



**New South Wales**

# **Legislative Assembly**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Sixth Parliament  
First Session**

**Wednesday, 31 May 2017**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE ASSEMBLY

Wednesday, 31 May 2017

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

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

[*Notices of motions given.*]

### *Bills*

#### CRIMES AMENDMENT (INTIMATE IMAGES) BILL 2017

##### Second Reading

**Debate resumed from 30 May 2017.**

**Ms KATRINA HODGKINSON (Cootamundra) (10:11):** I speak in support of the Crimes Amendment (Intimate Images) Bill 2017. I congratulate the Minister currently present in the Chamber, Gabrielle Upton, member for Vacluse, for her dogged determination in her former role as Attorney General of New South Wales to ensure that this legislation was brought before this place. I also pass on my sincere congratulations to the current Attorney General, the Hon. Mark Speakman, for his diligence in ensuring that this legislation came before the Parliament at the earliest opportunity.

Many years ago, when I was a teenager, people did not have to worry about intimate images being shared over mobile phones or computer systems. If somebody took out an apprehended violence order—or a domestic violence order, as they were known back then—it was pretty well guaranteed that if photographs were to be shared they would be in a physical form, on photographic paper, and able to be intercepted or stopped. That is certainly not the case today. Despite all of the wonderful modern consumable items such as Apple iPhones and iPads, Samsung Galaxies and so on, and all of the convenience that comes with them, there is the social media aspect which is alive and well today.

Whether it is Snapchat, WhatsApp, Instagram or Facebook—whatever is the flavour of the day—all of these different applications on mobile systems are able to generate and reproduce photographic images and videos. They can be taken in some of the most private of situations. Prior to this legislation being introduced, people have been subjected to ridicule, intimidation, bullying and threats, all of which are totally inappropriate. With technological advances racing ahead of us in the modern world—before we can even think what will come next, there it is—this legislation is extremely timely. Once again I congratulate the former Attorney General and the current Attorney General for their grasp of this issue and their sincerity in ensuring that this legislation has been introduced to the New South Wales Parliament in a timely way.

I commence my address by saying it is not something that was a part of my world and I have certainly never been subject to any abuse such as this but it is certainly a part of my daughter's world. She is a 17½-year-old young lady out in the world, currently in Switzerland, and we communicate quite often by WhatsApp, which is a free application where we can talk to each other. She goes on social media and shares pictures carefully with selected friends. I often think just how quickly that could turn to disaster through an awkward relationship or someone wanting to take revenge against her in some way. We all know what teenagers are like: they can be best friends one day and worst of enemies the next. This bill is very important to that generation. Children coming through primary school now understand what social media is all about. They might not be allowed to use it, or might not be supposed to use it, but a lot of them are using it. Just about every high school student is now on social media and there are great risks.

There are great risks about invasion of personal privacy and this legislation goes a long way towards making sure that those concerns are ameliorated. I know that significant consideration has been given to studies done by various committees and councils as well as considerable consultation with experts such as Dr Nicola Henry, Dr Anastasia Powell and Dr Asher Flynn from the Royal Melbourne Institute of Technology, who found that one in five survey respondents reported being victims of some kind of image-based abuse—20 per cent of our population has been the victim of some kind of image abuse. That is an unreal figure, but it is real. As Minister Speakman said in his second reading speech, the non-consensual sharing of intimate images is a serious invasion and violation of a person's privacy.

It can have severe impacts on the victim, causing the victim shame, embarrassment and humiliation. It has adverse consequences for the victim's reputation, their family, their friends and also in some cases, as a natural

result of that, their employment. I have referred to the extensive consultation and I acknowledge that parliamentary inquiries have been held at both the Commonwealth level and here within the New South Wales Parliament which have been quite vociferous in their concern about victim harm as a result of the non-consensual sharing of intimate images and the current lack of effective laws to monitor this in a realistic and practical way. It will be illegal for younger children under the age of 16 to give consent for the sharing of intimate images but obviously we have to act with some discretion when those types of behaviours are brought before the authorities because children will be children.

However, we want to catch those dirty old perverts, those revolting cretins who threaten domestic violence against other people. They are the ones we want to put in their place, put behind bars and make sure they are given every disincentive to continue acting like the villains that they are. I am very pleased to address this bill today, coming from the rural electorate of Cootamundra. This is no less of a problem for regional people in the Riverina and the Central West than for people living in metropolitan areas. Anyone who has access to mobile technology has access to the sharing of intimate images. I know that many past victims are very grateful for this legislation. I note that Noelle Martin, a victim of revenge porn, said that the abuse she went through had been a nightmare. In an article by Lily Mayers on *ABC News* on Sunday 21 May 2017 Noelle Martin said: I discovered that my images from social media were stolen and posted on numerous porn sites not by a jilted ex-lover but by nameless, faceless strangers.

She continued:

My face was Photoshopped on the bodies of naked, adult actresses engaged in sexual intercourse.

After police told her that they could not help, Ms Martin was left to contact the websites that were displaying the images directly. She said:

I felt immense fear, shame, hopelessness and isolation. I felt so degraded, isolated and alone.

This legislation will apply across the board to those revolting, faceless cretins who undertake actions against people like Ms Martin and to those who perpetrate domestic violence and then use those intimate images as a threat, perhaps to stop the reporting of that abuse. The legislation will allow individuals to retain their personal privacy. If an image is taken during a private moment an individual has the right to make sure that that does not get shared. I note that the Legislation Review Committee [LRC] has investigated this legislation. The committee says, in relation to the ownership of property and the trespasses on personal rights and liberties, that proposed sections in the legislation:

... make it an offence to intentionally or recklessly distribute an intimate image of another person without their consent and allows the Court to order that the offending person take reasonable actions to remove the intimate image. The Committee notes that this regulates the property rights of the recipient of an intimate image and restricts the management of that property. However, as the property has been distributed in circumstances that a person would reasonably expect to be afforded privacy, the Committee considers that introducing criminal consequences for certain actions relating to the management of this type of property is appropriate ...

For the LRC to make a statement like that it must have felt pretty strongly about this. I do not see statements like that made by the LRC very often. I support this bill and I commend it to the House.

**Ms KATE WASHINGTON (Port Stephens) (10:21):** I contribute to the debate on the Crimes Amendment (Intimate Images) Bill 2017. I state clearly from the outset that Labor is supporting the bill. The bill seeks to enshrine the community's very real condemnation of people who share intimate images of a partner or former partner without consent by criminalising the act. The bill follows the Council of Australian Government's Law Crime and Community Safety Council's National Statement of Principles on Criminalisation of the Non-Consensual Sharing of Intimate Images. In 2015 a Federal Parliament inquiry defined revenge porn as:

...images obtained (consensually or otherwise) in an intimate relationship; photographs or videos of sexual assault/s; images obtained from the use of hidden devices to record another person; stolen images from the Cloud or a person's computer or other device; and pornographic or sexually explicit images that have been photo-shopped, showing the victim's face.

This legislation builds on efforts of other States, including South Australia and Victoria, which have introduced legislation specifically in relation to non-consensual sharing of intimate images. New Zealand, the United Kingdom, Canada and numerous states in the United States of America, have introduced similar criminal law legislation to specifically address the phenomenon of non-consensual sharing of intimate images. This bill will provide the courts with the power to issue a take-down order if an offender fails to take reasonable action to remove the material. Courts also will have the power to impose an additional fine of 100 penalty units or imprisonment for up to three years, or both.

It is noteworthy that a person under 16 cannot be prosecuted without the consent of the Director of Public Prosecutions [DPP], which is important to ensure that young people are not unduly caught up in this legislation. I refer also to a potential weakness in the bill with respect to the orders to remove or take down images. The court

only has the ability to issue a take-down notice if there is a conviction which, as many members in this House know, could be years after the actual offence. The harm inflicted by these images is immediate and increases with the duration that the images are left online. The duration the images are online also increases the risk that images will be shared and spread well beyond the jurisdiction of this legislation.

It would be preferable if the courts had the ability to issue an interim take-down order to deliver immediate relief for those impacted by this awful crime. One can only hope that the deterrent value of this bill will be sufficient to hide a flaw in the bill that has the potential to exacerbate the harm caused by these images. Technology presents new problems for governments. We are debating today a new form of violence and harassment made possible by advances in technology that provide the capacity for immediate and broad dissemination of information. We have come a long way since bullying was confined to the playground, workplaces or homes.

Social media advances allow quick and broad harm to be done. Technological advances have overtaken the law. Five years ago one of the first convictions of intimate image abuse occurred in New South Wales. In that case a Sydney man uploaded intimate images of his ex-partner to Facebook. He was convicted and sentenced to six months home detention, which was later downgraded to a suspended sentence. His lawyer attempted to argue that it was not a serious offence. Thankfully, Deputy Chief Magistrate Jane Mottley disagreed. She noted:

Incalculable damage can be done to a person's reputation by the irresponsible posting of information through Facebook. With its popularity and potential for real harm, there is a genuine need to ensure that the use of this medium to commit offences of this type is deterred.

That is what this bill does. In 2015 the Women's Legal Service NSW conducted a national survey of 546 domestic violence workers that found 98 per cent of those workers had clients who had experienced stalking and abuse online. Not all of the abuse included the non-consensual sharing of images, but it highlights the importance of governments recognising the online frontier for new crimes. Images can be shared in a number of ways, including by text message or email to family, friends, colleagues, employers and/or strangers. Images can be uploaded to pornography websites, including mainstream pornography websites or specifically designed revenge pornography or ex-girlfriend pornography websites.

Images can be uploaded to social media and image board websites or distributed through more traditional means such as the post and letterboxes, or displayed in public spaces. More often than not the initial non-consensual sharing is continued by others onto different social media platforms and across countries. A 2015 survey of online abuse and harassment conducted by the Royal Melbourne Institute of Technology [RMIT] reported that one in 10 Australians have had a nude or semi-nude image of themselves distributed online or sent on to others without their permission. This research surveyed 3,000 Australian respondents between the ages of 18 and 55. As a mother of three children I find this statistic frightening.

A recent study conducted by RMIT has updated that figure to one in five Australians suffering image-based abuse. This study found that men and women face equal rates of abuse. However, the majority of perpetrators were male. Women were at high risk from former partners and of being photographed without consent by a stranger. People with a disability, Aboriginal Torres Strait Islander people and people from the lesbian, gay, bisexual, trans, and/or intersex [LGBTI] community were more likely to have been targets of this form of abuse, as were young people in general. The LGBTI health body ACON has highlighted the particular risks experienced by transgender, intersex and gender diverse people when their explicit images are shared without their consent. The sharing of their images not only has the effect of breaching their privacy but potentially outing them to other individuals without their consent.

Importantly, 10 per cent of people targeted by this form of abuse had never shared a sexualised image. Either the images had been stolen from them or they had been photoshopped to cause abuse. The impact of intimate image sharing is very real. The non-consensual sharing of images can damage relationships with family and friends, threaten employment and undermine security and privacy. Eighty per cent of people who had experienced threats to share intimate images reported high levels of psychological distress consistent with moderate to severe depression and anxiety disorder, and 46 per cent felt highly fearful for their safety. Of those people whose images had been shared three-quarters of victims reported moderate to severe depression and anxiety.

Forty per cent of those people whose images were distributed felt highly fearful for their safety. Tragically, a number of reports of suicide and self-harm are attributable to the impact of intimate image abuse. The taking and distribution of intimate images without consent can affect anyone: men, women, intersex or gender diverse people; transgender, gay, bisexual or heterosexual people. This crime is easy to commit and yet causes so much harm and distress. I am hopeful that with the passing of this bill people will think twice before they press "send", "click", "tweet" or "post". We cannot legislate for people to be kind or to respect one another, but I am

hopeful that this bill will help more people to avoid the nightmare of intimate image abuse and to retain their privacy and dignity. I commend the bill to the House.

**Ms MELANIE GIBBONS (Holsworthy) (10:30):** I support the Crimes Amendment (Intimate Images) Bill 2017. The New South Wales Government is committed to ensuring intimate images are not shared without consent. This bill will make it an offence for a person to intentionally record or distribute or threaten to record or distribute an intimate image of another person without that person's consent. The maximum penalty will be imprisonment for three years or 100 penalty units, or both. State and Federal parliamentary inquiries have articulated the issues faced by victims of the non-consensual sharing of intimate images. The inquiries discussed the significant harm that can be caused by this act and identified the lack of evidence and deficient criminal law provisions currently available. In particular, they emphasised the prevalence of this behaviour in the context of domestic violence, abuse and controlling relationships. This Government takes those concerns extremely seriously and strongly condemns the non-consensual sharing of intimate images.

As the Chair of the Committee on Children and Young People, I recently chaired a parliamentary inquiry into the sexualisation of children and young people. I note that the member for Charlestown, Jodie Harrison, is present in the Chamber and I thank her for her work on that committee. We worked well together and were able to contribute to this legislation. I am pleased the committee produced something solid that will make a difference to the lives of children and young people. The committee considered that the interests of children and young people must be a significant consideration in relation to policy responses to sexualisation. The negative impact of sexualisation on children and young people is both clear and strong. The inquiry found that children and young people are engaging in a practice known as sexting and therefore creating and sharing content between themselves perhaps without appreciating the full scope and impact of their actions.

Malicious sharing of images when consent is not given can lead to devastating consequences for young people but even when consent is given, children and young people can be subject to strict child protection laws that were intended to prohibit more deviant behaviour. The committee recommended that the Attorney General take action with respect to the dissemination of sexual images without consent, so I am pleased to see that legislation has been brought before this House which addresses this important and significant issue. The report by the Advocate for Children and Young People, which came before the committee, stressed that when interviewing 2,200 people aged between 13 and 18, more than 40 per cent had sent a sexual picture or communication and more than 60 per cent of those interviewed had received a sexual picture or communication.

I find this situation difficult to imagine. It is very different from my youth, when developing photos meant visiting the local Fujifilm store, but this is the world our young people now live in. As parents and legislators, we need to know that the world of Facebook, WhatsApp and Multimedia Messaging (MMS) is completely different from the environment we grew up in. What this leads to is that when a photo is taken, either with or without consent, it may then be shared without consent multiple times until the entire school has this photo of a person who never intended it to be shared in that way. The bullying, shame and embarrassment this causes is devastating and can have a lifelong impact on that child and their family.

I am relieved and pleased to know that this legislation will go out of its way to protect children and young people. As I said, the world has changed and this legislation helps to bring our laws in line with that change. No doubt in years to come we will again be looking at even more modern ways to protect children and young people. The bill will provide an essential directive to our community, advising them that this type of action and behaviour is wrong and that it is unacceptable. Proposed section 91P of the bill introduces a new offence of recording an intimate image without consent. Under this section, if a person intentionally records an intimate image of another person while knowing that that person did not consent, or was being reckless as to whether the person consented to the recording, this offence will apply.

As the definition of intimate image includes still or moving images, the new offence will apply to taking photos and recording a video of the person. Proposed section 91O of the bill provides an understanding of the definition of consent in relation to the intent of the offence. It provides that consenting to a recording of an intimate image means that the person freely and voluntarily agrees with the recording but, importantly, a person cannot consent if they are under the age of 16 years because they do not have the cognitive ability to consent. They are also unable to provide consent if they are unconscious, or if they are asleep, or if they have only consented because of threats of force or terror, or because they have been unlawfully detained.

It is also significant to note that because a person has given consent for an intimate image to be taken, it does not automatically provide consent for that person to obtain another image of them at a future date. Consent is always required. There are provisions in the bill that allow for the recording of an intimate image without consent if it is needed for an authentic medical or scientific purpose, or by a law enforcement officer for a genuine law enforcement purpose, or it was required by a court, or reasonably necessary for the purpose of legal proceedings. Proposed section 91Q of the bill provides for the new offence of distributing an intimate image

without consent. Should a person intentionally distribute an intimate image of another person while knowing that the person did not consent, or was being reckless as to whether the person consented to distribution, this new offence will apply.

The bill defines "distribute" broadly to include sending, supplying, transmitting communication, or making available for viewing or access by another person whether in person or by electronic, digital or other means. Again, it is important to note that because a person has given consent to send one image, it does not mean they automatically give consent for additional or future images to be sent. Proposed section 91R of the bill introduces a new offence of threatening to record or distribute an intimate image without consent. This section of the bill is especially aimed at domestic violence situations where there can be threats to record or distribute intimate images which may be used to control a victim's behaviour or prevent them from leaving an abusive relationship.

If a victim fears that a threat of recording or distributing an intimate image without consent is intended to be carried out, then this offence will apply to the perpetrator. It is important to note that whether or not an image exists, the offence will still apply because the victim can often be unaware whether the other party has recorded them. All of those offences, including recording an intimate image without consent, distributing an intimate image without consent, or threatening to record or distribute an intimate image will be punishable by a maximum penalty of imprisonment for three years, or a fine of 100 penalty units, or both. I point out that the provisions outlined in the bill that apply to adults will also apply to children and young people.

As discussed in the inquiry into the sexualisation of children and young people, children can be victims and perpetrators of the non-consensual sharing of an intimate image, and the legislation recognises this. The legislation also states that persons who are under the age of 16 are unable to consent to the recording or distribution of intimate images. This is consistent with the general principle that a person under the age of 16 years cannot consent to sexual activity. Although this is the case, the legislation states that the proposed offences in 91P and 91Q do not apply to a young person who records and distributes an intimate image of their own body. The offences apply only if the image is of another person. Should a person under the age of 16 years perpetrate an offence under this law then the Director of Public Prosecutions will be required to approve the prosecution of this person. This is to ensure that the new offences do not inappropriately criminalise activity by or between children.

Victims of non-consensual intimate image recording and distribution have suffered enough without having to go to extraordinary lengths to have these images deleted or destroyed. I am pleased to see that this bill includes a new power for the courts to order a person convicted of recording or distributing an intimate image without consent to take reasonable actions within a specified time to remove, retract, recover, delete or destroy an intimate image the person unlawfully recorded or distributed. It will be an offence for a person to disobey such an order without reasonable excuse, and will be punishable by imprisonment for two years, or a fine of 50 penalty units, or both. This power does not fix or repair the harm victims have experienced as a result of the perpetrator's actions, but it will assist to offer victims a remedy and greater peace of mind.

Some have suggested that revenge porn is the fault of the victims and therefore the victims should share the blame. I do not believe that is the case, and this bill is another way of getting at the perpetrator. It does not blame the victim but it shows the intent. I would like to thank the former Attorney General, Gabrielle Upton, and the current Attorney General, Mark Speakman, for their dedication and passion in providing legislation to prevent intimate image abuse and to assist its victims. I commend this bill to the House.

**Ms JODIE HARRISON (Charlestown) (10:40):** I contribute to second reading debate on the Crimes Amendment (Intimate Images) Bill 2017. The bill amends the Crimes Act to establish new criminal offences concerning the non-consensual sharing of intimate images, often referred to as revenge porn. The new offences include: intentionally recording an intimate image of another person without their consent; intentionally distributing an intimate image of another person without that person's consent; threatening to record an intimate image without consent and intending to cause that person to fear that the threat will be carried out; and threatening to distribute an intimate image of another person without their consent and intending to cause the person to fear the threat will be carried out.

The typical revenge porn scenario involves a disgruntled ex-partner distributing a photograph or video depicting a former partner near naked, naked or engaged in a sexual act without that former partner's consent. The image may be distributed broadly using social media, such as Facebook, Tumblr or Instagram, or targeted to the victim's family or employer, either by email, text or in hard copy, causing immediate and far-reaching repercussions. It is important to note, however, that the existence of a personal relationship between the victim and the person who takes or distributes an intimate image need not exist. For example, it could include someone in the medical profession taking a photo of a person undergoing a medical procedure and showing the image to another person.

The use of mobile phones as recording devices has clearly made it easier for people to share intimate images without consent on social media or the internet, and our current laws do not adequately deal with those circumstances. The American Psychological Association has reported on a survey of American adults, finding that: 36 per cent of survey participants planned to send explicit photographs to their partners via email, text or social media on Valentine's Day; 10 per cent of ex-partners have threatened to post sexually explicit photographs online; and about 60 per cent of those threats became a reality. It has also been reported that at least 3,000 pornographic websites around the world comprise revenge porn images. In Japan between 2008 and 2012, the number of alleged incidents of revenge pornography reported to police more than tripled to 27,334. In England and Wales, 149 revenge pornography allegations were recorded by police between January 2012 and June 2014, with six people cautioned or charged, and in the six months to April 2015, 139 revenge pornography allegations were recorded, with 13 people charged.

Australia is clearly not immune to such developments. In 2015, the *Adelaide Advertiser* revealed that intimate photos of around 400 Adelaide women had been posted on a United States site as revenge porn. Their photographs were not only being shown without their permission but also being offered for downloading. There are reportedly another 100 women who were targeted from across Australia. While the original site linking to the database was shut down, at least three others replaced it. On air, *Sunrise* co-host David Koch described the hack as "just terrible" but the breakfast show's Facebook page put up a post that pointed the finger at the victims. The post asked:

What's it going to take for women to get the message about taking and sending nude photos? The post was deleted after many angry viewers rightly took to social media to voice their disgust. *Yahoo7*, which administers the *Sunrise* Facebook page, issued an apology. This was an atrocious, but not isolated response. The core issue is people not respecting the consent and privacy of others. In our community, trust and respect should be the norm. Images used as a way to deliberately humiliate, control or harass the intended victim can have a devastating emotional and social impact on the person involved. No-one has the right to share explicit photos without consent. The proposed new laws will offer protection to the innocent and make it clear this kind of behaviour is totally unacceptable.

The overview of the bill states that it is part of the Government's response to the Legislative Council's Standing Committee on Law and Justice report titled "Remedies for the serious invasion of privacy in New South Wales". The other part of this Government's response should be to support the private member's bill brought forward for Labor by the member for Liverpool, the Hon. Paul Lynch, and the Hon. Adam Searle recently in the Legislative Council. I will talk more about that later. This inquiry was established amidst increasing community concern about the use of social media and surveillance technologies to impinge on the privacy of individuals. Of particular concern was the so-called "revenge porn" phenomenon, the growing alarm about the use of surveillance devices such as drones and the leaking of private information of individuals by companies that collect that data.

The recommendations from this inquiry included: to provide for the substantial adoption of the legislative proposals made in the report by the Australian Legal Reform Commission concerning the creation of a statutory cause of action for serious invasion of personal privacy; to confer jurisdiction upon the NSW Civil and Administrative Tribunal [NCAT] to entertain proceedings for enforcement of such statutory actions, in addition to the existing jurisdiction of the District Court and the Supreme Court; and to confer power upon the Privacy Commissioner to receive and deal with complaints about the serious invasion of personal privacy, including the power to issue take-down orders.

Those recommendations were handed down in March 2016. It has taken more than a year for this Government to act on this important matter. Victims of revenge porn have to rely on the current inadequate avenues to see justice for the invasion of privacy they have suffered. I also note that this has been the subject of a recommendation in the recent report of the Committee on Children and Young People inquiry into sexualisation of children and young people of which the member for Holsworthy is the chair and I was a member. Its recommendations stated:

4. The Committee recommends that, as part of the review and amendment of the criminal law, the Attorney General introduce legislation to create specific offences of distributing or threatening to distribute an intimate image.
5. The Committee recommends that the Attorney General introduce legislation to make appropriate exceptions to the Child Protection (Offenders Registration) Act 2000.

That related to revenge porn images sent by people under the age of 16. In relation to the Crimes Act, under section 578C (2) of the Crimes Act 1900, a "person who publishes an indecent article is guilty of an offence". But the Act is not specific to the crime and "indecent" is not defined in section 578C or elsewhere, in the Crimes Act 1900. While this bill amends the Crimes Act, there are other problems in relying on this particular Act. Currently victims are reluctant to pursue charges through criminal proceedings. Victims faced with the prospect of a criminal trial are less inclined to come forward to authorities with their complaint.

We know that domestic violence and sexual assault victims are often reticent to, and sometimes will not, go through the court system because they are traumatised and they do not want to relive the scenario. It is a similar

situation with victims of revenge porn. The major weakness of this bill is that its orders to delete images are dependent upon someone being convicted. A more effective model is a separate rectification regime where take-down orders can be made. This is what the Civil Remedies for Serious Invasion of Privacy Bill, introduced in this place by Labor last year and for which notice has been given in the Legislative Council, intends to do. Labor's bill has adopted recommendation 6, a key recommendation of the Law and Justice report which states, in part:

That the NSW Government:

- (b) empower the NSW Privacy Commissioner to make determinations that involve non-financial forms of redress, including apologies, take down orders and cease and desist orders;
- (c) ensure that the New South Wales Privacy Commissioner is empowered to refer a complaint on behalf of a complainant to the NSW Civil and Administrative Tribunal for hearing for a statutory cause of action where there is a failure to act on a non-financial form of redress, including apologies, take down orders and cease and desist orders, and ...

Broadening the scope of the NSW Privacy Commissioner's jurisdiction would enable the commissioner to hear complaints between individuals relating to alleged serious invasions of privacy of which revenge porn is one. It would also empower the NSW Privacy Commissioner to make determinations that involve non-financial forms of redress, including apologies, take-down orders and cease-and-desist orders. Under this proposed legislation, a victim instead has to wait for criminal proceedings to finish before a take-down order can be made. Non-consensual sharing of intimate images is a serious invasion and violation of a person's privacy. It can have a severe impact on the victim, causing the victim shame, embarrassment and humiliation. It can also have adverse consequences for the victim's reputation, and for family, friends and employment. To date our laws have been inadequate to deal with this harassment and do not protect victims. I sincerely hope the amendments to the Crimes Act 1900 provide victims with the protection they deserve against revenge porn.

**Mr STEPHEN BROMHEAD (Myall Lakes) (10:50):** I support the Crimes Amendments (Intimate Images) Bill 2017. I commend the Attorney General, the Hon. Mark Speakman, on introducing this legislation, and the former Attorney General, the Hon. Gabrielle Upton, the Minister for the Environment, Minister for Local Government, and Minister for Heritage, who is in the Chamber. Last week the Attorney General gave notice of the bill in this Parliament, and there was a reception in the Jubilee Room for those involved in advocacy for this legislation, including two young women who were victims of revenge porn. Their stories were compelling and moving, and they spoke about the negative effects of revenge porn on their health, mental health, welfare, families and employment. They were courageous in coming forward and speaking about this in public, but they were moved to do so because of the impact it had on their lives and because they wanted to ensure that others were protected in the future. I thank them and put on record how moved I was by their stories.

The object of this bill is to amend the Crimes Act 1900 to create new offences to address the non-consensual sharing of intimate images, also known as revenge porn. The bill provides that it will be an offence for a person to intentionally record or distribute, or threaten to record or distribute, an intimate image of another person without that person's consent. The bill is in response to two recent parliamentary inquiries: by the Committee on Children and Young People into the sexualisation of children and young people, and by the Legislative Council Standing Committee on Law and Justice, the report of which is entitled "Remedies for the serious invasions of privacy in New South Wales". This committee recommended:

That the NSW Government introduce a statutory cause of action for serious invasions of privacy, based on the model proposed by the Australian Law Reform Commission in its 2014 report *Serious Invasions of Privacy in the Digital Era*.

On 19 May 2017 the Law, Crime and Community Safety Council, consisting of Commonwealth, New Zealand, and State and Territory Ministers responsible for law and justice, and police and emergency management, approved the National Statement of Principles Relating to the Criminalisation of the Non-consensual Sharing of Intimate Images, which identified best-practice principles for nationally consistent criminal intimate image offences. The bill has been drafted in accordance with those principles.

The Attorney General outlined that the bill is consistent with the statement of the Commonwealth's Law, Crime and Safety Council and agrees to the National Statement of Principles Relating to the Criminalisation of the Non-consensual Sharing of Intimate Images. In his second reading speech, the Attorney General noted that the purpose of the amendment to the Act is to provide protection to victims where the non-consensual recording of the intimate image was done with motives of revenge, to humiliate the victim or to attempt to control their behaviour. The Attorney General indicated that the bill addresses the gap in the law that previously only criminalised filming a person engaged in a private act if the filming was done for the purposes of sexual arousal or sexual gratification.

The bill introduces the new offences of intentionally recording an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the recording; intentionally distributing an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person

consented to the recording; and threatening to record or distribute an intimate image without consent, intending to cause the other person to fear that the threat will be carried out. The word "consent" is defined in the bill to mean "freely and voluntarily agrees". I will speak further to this definition later. These three offences will be punishable by a maximum penalty of imprisonment for three years or a fine of 100 penalty units, \$11,000, or both.

There will be an exception to the offences of recording or distributing an intimate image without consent if the conduct constituting the offences was for a genuine medical, scientific or law-enforcement purpose, or for the purpose of legal proceedings. It will also be an exception where a reasonable person would consider the conduct acceptable having regard to the circumstances, including the nature and the content of the image, the circumstances in which it was recorded or distributed, and the relationship between the accused person and the person depicted in the image. This exception will ensure that the offences do not capture socially acceptable activities such as a parent forwarding photos of their children in the bath to a family member.

The new offences will apply to children, however, the approval of the Director of Public Prosecutions will be required for prosecutions of children under the age of 16 years. This will ensure that the new offence does not inappropriately criminalise activity by or between children. The bill creates a take-down power for courts to order a person convicted of recording and distributing an intimate image without consent to take reasonable actions within a specified time to remove, retract, recover, delete or destroy an intimate image of the person unlawfully recorded or distributed. Proposed section 91O provides for the definition of "consent" in the proposed offences, and I quote:

**91O Meaning of consent in intimate image offences**

- (1) This section applies to all offences under this Division.
- (2) A person consents to the recording of an intimate image if the person freely and voluntarily agrees to the recording of the intimate image.
- (3) A person consents to the distribution of an intimate image if the person freely and voluntarily agrees to the distribution of the intimate image.
- (4) A person who consents to the recording or distribution of an image on a particular occasion is not, by reason only of that fact, to be regarded as having consented to the recording or distribution of that image or any other image on another occasion.
- (5) A person who consents to the distribution of an image to a particular person or in a particular way is not, by reason only of that fact, to be regarded as having consented to the distribution of that image or any other image to another person or in another way.
- (6) A person who distributes an image of himself or herself is not, by reason only of that fact, to be regarded as having consented to any other distribution of the image.
- (7) A person does not consent to the recording or distribution of an intimate image:
  - (a) if the person is under the age of 16 years or does not otherwise have the capacity to consent, including because of cognitive incapacity, or
  - (b) if the person does not have the opportunity to consent because the person is unconscious or asleep, or
  - (c) the person consents because of threats of force or terror (whether the threats are against, or the terror is instilled in, that person or any other person), or
  - (d) if the person consents because the person is unlawfully detained.
- (8) This section does not limit the grounds on which it may be established that a person does not consent to the recording or distribution of an intimate image. Proposed section 91P relates to recording an intimate image without consent, and states:
  - (1) A person who intentionally records an intimate image of another person:
    - (a) without the consent of the person, and
    - (b) knowing the person did not consent to the recording or being reckless as to whether the person consented to the recording,

is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 3 years, or both.

I said earlier that that is \$11,000—not an insignificant sum of money. The new section continues:

- (2) A prosecution of a person under the age of 16 years for an offence against this section is not to be commenced without the approval of the Director of Public Prosecutions.

I commend the bill to the House, and again congratulate the Attorney General on bringing it before the House.

**Ms PRUE CAR (Londonderry) (11:00):** I speak on the Crimes Amendment (Intimate Images) Bill 2017. I do so because it is important and overdue legislation that will finally offer definitive legal recourse to victims of what is commonly known as revenge porn style attacks, the majority of whom are women. That is the particular reason I speak to this important bill this morning. The acceleration of social media usage has called into question the effectiveness of our national laws when responding to the rise of revenge pornography attacks. As we have heard, the Opposition of course supports the Government's view that this practice should constitute a criminal offence due to the serious harm and invasion of privacy caused by these attacks. As we know, these situations more often than not affect women in our communities; they are primarily the victims.

This is an area of great interest to me given the ever-increasing frequency of these attacks on women in our communities, who, without this legislation, will be left to navigate a complex legal system with no standalone civil action or recourse available within existing privacy law or the criminal justice system. While criminalising the revenge pornography offence may offer some protection to victims, I strongly believe we are dealing with the tip of a very large iceberg when we consider the inadequacy of our laws in the context of privacy and the increasing digitalisation of our society, which I will discuss further later. The practice of obtaining private images of another person and distributing them or threatening to distribute them is not a new concept. However, the free availability of the internet and the rise of social media have unfortunately meant that revenge pornography is an easy way to breach a person's personal privacy.

A situation where a person—typically a man—shares explicit images of a woman without consent in order to humiliate, threaten or traumatise them is no longer acceptable in 2017. It is no longer acceptable that our legal system ignores the victims of this type of cowardly attack. I note the work that has gone into investigating the recourse available to victims through the Australian Law Reform Commission's inquiry into serious invasions of privacy in the digital era, the Senate Legal and Constitutional Affairs References Committee inquiry, and of course the New South Wales Legislative Council Standing Committee inquiry into remedies for the serious invasion of privacy.

I am pleased that this bill goes some way to finally ensuring that our law in New South Wales is keeping pace with changing circumstances in our society. I am also pleased that there is a similar private member's bill before the Commonwealth Parliament that would criminalise revenge pornography across the country. The reason this legislation is so important comes down to the fact that there is so much confusion within existing jurisdictions as to how best to deal with this offence. Victims are often left with more questions than answers when working out how to make sure the offender is prosecuted while also ensuring their privacy is protected on an ongoing basis. In Australia there is no cause of action at common law for a breach of privacy.

If we look at cases where revenge pornography has been dealt with in Australia, we see the difficult position that courts are left in when attempting to align the offence with existing statute and common law. In the case of *Wilson v Ferguson*, the plaintiff was successful in being awarded damages for successfully proving an action in breach of confidence against an ex-partner who used images of the plaintiff in a way that was designed to cause significant embarrassment. While the plaintiff in *Wilson v Ferguson* was successful in the circumstances, it has been noted that this case should be treated with cautious optimism given the complex remedies that were sought by the victim. It must be considered how accessible those remedies are to victims, if they are required to mount a full-scale Supreme Court action in order to protect their privacy. The old remedies are costly, time consuming and embarrassing to the victim. This bill goes some way to amending that.

Specifically, I note the take-down provision in the bill, whereby a court may order the offender to take reasonable action to revoke, retract, recover, delete or destroy any intimate image. This is a huge and important step in protecting victims and their privacy. This legislation will finally bring New South Wales into line with other international jurisdictions that have moved to criminalise the shameful practice of revenge pornography. Australian jurisdictions that have introduced specific revenge porn laws include South Australia, with the Summary Offences (Filming Offences) Amendment Act 2013, and Victoria, with the Summary Offences Act 1966. The United Kingdom and New Zealand have passed laws analogous to this bill that criminalised revenge pornography.

In 2015 New Zealand passed the Harmful Digital Communications Act, which gives rights to victims of harassment on the internet. This legislation makes the practice of sending messages and posting material online that deliberately cause serious emotional distress punishable by up to two years imprisonment or a fine of up to \$50,000. The New Zealand Privacy Commissioner specifically referred to the rise in the number of revenge porn attacks both in New Zealand and around the world, and noted that prior to the introduction of this legislation, victims of those attacks would have limited legal remedies. The existence and increasing prevalence of revenge pornography can no longer be denied—about this we are all in agreement. When one in 10 Australian women are estimated to have experienced a revenge pornography photograph attack, we are compelled to act. We are compelled to act when victims have described this despicable attack as akin to being virtually raped.

As I mentioned before, I believe this is the tip of a very large iceberg. While the criminal law may act as a deterrent, specific causes of action for victims to seek redress in the form of compensation for emotional damage must be considered alongside criminal provisions. Both the deterrent intention of this bill as well as the introduction of the criminal offences are, I believe, entirely appropriate. It would be remiss of me not to say that women are by far the overwhelming majority of victims in these cases, and that legislative inaction in this space cannot be excused one moment further. It should not be up to victims to navigate various complex areas of law in order to protect their privacy and autonomy, which is so easily exploited in revenge pornography cases. Moreover, the cost and length of such matters may put the victim through much further emotional stress. This bill seeks to provide redress, and therefore I am happy to support it. I commend the bill to the House.

**Mr ADAM CROUCH (Terrigal) (11:08):** I also speak in support of the Crimes Amendment (Intimate Images) Bill 2017. From the outset, I thank the members for Cootamundra, for Holsworthy and for Myall Lakes for their contributions. I also specifically thank the former Attorney General, Gabrielle Upton, who was in the Chamber earlier this morning, for her outstanding work on this issue with her team. I commend the current Attorney General for bringing this important legislation to the House. The bill implements the Government's commitment to introduce reforms that address the non-consensual sharing of intimate images—colloquially known as "revenge porn". This will be addressed by introducing three new offences to criminalise the wrongful recording and sharing of intimate images.

The bill introduces the new offences of intentionally recording an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the recording; intentionally distributing an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the distribution; and threatening to record or distribute an intimate image without consent, intending to cause the other person to fear that the threat will be carried out. Last week an article by Matt Taylor appeared in the *Central Coast Express Advocate* that highlighted this exact issue. The article referred to a year 10 student, Jennifer—that is not her real name—who was the victim of such actions on the Central Coast. The article stated:

Jennifer welcomed the Government's tough stance, saying "there should be punishments for this type of behaviour".

"Everyone at school should be taught about the punishments, which might make boys more cautious about revenge porn. Boys—and girls—don't really know the consequences of sharing these photos.

"I never did at the time."

That is a scary revelation. The article went on to say:

She revealed students at her high school brazenly shared inappropriate images and messages on social media right under the noses of their teachers.

"My friends, and pretty much everyone else, would use their phones during class," Jennifer said. "You'd be texting people in another class. Everyone would be Snapchatting—even taking photos of the teacher."

The story highlights the seriousness of this issue and young people's lack of understanding of the consequences of their actions. As the member for Holsworthy said earlier, people of our generation were not exposed to this sort of thing. We would go down to the shop and get our photographs developed; we never thought about taking inappropriate photographs. But somehow that message seems to have been diluted over time and now there are many ways for these sorts of inappropriate images to be distributed on social media. Jennifer's story is just one of many stories about students and young people across the Central Coast who probably did not understand the consequences of such actions.

The three new offences in the bill will be punishable by a maximum penalty of imprisonment for three years or a fine equivalent to 100 penalty units, or both. The bill also introduces a new power for a court to make a take-down order against a person who is convicted of an offence of recording or distributing an intimate image without consent. The court will be able to order the offender to take reasonable actions to remove, retract, delete or destroy any intimate image that is recorded or distributed on their computer, phone or camera. To ensure timely action, the offender will be required to do this within a period specified by the court. The new laws will also require the offender to make reasonable attempts to track down anywhere that the images have been republished and attempt to have them removed from those sites.

Failure to comply with a take-down order without a reasonable excuse is also an offence, punishable by up to two years imprisonment or a fine equivalent to 50 penalty units, or both. This significant maximum penalty will ensure that offenders take these orders seriously, and comply with orders to get the unlawful images removed. Although for many victims getting the images removed after criminal proceedings will not be able to undo the harm they have suffered, it may help victims to know that, in the future at least, they will not be confronted by further copies of the images. As we know, this is not a new issue; it has been prevalent for several years, as was

highlighted in the article that I quoted from in the *Central Coast Express Advocate*. In fact, the Commonwealth Senate Legal and Constitutional Affairs References Committee inquired into this problem in 2015 and 2016.

The Senate inquiry looked at the impact that non-consensual sharing of intimate images has on its targets, and the Australian community more broadly; potential policy responses to this emerging problem, including civil and criminal remedies; and the response to what is called "revenge porn" taken by Parliaments in Australian jurisdictions and comparable overseas jurisdictions. As part of the inquiry, the Senate committee received public submissions from interested individuals and agencies and also held a public hearing that took evidence from a range of experts. The inquiry's report made eight recommendations for reform. The most important of those recommendations was that States and Territories should legislate to introduce offences for: knowingly or recklessly recording an intimate image without consent; knowingly or recklessly sharing intimate images without consent; and threatening to take and/or share intimate images without consent. I am pleased to say that this bill does indeed enshrine the aforementioned recommendations in law.

At the same time as the Commonwealth Senate was conducting its inquiry, the New South Wales Parliament was also looking into the problem. The Legislative Council Standing Committee on Law and Justice inquiry into remedies for the serious invasion of privacy in New South Wales began in June 2015 and reported in March 2016. I acknowledge my friend and colleague the chair of the Standing Committee, the Hon. Natasha Maclaren-Jones in the other place, for her significant contribution to this leading privacy reform. The inquiry was established amidst increasing community concern about the use of social media and surveillance technologies to impinge on the privacy of individuals and their day-to-day lives. The terms of reference for the New South Wales inquiry focused on exploring civil remedies for invasion of privacy, including equitable actions for breach of confidence and a potential statutory cause of action for serious invasions of privacy. Through the submissions it received and its public hearings, the committee heard from many individuals, legal experts, academics and other stakeholders about the problem of revenge porn and the severe impacts of technologically facilitated abuse.

The committee also noted that technological advancements have contributed to a rise in this type of invasion of privacy. In particular, the committee heard evidence about the problem of image-based abuse in domestic violence contexts, where distribution, or threatened distribution, of intimate images is used to harass and control the victim, and may even be used to stop them from seeking help from family, friends or police. In its report, the committee noted the widespread view among stakeholders that the criminal law in New South Wales was not adequate in responding to the wrongful sharing of intimate images, and noted stakeholders' support for new offences to target this behaviour. The committee took the view that specific recommendations on criminal law reform in this area would be beyond its remit. However, the committee commented that it would be appropriate for the New South Wales Government to consider the Commonwealth Senate committee's recommendations for new offences.

Overlapping with the inquiry by the Standing Committee on Law and Justice, the Joint Committee on Children and Young People also conducted an inquiry into the sexualisation of children and young people. The joint committee reported in November 2016, and directly recommended that the Government introduce legislation to create offences of distributing or threatening to distribute an intimate image. I acknowledge the chair of the parliamentary inquiry into the sexualisation of children and young people, the member for Holsworthy, and the deputy chair, the member for Epping, for their leadership in that inquiry. The Government took very seriously the evidence presented in those inquiries, particularly the reported experiences of the victims of non-consensual sharing of intimate images.

This bill reflects the Government's commitment to deterring and punishing perpetrators of this type of serious invasion of privacy. The bill reflects the Government's commitment to strengthen this area of the law and to provide a clear remedy for such a serious invasion of privacy. Overall, the reforms will send a strong message that this behaviour is unacceptable in our society. I am very pleased that the Government's action on this issue is as recommended by the numerous inquiries and committees that I have referred to. In conclusion, the bill will send a strong message that this sort of grubby behaviour is not acceptable. The bill will help to shift the pattern of victim blaming, so that a victim in these circumstances faces fewer barriers to seeking help. I commend the bill to the House.

**Ms JULIA FINN (Granville) (11:18):** I am pleased to support the Crimes Amendment (Intimate Images) Bill 2017, which addresses the ongoing problem of revenge porn and images that have been obtained sometimes without the knowledge, let alone the consent, of the person who is the subject of the images. Such action is degrading and very upsetting for the victims of these crimes, and people have been looking to government to outlaw it for some time. Therefore, this legislation is timely. The bill follows the recent recommendations of the Legislative Council Standing Committee on Law and Justice, which identified the need to create new offences to address the issue of revenge porn. However, I believe there is also a need for civil remedies to address these issues more quickly.

The new criminal offences include recording intentionally an intimate image of another person without consent; distributing intentionally an intimate image of another person without that person's consent; threatening to record an intimate image without consent and intending to cause that person fear that the threat will be carried out, and threatening to distribute an intimate image of another person without their consent intending to cause the person fear the threat will be carried out. These acts have occurred in recent years, and they continue to occur. It is often a pattern in domestic violence. It happens between schoolchildren and with images shared consensually within a relationship that are then distributed later when the relationship turns sour. It also happens without the person's knowledge or consent—they may find out after 1,000 or 10,000 people have seen the image that was taken without their consent. This is an appalling crime, and it is time we addressed it.

It is important that people under the age of 16 cannot be prosecuted without the consent of the Director of Public Prosecutions. There can be severe implications for young people who may have shared images of themselves consensually when considering whether to prosecute a young person in these categories of crimes, which carry a maximum penalty of 100 penalty units or imprisonment for three years, or both. Through this bill the Government is sending a strong message that this type of behaviour will not be tolerated. These crimes are very disturbing. I read this morning about an example on Pedestrian TV that I will share with the Parliament. It is a story published today by Alex Bruce-Smith about a viral Facebook post that Facebook refused to take down at the time of writing.

A video of a couple having sex, with strong implications that it was taken without the woman's consent, was shared on an Australian private men's group site with more than 14,500 members. The caption for the video was "What is the biggest whale that you have harpooned?", and it refers to having landed this 130-kilogram beast. There were literally hundreds of comments, none of them defending the poor woman involved who may not have known at the time—and still may not know—that she had been filmed. One member of the group took issue with the photo and reported it to Facebook, which decided that it did not breach any specific community standards and allowed it to remain. The member then took a screenshot and shared it with Facebook, putting some pressure on it to address the issue and change its stance. He commented:

"I'm sick of every bloke on planet Earth thinking we're some kind of master race and treating women as second rate human beings," he said. "It's like you've gotta make indirect sexist jokes just to fit in with the lads these days and it's f\*\*\*ing stupid and I'm over it honestly."

It is ridiculous that somebody can post a video like that and Facebook will not take it down. It highlights also the need for civil remedies, as criminal convictions maybe delayed in the courts for some years. Last year Labor introduced a bill on this subject, the Civil Remedies for Serious Invasions of Privacy Bill 2016, and this year the Hon. Adam Searle reintroduced it in the Legislative Council. It is important that this matter is addressed quickly as this type of material should not remain on Facebook for two or three years while we wait for the person who posted it, who has apparently changed their name on Facebook, to be prosecuted at the request of the woman—in the event that she becomes aware of its existence.

This is just the tip of the iceberg. Other members have highlighted the many examples that come to our attention every day. It is important that the bill is passed and that we create civil remedies rather than only a criminal conviction necessitating action and the removal of an image; this should occur concurrently. In that way a criminal investigation may be unnecessary if the victim does not want to appear in court to be cross-examined about the horrific images of them that are broadcast on social media, distributed via email or shared around a university or library through Snapchat or other means. We must take this issue seriously. I am very pleased that the bill is before the House today, and I support it wholeheartedly.

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (11:25):** I speak in support of the Crimes Amendment (Intimate Images) Bill 2017. In a country that has one of the highest suicide rates in the world, with bullying, harassment and intimidation occurring in various forms, and the advent of the social media environment and people's use of the internet bringing into question how governments respond, it is a shame that it has taken us until 2017 finally to introduce legislation to deal with something that has been occurring for many years, and which continues to occur. All members are aware of examples of images posted on Facebook, Instagram, Twitter or other social media that have left people feeling completely and utterly violated. There is also revenge porn. Couples in the privacy of their bedroom may take images of each other during an intimate moment. Then when the relationship breaks down one partner attempts, in a most unacceptable and ugly way, to get back at their ex-partner by releasing those intimate images to the world. We are probably not doing enough to address such actions.

As the parent of a 10-year-old girl, I worry about the way she is educated and how the community operates. It is very different now from when I was brought up. I did not have the wonderful opportunities of email, the internet and social media. But they can create difficulties and challenges for government. I worry about the world my daughter is growing up in and the way in which the internet has completely taken over our lives. Against

that backdrop, this bill is designed to deal with three offences in relation to intimate images. The new offences relate to intentionally recording an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the recording; intentionally distributing an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the distribution; and threatening to record or distribute an intimate image without consent, intending to cause the other person to fear that the threat will be carried out.

This crime occurs in the context of serious issues concerning domestic violence. It is one of the worst crimes in our community. Crime statistics show that domestic violence is highly prevalent in regional communities. The offences attract serious maximum penalties. This bill will apply to children who may engage in such practices, and they will be dealt with through the Director of Public Prosecutions. This is an important bill. Parliamentary committees and all sides of politics have worked constructively to address this issue and the time has come to implement that work. Parliament needs to do more to combat crimes in the online environment. Every member should have regard to that as well as the need for broader community discussion about changing this destructive behaviour.

We cannot rely on only the education system to educate our children about the dangers and pitfalls around the exposure of intimate images in the online environment or about activities that lead to bullying, harassment, intimidation and sexualisation and broader issues relating to domestic violence. Everybody in the community, including the media, government and community leaders, has a responsibility to express the view that this crime will not be tolerated. The consequences are real and profound for the victims, particularly women. The bill before the House is worthy of every member's support. I do not believe that any member would speak against it. From the perspective of government, lessons must be learnt with regard to time frames and more agile responses to these behaviours.

Technology is moving well ahead of the law. It is disheartening to see the instances of behaviours that must be kept in check. The providers and developers must accept greater responsibility for their social media platforms. For example, it is all very well for Facebook to attach terms and conditions, but I have witnessed occasions where social media organisations have taken some time to remove instances of online bullying, intimidation and harassment. Another challenge for government is where organisations are based offshore. We need to find ways to protect the community. It is important to flag the various applications, websites and social media products that are part of our online world. With the advent of this bill, social media organisations and the broader community will have a full understanding of the punishments attached to this serious crime which affects so many across the community.

**Ms TAMARA SMITH (Ballina) (11:33):** On behalf of The Greens, I contribute to the second reading debate of the Crimes Amendment (Intimate Images) Bill 2017. The Greens support the bill, which seeks to amend the Crimes Act 1900 to create specific offences relating to non-consensual recording and distribution of intimate images, or revenge porn. The bill creates an offence of intentionally recording or distributing or threatening to record or distribute an intimate image of another person without that person's consent. The maximum penalty for such an offence is imprisonment for three years or financial penalties. A threat to record or distribute an intimate image without consent is also an offence with the same maximum penalty.

"Intimate image" is defined to include an image of a person's private parts or a person engaged in a private act in circumstances in which a reasonable person would reasonably expect to be afforded privacy. That will be an interesting decision for the courts. Digitally or otherwise altered images are also included. A person's consent to the recording of an intimate image must be freely and voluntarily given. The issue will be the publication of that recording. Likewise, a person only consents to the distribution of an image if they freely and voluntarily do so. People under 16, unconscious or asleep people, or those threatened by force or because they are detained cannot consent. The Greens welcome those exceptions.

Consent on previous occasions is not considered consent for any other occasion. Likewise, consent to the distribution to a particular person cannot be used to assume consent to distribute to any other person. Importantly, the conditions set out do not limit the grounds on which it may be established a person does not consent. It will be up to case law to flesh that out. Prosecutions for the offences of recording and distribution of images where the person to be prosecuted is under 16 years require the approval of the Director of Public Prosecutions. Where the court finds a person guilty of an offence, they may order them to take reasonable actions to remove or destroy any images recorded or distributed. As the Minister and my colleagues have stated, and as was reported recently in the *Guardian*, Facebook has wacky guidelines about what is and is not offensive. I will not take the members through them, but this is about privacy laws and police being able to force huge multinational corporations such as Google and Facebook to take down those images.

Exceptions to the offence exist if the conduct was done for a genuine medical or scientific purpose. The typical revenge pornography scenario is one where a person has an intimate or sexually explicit image or video of themselves posted online by an ex-partner without their consent. To me, it says less about technology and more about human nature. If we put into that mix that everyone has a camera on their phone, it is too easy to post those images. In some instances, the material is published to a revenge porn website. It has been reported that at least 3,000 websites feature the revenge genre. As a mother with a daughter aged in her twenties, I find that notion hard to grasp. Recently published research by criminologists and socio-legal academics Dr Nicola Henry, Dr Anastasia Powell and Dr Asher Flynn suggests that one in ten Australians aged between 18 and 55 years have had a nude or semi-nude image of them sent to others without their permission. One hopes that trend will change dramatically.

The Greens support this bill as part of a package to implement reforms related to so-called revenge porn and privacy more generally. This bill addresses the need for criminal provisions in this area. Both State and Federal committee inquiries have made it clear that there needs to be a statutory ability for people to seek redress directly. During this Parliament's inquiry there were suggestions that the term "image-based sexual exploitation" was a better description of the distribution of these images. The Greens agree with this assessment. We also note the broad community understanding of this behaviour as "revenge porn". The behaviour that this bill is directed at is a serious form of privacy invasion, most often with women as the targets. Unfortunately, the term "porn" has connotations which may or may not be a deterrent. The Greens believe that the term "image-based sexual exploitation" connotes the actual crime. The inquiry received compelling evidence that unauthorised sharing of images can be a particular issue for women who are victims of domestic violence.

We need to look at the issue of how police catch those people. For instance, a person can say that someone has accessed their login details and has used their personal computer or laptop and that they themselves did not commit the offence. I will be watching intently as to how these cases are dealt with in the courts. The recording and distribution of intimate images without consent are extremely serious offences. The bill reflects that seriousness by providing for a three-year maximum sentence. The Women's Legal Service NSW reported to the parliamentary inquiry that 98 per cent of domestic violence workers have clients who have been victims of online harassment. Even when women have the protection of an apprehended domestic violence order that prohibits their former partner from physically assaulting or intimidating them, some vindictive former partners will turn to online intimidation by spreading intimate details and images on social media. This issue is about access.

More often, our private lives are being photographed and filmed by our friends, partners and families. People are often happy to share this material, but sometimes it can be deeply personal images or information that should be shared only with an intimate partner. As the Minister said, we can say repeatedly to our children, "Do not do it." The issue is that people are sharing intimate moments without the permission of others. The ability for courts to require material to be taken down is a recommendation of the inquiry, and that provision is included in the bill. However, the bill does not guarantee that such images will be removed from the internet. There is much to be done to achieve this aim. Most of us go on Facebook. People, particularly young persons, experience pain and suffering when they find out that intimate images of them have been posted online, even if the images are false. It can take years for those images to be removed, which is outrageous. In the meantime, the victims suffer from the damage that the online images have caused.

The Greens will closely monitor the implementation of this scheme. In particular, we highlight the need for police across New South Wales to be trained in how to deal with people, particularly women, who report this kind of abuse, which generally happens online. I am sure police do not minimise this behaviour, but it is a common occurrence. We need specialist officers to deal with not only cybercrime but also these smaller insipid crimes. Police must have the expertise to identify trends: this offence is often perpetrated by a small group in a school, for example. The Greens will closely monitor the issue of appropriate resources for police. During the inquiry, Liz Snell from Women's Legal Service NSW gave evidence that the service has seen a significant increase in technology-facilitated stalking and abuse. She said:

In particular, we are seeing a concerning trend of technology being regularly used against women by perpetrators as a tactic within a wider context of domestic violence ...

Let us hope that the bill is a tool in addressing this growing issue. I commend the bill to the House.

**Ms ELENI PETINOS (Miranda) (11:43):** I speak in support of the Crimes Amendment (Intimate Images) Bill 2017. If enacted, the bill will amend the Crimes Act 1900 to introduce new criminal offences of recording, distributing, or threatening to record or distribute, intimate images without consent, and failing to comply with a court order to take reasonable actions to remove or destroy intimate images recorded or distributed without consent. By way of background, the new offences were contemplated in the Government response to the report of the Legislative Council Standing Committee on Law and Justice entitled, "Remedies for the serious invasion of privacy in New South Wales", which was tabled on 5 September 2016. In September 2016, the

Department of Justice released a public discussion paper seeking submissions on the design of the new offences. Those submissions and further targeted consultation with stakeholders were considered when drafting the bill.

On 19 May 2017, the Law, Crime and Community Safety Council approved the "National statement of principles relating to the criminalisation of the non-consensual sharing of intimate images", which identifies the best practice principles for nationally consistent criminal intimate image offences. The bill is drafted in accordance with those principles. Following the Attorney General's second reading speech, I met some inspiring women who have advocated for reform in this space. I heard the accounts of two remarkably strong ladies, Noelle Martin and Breanna Rose, who were the victims of the sharing of intimate images without their consent. Their two stories, which are vastly different, left me feeling sick to my stomach. I could feel the hairs on my neck rise as they talked about their experiences, yet I was completely mesmerised by the strength of those two ladies. Not only were they able to get out of bed the day after their respective incidents, they had the courage to relive their experiences and fight for change.

I say with great certainty that no-one could hear about their plight and not support the need for reform and this legislation. Ms Martin became the victim of image manipulation after photographs of her were taken from social media and doctored to appear in pornographic material. Her face was photoshopped onto the bodies of naked women who were engaged in sexual intercourse. After hearing from Ms Martin, I could only imagine how confronting that whole experience was for her. As a law student, her reputation and good standing in the community as well as her ability to gain employment were significantly impacted by these events. In an article in the *Sydney Morning Herald* dated 21 May this year, Ms Martin said she was told by police that she had to handle the situation herself. Victims should not have to handle this experience alone. Ms Martin is quoted in the article as saying that she felt immense fear, shame, hopelessness and isolation.

I note the presence in the gallery of many young people from various schools across the State. I do not want their generation or anyone in the community to be subjected to this type of behaviour. No-one should have to worry about their personal image, brand or reputation being affected by another, especially when they have no control over the situation. Technology today presents many problems for government; the dissemination of images by way of technology is all too easy. That is why this bill is essential. The non-consensual recording or distribution of intimate images can happen in many different contexts and for different reasons. In some cases, victims may have no personal relationship with the perpetrator. However, clear evidence submitted to New South Wales and Commonwealth parliamentary inquiries has highlighted the prevalence of the problem within relationships, particularly relationships characterised by domestic and family violence.

Frontline organisations that support domestic and family violence survivors have shed light on the use of intimate images by perpetrators to control, humiliate and blackmail others. That is why the bill makes it an offence to threaten to record or distribute an intimate image without consent. It is in recognition of the prevalence of this behaviour in domestic violence relationships. I am proud of the bill and of the commitment by the Berejiklian-Barilaro Government to tackle domestic violence head on. In a domestic violence setting, the non-consensual recording or distribution of intimate images may be part of the broader pattern of abusive behaviour towards victims. The perpetrator may record images without the victim's knowledge and then use the threat of distribution to intimidate and control the victim. Alternatively, the perpetrator may coerce the victim into agreeing to the recording of the images against the victim's wishes. The perpetrator may then threaten to publish or distribute the images whenever the victim tries to seek external support or attempts to leave the abusive relationship. In other situations, the perpetrator may use intimate images to harass the victim and punish them for leaving the relationship.

The person may distribute the images to the victim's friends, family or even the victim's employer to try to damage the victim's reputation and destroy their credibility. The impact this can have on victims must not be underestimated. In the context of a controlling and abusive relationship and an uneven power dynamic, the effect on a victim's confidence and safety can be profound. Particularly if the threat of distributing intimate images is used to prevent the victim seeking help or contacting the police, the perpetrator's behaviour can place the victim in an untenable position with an increased risk of serious physical violence. This bill will send a strong message that this behaviour is not acceptable. It will help to shift the pattern of victim blaming, so a victim in these circumstances faces fewer barriers to seeking help.

Earlier, I broadly noted the introduction of new offences. Specifically, these new offences are: intentionally recording an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the recording; intentionally distributing an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the distribution; and threatening to record or distribute an intimate image without consent, intending to cause the other person to fear that the threat will be

carried out. Those three offences will be punishable by a maximum penalty of imprisonment for three years, or a fine of 100 penalty units which is \$11,000, or both.

This bill also introduces a new power for a court to make a take-down order against a person convicted of an offence of recording or distributing an intimate image without consent. The court will be able to order the offender to take reasonable actions to remove, retract, recover, delete or destroy any intimate image recorded or distributed by the person in contravention of the law. To ensure timely action, the offender will be required to do this within a time period specified by the court. Failure to comply with a take-down order without a reasonable excuse will be an offence punishable by up to two years imprisonment or a fine of \$5,500, or both. This significant maximum penalty will ensure that offenders take these orders seriously and comply with the orders to have unlawful images removed.

Although for many victims getting the images removed after criminal proceedings will not be able to undo the harm they have suffered, it may help to know that, in future at least, they will not be confronted by further copies of the images. I acknowledge the hardworking Attorney General, the Hon. Mark Speakman, and his team for introducing this important bill, which is aimed at manipulative creeps and domestic violence offenders who distribute images to harm and humiliate. I again acknowledge the advocacy and bravery of Ms Martin and Ms Rose. Were it not for their efforts, this legislation would not be before the House. I commend the bill to the House.

[*Business interrupted.*]

#### *Visitors*

### VISITORS

**TEMPORARY SPEAKER (Mr Lee Evans):** I welcome to the public gallery students from across New South Wales who are participating in the Secondary School Leadership Program conducted by the Parliamentary Education Unit of the New South Wales Parliament.

#### *Bills*

### CRIMES AMENDMENT (INTIMATE IMAGES) BILL 2017

#### Second Reading

[*Business resumed.*]

**Mr DAVID MEHAN (The Entrance) (11:53):** On Wednesday 24 May 2017, an article on the front page of the *Express Advocate*, one of my local newspapers, headlined "My Sexting Hell" went to the heart of the Crimes Amendment (Intimate Images) Bill 2017. The story was about a young woman who had suffered cyber bullying at school, an issue of importance that is front and centre of community concerns. On 19 August 2016, the same newspaper carried an article by Richard Noone and Nina Funnel headed "Schools connected to porn ring: Four from Central Coast named among 70 countrywide targeted by members as part of exchange". The story referred to a website where people exchanged intimate images of female students and other women, and it named 28 schools in New South Wales, 18 in Queensland, 15 in Victoria, five in the Australian Capital Territory, two in South Australia and two in Tasmania. The images were distributed without consent.

This matter was of great concern in our local area. At the time, I engaged with representatives from local schools in my electorate. I can indicate that I was absolutely satisfied with the way in which this issue was addressed by our local public schools when an incident arose in the community, as it has on a number of occasions. Tremendous opportunities have been opened up with our ability and that of commerce to communicate and to distribute images instantly. We need to be educated properly to address a number of problems. I was heartened by the response of the former Minister for Education to my representations on 18 August 2016. On 3 November 2016, he stated:

I understand that on 2 September 2016, Ms Karen Jones, Director, Public Schools NSW, Gosford Network, briefed you on the strategies in place to support student learning in cyber safety ... high school—

I will not name the school, but his comments referred to all public high schools in my area—

One of these strategies is Love Bites, a school-based domestic and family violence and sexual assault prevention program, based on best practice standards for education programs.

The Minister then outlined a range of strategies that our local schools and public high schools have in place to deal with the issue of cyber bullying. The strategies involve the use of technology and educating people about the precautions they should take. In response to my reference to the curriculum, the Minister stated:

The Board of Studies, Teaching and Educational Standards NSW (BOSTES) is responsible for developing syllabuses to be taught in NSW schools, from Kindergarten through to Year 12.

He continued:

The BOSTES is currently reviewing the PDHPE K-10 Syllabus to update and strengthen the content.

The Minister said that the Board of Studies, Teaching and Educational Standards NSW will consult widely with stakeholders to ensure that students from kindergarten to year 10 are educated on respectful relationships and the safety of sharing content online. This issue is continually raised in our communities. In that regard, I commend our local parents and citizens association. On Wednesday 7 June at Mingara Recreation Club, the Central Coast Council of Parents and Citizens Associations of New South Wales will be conducting a cyber awareness forum. I commend the association's president, Sharryn Brownlee, and the local council for their efforts to ensure that parents in our communities are aware of what is being done in our public schools—measures which often, in our busy lives, we overlook. The forum will update parents on the steps being taken by our public schools and inform them about this bill.

Education will not solve the problem and sometimes it is necessary to regulate, and that is why this bill is so important. The bill amends the Crimes Act to establish a new criminal offence concerning non-consensual sharing of intimate images, commonly known as revenge porn. The new offences are: recording intentionally an intimate image of another person without consent; distributing intentionally an intimate image of another person without that person's consent; threatening to record an intimate image without consent, and intending to cause that person fear that the threat will be carried out; and threatening to distribute an intimate image of another person without their consent intending to cause the person fear the threat will be carried out.

All the offences carry a maximum penalty of 100 penalty units or imprisonment for three years. Each has a provision that a person under 16 years cannot be prosecuted without the consent of the Director of Public Prosecutions. This is intended to deal with the most problematic part of the policy debate. There is also a provision that if a person is convicted of an offence under proposed sections 91P or 91Q a court may order the person to take reasonable action to revoke, retract, recover, delete or destroy any intimate image. Failure to do so is a criminal offence punishable by 50 penalty units or two years imprisonment, or both. The explanatory note in the bill states that the bill is part of the Government's response to the report by the Legislative Council Standing Committee on Law and Justice entitled "Remedies for the serious invasion of privacy in New South Wales". It follows a discussion paper released last year by the Government, submissions to which closed in October 2016.

As the shadow Attorney General pointed out, the major weakness of this bill is the rectification regime. Orders to delete images are dependent upon someone being convicted. A much better model would be a separate rectification regime where take-down orders can be made. This was recommended in the report of the Legislative Council Standing Committee on Law and Justice and included with other civil law remedies in a private member's bill introduced by Labor in the Legislative Assembly in 2016. That bill was introduced in the Legislative Council this year. That would have been a better way in which to address this issue; however, we must deal with legislation. Labor does not oppose this bill because it will go some way to improving the regulation situation in our community.

**Mr GARETH WARD (Kiama) (12:01):** I support the Crimes Amendment (Intimate Images) Bill 2017. Before I commence my contribution to this debate I acknowledge the students in the gallery. This is an opportunity for them to see an example of both sides of this House working together on legislation that benefits the community. On television we often see members of Parliament arguing but in this instance both sides are working together.

**Mr John Sidoti:** That is very rare.

**Mr GARETH WARD:** I acknowledge the interjection of the member for Drummoyne. That may well be so in his case. I also acknowledge the students from Kiama High School and St Joseph's Catholic High School who are in gallery. I turn now to the bill. This bill implements the Government's commitment to reforms that address the non-consensual sharing of intimate images, colloquially known as revenge porn, by introducing three key new offences to criminalise non-consensual recording and sharing of intimate images. The bill introduces the new offences of intentionally recording an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the recording; intentionally distributing an intimate image of another person without that person's consent, while knowing that the person did not consent or being reckless as to whether the person consented to the distribution; and threatening to record or distribute an intimate image without consent, intending to cause the other person to fear that the threat will be carried out.

These offences will be punishable by a maximum penalty of imprisonment for three years, or a fine of 100 penalty units, which is the equivalent of \$11,000, or both. The reforms are based on thorough public inquiries at both State and Federal levels that have highlighted the deficiencies in the existing law in this area and the severe impact that this behaviour can have on victims. The bill creates a take-down power for courts to order a person convicted of recording or distributing an intimate image without consent to take reasonable action, within a

specified time period, to remove, retract, recover, delete or destroy an intimate image the person unlawfully recorded or distributed. It will be an offence for a person to contravene such an order without reasonable excuse, punishable by imprisonment for two years or a fine of 50 penalty units, which is the equivalent of \$5,500, or both

The Commonwealth Senate Legal and Constitutional Affairs References Committee inquired into the problem in 2015 and 2016. That inquiry looked at a number of areas, including the impact that non-consensual sharing of intimate images has on its targets, and the Australian community more broadly; potential policy responses to this emerging problem, including civil and criminal remedies; and the response to revenge porn taken by parliaments in Australian and comparable overseas jurisdictions. As part of the inquiry, the committee received public submissions from interested individuals and agencies. It also held a public hearing that took evidence from a range of experts. The inquiry's report entitled "Phenomenon colloquially referred to as 'revenge porn'", which was published in February 2016, contained eight recommendations for reform. The most important of those was that the States and Territories should legislate to introduce offences for knowingly or recklessly recording an intimate image without consent; knowingly or recklessly sharing intimate images without consent; and threatening to take and/or share intimate images without consent.

At the same time as the Commonwealth Senate was conducting its inquiry, the New South Wales Parliament was also looking into the problem. In June 2015 the Legislative Council Standing Committee on Law and Justice inquiry into remedies for the serious invasion of privacy in New South Wales began; it reported in March 2016. I acknowledge the chair of the standing committee, the Hon. Natasha Maclaren-Jones, MLC, for her significant contribution to this reform in leading privacy reform. The inquiry was established amidst increasing community concern about the use of social media and surveillance technologies to impinge on the privacy of individuals and their day-to-day lives. The terms of reference for the New South Wales inquiry focused on exploring civil remedies for invasion of privacy, including equitable actions for breach of confidence and a potential statutory cause of action for serious invasions of privacy.

Through the submissions it received and its public hearings, the Legislative Council committee heard from many individuals, legal experts, academics and other stakeholders about the problem of revenge porn and the severe impacts of technologically facilitated abuse. The committee noted that technological advancements have contributed to a rise in this type of invasion of privacy. In particular, the committee heard evidence about the problem of image-based abuse in domestic violence contexts, where distribution or threatened distribution of intimate images is used to harass and control the victim, and may even be used to stop them from seeking help from family, friends or police due to embarrassment and the nature of the images. The committee noted the widespread view among stakeholders that the criminal law in New South Wales was not adequate to respond to the non-consensual sharing of intimate images, and the support for new offences to target this behaviour. There was some law in this area but it did not go as far as necessary or, as I mentioned earlier, as far as other jurisdictions did.

The committee took the view that specific recommendations on criminal law reform in this area would be beyond its remit. However, it commented that it would be appropriate for the New South Wales Government to consider the Commonwealth Senate committee's recommendations for new offences. Overlapping with the inquiry by the Standing Committee on Law and Justice, the Joint Committee on Children and Young People also conducted an inquiry into the sexualisation of children and young people. The joint committee reported in November 2016 and recommended that the Government introduce legislation to create offences of distributing or threatening to distribute an intimate image. I acknowledge the chair of the parliamentary inquiry into the sexualisation of children and young people, Ms Melanie Gibbons, the member for Holsworthy, who I note is in the Chamber, and the deputy chair, Mr Damien Tudehope, the member for Epping, for their leadership of that inquiry.

The Government took the evidence presented in those inquiries very seriously, particularly the reported experiences of the victims of non-consensual sharing of intimate images. This bill reflects the Government's commitment to deterring and punishing perpetrators of this type of serious invasion of privacy. It also reflects the Government's commitment to strengthen this area of the law and to provide a clear remedy for such a serious invasion of privacy. Overall, these reforms will send a strong message that this behaviour is totally unacceptable in today's society. The non-consensual recording or distribution of intimate images can happen in many different contexts and for different reasons. In some cases, victims may have no personal relationship with the perpetrator—they may have obtained the images through deception or fraud or some other means. However, clear evidence to both the New South Wales and Commonwealth parliamentary inquiries has highlighted the prevalence of the problem within relationships, particularly in relationships characterised by domestic and family violence.

I am sure there have been many instances of bullying that has gone simply too far at schools. With the use of social media we now see a new medium by which people can pour evil and hatred upon their victims. Once upon a time bullying stopped at the school gate; today any student with a phone can continue to confront

harassment and worse. This legislation seeks to deal with those matters. Frontline organisations that support survivors have shed light on the use of intimate images by perpetrators to control, humiliate and blackmail their victims. That is why this bill will make it an offence to threaten to record or distribute intimate images without consent. It is in recognition of the prevalence of this behaviour in the context of domestic violence relationships that we bring this legislation to the House today.

I am proud of this bill and of the Government's commitment to tackling domestic violence head on. In those settings, the non-consensual recording or distribution of intimate images is a form of abuse that may be part of the broader pattern of abusive behaviour towards victims by individuals. The perpetrator may record images without the victim's knowledge, and then use, or threaten to use those images by distribution to intimidate the victim and control the victim's behaviour. Alternatively, the perpetrator may coerce the victim into agreeing to the recording of the images, against the victim's wishes. The perpetrator may then threaten to publish or distribute the images whenever the victim tries to seek external support or attempts to leave the abusive relationship.

In other situations, the perpetrator may use intimate images, whether recorded consensually or non-consensually, to harass the victim and punish them for leaving the relationship. The person may distribute the images to the victim's friends, family or even the victim's employer to try to damage the victim's reputation and destroy their credibility. The impact this can have on victims must not be underestimated. In the context of a controlling and abusive relationship and an uneven power dynamic, the effect on a victim's confidence and safety can be profound. [*Extension of time*]

I also acknowledge members of the Albion Park View Club, who I notice have joined us in the gallery. It is wonderful to see you and I will be joining you shortly. Particularly if the threat of distributing intimate images is used to prevent the victim seeking help or contacting the police, the perpetrator's behaviour can place the victim in an untenable position and at an increased threat of serious physical violence. This bill will send a strong message that this behaviour is not acceptable. It will help to shift the pattern of victim blaming, so a victim in these circumstances faces fewer barriers to seeking help. I thank the Attorney General for his work in relation to this bill. I thank all members of the House for their work.

As I said at the beginning, this is an example where both sides of the House have worked together to tackle a problem head on. Often Parliaments do not keep up with technology, often they do not keep pace with the need for law reform. This is an example of a modern problem being dealt with in a modern democratic context by ancient traditions in this Parliament and I am very pleased that this bill has been brought forward. As I mentioned earlier, and as you noted Mr Temporary Speaker, there are students in the gallery today. As they face new challenges in their lives, it is important the legislature keeps up and I am very pleased that this bill has been introduced to deal with those individuals that would seek to hurt, harm, harass or intimidate people by using revenge pornography.

[*Business interrupted.*]

*Visitors*

## VISITORS

**TEMPORARY SPEAKER (Mr Lee Evans):** I extend a very warm welcome to students from across New South Wales who are visiting Parliament as part of the Secondary School Leadership Program conducted by the fantastic Parliamentary Education Section. I also welcome the Albion Park View Club.

*Bills*

## CRIMES AMENDMENT (INTIMATE IMAGES) BILL 2017

### Second Reading

[*Business resumed.*]

**Ms JO HAYLEN (Summer Hill) (12:13):** The Crimes Amendment (Intimate Images) Bill 2017 makes it an offence to, first, record an intimate image without consent; secondly, distribute such an image without the express consent of the person recorded; and, thirdly, threaten to record or distribute an intimate image without consent. The bill also makes a move towards nuancing those offences when young persons are involved. It also moves to criminalise refusals by perpetrators to remove, retract, recover, delete or destroy intimate images. I would argue, however, that the legislation fails to adequately address the take-down remedies recommended by the parliamentary inquiry that informs it.

I have spoken a number of times in this place on issues related to sexual consent. Many women have spoken to me about rape, domestic violence, sexual assault on university and TAFE campuses, the rise of men's groups that promote violence against women and so-called stealthing. What is encouraging is the growing

momentum towards eliminating what can broadly be defined as a "rape culture", a passive acceptance of behaviour that trivialises or humiliates women and which finds its extreme expression in rape, sexual assault or abuse, and with that, there is a growing awareness that government must catch up to the challenges posed by our rapidly evolving technology if we are to protect victims of rape and sexual assault. As social media has evolved, along with a host of new apps that assist us to stay connected, so too have the ways technology can be co-opted to harass or do harm to others. Along with my colleagues, I support this bill because it goes much of the way towards addressing the issue of image abuse—or revenge porn—and provides a strong foundation for further protections that we may require in the future.

Earlier this month, Dr Nicola Henry from RMIT University in Melbourne released the first major study into the prevalence and impacts of revenge porn in Australia. A survey of 4,200 respondents revealed that one in five Australians had been a victim of image-based abuse. While men and women are equally likely to be victims, vulnerable communities are more likely to be impacted—half of Indigenous respondents had been victims, and half of people with disability also reported being victims of image-based abuse. Members of the LGBTIQ community and younger Australians were also over-represented. Twenty per cent of all survey respondents reported having nude or explicit images taken without consent; 11 per cent reported having those images distributed; and 9 per cent reported being threatened with having images taken or distributed. When releasing the data, Dr Henry noted that:

This isn't just about "revenge porn"—images are being used to control, abuse and humiliate people in ways that go well beyond the "relationship gone sour" scenario.

I believe the best way to understand the impacts of this kind of behaviour is to listen to those who have experienced it. In a recent news article, one victim explained the process by which she discovered that intimate images of her had been shared. She said:

I arrived at the party to a group of men sneering about the fact they'd seen me naked. I believed it was just their boys-will-be-boys mentality and they were trying to irritate me for their own amusement, so ignored the taunts.

But later that night when I was at the pub in the small New South Wales town where I grew up, the bartender sidled over to me to let me know my vagina was his computer desktop background.

That's when I discovered I was the victim of revenge porn.

She goes on to explain that:

In the weeks after the photos had leaked, I did not eat, I did not talk, and I wished I would be swallowed up by my bed sheets. I did not stop crying, I was ashamed, humiliated, alone and just wanted to die. I had no confidence left, I felt disgusting.

Even now, seven years later, I feel sick to my stomach when I think of what people saw or what they still might see.

Another report notes that 80 per cent of those who experienced threats to distribute an image reported extreme levels of psychological distress. Thirty-two per cent of affected women expressed a deep fear and anxiety that the image would be shared or spread further. Interestingly, 23 per cent of men reported that they felt intimidated, afraid or in danger as a result of image-based abuse and I think this also reveals something about the gendered nature of these offences: The fact is that women live in a hyper-sexualised culture where they are continually subjected to depictions of women designed often to degrade or humiliate us. Each and every day, women see the judgement and ridicule of our bodies. We experience the sense of ownership that men seek to exercise over our bodies and our rights.

The RMIT University report notes that women are more likely than men to be the victim of image-based abuse from an intimate partner or ex-partner. The violence and intent behind intimate image abuse is very familiar to us. It is about control. Sharing intimate images is being used by partners and ex-partners as a form of domestic or family violence. This bill is correct in making it an offence to record, distribute or threaten to record or distribute intimate images without consent. It mandates that these offences carry a maximum penalty of 100 penalty units or imprisonment for three years, or both. This is a powerful signal from government that this behaviour will not be tolerated and that the fundamental issue of consent extends to both our digital life and the digital footprint that we leave behind.

We also must address the culture that drives image-based abuse, particularly the gendered violence that it represents. What we know is that the change cannot happen only from the top; it cannot just be a signal and legislation from the Government. This brings me to what I see as the key failing of the bill: the rectification regime it sets out. The bill allows for a court to order a person to revoke, retract, recover, delete or destroy an intimate image. Failure to do so is punishable by 50 penalty units, two years in jail, or both. However, the only way orders can be given to remove an image is for someone to be convicted of one of the new offences outlined in the bill. This ignores the basic fact of how the internet works. In the time it takes to secure a conviction—possibly years—the image can, and, let us be honest, will be shared thousands or millions of times, making the impacts on the victims significantly worse.

Secondly, the bill puts the onus of removing the image on victims. In order for an image to be removed, the victim must establish the guilt of those who have recorded or are sharing the image. It is unclear how this will be enforced in the instance of those found guilty of distributing the image, particularly those who share the image on from other sources. The victim of intimate image sharing must also know that it exists in the first place, which is not always the case. The bill fails to address any culpability or duty by carriage services, including social media sites, to act. That requires further and serious consideration. Importantly, the bill ignores recommendations in the report of the Legislative Committee Standing Committee on Law and Justice for a separate rectification scheme where take-down orders can be issued and civil law remedies put in train to protect victims. This approach would be far more likely to result in positive and more timely outcomes for the victims of image abuse.

Particularly where young people are concerned, providing a path for civil remedies can also assist in driving education, respect and cultural change around issues of consent. While the bill nuances that young people may be prosecuted, I argue that we need to do much more to address the underlying culture that particularly puts women and girls at risk. In line with other legislation, a person under the age of 16 will not be deemed able to give consent to the recording and distribution of intimate images. The bill ensures that a person under 16 years of age cannot be prosecuted without the consent of the Director of Public Prosecutions. In practice, this will require considerable consultation with teachers and educators, who are often left to manage the very complex impacts of image sharing on students, as well as the complex legal procedures this behaviour sets in train. [*Extension of time*]

Currently, a teacher who learns that an intimate image of a student is being shared must report it to the police. This can result in significant consequences for young people, including being listed on the sex offender registry. While I do not reject the need for the law to be involved in such a case, we need comprehensive education for our young people around the risks of sharing intimate images. The Respectful Relationships program has been devised and is being rolled out in high schools across New South Wales. It is designed to teach young people about domestic violence. As our children are exposed to sexualised images earlier and earlier, we must and should start these conversations earlier—I believe in primary schools.

These are the kinds of programs that can help drive the cultural change that these laws seek to bring about. Fundamentally, this is an issue about consent. We must be firm in driving the kind of cultural change that promotes active consent and respect. That is the only way we can address the rising instances of sexual assault and harassment in our homes, schools, workplaces and also in our digital lives. It will take education, support for victims and a mix of responses that includes civil redress and firm legal consequences, such as this bill will enact. I strongly commend the bill to the House.

**Ms TRISH DOYLE (Blue Mountains) (12:23):** I make a brief contribution to the debate on the Crimes Amendment (Intimate Images) Bill 2017. From the outset, I acknowledge that Labor supports any action to end the scourge of revenge porn. Revenge porn occurs when someone shares or broadcasts, or threatens to share or broadcast, a private sexual image or video recording of someone else—often, but not always, of a former partner—without their consent. Revenge porn occurs when a former or current partner shares or distributes intimate images or video, but it also occurs when those images are stolen and distributed by a third-party.

I note and applaud the work of Labor members of Parliament elsewhere in Australia who have done considerable work in this regard. Two Federal members of Parliament, Terri Butler from Queensland and Tim Watts from Victoria, have been campaigning for Commonwealth legislation to criminalise revenge porn. In October 2015, Mr Watts and Ms Butler co-sponsored a private member's bill to the Federal Parliament to criminalise revenge porn. That bill would have seen offenders jailed for up to three years for either sharing or broadcasting, or threatening to share or broadcast, private sexual imagery or video. Disappointingly, the Federal Liberal Government did not lend its support to that bill and it lapsed with the proroguing of Parliament in April 2016, before Malcolm Turnbull's double dissolution election.

The Butler-Watts bill also included harsher provisions for the prosecution of offenders who possessed, controlled, produced, supplied or obtained revenge porn for a commercial purpose or for the purpose of obtaining a benefit. This would have had the effect of criminalising both the production and initial supply of revenge porn as well as further criminalising any enterprise seeking to profit from revenge porn. This would attract a maximum penalty of five years' imprisonment, reflecting the aggravated nature of that offence. Notwithstanding the fact that the bill before us today does not go as far as the Butler-Watts bill, Labor will support it in its current form because legislative change of this kind is now long overdue. We must, as a society, set down markers about what we consider acceptable conduct. Until now, it has been too easy for offenders to shrug off their culpability in producing and distributing revenge porn by saying to themselves or to their victims, "There is no law against it."

At this point, I acknowledge those who are impacted by revenge porn—I acknowledge their pain, anger and shame—and those good, extraordinary people in our community who are standing up and fighting back. I noted just recently in a news article the story of a man who has had enough and is fighting back after he saw something on Facebook and reported it, but Facebook refused to delete it. It was a fat-shaming revenge porn post,

published in a secret gender-exclusive group. That shocking post generated a number of comments. It was a brave post and the fellow who asked Facebook to take it down and was fed up with Facebook's efforts to police the platform has received comments such as:

Hayden, THANK YOU so much for standing up for what's right.

and:

I have a son and you have given me hope that there is other decent young men out there.

Facebook said it was looking into the matter. This bill should also put an end to the victim-blaming mentality that has become pervasive in conversations about or analysis of this issue. It is not the victim's fault for allowing an intimate image to be created, if it is created with their consent. It will be now be illegal for that image to be distributed or shared without their consent. In the case of former or current partners who threaten or go through with a threat to distribute revenge porn, there will now be a law against it—it will be a crime. In the case of intimate images or video being stolen, either physically or electronically by a third party, this legislation will create an additional offence over and above existing criminal laws against the initial physical theft or unauthorised electronic access to data held in a computer. It will also create additional offences.

I share the concerns of my Labor colleagues, however, that this bill does not include provisions for immediate take-down orders. I note the work of the shadow Attorney General, the member for Liverpool, in this respect and thank him for it. The explanatory notes to the bill acknowledge that it has been crafted in line with some of the recommendations of the Legislative Council Standing Committee on Law and Justice report, "Remedies for the serious invasion of privacy in New South Wales", so I am perplexed as to why the bill does not go further and adopt the recommendation included in the report that take-down orders be made possible without a conviction first being required. Images and video circulate on the internet at astonishing speed.

They also circulate between mobile phones and on instant messenger apps. It is therefore absolutely critical that take-down orders be made available at the earliest possible opportunity when a victim becomes aware of intimate images or video. We cannot wait for the lengthy judicial process to conclude before such material is ordered off the internet. I will sidestep for a moment and mention—because it should be recorded in this place—some of the impacts of image-based abuse. In a recent article on online forum The Conversation, we learned that these impacts are greatest for those who have experienced threats to distribute an image. It stated:

80% of these people reported high levels of psychological distress, consistent with a diagnosis of moderate to severe depression and/or anxiety disorder. This is a very important finding: it demonstrates the severity of the harm associated with image-based abuse victimisation.

Finally, I reiterate that despite this limitation of judicial process—which we will agitate to update or review in future—Labor supports the bill. Labor has been at the forefront, both nationally and in New South Wales, of legislating against this abhorrent practice. I commend the bill to the House.

**Mr JIHAD DIB (Lakemba) (12:31):** I make a contribution to debate on the Crimes Amendment (Intimate Images) Bill 2017. The bill amends the Crimes Act to establish new criminal offences concerning the non-consensual sharing of intimate images. The new offences include actually recording and/or distributing, or threatening to intentionally record and/or distribute, an intimate image of another person without consent. All the offences carry a maximum penalty of 100 penalty units or imprisonment for three years, or both. I understand there is also a provision that if a person is convicted of an offence related to the intentional recording or distribution of an intimate image without consent, a court may order the person to take reasonable action to revoke, retract, recover, delete or destroy any intimate image. Failure to do so is a criminal offence punishable by 50 penalty units or two years in jail, or both.

A number of members on both sides of the House have spoken about this, and my learned colleague the member for Blue Mountains emphasised the importance of ensuring that we do not wait until the conclusion of the long court process for a take-down order regarding an intimate image. It needs to be taken down immediately. The longer the image is posted, the more damage is done and the less chance there is of it being taken down. That is one flaw in the legislation. However, the bill sends a strong message that this type of behaviour is completely unacceptable. Such behaviour is referred to colloquially as "revenge porn", and I make this comment about that phrase. Online forum The Conversation made a very important observation about the term in March of this year. It stated:

"... the term itself is misleading. Not all perpetrators are motivated by "revenge", and not all images can be described as "pornography". The term might also be offensive to victims, as it minimises the harms they experience when an intimate image (photo or video) is created or shared without permission ... This is partly why academics and government agencies are increasingly using the term "image-based abuse".

It is a good reminder that we may be dealing with perpetrators who are not motivated by revenge as such. My observations of teenagers from my previous life is that they can be motivated by all sorts of things—impressing

mates, for example. They may not be motivated by revenge but they are certainly immature and thoughtless. They can make all sorts of poor life decisions. Further, this observation reminds us that the intimate image may have been consensual originally but then, through a gross breach of trust, was distributed without consent.

But of course one of the motivations for the intentional distribution of an intimate image may be revenge, and such motivation may be part of a broader pattern of disrespect, harassment, abuse and potential escalation into acts of physical violence. Research clearly tells us the vast majority of victims of the crimes that this bill seeks to outlaw are women, and often young women. Many speakers in this debate have noted that intentionally distributing intimate images without consent is clearly associated with and linked to other forms of disrespectful behaviour towards women. I agree with them. It is pertinent to raise a point made by the Prime Minister in 2015, when he said:

... disrespecting women does not always result in violence against women. But all violence against women begins with disrespecting women.

The bill sends the appropriate message to everyone in this State that this behaviour is not just unacceptable, it is criminal. I further note that the legislation contains the provision that a person under 16 cannot be prosecuted without the consent of the Director of Public Prosecutions. This is intended to deal with what is obviously the most problematic part of this policy debate. Clearly, we must ensure that programs in schools lay the bedrock of respectful relationships and the appropriate use of technology. Having the "big stick" of the criminal code is very useful for parents and schools to strengthen messages about this type of behaviour, but the groundwork of building mutually respectful relationships must start much earlier to change the mindset. It is a scientific fact that the brains of young people aged 16, 17 or 18 have not quite developed.

I have had the experience of working with teenagers, and I say in the most inoffensive way I can that with boys in particular there is the X gene, the Y gene and then another gene—the unthinking gene. They just do dumb things at dumb times. What really worries me are situations where a boy or a girl asks their partner to send an image. This is all well and good until things go bad and they break up. I have seen situations where young boys think they will show a photo of a girl to their mates—for whatever reason—and it spirals out of control. These situations can occur in schools, and consideration must be given to legislating to change young people's mindsets because it is a criminal act. We must ensure that young people know it is a criminal act that can have long-term ramifications—indeed, it could result in their being put on the sex offenders register or going to jail. Taking or receiving an intimate photograph is distribution of pornography, but not enough young people know that.

We have a responsibility to take further steps to teach young people what they need to know and to establish boundaries and thus resolve some of these problems. It is very different these days from how it was 10 or 15 years ago because the use of digital technology is far more widespread. The click of a button can have lifelong ramifications. I will outline a real-life scenario of a young girl who was probably in year 10 at the time. A colleague from another school told me that somebody had been taking photos of her and that the images had been distributed. The colleague asked whether I knew anything about it—the boyfriend had supposedly been a student of mine, but that turned out not to be the case. This caused the girl psychological distress and enormous damage to her reputation. Apparently she did not show her face at school for quite some time. Somebody took a photograph, spread it around and the situation got completely out of control. There was no take-down order.

If such images appear on social media platforms such as Facebook, Instagram or Snapchat the take-down order must be made quickly. I focused on young people in that example, but it is no different for any victim. The longer an image is online, the more damage is being done and the more difficult it is for the victim to deal with. It is abuse, it is illegal and it has severe consequences for victims. The images may have been consensual initially, but the key point in the bill is that it is now illegal to distribute such images. There are issues in the bill that must be addressed. The rectification regime and an order to delete images is dependent upon a conviction. Justice delayed is justice denied, and we cannot allow that. There is a risk that this weakness in the bill will deprive victims of the ability to have images removed immediately. That is what they seek.

A better model is a separate rectification regime under which take-down orders can be effected immediately. The Standing Committee on Law and Justice report, together with other civil law remedies included in the Labor private member's bill introduced in 2017, supports that model. The bill is a major step forward for New South Wales in a field of law that has left too many gaps for perpetrators. The legislation will send a strong message that the intentional recording and/or distribution of intimate images of people without their consent is not acceptable. While the lack of immediate take-down provisions is a flaw, overall the legislation may serve to prevent further instances of this reprehensible behaviour. It is an horrendous crime that any victim would find difficult to recover from. I commend the bill to the House.

**Dr HUGH McDERMOTT (Prospect) (12:41):** The Crimes Amendment (Intimate Images) Bill 2017 is, without doubt, one of the most important bills and amendments to the Crimes Act that this House has considered

in some time. The issues regarding intimate images being used to abuse impacts one in five Australians. That is a staggering number of people affected by this crime. The object of the bill is to amend the Crimes Act to create a new offence to address the non-consensual sharing of intimate images, also known as revenge porn. I will speak about revenge porn later in my speech. The bill provides that it will be an offence for a person to intentionally record or distribute or threaten to record or distribute an intimate image of another person without that person's consent. The key word is "consent", and ongoing consent. If a person consents to a picture being taken today it does not mean that they consent to its being seen by other people at a later time.

The bill has been drafted in response to a number of parliamentary inquiries. The inquiry by the Committee on Children and Young People into the sexualisation of children, the Legislative Council Standing Committee on Law and Justice report entitled, "Remedies for the serious invasion of privacy in New South Wales", and a 2014 report by the Australian Law Reform Commission entitled, "Serious invasions of privacy in the digital era" have impacted on the drafting of this legislation. The Royal Melbourne Institute of Technology recently completed research into revenge porn or intimate images abuse. The data that it received is incredible. It surveyed people between the ages of 16 to 49—a broad brush of ages—both male and female. More than 4,000 people were surveyed in Australia. From that survey it was concluded that one in five Australians has suffered image-based abuse. I shudder to think what the number is globally. Of those abused by the non-consensual use of intimate images, 20 per cent were women and 23 per cent were men. Men and women are equally likely to be victims. That surprised me.

It is known that family and domestic violence is predominantly perpetrated against women. No matter how many individuals or organisations want to pretend it is not the case, most abuse is against women. It amazes me that in this area of abuse there is an equal distribution of victims of both sexes. Marginalised groups are particularly vulnerable. There is a one in two rate of victimisation of disabled and Indigenous people. It impacts the most vulnerable in the community. One in three young people aged between 16 to 19 have been targets of image-based abuse. Once again, younger, vulnerable people are impacted by this crime. One in three people who identify as gay, lesbian or bisexual have been victims. Again, a minority group is targeted. Of female victims, 39 per cent were targeted by an intimate partner or an ex-partner. A person whom at one point they trusted, loved, cared for and committed to used that to abuse and attack and commit a form of violence against them.

Of those surveyed, 20 per cent had a sexual or nude image taken of them without their consent. That is a significant number of people. The research revealed that 11 per cent had someone share a sexual or nude image of them without their consent, and 9 per cent had experienced extortion and had been threatened with the distribution of an image to others. The threat of distribution of the image is used to blackmail and instil fear in the victim. Abuse takes an acute psychological toll on victims. The report states that 80 per cent of people who experienced extortion suffered moderate to severe depression and/or anxiety. It had a major impact on their lives. It is not just a matter of embarrassment; it leads to mental health issues, impacts on their families and personal relationships, and affects present and future employment. Of those people who had images shared, 75 per cent suffered moderate to severe depression and anxiety, and 46 per cent of people who had experienced extortion were extremely afraid for their safety. That fear is ongoing. This crime must be dealt with, and this bill is a step in the right direction.

Some Australian States have not dealt with the issue of revenge porn or the distribution of sexually explicit images without a person's consent. In Victoria there are specific laws that criminalise the distribution of an intimate or invasive image without consent. In Victoria and South Australia it is a criminal offence to threaten to distribute an intimate or invasive image. There are no specific Federal laws that criminalise the non-consensual creation or distribution of a nude or sexual image. I commend the Attorney General and the Government for moving forward with this bill, but there must be a national approach and consistency of laws to protect victims and charge perpetrators. Division 474.17 of the Federal Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Act (No. 2) 2004 states that it is an offence to use a carriage service to menace, harass or cause offence, and it could be used to respond to such image-based abuse. However, there have not been many prosecutions under this legislation. We need Federal laws to tackle those problems.

Western Australia has proposed its own legal form to tackle image-based abuse by partners or ex-partners, which is important. We must move beyond piecemeal State and Federal approaches. I am pleased that the State Government is moving forward with this legislation. The Victorian and South Australian governments have enacted similar legislation, but this area of criminality must also be addressed in the Northern Territory, the Australian Capital Territory, Tasmania and Queensland. In States and Territories without specific legislation many victims have no recourse to justice if existing laws do not apply and/or if victims cannot afford to seek remedies through civil law, which is often costly and out of reach for ordinary Australians. I examined the data and identified those men and women as Indigenous Australians, disabled Australians, and young people aged 16 to 19. Those people cannot afford expensive legal bills when they go after the perpetrators, so we must have decent legislation to deal with the problem.

I turn now to the Crimes Amendment (Intimate Images) Bill 2017. I will not go through the whole bill because previous speakers have already done so. However, I note a couple of matters. First, all the offences carry a maximum penalty of 100 penalty units or imprisonment for three years, or both. Those penalties are fitting. We need decent penalties. The punishment must reflect the crime so that people think twice before committing this crime. If a person is convicted of an offence under the legislation, a court may order the person to take reasonable action to revoke, retract, recover, delete or destroy an intimate image. Failure to do so is a criminal offence punishable by imprisonment for up to two years. A conviction is required before a court can make such an order. We must have a rectification regime whereby online images are deleted, and take-down orders are the best way of achieving that. That amendment will happen in the future. I thank the House.

**Mr JAMES GRIFFIN (Manly) (12:51):** I speak in support of the Crimes Amendment (Intimate Images) Bill 2017. The legislation is timely, important and sensible. It goes without saying that Australia is one of the most connected countries in the world. As such, there are not only obvious benefits but also many problems. We need only look at *The Little Black Book of Scams* produced by the Australian Competition and Consumer Commission [ACCC], which outlines the thousands of online scams, fraud and crime that Australians fall victim to in any given year. The book documents 42 pages of scams.

Page 4 outlines the dating and romance scams, which are often perpetrated through social media by way of revenge porn and the use of intimate images. It is important to consider those statistics. More than 350 million photos are uploaded daily to Facebook and almost 85 million videos and photos are uploaded to Instagram every day. In fact, more than 30 billion photos have been shared on Instagram since its inception. Unfortunately, not all of those are positive images. I am reminded of a quote by Evgeny Morozov, author of *The Net Delusion*. He is critical of the view that the internet has the ability to solve all our woes and problems. In his book he writes:

Social media's greatest assets— anonymity, "virality," interconnectedness—are also its main weaknesses.

That quote goes to the heart of the bill, because one in five Australians have been victims of revenge porn. When our real-world lives and digital lives converge, it is important that our cyber rights are supported by appropriate laws. As we continue to do more in our digital lives, the pros and cons of putting everything online will continue to be felt. It is appropriate that our laws keep up with the digital age to assist victims in dealing with this issue. As a result of our digital culture, the concept of sharing has evolved from generation to generation. It was good to see many schoolchildren in the gallery earlier today who were able to hear about this important legislation.

The bill introduces three new offences: first, it is an offence to intentionally record an intimate image of another person without that person's consent while knowing the person did not consent or the offender was being reckless as to whether the person consented to the recording; secondly, it is an offence to intentionally distribute an intimate image; and, thirdly, it is an offence to threaten to record or distribute an intimate image. One of the most effective elements of the bill is the power for a court to make a take-down order against a person convicted of an offence of recording or distributing an intimate image without consent. Unfortunately, the identification of those types of images is the easy part. Historically, the problem has been getting rid of those images or having them taken down. That is where the challenge lies.

In *The Little Black Book of Scams*, the ACCC says that the challenge is getting rid of the image or having it removed from social media websites. Because they are giant social media companies, getting those images taken down has proved to be problematic. It is important to recognise that the bill will help the law catch up with this issue that is already destroying lives and reputations. I commend the hard work done by the chair of the standing committee, the Hon. Natasha Maclaren-Jones, as well as by the member for Holsworthy, the member for Epping and the Attorney General. It is an important bill that is timely and sensible. I commend the bill to the House.

**Ms SOPHIE COTSIS (Canterbury) (12:56):** I support the Crimes Amendment (Intimate Images) Bill 2017. The Opposition does not oppose the bill. The object of the bill is to amend the Crimes Act to create new offences to address the non-consensual sharing of intimate images. We know that this is also commonly known as revenge porn. In some contexts it is called image-based sexual abuse, and this crime has increased substantially in line with technological developments. Images can be distributed frequently and easily because of the availability of online platforms. I commend my colleague the shadow Attorney General. He has been working on this area of law for quite a while and he has done a great job.

I understand that in September last year a discussion paper was released by the Department of Justice and a number of organisations, including the New South Wales Bar Association and the Privacy Commissioner as well as a number of women's groups, have made written submissions. This issue has been raised with me, as the shadow Minister for Women, for many years. I am glad we are doing something about it but we must do more—especially about pulling down images, as was raised by the shadow Attorney General. Those laws must be strengthened, and the Government must listen to the issues raised by Opposition members in their speeches. I acknowledge the work of the Government on the bill. Significant online sexual harassment occurs as a result of

the accessibility of intimate sexualised images on the internet, iPhones et cetera. The statistics highlight the commonality of the occurrence of sexualised images, with one in 10 adult Australians having private images sent without consent.

Disturbingly, a significant and increasing number of youths are taking part in sexting, a platform that increases the percentile of non-consensual sexual images and videos being publicly released or displayed in any form, which is not referred to in the bill. Children as young as 13 are being affected, in particular, young women and teenage girls. For this reason a change should be made swiftly and effectively, particularly with regard to removing such images. My colleague the shadow Attorney General noted the unacceptable time that it takes for non-consensual images to be taken down, which suggests that greater power should be given to the NSW Privacy Commissioner to do so. I support that proposal. I ask the Minister for Women, the Hon. Tanya Davies, to approach this in a bipartisan way and ensure that non-consensual images are taken down as it is affecting young women and teenage girls.

There is no explicit reference in the bill to it being a criminal offence to share any intimate and sexual images. The bill provides cover but it limits it to certain situations, which is not sufficient. Section 587C of the Crimes Act fails to take into account that an offence could have a serious effect on a victim when intimate and sexual images are shared online. As my colleague the member for Liverpool mentioned, this bill does not provide for enough protection to safeguard the privacy of individuals. The Privacy Commissioner referred to the failure of the bill to do so in our changing digital era and said that Australian privacy law should be adaptable to technological change and financial status.

While there is support for the bill, the complexities of the colloquial term "porn revenge" must be discussed. The Bar Association raised an important point and said that the term could be misleading as there are several motivations for non-consensual images being released that are not limited only to revenge. This provides a window of excuse specifically relating to the term "revenge". As the association notes, pornography is used for sexual gratification and the intention may not always be to cause harm. An article in *Mamamia* written by Amy Stockwell refers to a woman named Cathy and states:

Every time 40-year-old Cathy meets someone new, she wonders whether they have seen her naked.

Hundreds of thousands of people have. Maybe more, she doesn't actually know.

Cathy was divorced with two children when pictures of her and her contact details appeared on a "revenge porn" site. The pictures showed her in acrobatic nude poses that made her look like a seasoned porn star. She first knew of it was when she started receiving messages from online porn enthusiasts wanting more photos. Then they started contacting her work.

Cathy was terrified that she would lose custody of her children. She quit her job, moved cities and started using her maiden name again to get away from the embarrassment and the fear that people would see the pictures.

Perhaps the most distressing thing is this: Cathy had never taken a nude photo of herself. She'd never sent a nude photo, nor had one ever been taken of her. Nor had she ever been hacked. Someone had simply found a picture of her face online and photo-shopped her into porn scenes.

This is happening to someone every day. A number of members on both sides of the Chamber have referred to the fact that we need stronger legislative provisions. I have two children aged 11 and 7, the member for Rockdale has children and grandchildren, and other members have children or grandchildren and we are all concerned about revenge porn. Most Australians are working parents and cannot always be with their children. Some parents might be helicopter parents or jumbo jet parents, but even they cannot be with their children every minute of the day. As revenge porn, sexting and the releasing of non-consensual images online is on the increase we need better law reform. I hope that the Attorney General, who is in the Chamber, will take on board the views of the Opposition, in particular, those relating to the length of time it takes to remove images from the internet.

[*Business interrupted.*]

### *Business of the House*

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

**Mr MARK SPEAKMAN:** I move:

That standing and sessional orders be suspended at this sitting to permit:

- (1) Consideration of the Crimes Amendment (Intimate Images) Bill to continue after 1.15 p.m.
- (2) Community recognition statements to be interrupted at 1.30 p.m.
- (3) Community recognition statements to be resumed following the conclusion of consideration of the motion accorded priority.

**Motion agreed to.**

*Bills***CRIMES AMENDMENT (INTIMATE IMAGES) BILL 2017****Second Reading**

[*Business resumed.*]

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:05):** In reply: I thank members representing the electorates of Liverpool, North Shore, Orange, Maitland, Cootamundra, Port Stephens, Holsworthy, Charlestown, Myall Lakes, Londonderry, Terrigal, Granville, Bega, Ballina, Miranda, The Entrance, Kiama, Summer Hill, Blue Mountains, Lakemba, Prospect, Manly and Canterbury for their contributions to the debate on the Crimes Amendment (Intimate Images) Bill 2017. I note that the Opposition and The Greens do not oppose the bill but I want to address some matters that have been raised in debate by members.

The member for Liverpool and the member for Maitland suggested that this bill was in some way delayed. In response to these concerns, I will take members through a time line of the development of the bill. On 5 September 2016 the Government announced that it was considering the introduction of new criminal offences against the non-consensual sharing of intimate images in response to the concerns that were raised as part of the inquiry held by the Standing Committee on Law and Justice into remedies for serious invasions of privacy in New South Wales. The Government indicated that it would consult with stakeholders on the terms of the proposed new criminal offences and how they might be framed.

On 15 September 2016 a discussion paper was released seeking community and stakeholder feedback on the form and scope of the new offences. On 21 October 2016 the consultation period concluded. Also on 21 October 2016 New South Wales led a discussion item on serious invasions of privacy at the meeting of the Law, Crime and Community Safety Council, a body representing the Commonwealth and all States and Territories, to seek the views of other jurisdictions on developing a nationally consistent approach to these issues. On 9 December 2016 the Council of Australian Governments agreed that jurisdictions should work together to develop a national statement of principles to support a nationally consistent approach to criminalising the non-consensual sharing of intimate images.

The Department of Justice commenced extensive consultation on the drafting of the bill, and participated with the development of the national statement of principles through the Cybercrime Working Group. To ensure national consistency, this bill could not be finalised until the statement of national principles was agreed to. On 19 May 2017 the Law, Crime and Community Safety Council agreed to a national statement of principles relating to criminal laws for the non-consensual sharing of intimate images. Two days later, on 21 May, the Government announced that it would be introducing the bill, and on 24 May this bill was introduced to this place after I gave notice on 23 May 2017. New South Wales is the first State or Territory to introduce criminal offences consistent with the national principles. The bill draws on the best elements of the pre-existing Victorian and South Australian legislation to create a strong new model for criminalising this behaviour that is consistent with the national principles.

Dr Nicola Henry of RMIT University, an expert in this area, stated that "the New South Wales proposed legislation is an excellent model that can serve as an inspiration for other jurisdictions both in Australia and internationally". This Government makes no apologies for taking appropriate time to consult with stakeholders to create strong, evidence-based legislation that will hold offenders to account and shift the power balance in the direction of victims. These offences have been carefully drafted, after a detailed consultation process, to strike the right balance between criminalising unacceptable behaviour and ensuring that innocent activities are not captured.

The member for Liverpool raised issues about the impact of the bill on children and made reference to the submission by the Advocate for Children and Young People. The offences in proposed sections 91P and 91Q will not apply to a child taking a picture of their own body and distributing the picture to another child, colloquially referred to as sexting, because the offences require the intimate image recorded or distributed to be of another person. However, the proposed offences will apply to children who then distribute those images further without consent—perhaps by forwarding the image to others or posting it on social media without consent. This recognises that children can be victims and perpetrators of the non-consensual sharing of intimate images.

Recognising that children can be the victims of these offences by other children is important, as it gives child victims access to the protections of the law and access to the remedy of the court's new power to make a take-down order requiring the deletion of images. To avoid overcriminalising activities by children, a key provision in the bill is the requirement of the approval of the Director of Public Prosecutions for the prosecution of children under the age of 16 years. This protection will apply on top of a police officer's pre-existing discretion to decline to charge a person for an offence, which police officers regularly exercise in appropriate circumstances in the case of conduct by children. The offences introduced by this bill are not registrable offences under the Child

Protection (Offenders Registration) Act 2000—that is, a person will not be placed on the Child Offender Register if convicted for one of these offences alone. A conviction for one of these offences by an adult against a child will be a trigger for a risk assessment by the Children's Guardian if a person is applying for a Working With Children Check. This is appropriate as the risk assessment process will allow the Children's Guardian to look at the full circumstances of the offence and determine whether the person poses a risk to children.

The member for Liverpool inquired about the progress of the child sex offences review. The Department of Justice will be releasing a discussion paper as part of the review shortly. The review will look at all of the child sexual offences in New South Wales, including how the laws apply to sexting by children. It will also consider any submissions from stakeholders about how those laws intersect with the offences introduced in this bill. The principal concern expressed by the member for Liverpool and most Opposition speakers in this debate, was that the take-down power in proposed section 91S would apply too late after conviction and could only be applied to a person convicted of one of the new offences. They referred to recommendation 6 of the Standing Committee on Law and Justice report on remedies for serious invasions of privacy in New South Wales—that the Privacy Commissioner be empowered to make take-down orders.

It is very likely that such an expanded power for the Privacy Commissioner would only be enforceable in New South Wales and not against foreign sites outside New South Wales. It would also be civil in nature, without an appropriate enforcement framework to ensure compliance with any order. This bill provides a tough incentive to enforce the take-down power—a breach is an offence punishable by imprisonment for two years or a fine of 50 penalty units, or \$5,500, or both. The concerns expressed by those opposite about the need for swift rectification action are entirely legitimate, but they overlook the place of New South Wales in a federation and what is happening at the Commonwealth level. New South Wales would have great difficulty in making any orders against foreign sites located in, say, the United States of America, but it does have jurisdiction over people who are physically present. Proposed section 91S focuses on what is jurisdictionally possible for the New South Wales Parliament and the Executive of New South Wales—that is, to require people in the jurisdiction who themselves do not host websites to take reasonable actions to ensure that material is taken down.

The Government recognises that swift take-down powers are appropriate to limit the harm to victims of this type of offending. But let us be clear: New South Wales is a state in a federal context, and the scope of the take-down power introduced by this bill is appropriate in that context. The Commonwealth Government is the best jurisdiction to deal with the cross-jurisdictional issues associated with regulating internet service providers and content hosts, many of which are located overseas. Indeed, the Commonwealth Government is acting on that front. In November 2015 the Senate referred the non-consensual sharing of intimate images to the Senate Legal and Constitutional Affairs References Committee for inquiry and report. The committee's report, which was tabled on 25 February 2016, contained a number of recommendations. In particular, recommendation 4 states:

The committee recommends that the Commonwealth government consider empowering a Commonwealth agency to issue take down notices for non-consensually shared intimate images.

On 23 November 2016 the Federal Minister for Communications, the Hon. Mitch Fifield, and the Minister for Women, the Hon. Michaelia Cash, announced that the Commonwealth Government would conduct a public consultation process on a proposed civil penalty regime for the non-consensual sharing of intimate images. It was proposed that the Children's eSafety Commissioner would be given additional powers to enforce the prohibition. On 20 May 2017 the Hon. Mitch Fifield, the Hon. Michaelia Cash and the Federal Justice Minister, the Hon. Michael Keenan, announced that the Government was calling for submissions on a proposed civil penalties regime that would target both perpetrators and sites that host intimate images and videos shared without consent, and that under the proposed regime the eSafety Commissioner could be given new powers to investigate complaints and take action to remove or limit the distribution of intimate images shared without consent.

As I said, the need for swift take-down powers has been appropriately raised by Opposition members, but they failed to take account of the federal structure in which New South Wales finds itself, and that given the constitutional distribution of powers, take-down powers against internet sites, particularly offshore sites, are best dealt with at the Commonwealth level. The Commonwealth Government is taking that action. We do not need two competing regimes, to the extent that any New South Wales government regime could be at all effective. It is a national framework with national principals—the States are dealing with criminal matters and criminal sanctions against those within their States, and the Commonwealth is looking at a broader range of civil penalties.

The member for Liverpool made reference to the submission of the President of the Children's Court, Judge Johnstone, in response to the discussion paper. Judge Johnstone's submission suggested that any New South Wales offences should be limited by a form of "reasonable person" test, rather than the "community standards" test that is used in Victorian legislation. The bill implements this suggestion. Proposed section 91T provides that an offence is not committed if a reasonable person would consider the conduct acceptable, having regard to a number of relevant factors. The bill also uses the concept of a reasonable expectation of privacy to limit the types

of images to which these offences will apply. This concept is already present in New South Wales legislation in the unlawful filming offences in division 15B of the Crimes Act 1900, and as such it is a familiar idea to New South Wales judicial officers.

The member for Liverpool noted that the Director of Public Prosecutions had submitted in response to the discussion paper that the maximum penalty for any new offences should be five years, consistent with the maximum penalty for the offence of stalking and intimidation in section 13 of the Crimes (Domestic Personal and Violence) Act 2007. The Government considered this suggestion but concluded that the offence of stalking and intimidation is an objectively more serious offence. That offence requires a mental element of intending to cause the victim to fear physical or mental harm. This is more serious than the mental element required for the new offences in proposed sections 91P and 91Q, which require the person to intend to record or distribute an intimate image, while knowing that the person in the image does not consent, or being reckless as to whether they consent. The new offence of threatening to record or distribute an intimate image has a mental element of intending to cause the person to fear the threat will be carried out, rather than intending to cause the person to fear physical or mental harm.

Additionally, the Government considered that a maximum penalty of three years would achieve greater consistency with the maximum penalties for similar offences in Victoria and South Australia. In Victoria, the maximum penalty is imprisonment for two years or imprisonment for one year for the offence of threatening to distribute an image. In South Australia, the maximum penalty is imprisonment for two years or imprisonment for four years when the victim is a child under 17. The member for Liverpool referred to the Legal Aid NSW submission in response to the discussion paper, which supported reforms, including an offence of threatening to share an intimate image. That submission noted that when such threats are made they are often acted upon and that the distress and harm caused by threats to distribute intimate images can be as significant as any actual distribution. The bill adopts this suggestion. It includes a new offence in section 91R of threatening to record or distribute an intimate image. As Legal Aid suggests would be appropriate, the new offence will apply to threats that are made whether or not the image in question exists.

Legal Aid also suggested that new offences should be classified as personal violence offences for the purposes of the Crimes (Domestic and Personal Violence) Act 2007. This classification allows victims to access an apprehended domestic violence order for their protection in appropriate circumstances. The bill reflects this approach, and amends the Crimes (Domestic and Personal Violence) Act 2007 so the new offences in sections 91P, 91Q and 91R are classified as personal violence offences for the purposes of that Act. To conclude, this bill strengthens the criminal law to protect people against the serious violations of their privacy that can happen through the non-consensual sharing of intimate images. It gives effect to the commitment, now made by all States and Territories, to make sure that there are offences in place that criminalise and deter this behaviour.

The bill has been carefully drafted so the offences it introduces capture unacceptable behaviour, but do not cast too wide a net. It includes safeguards for children and young people, and was developed through a detailed public consultation process. The bill provides a clear condemnation of the non-consensual sharing of intimate images, and the message that this sort of conduct should not be tolerated. I thank again victims, advocates, my predecessor the Hon. Gabrielle Upton, MP, and all those who participated in the drafting process. I also acknowledge the hard work done by the Department of Justice team—Mitch Hillier, Rebecca Mayo and, in particular, Mary Klein in my ministerial office. Mary was also working on this bill in my predecessor's office. I commend the bill to the House.

**TEMPORARY SPEAKER (Ms Anna Watson):** The question is that this bill be now read a second time.

**Motion agreed to.**

### **Third Reading**

**Mr MARK SPEAKMAN:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Community Recognition Statements*

#### **WARATAH WEST PUBLIC SCHOOL AVIARY**

**Ms SONIA HORNER (Wallsend) (13:21):** It was my pleasure to join the Waratah West Public School community in celebrating the opening of a new therapy bird aviary. The aviary was donated by Mr Charles Webster and built by the generous members of the Cardiff Men's Shed, including Dallas Hicks, Greg Walton, David Standen, Ken Ross, Barry Kimber, Bob Eveleigh and Steve Mahoney. A smoking ceremony opened the

proceedings before the aviary was dedicated to former principal Mrs Julie-Anne Kelly who recently retired. We have many wonderful memories of the principal of Waratah West Public School. I enjoyed visiting the public inauguration of this special new public school addition and wish the new principal, Nicola Moroney, all the best in the future.

#### **MANNING GREAT LAKES RIDING FOR THE DISABLED**

**Mr STEPHEN BROMHEAD (Myall Lakes) (13:22):** Around 1,000 people attended the Hallidays Point Garden Club Open Gardens on Saturday 6 May and Sunday 7 May. From the weekend approximately \$12,000 was raised with net profits to be donated to the Manning Great Lakes branch of the Riding for the Disabled organisation. People travelled from as far as Newcastle and Kempsey to attend the event. Some of the gardens took up to 18 months to prepare and involved a huge amount of work. Organiser Bill Lyndon said he was thrilled with the attendance and the money raised from the weekend. Figures were up on previous events and Mr Lyndon is keen to start preparation for the 2018 weekend as he is confident they can get even bigger numbers. When people live in an area with the natural beauty and sunshine of the Myall Lakes electorate, these types of initiatives are an ingenious way to promote organisations and to raise funds for worthy causes.

#### **CAMPBELLTOWN ELECTORATE SPORTS CLUBS GRANTS**

**Mr GREG WARREN (Campbelltown) (13:23):** I congratulate local sports clubs in my electorate that were successful in obtaining grants earlier this year under the Local Sport Grant Program. East Campbelltown Eagles Rugby League Football Club was awarded \$25,000 for the construction of a sun shelter for players and officials at Waminda Oval, as well as for the purchase of custom jerseys for their annual Indigenous round. Campbelltown Harlequins Rugby Club will receive \$7,000 to help buy junior uniforms and train volunteers in coaching and first aid. Campbelltown Cobras Soccer Club will get \$5,000 to help reduce the cost of jerseys for their players and, finally, Campbelltown Caspers Baseball Club will receive \$13,000 to install spectator seating at Mary Brookes Reserve in St Helens Park. I thank everyone involved in securing these grants, including all our councillors, Mayor George Brticevic, general manager Lindy Deitz and all the staff at Campbelltown City Council, for sitting on the panel to award these grants, in particular, Councillor Darcy Lound and Councillor Karen Hunt. Once again I congratulate all our wonderful sporting clubs.

#### **TASTE OF MANLY EVENT**

**Mr JAMES GRIFFIN (Manly) (13:24):** I congratulate the Northern Beaches Council and more than 40 businesses and stallholders on the recent Taste of Manly event. Manly welcomed nearly 100,000 people who over two days experienced some of the best food and wine the Northern Beaches had to offer along the iconic Corso and Manly beachfront. I specifically congratulate David Kerr and the planning and community team at Northern Beaches Council who put on a first-class event. The success of the event demonstrates the professionalism and dedication of the Northern Beaches Council, which yet again shows why Manly is an unbeatable place for community events and visitors. I have no doubt that the Taste of Manly event will continue to grow and provide the Manly economy with a winter boost. I thank the council for its hard work.

#### **SEVEN SUMMITS FUNDRAISING QUEST**

**Mr TIM CRAKANTHROP (Newcastle) (13:25):** Today I speak of a Newcastle businesswoman who is taking on the world's highest peaks in memory of her beloved son. I speak of Leah Jay. Ms Jay, an accomplished woman, has set up a successful property management business in the Hunter. She is also an advocate for raising awareness and funds for Motor Neurone Disease Australia. On Monday last week the Novocastrian successfully climbed Mount Everest in her quest to climb seven summits—the highest mountains on each of the seven continents. She is doing all this to honour the memory of her son, Elliot, who died in 2008 at the age of 19 after a 12 month battle with motor neurone disease. She now has one more mountain to climb, Denali Mountain in Alaska. We wish her the best of luck in her next climb and congratulate her on her success.

#### **TATUM PILCHER**

**Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:26):** I congratulate 10-year-old Tatum Pilcher of Grays Point on becoming junior dancer of the year at Australia's biggest national dance championships. Tatum competed against more than 200 dancers from around Australia and New Zealand for the title. She will compete in Barcelona, along with other dancers, representing Australia in the world dance movement competition. She has danced at K&V Dance Corp in Sutherland for the past six years.

#### **HARVARD CLUB OF AUSTRALIA SCHOLARSHIP RECIPIENT MELISSA PROCTOR**

**Ms TANIA MIHAILUK (Bankstown) (13:26):** I take this opportunity to congratulate Mrs Melissa Proctor, principal, Bass Hill Public School, who was recently announced as one of three recipients of the 2017 Harvard Club of Australia scholarship. Mrs Proctor joined the school in January 2014, creating a positive and

welcoming learning environment for the students who are excelling in all aspects of their education. The scholarship, which is valued at \$14,000, will enable Mrs Proctor to enhance her professional teaching skills by completing a program at the Harvard Graduate School of Education in June and July this year. I am so grateful to have a principal of the calibre of Mrs Proctor at Bass Hill Public School and I have no doubt that her outstanding abilities as a school leader will continue to improve following this opportunity at Harvard. Congratulations, Mrs Proctor.

#### **MIDDLE HARBOUR PUBLIC SCHOOL PREMIER'S READING CHALLENGE**

**Ms FELICITY WILSON (North Shore) (13:27):** Earlier this week I took part in the Premier's reading challenge with the brilliant students at Middle Harbour Public School class 4S. The challenge, catering to students from kindergarten to year 9, is aimed at fostering a love of reading in young people. I am delighted to note that the students at Middle Harbour Public School need no encouragement; their enthusiasm as we read together was magnificent. I am pleased to see that the next generation of young Australians shares my love of reading and literature.

In the same fashion, I am proud of and inspired by the hard work and dedication shown by incredible schools like Middle Harbour Public School, which will ensure that our children receive the best possible opportunities. The success of programs such as the Premier's Reading Challenge is a testament to the character and aptitude of our schools and teachers, and with schools and teachers such as ours the future of New South Wales is brighter than ever. Thank you to Middle Harbour Public School and relieving principal Carole Jaye for welcoming me and for being such an important part of our community. I commend them and all schools in our electorate of North Shore for their uptake of this special initiative.

#### **REDHEAD SURF LIFE SAVING CLUB PRESENTATION DAY**

**Ms JODIE HARRISON (Charlestown) (13:28):** Having just come from the meeting of the Parliamentary Friends of Surf Life Saving, I am pleased to bring to the attention of the House that on 21 May I had the pleasure of attending Redhead Surf Life Saving Club Presentation Day. The presentation of awards highlighted another successful year for the relatively small club, both at a competition level and protecting beachgoers at the iconic Redhead Beach. I congratulate the following members who have subsequently been nominated for Hunter Branch Awards of Excellence in each of the following categories: Steve Foggett, Life Saver of the Year; Boyd Conrick, Volunteer of the Year; Drew Blatchford, Coach of the Year; Gail Evans, Official of the Year; Lachlan Steffner, Young Life Saver of the Year; Nicola Owen Young, Young Female Athlete; Andrew Wright, Trainer of the Year; Daniel Collins, Senior Male Athlete; Lili Costello, Senior Female Athlete; Ethan Whiteman, Master; Marilyn Clarence, Master; and Lily, Seraina and Milly, Team of the Year. To top off the year, two of the club's members secured places in the Nutri-Grain National Ironman Series. Congratulations to Daniel Collins and Isak Costello. Well done.

#### **GMP PHARMACEUTICALS**

**Mr MARK TAYLOR (Seven Hills) (13:29):** I thank GMP Pharmaceuticals for hosting me at the opening of its new site in the heart of Western Sydney. At the facility, which is situated only a stone's throw away from my electorate, I met so many of the wonderful staff members who live in the Seven Hills electorate. It was great to visit a medium-sized enterprise that recognises the value of a growing area by deciding to build its next distribution and storage facility in the area. This decision was taken because my electorate of Seven Hills is so well connected to the rest of Sydney by road and by rail. My electorate is full of skilled and capable young people who are clearly willing and ready to grab the opportunities that come knocking at their door. Who would not want to work so close to home? It was clear to me when I attended the function that GMP Pharmaceuticals makes not only local employment a priority but also employee satisfaction. Proof of its contribution to the area was its hosting of the Biggest Morning Tea, with all funds raised going to the Cancer Council. What a great contribution that was. I thank Savita Mann and her team for inviting me to the opening.

#### **INGLEBURN ROTARY CLUB**

**Mr ANOULACK CHANTHIVONG (Macquarie Fields) (13:30):** I acknowledge and recognise members of the Rotary Club of Ingleburn for their ongoing commitment and service to our local area. This Saturday, the Rotary Club of Ingleburn is celebrating its fortieth year. I wish the club an enjoyable celebration on this great milestone. There are not too many community events in which members of the Rotary Club of Ingleburn do not participate. Wearing their blue and yellow shirts, they take care of the sausage sizzle or host an event to help many needy causes. Barry, Drew, Bill, Jan, Ken, and every member of the Rotary Club of Ingleburn are dedicated local people who have done so much for our local community. They seek nothing in return, aside from the enjoyment of seeing our community prosper and extolling the value of helping others. The club has dedicated 40 years to community building and to serving others. Undoubtedly, it will dedicate many more years to bringing

happiness and joy to the people of our community. I thank every member of the Rotary Club of Ingleburn for their continual dedication and I wish them a wonderful and well-deserved celebration on their fortieth anniversary.

### AUSTRALIAN SAILING COMPETITORS

**Ms LIESL TESCH (Gosford) (13:31):** Today I am very proud to recognise in the House my Australian brothers in sailing, who are dominating the qualifying series for the 2017 America's Cup, even though Australia does not have a challenging team. This week, off the coast of Bermuda, eight Australian sailors, five of whom spent their formative sailing careers in New South Wales, will be racing in this prestigious event. Growing up in Pittwater, Jimmy Spithill is currently helming the Team USA's entry, supported by teammates Tom Slingsby from Gosford, Kyle Langford from Lake Macquarie and Ky Hurst from the Gold Coast. Our Wangi Wangi heroes from Lake Macquarie, Nathan Outeridge and Iain Jensen, are competing for Swedish team Artemis Racing. Victorian Glen Ashby has taken Australian expertise around the world for numerous seasons and is skipper for team New Zealand, whilst Western Australia's Luke Parkinson is a grinder for Artemis Racing.

Since the success of the Boxing Kangaroos in the America's Cup in 1983, Australians have continued to dominate international sailing competitions. The America's Cup is arguably the pinnacle of world sailing, the F1 on the water. High-performance catamarans push engineering boundaries as sailors fly on hydrofoils above the water at speeds of over 45 kilometres per hour. I commend Australian Sailing's investment in our Aussie sailors, from grassroots inclusion, where all these guys originated, to international elite sport, where Aussie talent earns some of the highest athlete incomes in the world.

**TEMPORARY SPEAKER (Ms Anna Watson):** I will now leave the chair. The House will resume at 2.15 p.m.

#### *Visitors*

### VISITORS

**The SPEAKER:** I extend a very warm welcome to the ladies from the Albion Park VIEW Club, guests of the Parliamentary Secretary for the Illawarra and South Coast, Parliamentary Secretary for Education and member for Kiama. VIEW is a wonderful organisation. I congratulate you on the work that you do. I welcome to the gallery the Mayor of Junee Shire Council, Councillor Neil Smith, and the General Manager, James Davis, guests of the member for Cootamundra—a beautiful part of the world. I also welcome to the gallery Dr Margaret Buckham, Peter Dollin and Ross and Heather Coster, guests of the member for Blue Mountains.

#### *Governor*

### ADMINISTRATION OF THE GOVERNMENT

**The SPEAKER:** I report the receipt of the following message from the Hon. Thomas Frederick Bathurst, AC, Lieutenant-Governor of the State of New South Wales:

T F BATHURST  
Lieutenant-Governor

GOVERNMENT HOUSE  
SYDNEY

The Honourable Thomas Frederick Bathurst AC, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General The Honourable David Hurley AC DSC (Ret'd), being absent from the State, he has assumed the administration of the Government of the State.

Tuesday, 30 May 2017

#### *Notices*

### PRESENTATION

[During the giving of notices of motions]

**The SPEAKER:** Order! The member for Strathfield will resume her seat. The member will cease arguing. The interjections from Opposition members are childish.

#### *Question Time*

### FIRE AND EMERGENCY SERVICES LEVY

**Mr LUKE FOLEY (Auburn) (14:23):** My question is directed to the Premier. In light of today's comments by the Insurance Council of Australia that the Government's reversal of the fire and emergency services levy will see insurers pass on "tens of millions of dollars in costs to customers along with the resumption of the ESL", how much extra will people have to pay on their insurance premiums because of your incompetence?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:24):** I start off by saying that I appreciate the comments by the insurance industry. Labor can defend the insurance companies.

**Mr Ryan Park:** You were supporting them.

**The SPEAKER:** Order! I call the member for Keira to order for the first time. If interjections continue, members will be removed from the Chamber. I call the member for Prospect to order for the first time.

**Ms GLADYS BEREJIKLIAN:** We will always do what is fair and right by the people of New South Wales.

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

**Ms GLADYS BEREJIKLIAN:** By the way, Opposition members should not pretend to care about this. Where were they yesterday?

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

**Ms GLADYS BEREJIKLIAN:** Yesterday the Opposition asked four questions on a topic that I am still trying to work out. If they really cared about this why did they not ask me about it yesterday? We have learned to expect that level of incompetence from the Leader of the Opposition. But I am disappointed with the member for Maroubra, as he normally does not just do what he is told. He should have known better and reworked their strategy yesterday. I say to those opposite that we will always do what is in the best interests of individuals, families and small- and medium-sized businesses. That is why we are in government.

#### BEFORE AND AFTER SCHOOL CARE

**Mr BRUCE NOTLEY-SMITH (Coogee) (14:25):** My question is addressed to the Premier. How is the New South Wales Government helping parents and carers by expanding before and after school care and other services?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:26):** I thank the member for Coogee for his question and say what a great morning we had this morning at Randwick Public School. The priority of any government is to improve services and ensure quality services are delivered where they are needed most. By any measure, we are happy to be judged by the quality of services and the number of frontline services we provide. That cannot be done without a strong budget and strong economic discipline, whether it is in health, education transport, protecting the vulnerable or helping our State's families. That is the essence of good government. I contrast that to the record of those opposite. Labor blew the budget, had crippling deficits and a mountain of debt, slashed public transport services, oversaw long waiting lists in hospitals—

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

**Ms GLADYS BEREJIKLIAN:** In every area of service delivery we have improved the quality of life of our citizens. Given that the member for Coogee asked a pertinent question about early childhood, I am pleased to say that since 2011 we have invested more than \$1.6 billion in early childhood education.

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

**Ms GLADYS BEREJIKLIAN:** Members opposite do not like the truth.

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

**Ms GLADYS BEREJIKLIAN:** In fact, the budget provided over \$380 million this financial year alone. Today we saw another example of how strong financial discipline has allowed us to invest in the services that matter most to individuals and families. Today the member for Coogee, the Minister for Early Childhood, the Hon. Sarah Mitchell, and I had a great morning at Randwick Public School. At the school, we were able to share the good news about the Government's expansion of our \$20 million Before and After School Care Fund. I thank the students not only for their warm welcome but also for the choir's rendition of a very popular song from the popular movie *Moana*. It was so great, they actually sang it twice for us. I appreciated that and I thank them for their efforts.

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

**Ms GLADYS BEREJIKLIAN:** We were there especially to find out from the students what they thought of their before and after school care and also vacation care. The school had received a grant to improve

its before and after school care, which allowed more children to use those services and more families to feel less stress because they knew their local school community had provided those facilities. In fact, I was pleased to hear that more than 300 children were part of the before and after school care program and vacation care program at Randwick Public School.

**Ms Sophie Cotsis:** How many are on the waiting list?

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

**Ms GLADYS BEREJIKLIAN:** I will answer that ignorant interjection.

**The SPEAKER:** Order! I remind members that interjections are disorderly at all times.

**Ms GLADYS BEREJIKLIAN:** Today's announcement expands the grants available for before and after school care to non-government organisations. The Government wants to see more organisations involved in this program. So far, there are 160 schools and five councils that provide this level of care for families, and the Government wants to ensure this is expanded. The Government is pleased that it is able to expand the grant and phase three of the program to non-government organisations to provide this vital care. Families across the State are benefiting from this. Families with working parents and carers need to juggle the responsibilities of school and family life.

This Government is doing all it can because it appreciates the pressure on households. I encourage schools and non-government organisations to apply in order to improve the opportunities for families to utilise these vital services. When it comes to early childhood, education, before and after school care and health services, this Government gives a boost to the front line. It does not please those opposite but, since its election, this Government has employed 3,600 additional nurses and 880 allied health professionals. I will not mention the Opposition failings in transport. When in government, the Opposition managed to slash services. [*Extension of time*]

This Government has put on thousands of extra weekly services, whether they are train, bus or ferry. This Government has improved frontline services. Health, education and transport are important frontline services to the community. This Government has boosted the front line and improved those quality services because the Coalition understands what it means to families and individuals. The children that the member for Coogee and I met this morning at Randwick Public School want a chance to reach their full potential, and they will rely on these services, as will their families. That is what it is about. The Opposition wasted billions of dollars and was not able to get the budget into the black or manage the economy, while on this side of the House we have the resources to make a difference. I cannot wait for next month's budget because there will be more services, infrastructure and projects to deliver benefits to hardworking families.

#### FIRE AND EMERGENCY SERVICES LEVY

**Mr RYAN PARK (Keira) (14:32):** I direct a question to the Premier. I refer to the Premier's comments on 16 February in this place in relation to the fire and emergency services levy. The Premier said that one of the things she is most proud of about this policy is that it makes insurance premiums more affordable. Will the Premier explain to the House how that is going?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:32):** That is why that man should never be the Treasurer of New South Wales. Has the member worked out the difference between capex and opex yet? No. Does the member know what he is talking about?

**The SPEAKER:** Order! Opposition members will cease interjecting.

**Ms GLADYS BEREJIKLIAN:** That is a cutting question from the future Treasurer of New South Wales, or so he thinks.

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

**Ms GLADYS BEREJIKLIAN:** As I said yesterday and I repeat today, this Government will do what is in the best interests of the people of New South Wales. It is interesting that whenever the Opposition pops its head up in relation to economic management or budget discipline it embarrasses itself.

**The SPEAKER:** Order! I call the member for Keira to order for the third time. I warn the member for Keira that if he continues to interject he will be asked to leave the Chamber.

**Ms GLADYS BEREJIKLIAN:** I say to those opposite, when any one of them gets a budget back into black or demonstrates economic growth they can then ask me a question.

**The SPEAKER:** Order! I remind the member for Prospect that he is on two calls to order.

### NSW POLICE FORCE

**Mr KEVIN ANDERSON (Tamworth) (14:34):** I address a question to the Minister for Police and Emergency Services. Will the Minister update the House on what the Government is doing to support the NSW Police Force as its officers protect the people of New South Wales?

**Mr TROY GRANT (Dubbo—Minister for Police, and Minister for Emergency Services) (14:34):** I thank the member for Tamworth for his question and reassure him that he is part of a government that is committed to getting it right. When it comes to policing and community safety, this Government will support the men and women who day in and day out dedicate their lives to protecting the community. Their dedication is exemplified by the heinous murder yesterday of Senior Constable Forte in the Lockyer Valley, Queensland. On behalf of this Parliament, I contacted the Queensland police commissioner, the Minister for Police in Queensland and the president of the Police Association to pass on the condolences, sympathy and solidarity of this Parliament in support of Senior Constable Forte's family and the Queensland police force as they struggle with this tragedy.

Crucial to the approach to support the NSW Police Force is the recognition that a one-size-fits-all policing model is inadequate in addressing the very difficult nature of crime across the State. Every city, town, village and community in this great State of New South Wales deserves the opportunity to implement a unique and localised approach to solving its specific law and order issues. Last month I joined the new Commissioner for Police, Mick Fuller, APM, to announce the appointment of this State's first ever Deputy Commissioner for Regional New South Wales, Gary Worboys, APM, and the first Deputy Commissioner for Metropolitan New South Wales, Jeffrey Loy, APM. Underpinning the re-engineering of the NSW Police Force is the firm belief that the force should reflect the community that it serves. The appointment of these new dedicated positions is testament to this Government's commitment to ensure that every corner of this State is represented at the highest level of the police executive. They are directly accountable for community policing at all commands across New South Wales.

As I have said before and I will continue to say, often police in regional New South Wales face unique crime trends that are vastly different to the crime scene in metropolitan areas. Deputy Commissioner Worboys will ensure regional New South Wales has a strong voice on the New South Wales police executive. He will ensure that the communities of regional New South Wales benefit from the depth, skills, knowledge and experience that he possesses. Our regional deputy commissioner of police [DCOP] has hit the ground running and on his second day in the job joined the Commissioner of Police and the member for Tamworth in that regional city. They confirmed new regional enforcement squads—which have been used in the metropolitan area for some time—will be deployed to regional areas to tackle low- to mid-level crime, such as ice and rampant break and enters plaguing the community. Our country police will now be better placed to disrupt and prevent crime in regional and rural areas.

We cannot underestimate the role that the community plays in the fight against crime. We rely upon communities to engage and effectively work together with local police in order to combat crime and promote community safety. In our opinion, locals know what is best for the bush. Regional communities work best when everyone comes together with a shared goal to prioritise community safety and encourage pride throughout the region. We see this when local commands, local government, local businesses and local community leaders work as a team. I saw this firsthand when I visited Moree last week with the member for Northern Tablelands.

Western Region Commander, Assistant Commissioner Geoff McKechnie, APM, local councillors from Moree Plains Shire, council workers and Neighbourhood Watch representatives all sat around a table to talk about some of the challenges they face. Members on this side of the House back community efforts. We work with the community to support their specialised and individualised efforts. The Attorney General and I had the privilege to support Moree through the NSW Community Safety Fund, which is a \$240,000 grant to work with the local youth program run by Miyay Birray. [*Extension of time*]

The community group works closely with local police as well as local sporting groups and art clubs to pick up kids who lack transport to go to events and to keep them safe in their community. It is one example of how this Government is backing a local community and local cops. More grants have supported other regional areas in remote New South Wales. One of the most outstanding police officers in Bourke, whom the member for Barwon will know well, is Superintendent Greg Moore, APM. He is also well known to the Minister for Health through the justice reinvestment program. He and I visited the local preschool. One may wonder what a preschool has to do with crime prevention—a hell of a lot. I was proud to present a \$170,000 grant on behalf of the Attorney General to Eternity Aid, which was working in that region. They work in early childhood intervention to ensure that young people are learning at the key stages of their lives how to stay safe and that they and their families are receiving the right messages of support throughout that crucial learning period.

Furthermore, in Broken Hill, the local Police Citizens Youth Club received funding for the exciting programs that they are implementing in their community. We are not only investing in regional commands. The entire New South Wales community is benefiting from this investment to reshape the Police Force so they can better support their communities. On the big issues, we have backed the Fixated Persons Unit, which was established by the commissioner to investigate persons engaging in activities bordering on terrorism; a new investment has been made in aircraft to upgrade the technology being used to combat crime; and more investments will be made to ensure that we have a safe and secure New South Wales.

#### **DARLEY ROAD, LEICHHARDT, LEASE**

**Mr MICHAEL DALEY (Maroubra) (14:42):** My question without notice is directed to the Premier. Will the Premier confirm that at the time she was transport Minister, Transport for NSW received probity advice on the request for the extension of a lease on RailCorp property in Darley Road, Leichhardt, and on the basis of that advice she recommended that the extension not be granted and that the lease be put out to public tender instead?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:42):** It is interesting to get this question again today. I assume the Opposition is asking me about an article that was written in February 2008; calm down, let us get this right. I am being asked whether Transport for NSW gave me advice on something and then the advice went back? Is that the question? When is the advice dated?

**Mr Michael Daley:** Do you want me to repeat the question?

**Ms GLADYS BEREJIKLIAN:** Absolutely, repeat the question.

**The SPEAKER:** Order! Does the Premier want the question repeated?

**Ms GLADYS BEREJIKLIAN:** Yes, because it did not make sense.

**The SPEAKER:** The member for Maroubra will repeat his question.

**Mr MICHAEL DALEY:** It made perfect sense. Will the Premier confirm that at the time she was the transport Minister, Transport for NSW received probity advice on the request for a lease extension on RailCorp property in Darley Road, Leichhardt, and on the basis of that advice she recommended that the extension not be granted when the lease expired and, instead, that it be put out to market for the best offer?

**Ms GLADYS BEREJIKLIAN:** The question is: Did we get advice from Transport for NSW and did they make a recommendation? Guess what, I probably got thousands of bits of advice from Transport for NSW, and, guess what, when a member is a Minister, that is what happens.

**Mr Michael Daley:** Point of order—

**The SPEAKER:** Does the member for Maroubra want to ask the question again?

**Mr Michael Daley:** It is Standing Order 129. I am happy for the Premier—

**The SPEAKER:** Order! The Premier is being relevant. The member for Maroubra will resume his seat.

**Mr Michael Daley:** —to supply the House with a subsequent answer and to table the advice when her staff looks for it.

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

**Ms GLADYS BEREJIKLIAN:** Yesterday when I was asked four questions on this I said to those opposite, "Put up or shut up." What is the Opposition talking about? What are they accusing me of? They should tell us what they have. Yesterday when we walked out of question time everyone opposite had their heads down low. They were not happy with the strategy yesterday. In fact, the strategy was great for us, but it was not too good for the Opposition. In fact, I had a couple of Opposition members—I will not out them because I happen to like them—tell me that members are starting to do the numbers for the member for Kogarah. We walked out of here and said, "What was that about?" Then a couple of members confessed they were doing the numbers for the member for Kogarah. He is smiling because he knows it is true. The member for Rockdale knows it is true as well.

**Mr Michael Daley:** Point of order—

**Ms GLADYS BEREJIKLIAN:** And guess what, they are not doing the numbers for the member for Maroubra.

**Mr Michael Daley:** The Premier is correct.

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

**Mr Michael Daley:** The member for Kogarah is doing the numbers and he is getting the transport Minister to do the headcount for him.

**The SPEAKER:** Order! There is no point of order. I call the member for Maroubra to order for the second time.

**Ms GLADYS BEREJIKLIAN:** I say to those opposite, if they want to ask the Premier of this State a question they must do better than that.

### SCHOOL RESOURCES AND INFRASTRUCTURE

**Mr JAI ROWELL (Wollondilly) (14:45):** My question is addressed to the Minister for Education. How is the Government delivering an improved learning environment for students and teachers?

**Mr ROB STOKES (Pittwater—Minister for Education) (14:46):** I thank the member for Wollondilly for his question and for his passionate advocacy on behalf of the parents and students in his wonderful constituency, which is one of the important peri-urban areas on the outskirts of the burgeoning metropolis of Sydney.

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

**Mr ROB STOKES:** In a former portfolio, I joined the member for Wollondilly to see the great work that Debra Gray and her team are doing at Wilton Public School. This school is growing as the community grows. I am sure I will be joining the member for some more exciting announcements in his electorate in the future. This Government provides educational resources in response to the needs of our community. The needs-based funding formula is at the heart of the National Education Reform Agreement. That is why we are passionate supporters of the Gonski agreement and that is why New South Wales was the first State in Australia to sign up. We knew it was the right thing to do for parents, students and families in New South Wales. Last year we saw \$13.7 billion allocated to operating expenditure [opex] for the Education portfolio in New South Wales, of which approximately \$12 billion went to New South Wales public schools and \$1.2 billion went to support our partners in Catholic and independent schools.

We also saw \$554 million in funding go towards supporting the infrastructure needs of our schools. That money is allocated to build new schools so we can cope with our growing population, as well as to meet infrastructure challenges, which is an ongoing issue in many of our schools in the communities we are pleased to represent. I will talk first about what we have been doing in teaching and learning, which is at the heart of schools in our communities. In September last year, the former Minister for Education, the member for Murray—who did a wonderful job over six years—was able to announce the NSW Literacy and Numeracy Strategy. An amount of \$340 million will go towards providing the fundamental elements of learning for students in New South Wales.

In 2017, providing the underpinnings of literacy is more complex than it has been at any point in the history of this State. It is important that we support teachers in their critical role of educating our young children in literacy. We must support them in the explicit teaching methodology that is required, particularly in a child's early learning years, so that every child has the best start to learning literacy and numeracy skills, which we know are the cornerstones of every other learning element in our schools. We are not stopping there. We are making an initial 236 school counselling positions available to recognise that schools are not just simply places of didactic teaching and learning but they are communities. We have a range of students with all sorts of complex needs, including emotional needs, that need to be supported. We also have a range of programs to deal with very special communities in New South Wales that require additional support.

For example, our Connected Community strategy continues to address the educational and social needs and aspirations of students in 15 schools in 11 of the most complex and vulnerable communities in New South Wales. I met some absolutely inspirational executive principals, such as Kylie Pennell and Andrew Ryder from Bourke who are doing an incredible job supporting students and their families who require their love, support and care. In the past year alone under the resource allocation methodology \$219 million has been provided to support students based on need. We are already seeing the results of this additional funding right across New South Wales. We recognise that every school community is different and each school community will make decisions about the best way to get the best learning outcomes. One of the most inspirational stories I will share with the House is about principal Peter Rouse from Canley Vale High School. [*Extension of time*]

I will share just one story but if time permitted I could share a host of other stories with the House for the benefit of anyone who might dare to suggest that this additional funding is not producing results in our schools. The additional funding that has been provided under Gonski in Canley Vale High School has been used to employ four teachers and four support staff to implement a year 7 and year 9 literacy program, which has led to

a significant increase in literacy results that has been mapped in that school. The school has also used the money to increase the number of English as a Second Language students being supported from 256 in 2014 to 1,286 in 2017 by employing four teachers and a head teacher.

In 2016 Canley Vale High School was the highest ranked in Higher School Certificate results for New South Wales amongst schools with the lowest levels of socio-economic disadvantage. This improvement directly correlates with the increased funding available under the needs-based Gonski model. That is just one example of what we are doing in New South Wales to support every student in every school, and every parent, family and community because we know that the better results we can get in our schools—educationally, emotionally and at every level—will support more productive and engaged citizens who can help make an even better New South Wales in the years to come.

#### **DARLEY ROAD, LEICHHARDT, LEASE**

**Mr LUKE FOLEY (Auburn) (14:52):** My question is directed to the Premier. Is it the case that despite the recommendation of Transport for NSW to put the lease on Darley Road to public tender, after lobbying from former Liberal leader Kerry Chikarovski the agency then commissioned an alternative probity advice regarding the lease of RailCorp land at Darley Road, Leichhardt?

**Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:53):** I told the Leader of the Opposition yesterday to put up or shut up, but he did not get it so he asked me four questions today. The Leader of the Opposition claims the community cares about all these issues yet he asked me a question on a matter that, according to the article in the newspaper, occurred in 2012. He is only five years late. The article did not say who was lobbied but they pretended it was the Premier and so asked me the question. That is not good enough, Leader of the Opposition. It is not good enough. It does not pass the test. That is lazy, lazy, lazy. The Leader of the Opposition should not rely on a newspaper article which did not name me and ask me the question. I told him yesterday if he has anything to put it up. I do not have a recollection of ever meeting Kerry Chikarovski. I say to those opposite if they want to ask the Premier of New South Wales a question, six of them in a row, they have to do better than that. It is no wonder they are starting to do the numbers. I know the member for Rockdale is very excited about that prospect.

**Mr Michael Daley:** Point of order: My point of order is Standing Order 129. Perhaps the Premier could give an undertaking to the House to table all the documents that Transport for NSW holds, and make sure you ask Tim Riordan about some documents specifically.

**The SPEAKER:** Order! The member for Maroubra will resume his seat. He does not get a second bite of the cherry. I call the member for Maroubra to order for the third time.

**Ms GLADYS BEREJIKLIAN:** I am happy to respond to that interjection. Why does the member not table the allegations he is making? Why does he not actually back up what he is saying? Why does he not prove that his questions are more than an article that came out three months ago in the *Sydney Morning Herald*? Because he cannot. No wonder the members are overlooking the Leader of the Opposition and going straight to the member for Kogarah. The last two days have demonstrated why they are not fit for government. They are lazy. They do not do their homework and they are not fit to run the Treasury benches.

**The SPEAKER:** Order! I warn the member for Maroubra that he will be removed from the Chamber if he continues to interject.

#### **FAMILY AND COMMUNITY SERVICES PROGRAMS**

**Mr ADAM CROUCH (Terrigal) (14:56):** My question is addressed to the Minister for Family and Community Services. How is the Government supporting our most vulnerable?

**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) (14:56):** The member for Terrigal has an unwavering commitment, like all members on this side of the House, to support our most vulnerable. Last year's budget increased Family and Community Services [FACS] funding to more than \$6 billion.

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

**Ms PRU GOWARD:** The people of New South Wales expect us to support the most vulnerable in our community, and our Government is doing just that. I begin with child protection. In last year's budget, we promised to deliver \$560 million over four years in new funding to deliver services and reform child protection and out-of-home care. In particular, we are investing \$190 million of that to help a range of organisations deliver

intensive, evidence-based therapeutic programs. This will prevent children from entering out-of-home care, increase work to safely restore children to their home and ensure children in care are safe and secure.

The Government's vision for out-of-home care, Their Futures Matter, places vulnerable children and families at the heart of services. It brings together all New South Wales government agencies, non-government organisations and the community to deliver the right supports. This groundbreaking initiative will see a complete shift in how government responds to vulnerable children and families. We want to work with families to keep them together, but to break the cycle of abuse and neglect we need to address the complex problems where children unsafe with their parents.

Earlier this year the Premier and I announced the successful providers for the world-class services which will help keep families together through new evidence-based intensive intervention programs. This will help 900 children each year. These models work with families to target the causes of abuse and treat trauma. In 15 priority locations around the State—Nowra, Shellharbour, Wagga Wagga, Blacktown, Tamworth, Edgeworth, Wyong, Penrith, St Marys, Macarthur Ingleburn, Fairfield, Central Sydney, Dubbo and Coffs Harbour—non-government organisations will be delivering new models of therapeutic care. I turn now to adoption. Children can thrive when they know who will love and care for them throughout their childhood. A focus on achieving this stability of care for children will be achieved first by increasing safe returns home and then permanent options for their care through guardianship orders or open adoption if return is not possible.

This year we are on track for a record number—more than 100—of adoptions. We are also delivering more for our vulnerable families through our social housing reforms. Last year's budget delivered \$1.1 billion for social housing assistance and homelessness services to support vulnerable people. Future Directions includes a number of initiatives such as Communities Plus and the Social and Affordable Housing Fund [SAHF], which will boost the supply of social housing stock for those most in need. Phase one of the SAHF will deliver 2,200 additional social and affordable homes, including a component to specifically deliver for older residents and women affected by domestic violence—a great result. The first tranche of homes, 33 dwellings, is now being rolled out by Uniting. These dwellings are for tenants over the age of 55 without children at home. They will be the first of many under this great initiative.

Through Communities Plus the Government is delivering approximately 23,000 new and replacement social housing dwellings and 500 affordable housing dwellings. I remind the House that New South Wales has the biggest social housing building program of any State or Territory in this country. The Government is also committed to the prevention of homelessness, which is why we have allocated \$188 million to homelessness services this financial year. This will include special homelessness services and programs for homeless youth and referral services such as Linked2home. We are committed to preventing this crisis and we know how critical it is to take services to people experiencing homelessness. The Family and Community Services [FACS] housing staff have worked with people who are sleeping rough in Martin Place, Woolloomooloo, Wentworth Park, Parramatta, wherever they are. [*Extension of time*]

In addition to the pop-up housing offices, we have rolled out our tradie pop-ups for social housing tenants. These pop-ups will mean that residents can meet contractors on site to report their maintenance issues and have them reviewed immediately. I am advised that they will be hosting at least 40 in 2017 alone. Finally, I remind the House of our huge investment this year in domestic violence initiatives. In last year's budget we doubled the investment to \$100 million over four years in Start Safely, which provides private rental subsidies for people leaving domestic violence. It helps women and children affected by domestic violence to gain critical housing independence. In last year's budget we doubled the investment in specialist domestic violence initiatives to more than \$300 million over four years across all government agencies. As part of that we have allocated \$22 million over four years to police high-risk offender teams, and a great rollout of that is occurring now.

Last year we also introduced the \$20 million Domestic and Family Violence Innovation Fund for early intervention and crisis responses, and I will be announcing the successful bidders from the first round very soon. Last year's budget also allocated \$53 million over four years for a statewide rollout of Safer Pathways. I am thrilled that our integrated multi-agency response to high-risk domestic violence victims is now operating in 27 sites. In the last 12 months we have also invested in the important Women's Domestic Violence Court Advocacy Program. I think we can safely say that this Government now leads the nation in tackling domestic violence. I am very proud that our Government is investing record amounts of money in supporting our most vulnerable. [*Time expired.*]

#### ABORIGINAL CHILD PLACEMENT

**Ms TAMARA SMITH (Ballina) (15:03):** My question is directed to the Minister for Family and Community Services. How is the Government working with Aboriginal groups such as the Bundjalung-Ballina Grandmothers Against Removals to ensure that children in out-of-home care are placed with carers from an

Indigenous child's extended family or kinship group, as mandated by the Children and Young Persons (Care and Protection) Act 1998?

**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) (15:04):** I thank the member for her question. Sadly, as in other States and Territories, Aboriginal children and young people are over-represented in out-of-home care in New South Wales. At 30 June 2016 there were almost 7,000 Aboriginal children in care, representing 37.3 per cent of the total New South Wales out-of-home care population. When Aboriginal children come into care the caseworkers work very hard to place them with appropriate carers. In New South Wales 77.5 per cent of Aboriginal children and young people in out-of-home care are placed with a relative, either an Aboriginal or non-Aboriginal relative, or with an Aboriginal foster carer. But we need to do more to stop Aboriginal children from coming into care in the first place. Following an independent review of out-of-home care last year, the New South Wales Government will invest \$90.5 million over the next four years on approximately 900 new evidence-based family preservation and restoration places. These are places in specialist programs that help keep children safely at home with their families or restore children to their families after risks to safety have been addressed—50 per cent of those places will be for Aboriginal children and families.

As I said, Aboriginal children and young people are over-represented in out-of-home care, making up one-third of all children in care. To better understand how to respond to these clearly unacceptably high numbers, an independent review of the circumstances of the 1,152 Aboriginal children who entered care in New South Wales between 1 July 2015 and 30 July 2016 has now commenced. Megan Davis, a law professor at the University of New South Wales, is overseeing the review. She will be supported by an advisory committee of community members who will contribute their expertise to develop a better response to the needs of children, their families and communities.

**The SPEAKER:** Order! I call the member for Bankstown to order for the third time. The member will be removed from the Chamber if she interjects again.

**Ms PRU GOWARD:** Children and young people, their families, caseworkers and other service providers will be asked to share their experiences to inform the recommendations and outcomes of the review. In undertaking the review we are honouring a commitment by the New South Wales Government following the May 2016 forum Our Kids our Way: Hearing the Voice of Aboriginal People. That forum raised serious community concerns about the experiences of Aboriginal people and young people in out-of-home care and highlighted the disproportionate rate of removal. Improving our focus at the front end to prevent children and families from escalating through the child protection system is clearly critical. The Department of Family and Community Services [FACS] has targeted early intervention reform that will enable FACS districts to work collaboratively with local Aboriginal communities, such as those referred to in the member's question, to redesign existing targeted earlier intervention services to improve outcomes for vulnerable Aboriginal children and families.

We are supporting the Family Matters campaign of the Secretariat of National Aboriginal and Islander Child Care, which is aimed at reducing over-representation of Aboriginal children. FACS continues to work closely with the advocacy group Grandmothers Against Removal to implement the "Guiding principles for strengthening the participation of local Aboriginal community in child protection decision making". I am advised that this year FACS will fund Aboriginal child and family centres—more than \$50 million over the next four years—to deliver early childhood education and care needs; provide approximately \$8 million per annum to fund 10 Aboriginal intensive family-based services across New South Wales; implement a new Cultural Care Plan for all Aboriginal children and young people in care; and conduct Aboriginal-specific research activities with a focus on identification, Aboriginal child placement principles, out-of-home care support, preservation, restoration and participation to ensure the best informed policy and program development for these vulnerable children.

#### PUBLIC TRANSPORT SERVICES

**Mr MARK COURE (Oatley) (15:09):** My question is addressed to the Minister for Transport and Infrastructure. How is the Government's record investment in transport delivering more and better services to customers?

**Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:10):** Hooray for Coure! That is how you ask a question. It is much better than the questions from the commos opposite. The Soviets are in, busily wanting to nationalise the State's bus network. What a great question.

**The SPEAKER:** Order! Members will come to order. The member for Cessnock will come to order. I remind the member for Bankstown that she is already on three calls to order.

**Mr ANDREW CONSTANCE:** As I was saying, it is great to be delivering 19,000 additional weekly transport services across New South Wales. In the past year alone, there were 3,000 extra bus services and 300 extra train services. As the Parliamentary Secretary knows, we are also delivering incredible station upgrades in places such as his electorate of Oatley, in Heathcote and at Museum and Flemington—a whole raft of places.

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

**Mr ANDREW CONSTANCE:** I am very happy to inform the House today that we are also investing in services in a great place like the Blue Mountains.

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

**Mr ANDREW CONSTANCE:** Despite the efforts of the member for Blue Mountains to trash public transport, we are going to deliver additional express services to her electorate. There will be 24 brand-new express services to her electorate—dedicated eight-car train services, particularly to service tourism.

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

**Mr ANDREW CONSTANCE:** I also acknowledge the great member for Bathurst, who is getting an additional service. I thank him and Shayne Mallard in the other place, who lives in the Blue Mountains, for their constructive advocacy for more services to the Blue Mountains. They have shown how to do it—no whingeing, no complaining, just getting on with the job and advocating well. Very pleasingly, we now have 25,000 additional seats servicing the people of the Blue Mountains, with approximately 18,000 of those additional seats on the weekends. That is great news for the people of the Blue Mountains.

**The SPEAKER:** Order! Members will cease interjecting. I call the member for Blue Mountains to order for the third time. She will cease interjecting.

**Mr ANDREW CONSTANCE:** This is all part of our \$1.5 billion more trains, more services program. We have already started to roll it out. We have been announcing additional express services from places such as Parramatta, which is represented by another great advocate, and Campbelltown, where there is not such a great advocate.

*[Interruption]*

Go back to pulling out the weeds, mate. There are also additional services to the airport. This Government is building light rail. Is that not tremendous for the member for Parramatta, and of course for the people of the eastern suburbs? All those lovely students at the University of New South Wales are also going to get a new light rail service. I note the member for Strathfield—who is a very special member of this place—decided to call a press conference the other night to demand extra public transport services to the university. The only problem was that she was standing outside a construction site for the light rail project. There she was asking for more public transport. Turn around Jodie, there it is, tomorrow's Sydney. We are building it.

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

**Mr ANDREW CONSTANCE:** What particularly amused me were the great words that the good member used. She described the light rail project as a "vanity project". Of all members to use the word "vanity". We will get on with the job of building the transport system. This is a great program: 19,000 additional trains and bus and ferry services for the good people of this great State. I will have more to say in due course about the Rail, Tram and Bus Union and Luke Foley.

#### *Documents*

### **VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2016-17**

**Mr DOMINIC PERROTTET:** In accordance with section 26 of the Public Finance and Audit Act 1983, I table the Variations of the Consolidated Funds Receipts and Payments Estimates and Appropriations 2016-17.

#### *Petitions*

### **PETITIONS RECEIVED**

**The SPEAKER:** I announce that the following petition signed by more than 10,000 persons has been lodged for presentation:

### **Hunter Public Hospitals**

Petition requesting the Government ensure that public hospitals in the Hunter region are publicly operated and kept in public ownership, received from **Ms Jenny Aitchison**.

**The SPEAKER:** I set down discussion on the petition as an order of the day for a future day.

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

### **Pig-dog Hunting Ban**

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

### **Slaughterhouse Monitoring**

Petition requesting mandatory closed-circuit television for all New South Wales slaughterhouses, received from **Mr Alex Greenwich**.

### **Powerhouse Museum Ultimo**

Petition requesting the retention of the Powerhouse Museum in Ultimo and the expansion of museum services to other parts of New South Wales, received from **Mr Alex Greenwich**.

### **Ferry Services**

Petition requesting new inner-city ferries, received from **Mr Alex Greenwich**.

### **South Coast Rail Services**

Petition requesting an hourly service from Kiama to Bomaderry station connecting with trains to Sydney, received from **Mr Gareth Ward**.

### **Surry Hills Light Rail Station**

Petition calling on the Government to build a second light rail station in Surry Hills at the Wimbo Park-Olivia Gardens site, using appropriate landscaping to minimise visual and noise impacts and provide a quality park for the local community, received from **Ms Jenny Leong**.

### **Privacy Laws**

Petition requesting an amendment to the State's privacy laws to ensure that local councils can capture footage from CCTV cameras including areas that may be on private land, received from **Mrs Shelley Hancock**.

### **Inner-city Social Housing**

Petition opposing the sale of public housing in Millers Point, Dawes Point and The Rocks, received from **Mr Alex Greenwich**.

### **Social Housing**

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

### *Business of the House*

## **REGIONAL INFRASTRUCTURE**

### **Reordering**

**Ms KATRINA HODGKINSON (Cootamundra) (15:17):** I move:

That the General Business Notice of Motion (General Notice) given by me this day [Regional Infrastructure Investment] have precedence on Thursday 1 June 2017.

Last week the Leader of the Opposition tabled the Snowy Hydro Corporatisation Amendment (Restriction on Sale) Bill 2017. The bill is nothing but a shameless political stunt designed to mislead the people of New South Wales, particularly regional New South Wales. It is important that this House understands the duplicity of the New South Wales Labor Party when it comes to infrastructure funding in regional New South Wales. After opposing the Governments reforms, which have resulted in the largest investment in regional New South Wales's history, the Labor Party is now asking the people of regional New South Wales to trust it with regard to a piece of legislation that is based on an asset sale that has not even occurred yet. In contrast, since 2015 the Government has been busy getting on with the job for regional New South Wales. Since 2015, the Liberal-Nationals

Government has invested record amounts in our local hospitals, local roads and local schools. In my electorate of Cootamundra there are four new ambulance stations—at Coolamon, Ardlethan, Harden and Grenfell which was announced most recently. We have multipurpose services across the State and we have new hospitals.

**The SPEAKER:** Order! Members will resume their seats. Members who wish to have private conversations will do so outside the Chamber.

**Ms KATRINA HODGKINSON:** We are bringing a guaranteed water supply to residences and farms in towns throughout New South Wales, including Broken Hill—one of the biggest undertakings this State has ever seen and something that has been sorely needed for many years. We are building sewage treatment plants, new roads and town bypasses across the State. The Pacific Highway project—one of the biggest road building projects undertaken in the history of New South Wales—and bypasses on the Princes Highway on the South Coast are giving people their lives back. These roads are not used exclusively by those local communities but by people from all walks of life, and they have been deathtraps in the past.

Madam Speaker, I acknowledge your advocacy also for those projects. All the while those opposite have fought tooth and nail to stop the very policy that has allowed such investment. The Liberals and The Nationals cannot stand by and allow Labor to play politics with the regions. We cannot stand by and be given a lecture by those opposite on the need for funding in regional New South Wales when all they have done is oppose all the measures that allowed almost \$8 billion in initiatives over the life of this Parliament in what is, to quote the Premier, ignorant hypocrisy. We cannot stand by and watch the hypocrisy of Labor's approach without calling it out for what it is. The Snowy Hydro Corporatisation Amendment (Restriction on Sale) Bill 2017 proposes that the proceeds of a possible sale be spent in regional New South Wales, but there is no sale underway.

**Mr LUKE FOLEY (Auburn) (15:20):** My motion, which deserves to be reordered and have precedence tomorrow, states:

That this House notes the Premier's repeated failures to deliver on her own promises and policies.

A year ago the Premier stood in this Chamber and said this about her signature reform, the emergency services levy:

This is a critical piece of reform that has been spoken about in New South Wales—and I have checked this—for about the past 17 or 18 years.

But only the Premier could deliver this reform. She said that she was so committed to delivering this reform that she had been working on it since 2012. Thank God she has been working on it for the past five years; imagine the mess we would be in if she only started on it last week. But let us look at the Premier's record of delivery in local government. Her policy to stick with forced mergers in Sydney led to a humiliating defeat in the New South Wales Court of Appeal, a thrashing so comprehensive that her Government has chosen not to even appeal the decision. Yet she still refuses to release the secret report that she relies on to push ahead with these forced mergers, despite a thrashing in court.

Thirdly, the head of Roads and Maritime Services said that the M4 widening would be delivered in the first quarter of 2017. We are pushing the proverbial uphill to get it open before the third quarter of 2017, yet the Premier still managed the impossible: to increase the toll before the road even opens. That is her record of delivery. Fourthly, the Premier's other signature project, the CBD and South East Light Rail, will clog up the central business district forever, fewer people than can today will be able to get on public transport, and there is a 25 per cent cost blowout. That is the Premier's delivery of her other signature project.

Fifthly, all members from the Hunter know that, as Treasurer, the Premier imposed a set of handcuffs on the Port of Newcastle that will impair its growth for the next half a century—a delivery by her that was panned by Rod Simms at the Australian Competition and Consumer Commission. Wherever we look we see delivery failures from this Premier. But this is meant to be her strong suit. This is what she says about herself: that she works harder than everyone else, she is competent, she delivers. She says her strength—we know it is not a sense of where she wants to take the State; it is not any sense of vision or plan for New South Wales—is that she is a micro-manager. No piece of paper can leave her office, no email can be sent by a staffer without her looking over it first. She says that she reads more briefs, she attends more meetings and she delivers—except wherever we look her delivery record is one of utter and atrocious failure.

**The SPEAKER:** The question is that the motion of the member for Cootamundra have precedence on Thursday 1 June 2017.

**The House divided.**

Ayes .....50  
 Noes .....38

Majority.....12

## AYES

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

## NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Cotsis, Ms S	Crakanthorp, Mr T	Daley, Mr M
Dib, Mr J	Doyle, Ms T	Finn, Ms J
Foley, Mr L	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Haylen, Ms J	Hornery, Ms S
Kamper, Mr S	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	McKay, Ms J
Mehan, Mr D	Mihailuk, Ms T	Minns, Mr C
Park, Mr R	Parker, Mr J	Piper, Mr G
Robertson, Mr J	Scully, Mr P	Smith, Ms T F
Tesch, Ms L	Warren, Mr G	Washington, Ms K
Watson, Ms A (teller)	Zangari, Mr G	

## PAIRS

Ayres, Mr S

Hoenig, Mr R

**Motion agreed to.***Motions Accorded Priority***STATE BUDGET****Consideration**

**Mr JONATHAN O'DEA (Davidson) (15:29):** The great existential question of all time is: Why are we here? But in this place that question might translate to: Why do we want to govern? I will tell those opposite why because they clearly do not have much idea. We want to govern because we want to deliver good outcomes for the people of New South Wales. We want to deliver enhanced infrastructure; we want to deliver improved, quality services; and we want to deliver appropriate protections and assistance for those who are vulnerable in our society. How do we do that? We must do it by creating an environment of economic strength and a secure financial position for New South Wales. How is that manifested? That is manifested in budget surpluses, net debt control, positive credit ratings and employment growth through jobs creation. That is why it is so important that we have the budget in surplus not only this year, to the tune of almost \$4 billion, but also each year over the forward estimates. It is why it is so important we have net debt that is now virtually zero and a State that has maintained its triple-A credit rating.

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

**Mr JONATHAN O'DEA:** It is why it is so important to acknowledge that this Liberal-Nationals Government has created more than 330,000 new jobs since being elected to government. Comparing our record in relative terms with that of Labor, we condemn Labor for a legacy of deficits, debt and failing government services. It is very important to acknowledge not only the excellent economic credentials of this Government and its better delivery but also the failure of Labor.

## STATE GOVERNMENT PERFORMANCE

### Consideration

**Mr RYAN PARK (Keira) (15:33):** I was going to interrupt and save the member for Davidson from himself, but we are all getting older. This is pretty important because we all remember the greyhounds—bad greyhound owners, evil people, the industry must be destroyed. A few months later back we go. We then had council amalgamations. Do members remember that? Remember the approximately \$1.6 billion we were going to save? Whack it in the old reverse and back we go again. Yesterday we had an unbelievable backflip on a reform that was touted as the most significant tax reform in New South Wales history. Unbelievable! What did the Premier, the mighty member for Willoughby, say? As the Leader of the Opposition pointed out, she said that this was a critical piece of reform. She said that it had been talked about for 17 or 18 years. She said:

One part of this policy reform that I am [most] proud of is ... it will make insurance premiums affordable.

As of yesterday, the Premier no longer wants to make insurance premiums affordable. That is the conclusion we must draw from that. The gentleman opposite who has not yet reached puberty—put your hand up, Baulkham Hills—talked about the "shirkers". What do we say to those shirkers? Those shirkers have proven to be correct and the Government's reform is a dud. But it goes on. Yesterday the Government said it was Treasury modelling—bad Treasury. Old Ziggy and all of them were worried about what was going on. That is unusual because the Treasurer said that a significant amount of work has gone into making sure we have the best tax system possible. I say to Government members that you have got to do a lot more work.

**The DEPUTY SPEAKER:** Order! I direct the member for Canterbury to remove herself from the Chamber for a period of one hour.

*[Pursuant to sessional order the member for Canterbury left the Chamber at 15:37.]*

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

### The House divided.

Ayes .....48  
Noes .....38  
Majority.....10

### AYES

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

## NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Crakanthorp, Mr T	Daley, Mr M	Dib, Mr J
Donato, Mr P	Doyle, Ms T	Finn, Ms J
Foley, Mr L	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Haylen, Ms J	Hornery, Ms S
Kamper, Mr S	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	McKay, Ms J
Mehan, Mr D	Mihailuk, Ms T	Minns, Mr C
Park, Mr R	Parker, Mr J	Piper, Mr G
Robertson, Mr J	Scully, Mr P	Smith, Ms T F
Tesch, Ms L	Warren, Mr G	Washington, Ms K
Watson, Ms A (teller)	Zangari, Mr G	

## PAIRS

Berejiklian, Ms G

Hoenig, Mr R

**Motion agreed to.****STATE BUDGET****Priority****Mr JONATHAN O'DEA (Davidson) (15:43):** I move:

That this House:

- (1) Recognises the New South Wales budget is in surplus this year and each year over the forward estimates.
- (2) Notes net debt is virtually zero, and the State has maintained the triple-A credit rating.
- (3) Acknowledges the Liberals and Nationals Government has created over 330,000 jobs.
- (4) Condemns NSW Labor for its legacy of deficits, debt and failing government services.

In establishing priority I asked the question, Why are we here to govern? The question that remains is, Why is the Opposition bothering?, because its record and behaviour is so appalling. Let us focus on why this side of the House is doing a good job. It is providing the economic framework to sustain and secure the financial position that will deliver infrastructure, services and protection for the vulnerable. That is why this Government is motivated to provide good governance. Let us look at budget surpluses. In this current financial year, the budget is projected to deliver an almost \$4 billion surplus, a healthy financial outcome. The forward estimates are also very healthy. The fiscal position is strong through to 2020. I note that includes a record infrastructure investment of \$73.2 billion, representing 40 per cent of the estimated infrastructure spend by all States and Territories this year. In addition to delivering a surplus, the Government is delivering a record infrastructure spend. In terms of net debt control and a positive credit rating, New South Wales is rated triple-A by the two major credit agencies.

**The DEPUTY SPEAKER:** Order! The member for Blacktown will cease interjecting.

**Mr JONATHAN O'DEA:** Only New South Wales and Victoria still have triple-A credit ratings. Late last year, NSW Business Chamber Chief Executive Officer Stephen Cartwright said:

Solid economic management, and returning New South Wales to a debt free economy, means that the triple-A credit rating is protected, making it easier to borrow money down the track, and it restores our State's reputation as a great place for international companies to invest and to do business.

The Fiscal Responsibility Act also sets the preservation of the triple-A rating as one of its core objectives. The Coalition provides a government that is fiscally responsible for the benefit of the people of New South Wales. I will move to employment. There are high rates of employment in New South Wales, which are fundamental to a fair and prosperous society. Since 2011, the Australian Bureau of Statistics data shows that New South Wales has added over 330,000 jobs. That has been 36 per cent of the national increase in that time. While the unemployment rate for all Australians is currently 5.7 per cent, the unemployment rate in New South Wales is 4.7 per cent. It is a long way ahead of any other State or Territory. That rate has been the lowest of any State for 23 consecutive months.

Since 2015, the employment growth has been particularly strong in regional New South Wales. The Treasurer announced this week that growth amounted to 58,000 jobs across New South Wales. I compare that to the unemployment statistics when Labor was in power: the rate was 5.4 per cent, equal to that of Australia overall. The metrics show that with Labor in government New South Wales was ranked last of all Australian States and Territories. It is now ranked first. Under Labor, there were budget blowouts each year for 16 years and Labor introduced 10 new taxes and increased government net debt to \$9.2 billion. Labor's employment statistics were disgraceful. They failed on Opal, public transport, school maintenance and other infrastructure projects. They failed on planning, small business, health, major events, and coal seam gas. Their failures were of monumental proportions. I am glad their time in government ended. The State now has strong economic management.

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

**Mr GREG WARREN (Campbelltown) (15:49):** The member for Davidson is like the gift that keeps on giving. Members opposite can be blamed for a lot of things, and the member for Davidson is a great example. Being flawed and shamelessly embarrassing comes naturally to them. There has been no better display of that than the speech by the member for Davidson. It is an embarrassment that members opposite come into this Chamber and praise themselves. What they say is far from the truth. This is another motion in which the Government pats itself on the back for what it thinks is a job well done. In reality, it is not true and the Government's policies are totally inconsistent with the needs and aspirations of families throughout Western Sydney and this great State, and they know it. The Government is immune to those facts because it is naive and out of touch.

The motion moved by the member for Davidson is a fallacy. He spoke about the 16 years of Labor, 14 years of which had surplus budgets. For 14 years out of 16 Labor had a surplus budget. The member spoke about the "woeful" 16 years. It was a terrible time when people could afford to buy a house and students attended TAFE colleges to attain much-needed skills to get a job. It was a terrible time when people did not wait in emergency departments for more than four hours to receive emergency care and motorists did not sit in their cars on a congested road for hours. Under Labor, transport services were put in place to provide connectivity for people travelling to and from work and mental health received the focus it required. Members on this side know that this motion is farcical. I liken the capacity of members opposite to manage an economy to that of a three-legged, one-eyed donkey. The only variance is that the poor old mule is more stable and has better vision.

This is an outrageous motion by the member for Davidson. As members know, the property market in Sydney is incredibly overheated. The Government is raking in billions of dollars in stamp duty every year, including more than \$160 million in residential stamp duty over the past two years from the Campbelltown electorate. The money has been squandered and wasted by this Government on projects that do not deliver outcomes. Government members have boasted about putting \$114 million into Narellan Road. If that is the best they can offer, they are more of an embarrassment than I first thought. Who puts \$114 million into a road so that motorists can travel a distance of two kilometres in an hour? It says volumes about this Government. The Government is out of touch with the needs of the community; it simply cannot deliver.

Paragraph (3) of the motion by the member for Davidson acknowledges the Government's record on jobs creation. When this Government came to office in March 2011, the unemployment level in south-west Sydney was 4.5 per cent. It was quite healthy given the broader economic climate at the time. Fast forward to now and the most recent figures are disappointing, to say the least. Statistics for April 2017 have unemployment in my region at 6.1 per cent. For young people in south-west Sydney, the situation has become even more dire since this Government came to office. Youth unemployment in the outer south-west region was 7.8 per cent; it is now 13.5 per cent. Government members talk about balancing the budget. They have flogged everything off. They would sell their own bloody dog. It is outrageous. The issue is not what they have sold, it is what will they not sell. Fair dinkum, I have never seen anything like it. I note the Treasurer's comments with interest. I agree with the article in the *Daily Telegraph* of 16 March 2016 that states there will be a \$2 billion budget shortfall for several years. The article continues:

Coalition sources said that Ms Berejiklian's budget preview warned of a \$2 billion black hole from 2017-18 and said "we will have to find the money in NSW".

By 2030 the state budget will be short \$35 billion in health and education funding after the 2014 federal budget ...

What has this Government and the Premier done? Nothing. They have flogged everything off and they are removing revenue with the sale of assets. How will they pay for teachers, nurses, doctors and police? This is a shameless act by the member for Davidson. He is a national embarrassment in his own right. He should hang his head in shame, thank the former Labor Government, apologise for his Government's failures, and leave the Chamber.

**Dr GEOFF LEE (Parramatta) (15:55):** I support the motion of the member for Davidson which recognises the budget surplus of this Government, that is, a net debt of virtually zero. I also acknowledge the Liberals. Before I move to the existentialist comments of the member for Davidson, I congratulate the member for Campbelltown on his great pantomime. He obviously studied theatre in his past life. I remind the member for Campbelltown that just because he says it does not mean it is true. It is very disappointing for him that he cannot rewrite history by just saying it. My experience of the Opposition is that they have not yet met an infrastructure project they liked. It was a sad 16 years when they were in government. Returning to the motion, it is not only the Government that believes New South Wales is in a great economic position. The CommSec State of the States report in April 2017 commends New South Wales for being the leading State or Territory in the nation in respect of economic growth, employment, and investment. It is also fantastic to receive acknowledgement from the NSW Business Chamber, as was noted by the member for Davidson. Rating agencies acknowledge our triple-A rating. It is all about fiscal responsibility.

**The DEPUTY SPEAKER:** Order! The member for Campbelltown has had an opportunity to contribute to the debate. He will listen to the member for Parramatta in silence.

**Dr GEOFF LEE:** Members opposite do not like the truth; they cannot stand the truth. It is all about strong fiscal management on this side and incompetence on that side. It is all about making the tough decisions on this side and squibbing on decisions on the other side. The Government is proud of its asset recycling program, which will deliver \$73 billion in infrastructure for the people of New South Wales over the next four years. We have created 330,000 jobs since coming to office in 2011. Importantly, what does it mean for families? A job provides the best opportunity for people to be able to pay their bills, send their kids to a school of their choice, live in a house and pay the mortgage or rent. I commend the member for Davidson for moving this important motion. I look forward to the upcoming budget. If those opposite were truthful, they would also commend this side of Government.

**Mr PAUL SCULLY (Wollongong) (15:59):** I feel sorry for the member for Parramatta, who has had to bat second on this motion. In a week where the Premier has jumped in a chevy to the levy and found that the levy was dry, the member has to back up and try to defend this disgraceful motion. The member for Davidson asked, Why is the Government here? I am happy to answer the question. The Government is here to tax it, sell it and shift it off budget because that is the only way it has arrived at the inflated surpluses it brags about in the first paragraph of this motion. New South Wales recently became number one again because it is the highest taxing State per capita for the first time in more than a decade. Tax per capita in New South Wales is now at \$4,417. It is higher than in Western Australia and higher than in the third-highest taxing State of Victoria, and no doubt it will continue to rise. The Government can back off its levy one day and will probably impose another levy on 30 June to support its inflated surpluses.

The second way the Government attains its inflated surpluses, and this goes to the integrity of the surpluses, is by selling \$50 billion worth of assets. Of course, it is easy for a government to sell assets and have a surplus, but one day it will run out of assets and then there will be no surplus. The clanger and the great con in the inflated surpluses is the Transport Asset Holding Entity [TAHE]. This goes to the integrity of the surpluses, about which the member for Davidson crows in his self-serving and self-centred motion. When I was younger, I went to New York where I was told, "Beware of those guys in Times Square who do the card tricks." I did not realise I could come to Macquarie Street and see the same sort of shenanigans when it comes to the budget.

One only needs to look at the budget papers to see that \$7 billion—about 70 per cent—of the surpluses over the next few years is made up of shifting costs and not recognising them in the budget. The Government has shifted them out into TAHE, where it does not need to recognise them and pretends that they are not costs. There are real costs and expenses involved in running a transport system and our trains. But as the Government does not recognise them, it has an inflated budget surplus. High taxes, asset sales and TAHE underlie these inflated surpluses. That is the bottom line of this disgraceful motion moved by the member for Davidson, which does not mention the \$10 billion in project blowouts. [*Time expired.*]

**Mr JONATHAN O'DEA (Davidson) (16:02):** In reply: I thank members representing the electorates of Campbelltown, Parramatta and Wollongong for their contributions to this debate. Over the past few decades we have seen the relative performances of both sides of this Chamber and ultimately it is for the public to judge how effectively each side has delivered for the people of New South Wales. When we look at the fundamental delivery of services and new infrastructure and the protection of those who are vulnerable, it is clear that the demonstrable record of this side of the Chamber is infinitely superior to that which we saw for 16 years of those on the other side. Why? It is because this Government can deliver an economic environment and a sustained healthy economy that is vastly superior to that delivered by the former Government.

This Government's management is reflected in a budget surplus, a record infrastructure spend, and a strong credit rating. We have reduced the net debt, after the former Government blew it out. This Government

is generating employment at a rate greater than is any other State. In combination and in concert with the private sector, this Government is delivering an unemployment rate that is a full 1 per cent below that of any other State or Territory in Australia. By any measure, that is a great achievement. We have an improving and expanded economy which, coupled with high levels of productivity, offers hope for young people especially. Higher levels of employment, increasing wages and greater social stability encourage people to be able to invest in housing and to start families, which keeps the economy buoyant and produces more taxpayers for the future to provide an ongoing sustainable delivery of services and infrastructure.

This Government has solid foundations to continue building for the future. We must continue the momentum and ensure that we do not lose our advantage, including in competition with other States. The upcoming budget is so important to continuing that momentum. The State does not want to risk failure again under Labor. Those on the other side of the Chamber prefer to talk about fire management. The biggest fire that this Government has had to extinguish is the disastrous fire that was set by members of the Opposition in terms of the economic circumstances in which they left this now great State of New South Wales. We have repaired the damage. The State cannot risk it again under those opposite. [*Time expired.*]

**The DEPUTY SPEAKER:** The question is that the motion as moved by the member for Davidson be agreed to.

**The House divided.**

Ayes .....47  
Noes .....35  
Majority..... 12

AYES

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

NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Crakanthorp, Mr T	Daley, Mr M	Dib, Mr J
Donato, Mr P	Finn, Ms J	Greenwich, Mr A
Harris, Mr D	Harrison, Ms J	Haylen, Ms J
Hornery, Ms S	Kamper, Mr S	Lalich, Mr N (teller)
Lynch, Mr P	McDermott, Dr H	McKay, Ms J
Mehan, Mr D	Mihailuk, Ms T	Minns, Mr C
Park, Mr R	Parker, Mr J	Piper, Mr G
Robertson, Mr J	Scully, Mr P	Smith, Ms T F
Tesch, Ms L	Warren, Mr G	Washington, Ms K
Watson, Ms A (teller)	Zangari, Mr G	

PAIRS

Ayres, Mr S

Hoenig, Mr R

## PAIRS

Berejiklian, Ms G  
Piccoli, Mr A

Foley, Mr L  
Doyle, Ms T

**Motion agreed to.***Community Recognition Statements***CENTRAL COAST MODEL UNITED NATIONS ASSEMBLY**

**Mr ADAM CROUCH (Terrigal) (16:13):** Recently I had the pleasure of attending the Central Coast Model United Nations Assembly held at Erina Fair. I congratulate all the outstanding teams from the Central Coast schools that participated in this annual event. Indeed, I am advised that this was the twenty-third year that local Central Coast Rotary clubs have hosted this event. I take this opportunity to thank our local Central Coast Rotary clubs for the support they provide. Terrigal High School representatives were Ewan in Year 12 and Ben and Vaughan in Year 11. They represented the United States of America and had to debate four resolutions on climate change, sustainable tourism, refugees and a United Nations General Assembly venue change. The boys spent much time researching and preparing for the day. They also had to speak in front of a room full of other Central Coast students, lots of Rotarians, teachers and politicians and refute what other countries said throughout the day. They did not win a place this year but they certainly gave the other schools a run for their money. Congratulations, guys.

**SOUTHERN YOUTH AND FAMILY SERVICES**

**Mr PAUL SCULLY (Wollongong) (16:15):** On 21 May 2017 I attended a unique fundraising event at the Unanderra velodrome. It was organised by the Ride for Rotary team, in particular Stephen Knightley. People rode around the velodrome to raise funds for Southern Youth and Family Services, which supports youth at risk and works to reduce homelessness, prevent disadvantage, improve living situations and reunite families. On the day about \$14,000 was raised, and more money is to come. I thank the volunteers from Rotary who were involved in organising this event and the sponsors that supported it. I also acknowledge the combined efforts of Stephen Knightley, Narelle Clay, Kiley Martin and Alison Byrnes who muscled me into getting onto the track to do a few laps. I am pleased to report that no lycra was harmed in my fundraising activities.

**PICTON RURAL FIRE BRIGADE**

**Mr JAI ROWELL (Wollondilly) (16:15):** Today I recognise three local firefighters who have been part of volunteer efforts to get farmers in the Central West of this State back on their feet after recent devastating bushfires. Andrew Hain, Mark Davis and Jamie Smith, all members of the Picton Rural Fire Brigade, pitched in on 12 and 13 March at Cassilis as part of BlazeAid, which helps families and residents in the wake of natural disasters. Their volunteer work included the vital task of rebuilding fences that had been destroyed. This enabled farmers to contain their stock or get in new stock so they could get on with their farming. All three firefighters are keen to return to Cassilis to continue to help that community. They have seen firsthand the devastation and how difficult it is to recover from such destructive circumstances.

**TRIBUTE TO TOM PICOT**

**Mr DAVID MEHAN (The Entrance) (16:16):** It is with great sadness that I record the passing of the Central Coast's oldest digger, Tom Picot. Tom, who was 101, passed away on 7 May 2017 having spent a lifetime giving back to the community. He was a World War II veteran. He served in the Middle East, Darwin and New Guinea from 1940 to 1944. He had seven children with his wife, Eileen, 15 grandchildren and 23 great-grandchildren. He was twice president of The Entrance Long Jetty RSL Sub Branch; he received an Order of Australia Medal for services to veterans; he campaigned for veterans' welfare; he regularly made pots of stew for his elderly mates on the Central Coast; he helped to establish The Entrance Preschool; and he helped form the Rosemary Lodge aged care facility, among many other things. I note that he was a lifelong supporter of the Australian Labor Party. It was a great pleasure for my office to obtain a congratulatory telegram from Bob Hawke on the occasion of his 100th birthday. I will miss him greatly. Vale, Tom Picot.

**TRIBUTE TO ANNIKA TIERNEY**

**Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (16:17):** Today I recognise the outstanding work of Annika Tierney, a local resident of Hornsby who has recently moved to Samoa for 18 months as part of the Australian Volunteers for International Development Program. Annika is currently working as a strategic planning and management adviser for the Samoa Family Health Association. This organisation is the leading sexual and reproductive health and rights service provider in Samoa. That makes it an

essential service for everyone, particularly those individuals or communities who are especially vulnerable due to their socio-economic status. Samoa Family Health Association has a permanent clinic in Apia and a mobile clinic that travels to rural areas three times a week where the communities are the most at risk, offering crucial educational and sexual health information. Annika is currently working on creating educational programs that target youths and individuals with disabilities. Annika has been volunteering since the age of fifteen. She developed a passion for community development in high school. I thank Annika for her remarkable dedication to improving underprivileged communities as a volunteer. Her considerate nature and devotion to helping the community locally and internationally are phenomenal.

#### **PCYC TIME4KIDS CAMPAIGN**

**Mr GUY ZANGARI (Fairfield) (16:18):** On Friday 26 May 2017 I proudly "did time to stop youth crime" as part of the annual PCYC Time4Kids fundraiser campaign. I was joined by the State member for Cabramatta, Nick Lalich, MP, Fairfield Chamber of Commerce President Vince Movizio, local residents and community groups, and PCYC Fairfield-Cabramatta. I am pleased to report that our community dug deep and generously donated to this worthwhile cause. Local clubs, businesses and residents rallied together in support of the fantastic services offered from our local PCYC. Securing additional funding for our PCYCs is incredibly important as their contributions to our community are invaluable. I offer my sincerest thanks to everyone in our community who donated and pledged their support to the PCYC. I also commend Mr Anthony Cincotta and his team from the Fairfield-Cabramatta PCYC for their efforts in organising the Time4Kids event each year. To the men and women in blue who pour their heart and soul into helping those in need throughout the community each and every day, you have the eternal thanks of a very grateful community.

#### **PORT MEAT STORE**

**Mrs LESLIE WILLIAMS (Port Macquarie) (16:19):** I recognise Port Meat Store, its owner Larry Dickson and his expert team of butchers. It is a case of another year another crown for the Port Meat Store. They put their products and pride on the line at the Australian Meat Industry Council Sausage King and Best Butcher's Burgers competition in Coffs Harbour on 25 May. Their bush honey lamb sausage snagged first place, as did their pork and cheese burger, while their beef, onion and chicken noodle soup burger came second. Mr Dickson said his hardworking team of butchers, Daniel Johnson, Toby Stace and Luke Newman, deserve all the credit. "We strive to produce the best quality products for our customers, and the awards are a big bonus," he said. As first place winners, Port Meat Store are invited to take their winning entries to the State final, to be held in Tamworth on 23 September as part of the popular Tamworth Grower's Market. Mr Dickson said:

It's very good for the shop. We've always been the quiet achievers and hopefully now this will make some noise not only for us but for the Clifton Shopping centre.

Congratulations to Larry Dickson and the whole team at Port Meat Store and I wish them much success at the Tamworth State finals.

#### **JEP FUNG ASIAN GROCERY STORE**

**Mr NICK LALICH (Cabramatta) (16:20):** I pay tribute to one of the longest serving businesses in the Cabramatta central business district. The Jep Fung Asian supermarket and grocery store has been run by my good friend Mr Chi Hua Lo for the past 38 years, becoming an institution on Cabramatta's east side. This family business has been providing fresh Asian groceries for Cabramatta residents since 1979 and has been one of the major factors in keeping the east side alive. Mr Lo has also been a standout community leader, having been president of the NSW Federation of Chinese Organisations from Vietnam, Cambodia and Laos as well as president of the Cambodian Chinese Association. His philanthropy and generosity are very well known amongst the Cabramatta community. I take this opportunity to pay tribute to a tireless community leader who for almost four decades has managed his family business and become a part of the fabric of Cabramatta, and I thank him and his family for all their hard work.

#### **ST GEORGE MEN'S SHED**

**Mr MARK COURE (Oatley) (16:21):** I speak in favour of St George Men's Shed, first created in 2012 when it was located in Hurstville. The St George Men's Shed has since moved to Carss Park. St George Men's Shed started with 10 members and today has a strong membership of over 50. The St George Men's Shed does a marvellous job in our community. As a member of Parliament and a patron of St George Men's Shed, I wish the Men's Shed all the very best for the future, along with the new executive, which was appointed recently. In my upcoming visit to St George Men's Shed at Carss Park I will be donating, on behalf of the Premier of New South Wales, \$5,000 to help St George Men's Shed grow in its new location at Carss Park. On behalf of all members of this Chamber, I wish St George Men's Shed the very best of luck in the future.

### SAVERNAKE PUBLIC SCHOOL

**Mr GREG APLIN (Albury) (16:22):** Savernake Public School is a small school in the western area Federation Council. It is a one teacher school with only nine students, yet this year they were victorious in winning the Small Schools Swimming Champions trophy in February, followed recently with the Small Schools Percentage Points Trophy after success in the cross country event held in Urana. They certainly showed some of the larger schools how a small school can be outstanding. Congratulations to Liam Davis on winning the senior boys' swimming champion title and to Jessica Arnold for being the senior girls' champion. Jayden Arnold won junior boys' champion and Penelope Bruce junior girls' champion. Oliver Bruce was named best year 11 boy. At the cross country event, Jayden Arnold finished second. What a wonderful achievement for such a small school. Well done to all involved and thank you to acting principal Angelique Bruce and to all the parents for their efforts with training and organisation of the events.

### MACLEAN SHOW SOCIETY LIFE MEMBERS

**Mr CHRISTOPHER GULAPTIS (Clarence) (16:23):** I offer my congratulations to Brian Farrell and Brian Ferrie who were recently awarded life membership of the Maclean Show Society. Brian Farrell has been involved with the Maclean Show Society for over 30 years both on the committee and as the treasurer for a long time. He was instrumental in having dog trials incorporated into the show program and then eventually into a separate event in its own right. Brian Ferrie has also been involved in the show for a long time, including a period as president of the society. Thinking outside the box, he was involved with the introduction of the showground as a recreational vehicle campsite, which has provided the society with an additional income stream. These two gents are wonderful volunteers that make the local show such a great success year in and year out and we owe them a huge debt of gratitude.

### MOUNT HUTTON AND WINDALE RESIDENTS ACTION GROUP

**Ms JODIE HARRISON (Charlestown) (16:24):** I recognise the Mount Hutton and Windale Residents Action Group and particularly Ray Hinton, a staunch community advocate in the Charlestown electorate. The residents action group was the catalyst for a campaign to rehabilitate a clogged waterway in Windale and Mount Hutton, locally known as Scrubby Creek. Their advocacy has seen Lake Macquarie City Council agree to allocate \$500,000 to fixing the creek. The works will include part of the creek being deepened, rock beds replaced, and fallen willow trees, abandoned shopping trolleys and rubbish being removed. These planned works are expected to make a big difference to the localised flooding in the area, as well as bring the currently neglected creek back to its former glory. I commend Mount Hutton and Windale Residents Action Group on this successful campaign. They are a true example of how a community working together can create change.

### TRIBUTE TO MICK VASSALLO

**Mr GARETH WARD (Kiama) (16:25):** Tomorrow night, Thursday 1 June, the Rotary Club of Berry will hold a special event to celebrate Mick Vassallo's 40 years of service to Rotary. I have known Mick for many years during my involvement with the Rotary Club of Berry and he has always been right at the heart of their fundraising activities and events. In 2016, Mick Vassallo was also recognised by being awarded a Paul Harris Fellow Sapphire Pin for his distinguished service with Rotary. It would be remiss of me not to acknowledge his wonderful wife, Patricia, whom I also know and who has stood beside him and supported him for so many years and done so much for the community.

I acknowledge the current president of the Rotary Club of Berry, Paul Andersen, and the current board of directors of the club, including immediate past president Andrew Bevan, Trevor Barker, Bill Seelis, Deb Mainsbridge, Guy Mainsbridge, Ken Hutt, Haseena Tweddle, Grahame Sweeney and Graham Smith. Thank you Rotary and thank you Mick Vassallo for being an outstanding advocate for our community. We have benefited so much from your many years of service and, on behalf of our grateful community, I say thank you.

*Visitors*

### VISITORS

**The DEPUTY SPEAKER:** I welcome to the gallery this afternoon students all the way from Tea Gardens Public School. I trust you have had an enjoyable trip to Sydney, but to come to Parliament House is very special. I am sure you will enjoy the proceedings. We are just about to start private members' statements, where members talk about matters in their electorate. I thank the Parliamentary Education Section for looking after the students; it does a mighty job.

*Private Members' Statements*

**Ms JULIA FINN (Granville) (16:27):** I bring to the attention of the House the disgraceful situation affecting home owners whose houses have been built on James Hardie's former asbestos dump sites. It is so bad that some home owners have been directed not to even mow their lawns because friable asbestos is so close to the surface. These home owners had no idea they were buying toxic backyards and that they are risking their lives and that of their families when they disturb the soil to plant trees, mow the lawn or possibly even to hammer in stumps for backyard cricket. This situation has arisen through the deliberate disposal of asbestos waste, including sludge containing friable asbestos, in the 1950s and 1960s. In many cases, it was used as fill to level or elevate sites for building, particularly raising flood-prone land above the anticipated flood level. This affects 185 homes mostly in the city of Parramatta, including many in the Granville electorate. This is, of course, close to the former James Hardie factory site in Camellia. According to Barry Robson, the president of the Asbestos Diseases Foundation:

Local residents in the know used to go to the James Hardie factory in Camellia on weekends to help themselves to the slurry to build driveways, footpaths, chooksheds, and garages, they got rid of it any way they could. This is in addition to sites where James Hardie disposed of waste as fill. It is not at all surprising that our area is already one of the worst affected by asbestos-related diseases. Those diseases have a long dormancy period, usually appearing around 20 years after exposure, so to date most of the victims have been those with occupational exposure to asbestos. In 2007, 47 properties were identified from James Hardie's own records as having been dump sites. In April 2017, the New South Wales Ombudsman reported on how the New South Wales government agencies deal with James Hardie legacy sites and other asbestos contamination issues. The Ombudsman's report is highly critical of the investigations that took place in 2007, or the lack thereof. There seem to have been only visual inspections.

While many of those sites were council land and risks were known and were contained, some of them are residential properties, including 17 A'Beckett Street, Granville. The Chok family live at 17 A'Beckett Street and have done so for about 30 years. I have known them since 1995, when I moved to the same street. They are a lovely, generous, close-knit family. Mohamad and Fadila had no idea they bought an asbestos dump. They are now pensioners and Fadila, in particular, spends most of her days gardening. Her entire backyard is their veggie patch, except for the granny flat where their son Ali, his wife and daughter live. Fadila has been tilling that soil daily for years, totally unaware until only a few weeks ago that it was a dump site. That authorities knew 10 years ago and did not test the soil disgusts me. I am utterly appalled. As Ali said in the *Sydney Morning Herald* earlier this week:

If you're late on your Council rates you know about it, but if you're living on a property that's killing you or potentially killing you, they don't notify you.

In addition to the friable asbestos dumped in this area, there is also dumped asbestos fibro sheets, pipes and other material that has been left for years, in some cases breaking up on the banks of A'Beckett Creek. Sam Mitry brought this to my attention as a councillor on Parramatta council years ago. Clean-up notices had been issued but not acted upon. Although it is difficult to deal with asbestos on private land beyond issuing such notices, I am not convinced Sam's concerns were taken as seriously as they should have been throughout this period. In 2016, following a severe flood, much of the weed cover on the creek banks washed away, exposing even more asbestos. It was not just that asbestos had been dumped on the creek bank; asbestos was the creek bank.

This has been the subject of a detailed investigation by the City of Parramatta, the Department of Health, the Environment Protection Authority [EPA], Sydney Water, and Roads and Maritime Services. The creek banks had been built up using fill that included sludge containing friable asbestos. It is evident from aerial photographs from the 1940s that previously the creek banks were much wider and not suitable for building. Testing is now being offered and the City of Parramatta and the EPA have doorknocked the sites of possible contamination in recent weeks. If friable asbestos is found at ground level or close to the surface, home owners will be directed not to mow their lawns and to concrete their backyards.

This will completely destroy Fadila and Mohamad Chok's enjoyment of their backyard, not to mention the additional cost of buying food they now grow, that is, if they are lucky enough not to develop mesothelioma or any other asbestos-related diseases from 30 years of exposure to potentially contaminated soil. Under the 2013 agreement between the New South Wales Government and James Hardie, sites containing asbestos can only be remediated at a cost to the landowners or the New South Wales Government, not to James Hardie. In 2015 the New South Wales Government undertook a commendable voluntary purchase and demolition program to deal with loose-fill asbestos. That was the right decision. The Ombudsman's report recommends that the same or a similar approach be taken with residual asbestos on the James Hardie legacy sites. The report states:

The costs for remediation would be prohibitive in most instances for the current owners. Those owners may have had no prior purchase knowledge that asbestos had been disposed of on their land. It therefore seems unreasonable that they should be left to

suffer whatever consequences may occur from potential exposure to asbestos without any form of assistance from the New South Wales Government.

That is only fair and reasonable, and I call on the Minister for the Environment and the Premier to implement this recommendation.

### **SALVATION ARMY RED SHIELD APPEAL**

**Mr LEE EVANS (Heathcote) (16:32):** I bring to the attention of the House an iconic event that took place last weekend, the 2017 Red Shield Appeal doorknock. The Salvation Army organised its first Red Shield Appeal doorknock more than 50 years ago. It took place in Sydney and in parts of Tasmania and by 1970 the first national appeal was held, raising a record \$1 million that year for charities. I was honoured this year to be approached by the Salvation Army's Major John Whitaker to take on the role of zone chairman in my area for the 2017 Red Shield Appeal doorknock. Since then, we have approached local community groups in the area, including churches, girl guides, scouts, sporting groups and schools, to lend a hand on the weekend. The response from the community was fantastic. One of the community groups who offered their support was the 2nd Menai Girl Guides.

Last week I had the pleasure of meeting them along with their unit leader, Eleanor Hurt. I was very heartened to see the commitment of Eleanor and the girls in offering their service, which Eleanor explained is one of the fundamentals of girl guides. The girls went out last weekend, giving up their time to lend a hand, along with many others in the community. According to statistics provided by the Salvation Army, in a typical week across Australia, the Salvation Army provides 100,000 meals as well as 2,000 beds for people experiencing homelessness, distributes up to 8,000 grocery items and provides refuge for 500 people fleeing abuse. Major Whittaker said that in order for the Salvation Army to meet a growing demand for those services they aimed to raise \$175,000 across the Sutherland area during the Red Shield Appeal doorknock weekend. I encourage everyone to get involved and support the Red Shield Appeal doorknock every year.

### **TAMWORTH ELECTORATE SCHOOL LEADERS**

**Mr KEVIN ANDERSON (Tamworth) (16:34):** Today we had the pleasure of being visited in Parliament by school leaders from across the Tamworth electorate. Those schools include Walcha Central School, Peel High School, Barraba Central School, St Mary's College Gunnedah, Oxley High School, Gunnedah High School, Tamworth High School, Carinya Christian School and Farrer Memorial Agricultural High School. The students here today were an outstanding group of people who showed great interest and commitment to not only their schools but to their communities. I pay tribute to those students, who will no doubt become future leaders in the community.

I acknowledge Kersten Wall and Elijha Fortescue from Walcha Central School; Rhiannon Nigro and Jayden Eunson from Peel High School; Ryan Hall and Jessica Kelso from Barraba Central School; Maria Ortiz and Benjamin Maher from St Mary's College Gunnedah; Ojaswi Shilpakar and Emma Tarlinton from Oxley High School; Kustiani Tuckerman and Jaxon Holbrook from Gunnedah High School; Georgia Taggart and Bradley Goward from Tamworth High School; Lucy Chaffey and Noah Robinson from Carinya Christian School; and Harrison Lehman, Richard Sears and Lachlan Davidson from Farrer Memorial Agricultural High School.

It was great to have all those school leaders in Parliament. It was a nice opportunity to talk to them about the role of a member of Parliament and to answer their questions. A question came up about how members of Parliament can better connect with school leaders. We encouraged them to get involved in their community, to take part and to put up their hands to volunteer in organisations that interest them. Our door is always open, and I would like to revisit the establishment of a regional student representative council so that all of those schools and their school leaders would be able get together to talk about issues of concern and to exchange ideas that would help promote our region and make it a better place to live. I look forward to working with members of the students' representative council from those high schools as well as with others who want to be involved in looking at ways to continue to strive to make our region a better place to live for all.

### **WAGGA WAGGA VETERAN AND VINTAGE MOTOR CAR CLUB**

**Mr DARYL MAGUIRE (Wagga Wagga) (16:38):** I bring to the attention of the House and fellow motoring enthusiasts a very important event that will be held in Wagga Wagga during the June long weekend. Wagga Wagga Veteran and Vintage Motor Car Club is celebrating 50 wonderful years of restoring and showing for the benefit of the public antique and vintage motor vehicles. Mr Deputy Speaker, you know that I have a passion for old cars—I have several garages quite full. It is a passion that many people share across New South Wales and Australia. Ever since the Hon. Duncan Gay in the other place brought in the logbook system similar to those in South Australia and Victoria, the membership of local car clubs has increased dramatically, as has the number of motor vehicles that are now registered under the pilot logbook scheme. It means that many of those old

cars that were parked in sheds getting dusty and rusting have now been dusted off, polished and put on the road again for a very minimal cost.

I understand it costs around \$100 to register an older vehicle plus a fee for comprehensive insurance. Families can now afford to take out their motor vehicles and participate in activities. The Wagga Wagga Veteran and Vintage Motor Club Annual Rally, which has been well organised, will be held on 9 to 11 June 2017. Participants will be attending from all over Australia, including Tasmania. This year the club has reached a milestone and is incredibly proud of its achievement in celebrating its fiftieth anniversary. I am told that the club expected between 120 to 220 motor vehicle entries but, I understand through its promotion, already more than 300 vehicles have entered this year's rally.

Traditionally on the Sunday, members of the public have the opportunity to view the motor vehicles on display at Downside and enjoy the numerous events on the social calendar. It is fun for all the family and attracts many people to Downside. Indeed, the Riverina Concert Band will perform and there will also be stationary displays of restored old steam engines and motor engines. This year Mark Fletcher, known as Fletch, host of a program called *Classic Restos*, will photograph and record the rally for television. He will also speak to individuals because motoring enthusiasts have a habit of checking out what cars their friends have in their sheds, some being unique. Fletch will attend the rally over a number of days and his promotion through his recorded television programs will be a great boost to tourism in the region.

This is another wonderful example of the motoring community getting together. I thank all the sponsors who once again have helped to bring this event to Wagga Wagga. I understand it costs somewhere around \$25,000 to hold the event. Many things have to be provided free of charge, so I thank the Government and the Minister for Tourism for their support. The new logbook scheme has been terrific. It has generated new interest in revitalising old motor vehicles, restoring them and allowing families to travel around, participate in picnics and enjoy our motoring history. I say again to the Hon. Duncan Gay in the other place that this initiative has invigorated the motoring community and encouraged many more people to participate. I look forward to entering a couple of my vehicles in this rally. I say to those who may be listening or watching that if they have an old car they should come to the Riverina and enter the rally at Wagga Wagga. We will not let them down. We have gone to a lot of work to prepare for the event. I congratulate everyone involved in the fiftieth anniversary of the Wagga Wagga Veteran and Vintage Motor Club.

#### KESSER TORAH COLLEGE

**Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (16:43):** On Tuesday 16 May 2017 I visited Kesser Torah College in Dover Heights to announce funding for the upgrade of the secondary girls art room and 14 primary and secondary learning areas. The New South Wales Government has given a grant of \$400,000 towards the project under the Building Grants Assistance Scheme. The grant will be used to ensure Kesser Torah is equipped to provide the best possible learning environment for students both today and into the future.

Kesser Torah College was established in 2003 and incorporates a preschool, primary school and high school. It is a Jewish orthodox school with a Chabad ethos and its motto is LIVE IT—Ki Heim Chayenu. Since its establishment, school enrolments have grown to approximately 300 students, which is why the investment by the New South Wales Government is such a vital step to help meet the needs of its growing local school community. I note the presence in the gallery of some school students. When I visited Kesser Torah I was warmly greeted by principal Roy Steinman, president of the school board Mr Meir Moss, vice president Mrs Ilana Kaplan, chief executive officer Mr Saville Abramowitz, and communications officer Ryan Schestz. Principal Steinman led a tour of the school to show me how the upgrade would benefit the students. One of the stops on the way was a visit with girls from a year 6 class who were preparing for their bat mitzvah, namely, the time when they turn 12 years of age and become fully fledged members of the Jewish community and accept the responsibilities that come with it.

During the tour I was also fortunate to see the great artwork produced by the secondary girls. Despite the fact that their current art room is small and outdated, they had produced some really interesting work, including ones exclusively made from recyclable materials. It was a clear reminder of the importance of the grant, as a larger and more modern art room will allow them to extend their artistic skills further. Kesser Torah offers one of the most comprehensive Jewish studies programs across New South Wales, so students receive an excellent academic education as well as a spiritual one. This is reflected in some of the strong Higher School Certificate results achieved at the school, with one student last year placing first in New South Wales in Classical Hebrew Continuers and Classical Hebrew Extension subjects. Alongside strong educational outcomes is also a strong extracurricular focus at Kesser Torah.

When Waverley Council hosted the launch of the nationwide One Tree Per Child campaign at Bondi Beach in 2015, Kesser Torah was the first school in the municipality to join the initiative. This involved students planting trees and shrubs in Rodney Reserve, Dover Heights, as part of the campaign's goal of protecting local wildlife and restoring Australia's natural environment. More than just helping renew Rodney Reserve, what was called the laying down of roots in our community is what Kesser Torah is really all about. It reflects the idea that if we nurture students and provide them with the right environment they will flourish into successful and happy young adults who are happy to contribute back to the community. The New South Wales Government funding will get the art room and 14 primary and secondary learning areas off the ground. I am delighted that the New South Wales Government is able to support the project and I look forward to visiting the school again after the completion of those building works. I am very proud to have Kesser Torah in the electorate I represent. I look forward to working closely with new principal Steinman, his team, the board and the school community. I commend my statement to the House.

*[Business interrupted.]*

*Visitors*

### VISITORS

**The DEPUTY SPEAKER:** I welcome back to the gallery students who enjoyed their time here so much they have returned. They will now hear their local member make a private member's statement.

*Private Members' Statements*

### HUNTER RESIDENTIAL CENTRES

*[Business resumed.]*

**Ms KATE WASHINGTON (Port Stephens) (16:47):** Today I speak on an issue that has been close to my heart for a long time. I speak on it today due to events that have unfolded which are, quite frankly, shocking. Sadly, though, many of us are not shocked because we have seen it coming. Instead, we are appalled. I am talking about the Hunter's large residential centres, which include Tomaree Lodge in Port Stephens, Kanagra Centre in Lake Macquarie and Stockton Centre in Newcastle. Most of the residents of the Hunter's large residential centres have lived there for decades. It has been their home. As part of the implementation of a longstanding policy, the Government has started to re-house residents from the services. Recently, residents from Stockton Centre were placed into group homes nearby.

The residents of the services are some of the most vulnerable people in our community, with profound intellectual disabilities, often complicated by complex physical disabilities, the likes of which many of us cannot even comprehend. The residents' disabilities are further complicated by ageing. All of the residents are individuals. They are people who ought to be afforded respect and dignity. Tragically, for the residents recently re-housed to a group home, I fear that has not been the case. Recently, we have learned the terrible news that two former Stockton Centre residents who had been moved to a group home have died. All of the remaining residents of that same group home have now been hospitalised. I believe that residents of another group home have also been hospitalised, taking the number of former Stockton residents in hospital to at least three and possibly more.

I extend my deepest sympathies to the families, carers and advocates of those whose lives have been lost and those whose lives are at risk. Alongside my colleagues Tim Crakanthorp, member for Newcastle, and Sophie Cotsis, the shadow Minister for Disability Services, I am trying to get answers. More importantly, we are trying to ensure that other residents who have been transferred, or who are being transferred, are not at risk as I speak. To date, we have been given no comfort by the Minister for Disability Services, or John Ryan from the NSW Department of Ageing, Disability and Home Care. They tell us that residents are receiving the same level and quality of care in the group home as they were in the Stockton Centre. I know that this is not true. The more the Minister and the department representative keep spouting the same rubbish I have heard for years, the more concerned I get. Until they recognise that there is a problem, nothing will change.

For many years, concerns have been raised by staff of the services and by advocates, families and loved ones about the risks of the closure and transition to group homes. Frustratingly, the Government has provided the same responses, dismissing the concerns as emotional or over-protective. It has been unfair and belittling. From my experience and the reality that has unfolded, their concerns have been well-founded, genuine and based on an intimate knowledge of their loved one's needs and desires. Many people have been urging care and caution, seeking adequate safeguards and oversight. Fundamentally, people have been concerned that the same level of care and access to support which is available in the Stockton Centre and other large residential centres be provided in the group home. With severe disabilities of this nature, there is very little room for error.

Assurances were made and continue to be made by the Minister and the department that the same level of care and access to services would be provided. As recently as today, in a radio interview with Richard King on 2HD, the Minister said, "The care that's been provided to them in the past is the same care that's being provided in the group home." If that is the case, why are two people dead and at least three in hospital? It is suspected that they died of dehydration. If that is the case, it is neglect. It is not natural attrition, as has been suggested by the Minister and the department. It is not the fault of workers who have been placed in a situation beyond their control and experience. The blame lies squarely on the shoulders of the Minister and the departmental heads who are authorising poor decisions.

It is my understanding that people with knowledge and experience of the residents' needs gave recommendations to the department about the level of care that they required. The residents have high medical needs and recommendations were made along those lines. The department then ignored the recommendations and determined that the residents did not require a medical model group home. Instead they were housed in a group home without health professionals on site who were capable of caring for the needs of the residents. I sincerely hope I am wrong. If I am correct, then this Government has failed the most vulnerable people in our community, those who were entrusted to its care. This has never been about politics, ideology or point-scoring. This is about doing the right thing, caring for those who cannot care for themselves and giving the voiceless a voice. The Hunter community is rightly appalled. I urge the Government to listen to those who know best, the experienced caring staff, family and advocates of the Hunter's large residential centres.

### **HELLO KOALAS FESTIVAL**

**Mrs LESLIE WILLIAMS (Port Macquarie) (16:52):** Port Macquarie and the Mid North Coast is home to the largest koala population on the east coast of Australia, so it is more than fitting that Port Macquarie hosts the second National Koala Conference as part of an inaugural 10-day Hello Koalas Festival. This is the first such festival in the world. I am proud to be officially opening the festival this Friday for my dear friend and festival organiser, Margret Meagher. The main focus of the festival is celebrating Australia's most iconic animal, the koala. The festival builds on the popularity of the Hello Koalas Sculpture Trail, created in 2014 by Arts and Health Australia and now a permanent tourism attraction in the Port Macquarie-Hastings local government area [LGA]. The trail currently comprises 57 one-metre high koala sculptures, handpainted by selected artists and dotted across the LGA from the ocean to the hinterland. Promoting koala conservation is the chief objective of the Hello Koalas Festival, which is working closely with the Port Macquarie Koala Hospital.

As I mentioned, one of the key components of the festival is the National Koala Conference, which will see 30 keynote speakers, including Mike Roache, project officer for Saving our Species Iconic Koala Project, NSW Office of Environment and Heritage. According to fossil records, various koala species have inhabited broad regions of Australia and nowhere else on the planet for at least 25 million years. In the Port Macquarie-Hastings region there are around 2,000 koalas, but they are in decline. According to the Port Macquarie Koala Hospital, this is demonstrated by a decline in attendance at the hospital of around 50 to 80 koalas per year.

Although the hospital admits 200 to 250 koalas annually, in the past 12 months there has been a decline in the number of joeys being presented to the hospital. In recent years across New South Wales there has been a 26 per cent decline in population, due mainly to the removal of habitat, an increase in dog attacks and koalas being hit by vehicles. By increasing awareness through events such as the Hello Koalas Festival, it is hoped that more can be done to save our national treasures. Who would not want to help save our koalas? The koala is an iconic brand strongly associated with regional New South Wales. Nationally, the koala contributes approximately \$3 billion to the tourism sector, enabling approximately 30,000 jobs.

Ensuring a healthy and growing koala population directly impacts on tourism as well as fostering civic pride, community wellbeing and environmental sustainability. The Port Macquarie Koala Hospital is helping to achieve the same outcome. The hospital was established in 1973 and is recognised worldwide as a peak body. It participates in forums for debate on significant policy issues and plays a leadership role in koala research. The work of the koala hospital is supervised and carried out by paid staff including the clinical director, assistant clinical director, supervisors and leaf collectors along with around 200 volunteers. On Easter Sunday, my husband, Don, and I joined around 4,000 people at the annual open day. It is a major fundraising event which appeals to both visitors and the local community.

I acknowledge the efforts of Cheyne Flanagan and her team for their outstanding contribution to the koala population in our local government area. Of course, putting together a festival and conference does not just happen. It has taken many months of work with key stakeholders, supporters and sponsors. I acknowledge the contribution by the Liberal-Nationals Government Minister for Tourism of a festival grant of \$5,000. The festival received funding support from the Saving our Species program, Office of Environment and Heritage, NSW Forestry Corporation, NSW National Parks, Sea Acres Rainforest Centre, Port Macquarie Museum, Greater Port Macquarie Tourism Association, online retailer Koala Mattress and principal festival partner, Port Macquarie

Koala Hospital. I wish Margret and her team all the best for the Hello Koalas Festival and I very much look forward to opening the festival on Friday morning at the second National Koala Conference.

### STUDENT SEXUAL ASSAULT

**Ms JENNY AITCHISON (Maitland) (16:56):** Society has no more important role than ensuring that our children are able to grow and thrive safely. We must preserve the innocence of our kids and ensure they are free from harm at schools, at home and in the community. Today in this place I gave notice of a motion calling on the Government to conduct consultations on the increasing number of sexual assaults at primary schools, secondary schools and vocational institutions, as part of the development of the Government's Sexual Assault Strategy. Recently, the Department of Education released figures which revealed the number of teachers terminated due to allegations of sexual abuse and misconduct has almost doubled from 12 teachers in 2009 to 20 teachers in 2016. According to the Government's consultation report on the sexual assault strategy found on its website, it acknowledges that children and juveniles are 7.5 times more likely than adults to be a victim of a sexual offence and 7.5 times more likely to be a victim of sexual assault.

It is completely inexcusable that in this modern era 20 teachers were stood down for alleged acts of sexual abuse or misconduct. Those who would inflict harm on our children must be removed from our schools and never allowed to return. They should never have been employed in the first place. There have been a disturbing number of cases involving children committing sexual assaults on other children at primary school, with victims being as young as 5 or 6 years of age. Last year, two year 6 students allegedly sexually assaulted a six-year-old girl. The shadow Minister for Education and I requested a briefing from the Minister on this matter. Whilst the department representative told us about the response of the school to this act, they were unable to provide any briefing about the prevalence of these crimes across the education system. Nor could we be briefed about an incident in early 2016 that had occurred at a private primary school.

I do not blame the department's representative for this. It was not her role to know or to provide this information. However, the question remains unanswered: What is the Government doing from a strategic view to address sexual assault, harassment and rape in our schools? With the recent release of statistics regarding the number of teachers who have been terminated due to sexual assault of students, it has been revealed that for the last six years this Government has been asleep at the wheel on this issue. In September 2016, *Sydney Morning Herald* journalist Rachel Olding reported that New Street, which is the only service that deals with rehabilitating children who commit sexual crimes, has a waiting list that is four times the capacity of the program. In April 2016, Patrick Begley, also of the *Sydney Morning Herald*, reported:

Children commit up to half of all child sexual abuse... Half of that involves one sibling molesting another. More than 800 children are reported in NSW each year for causing serious sexual harm to other children. And much abuse goes unreported.

The article by Mr Begley also stated:

But, two years after a report recommended doubling the number of clinics, the government has no plans to increase funding.

I have been agitating for some time for this Government to complete the NSW Sexual Assault Strategy. The Government has significantly failed to take responsibility for its obligations to provide early interventions to rehabilitate children who sexually abuse other children, and in the case of the Department of Education teachers who sexually abused their students. It appears that the Government is even failing to ensure that the teachers, who should be positive role models to all young people, are safe to look after our students in schools. I know that the vast majority of teachers in our school system are excellent and that they try their best to provide excellent teaching and life skills to our students, but the Government must ensure that those teachers who exploit and assault our students are never employed.

In recent years our newspapers, radios and television screens have been filled with reports of teachers acting improperly towards children. This month a Central Coast primary school teacher was sentenced to a nine months intensive care order after being caught with dozens of images of child pornography. In January a teacher who formerly taught at a private primary school was sentenced to jail for 11 years after he was found guilty of sexually abusing six children. In another disturbing case, an assistant principal was charged with sexually abusing young boys between the ages of 10 and 12 over a 10-year period. The Royal Commission into Institutional Responses to Child Sexual Abuse has revealed the widespread abuse of kids in places we used to think were safe: churches, scout clubs, sporting clubs and even the schools our children attend. I deal with those questions every day and I want the Government to act on this issue. There is no more important issue for the development of students and young people in our schools. The Government must act now.

**Mr DARYL MAGUIRE (Wagga Wagga) (17:01):** I thank the member for Maitland for bringing this serious issue to the attention of the House. However, I point out that under the standing orders private members' statements should relate to issues specific to a member's local area. Members use this time to raise issues

concerning our electorates. I understand this issue is important to us all, but there is a way in which the member can deal with it and I encourage the member to do so in future.

**The ASSISTANT SPEAKER:** I thank the member for Wagga Wagga and Parliamentary Secretary for raising this issue. I remind members that, as the member for Wagga Wagga stated, private members' statements should relate to electorate issues. I have noted on numerous occasions that members are raising issues in private members' statements that should be dealt with by other means. I ask that all members comply with the standing orders relating to private members' statements.

#### **BATTLE OF SYDNEY HARBOUR SEVENTY-FIFTH ANNIVERSARY**

**Ms FELICITY WILSON (North Shore) (17:02):** On 31 May 75 years ago Sydney was plunged into disarray as it faced the reality of war. Last week I had the privilege of attending a moving service at North Head commemorating the seventy-fifth anniversary of the Battle of Sydney Harbour. It was the day that war came to Sydney and my community of North Shore. Today I acknowledge this battle and pay tribute to the soldiers who lost their lives in the attack—19 were Australian, two were British and six were Japanese. On the night of 31 May, three Japanese midget submarines entered Sydney Harbour. All three midget submarines were lost; two of them were destroyed before they could fire their torpedoes. But one midget submarine, *M24*, successfully claimed the lives of 21 sailors. *M24* was spotted by USS *Chicago* just before 11.00 p.m. and was fired on but minimal damage was inflicted. Shell fragments were later found in Cremorne and Mosman.

*M24* fled up the harbour, then took up a firing position south-west of Bradley's Head and shortly after midnight fired two torpedoes at USS *Chicago*. Those torpedoes missed their target, but one hit the breakwater that HMAS *Kuttabul*, a converted ferry, was tied up against. The explosion broke the *Kuttabul* in two and sank her, killing the 21 sleeping sailors aboard. Closer to 4.00 a.m., HMS *Kanimbla* fired on *M21* in Neutral Bay, and from 5.00 a.m. three auxiliary patrol boats dropped depth charges for 3½ hours. At the time of the attack, a partial Sydney Harbour anti-submarine boom net had been constructed from Georges Head on Middle Head but it was not completed. War was brought home to Australia's eastern States that night. It was the first and only time that modern Sydney came under foreign attack, leaving an indelible mark on Australia's identity. Reactions by Sydney residents varied. A few made plans to flee the city but many came to watch the recovery of the submarines. In *Mosman Memories of Your Street*, Ngaire Souter, who was a local resident, wrote:

The peace of Clanalpine Street was shattered on the night of 31 May 1942 when we were awakened by thudding noises and the sound of ornaments moving on mantelpiece and shelves. "It's an earthquake," said my mother, who was a New Zealander, but in fact of course it was the unsuccessful Japanese submarine attack on Sydney Harbour.

Thankfully, we can only imagine the fear that would have permeated Sydney during this attack and the mourning over the loss of our servicemen on home soil. My local community comes together each year to commemorate this battle under the leadership of my Federal colleague the Hon. Tony Abbott, MP. I thank Mr Abbott for his dedication to preserving our local history and his commitment to recognising our service men and women. Such a sobering and moving service would not have been possible without the contributions of many outstanding individuals, including: Air Chief Marshal Mark Binskin, AC, Chief of the Defence Force; Johnny Austen from Mosman High School, a particular favourite of mine, whose moving dramatic re-enactment of a sailor's experience on that night was powerful for all in attendance; and Mr Howard Halstead, OAM, chairman of the Anzac Memorial Hall Trust. He served in the Royal Australian Navy during World War II and delivered the moving naval ode.

I also recognise the support of members of our community, including: Mr Peter Alderson from the Lions Club of Mosman; Julie Goodsir and Tony MacCormick from the Headland Preservation Group; Dominic Johnson, general manager of Mosman Council; Mary Darwell of the Sydney Harbour Federation Trust; and Eloise Carter and Sam Carroll, captains of Middle Harbour Public School; the prefects Bethany, Lucas, Kate, Yasmine, Ruby and Hugo; and Laura Barry, the relieving deputy principal. The contributions of all of those people and more resulted in a moving service that reflected on the Sydney Harbour attack with a sense of great respect and honour. The pertinent and enduring lessons from our history shine through on anniversaries such as these. They include the value of peace and prosperity, the treasure that is our freedom, and of course the honour and virtue innate to the acts of selflessness undertaken by those willing to protect their fellow Australians.

#### **LIFE EDUCATION NSW**

**Dr HUGH McDERMOTT (Prospect) (17:08):** I address the House about an important organisation in the Prospect electorate, Life Education NSW, and its Federal body, Life Education Australia. I am sure members in this House who have children will know the mascot Healthy Harold and the work that Healthy Harold does throughout New South Wales, especially in our electorates. Life Education Australia has been educating and empowering children and young people to make safer and healthier choices for more than 35 years in Australia and for 30 years in Western Sydney. Each child should be living life to their full potential. To meet this vision,

Life Education NSW has designed programs that are relevant to the everyday lives of Australian children and young people, as well as their families and surrounding local communities.

Life Education Australia is the largest non-government provider of drug and health education operating in all States and Territories. It has an extremely important role. In our adult population we have preventable chronic diseases including cardiovascular disease, strokes, cancers and respiratory conditions, which now account for approximately 85 per cent of the total burden of disease in Australia and 90 per cent of all deaths. The five most common behavioural risks—smoking, physical inactivity, poor nutrition, the harmful use of alcohol and the use of illicit drugs—all must be addressed. That is why Life Education exists. If our children and young people are to live active and productive lives and to flourish it is so important that they learn to make safer, healthier choices. Education is the building block that helps prevent dangers associated with unsafe and unhealthy behaviours.

The program delivered by Life Education NSW aims to instil in children the means to make considered decisions about their health and safety now and in the future. Life Education NSW partners with schools to deliver vital health and safety messages to hundreds of thousands of children and to provide useful and informative resources for teachers. Life Education has done various work in the Prospect electorate, but I will give a snapshot of what it plans to do in 2017. Life Education NSW and Healthy Harold will visit six of the 13 primary schools in the Prospect electorate, that is, Beresford Road Public School, Girraween Public School, Greystanes Public School, Our Lady Queen of Peace Primary School, Prairievale Public School and William Stimson Public School. They will conduct some 120 sessions and deliver their programs to 2,500 students from kindergarten to year 6 at each of those schools. They will have a mobile learning centre within the schools for a total of 47 days. The program will be delivered in partnership with schools at all levels. They will deliver similar programs across the country to some 640,000 children every year. This unique learning experience will greatly help our children.

Research shows that well-designed, school-based health education programs play an important role in helping children develop the skills they need to make informed decisions. The mobile classroom allows children to explore creative and collaborative learning in a space that is entirely different from a traditional classroom. There are no desks, pens or paper. Children are encouraged to participate and learn through engaging education experiences which bring out the best in all children. Specially trained educators will guide the students to achieve great educational results. The program encourages all children to have a go and to be themselves. As Life Education founder Ted Noffs said, "Each and every child is unique". The educators apply this belief in every class they work in.

Sadly, in the past 24 hours we have heard that the Federal Government had planned to slash the budget for Life Education Australia by some \$500,000 per year over three years because of budget cuts. It was quite a shocking decision. Luckily, late last night Simon Birmingham, the Federal Minister for Education and Training, changed his view and it seems as though that money has been saved. That is most important news for Life Education NSW. Life Education NSW relies on \$2 million per year from the New South Wales Government and more than \$1 million over three years to target pockets of real need in this State. Let us hope that the 2017 State budget makes similar or larger commitments. I congratulate Kellie Sloane, board members, educators and all associated with these programs.

**Dr GEOFF LEE (Parramatta) (17:12):** I also support Healthy Harold and recognise the great work of Life Education NSW not only in the electorate of Prospect but also in Parramatta and throughout the nation. They teach our youngest community members about right and wrong and how best to live their lives. I also support the Australian Telangana State Association, which promotes Telangana culture and language and helps community members who call Australia home to find accommodation and employment. Tomorrow I will welcome to Parliament the Hon. Vinod Boianapalli, member of Parliament, and his wife and a delegation from the Australian Telangana State Association. I commend the association for its great work in the community.

#### **CENTRAL COAST MARINE DISCOVERY CENTRE**

**Mr ADAM CROUCH (Terrigal) (17:14):** The Central Coast Marine Discovery Centre is a fantastic organisation in my electorate of Terrigal. Since operations began in 2010, it has been visited by nearly 30,000 people. It is operated almost entirely by an outstanding team of volunteers. The vision of the marine discovery centre is "to provide for the sustainable use, understanding, and enjoyment of our coasts and oceans". This is being achieved through hands-on and interactive education which will inspire and promote conservation of our environment. Over its past seven years of operation, the Central Coast Marine Discovery Centre has developed models, activities, aquariums and experiments that are innovative, interactive and exciting for all ages. It is a coincidence that around the same time the centre was established the ex-HMAS *Adelaide* was scuttled off the coast of Terrigal and Avoca beach. Earlier in 2008 the Department of Defence decommissioned and demilitarised HMAS *Adelaide* and handed it over to the New South Wales Government. However, due to a prolonged legal battle over preparation and cleaning standards, the ship was not scuttled until 13 April 2011.

My wife, Jill, and I, along with thousands of other people, were witnesses to the ex-HMAS *Adelaide* being scuttled. It was an historic occasion. The ship measures 138 metres from bow to stern, with a beam of 14 metres and with an original displacement of 4,100 tonnes. Its current resting place is 1.8 kilometres off the coast from Avoca Beach, 32 metres below the water surface. All that can be seen nowadays is a small yellow buoy that is used to temporarily moor professional divers' boats. The site of ex-HMAS *Adelaide* is quite unique. It is surrounded by a 250 metres by 350 metres reserve. This makes it one of the only fish sanctuaries on the New South Wales coast. It is also important to recognise how the scuttling of the ex-HMAS *Adelaide* is contributing to our local community. Since the ship was sunk, marine life has colonised in and around the ship, creating a thriving artificial reef. The development of this area as a recreational dive site is a great tourism attraction for the Central Coast community. In fact, more than 15,000 dive permits have already been issued for the site.

Another way that the ex-HMAS *Adelaide* is contributing to our local community is through enhanced opportunities for research and education. Before the ship was scuttled, the local environment was studied. University of Newcastle academics, in collaboration with other organisations such as the Central Coast Marine Discovery Centre, have been able to compare and contrast the changes that have occurred to the local environment. It is thought to be a world first, accurately comparing the "before" and the "after" to gain a better understanding of the environment. Overall, it is clear that the scuttling has provided a range of environmental, educational and economic benefits, particularly in the tourism and hospitality industries. That brings me back to the work being done by the Central Coast Marine Discovery Centre.

I was very pleased to attend a breakfast presentation event convened by the marine discovery centre and its chairman, John Asquith. It brought together a range of stakeholders, including Professor Caroline McMillen, Vice Chancellor and President of the University of Newcastle; Dr Troy Gaston, Senior Lecturer at the University of Newcastle; Frank Summut from Central Coast Industry Connect; representatives from Central Coast Council; and Mr Scot Macdonald and I representing the Government. Under the leadership of chairman John Asquith, the Central Coast Marine Discovery Centre is undertaking actions to establish a "marine cluster". This will hopefully deliver further positive outcomes for local education and economic benefits through tourism. This type of collaboration is very important. By establishing fresh partnerships, it is hoped that visitor numbers will increase from 5,000 a year to 20,000 by 2025. John Asquith recently said:

We'll invite a number of participants to join and help establish the cluster that will be beneficial to universities, businesses, tourism and the environment. It's about finding innovations, ideas and partnerships that will provide bang for your buck.

For this to occur, the Central Coast Marine Discovery Centre is hoping to acquire funding through grants, sponsorships and donations. In fact, I was very pleased recently to support a grant application to modernise and improve the centre's facilities and to assist in cleaning up the surrounding grounds. In conclusion, without a doubt the Central Coast Marine Discovery Centre, ably led by John Asquith and his fantastic team of volunteers, is a valuable education resource for both local and visiting schools, a developing hub for research activity and a flourishing destination for tourists. I strongly support the Central Coast Marine Discovery Centre and commend all who are involved in its activities. I recommend that visitors to the Central Coast pop into the centre, especially if they want to dive on the ex-HMAS *Adelaide*. I again commend the outstanding work of the Central Coast Marine Discovery Centre.

## HUNTER MANUFACTURING INDUSTRY

**Ms JODIE HARRISON (Charlestown) (17:18):** The Hunter has a proud history in manufacturing. Indeed, the manufacturing sector played an important role in the development of our workforce and our economy. For example, BHP played a central role in the development of Greater Newcastle as New South Wales' second largest city and as an economic powerhouse in this State. BHP no longer has a presence in Newcastle but manufacturing continues to play a key role in our local economy. Manufacturing is the third largest employer in the Hunter region, employing 9.9 per cent of the region's workforce—compared with 8.5 per cent in the rest of the State. According to the last census, 8.6 per cent of the people who live in the Charlestown electorate work in manufacturing. But with the closure of BHP steelworks and the Kurri Kurri aluminium smelter, changes to the coal industry and the accompanying decline of heavy industry in the Hunter, we urgently need to identify alternative manufacturing opportunities in the region.

Although manufacturing is vital to the future prosperity of the Hunter region, it does not get the support from this Government that it deserves. Manufacturing jobs across the Hunter are decreasing and this is leaving thousands of skilled employees out of work. Regional and youth unemployment rates are considerably higher than when Labor left office. Unemployment rates are increasing and the availability of full-time jobs is decreasing. In the 12 months to December 2016 the number of people in full-time employment fell by 66,700 in the Hunter. In 2016 a presentation given by the Labour Market Research and Analysis Branch of the Department of Employment revealed that if nothing changes and if action is not taken manufacturing employment in the Newcastle and Hunter regions will continue to decline.

The Liberal-Nationals Government had an amazing opportunity to stimulate job growth in the Hunter region and to utilise our manufacturing experience with the intercity rail fleet. Instead, the Government awarded the contract to the RailConnect consortium, which will build 500 double-decker carriages in South Korea—costing New South Wales 12,000 jobs. Decisions such as this make young people living in the Hunter question their future in the region. Sadly, it is not unusual for Liberal-Nationals governments to send our jobs offshore. In 2015 the former Newman Liberal Government offshored Queensland's train manufacturing to India—costing taxpayers \$4.4 billion. This left no train manufacturing jobs in Queensland. When the new trains started to arrive in Brisbane from their Indian manufacturer, tests revealed a plethora of design faults. Over the past year, 13 of the 75 trains ordered have been delivered but the new Labor Government has stopped any more deliveries until the issues are rectified.

This overseas-built trains project has been a complete disaster for the people of Queensland. The new trains arrived with faulty brakes and air-conditioning, poor ventilation, inadequate driver visibility and poor disability access. The Queensland Liberal Government boasted at the time that having the trains manufactured in India was half the cost of building them in Australia. Similarly, the New South Wales Minister for Transport and Infrastructure has been boasting about the 25 per cent saving from going with a South Korean company. In reality, you get what you pay for, as Queensland has been forced to learn the hard way. It now appears that the New South Wales Government is repeating the mistakes of its Queensland counterpart. It has been revealed that the new intercity fleet does not fit the tracks that run through the Blue Mountains. If only this Government would look south to Melbourne, where trams have "Made in Melbourne, for Melbourne" proudly stamped on their sides and there is enormous support for government investing in local jobs. It is fantastic to see the Victorian Labor Government investing in local manufacturing jobs.

Governments have enormous capacity through procurement to support local manufacturing. The Labor Opposition appreciates New South Wales' capability to make things here at home. The Steel Industry Protection Bill 2016, introduced by my colleague the member for Keira earlier this year, reflects that commitment. The bill will ensure that public infrastructure projects use 90 per cent Australian-made steel, meeting Australian standards and certification. If it is successful, steel for future public roads, public schools and public hospitals will be sourced locally. Procurement policies such as this are crucial to achieving sustainable manufacturing in our regional areas. I urge the Government to support local jobs and to prioritise local manufacturing in New South Wales. If our youth are to stay in our regions and continue to call the Hunter home, we need confidence and stability in the local manufacturing industry.

### **SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS EDUCATION**

**Mr GREG WARREN (Campbelltown) (17:23):** Science, technology, engineering and mathematics [STEM] play important roles in the future of our economy locally, nationally and globally. Young people today face a completely new set of challenges in getting the education, training and skills they need to get a good, stable job compared to those faced by any previous generation. Put simply, the days are long gone when anyone could leave school after year 10, enter the workforce and remain in the same job until retirement. In our rapidly changing economy, technological advancements and innovations are seeing more blue-collar jobs being lost to automated processes.

This is particularly so in manufacturing and similar sectors, where Australian job numbers have declined steeply over the past two or three decades. This presents significant challenges for our nation, but those challenges are countered with significant opportunities for new jobs in a modern, technological economy. That is why STEM education is so vital. The Australian Industry Group, which represents some of the largest employers in Australia, in a report entitled "Lifting our Science, Technology, Engineering and Maths (STEM) Skills", stated:

A key way to meet the emerging challenge of developing an economy for the 21st century is to grow our national skills base—particularly the Science, Technology, Engineering and Mathematics (STEM) skills of our school leavers. Our relative decline of STEM skills is holding back our national economy and causing real frustration for employers.

The task sounds simple enough: train and educate more people in STEM subject areas to equip them with the knowledge and skills for the jobs of the future. That job starts in every school across this State and Australia. If we are to continue the current trajectory with STEM in our schools, we will fail an entire generation. Our students will not be adequately equipped with the skills and knowledge they need for the twenty-first century economy and associated new jobs. Across the nation the statistics paint a concerning picture. Around 40 per cent of high school teachers who teach these subjects do not have university qualifications in STEM areas, and year 11 and year 12 participation in STEM subjects has fallen to its lowest level in more than 20 years.

It is estimated that 75 per cent of the fastest growing jobs in our economy require STEM training, and the number of jobs in these industries is projected to grow at double the speed of other occupations. I cannot say conclusively but I would hazard a guess that in very few high schools in Australia three out of four students study a STEM subject in years 11 and 12. We need to get more students, particularly those in year 11 and year 12, to

study STEM subjects in high school. The solution does not end there. Significant improvements are required to support those studying STEM at university, especially young women who want to pursue a career in STEM. Women are severely under-represented in STEM industries.

Currently, only 20 per cent of students studying engineering degrees in Australia are women and, even worse, only 14 per cent of students studying information technology degrees are women. We need to lose the attitude of STEM being a "man's industry". We will not be able to meet the number of graduates required—and we will miss out on some massive economic and job opportunities—if the current rates of female student participation in STEM degrees continue. Our young generation is well equipped with technological savvy. Many probably do not realise how that knowledge and skill can be used to achieve their significant career goals.

More students need to find a STEM subject in which they are interested—whether it be maths, engineering, computer science or any of the natural sciences—and keep at it. The possibility is there for great job opportunities. It will not always be easy, but of course anything worth doing is never easy. Our nation and our world are facing some exciting opportunities in STEM industries, and our schools are the starting point. I urge our students, schools and communities to embrace those opportunities and to engage in those challenges. They will carry that education with them throughout their working lives and our local economies will continue to grow. Members well know that a strong local economy provides the framework for people to prosper throughout their lives.

**Mr DARYL MAGUIRE (Wagga Wagga) (17:28):** While I thank the member for Campbelltown for his contribution and note the importance of his private member's statement, I refer Mr Assistant Speaker to "Decisions from the Chair—Consolidated Rulings". On 31 August 1988 former Speaker Rozzoli ruled:

Private Members' Statements have comprised matters of local import, or small, confined issues. Member cautioned for raising matters of great statewide importance. On 14 September 1988 former Speaker Rozzoli further ruled:

The type of matter raised in a Member's capacity as a shadow minister would generally be outside the spirit of a Private Member's Statement.

I understand how passionate people are about certain issues, but private members' statements must relate to local issues. They are an opportunity for members to raise issues concerning local roads, infrastructure that needs fixing, and matters of importance to constituents. While not wanting to denigrate the member's passion for education—we all share that passion—there are other rulings on this subject. On 27 and 28 May eminent former Speaker Kelly referred to private members' statements and ruled that they:

... are not be used to attack another member or a Minister. A member who wishes to attack a Minister should do so by way of a substantive motion.

I ask members to acquaint themselves with the many rulings of that nature and with the standing orders of this place that govern how members make appropriate speeches at the right time. If members seek to raise issues of a broader nature, they may do so by way of substantive motion. I encourage members to do that.

**The ASSISTANT SPEAKER:** I congratulate the member for Wagga Wagga on raising this issue. Members on both sides of the House are generally tolerant about the matters that are raised during private members' statements. The member for Wagga Wagga drew attention to two private members' statements today, and I suggest that the statement made by the member for Charlestown is in the same category. When making private members' statements, members should comply with the relevant rulings of former Speakers Rozzoli and Kelly. If members wish to raise matters not pertaining to their electorate, they can do so by way of substantive motion. I ask the Government and Opposition Whips to inform members that in private members' statements they should only speak to matters that relate to their electorates. If members do not comply with the rulings of the House they will be called to order.

**Mr Greg Warren:** I seek leave to respond.

**Leave not granted.**

#### *Bills*

### **PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT (CRIMINAL CHARGES AND CONVICTIONS) BILL 2017**

#### **Returned**

**The ASSISTANT SPEAKER (Mr Andrew Fraser):** I report receipt of a message from the Legislative Council returning the abovementioned bill with amendments. I order that consideration of the Legislative Council's amendments be set down as an order of the day for a future day.

*Matter of Public Importance***WORLD NO TOBACCO DAY**

**Mr JAMES GRIFFIN (Manly) (17:33):** I am proud to bring to the House's attention World No Tobacco Day as a matter of public importance. World No Tobacco Day is observed around the world every year on 31 May. The theme this year is "Tobacco—a threat to development", which is designed to highlight the threat that tobacco poses to the sustainable development of all countries, including the health and economic wellbeing of citizens. People over the age of 18 obviously have the right to smoke if they so wish, and I do not begrudge them that right. However, the evidence that tobacco smoking causes cancer is unequivocal. It is linked to 16 different types of cancer and heart and lung disease, and of course recent studies have linked maternal smoking to brain and nervous system cancers in children. Tobacco smoking is a major cause of preventable disease and death in New South Wales. In New South Wales it has caused more than 47,100 hospitalisations and over 5,000 deaths are attributed to smoking—they are 5,000 people who could be alive today if they did not choose to smoke.

World No Tobacco Day encourages governments and the public to make a difference by confronting the global tobacco crisis. The New South Wales Government is reducing tobacco smoking through anti-tobacco social marketing, smoke-free environmental law, smoking cessation support, research into effective interventions and, since 2003, it has worked with the Cancer Institute NSW to lessen the impact of cancer on the community. I should recognise the work of the Cancer Institute NSW, which has developed anti-smoking campaigns through the mass media and helped people understand the harm of smoking. It has also provided support services to reduce the incidence of smoking. Members will be pleased to hear that tobacco control has decreased the rate of smoking among adults, from 22.5 per cent of adults in 2002 to 15 per cent in 2016. Advertising is the most effective and cost-efficient method of achieving this, but a lot more work remains to be done—for instance, in communities of particular risk or with high rates of smoking, including Aboriginal communities, culturally and linguistically diverse communities, and women who smoke during pregnancy.

Plenty of smoking-related reforms have been made in New South Wales. In 2004 most indoor public areas went smoke free. In 2007 a full ban on smoking in indoor areas of licensed premises was introduced, and in 2013 there was a ban on smoking where groups, children or families gather—for instance, at bus stops, sporting stadiums and outside buildings. NSW Quitline and the NSW Aboriginal Quitline provide smoking cessation advice and support to smokers and quitters. The NSW iCanQuit website provides online tools and information to guide smokers on how to quit and to ensure that they continue to refrain from smoking. It also provides a community forum to support quitters and emphasises that they are not alone in their journey to quit. In 2014 some 6.7 per cent of 12- to 17-year-olds smoked, which was way too high. But that is a marked improvement from 1984—when I was born—when the figure was 27.3 per cent, which is absolutely shocking.

The NSW Smoking Cessation Collaboration is a partnership involving the Cancer Institute, NSW Health, St Vincent's Health Network, the University of Newcastle, Cancer Council NSW, the Aboriginal Health and Medical Research Council and Primary Health Networks. It supports the capacity of the New South Wales health system and community-based settings to embed brief interventions in smoking cessation as part of routine care, with a view to making smoking cessation everyone's business. Patients are asked about their smoking status, and those who smoke are supported to manage their nicotine dependence and quit. Brief interventions include the option of nicotine replacement therapy where clinically appropriate, and the provision at discharge of at least three days supply of any nicotine replacement therapy the patient needs. The collaboration supports the NSW Cancer Plan and the NSW Tobacco Strategy by sharing resources and identifying knowledge. The New South Wales Government calls on everyone to get behind World No Tobacco Day 2017 by encouraging the people they love who smoke to get the support they need to quit and to call the NSW Quitline or to visit the iCanQuit website.

**Ms LIESL TESCH (Gosford) (17:39):** Today is World No Tobacco Day, and despite the known dangers of smoking it is a day that is, unfortunately, still a necessity in our community. Around the world, approximately one person dies from a tobacco-caused disease every six seconds. That is equivalent to almost six million people a year. This figure is forecast to rise to more than eight million people a year by 2030, with more than 80 per cent of these preventable deaths occurring among people living in low- and middle-income countries. Australia is a world leader in smoking prevention, and we should all be proud of that.

Australia was the first country in the world to introduce mandatory plain packaging for tobacco products, and other countries, such as the United Kingdom, are looking to follow suit. Smoking is prohibited within 10 metres of a playground, within four metres of the entrance to a public building, on rail platforms and at taxi ranks and bus stops. Smoking is banned on many beaches and in cars with minors. Thankfully, these are not seen as punitive measures by the community but as simply common sense. These are sensible measures that governments at State level across the country and at the Commonwealth level have taken to stamp out smoking and create a healthier community.

I commend the New South Wales government decision to introduce the ban on smoking in public buildings in 2001. The difference was very noticeable in New South Wales, but it became even more apparent to me later when I moved to Spain. In an interview to open a bank account, I wheeled into the bank manager's office and was offered a cigarette while he was smoking in the office. I was living in Italy when its Federal government announced that a ban on smoking in public places would be introduced on New Year's Day 2005. It was interesting to see the impact that had on the community. The ban caused an 8 per cent decrease in cigarette consumption, and three of my basketball teammates stopped smoking from that day. So it was quite rewarding. Despite early resistance to the ban, it has resulted in heart attacks in Italian adults dropping significantly.

Australia is continuing to lead the way. The Federal Government has committed to reducing the number of adults smoking on a daily basis to 10 per cent by 2018, and we are well on our way to that goal. Rates of daily smoking have decreased considerably over the past 15 years. In 2014-15, 16.3 per cent of 18 to 44 year olds smoked daily, compared to 28.2 per cent in 2001. That is a massive drop and means fewer young people continue smoking and many never take up the habit in the first place. These rates can be attributed in part to plain packaging rules that require 75 per cent of the front of a cigarette pack to be covered by a health warning, which we all look at and grimace, and 90 per cent of the back. Statistics show that plain packaging equated to more than 108,000 people quitting, not relapsing or not starting to smoke during that period.

Along with this measure, tobacco taxes are now rising 12.5 per cent every year, making it more expensive to keep lighting up. Just last week we commended the Cancer Council for its fundraising efforts at Australia's Biggest Morning Tea. This week we are talking about tobacco, which we still know is the leading risk factor for preventable cancer. One in five cancer deaths can be attributed to smoking. That is one in five people who could still be with their families and friends if it were not for smoking. Perhaps my mum would still be with us had she grown up with the same information we have today. She chose to start smoking at a young age, only ceasing, finally, after numerous agonising attempts during my adult life, when her secondary bone cancer left her too unwell to smoke. Like my mum and my colleague Steve Kamper, three in four smokers say they are interested in quitting, and governments should be doing everything possible to make that process as easy and as supportive as possible. On this World No Tobacco Day, with the focus on tobacco as a threat to development, I refer to the Australian Bureau of Statistics, which states:

Tobacco smoking is the most preventable cause of ill health and early death among Aboriginal and Torres Strait Islander people, increasing the risk of coronary heart disease, stroke, numerous cancers and many other health conditions.

Whilst there has been a progressive decrease in daily smoking rates for Aboriginal and Torres Strait Islander people, we will be facing the health challenges of poor smoking habits in our community for years to come. On World No Tobacco Day I encourage our Government to continue its work on decreasing the prevalence of smoking in our Aboriginal communities and on developing culturally appropriate health support for our Aboriginal people in New South Wales.

**Mrs LESLIE WILLIAMS (Port Macquarie) (17:43):** I support this matter of public importance and I congratulate the member for Manly on raising this very important issue in the House this evening. I also congratulate the member for Gosford on her contribution. I think we can all agree with her that, thank goodness, Australia, compared with Spain, has moved a little further ahead. What an incredible story the member for Gosford told. It shows how far we have come in implementing initiatives to prevent people from taking up smoking in the first place and to encourage people to quit smoking. Every year on 31 May, World No Tobacco Day raises awareness about the harms caused by smoking. I commend, as the member for Manly did, the work of the Cancer Institute NSW in helping people to stop smoking and in providing important assistance to a whole range of people.

The NSW Quitline and the iCanQuit website are initiatives of the Cancer Institute. As has been mentioned, the Quitline is available in a range of languages. Dedicated language lines are in Arabic, Cantonese, Mandarin and Vietnamese, and callers from other culturally diverse communities can ring the translating and interpreter service. Also mentioned was the NSW Aboriginal Quitline, again supported by the Cancer Institute. That service provides a tailored and culturally sensitive service for Aboriginal callers. Over the past few years, the Cancer Institute has funded projects that are about working directly with communities to offer support, information and cessation programs that are culturally meaningful and will make a difference. On this World No Tobacco Day, the New South Wales Government has announced the Cancer Institute's 2017 Tobacco Control Grants.

Five grants of between \$75,000 and \$150,000 have been awarded for projects in Aboriginal communities in northern New South Wales, the Illawarra-Shoalhaven area, southern New South Wales, western New South Wales and the Central Coast. Four projects being conducted in culturally diverse communities have been awarded funding of between \$50,000 and \$150,000. These projects will support Arabic-speaking people in Cumberland, through the Community Migrant Resource Centre; adult male smokers aged 18 years and over in Mandarin and Cantonese speaking communities in New South Wales, through the Chinese Australian Services Society; members

of Arabic, Mandarin, Cantonese and Vietnamese speaking communities and the Korean community in Sydney, through the Ethnic Communities Council of NSW; and Arabic and Chinese speaking communities in the St George region, through Advance Diversity Services. I congratulate the Government and the work it is doing alongside the Cancer Institute.

**Mr JAMES GRIFFIN (Manly) (17:47):** I thank the member for Gosford for her contribution. It was interesting to hear of her experience in Spain when she went into a bank and was offered a cigarette. Her story provides some context for how well we are doing in this country and the initiatives that we are getting right with respect to smoking in the workplace. Also interesting were her comments that three in every four smokers say that they are interested in quitting. That is a good statistic. It is incumbent upon us to make sure that people wanting to give up smoking have the tools to make that decision, whether they go cold turkey or use whatever means necessary to quit. I also thank the member for Port Macquarie for her acknowledgement of the good work of the Cancer Institute, particularly the work it is doing to assist migrant and culturally diverse communities in understanding what help is available to them to stop smoking.

In conclusion, I have some good news from the Minister for Health. He has announced that there is more support for communities to go smoke free. Smokers in Aboriginal and multicultural communities will benefit from close to \$1 million in new government-funded programs to help them kick the habit. To help mark World No Tobacco Day, the Minister has announced new funding for the Tobacco Control Grants to be administered by the Cancer Institute NSW, about which the member for Port Macquarie so eloquently outlined. That is great news. Also, \$150,000 has been allocated to the iCanQuit campaign in the Illawarra Shoalhaven local district area, where Aboriginal community health organisations are working to reduce smoking rates amongst pregnant women. That is also good news. I thank all members who contributed to this matter of public importance.

**The House adjourned, pursuant to standing and sessional orders, at 17:49 until  
Thursday 1 June 2017 at 10:00.**