under the plan. The provisions enable inconsistencies between the Commonwealth and the State water framework to be resolved. The Commonwealth Water Act allows for this. It sets it up so that we can do this. The Government remains committed to the basin plan and is working hard to implement the reforms under the plan. The Government is committed to its vision for water management in New South Wales—a system that is credible, certain, transparent and enforceable. We want a system that people can actually understand, that is easy to enforce and that delivers the best possible outcomes for all parties.

[Interruption]

If you wanted to make a contribution you should have spoken in the debate. Now you want to make one from the other side of the Chamber.

**TEMPORARY SPEAKER (Mr Geoff Provest):** Order! The Minister will direct his comments through the Chair.

**Mr PAUL TOOLE:** We want a system that people can understand, a system that is easy to enforce and a system that delivers the best possible outcomes for all parties.

**TEMPORARY SPEAKER (Mr Geoff Provest):** Order! The member for Shellharbour will cease interjecting.

**Mr PAUL TOOLE:** Furthermore, we are committed to implementing this vision by engaging in extensive consultation with stakeholders and the community. We will end up with a water management framework that is guided by the views of the community. It is important for rebuilding the trust of the community as well as ensuring that we have a framework that is practical and enforceable. For those reasons, I urge members to support the bill. The bill is setting us up for the future. I thank Minister the Hon. Niall Blair for his work and the consultation he has led to ensure that the bill was brought to this House to achieve the outcomes that are needed for reform in this State. I also thank his staff and the department for the incredible work they have done. I commend the bill to the House.

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

**The House divided.**

Ayes .....	46
Noes .....	28
Majority.....	18

## AYES

Anderson, Mr K  
 Bromhead, Mr S (teller)  
 Cooke, Ms S  
 Davies, Mrs T  
 Elliott, Mr D  
 Fraser, Mr A  
 Griffin, Mr J  
 Henskens, Mr A  
 Kean, Mr M  
 Marshall, Mr A  
 Patterson, Mr C (teller)  
 Provest, Mr G  
 Speakman, Mr M  
 Toole, Mr P  
 Ward, Mr G  
 Wilson, Ms F

Aplin, Mr G  
 Brookes, Mr G  
 Coure, Mr M  
 Dominello, Mr V  
 Evans, Mr A.W.  
 Gibbons, Ms M  
 Gulaptis, Mr C  
 Humphries, Mr K  
 Lee, Dr G  
 Notley-Smith, Mr B  
 Pavey, Mrs M  
 Roberts, Mr A  
 Stokes, Mr R  
 Tudehope, Mr D  
 Williams, Mr R

Ayres, Mr S  
 Conolly, Mr K  
 Crouch, Mr A  
 Donato, Mr P  
 Evans, Mr L.J.  
 Goward, Ms P  
 Hazzard, Mr B  
 Johnsen, Mr M  
 Maguire, Mr D  
 O'Dea, Mr J  
 Petinos, Ms E  
 Rowell, Mr J  
 Taylor, Mr M  
 Upton, Ms G  
 Williams, Mrs L

## NOES

Atalla, Mr E  
 Car, Ms P  
 Crakanthorp, Mr T  
 Doyle, Ms T  
 Harris, Mr D  
 Leong, Ms J  
 McKay, Ms J  
 Park, Mr R  
 Tesch, Ms L (teller)  
 Watson, Ms A (teller)

Bali, Mr S  
 Catley, Ms Y  
 Daley, Mr M  
 Finn, Ms J  
 Harrison, Ms J  
 Lynch, Mr P  
 Mehan, Mr D  
 Parker, Mr J  
 Warren, Mr G

Barr, Mr C  
 Chanthivong, Mr A  
 Dib, Mr J  
 Greenwich, Mr A  
 Hoenig, Mr R  
 McDermott, Dr H  
 Minns, Mr C  
 Scully, Mr P  
 Washington, Ms K

## PAIRS

Barilaro, Mr J  
 Berejiklian, Ms G  
 Constance, Mr A  
 Grant, Mr T  
 Hancock, Mrs S  
 Perrottet, Mr D  
 Sidoti, Mr J

Cotsis, Ms S  
 Foley, Mr L  
 Hornery, Ms S  
 Kamper, Mr S  
 Lalich, Mr N  
 Mihailuk, Ms T  
 Zangari, Mr G

**Motion agreed to.**

## Third Reading

**Mr PAUL TOOLE:** I move:

That this bill be now read a third time.

**Motion agreed to.**

*Matter of Public Importance*

## RED APPLE DAY

**Mr GARETH WARD (Kiama) (21:22):** Every year June is Bowel Cancer Awareness Month. Today, 20 June, is Red Apple Day. Bowel Cancer Australia asks people to support its work through the purchase of a bowel cancer awareness ribbon. Bowel cancer is the second most common cancer in Australia and New South Wales, and the second most common cause of cancer-related death. In New South Wales approximately 1,700 deaths result from bowel cancer each year, accounting for 12 per cent of all deaths from cancer in this State. The rate of bowel cancer deaths in New South Wales has decreased over the past 10 years. This could decrease

even further if all people aged between 50 and 74 years of age participate in the National Bowel Cancer Screening Program. Participation in the program is low across Australia; the national average participation rate is 39 per cent. In New South Wales, only 36 per cent of people participate. If the participation rate were increased to 60 per cent in New South Wales approximately 300 lives could be saved each year. I am concerned that some members are not interested in Bowel Cancer Awareness Month and the effect that it has on our community. Perhaps they might like to leave the Chamber if they are not interested.

These people would also have less invasive and shorter courses of treatment because, in general, their cancer would be less advanced. Up to 90 per cent of bowel cancers can be successfully treated if they are detected early. Earlier diagnosis also means treatment can be less invasive. Bowel cancer often develops without any early warning signs. The Commonwealth Department of Health is responsible for operating the National Bowel Cancer Screening Program and for sending free faecal occult blood test [FOBT] kits every two years to men and women who are between the ages of 50 and 74. The National Bowel Cancer Screening Program uses a FOBT to collect samples of bowel motions, which are then analysed to detect tiny traces of blood, invisible to the naked eye. The screening test cannot diagnose bowel cancer, but the results will indicate whether a further test is needed to rule out bowel cancer.

An important feature of the National Bowel Cancer Screening Program, which is operated by the States and Territories, is the Participant Follow-up Function for participants of the national program, who have received a positive test result, to ensure that they continue along the screening pathway by discussing their result with their general practitioner and usually having a colonoscopy. In New South Wales the Participant Follow-up Function is performed by the Cancer Institute NSW. Follow-up Function officers are in regular contact with screening participants, general practitioners, and the waitlist and booking staff of hospitals and specialists who perform follow-up procedures such as a colonoscopy.

Bowel Cancer Australia is a non-government charitable organisation dedicated to prevention, early diagnosis, research, treatment and care for everyone affected by bowel cancer. In February this year, Bowel Cancer Australia reminded people to take advantage of the National Bowel Cancer Screening Program free FOBT when it is sent to them every two years. The New South Wales Government, through the Cancer Institute NSW, conducted its own bowel cancer screening awareness campaign between 15 April and 9 June 2018. The campaign reminded men and women between the ages of 50 and 74 that "Bowel cancer kills conversations, but it doesn't have to kill you." Bowel Cancer Australia also encourages people to understand the risk factors for bowel cancer and make changes to their lifestyle accordingly. The risk of bowel cancer increases with age, and the risk is greater for people aged 50 years and over.

Other risk factors include having excess body fat, being physically inactive, having a high alcohol consumption, smoking, and having a high intake of foods such as processed meat. So there are things everyone can do to reduce their risk of bowel cancer. They include: quitting smoking, if someone is a smoker, and not taking up smoking, if someone is a non-smoker; drinking alcohol in moderation, which will also help reduce the risk of other cancers such as breast cancer and liver cancer; maintaining a healthy body weight; eating healthily; and being active. However, the most important thing that everyone between the age of 50 and 74 can do is to participate in bowel cancer screening. It is not just for people between those ages, but everyone who has a potential risk and particularly those with a history in their families. The apple logo of Bowel Cancer Australia symbolises the message that bowel cancer can be treated if detected early and removed. Bowel cancer is represented by the worm that cannot continue to eat the apple—the healthy bowel. I commend the matter of public importance to the House.

**Mr CLAYTON BARR (Cessnock) (21:27):** I thank the member for Kiama for bringing this matter of public importance to the attention of the House today so we can have a brief but important conversation about Red Apple Day and Bowel Cancer Australia. Bowel cancer is a deadly and insidious disease. As the member for Kiama noted, about 1,700 people a year die from the disease and 30 of those people will die every week in New South Wales. Bowel cancer, as with all cancers, is something that needs to be detected early for a range of reasons, not the least of which is survivability. As with all other cancers, the earlier they are caught the more likely the chances of survival. Aside from survival, it is about a difficult and imposing treatment regime. Again, the earlier the cancer is caught, the less difficult the process will be. The bowel is a particular passage of the body that people quite often do not want to talk about. It is something of a faux pas—we should not talk about it; we should not be attending to that part of our body. But it is incredibly important that we do because bowel cancer is the second highest killer of Australians in any given year. It might not be pleasant but we need to deal with it. That is why the bowel cancer kits are available and people can access them and do the necessary checking, as the member for Kiama mentioned.

The other terrific advice from the member for Kiama—and I want to double down on that—is about the steps we can take to minimise the risks of contracting bowel cancer. We live in wonderful times and our knowledge of cancer has advanced in the past 50 years, thanks to the research and advances made by scientists.

As the member for Kiama said, those steps include doing exercise, improving diet, limiting or restricting the amount of alcohol intake and things of that nature. These are all things we can do to limit the risk of cancer. For example, to minimise the risk of skin cancer it is recommended we avoid excessive unprotected sunlight. People probably get a bit of cancer fatigue because they think, "If I eat that it will cause a certain cancer, yet if I don't eat it, it will cause another cancer." Life is about a balance but if we to look after the most important thing in our lives, which is our body, we have a responsibility to gain as much knowledge and information as we can and make the adjustments where possible and as best as possible. None of us can be perfect and no-one claims to be perfect. But it would be a sad day if a disease such as bowel cancer could have been prevented by making adjustments during one's life but that was realised only on one's death bed.

Again, I thank the member for Kiama for bringing this matter of public importance to the attention of members today—Red Apple Day. I must admit, having worked in the cancer industry, I was completely unaware of Red Apple Day because of other competing interests. Debating this matter of public importance today has given me an opportunity to learn something and to add to my cancer knowledge and awareness. As much as anything else, that is why we deal with matters of public importance in this House. I say to everybody: Go and get a check up and get it done as soon as possible because it might be a cause for regret later down the track.

**Mr KEVIN CONOLLY (Riverstone) (21:31):** Screening for bowel cancer saves lives. Today, Red Apple Day, is the focal point of Bowel Cancer Awareness Month. By purchasing a Bowel Cancer Awareness ribbon, incorporating the apple pin, Australians are supporting the vital work of Bowel Cancer Australia. The apple logo is symbolic of the bowel cancer message that bowel cancer is treatable and beatable if detected early. As we have heard, approximately 80 Australians die from bowel cancer every week with just over 30 of them in New South Wales. There are several cancers for which cancer screening has been demonstrated to be a key lifesaving tool through early detection of the cancer and its precursors, and the reduction of mortality. They are breast, cervical and bowel cancers.

The bowel, which is part of the gut, is made up of different sections, including the colon and the rectum. Bowel cancer is also referred to as colorectal cancer, colon cancer or rectal cancer, depending on the section of bowel where the cancer starts. The aim of bowel screening is to find cancers early when they are easier to treat and cure. Social marketing campaigns run by the Cancer Institute aim to raise awareness of the importance of bowel cancer screening and prompt behaviour change to increase participation by men and women in New South Wales in the National Bowel Cancer Screening Program. We have heard about the screening tests that are made available every two years to people between the ages of 50 and 74.

As someone who falls within that age group and who has a family history of bowel cancer, it has been something to which I have to adjust. Initially, the testing is a bit confronting and uncomfortable to face—to have it arrive in the mail and to read what has to be done. But the advice I can give people is that it is not hard. The testing is over quickly, it is quite simple and it is not a drama to do. Once the test is sent back, there is the reassurance that if there is an issue it will be discovered promptly and if the test is clear there is nothing to worry about in that sense. That is a source of reassurance. I suggest to everybody who is crossing that threshold of 50 and who is receiving that package in the mail to do the test. It is easy, simple, quick and if the test is clear it can give the reassurance and comfort that bowel cancer is not detected. However, if the test result is positive there is the best chance and opportunity to deal with it.

Between 15 April and 9 June this year, the Cancer Institute NSW conducted a new bowel cancer screening awareness social marketing campaign to encourage men and women aged between 50 and 74 years to participate in screening when their kit arrives in the mail. The campaign addresses the reasons why more people do not participate. Obviously it is lack of understanding of the purpose of screening, lack of confidence in completing the test kit and embarrassment. We should overcome those concerns because it is good for our community and good for ourselves.

**Mr GARETH WARD (Kiama) (21:35):** In reply: I thank members representing the electorates for Cessnock and Riverstone for their contributions to this debate. The member for Cessnock reflected on his time as a cancer worker, and the importance of healthy lifestyles, healthy eating and active lifestyles, something which all members of the House should promote in their communities. I thank my friend the member for Riverstone for talking about some of the experiences of people with the test. Whilst it can be uncomfortable it is necessary and can and should save lives.

I come from a family with tragic experiences with cancer, having lost loved ones. We live in a day and age where medical technology has become so advanced that we can take advantage of new opportunities of testing regimes, which are more affordable than they have ever been. If people take advantage of those it could mean the difference between being here today and not at a future date. It is important that people take heed of the warning. I am very grateful to those behind Red Apple Day for promoting bowel cancer awareness in June.

I take this opportunity, on behalf of all members I am sure, to commend the Cancer Council for its great work. Many of us participate in Relay for Life. I have seen various social media posts of those who do, and I thank those who have made contributions to the Cancer Council and its ongoing work, as well as supporting those organisations locally such as cancer carers who make an awesome contribution. I come from a family with cancer history. I have lost my grandfather and uncle to cancer. On three occasions my mother has had breast cancer. I want to make sure that as many of us can be here for as long as possible.

Talking about these issues, and encouraging people to do the right thing by their own bodies and lives, is important. That is why it is important to use the time of this House to save lives—1,700 people annually die as a result of bowel cancer. We do not want any unnecessary loss of life but we should all take advantage of the programs that are available and make sure we do all we can to guard against bowel cancer. It has certain signs, of which many members may not be aware, but testing first, second and third is always the best safeguard. I thank all members for their presence in the Chamber today. I thank those who have made a contribution. I commend Red Apple Day to the House.

**The DEPUTY SPEAKER:** It would be remiss of me if I did not mention that a Colo-rectal and Awareness Program was launched by the Rotary Club of Lismore by Dr Bill Brand in 1982. Rotary Club took it throughout New South Wales and it is now national and has been adopted by the Australian Government. I pay tribute to the late Dr Bill Brand. As the member for Lismore I am very proud that the Rotary Club in Lismore started it in 1982. I thank the member for Kiama for bringing this matter to the attention of the House.

#### *Private Members' Statements*

#### **STATE BUDGET**

**Mr GEOFF PROVEST (Tweed) (21:38):** I inform the House that the New South Wales budget delivered yesterday definitely delivers 100 per cent for the Tweed. The Tweed has fared well from the budget with increased funding for Tweed education, policing on country roads and continued strong funding for the Tweed Hospital. Families are also winners with parents in New South Wales now eligible for a \$100 rebate for all school-age children to help children learn and experience new activities. I know the Deputy Speaker is a big believer in culture and the arts.

The new Creative Kids rebate can be put towards the cost of registration, participation or tuition fees for creative and cultural activities such as music lessons, language classes, coding and digital, visual and performing arts. From 1 January 2019, parents of school-aged kids will be able to access both the \$100 Active Kids rebate and the \$100 Creative Kids rebate each year for every school-age child. There has been a massive uptake of the Active Kids rebate rights across the area which I share with the member for Lismore. We work as a very strong committed team.

Almost \$200 million has been allocated to extend the New South Wales Government subsidies to all three-year-olds who are enrolled in community preschools from 1 January 2019. This will provide an extra saving of \$825 per year for families. Sometime ago I attended a group meeting hosted by the Deputy Speaker in Lismore at which preschools from Kyogle, the Tweed, Lismore and Casino attended. One of their major concerns was the fact that without the income from three-year-olds their preschools would not be economically viable, particularly in remote regional areas of the electorates of Lismore, Clarence and Tweed. This subsidy is a big plus although it has been a long while coming. I am sure it will be deeply appreciated right across those areas.

In the coming year, the New South Wales Government will invest more than \$1.9 million to progress stage two of the connected health hub at Kingscliff TAFE. In the previous budget approximately \$100 million was allocated to schools in the Tweed. Recently, the Minister for Education was in the Tweed where construction has begun at Pottsville Public School, with the removal of 13 demountables, and where \$13 million will be spent. The rest of the money will enable major upgrades at the Tweed River High School, Tweed Heads South Public School, Kingscliff High School and Kingscliff Public School. The money will be put to good use to educate the young people in the Tweed.

These works will also provide additional new permanent teaching spaces and upgraded core facilities to address enrolment growth. Work has already commenced at Pottsville school. It is exciting because across the State the budget will: provide another 900 full-time teachers to be rolled out in our schools; an extra 950 nurses and midwives, 300 doctors and 120 allied health workers; and 750 paramedics and ambulance call centre staff. Recently, the Government announced the building of a new \$5 million ambulance station at Pottsville with four full-time paramedics. That has been greatly received by the local community.

The budget will also provide: more than \$3 billion to support people with disability; investments of \$8.8 million to ensure communities are more accessible and inclusive for seniors; and people living with mental illness, their families and carers will benefit from a record investment of \$2.1 billion in mental health services.

This budget is for the people. It was greatly received in the Tweed and it will make a massive difference to the lifestyle and living conditions of the people of the Tweed. I am so proud to be part of Liberal-Nationals Government that has delivered what I believe is one of the best budgets ever in this State.

### STRATHFIELD ELECTORATE INFRASTRUCTURE

**Ms JODI McKAY (Strathfield) (21:43):** With the budget announced this week I believe it is an important time for me to update my community on the issues they have raised with me since becoming the member for Strathfield. These issues are overdevelopment; improvements to transport; easing road congestion as well as improving safety; upgrades to our schools that are under pressure from significant population growth; homelessness, which is raised with me a lot in Burwood in particular; and the upgrade of Concord Hospital. Before the 2015 election Labor made a commitment in relation to Concord hospital. We committed some \$340 million, which was matched by the Liberal-Nationals Government, and we were very appreciative of that. However, I am concerned that there has not been any work on that commitment and according to the budget the completion date is now 2023. That is just too far into the never-never. There has also been no commitment to the \$700 million stage two upgrade. Anyone who has visited Concord hospital knows that the entire hospital is in need of an upgrade.

On 1 July the buses in my electorate are to be privatised as part of Andrew Constance's ideological agenda around privatisation, which was so acutely evident in Tuesday's budget. This has not been well received by my community. Last November our timetables were up-ended. Since that time numerous disruptions have been experienced on the Inner West line. We are hopeful that the Government will introduce changes to the timetable so that those who travel by train in my electorate will get a better deal. I am very thankful for the station upgrades at Homebush, Homebush West and Croydon railway stations. In the budget the Treasurer also announced that there will be planning money for North Strathfield station. That is a very busy station on the Northern Line and the member for Drummoyne and I have raised this matter on numerous occasions. Unfortunately, it is only planning money. There is no money to progress any work on that station. With the Sydney Metro West there is also the possibility of a stop at North Strathfield or Concord West. Labor is supportive of the Sydney Metro West but only \$3 billion in funding has been allocated for it in the budget. This should be a priority project. It is a priority transport project for Labor, but the Government has it at the bottom of the list.

In the budget there was money for WestConnex. The people in my electorate are not opposed to the M4 East tunnel but there is no guarantee that it will get traffic off Parramatta Road. It would be a good thing if it did get traffic off Parramatta Road, but I suggest that motorists will avoid using the M4 and the M4 East and come back onto Parramatta Road because they do not want to pay the tolls. We will also be getting some funding under the Pinch Point Program for improvements to Parramatta Road and the intersections of Shaftsbury Road at Burwood and the Great North Road at Five Dock. There will also be improvements to Georges River Road at the intersection of Portland Street and Lees Avenue at Croydon Park. It has been so difficult to get this funding. I have lobbied hard to see safety improvements at Frederick Street, for instance, and we are still battling with Roads and Maritime Services about improvements to Flemington Street, an incredibly dangerous area in Homebush West.

Homebush West is one of the fastest growing areas in my electorate. I am thankful for the \$20 million in funding that has been allocated to Homebush West Public School. Croydon Public School is also in desperate need of an upgrade, but no start or completion dates or costing has been allocated in the budget. So a promise has been made about that school but there is nothing to back it up. Marie Bashir Public School, the newest school in my electorate, will receive some funding. Disappointingly, many other schools in my electorate in desperate need of attention have not been allocated any funding—schools such as Burwood Public School and Chalmers Road School, which caters for children with intellectual disabilities. Strathfield Girls High School and Homebush Boys High School both need school halls. It would be remiss of me not to mention the concerns of my constituents about overdevelopment in my electorate. They are not opposed to high-rise buildings but they are concerned about inappropriate developments such as on the former Vision Australia and the Enfield Flower Power sites. They are also concerned about buildings that have been poorly designed and built—for example, the buildings along Railway Parade, Burwood. My constituents are also concerned about the number of boarding houses in our area. This is a smoke-and-mirrors budget; I would have liked to have seen more.

### BATHURST ELECTORATE INFRASTRUCTURE

**Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (21:48):** Tonight I will inform the House about a number of things that have been occurring in my electorate. This has been a fantastic week for the people of New South Wales. On Tuesday Treasurer Perrottet delivered a great budget for families and pensioners in this State. In fact, this budget will deliver for the next generation and the Government should be proud of the work it has done over the years to ensure that our current financial position allows us to give back to our communities. In this year's budget regional and rural communities have been strong beneficiaries. To put it bluntly, this week was a Bathurst budget bonanza. The investment that is being made in my electorate is

leading the way for the communities of the Central West. I will give members a quick outline of some of the funding announced in Tuesday's budget for my community. The amount of \$55,000 has been allocated for an additional 220 beds at the Bathurst Correctional Centre. Importantly, 50 to 60 jobs will be created to facilitate this upgrade and the Minister for Corrections and I are looking forward to that getting underway in the coming months.

The platform at the Millthorpe train station is to be upgraded to allow the Millthorpe community to once again use that service. More than \$70 million is to be invested in roads across the area. This will include not only State roads; we will also be working with councils in the delivery of local roads. These roads are important for the safety of our local communities. There is funding of \$8.6 million for an upgrade of the Jenolan Caves, which is hoped to increase tourism in the area. We are to get new State Emergency Services vehicles and a new police squad will be based at Bathurst. The funding I have mentioned is only the tip of the iceberg. A lot more funding will be coming to my electorate but I do not want to give all the information away on day one. Over the next six to nine months there will be many exciting times ahead as we continue to grow and expand my electorate. The Government wants the region to have a progressive community, which provides opportunities, so we will be bringing new investment to my electorate.

Last Monday I attended the Lithgow Union Theatre. Each year the Lithgow Musical Society holds two events at this iconic theatre. But the building is a little run down so the Government is going to provide \$775,640 in funding to give it a facelift. This will mean that performers will no longer have to go into a Coates Hire trailer during the extreme Lithgow weather. Improvements are going to be made to the dressing room and back stage area. The audio and lighting equipment will also be upgraded. It is hoped that these improvements will help encourage more performers to come to the local area. I was at the Lithgow Union Theatre with Rae Burton and Paul Goodwin and other staff from the Lithgow City Council. The council will also be putting in \$400,000, which will make this close to a \$1.2 million project. We have also invested \$1.6 million into a new state-of-the-art hub at Lithgow TAFE. In just one place students will now be able to access counselling services, face-to-face support and be able to find out about all the incredible courses on offer at Lithgow TAFE. It is a multifunctional hub that has all the latest technology. The New South Wales Government has made this investment in order to ensure that students in the region will have a very bright future.

#### **DANCING FOR CANCER CHARITY EVENT**

**Dr GEOFF LEE (Parramatta) (21:53):** Tonight I inform the House about the event of the year, if not the century—namely, the Dancing with the City Stars fundraiser for the Cancer Council NSW. On Saturday 7 July I will be taking part in the first Stars of Parramatta—Dance for Cancer charity event at the Novotel Parramatta. The Stars of Parramatta event aims to bring the community together and create awareness of the Cancer Council and the important work it does in research, prevention and advocacy. I recognise also the important work it does in providing information and support programs in the Parramatta region. The event organisers hope that raising awareness and funds will ensure that these services will continue well into the future. The Cancer Council hopes to raise a massive \$50,000 from this event alone. The money raised from Stars of Parramatta will go towards world-class research.

The Cancer Council NSW announced in March that over \$10.6 million in new funding has been awarded to 17 cancer research projects to lead the charge towards a cancer-free future. Included in this year's research projects are clinical trials for pancreatic cancer, which is close to the hearts of three of the stars who have lost family members to this insidious form of cancer. Joining me on the dance floor will be seven other stars. Each one has been paired with a professional dancer to learn a routine over an eight- to 12-week period. For some of us, we should start practising soon. This will be an amazing event, with fellow dancers being Melbourne Cup-winning jockey Jim Cassidy, local businesswoman Stephanie Dale, City of Parramatta Deputy Lord Mayor Michelle Garrard, City of Parramatta Councillor Sameer Pandey, Novotel Parramatta's April Diego, small business owner Shirley Buczak and Cancer Council NSW's own Leanne Langdon.

This would not be possible without the support of local dance studios and dancers, including Dr Kanan Shah and the Nartan Institute of Performing Arts, Western Sydney Samba's Davin Griffith-Jones, the Latin Ballroom Social Dance Club and Studio Parramatta, Arthur Murray Parramatta's Sashya Jay Brito and Samba Internacional, Michelle Smith and the Constant Groove Dance Studio and my favourite, and who are my instructors, Rebekah Marcuccio and Towle Theatrical Dance Academy. I put on the record my thanks to Sandra Lloyd for all her inspiration. The genres that my fellow stars and I will be performing range from Bollywood to Brazilian samba, musical theatre to jazz and modern contemporary to tango. It will certainly be a fun and entertaining evening, but there is a serious message.

In Australia, one in two men and one in three women will be diagnosed with cancer by the age of 85. Cancer is the leading cause of death in this country and accounts for about three in 10 deaths. It is estimated that the number of new cancer cases diagnosed will rise from 130,000 to 150,000 by 2020. The Cancer Council is 95 per cent community funded. It makes a difference by providing information and support services to those

affected by cancer. The services include the Cancer Council Information Service at Westmead Hospital's Crown Princess Mary Cancer Centre where Cancer Council volunteers provide support to more than 3,000 cancer patients every year. Two leading Westmead Hospital professors are among those to receive a share in the \$10.6 million awarded by the Cancer Council. Professor David Gottlieb will conduct the first human trial of a new immunotherapy treatment for fungal infections that occur after a bone marrow transplant, while Professor Jacob George will investigate resistance to chemotherapy in patients with advanced liver cancer.

This event and many other wonderful activities organised by the Cancer Council would not have been possible without the hard work of the dedicated and committed employees and volunteers at the Cancer Council. I recognise them all, in particular, Kate Hawkins, Community Relations Coordinator, and volunteer MP liaison officer Caroline Raunjak for their contribution. If members happen to be free on the evening of Saturday, 7 July, I encourage them to come along and support this worthwhile charity. Tickets for Stars of Parramatta are available and I am certain the dancing will not disappoint. I am very excited and I should start practising. I will probably give it another week and then, I think, a week of practising will be enough. I would love members to come along and support the Cancer Council, because of its fantastic work, and especially the volunteers who do so much for the community.

**TEMPORARY SPEAKER (Mr Geoff Provest):** I am sure I speak on behalf of the whole House that we look forward to seeing the vision on FaceTime and we wish you all the best.

### STATE BUDGET AND HEATHCOTE ELECTORATE

**Mr LEE EVANS (Heathcote) (21:59):** What a difference a week makes for my Heathcote constituents. I thank my Government not only for listening but also for unprecedented funding for the T4 train line upgrade, announcing the widening of the Heathcote Road Bridge over the Woronora River, the first stage of the F6 and significant funding for nine kilometres of Royal National Park boardwalk. Over the next couple of years, the state-of-the-art train digital signalling system will allow for increased frequency of services in my electorate. The coming on line of the new inter-city fleet will increase services throughout the T4 and Illawarra line. My constituents will see more services and more trains before any other areas in New South Wales.

The most important announcement by far for me and many of my constituents is the announcement of the bridge over the Woronora River on Heathcote Road. This project, at a total cost of \$173 million, includes the Heathcote Road upgrade closer to Liverpool in the Holsworthy electorate. I am happy to announce that this long-awaited, long-overdue upgrade will be going to public consultation by the end of this year. In 2015 a horrific accident on this bridge took the life of Mr Drew Cullen, a firie, who was on his way back home from work. For years he had been calling for action on this bridge. I apologise for the time it has taken but this build is a complicated and difficult one, with the position of this bridge being at the base of a valley. After consultation with the Cullen family, I have written to the Minister in a formal request for this bridge to be named after Mr Cullen. My hope is that this request will be granted by the Geographic Names Board and we can provide a fitting memorial for one of our local heroes.

The announcement of the F6 is one of the most significant announcements over the last 60 years. When I was a kid, the F6 corridor was spoken about in the context of what should be done with it and how it could be used. This major corridor was set aside all those years ago. That question was answered just a couple of Tuesdays ago: we are building the F6. For this announcement, I was proud to join the Premier, the Minister for Roads, Maritime and Freight and the Minister for Transport and Infrastructure, as well as my colleagues the Attorney General, the Hon. Mark Speakman; the member for Miranda, Ms Eleni Petinos; the member for Oatley, Mr Mark Coure; and member for Holsworthy, Ms Melanie Gibbons. This announcement of the first stage of the F6 means it is budgeted and ready to go. This road will eventually make a huge positive impact on traffic from the south of Sydney.

With all these unprecedented announcements being made, one announcement that was nearly overlooked but will make a huge difference—not only to the experience of visitors to the Royal National Park but also to the protection of our walking tracks from erosion—is the installation of a further nine kilometres of fibreglass-raised boardwalks, including around the Figure 8 Pools and Wedding Cake Rock. This will ensure the visitor experience is a safe and pleasurable one. The Royal National Park coast walk is being transformed from a rustic experience to an ecologically sound tourist attraction.

These unprecedented budget projects do not happen by chance. They are a result of years of lobbying of Ministers, endless meetings with boffins, work-in-progress meetings, scoping studies, proposed environmental impact statements, plans, plan reviews, more scoping studies, budget requests and finally a budget line item. I am proud to be a part of a government that is fiscally responsible in delivering for our communities. Our grit and determination now sees New South Wales leading the way in the Federation. The people of New South Wales remember what those opposites did to our State and they pray that they will never sit on the Treasury benches



again. The people of New South Wales know that none of these projects could have been delivered under them. After sixteen years in the dark ages, New South Wales is leading from the front and will continue to do so with the Coalition continuing to deliver for New South Wales. Go Labor—go broke.

### NSW PACIFIC AWARDS

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (22:03):** There is a saying that from small things big things grow. That is an apt description of the NSW Pacific Awards. More than a decade ago, a small group of about 30 like-minded people attended the first awards ceremony at Minto Library. The intent was clear: to recognise the achievements of people in the Pacific community. Now the NSW Pacific Awards is in its thirteenth year and hundreds of people have been lauded for their contributions to the Pacific culture and heritage. The awards are hosted by the NSW Council for Pacific Communities, which aims to empower, advocate, partner and share information across the Pacific communities in New South Wales and our wider community.

I recently had the privilege of attending the 2018 NSW Pacific Awards, as I do every year. The level of community and personal achievement on show was outstanding. South-west Sydney is home to many Pacific families who have made a wonderful contribution to our diverse community. It was evident at the awards night that there is no shortage of incredible people in our local area. Each nominee and winner represented their culture with immense pride. I particularly acknowledge my constituents who were recognised in this year's awards. Ingleburn's Josiah Livepulu was one of 15 students to represent the Pacific community in last year's Schools Spectacular. It was the first time in Schools Spectacular history that an ensemble of Pacific students featured in a segment dedicated to storytelling through dancing and singing. Josiah and the talented group of students won the Community event—Culture and Heritage Award on the night.

Tevin Henry took out the High School Education Award. The Ingleburn High School student and school captain wants to be a pilot. Tevin finishes his Higher School Certificate this year and he is looking to secure a scholarship to attend a graduate program with Qantas, Emirates or Air New Zealand. I wish Tevin every success as he works hard to make his dream a reality. If winning a silver medal at the Gold Coast 2018 Commonwealth Games was not enough for Ato Plodzicki Faoagali, he also won the Professional Sports category at the Pacific Awards. Ato lives in Macquarie Fields. The 19-year-old boxer is of Samoan and Polish descent and he has worked hard in the gym to become a fine athlete.

Former James Meehan High School student Chellcey Porter won the Volunteer Senior Award. Chellcey was the first Pacific leader at the school to hold the role for two years. Chellcey showed excellent respect, commitment and skill in her role, making her family and community proud. Lynis Kepu's creative talents saw her win the Junior Visual Arts Award. Lynis is described as a passionate artist who thinks outside the box. Her teachers at Sarah Redfern Public School say Lynis is happy to take risks and embraces many styles of art, from caricatures to charcoal sketches. I also acknowledge Alafou Fatu, who was highly commended in the Senior Sports Award. Alafou is a former Sarah Redfern High School student and a rising sports star. She regularly showcases her talents in rugby league, touch football, netball, rugby union and volleyball. She is, indeed, a supreme athlete.

In closing, I acknowledge the work of Mal Fruean, the chairperson of the NSW Council for Pacific Communities, and her entire executive team. They all work very hard to advocate on behalf of the Pacific community and the wider community. The 2018 NSW Pacific Awards were a huge success—as they have been every year they have been held—and are a great showcase for the achievement of our local area. I congratulate the executive team and event organisers on bringing our community together to showcase the talents and achievements of so many in the Pacific community.

### COMPUTED TOMOGRAPHY SCANS

**Mr EDMOND ATALLA (Mount Druitt) (22:07):** I bring to the attention of the House the issues associated with the continual use of computed tomography [CT] scans in lieu of magnetic resonance imaging [MRI] scans. Australia continues to lag behind other countries with its reliance on CT scanning, despite international acknowledgement that this technology is becoming outdated and is potentially fatal. With more than 84 per cent of ischemic strokes being misdiagnosed on a CT scan and more than \$1 billion spent federally, I am at a loss as to why the Government does not have a plan to phase out CT scans and replace them with MRI technology.

In 2009, the United States effectively concluded that leukaemia and most solid cancers have been linked with the radiation caused by CT scans. Further, the American Food and Drug Administration [FDA] Department advises that the chances of getting a fatal cancer from a CT scan using a 10 millisievert [mSv] radiation dose is one in 2,000 people. In some cases, Australian patients are exposed to levels as high as 30mSv, that is, three times higher than what is reported as a high risk. New analysis of 2013 research presented by the University of Melbourne at the World Congress of Public Health demonstrates that children who undergo a CT scan have a

24 per cent increased chance of cancer in future years. Despite these facts, Australia has the highest number of CT scanners per population, being 60 per 1 million.

To put that into perspective, the United Kingdom has eight per one million. Finland has two MRI machines per CT scanner. Regretfully, Australia pales in comparison, with four times as many CT machines as MRI machines. We simply cannot ignore the continued warnings from international experts surrounding CT radiation. When I raised this issue before I received the response that the Government is working with the Australian Commission on Safety and Quality in Health Care to reduce unnecessary radiation. That is not good enough. Additionally, the public are not being made aware of this issue. Unlike in Europe, there are no provisions for mandatory consenting or informing the patients of the associated risks before they undertake CT scanning. This has had a devastating effect on my electorate.

Despite Mount Druitt Hospital being supplied with an MRI machine, this machine has not been awarded a partial or full Medicare licence, meaning only inpatients of the hospital can use this machine. This has resulted in residents being forced to either travel to Blacktown hospital to avoid devastating radiation and excessive fees or to continue having CT scans. The Blacktown campus continues to face increased pressure and at this stage completes up to 9,000 scans a year. In comparison, Westmead and Concord combined produce up to 8,000 scans. The Government must acknowledge this proven research and commit to phasing out the use of CT scanners. MRI machines are a safer and more reliable source of diagnosis. Further, I call on the Government to apply pressure to the Federal Government to grant a full licence for the Mount Druitt MRI machine so that it can be used by the community.

#### **PORT MACQUARIE ELECTORATE ANZAC DAY COMMEMORATIONS**

**Mrs LESLIE WILLIAMS (Port Macquarie) (22:11):** I inform the House of a very special visit to my electorate from the Royal British Legion Scotland, Wick, Canisbay and Latheron branch members to commemorate Anzac Day on 25 April 2018. This year the Laurieton RSL Sub-Branch invited the Royal British Legion Scotland to travel to Australia to join with us to honour our fellow men and women who served and died during the Great War. A delegation of 16 returned servicemen were hosted by the Laurieton RSL Sub-Branch to mark the 100th anniversary since the end of World War I on the eleventh hour of the eleventh day of the eleventh month, 1918.

Secretary of the Laurieton RSL Sub-Branch, George Wise, Julie Krige and former Chairman of the Royal British Legion Scotland, Captain Richard Otley, officially organised the visit in conjunction with the Port Macquarie RSL Sub-Branch. During their stay, the Royal British Legion Scotland were also honoured by Port Macquarie Hastings Mayor, Peta Pinson, through the Quaich presentation ceremony. This year I had the privilege and honour of attending the Anzac Day lunch in Laurieton, hosted by the local sub-branch. It was evident that much time and effort was committed to achieving another successful Anzac Day service, with the 16-strong Royal British Legion Scotland participating in this momentous occasion. Anzac Day commemorations were celebrated and hosted by the Laurieton RSL Sub-Branch at both dawn and mid-morning services, where representatives laid a wreath on my behalf to honour the bravery and sacrifice of our young service men and women of both countries working together for peace and stability.

I give a special mention to 96-year-old Navy veteran Richard Polanski Royal, the oldest member of the delegation who represented at the Anzac Day service in Canberra and participated in the parade that honoured the seven Australian and four New Zealand servicemen who rest in Wick, Bower and Olig cemeteries. Amazingly, the Scottish community, through Mr Charlie Brown, National Chairman of the Royal British Legion Scotland, and Kevin Gray, Chief Executive Officer, raised more than \$30,000 from community donations towards their trip to Australia. Captain Richard Otley said the trip was designed to build on future cultural links, mutual trade, tourism and youth support. The trip also highlights Australia and the United Kingdom's shared bond in building relationships with our honoured war veterans by ensuring adequate support and best practices are maintained.

At the commencement of the First World War 416,809 men were enlisted, of whom more than 60,000 were tragically killed and 156,000 wounded, gassed or taken prisoner. This marked Australia's costliest conflict in lives and casualties, with those surviving facing new struggles on returning to civilian life. Many suffered with mental scarring from appalling atrocities and conditions resulting from their service and commitment to our nation. It is a testament to the fact that war and conflicts should be avoided at all costs and peace is always the ultimate goal.

The formation of the Royal British Legion Scotland was established in June 1921 by Field Marshal Earl Haig by bringing together several charities that had been established to assist returned service men and women from the First World War. Their aim is to make a difference every day to the lives of Scotland's veterans through providing community, friendship and practical advice, whether they left military service yesterday or 50 years ago. Following the visit to Laurieton and Port Macquarie, the RSL sub-branch members then travelled with the

Royal British Legion Scotland to Canberra to visit the Australian War Memorial and to tour the Commonwealth Parliament before returning home. I acknowledge Julie Krige, Secretary George Wise and President John Parrott for their commendable efforts in hosting and organising the Royal British Legion Scotland's visit to Australia so that they could take part in the commemorative ceremonies on this very special and emotional day for all Australians in honour of our service men and women past and present. Lest we forget.

### TOGETHER FOR HUMANITY FOUNDATION

**Mr JONATHAN O'DEA (Davidson) (22:15):** The Together for Humanity Foundation focuses on increasing goodwill between communities with differences in beliefs and socio-economic backgrounds and particularly promoting intercultural understanding amongst school students. It is a charitable organisation that has in the past received some minor State government funding for its excellent work but which primarily relies on fundraising efforts. In pursuit of its mission of developing children's intercultural understanding in Australian schools, the Together for Humanity Foundation offers school visits, online resources and professional development for teachers on intercultural understanding and fostering a feeling of belonging and connectedness in students. It has worked on a multi-pronged approach, reaching more than 100,000 Australian students and teachers in primary and secondary schools, including in my electorate of Davidson, since it was established within my local electorate at St Ives in 2002. As stated on the foundation's website:

The attitudes we adopt at school age can last a lifetime. Hatred and intolerance, or acceptance and respect are seeded early. Prejudice and hatred dividing people who differ on matters of faith or cultural origin area threat to a harmonious Australia ... For some children, Together for Humanity school sessions may be the first time in their lives they have met a Jew or a Muslim. Such encounters can be powerful.

Members of Parliament are actively encouraged to reach out to Together For Humanity to bring that organisation and its resources to schools in members' electorates. That is an open invitation I now convey on behalf of the Together for Humanity Foundation. On Monday 18 June I welcomed guests at the Together for Humanity Foundation fundraising lunch in the Strangers' Dining Room of Parliament House. Together for Humanity's National Director Rabbi Zalman Kastel, President Madenia Abdurahman and Chair of the Board Chris McDiven, AM, were in attendance. Several colleagues also attended, including Natalie Ward, MLC, representing Minister Ray Williams; Jihad Dib, representing Opposition Leader Luke Foley; Julia Finn; and Catherine Cusack, MLC. Other notable attendees included the Hon. Justice Stephen Rothman, AM, Rabbi Gad Krebs, Imam Dr Amin Hady, Reverend Dr Sue Emeleus, the Hon. Patricia Forsythe, the Hon. Robyn Parker, the Hon. Michael Photios, the Hon. Ron Phillips, AO, and Josie Lacey, OAM, a pioneer of interfaith work. John and Karen Kightley were the generous sponsors of the cost of the lunch, enabling all the donations from the various attendees to go towards the Together for Humanity Foundation.

A number of people spoke at the function, including students and the principal from Punchbowl High School and leaders of the foundation. As Zalman Kastel said, "People deserve respect irrespective of where they come from. People want to belong." It was particularly interesting to hear the reflections of special guest speaker Alpha Cheng, son of Curtis Cheng, a staff member of the NSW Police Force who was tragically shot by a 15-year-old extremist outside Parramatta NSW Police Headquarters in 2015. Alpha spoke out against racism, hate and prejudice. His positive messages and inspirational story were a credit to him and his family. I thank all those who were involved in the organisation of this successful event, which raised over \$77,000 for the Together for Humanity Foundation. I hope Together for Humanity Foundation continues to successfully foster intercultural understanding for many years to come in New South Wales and Australia.

### GRIFFITH BASE HOSPITAL

**Mr AUSTIN EVANS (Murray) (22:21):** Today I address the House in relation to Griffith Base Hospital in my electorate of Murray. Yesterday's budget, handed down by the Treasurer, showed that more than \$2.3 billion will be invested in capital works in the health portfolio. This investment is music to the ears of those communities desperately seeking upgrades to outdated hospitals that were left destitute by successive Labor governments. No-one is more aware of this than the people of Griffith. The ageing health facility in Griffith is tired and in desperate need of an upgrade. It is a mishmash of pieces that has been put together over many years and does not function well as a hospital. Under the New South Wales Liberals and Nationals, a commitment has been made for the full upgrade of Griffith Base Hospital. This announcement has been met with great excitement from people within my community, who fought Labor governments for years to get a fair go.

Following our announcement, work on the clinical plan was completed and the master plan is now available for community consultation. No-one was more disappointed than I was that the public consultation was not able to be completed prior to the budget being handed down yesterday. I am more than a member of Parliament; I am a member of the community. When the community has concerns, it is safe to say that I share those concerns as well. Until the master plan has finished and public consultation and detailed plans have been completed, the Government is unable to reflect the true final cost of the project in the budget papers. It probably

reflects my naivety, my inexperience and my lack of political nous that I had some expectation that it would be in the budget papers in the long-term estimates. However, I cannot ignore the need to reassure the Griffith community that the funding for the development of Griffith Base Hospital is secured.

Today, in all the madness that is going on around this place, I met with the Premier, the Deputy Premier and the health Minister to provide me and the constituents of Murray the assurance that once full costings have been completed on the new Griffith Base Hospital that we will see that money committed. I am pleased to say I received that commitment. The people of the Murray electorate have seen work well progressed with the \$35 million committed for stage one. However, it is important that they see the commitment in the forward estimates, which will see the project through in full. At the by-election when I was elected to represent the people of Murray, I made a commitment to the people of Griffith that we would redevelop the Griffith Base Hospital and I stand here again today to say I intend to fulfil that promise. I joined The Nationals because I know it is the only party fully dedicated to the betterment of regional New South Wales. Together with my colleagues I fight each and every day to ensure that my community receives a fair share of funding for hospitals, roads, schools and more. Today I reaffirm my commitment to the people of the Murray electorate to rebuild Griffith Base Hospital and recommit to ensuring that our electorate is not left behind.

### STATE BUDGET AND PRESCHOOL FUNDING

**Ms KATE WASHINGTON (Port Stephens) (22:24):** As the shadow Minister for Early Childhood Education I have found budget week interesting. One of the centrepieces of the budget has been the preschool funding measure. I have been dismayed by the misleading statements made by this Government in the days following that announcement. To be clear, my dismay is not due to the substance of the announcement, which will once again fund three-year-olds to attend community preschools—something that this Government stopped in 2014. Preschooling in New South Wales is getting back on track after years of going backwards. Through mismanagement by this Government this State has had the lowest participation rates and the highest fees in the country.

My concern is that the Government has been leading families to believe that all three-year-olds in New South Wales will have their early learning subsidised by the Berejiklian Government, and that is wrong. The truth of the matter is that only three-year-olds attending community preschools are eligible for the newly announced funding. We know that 80 per cent of children taking part in a preschool program do so in a long day care setting. Premier Berejiklian and the Minister for Early Education, the Hon. Sarah Mitchell, have so far refused to admit that, by design, the vast majority of three-year-olds in New South Wales will not benefit from this budget announcement.

Yesterday in question time the Premier said, "This announcement alone will save parents or carers with children in early childhood education about \$800 per year." That statement is simply incorrect. The funding does not apply to all parents with children in early childhood education; it only applies to children in community preschools. The Treasurer also said in this place yesterday, "From 2019, in an Australian first, every three-year-old in New South Wales will now have access to subsidised early learning." That is also false. Every three-year-old will not have access to the funding. It will be only those children who attend a community preschool.

Minister Mitchell said in the Legislative Council yesterday, "We are now the first State in Australia to provide universal access to preschool for all three-year-olds." Again, that is not true. The Government's centrepiece cost-of-living measure is essentially a con job, because the overwhelming majority of families in New South Wales choose to send their children to long day care centres to receive their preschooling. They do this for many reasons, including the fact that many towns and suburbs do not have community preschools and long day care centres are their only option. For others who do have a choice, many choose a long day care service because it offers the hours of care that allow participation in the workforce. But children attending long day care centres have been expressly excluded from the new funding.

The Premier and Minister tried to justify their position today, stating that long day care centres are funded by the Commonwealth government and preschools are funded by the State government. To the uninitiated, that is a forgivable error, but for it to come from those who are responsible for taxpayer funds is disturbing. Do they not know that this Government delivers funding to long day care services and that it subsidises the delivery of preschool programs to four-year-olds attending long day care services? Yes, the Federal government is the primary source of funding for long day care services, but the State government also directs funding to support the delivery of preschooling in the services. The question is: Are the Premier and Minister deliberately misleading the community or do they not get it? It is a question being asked across the sector.

The Premier and her Minister can keep muddying the waters and denying the truth all they like, but eventually they will be found out. Hundreds of thousands of families who have taken the Government at its word will be shocked on 1 January next year when they find they are ineligible. Eventually the game is going to end.

Most of the families who have taken the Premier and Minister at their word that every three-year-old in the State will be funded are going to miss out. In January 2019 they will be asking the Premier, the Treasurer and the Minister, "Why did you mislead us?" Over the past two days I have spoken with many providers who are furious with the way the Government has sold this policy and are furious with the way it has been reported to families across the State, because they are at the coalface and will have to explain to families why they will not receive the funding. Early childhood education is the most powerful tool we have to prevent inequality. The Government must stop misleading families.

#### **MIRANDA ELECTORATE QUEEN'S BIRTHDAY HONOURS RECIPIENTS**

**Ms ELENi PETINOS (Miranda) (22:29):** I acknowledge recipients of the Queen's Birthday honours across the Miranda electorate. The Queen's Birthday is not only a public holiday but also an opportunity for people across the State to reflect on our heritage. Most importantly, it is a day when we are fortunate enough to acknowledge the outstanding contribution people across New South Wales have made in our local communities. I often say that the Miranda electorate has an unbound sense of community and this is due in no small part to the achievements and successes of celebrated individuals. It is the tireless efforts of community leaders and volunteers who give up their time that makes the Miranda electorate a better place to live, work and raise a family.

It is an honour to acknowledge Superintendent Greg Rankin of GyMEA, who received the highest honour an Australian firefighter can receive, the Australian Fire Service Medal. Superintendent Rankin joined the NSW Fire Brigade in 1987 as a firefighter in the City of Sydney. His passion for helping others led him to develop training and education sessions for all firefighters on shift at his station and kick-started his career in the Fire and Rescue NSW education and training section. Superintendent Rankin has ensured that firefighters are trained and equipped to deal with everyday and major emergencies. He has helped implement changes that have enhanced the safety of firefighters, ensuring that loved ones return home safely.

Over the past eight years Superintendent Rankin's dedication and expertise in the specialist field of incident management has seen him rise to the position of Capability Manager—Incident Management. In this role he has proven invaluable in developing incident management systems. He is highly regarded not only throughout New South and Australia but also overseas for his work on the Australasian Inter-service Incident Management System. I commend Superintendent Rankin for his dedication to the safety of all firefighters and our community and for his unwavering motivation to help Fire and Rescue NSW lead the way in emergency incident safety.

Another deserving resident is John Morgan of Oyster Bay, who received the Medal of the Order of Australia for his service to education and youth rehabilitation. As the former principal of Dorchester Schools for Specific Purposes, Mr Morgan has worked extensively within Juvenile Justice centres and the Corrective Services Academy. He quickly discovered his skill and passion for working with young people from troubled backgrounds to help them with further training or employment. Mr Morgan was the first principal of a behaviour school in Loftus and has worked as a consultant for the local anti-violence organisation Enough is Enough in Jannali.

Mr Morgan has had fantastic success with the rehabilitation of youth offenders and has always strived to do the very best he can for them. His dedication to our youth has fostered a major change to the educational aspect of juvenile schools, with more students learning practical skills, such as bricklaying, which can be used by them to find future employment. I thank Mr Morgan for his commitment to young people across the Miranda electorate and New South Wales and for his passion to further their education and rehabilitation.

Another admirable award recipient is Ray Biddle of Jannali, who was awarded a Medal of the Order of Australia for service to the community in a range of roles. At 92 years of age, Mr Biddle is still a dedicated volunteer at the Australian Museum, where he has served the community for more than 30 years. But it does not stop there. He is also a life member of Kogarah Bay Sailing Club, the Caravan Club of Australia and the Miranda Probus Club. Mr Biddle started volunteering in the community while working as a shipwright at Garden Island where he founded the Garden Island Social Club and organised an annual Christmas party for 2,000 children of naval workers. From there Mr Biddle developed a love of volunteering, especially at the Australian Museum.

Mr Biddle says that the highlight of his job is showing overseas visitors and schoolchildren around the museum and sharing his passion for history with his great grandchildren. I commend Mr Biddle for his love of volunteering and his commitment to continuously giving back to the community. I am honoured as the member for Miranda to be in a position where I can publicly acknowledge the contributions made by outstanding members of our local community. On behalf of the community, I congratulate all recipients of the Queen's Birthday honours and wish them all the best for their future endeavours.

#### **WAGGA WAGGA ELECTORATE COMMUNITY BUILDING PARTNERSHIP GRANTS**

**Mr DARYL MAGUIRE (Wagga Wagga) (22:34):** In recent weeks people have asked me whether I am busy. By crikey I am busy. There are not enough days in the week to make funding announcements. Rivers

of funds are flowing into the Wagga Wagga electorate. Tonight I shall talk about a number of grants provided by the Liberal-Nationals Government through those funding streams—as many as I can fit into the limited time I have to speak in this private member's statement.

I recently joined with the Ladysmith Tourist Railway Committee to give them a one-off grant of \$5,134 to cover the cost of replacing stolen railway sleepers. It was devastating for the club to discover that nine tonnes of railway sleepers had been stolen from their heritage track in February. They had raised money through train rides, open days and raffles. However, scoundrels came along and stole the railway sleepers. The Premier has been good enough to find discretionary funds to help replace the stolen sleepers. Ladysmith Tourist Railway is a fantastic organisation of rail enthusiasts who are building a heritage site at Ladysmith. It was a cowardly act to steal the sleepers, but I thank the Premier for helping to replace them. Indeed, I have encouraged the Ladysmith Tourist Railway Committee to apply for further funding through the Community Building Partnership program to ensure the work is done and to help with other repairs.

Members will have heard me speak many times about Wagga Wagga Women's Health Centre and the fantastic service it provides for women. The centre received funding of \$15,000—as part of the New South Wales Government's 2017 Community Building Partnership program—to renew its roof. The roof was a major safety concern as it had loose tin and there only needed to be a bad storm to tear it apart. The good news is that the tin was able to be put to good use by Ladysmith Tourist Railway to help refurbish a much-needed shed.

The Rock Town Hall and Museum was selected to receive funding from the New South Wales Government's arts, screen and culture agency Create NSW. The museum will receive \$1,600 in funding through the Volunteer Museum Small Grants program. This fantastic facility, which is being developed and run by volunteers, headed by Laurie Thiele, has both community and tourism benefits. In addition, \$5,000 was given to the Jack Ryan Memorial. Jack Ryan, VC, was born in 1890 in Tumut. Private Edward John Francis "Jack" Ryan was a recipient of the Victoria Cross for taking the initiative to lead a party of men with bombs and bayonets against the enemy on 30 September 1918 at the Hindenburg Defences in France. He reached the position with only three men and they succeeded in driving the enemy back. Private Ryan cleared the last of the enemy alone, finally falling wounded himself. He returned home and passed away at 51 years old in 1941. I was pleased to present that \$5,000 cheque to help the committee erect a memorial in Tumut to the Victoria Cross recipient.

Under the Safe Shooting Program, the Sporting Shooters' Association of Australia, Wagga Wagga Branch, will receive \$1,500 for the purchase of a computer and printer. The Wagga Wagga City Pistol Club will receive \$3,655 for the purchase of a computer and associated equipment and training costs. The Tumut Pistol Club will receive \$17,000 for the purchase of a laptop, a generator, the National Broadband Network connection and training travel costs for access to the Falcon online system and range upgrades. The Explorers Rifle Club will receive \$5,120 to carry out a range alignment survey. There is also funding of \$3,290 for the Henwood Park Football Club for portable goals; the Collingullie Ashmont Kapooka Football Netball Club will receive \$10,000 to upgrade the court surface; and Eastlakes MCU Junior Australian Rules Football Club will receive \$20,000 to develop the netball court at Lake Oval. They are just some of the announcements that I have been able to make in the past few days. I will inform the House of more when time permits.

### **WOLLONDILLY ELECTORATE HEALTH FUNDING**

**Mr JAI ROWELL (Wollondilly) (22:39):** I inform the House of the continuous investment in health services for the Wollondilly and Southern Highlands regions. In my entire time in this place I have advocated for better health services for my electorate. Wollondilly is neither metropolitan nor country; it is both. With an electorate covering 3,500 square kilometres, service delivery is a bit more challenging than in an inner-city electorate. My constituents use both Campbelltown and Bowral hospitals and sometimes Camden Hospital. Before I became the local member there had been no major investments into Campbelltown or Bowral hospitals for decades.

As members know, I ran for Parliament in 2011 promising a \$40 million upgrade to Campbelltown Hospital. Once elected, I turned that into a \$134 million upgrade that delivered a pathology laboratory almost double the size of the previous one. The upgrade came at the right time, with the number of clinical, chemistry and haematology tests performed almost doubling in the last four years to when it was built. The pathology unit was further expanded, with the number of blood collection rooms doubled—three collection rooms within the new pathology department and three collection rooms conveniently co-located with ambulatory care, antenatal and outpatient clinics on a specialist floor in the building.

This Government delivered an Acute Services Building with an outpatients and ambulatory care floor, as well as three 30-bed inpatient units. Additionally, I was able secure 90 new inpatient beds with capacity for a further 30; a reconfigured and expanded emergency department, including 11 new emergency places; a refurbished and reconfigured maternity department, including four birthing rooms, three of which were new and

one refurbished; two combined interventional cardiology catheterisation laboratories; a co-located and expanded floor to include ambulatory care, outpatients, antenatal and allied health services; relocated and expanded pathology and clinical information departments; an expanded loading dock area; and an enlarged paediatric outpatients area and expanded and relocated support services, to name a few.

Campbelltown Hospital caters for the entire Macarthur and Wollondilly regions, with a population capture of many hundreds of thousands of people. It is a very important hospital. At the last election I secured an additional \$632 million for the hospital on top of the \$134 million that I had previously secured. When work is completed, this funding will deliver expanded paediatric services, including more inpatient beds; enhanced mental health inpatient and community support services; additional emergency department capacity; more medical imaging equipment, including an additional CT scanner; additional capacity in intensive care; more medical, surgical and maternity beds; and more clinic rooms and treatment spaces for ambulatory care.

Our region deserves nothing less. I am keen to ensure that the region has a world-class health system. Additionally, in relation to training our doctors, I was able to secure \$9 million for a joint project with Western Sydney University to build a state-of-the-art facility that includes a library, teaching spaces, a lecture theatre, practical rooms, study space and offices. This will support the Western Sydney University Medical School, the opening of which I attended many years ago. The project strengthens the existing relationship between the university, Campbelltown Hospital and the South Western Sydney Local Health District. It has put our university on equal footing with every other medical teaching department in the country. Our region is now regarded as a major training centre for doctors and is a drawcard for young students.

At the same time I secured a \$50 million upgrade of Bowral and District Hospital, which has now commenced. That desperately needed funding will deliver a purpose-built development that includes new operating theatres, adult and paediatric inpatient wards, birthing suites, more single rooms with ensuites, new rehabilitation spaces and a new hospital entrance. Like Campbelltown Hospital, that was a good start but, from speaking to the community and knowing the hospital and its staff, I knew we needed more. I said that I saw the \$50 million as stage one and undertook a campaign to secure additional funding. In my campaign with the community, I said it is vitally important to upgrade the emergency department because it is old and not fit for purpose.

Some people told me that I would not be able to deliver any further funding and that I was all talk. A few said I was grandstanding for the 2019 election. Well, here we are and, as I stated earlier in the year, I am not re-contesting at the 2019 election. When I said this, a few critics said I had no chance of securing a single cent more. I said I was not going to be a lame duck member of Parliament and not only would I get a commitment out of the Government, I would secure the funding before I left. I am happy to announce today that here we are in budget week 2018 and we did it—we have been allocated the full \$15 million to deliver a new emergency department for Bowral and District Hospital. That will bring all 24-hour services into a single building. Emergencies departments are often the first contact people have with our hospitals and I want people across the Southern Highlands and Wollondilly to receive the best possible medical care. This commitment delivers that. I thank the Premier, the Treasurer and the Minister for Health for listening to the needs of my community and delivering a new \$15 million emergency department.

### IDENTITY THEFT

**Mr RON HOENIG (Heffron) (22:44):** I raise an issue that is of great significance not only for my electorate but also for the residents of New South Wales. The problem is mail theft and the associated issue of identity theft, which is on the rise. Mail theft is the simple act of stealing mail from letterboxes. Identity theft is when a criminal assumes the identity of an individual without their consent, often with devastating financial consequences. The pain of those offences is particularly acute in communities where there is a transition from suburban housing to denser high-rise housing, which provides new avenues for mail theft by opportunistic criminals.

Recently I had the pleasure of meeting with the new commander of Botany Bay Police Area Command, Superintendent Brad Hodder, who raised the issue with me. I had not even considered mail and identity theft. While crime is generally declining across New South Wales, mail and identity theft are on the rise. Each year, one in every 100 Australian adults are falling victim to mail theft and one in five Australians have been victims of identity fraud. Police commanders who are responsible for large high-rise communities such as in Botany Bay, Redfern and Burwood report that mail theft is a serious and growing issue for them. I note that in 2015 the *Inner West Courier* reported that the instances of mail theft in the Burwood Police Area Command had increased by 100 per cent in the five years to 2010.

For criminals, the large number of letterboxes outside high-density residential developments are like an allyou-can-eat buffet. My electorate is the densest in the State, as it incorporates the Mascot station precinct and

the massive Green Square and Waterloo redevelopments. Many of the buildings have letterboxes in publicly accessible common areas. Enterprising criminals can break into dozens of them in a few profitable minutes. I did not understand that simple pieces of information like an electricity bill can fetch \$30 on the black market. The Australian Federal Police estimate that identity crime costs Australians more than \$1.6 billion a year. Much of it is to the benefit of organised crime syndicates, some of which are international.

An issue that has concerned many people in our community is the pushbike-sharing schemes which have resulted in bikes littering our streets. Some councils are impounding the bicycles, but the owners do not want them back. According to the information given to me by police, it costs \$7 for a bike-sharing bike to be put on the street, but the identity of people using those schemes and their credit card details are worth \$30 on the open market, if I can use that expression. The profit is in the identity details, not in the hiring of the bikes.

Credit card theft poses its own obvious risks. The 2016 decision of the Coalition Government to abolish the immediate printing of driver licences at Roads and Maritime Services or Service NSW locations was the cherry on top for mail thieves. A driver licence, which is a common form of identification required in credit card applications, is worth, on average, 40 points in a 100 point identification scheme. Why banks mail out credit cards is beyond me. If a repeat offender manages to steal someone's Medicare card, driver licence and a utility bill, they are well on their way to completely assuming a person's identity. From there, they can take out applications for credit cards, personal loans, cash advances and SIM cards. It can be incredibly expensive and difficult for victims to prove that they were not responsible for those applications.

A number of factors contribute to the growing challenge of identity theft. We are more reliant on packages and parcels that we purchase online to be delivered to our homes. We have more credit cards, and government cuts to services means that many more of our important identity documents are being mailed to us. The most significant factor that is appealing to criminals is the transition to living in high-rise apartments. I am aware of an incident in my electorate in King Street at Mascot as recently as Monday morning. I am sure it happens quite often.

Consent authorities, whether they are councils or the new independent hearing and appeal panels, must make it a condition of development consent that letterboxes in high-density residential developments are located in common areas that are inaccessible to the general public, whether that is in a lobby or behind a gate. It has been suggested that the design of letterboxes leaves much to be desired. Often a generic master key can be used and some unscrupulous locksmiths sell them to identity thieves. I encourage all residents to keep their mail safe. They should check their letterboxes frequently, change their locks and have their mail redirected to a post office when going on holidays. Most importantly, they must report all theft to local police.

### HEATHCOTE ROAD UPGRADE

**Ms MELANIE GIBBONS (Holsworthy) (22:49):** Heathcote Road is an important connecting road in my electorate that joins Sutherland shire to Liverpool. It carries more than 30,000 motorists every day and is a key link for commuters accessing Holsworthy train station and the Army barracks. As the member for Holsworthy, I am proud to advise the House that the Liberal-Nationals Government has recognised the significance of that road. In 2015, I obtained a commitment from Premier Mike Baird for essential planning to be done on a duplication of the road between Infantry Parade in Holsworthy and The Avenue at Voyager Point to ensure that it was shovel ready. Over the past few years, the New South Wales Government has been working hard to ensure that everything is in order to progress to construction. In fact, I secured more than \$7 million to get the planning completed.

I can now say that the day has finally come and the New South Wales Government is investing \$173 million in upgrades for Heathcote Road. Included in this funding announcement is the promised duplication of Heathcote Road and a project to widen the existing bridge across the Woronora River. The duplication project will include widening Heathcote Road to four lanes between Infantry Parade and The Avenue, which also includes upgrading Macarthur Drive and The Avenue intersections at the traffic lights. The three bridges that cross Harris Creek, Williams Creek and the railway line will be duplicated and a pedestrian and cyclist path will be built to connect Voyager Point to Holsworthy train station. I have been fighting for this upgrade for some time and I am excited that it will be commencing shortly.

Unfortunately, in August last year there was another fatality at the intersection of Heathcote Road and The Avenue at Voyager Point. I was upset when that occurred and I met the Minister for Roads, Maritime and Freight at the intersection to show her the safety concerns that I and members of the community had. As a result of discussions with the Minister, I was able to get Roads and Maritime Services to investigate safety at the intersection. Following the review, in November 2017 the speed limit was reduced at the intersection from 80 kilometres an hour to 60 kilometres an hour and will remain so until further upgrades commence. I sincerely hope that the safety upgrades that will be completed as part of the duplication will prevent fatalities in the future.



Works will soon commence on another major intersection of Heathcote Road at New Illawarra Road, as part of the Government's \$300 million Gateway to the South Pinch Point Program. The intersection of Heathcote and New Illawarra roads is one of the busiest in southern Sydney, with approximately 3,000 vehicles using the intersection during the morning and afternoon peaks. The existing right-turn and left-turn lanes on New Illawarra Road can no longer accommodate traffic in the peaks, causing vehicles to queue and travel times to increase. On the same day that our \$173 million announcement was made, another fatality occurred on that road. It is important that works will be carried out to widen New Illawarra Road to include an additional right-hand turn lane and a left-hand turn lane onto Heathcote Road to reduce queuing and to make it safer for motorists. This is another important win for the thousands of motorists who use the intersection and road daily.

These upgrades are on top of the works that have been completed on Heathcote Road since 2011, including the upgrade of Deadmans Creek Bridge. That project included a new two-way 12.6 metre wide bridge to replace the existing 69-year-old structure, which had been built during World War II and needed replacing. The project also included a road realignment and intersection upgrade at St George Crescent. I know there were many safety concerns with the old bridge and I am happy to say that the new bridge is providing a safer roadway for many locals. I sincerely thank the Premier, the Treasurer, the Minister for Roads, Maritime and Freight and the Minister for Transport and Infrastructure for making this happen.

I also thank former Premier Mike Baird for his assistance in helping me to achieve this result for my local community. It will make such a difference. As I said previously, I am proud to be a member of this Government. We recognise that providing local infrastructure is important to ensure that people in our communities can spend more time with their families and friends while also travelling to and from places more safely. We want to make sure that people get to where they are going and get home safely. I cannot wait to see more upgrades on Heathcote Road and to have them start very shortly.

#### CLARENCE YOUTH ACTION

**Mr CHRISTOPHER GULAPTIS (Clarence) (22:54):** I express pride, joy and admiration for a group of young people in the Clarence Valley who are changing lives and myths about young people. Clarence Youth Action [CYA] was the brainchild of former Clarence Valley Council youth development officer Giane Smajstr. This group of young people was established to help council make decisions on issues relating to young people, to work on community projects, to organise events, to consult with local young people and to participate in forums. They comprise a diverse group of people aged between 12 and 25 who meet regularly to talk about and raise matters that confront our young people—things that worry our kids that they either do not want to talk about or that are ignored by their parents, their community and their civic leaders.

The CYA was established at a time when there were significant issues confronting young people in the Clarence Valley. Those issues included young kids with anxiety issues, mental illness and identity crisis. They came forward and spoke up for young people. They said "Hey, we're here. Listen to us, we matter. Don't presume to know how to deal with us. Talk to us." The CYA was an integral part in the development of Our Healthy Clarence. This is a grass roots program dealing with mental health issues, in particular with our young people, and building resilience in our community.

This mental health program is held up as a model. It was embraced by the community, the local health district, the Primary Health Network, local mental health service providers, non-government agencies and everyone generally because it was a bottom-up approach. We listened to everyone and the young people who were at the heart of the concern had a voice through CYA. This is a lesson to every community: listen to the young people and take heed of their concerns because they are our future and our best assets and they have answers that best fit their problems.

Earlier this year the CYA received a grant of \$48,000 from the Youth Opportunities grants program to continue its excellent community service, including holding regular workshops, events and activities and engaging with the broader community. Building social infrastructure is as fundamental to ensuring a strong and vibrant community as is hard infrastructure such as building bridges and roads. Some of their achievements include more than 100 activities and events across the Clarence Valley, such as the Mental Health Commissioners "Community Champions" award presented at New South Wales Parliament House for a mental health event; the Northern New South Wales Volunteer Group of the Year for 2017; community consultations with 900 young people over 18 months; Youth Week and Mental Health Month events; a Successful Youth Opportunities grant to run 44 events across the Clarence Valley; actively participating in the Clarence Valley Youth Interagency; and forming many partnerships with community groups, service providers, local government, local business and schools, as well as groups and various levels of government advocating for young people.

The CYA mans pop-up hubs in Yamba and Grafton which are safe houses where young people can just turn up, hang out and talk about anything. It is open from mid-afternoon until early evening and provides a venue

where kids can feel safe. The pop-up hubs were the brainchild of Skye Sear, who runs the South Grafton Neighbourhood Centre. The centre has had a long history in dealing with the most vulnerable in our community and that includes our kids. Skye was instrumental in receiving government funding to operate the pop-up hubs and she plays an active role in the service they provide to our kids.

A couple of weeks ago when the Deputy Premier, John Barilaro, met with CYA as well as other youth agencies at the pop-up hub, the message to him was loud and clear: pop-up hubs support our young people and help build resilience in our communities but they must be well funded, not just for a year but receive recurrent funding, and they must be developed and run by the community. Some 2,800 kids have gone through the pop-up hubs in just three months. The CYA is doing its best to cope with the numbers but it involves young people and they are struggling with burnout. They do not want to give up but what they are telling me is, "We can help ourselves if you have faith in us and provide us with some support."

Taking part in the CYA group benefits young people by giving them the opportunity to develop skills they can use throughout their lives, such as leadership and decision-making skills, working collaboratively, developing creative ideas and undertaking projects that benefit young people and the broader community and taking pride in their contribution. At the moment about 51 young people are involved in the CYA. I particularly acknowledge Gabi Andrew, Dominic Burke, Katelyn Ferguson, Jeremy Jablonski, Marley Nipps, Keegan Woldseth-King, Hanna Craig, Zak Masters, Acacia Endean, Nadine Sedger, Sarah Hood, Tia Kellerman, Dawn Burke, Colbie Cameron, Georgia Armer, Shania Knight and Connor Tarrant. On behalf of the House, I thank them and everyone else for the wonderful contribution they are making to their community.

### **WOLLONDILLY ELECTORATE ROAD INFRASTRUCTURE**

**Mr JAI ROWELL (Wollondilly) (22:59):** This budget has been fantastic for the people of Wollondilly and the Southern Highlands. However, I inform the House of an ongoing campaign that I have been mounting for a number of years, which is the need for a new Picton bypass or what I deem as "Wollondilly Drive", a road that needs to be built from Picton Road to the old Hume Highway. More than two years ago Wollondilly experienced devastating storms which particularly affected the township of Picton.

The current bypass is a one-lane bridge, which the Labor Government closed and then reopened. It did it with good intentions because it is a very old bridge that requires hundreds of thousands of dollars of work each and every year. This Government continues to keep the bridge open but, as I said, it is very old and has a height restriction causing trucks to occasionally get stuck under the bridge. If that situation had occurred when we had the storms and the township of Picton was flooded, people would not have been able to get out of the town.

Further, mines vehicles and other heavy vehicles travel along that road daily. Those vehicles cannot use the current bridge so they go through the main street of Picton. They do not stop in Picton but access Picton Road and then turn off onto the Hume Highway. This creates a dangerous situation and gridlocks the historic township of Picton. I have called on the former Government and this Government to invest in funding to build this most critical infrastructure. The former council was not in favour of this endeavour but I understand the current council now supports it. I thank former councillor Hilton Gibbs who has been leading the charge with me on this campaign, particularly when he was serving on council.

I inform the House that this week I have been in constant contact with the Premier, the Treasurer, the Minister for Roads, Maritime and Freight, and the Minister for Transport and Infrastructure, and I think we are getting very close. It has been fantastic to have a Premier and a Treasurer and relevant Ministers who are listening to our needs. They have visited many times and they have seen the problems in the area: people have been almost bowled over in the main street of Picton. I call on the Government to fund the planning and building of the road. I think we are almost there—not quite—and I look forward to informing the House about an announcement in the near future. As I said, this is a critical piece of infrastructure.

I note the member for Wollongong, Mr Paul Scully, is in the Chamber and, like him, I support the funding of the Maldon to Dombarton rail line in a future budget. It will not be a budget that I am here for because I am retiring. The rail line will provide much-needed infrastructure for freight and possibly passengers in the future. That rail line will open up the Illawarra, the Wollondilly shire and the Southern Highlands to further jobs creation, which is so desperately needed, particularly as more than 70 per cent of people in both the shires of Wollondilly and Wingecarribee travel outside its borders each and every day for work, recreation or education.

The rail line will create an opportunity. The Government has announced the first stages of the Wilton Junction which will see up to 15,000 homes being built over the next 30 to 40 years. With homes, we need jobs and that Maldon to Dombarton rail line will do exactly that. In the future I would like to see that built, but in the immediate future we need Picton bypass to ease the congestion and to make Picton safer for mums, dads, kids and

the elderly and to provide a second outlet, particularly when Picton township floods. Unfortunately, Picton is built in a flood zone. This bypass will provide a much-needed boost to our local community.

### DOONSIDE STATION EASY ACCESS LIFTS

**Mr STEPHEN BALI (Blacktown) (23:04):** I express the outrage of my constituents in the Blacktown electorate at the failure of the Liberal-Nationals Government to deliver lifts at Doonside station in the budget that was announced yesterday. The scheme is commonly referred to by the Government as the Easy Access Program. The evaluation process is objectively based on data and subject matter, expertise and knowledge. The scores are tallied and locations can be prioritised. When the Premier was transport Minister, this independent assessment was undertaken across the State and Doonside station was identified as twelfth in the State on a needs-based analysis.

The residents of the suburbs of Doonside, Woodcroft, Bungarribee and Huntington Heights, collectively under the one postcode of 2767, all access Doonside station as the closest station. This means the catchment area has approximately 25,000 residents. That is not a small area. In the final year of the Labor Government in 2011, the then transport Minister, John Robertson, asked the department to undertake the design of the easy access upgrade with the intention of starting the works in the 2011-12 budget. With the change of government in 2011, the O'Farrell Government introduced the new assessment criteria and the then Minister for Transport and now Premier of New South Wales ranked Doonside as twelfth on the list.

Locally we were disappointed, as many of us had been campaigning for a decade to have the lifts installed. Yet previously we at least were maintaining a relatively high priority and we could wait a couple of years for our turn. Martha Lynch, President of the Doonside Senior Citizens Club, originally called for the lifts and understands the impact that the lack of lifts has on the elderly. The closure of the rail crossing gates in 1983 effectively divided a suburb into two. The south side has many residential homes and a public school. The northern side has a village shopping centre, medical practices, real estate, a community centre, a senior citizens centre, a preschool and a youth centre. The divided suburb meant that many residents—the elderly, parents with prams and people with disabilities—struggled to use the ramp to get to the other side or to navigate the steep staircase to go onto the train platform.

After World War II, to assist returned soldiers, many war service homes were built next to the station on the south side. Even today this area has many elderly residents who are isolated from accessing the important social support services to which I have referred. The budget brought down yesterday once again overlooked Doonside. I want to compare Doonside with some of the stations that have received an upgrade. In a sample week it was found that 22,000 people used the Opal card at Doonside station. But unfortunately Doonside station was bumped by Hawkesbury River station which, in the same sample week, was used by 555 people and by approximately 16,000 people in Wahroonga.

The local community is devastated that an independent assessment that ranked it as the twelfth community most in need has been overlooked in a program that upgraded 47 stations. A further \$133 million has been announced for an additional 11 stations to be upgraded, but still not Doonside. This is an atrocious abuse of political power that constantly overlooks a community that is in desperate need—a fact supported by independent analysis. It has been overlooked due to political powers to support marginal Liberal-Nationals electorates. The Leader of the Opposition made it clear that a Labor government would build the lifts and not leave the elderly, parents with prams and people with disabilities stranded.

Residents in the local area cannot understand how the Liberal-Nationals Government can proudly announce a \$10 billion surplus over five years and yet no money is available to assist the elderly, people with disabilities and parents with prams by having lifts at Doonside station. The Treasurer said in his Budget Speech, "This budget delivers more today for those who need it most." We need those lifts and we are not getting them. The Treasurer also said, "This budget shows a conservative heart." He is right because the people who use Doonside station have been discriminated against. I condemn the Treasurer for his failure to provide funds for the Doonside station lift upgrade. I condemn the transport Minister for his failure to adhere to the independent assessment of priorities for station upgrades. He put politics before people. I condemn the Premier and former transport Minister as she has allowed politics to get in the way of community need. This Government says that the budget delivers. The only thing it delivers is misery for my community.

### WOLLONGONG ELECTORATE INFRASTRUCTURE FUNDING

**Mr PAUL SCULLY (Wollongong) (23:09):** Yesterday an absolutely stunning budget announcement was the Berejiklian Government redefining the Illawarra to exclude Wollongong. Yes, members heard me right. In another hit to the Gong, the Government kicked us out of our own region. According to the Government, Wollongong, the third largest city in New South Wales—a population and employment centre of the Illawarra—

is now no longer part of the Illawarra. I have previously called for a third definition of areas to cater for larger cities such as Wollongong, but I never expected that we would be kicked out of the Illawarra completely.

Budgets are statements of priorities containing a range of spending and revenue measures but this year the Berejiklian Government has redrawn New South Wales. For those who might think I am kidding, I refer to page 12 of the budget, Regional Overview. On the left-hand side of the Illawarra-Shoalhaven page, in italics with a little asterisk, like so many of this Government's sneakier moves, is the clear statement "excluding Wollongong". Wollongong has been excluded from the Illawarra and there is no indication of where it has gone. It has simply been left out. I checked the rest of the regional statement just in case Wollongong had been added to the Central Coast, the Central West, the North Coast or the north-west, but there is only one reference to Wollongong in the entire document—the reference on page 12 that gives us our marching orders from the region of which we have been the centre for so long.

Of course, the people in Wollongong should have seen this coming. For some time the position of Wollongong in this Government's eyes has been flexible. It started with Restart NSW under which Wollongong is considered part of Sydney. The ninth largest city in the country was told to pit itself against Australia's largest city with the result that not one project in the Wollongong local government area has been funded from the privatisation of electricity poles and wires. But there is more. After the Port of Port Kembla was privatised, a small fraction of the proceeds of that sale stayed in Wollongong. The Restart Illawarra fund once again redefined the Illawarra, adding Wingecarribee for the first time. But just like a late-night infomercial there is more. Recently the Government excluded Wollongong from New South Wales for sports infrastructure funding, declaring it ineligible to apply for both metropolitan and regional funds. Not a cent of either the Greater Sydney Sports Infrastructure Fund or the Regional Sports Infrastructure Fund is able to be spent in Wollongong.

I do not know whether the Government thinks we do not need it or whether it considered sportspeople in the Gong to be less worthy than everywhere else in the State. But the bottom line is that the nearly 40,000 registered sporting participants in Wollongong and their clubs are missing out completely. And all this despite the fact that just about every day I drive past a large promotional fence that indicates the roadworks are being funded under the regional roads program. Even the Government's well-oiled promotional machine is confused. The Premier, when asked about the status of Wollongong under her Government, responded that she considers Wollongong to be Wollongong. That solves everything. But in a response to a question on notice the answer differed, with the Premier indicating that there is no standard definition of local government areas, either metropolitan or regional.

This was agreed by the Deputy Premier in recent days. Apparently each agency just decides itself. The Regional Overview document takes further aim at the Illawarra by excluding industries such as the steelworks, the coalmines, the University of Wollongong, the Port of Port Kembla manufacturing, shared services and information and communications technology from the region's list of key industries. Billions of dollars in economic activity and thousands of jobs have been wiped from the Illawarra and Shoalhaven area with just two words and an asterisk. I guess that is what we get from a Treasurer who is yet to set foot in Wollongong since taking the job, despite my invitations for him to visit.

Of course, this raises the question of where Wollongong is according to this Government. And I believe there is an answer. The Minister for Innovation and Better Regulation has given me, dare I say, an innovative idea. We will just move to where it suits our needs by including Unanderra in the electoral division of Hornsby so that funds flow for our lifts, the WIN Entertainment Centre in Sydney so its upgrade can be part of the Sydney stadiums splurge, and the South Coast line as part of the Central Coast so that the new intercity fleet is sent to us first rather than last, and Appin Road as part of the Western Sydney road network so it might get an upgrade quicker.

But first we need to amend the title of the Parliamentary Secretary for the Illawarra and South Coast by adding those now infamous two words and an asterisk, which was pretty much all Wollongong was provided out of yesterday's budget. While said partly in jest, the sentiment behind this idea reflects the frustration of Wollongong residents, businesses and community organisations with this Government. So often excluded and ignored, we are now being forced to move to the sublime and ridiculous just to get our voices and needs heard. But in March next year this farcical situation can be fixed under a future Labor government, as Wollongong once again will have a voice in the Cabinet room with a Minister for the Illawarra once again taking a seat at the decision-making table. For those members who keep getting left out time and again, that cannot come soon enough.

**The House adjourned, pursuant to standing and sessional orders, at 23:14 until  
Thursday 21 June 2018 at 10:00.**