



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Tuesday, 21 June 2016

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday, 21 June 2016

The PRESIDENT (The Hon. Donald Thomas Harwin) took the chair at 14:30.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its elders and thanked them for their custodianship of this land.

Members

DEATH OF DR JOHN KAYE, A MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT (14:32): I announce to the House the receipt, from the Registry of Births, Deaths and Marriages, of an extract certificate recording the death of Dr John Kaye on 2 May 2016, and that an entry recording his death has been made in the Register of Members of the Legislative Council. In accordance with the provisions of section 22G (8) of the Constitution Act 1902, His Excellency the Governor has been notified that the seat of Dr John Kaye became vacant before the expiration of his term of service through his death on 2 May 2016, which notification has been duly acknowledged by His Excellency.

Bills

COASTAL MANAGEMENT BILL 2016

NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL 2016

WATER NSW AMENDMENT (STAFF TRANSFERS) BILL 2016

EMERGENCY SERVICES LEVY INSURANCE MONITOR BILL 2016

CRIMES (HIGH RISK OFFENDERS) AMENDMENT BILL 2016

NORFOLK ISLAND ADMINISTRATION BILL 2016

COURTS LEGISLATION AMENDMENT (DISRESPECTFUL BEHAVIOUR) BILL 2016

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2016

Assent

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

Announcements

ORLANDO, FLORIDA, NIGHTCLUB ATTACK

The PRESIDENT: I inform the House that on behalf of members of the Legislative Council and the people of New South Wales, I have sent a message of condolence to the Consul General of the United States of America following the horrific attack on the lesbian, gay, bisexual, transgender and intersex [LGBTI] community in Orlando and expressed sympathy to the relatives and friends of the many people who were killed or injured at the Pulse nightclub.

Members and officers of the House stood in their places as a mark of respect.

DEATH OF MS JO COX, MP, MEMBER OF THE HOUSE OF COMMONS, UNITED KINGDOM

The PRESIDENT: I inform the House that on behalf of members of the Legislative Council and the people of New South Wales, I have sent a message of condolence to the Speaker of the House of Commons on the tragic death of Ms Jo Cox, MP.

Members and officers of the House stood in their places as a mark of respect.

Commemorations

CENTENARY OF FIRST WORLD WAR

The PRESIDENT (14:34): This month marks the centenary of the enlistment of William Rupert McCourt, who had a long public service career in the Legislative Assembly. After leaving school in 1901,

McCourt joined the staff of the Legislative Assembly, where at the time his father served as Speaker. During the war he served with the 17th Battalion, initially as a private and subsequently as a commissioned officer. He was wounded in action in September 1917 in the Battle of Ypres. He became Clerk of the Legislative Assembly in 1930 and held the position until his death in 1947. Speaking on a condolence motion, Lt Colonel Bruxner, MP, described McCourt as 'a great citizen and a zealous and distinguished officer of the State'. Also serving in the 17th Battalion was Frank Anthony Darby, a parliamentary officer in his mid-forties who was a veteran of the Boer War. Darby enlisted a year earlier than McCourt and fought at Gallipoli before continuing his service in Belgium and France in 1916 and 1917.

This month similarly marks the centenary of the formation of the Returned Soldiers and Sailors Imperial League of Australia in 1916 by delegates from Queensland, South Australia, Tasmania and Victoria. They were later joined by New South Wales in 1917, Western Australia in 1918 and the Australian Capital Territory in 1927. In 1940 it changed its name to incorporate the recognition of airmen, and then again in 1965, becoming the Returned Services' League of Australia.

The RSL is one of the most significant and enduring monuments of the Great War. Since its formation a century ago it has helped to promote and protect the welfare of service personnel and their families. The RSL has been at the forefront of the development of Australia's system of veterans affairs—itsself a model and the envy of like nations. The work of the RSL in securing the rights and recognition of those who serve in the Armed Forces has now also expanded to include support for their families and dependents, and even more recently the provision of nursing home and hospital care. The commitment of the RSL, to which we pay tribute, is a clear affirmation of that great promise which we make as a nation. Lest we forget.

Motions

CLIMATE CHANGE

Ms JAN BARHAM (14:38): I move:

- (1) That this House notes that the monthly reports of globally averaged temperatures from the United States Government's National Oceanic and Atmospheric Administration [NOAA] for February and March 2016 show that:
 - (a) February 2016 was hotter than any previous month since records began in 1880, surpassing the previous record set in December 2015, with temperatures at 1.21 degrees Celsius above the twentieth century average;
 - (b) March 2016 was even hotter than the previous month and all other months on record, with temperatures at 1.22 degrees Celsius above the twentieth century average; and
 - (c) March 2016 marked the eleventh consecutive month that a monthly global temperature record has been broken, the longest such streak in NOAA's 137 years of record keeping.
- (2) That this House, having regard to the resolution of the House of 15 March 2016 relating to climate change and global temperature, reiterates its concern that global temperatures continue to rise and without urgent action across all countries, levels of government, and sectors of society and industry to reduce greenhouse gas emissions, global warming will present an increasing risk to the natural environment, biodiversity and human health and wellbeing.

Motion agreed to.

RESIDENTIAL AGED CARE

Ms JAN BARHAM (14:39): I move:

That this House notes that:

- (1) According to the Australian Government's Aged Care Financing Authority's [ACFA] report entitled "Third report on the Funding and Financing of the Aged Care Sector", published in July 2015, average profits of residential aged care providers rose to \$9,224 per resident per annum in 2013-14, up from \$8,660 the year before.
- (2) As at 30 June 2015, there were 61,267 recipients of residential aged care in New South Wales.
- (3) ACFA's report stated that in 2013-14 not-for-profit providers earned average profits of \$7,680 per resident per annum, while for-profit providers recorded average profits of \$13,504 per resident per annum.
- (4) ACFA's report shows that high-care facilities were the most profitable, earning an average of \$9,907 per resident annum, compared with mixed-care providers recording average profits of \$5,455 per resident per annum.
- (5) The top 25 per cent of providers recorded earnings before interest, taxes, depreciation and amortisation of \$21,889 per resident per annum.
- (6) As at June 2015, the average level of Australian Government subsidy for a permanent residential aged care recipient was \$60,200 per annum.
- (7) For-profit providers have acquired a larger stake of residential aged care beds over the past 10 years, with for-profit providers operating 33.4 per cent of residential aged care places in New South Wales as at 30 June 2015, compared with 29.3 per cent in 2004-05.

Motion agreed to.**BERRIMA DISTRICT ANNUAL SPORTS AWARDS****The Hon. LOU AMATO (14:39):** I move:

- (1) That this House notes:
 - (a) the achievements of the many individuals nominated for the 2016 Berrima District Annual Sports Awards, held on Friday 19 February 2016 at the Mittagong RSL, as a result of their outstanding athletic performance over the past 12 months; and
 - (b) that these awards recognise the Berrima district's finest athletes from all areas of sport, and showcase each nominee's achievements during the course of the year.
- (2) That this House acknowledges:
 - (a) the success of Tirian McManus, a Bowral cyclist who was awarded the title of Senior Champion for the third time during his career;
 - (b) the success of Ellie Jordan, a fencer in the Berrima district who was awarded the title of Junior Champion; and
 - (c) the dedication of Margaret Beaumont of the Moss Vale Basketball Association, who was awarded the Alex MacLean Award for club person of the year.
- (3) That this House acknowledges the great work of the Gib Gate School snow sports team, the Bowral Junior Rugby League under-14Bs, the Moss Vale Magic Men's Youth Basketball Team, the Southern Highlands under-15s girls indoor hockey team, and the Bowral Women's Bowling Club grade four pennant side, each of which received high honours during the 2016 awards ceremony.

Motion agreed to.**NSW KIDS IN NEED****The Hon. LOU AMATO (14:40):** I move:

- (1) That this House notes the life-changing work of the organisation NSW Kids In Need, chaired by Mr Peter Debnam, which pools resources into several invaluable children's charities each year, including Muscular Dystrophy NSW, Bear Cottage Children's Hospice, Central Coast Kids In Need, the Duke of Edinburgh International Award—Australia, SHINE For Kids, and the Burns Unit at Westmead Children's Hospital.
- (2) That this House acknowledges:
 - (a) the enormous spirit of nine-year-old Kieran Hobba, who was diagnosed with myopathy at birth and recently participated in his third Muscular Dystrophy NSW adventure camp supported by NSW Kids in Need, which saw him tackling the huge sand dunes at Port Stephens on a sandboard;
 - (b) the sheer determination of 15-year-old Nicholas Lapsley, who was diagnosed with cerebral palsy and severe hearing loss at birth and has so far embraced the challenges of the Duke of Edinburgh International Award by participating in a ski camp at Thredbo, making short films, and improving his skills in swimming, various water sports and archery; and
 - (c) the tireless and loving care of the family members supporting these extraordinary young men to do extraordinary things, including Mr Hobba's mother, Ms Jennifer Clarke, and Mr Lapsley's father, Mr Will Lapsley.
- (3) That this House acknowledges:
 - (a) the success of the NSW Kids In Need inaugural "World's Largest Open House", which was held in 2015 and raised over \$120,000 towards vital children's charities; and
 - (b) the importance of the continued support of New South Wales community during the 2016 event, which was held on 21 May 2016 and saw over 50 Sydney venues, including the GPO Grand in Martin Place and the Gateway building in Circular Quay, opening their doors to the public for a variety of great causes.

Motion agreed to.**TOUCHING BASE****Dr MEHREEN FARUQI (14:41):** I move:

- (1) That this House notes that:
 - (a) Touching Base is an organisation that assists people with disability and sex workers to connect with each other;
 - (b) Touching Base provides information and resources for people with disability, their support organisations and their carers on how to access the sex industry as well as information for sex workers about disability issues; and

- (c) Touching Base advocates that people with disability have an intrinsic right to sexual expression, enabling them to develop relationships, have sex, explore and express their sexuality, and achieve intimacy without personal or systemic barriers.
- (2) That this House:
 - (a) congratulates Touching Base for the work it does in connecting people with disability and sex workers; and
 - (b) supports the right of people with disability to express their sexuality.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 20/56

The Hon. GREG PEARCE: I table the report of the Legislation Review Committee entitled 'Legislation Review Digest No. 20/56', dated 21 June 2016. I move:

That the report be printed.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 50 of the Standing Committee on Social Issues entitled "Service coordination in communities with high social needs", tabled 11 December 2015, received out of session. Under the standing order the response has been authorised to be printed on 15 June 2016.

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Government Response: Vocational education and training in New South Wales

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 3 of General Purpose Standing Committee No. 6 entitled 'Vocational education and training in New South Wales', tabled 15 December 2015, received out of session. Under the standing order the response has been authorised to be printed this day.

Petitions

RESPONSES TO PETITIONS

The CLERK: I announce the receipt, pursuant to sessional order, of the following responses to petitions signed by 500 or more persons:

- (1) Response from the Hon. Andrew Constance, MP, Minister for Transport and Infrastructure, to a petition presented by Dr Faruqi on 4 May 2016 concerning the CBD and South East Light Rail, received out of session and authorised to be printed on 7 June 2016.
- (2) Response from the Hon. Niall Blair, MLC, Minister for Primary Industries and Minister for Lands and Water, to a petition presented by Dr Faruqi on 11 May 2016 concerning the ending of dolphin captivity in New South Wales, received out of session and authorised to be printed on 10 June 2016.
- (3) Response from the Hon. Paul Toole, MP, Minister for Local Government, to a petition presented by Mr Shoebridge on 10 May 2016 concerning the forced amalgamation of Oberon Council with Bathurst Regional Council, received out of session and authorised to be printed on 14 June 2016.
- (4) Response from the Hon. Gabrielle Upton, MP, Attorney General, to a petition presented by Dr Faruqi on 12 May 2016 concerning abortion law reform in New South Wales, received out of session and authorised to be printed on 17 June 2016.

PETITIONS RECEIVED

TAFE Funding

Petition calling on the Government to renegotiate the National Partnership Agreement on Skills Reform, guaranteeing TAFE secure access to at least 85 per cent of all funds allocated to each course code, full public funding for Diploma and Advanced Diploma courses, an end to the VET-FEE Help income-contingent loan scheme and withdrawal of funding from private providers for any course that TAFE can provide, received from **Mr David Shoebridge**.

*Business of the House***WITHDRAWAL OF BUSINESS**

Mr DAVID SHOEBRIDGE: I withdraw Private Members Business item No. 829 outside the Order of Precedence standing in my name on the *Notice Paper* for today relating to the establishment of a select committee regarding public primary schools.

*Notices***PRESENTATION**

[During the giving of notices of motions]

The PRESIDENT: In relation to the notice of motion by Mr Jeremy Buckingham, in accordance with established practice the text will be reviewed by the Clerk to ensure that there is compliance with the standing orders.

*Business of the House***POSTPONEMENT OF BUSINESS**

Mr JEREMY BUCKINGHAM: I move:

That Business of the House Notices of Motions Nos 1, 2 and 4 be postponed until Tuesday 9 August 2016.

Motion agreed to.

Mr DAVID SHOEBRIDGE: I move:

That Business of the House Notice of Motion No. 3 be postponed until Tuesday 9 August 2016.

Motion agreed to.

The Hon. DUNCAN GAY: I move:

(1) That Government Business Notice of Motion No. 1 be postponed until Tuesday 9 August 2016.

(2) That Government Business Order of the Day No. 1 be postponed until a later hour of the sitting.

Motion agreed to.

*Budget***BUDGET ESTIMATES AND RELATED PAPERS 2016-17**

The Hon. DUNCAN GAY: I table the following budget estimates and related papers for the financial year 2016-17:

- (1) Budget Paper No. 1—Budget Statement 2016-2017
- (2) Budget Paper No. 2—Infrastructure Statement 2016-2017
- (3) Budget Paper No. 3—Budget Estimates 2016-2017
- (4) Budget Speech 2016-2017

I move:

That the documents be printed.

Motion agreed to.

The Hon. DUNCAN GAY: By leave: I move:

That the House take note of the budget estimates and related papers for the financial year 2016-17.

I seek leave to incorporate the Treasurer's Budget Speech in *Hansard*.

Leave granted.

NSW is leading the nation.

Our State is the engine room of the national economy and the infrastructure capital of Australia.

We are also leading the way in service delivery and innovation.

We are ensuring equality of opportunity for all of our citizens no matter where they live or what their circumstances and we are providing support to the most vulnerable.

But it has not always been this way.

When we first came to Government in March 2011 New South Wales was the economic basket case of the nation.

Labor had left behind massive deficits, rising debt, an infrastructure backlog fuelled by a string of cancelled projects, unsustainable expenses growth, unemployment higher than the national average and a litany of failed and messy contracts.

For five years our Government has worked tirelessly to turn this State around.

We have worked hard to provide the economic conditions, the modern services, the infrastructure and the opportunities the people of this great State have always deserved.

Today's budget bears the fruit of that hard work but also proves that we have no intention of slowing down.

It demonstrates how far we have come and reaffirms our commitment to increase the prosperity and quality of life for every single one of our citizens.

Budget highlights

The New South Wales Government will deliver a surplus of \$3.4 billion in 2015-16.

The budget forecasts an even higher surplus of \$3.7 billion in 2016-17.

We also forecast surpluses in each year over the budget year and forward estimates, averaging \$2 billion each year.

Our fiscal discipline and asset recycling strategy has ensured that net debt in the general government sector today is virtually zero.

Our triple-A credit rating has been reaffirmed by both ratings agencies since the last budget.

Importantly we have achieved this position while delivering quality services and infrastructure for the people of New South Wales.

Today's budget forecasts record infrastructure investment of \$73.3 billion over the next four years.

State funded investment in infrastructure will average \$12.1 billion a year over the next four years.

That is almost double what the Labor Party spent on infrastructure in its last four years in office.

At the same time, we also are delivering record expenditure on essential frontline services, with greater investment than ever before in critical areas such as health, education and Family and Community Services.

We continue to employ more frontline workers—more teachers, more nurses, and more police—while also keeping the back office in check.

And we are investing heavily in creating the jobs of the future.

In the last year, New South Wales has created 141,800 jobs, almost two-thirds of the jobs added nationally.

It is no use delivering surpluses and triple-A credit ratings unless our citizens are able to prosper and have a better quality of life.

The Liberals and Nationals Government understands that financial discipline and economic competence provides Government with the resources to make a positive difference to the lives of everyone in New South Wales.

Economic outlook

Our State's economic indicators and our budget position are strong.

Economy activity in New South Wales has grown faster than the rest of Australia over the last year and is forecast to do so again next year.

Growth in New South Wales domestic demand is over four times stronger compared to the national average over the last year.

Above-trend economic growth is expected to continue over the next two years, with Gross State Product forecast to grow by 3 per cent in 2016-17 and 2¾ per cent in 2017-18.

State Final Demand is expected to grow by 3½ per cent next year.

Household consumption, dwelling construction and public investment are expected to remain at high levels over the next two years, supporting economic activity.

Non-mining business investment, especially in services, and net overseas service exports are also expected to contribute to growth.

New South Wales net interstate departures are at their lowest levels since the late 1970s and population growth of 1½ per cent is expected each year over the next two years—the clearest indication that New South Wales really is the place to be.

These positive outcomes are within the context of a global economy that is only forecast to improve modestly over the next year and where the outlook for the rest of Australia remains relatively subdued.

Our Government's record infrastructure spend over the past five years has underpinned these outstanding economic circumstances. Our record investment has provided jobs and supported private investment and business confidence.

New South Wales has become the first half a trillion dollar state economy in Australia.

If New South Wales was a standalone country, it would be in the top 20 per cent by size of economy.

It would be twice the size of New Zealand, 50 per cent larger than Singapore and Hong Kong, and of similar size to Norway.

One of the best indicators of the success of our strategy is that this budget predicts the State's net worth—that is, the value of our total assets less liabilities—will increase by an extraordinary 30 per cent over the budget and forward estimates as we continue to build productive infrastructure and strengthen our balance sheet.

That is unprecedented in recent history.

Our net worth will increase by \$59 billion or more than 30 per cent to almost \$250 billion by June 2020—again, driven by our asset recycling policies and investment in productive infrastructure.

Infrastructure

Overall, infrastructure expenditure in 2016-17 in Health will increase by 14 per cent on this year, Education by 37 per cent, Transport and Roads by 16 per cent, Police by 59 per cent and TAFE by 76 per cent.

Infrastructure is driving our economy and our economy is driving the nation.

This budget confirms a further \$9.5 billion in funds from Restart NSW for major infrastructure across the State, including towards our \$20 billion Rebuilding NSW plan.

In particular, commitments to public transport, hospitals, roads, schools, regional water infrastructure and tourism, sport and cultural infrastructure are included in this budget.

Infrastructure investment across the State is supported by the confidence and certainty in the operating environment the Government is providing for business.

This budget confirms that three State taxes will be abolished from July 1 this year, saving businesses more than \$400 million a year, totalling around \$1.8 billion over the budget and forward estimates.

We will abolish duty on business mortgages and unlisted securities, and transfer duty on non-real business assets as we said we would.

Last year alone there were more than 250,000 transactions or hits to business from these three taxes.

During the 2015 State election, the Labor Party said it would defer the scrapping of these taxes indefinitely to partially pay for its infrastructure projects.

Labor just doesn't get it and they never will. If you believe in creating jobs and economic growth you must support and enable business to operate efficiently.

We appreciate that housing affordability remains one of the biggest challenges of our time.

We have worked hard to deal with the pent-up demand for housing stock left by those opposite.

As a result, housing approvals are around record highs, with annual home approvals now above 70,000 dwellings.

This is more than double the number of approvals averaged by Labor in each year of its last term.

The figures show that our construction pipeline is continuing to grow and that more housing stock is on its way.

This Government has always said the key to affordability is supply and already New South Wales new residential construction is growing at around 23 per cent—a rate of growth unrivalled by any other state.

To continue that pipeline, the Government has identified \$262 million from the Housing Acceleration Fund to support infrastructure around new developments in South West Sydney and Western Sydney. Almost \$1 billion has been committed to this fund since its inception under our Government.

The Government is also introducing surcharges for foreign investors in residential real estate. This brings New South Wales in line with many other jurisdictions across Australia and around the world.

A transfer duty surcharge of 4.0 per cent will apply to all purchases from today and a land tax surcharge will apply at a rate of 0.75 per cent from 1 January 2017.

The surcharges are expected to generate around \$1 billion in revenue over four years that will be invested into vital services such as health and education.

Jobs

As I have mentioned, jobs growth in New South Wales has been exceptional.

Since coming to office in 2011, the NSW Government has created 338,600 jobs.

In the last year, 141,800 jobs were created across the State, almost two-thirds of the jobs created nationally.

Before the last election we had committed to creating 150,000 jobs in this term of Government.

The NSW Government has met its election commitment in just 13 months, with 154,000 jobs created since April 2015.

Jobs growth in regional New South Wales is especially outstanding. Nearly half of all jobs created over the last year to April have been in the regions. Regional New South Wales has created more jobs than the total created in the regions across the entire nation.

The New South Wales unemployment rate, at 5.2 per cent, is the lowest of any State in Australia.

These results have occurred with workforce participation picking up to near record highs.

Employment is forecast to grow by an above-trend rate of 1¾ per cent in 2016-17 and 1½ per cent in 2017-18.

The unemployment rate is expected to gradually decline to 5 per cent over the next two years.

Our Government will work hard to ensure that not only will we maintain the level of jobs growth but that New South Wales invests in the jobs of the future.

The budget delivers:

- \$190 million over four years to the Jobs for NSW fund, to tap the insights and knowledge of leading private sector minds to help drive government policy to grow the economy and create jobs
- \$100 million over two years for the Smart, Skilled and Hired Program to help address youth unemployment and ensure our young people have the opportunity to participate in our strong jobs growth
- a re-targeting of the Jobs Action Plan to businesses with 50 or less employees and increasing the rebate for employers who take on an extra employee from \$5,000 to \$6,000
- increasing the contestable Vocational Education and Training [VET] sector budget by \$29 million and creating an extra 50,000 vocational education places
- a \$10 million social impact investment to target areas of the State with high youth unemployment.

Services

In 2016-17, we will make record investments in key services including health, education and Family and Community Services.

These investments will prepare New South Wales for the demographic and economic challenges outlined in the 2016 Intergenerational Report.

Health

This Budget delivers a record \$21 billion investment in health services, up 5 per cent or \$972 million since last year.

The investment will support 900 additional nurses, doctors, midwives, allied health professionals and hospital support staff.

It will support 79,000 extra emergency department attendances and 43,200 extra admissions.

It also includes a record \$1.8 billion investment on mental health services.

The budget provides almost \$1.6 billion for Health's capital program including major investment in hospitals at Blacktown, Gosford, Northern Beaches, Randwick, Ryde, St George, Sutherland, Westmead, Armidale, Ballina, Bowral, Broken Hill, Dubbo, Lismore, Maitland, Muswellbrook, Newcastle's John Hunter, Port Macquarie, Singleton, Tweed and Wagga Wagga, just to name a few.

Education

Mr President, as you would especially appreciate a good education allows all children and young people the opportunities to reach their full potential, no matter what their circumstances.

A high-quality education will also prepare the next generation for the job opportunities of the digital age and ensure New South Wales has the skills to support our economic growth.

That is why the Government will spend a record \$13.3 billion on school education services in 2016-17, an increase of \$900 million or 7.2 per cent.

Our increased expenditure will support a spike in New South Wales student enrolments which are expected to grow by an unprecedented 40,000 students over the next four years.

I am pleased to also announce today a major boost to school infrastructure that will see more schools and classrooms built across the State.

Nearly \$1 billion extra has been allocated over the next four years, bringing the total schools capital spend to \$2.6 billion, up more than 50 per cent from the forward estimates of last year's budget.

Nearly \$1 billion for new schools and school upgrades will deliver around 1,100 state of the art classrooms across the State.

We will also attack the maintenance backlog in schools, increasing spending by more than double to \$330 million over the next two years.

The Government will detail the recipients of this boost in investment over the coming months.

Transport and roads

In 2016-17, the Government is allocating a total of \$20.2 billion to transport and roads infrastructure and services.

We are busting congestion to reduce the daily commute and we are investing to improve the customer experience.

That is why since coming to office the NSW Government has delivered more than 15,800 extra weekly public transport services—a far cry from those opposite who continually cut transport services.

This year's Budget fully funds the Sydney Metro City and Southwest, which has a cost range of \$11.5 to \$12.5 billion. For 2016-17 we have allocated \$1.3 billion for Sydney Metro Northwest, which is set to open in the first half of 2019, and \$1.4 billion for the second stage of the metro.

The NSW Budget also sets aside more than \$1 billion for new suburban trains. The new trains will support increased patronage across the rail network and additional services.

In 2016-17 this budget also delivers:

- more than \$2.1 billion to continue fast tracking major upgrades of key regional highways such as the Pacific, Princes, Central Coast, Great Western, Newell and New England
- we will continue widening and upgrading the M4, building a new M5 and getting the M4-M5 Link shovel ready for construction—as part of a \$2.9 billion contribution to WestConnex

- more than \$450 million to deliver critical road and rail freight projects across the State, including \$208 million to continue the upgrade and maintenance of grain lines in country New South Wales
- \$338 million to continue building and upgrading roads to support Sydney's second airport at Badgerys Creek
- more than \$270 million to continue delivery of the State's three light rail projects in Sydney, Newcastle and Parramatta
- and we have allocated \$147 million to continue building and upgrading roads which help service population growth areas in Western Sydney including Schofields, Narellan, Richmond and Old Wallgrove roads.

Community safety

The Liberals and Nationals Government appreciates more than ever how important it is for our communities to feel and be safe.

The Government will invest a record \$8.1 billion over the next four years ensuring community safety and implementing key reforms to help reduce reoffending, ease pressure on courts and deliver high-tech policing.

We continue to support the good work of our police force, with infrastructure investment in police increasing by 59 per cent in 2016-17, including \$57 million for new or upgraded police stations.

To further help keep our communities safe, the Government is providing more than \$21 million over two years for up-to-date facilities for our emergency services personnel.

The recent storms that battered New South Wales are a stark reminder of how important our emergency services personnel are and how blessed we are to have them.

Our Government is also well on its way to reforming the Emergency Services Levy which will reduce the cost of the average insurance premium and improve under insurance rates in New South Wales.

Supporting NSW

We are proud as a government to support the most vulnerable on our community, more than ever before.

The budget includes:

- record spending in Family and Community Services of \$6.3 billion, including more than \$1 billion for Out-of-Home Care.
- \$1.3 billion for the implementation of the NDIS in NSW.
- \$560 million for public transport concessions.
- \$28.9 million for programs and initiatives in partnership with Aboriginal communities.
- \$6.5 million to implement the NSW Ageing Strategy and \$500,000 to continue the expansion of the NSW Seniors Card.

The next four years will see a doubling of investment in specialist domestic violence services to more than \$300 million.

All of us in this place would agree that New South Wales is the best place in the world and it is our responsibility to protect this for successive generations.

The Government continues its strong investment to protect the State's environment and heritage for generations to come. We are investing a record \$1.7 billion in environment and heritage in 2016-17, including specific funding for biodiversity conservation on private land and to help local communities protect coastal and floodplain areas.

The NSW Government will for the first time in history provide a safe and secure water supply to the heritage-listed township of Broken Hill through the construction of a new pipeline from the Murray River, supported by an investment of around \$500 million in this budget.

We also of course love our sport and have a strong appreciation for arts and culture. The NSW Government will spend \$207 million in 2016-17 on major sporting infrastructure, programs, grants and facilities across the State.

Arts and Culture in New South Wales will also be given a major boost in the State Budget with key infrastructure funded and the continuation of support for local organisations.

More than \$78 million in 2016-17 has been allocated to a number of once in a generation cultural infrastructure projects, including the renewal of the Sydney Opera House and redevelopment of the Walsh Bay Arts Precinct.

These investments not only enhance the opportunities for our citizens but continue to make New South Wales a key destination for interstate and overseas visitors.

Protecting the State from future challenges

Today's record spending in essential services and infrastructure, and forecast surpluses, are only possible because of strong fiscal discipline by the Government.

The greatest fiscal challenge in coming years is dealing with the challenge of falling revenue growth which sits at an average of 2.3 per cent annually over the budget and forward estimates.

One of the main drivers of this reduced growth is a significant forecast fall in our share of GST, which makes up around 25 per cent of our total revenue. To put this in perspective residential stamp duty accounts for approximately 9 per cent of our total revenue.

Ironically we are the victims of our own success when it comes to the GST.

New South Wales is forecast to receive just 81 per cent of our per capita GST share by the end of the forward estimates, a historic low and down from the 95 per cent we receive in 2015-16. Next year NSW will endure the biggest single-year loss due to a change of relativity for any state since the GST began.

Had New South Wales kept its share of the GST pool at 2014-15 levels—which was just under what our per capita share would be—we would have received more than \$10 billion extra GST revenue over the next four years than what is forecast in the budget.

Transfer duty continues to grow but growth is moderating compared to the highs of previous years.

And we can't forget that our economic fortunes remain tied to the global and national economies and volatile markets.

Strong and responsible government does not shy away from such challenges.

It is true that the forward estimates do not yet factor the upside benefits from the remaining electricity transactions and associated asset recycling incentive payments that will help boost revenue quite significantly from what we show in the budget.

Nonetheless, we appreciate modern governments need to make the taxpayer dollar go further and we are leading the way.

Expense growth is contained over the forward estimates, a far cry from the days of Labor when expenses ballooned at 7.0 per cent and they still spent more than they could afford.

We also know modern governments need to break down the traditional silos created by red tape and bureaucracy and share information between agencies.

To this end, we will invest \$17 million over four years into the recently established NSW Data Analytics Centre. This information will ensure Government dedicates resources to where they are needed most.

This budget also establishes a new Commissioning and Contestability Unit within NSW Treasury reporting to me and the Minister for Finance.

The unit will ensure high-quality services continue to be delivered for the people of New South Wales by both the public and private sector—whoever can do it best and most efficiently.

Service NSW is a great example of government being able to provide greater customer service while also reducing duplication.

This budget provides \$415 million for Service NSW to further expand access to services through its regional and metropolitan network, as well as deliver major digital initiatives, including New South Wales's world-leading digital licence program.

Cognate bills

The cognate bills I table today give effect to the Government's changes to the Jobs Action Plan to support small- and medium-size businesses and the introduction of the foreign investor surcharges.

I also table the 2016 Intergenerational Report, Future State NSW 2056, which I released last month and which sets out future opportunities and challenges for our great state.

Conclusion

The Liberals and Nationals Government has ensured New South Wales is leading the nation in terms of economic strength and budget position.

We have turned New South Wales around from having the slowest economic growth of the major States under those opposite to having the strongest economy in the country today.

We have taken New South Wales from having the lowest jobs growth of any mainland State to a position where we have the lowest unemployment rate in the country, the strongest employment growth and where we are creating almost two-thirds of the nation's jobs.

Unlike Labor, our windfall revenue goes into infrastructure—not to middle managers in the public service.

Our infrastructure investment is unprecedented and is driving our strong economy.

Approvals for new homes are around 40-year highs—a far cry from the troughs under Labor that resulted in the housing affordability challenge we are dealing with today.

We have provided business with a strong and certain operating environment.

Consumer confidence has gone from being among the lowest of the mainland States to the highest in the country, while business investment is growing faster than in any other State.

Even with emerging revenue pressures, this Budget delivers strong surpluses across the forward estimates while at the same time delivering on critical services and infrastructure for the residents of this great State.

We will continue to work hard because this position has not happened by accident, and we will not shy away from decisions that are in the best interests of the communities we represent.

Very few jurisdictions anywhere today would be able to match the economic conditions and the budget position of New South Wales.

Today's budget delivers:

- surpluses across the forward estimates
- virtually zero net debt
- a triple-A credit rating

- record spending in services and infrastructure
- strong jobs and economic growth
- low unemployment
- strong business and consumer confidence.

We are leading the nation and we are in an enviable position. But a good government doesn't rest on its record—it continues to work hard on what it hopes to achieve for the future.

Our resolve to improve the opportunities for people in every corner of New South Wales remains as strong as ever—and today's budget delivers on that commitment.

I commend the bills to the House.

Debate adjourned.

Bills

MARINE LEGISLATION AMENDMENT BILL 2016

Second Reading

Debate resumed from 31 May 2016.

The Hon. PENNY SHARPE (15:14): I lead for the Opposition in debate on the Marine Legislation Amendment Bill 2016 and indicate that the Opposition will not oppose the bill.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. PENNY SHARPE: It also will be a short speech. This legislation is a result of the 2014 review of the Marine Safety Act, and aims to improve the enforcement of maritime rules and regulations, align maritime and transport law, consolidate existing marine legislation, and repeal the Maritime Services Act 1935. The bill provides an updated framework for enforcement and introduces new provisions aligned with existing road safety legislation covering dangerous and menacing hoon behaviour, camera recording and detection of speeding, drug and alcohol testing, penalties and disqualification periods. As the bill has been described by the Minister, it essentially puts in place the very same arrangements that currently apply to car hoons and jet ski hoons. I think that is probably the easiest way to describe this legislation.

The Hon. Dr Peter Phelps: Can we crush jet skis?

The Hon. PENNY SHARPE: But the Hon. Dr Peter Phelps would be against that! The bill creates a new offence of operating a vessel in a menacing manner, which mirrors an offence contained in road transport law and has a maximum penalty of \$3,300 and imprisonment for 18 months, and provides new sanctions for menacing behaviour and allows police to seize and impound vessels, including the boat trailer. A vessel may be impounded for three months on the first offence. A second offence within a five-year period will result in the vessel being forfeited to the Crown. Forfeited vessels may be offered for sale or disposed of.

The bill also allows NSW Police and the Roads and Maritime Service [RMS] to immediately suspend the boat driving licence of a person who has committed a serious offence, such as reckless, dangerous or negligent navigation; establishes maximum penalties for occasioning death or grievous bodily; creates a new offence of assaulting, threatening or using abusive language or impersonating an authorised officer; requires interstate boat licence holders to produce their licence, if requested by an authorised officer; and introduces a camera recording scheme for enforcement purposes to be used in court proceedings.

The bill restricts the use of camera devices to areas of significant non-compliance. I ask the Minister to provide more information on where he believes those areas are. The bill also aligns alcohol and drug offences while driving a vessel with equivalent provisions for driving a vehicle. The bill does not change the limits but it will allow officers to conduct random drug testing of vessel operators. Penalties and licence disqualifications also are aligned to transport law. The bill also enables the creation of marine exclusion zones for special events and provides for the management of wharves, moorings and other port facilities.

I understand that stakeholders have been consulted in relation to the bill, which is welcomed by the Opposition. As I have indicated, the Opposition does not have significant problems with this bill and indeed will not oppose it. In conclusion, I make the point that although we want people to be able to enjoy our waterways in a sensible manner, there have been, and continue to be, some significant issues in some areas. I know Opposition members have spoken about this and I have witnessed bad behaviour on the waterways. I look forward hopefully to witnessing a change in behaviour as a result of the passing of this legislation.

The Hon. PAUL GREEN (15:18): The Christian Democratic Party supports the Marine Legislation Amendment Bill 2016. The objects of the bill are to introduce new offences into the Marine Act for operating a vessel in a menacing manner; provide for the seizure, impoundment or forfeiture of recreational vessels if an authorised officer reasonably believes certain serious offences have been committed; allow for random drug testing of vessel operators; and provide consistency in penalties and disqualification periods for drug and alcohol offences under roads and maritime law.

It also clarifies and streamlines the maritime compliance and investigations powers and establishes a scheme for camera-recorded offences. The bill will also enable marine exclusion zones to be declared for special events and provide for the management of wharves, moorings, port facilities and works. It will make other consequential changes to give effect to recommendations made during the statutory review of the Marine Act by the Maritime Management Centre and Transport for NSW. It will save any provisions from the Maritime Services Act 1935 and the regulations under that Act that are still in use. I am a former mayor of the Shoalhaven, where we had under our jurisdiction—

The Hon. Dr Peter Phelps: The beautiful Shoalhaven.

The Hon. PAUL GREEN: The beautiful Shoalhaven—clean, green and pristine for anyone who wants to visit.

The Hon. Duncan Gay: Such a benevolent mayor.

The Hon. PAUL GREEN: Shoalhaven is the gift that keeps giving.

The Hon. Dr Peter Phelps: It's the serenity.

The Hon. PAUL GREEN: I acknowledge that.

The Hon. Penny Sharpe: No serenity from the Liberal Party members.

The Hon. PAUL GREEN: I want to acknowledge that as well, but it is not my place to do so and so we will keep going with the tourism ad for the Shoalhaven. The Shoalhaven has just under 1 per cent of Australia's coastline, which incorporates the beautiful Jervis Bay, and about 109 beaches. Many recreational sports take place on our waterways, and we appreciate that people have different opinions about the damage these sports do to estuaries and waterways if participants do not abide by regulations when enjoying their sports on recreational craft. When one is enjoying a beautiful day on a catamaran in the middle of Jervis Bay, there is nothing worse than an unthoughtful person on a jet ski spraying one and thinking that it is a bit of fun.

The Hon. Dr Peter Phelps: They have forgotten the golden rule.

The Hon. PAUL GREEN: They have forgotten the golden rule. Courtesy is the general rule on the water.

The Hon. Penny Sharpe: Chasing dolphins.

The Hon. PAUL GREEN: And they probably chase dolphins. A lot of people enjoy our waterways and they must respect each other. There is nothing worse than people doing the wrong thing. This bill covers a number of important and serious issues. Sadly, the South Coast has lost many recreational fishers who have taken their boats out on the ocean and who have not given any thought to being under the influence of alcohol or drugs. We have been challenged in trying to get out a safety message to these recreational fishers and sailors as they navigate their craft across the bars, particularly at Huskisson and other such areas where the bars are very tricky. Sailors need their wits about them when navigating these bars, and it is important that they are not under the influence. It is not a game because time and again sailors or their passengers have lost their lives whilst crossing those bars. The Christian Democratic Party believes this legislation will save lives and make accountable those who think they can have fun at the expense of others.

This bill goes a long way towards addressing serious issues and represents the Government's desire to keep the people of New South Wales and our visitors safe on our waterways. This bill does not address the problem of international visitors who drown in our waterways because they do not understand the currents and the unique circumstances our beaches present for swimmers on beaches. Such incidents are often portrayed on shows like *Bondi Rescue*. We want to make sure that every person who enjoys New South Wales waterways behaves responsibly and takes into account the necessary safety measures before using our waterways, including sustenance and hydration. People must take into account many issues when going out on our waterways in boats.

The Hon. Duncan Gay: A lifejacket is number one.

The Hon. PAUL GREEN: That is right. I heard that it is no good being on a plane with a parachute if the parachute is not on. The parachute is there for a reason: to keep one safe. People on boats, particularly those

on the ocean, need to wear lifejackets that will protect not only them but also other passengers. This bill seeks to ensure that everyone who goes out onto New South Wales waterways comes back alive and well and able to talk about their enjoyable experience with friends and families around the table at Christmas and at other functions. We want to ensure that these people come home safely. The Christian Democratic Party commends the bill to the House.

Dr MEHREEN FARUQI (15:26): On behalf of The Greens I speak briefly in debate on the Maritime Legislation Amendment Bill 2016. We are all opposed to antisocial behaviour on our waters. Everyone has the right to enjoy the marine environment in a way that is free from intimidation and safety risks and that does not damage the environment. I have been concerned to read reports of such behaviour on the water. Just last year a man fishing from his kayak was hit by a reckless jet ski and sustained serious injuries to his hip, leg and foot. I understand that a recent summer enforcement campaign that targeted jet ski riders found that more than one in four riders were not complying with safety and speed requirements. This is indeed concerning.

This bill amends various parts of the Maritime Safety Act 1998 and the Ports and Maritime Administration Act 1995, including following a 2014 statutory review of the Marine Safety Act 1999. The bill expands the objects of the Marine Safety Act 1998 "to provide an effective framework for enforcement of marine legislation". It also introduces new offences for operating a marine vehicle in a menacing manner—so-called hoon offences—including allowing an authorised officer to seize recreational vehicles if a serious offence has been committed. It allows for camera recording of certain areas to identify offences and varies some penalties for offences, including reducing some penalties to the same levels as road offences, as well as other changes to the regulation-making powers around wharves, moorings and port facilities.

This bill introduces offences to protect authorised officers from assault and threatening behaviour. Of course, workers should not be abused or put at risk for just doing their job. This bill also establishes marine exclusion zones and introduces random drug testing. These are the two areas of the bill on which I will talk in a bit more detail. With regard to the marine exclusion zones the bill proposes to allow the Minister to prohibit or regulate the operations of vessels during a special event, including by excluding vessels and people. The special event is defined as "a major race for vessels or other event that may affect the safety of navigation in any particular waters". I imagine this specifically refers to things like exclusion of certain areas of Sydney Harbour on New Year's Eve and so on. Such an exclusion zone, for example, operated between Cockatoo Island and Clarke Island between 8.00 p.m. and 12.45 a.m. I would be most grateful if the Minister clarified in his speech in reply how the powers in this bill differ from the powers used last New Year's Eve.

The other point I wish to make relates to random drug testing. First, The Greens NSW policy on this is clear—that is, The Greens support penalties for driving with impaired cognitive or psychomotor skills due to the consumption of alcohol or other drugs that are based on evidence and risk management. However, there are significant problems with the random drug testing program in New South Wales. These tests do not measure impairment or intoxication, just the presence of certain chemicals. The Greens support evidence-based policing for drug-impaired drivers.

If people are driving impaired by the effects of cannabis, then The Greens support penalties and sanctions against those persons. But if someone has consumed that cannabis days ago and is not presently impaired, why are they able to be prosecuted under these laws? The bill seeks to roll out this flawed approach across boating. My colleague Mr David Shoebridge will elaborate further on this point. As I stated previously, the waterways are there for people to enjoy in an environmentally sensitive and safe manner. Threatening and menacing behaviour has no place on our waters.

Mr DAVID SHOEBRIDGE (15:30): I thank the Minister for Roads, Maritime and Freight and the House, but I make no promise that the Minister will agree with my contribution. I note and commend the contribution of my colleague Dr Mehreen Faruqi to debate on the Marine Legislation Amendment Bill 2016. The Greens are happy to support the bill. It deals with the increasing problem in southern Sydney of jet skis destroying residential amenity and causing real and significant hazards for other marine users, particularly swimmers or kayakers.

If the Government is looking at regulating jet ski use around the State I see a strong argument for extending such regulation to public swimming beaches. There are enough hazards on our beaches without adding high-powered jet skis to the mix. A comprehensive ban on jet skis at surf beaches should be on the Government's agenda. There is one element of dissonance between The Greens and the New South Wales Government regarding this bill: expansion of the mobile drug-testing regime to aquatic craft.

The Hon. Paul Green: There are no dogs.

Mr DAVID SHOEBRIDGE: I am glad to see that the otter regiment of the New South Wales police is not part of the bill. The Greens have a principled position when it comes to the issue of drug testing people who are operating potentially dangerous machinery, motor vehicles or marine craft: Anybody impaired by drugs should not be behind the wheel of a vehicle or in charge of a registered watercraft. Any person impaired by drugs is a menace to road and waterway users. However, the New South Wales mobile drug-testing regime does not test for impairment. Someone who smoked a joint a week or a fortnight ago and who has absolutely no impairment may lose their licence in grossly unfair circumstances.

The Greens would support a regime of mobile drug testing on the waterways that tested for impairment across the board. The Drager Drug Test 5000 units that the New South Wales police use to test road users for drugs, and which will now be used to test those in charge of aquatic craft, can detect cocaine and benzodiazepines, which are the drugs that most commonly cause road trauma and would impair watercraft operators. It is beyond strange that the police choose not to test for those drugs, even though we know that cocaine and benzodiazepines cause road trauma and will cause problems on the water. With that singular reservation, I commend what is otherwise a good bill.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (15:34): In reply: I thank my colleagues from the Opposition and The Greens for their contribution to debate on the Marine Legislation Amendment Bill 2016. The contribution by The Greens members was confusing; it is difficult to know whether they support the bill. They are opposed to antisocial behaviour but also opposed to some of the ways of stopping such behaviour. But that is how The Greens swing. I thank Christian Democratic Party member the Hon. Paul Green for his contribution to the debate. The Shooters, Fishers and Farmers Party have raised some issues outside the House that will be addressed. The bill commits the Government to improving marine safety and ensuring that our beautiful waterways are there for everyone to share and enjoy. Marine legislation is intended to protect those on the water through speed and wash restrictions, safe distance requirements and licensing requirements.

The majority of boaters take those requirements seriously and take care to adhere to the safety requirements that apply on the water. Unfortunately, a minority of people believe the rules do not apply to them and that they can behave as they like on the water, with no thought to the safety or enjoyment of others. Mr David Shoebridge spoke of issues on our beaches. One problem relates to those people who feel they have a right to operate personal watercraft off beaches where families are bathing. This bill will make sure that we encourage sensible behaviour. It will ensure that the majority of people who have personal watercraft are able to enjoy them while setting parameters to stop people misbehaving. The Opposition asked the appropriate question: Where will cameras be established initially? The answer is: Georges River, Botany Bay and Port Hacking. I hope the network does not extend further. That is where problems are occurring at present and I hope we do not need to install cameras elsewhere. However, the bill allows the Minister to extend the camera network through regulation if the need arises.

The Greens asked about the exclusion zone and suggested that the Government presently has the power to establish such zones. They are correct. The new provision streamlines the Government's ability to establish an exclusion zone in a seamless manner. For example, there are occasions when a zone is needed in the city, such as over the New Year and for the start of the Sydney to Hobart yacht race. That race is a great event but controlling where people are and what they do on the water is difficult for the maritime police. Vivid Sydney is another event that creates high activity on the harbour. I hope that next year I will have the opportunity to see Vivid from a Maritime Services craft. Last Saturday night I took my eldest granddaughter to Vivid and we experienced the volume of traffic around the harbour that the event causes.

Australia Day is another day when this bill will be useful. Roads and Maritime Services and the police receive many reports of jet ski operators using their jet skis to intimidate other boaters by engaging in behaviour such as spraying kayaks, small sailing vessels and recreational vessels that may have families and young children on board. They ride dangerously close to other vessels to jump the wake and are abusive to others out on the water. They are indifferent to receiving penalty notices. This bill will ensure that there are tough new measures in place to deal with this rogue element, which is diminishing the amenity of many of our waterways and waterside areas. The new offence of operating a vessel in a menacing manner is aimed directly at this "hoon" element. If convicted, a person could face a hefty fine of up to \$3,300 for a first offence or up to 18 months imprisonment. In fact, they could face both the fine and a prison sentence.

The Shooters, Fishers and Farmers Party raised an issue of concern for it and for the Boat Owners' Association of New South Wales that additional action will be able to be taken to impound a vessel, including the associated boat trailer. This provision relates to the trailer for the vessel concerned; it is not another boat trailer or other boat trailers. A vessel used in a second "hoon" offence will be forfeited to the Crown. Anyone who uses a

vessel in a dangerous or menacing manner is on notice: If they continue this behaviour they could face a prison sentence and their vessel will be impounded for three months.

It is now more likely than ever that offenders will be caught if they indulge in such dangerous and antisocial behaviour. I have asked that the Marine Area Command of the NSW Police and Roads and Maritime Services boating safety officers conduct more high-visibility and covert patrols. We know that dangerous hoon-like behaviour stops when enforcement action is taken, which is why police officers have been tasked daily to patrol the Georges River and other areas where jet skiers are causing trouble. To date, this additional compliance activity has resulted in 189 penalty notices being issued on the Georges River and in Botany Bay alone.

The bill also introduces powers to establish a camera recording scheme for enforcement purposes similar to the scheme that operates on the roads. These cameras will be used only in certain declared areas, which I detailed earlier, where there is significant non-compliance with marine legislation. Camera recording of certain offences will allow for increased and more cost-effective enforcement of marine safety legislation and provide a strong around-the-clock deterrent to illegal behaviour on the water when enforcement officers cannot be present. When the boats are not there and the mice come out to play, the cameras will ensure that we can enforce the law 24 hours a day, seven days a week and 52 weeks of the year.

The use of this technology is long overdue on our waterways. If people will not or cannot comply with safety requirements, they should simply be off the water. We do not accept this sort of behaviour on our roads and we should not accept it on the water. Members have indicated that they will support the bill, which I commend to the House.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. DUNCAN GAY: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (REVIEW) BILL 2016

Second Reading

The Hon. SARAH MITCHELL (15:44): On behalf of the Hon. John Ajaka: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. Reducing domestic violence reoffending is one of the Premier's top priorities for New South Wales. Domestic violence is a complex issue and delivering on that priority requires a significant effort across all of government. The Attorney General has been working with the Premier, the Deputy Premier and the Minister for the Prevention of Domestic Violence and Sexual Assault to improve the way in which the New South Wales justice system responds to domestic violence. The Government is committed to ensuring that the State's laws in this area provide the best possible protection for victims of domestic violence that will lead to the least traumatic and stressful experience for those victims throughout our court system.

This is the second bill that the Attorney General has introduced this year with those vital objectives in mind. In March she was proud to introduce model laws to implement the New South Wales component of the National Domestic Violence Order Scheme. In passing those model laws, New South Wales became the first jurisdiction to give effect to the scheme to ensure that domestic violence perpetrators are held accountable across the nation. Under the scheme, apprehended domestic violence orders [ADVOs] issued in New South Wales will automatically be recognised and enforced across the nation, removing the need for victims to register their ADVO in a court of the new jurisdiction when moving interstate.

The Attorney General has recently returned from a meeting of the Law, Crime and Community Safety Council, which includes the Ministers responsible for law and justice from each State and Territory, the Australian Government, and the New Zealand Government. The council assists the Council of Australian Governments in promoting best practice in law, criminal justice and community safety. At that meeting the Attorney General called on her State and Territory colleagues to fast-track their commitment to adopt the model laws to drive the National Domestic Violence Order Scheme into reality. This is another bill that will significantly improve the operation of our domestic violence legislation and the protections it offers to victims of domestic violence. The amendments

in this bill implement the recommendations of the statutory reviews conducted by the Department of Justice of the Crimes (Domestic and Personal Violence) Act 2007, and of chapter 9A of the Coroners Act 2009 relating to the Domestic Violence Death Review Team. The Attorney General has tabled both statutory review reports in Parliament.

The Crimes (Domestic and Personal Violence) Act and chapter 9A of the Coroners Act are key parts of the New South Wales legislative framework for addressing domestic violence. The primary objectives of the Crimes (Domestic and Personal Violence) Act are: first, to ensure the safety and protection of all persons who experience or witness domestic violence; and, secondly, to reduce and prevent violence by a person against another person where a domestic relationship exists between those persons. The Act aims to achieve those objectives by empowering courts and, following reforms introduced by this Government in May 2014, senior police to make apprehended domestic violence orders [ADVO]. An ADVO is a civil order that allows an immediate response to domestic violence, prioritising the safety of the victim. A civil ADVO scheme was first introduced in New South Wales in 1982, and was continuously refined and improved until the current Crimes (Domestic and Personal Violence) Act was passed with bipartisan support in 2007. Today ADVOs remain a key tool of the justice system to protect victims of domestic violence.

The primary objective of the Domestic Violence Death Review Team, as set out in chapter 9A of the Coroners Act, is to examine domestic violence related deaths with a view to reducing the incidence of such deaths in New South Wales and to facilitate improvements in systems and services. The team is convened by the State Coroner and brings together key government agencies, non-government organisations and sector experts. Both statutory reviews concluded that the policy objectives of the respective Acts remain valid and that their terms mostly remain appropriate for securing those objectives. However, the reviews did make recommendations to improve the way in which the New South Wales justice system responds to domestic violence. The Government supports all the recommendations of both statutory reviews. To the extent the recommendations of the reviews require legislative changes, they are implemented in this bill. In giving effect to those recommendations, the bill will expand the availability of ADVOs and give courts and police greater flexibility in the ADVO process to ensure that they can offer the best protection and support to victims.

In relation to the Domestic Violence Death Review Team, the bill will further enhance the team's role in reducing domestic violence in New South Wales by expanding its membership and reporting every two years to allow the team to fulfil its legislative function to the highest possible standard and to better facilitate meaningful interagency collaboration. The bill also makes an amendment to introduce plain English ADVOs, as announced by this Government in November last year. ADVOs are being rewritten in simple language tailored to the individual and to remove the complex legal language found in current ADVO forms. This reform means that domestic violence perpetrators will no longer have an excuse for not understanding or complying with ADVOs and victims will better understand their protections.

Before turning to the detail of the bill, I take this opportunity to thank the many stakeholders from government and non-government sectors who contributed significant time and expertise to the development of these important pieces of work. A list of all stakeholders who provided input to the statutory reviews is set out in appendices to each review. The statutory review process also involved consideration of the numerous reviews that have taken place in recent years, including the Australian and New South Wales law reform commissions' 2010 report, entitled "Family Violence—A National Legal Response"—which I will refer to as the Family Violence report—and the 2012 report of the Legislative Council Standing Committee on Social Issues, entitled "Domestic violence trends and issues in NSW". In short, consultation on these reforms has been detailed and extensive. It was important to get this right.

I now turn to the detail of the bill. The bill is divided into two schedules. Schedule 1 sets out amendments to the Crimes (Domestic and Personal Violence) Act 2007 arising from the statutory review of that Act and plain English apprehended domestic violence order reforms. Schedule 2 sets out amendments to chapter 9A of the Coroners Act 2009 arising from the statutory review of the provisions relating to the Domestic Violence Death Review Team. I will first address the amendments to the Crimes (Domestic and Personal Violence) Act in schedule 1 to the bill. The bill amends the objects of the Crimes (Domestic and Personal Violence) Act to acknowledge the particular impact of domestic violence on Indigenous persons; those from culturally and linguistically diverse backgrounds; those from the gay, lesbian, bisexual, transgender and intersex communities; older persons; and persons with disabilities. This was also a recommendation of the Family Violence report.

Clauses 1 to 5 and 8 of the bill amend key definitions regarding who can get an ADVO. For example, the Act currently allows a person to apply to the court for an ADVO where the person is in or has been in a domestic relationship with the defendant. "Domestic relationship" is defined in section 5 of the Act. The bill expands this definition so that the victim's current partner can also seek an ADVO if they are being harassed by the victim's ex-partner. Currently this relationship is not covered. Perpetrators are often possessive and may

behave threateningly towards a victim's new partner. This change will ensure that everyone at risk has the legal protection of an ADVO.

The statutory review recommended—and this bill introduces—a number of reforms relating to when a person can get an ADVO. Importantly for victims of domestic violence, the ranges of offences that are categorised as domestic violence offences for which an ADVO may be sought are to be expanded. Currently the Act nominates 55 existing criminal offences, which, when committed or attempted in the context of a domestic relationship, are grounds for seeking an ADVO. The bill expands that list to include any other New South Wales criminal offence or offence under the Commonwealth criminal code when committed in a domestic relationship and intended to coerce or control a victim or cause them to be fearful. For example, the Commonwealth offence of using a carriage service to menace, harass or cause offence—such as sending abusive text messages—will now be considered a domestic violence offence when committed in a domestic relationship and, therefore, becomes grounds for seeking an ADVO.

In this way the Act will, for the first time, recognise the broad range of physical and non-physical behaviours that can constitute domestic violence. Expanding the range of offences in this way also recognises that at its core domestic violence is about control and constitutes any behaviour that is coercive, controlling or engenders fear in a domestic relationship. This change was also a recommendation of the Family Violence report. In addition, the bill adds some relevant offences that were missing from the existing list of 55 criminal offences and also includes in the definition of "domestic violence offence" any New South Wales or Commonwealth offence arising from substantially the same set of circumstances as one of the offences on the list. This reform will also have the effect of expanding the types of offences recorded as domestic violence offences on a perpetrator's criminal record.

The bill also expands when a person can get an ADVO by revising the threshold for the making of an ADVO. Currently, under section 16 (1) of the Act before making an ADVO the court has to be satisfied that the person has reasonable grounds to fear, and in fact fears, the commission of a personal violence offence against them by the defendant. Section 16 (2), however, permits the court to make an ADVO without being satisfied that the person in fact fears the relevant conduct if that person is a child or is suffering from an appreciably below average general intelligence function or where there is a history of personal violence.

The bill amends section 16 of the Act to allow the court to make an order for any other person in need of protection without needing to be satisfied that that person in fact fears the relevant conduct. This is an important reform as we know victims are often reluctant to tell police that they are afraid of their partner due to concerns about reprisals. However, an ADVO made under this section will be limited to the standard orders set out in section 36 of the Act, which already constitute a criminal offence. This amendment will allow courts to make an ADVO to protect a victim who may be reluctant to express fear due to concerns about retaliation, while ensuring that they are not subject to intrusive orders they do not want.

The bill amends section 48 of the Act in relation to ADVOS to protect children. Currently, section 48 of the Act provides that only a police officer may make an application for an ADVO if the person for whose protection the order would be made is a child. Stakeholders stated that reluctance in certain communities about approaching and involving police is delaying and sometimes even dissuading people with children from seeking otherwise appropriate ADVOS. The Act is accordingly being amended to clarify that the requirement in new section 48 (3) for police to appear on behalf of a child applies only where the child is the sole person for whom protection is sought. This will clarify that women and men with children can make private applications for an ADVO, in the same way that women and men without children can. Importantly, the bill retains the court's discretion to refer any application involving a child to police at any time during proceedings, where it would be in the best interests of the child to do so.

In addition, the bill makes a number of procedural amendments to the Act to clarify and streamline its provisions. The bill amends section 32 of the Act to clarify when a provisional ADVO remains in force. A provisional ADVO is a type of urgent interim ADVO made by an authorised officer or by a senior police officer. This amendment addresses concerns raised in the statutory review where a final ADVO has been made but not yet served on the defendant but the 28-day limit on a provisional ADVO has expired, which can leave the victim without the protection of an ADVO for that short window. This amendment closes that gap.

The bill inserts a new section 57A into the Act to allow the court to proceed to hear and determine an application for a final apprehended violence order [AVO] even if the defendant and person seeking protection are not present, provided that the court is satisfied that the requirements for service have been met and it is in the interests of justice to do so. This amendment is consistent with the court's existing power to make interim orders in the absence of both parties in certain circumstances.

The bill inserts a new section 41A into the Act to prohibit the defendant in an application for an ADVO from personally cross-examining any child. This amendment formalises the existing Local Court of New South Wales Practice Note for Domestic and Personal Violence Proceedings, which states that children cannot be questioned by an unrepresented defendant and may only be questioned by a person appointed by the court who is an Australian legal practitioner or other suitable person. This is an important reform that will help the most vulnerable of people appearing before our courts—our children and young people—so they do not feel even more intimidated or re-traumatised by these proceedings.

The bill amends section 39 of the Act to expand the list of offences for which the court is required to make an AVO on a guilty verdict or guilty plea. It also clarifies that the court is not required to make an AVO if it is satisfied that a final AVO is already in place against the defendant. The bill also amends section 40 of the Act to allow evidence admitted in the District Court or Supreme Court in the hearing for a serious charge to subsequently be admitted in the Local Court and Children's Court in a related ADVO application, where the ADVO is remitted back for final determination. This will ensure that, where an interim ADVO has been made on a charge for a serious offence that does not result in a conviction, victims are not required to give evidence twice for a final ADVO, which often results in double handling and leads to a delay in matters.

The NSW Police Force submitted to the statutory review that, while it may appear as the applicant and obtain orders for the protection of the victim, an application can subsequently be made to vary or revoke the order without notice to it. This may result in defendants coercing the victim into consenting to inappropriate applications for variation or revocation. Section 72 of the Act is accordingly being amended to provide that the Commissioner of Police must be notified of any application made to revoke or vary an ADVO that was originally sought by police and given standing to appear. The amendments will also provide that, where a person applies to vary or revoke an ADVO that was initiated by police and one of the protected persons is a child, the application requires leave of the court before such an application can be heard.

These changes maintain the safeguards for children and adult victims who may be coerced into consenting to inappropriate applications for variations and revocations by maintaining the need for police involvement to ensure the best interests of the child are considered. With the passing of this bill, section 72 (5) to (8) of the Act will be repealed so that a defendant can no longer apply for an ADVO to be revoked after it has expired. Those provisions were inserted into the Act to ameliorate the effect of other pieces of legislation, specifically those governing licences for firearms and other weapons. This is because, for 10 years following an ADVO's expiry, a person who is subject to it could not hold a firearms licence or prohibited weapons permit. The insertion of these provisions meant that a defendant was able to revoke an expired ADVO and therefore become eligible to apply for a licence or permit as though the ADVO had never existed.

Visitors

VISITORS

The PRESIDENT: I welcome to the President's gallery Ms Gabrielle Smart from Great Lakes College, Forster Campus, who is doing work experience this week with the Hon. Courtney Houssos, MLC. I understand the school is also the Hon. Courtney Houssos's old school. Welcome to the Legislative Council Chamber. I hope you enjoy your week at Parliament House.

The PRESIDENT: Order! According to sessional order, business is now interrupted for questions.

Questions Without Notice

BROKEN HILL WATER SUPPLY

The Hon. ADAM SEARLE (16:00): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water. Given today's budget and the Premier's 16 June announcement of a \$500 million pipeline from the Murray River to Broken Hill, when he said, 'The community will be asked to contribute to the cost of the project', how much will it cost each home owner in Broken Hill as part of the Government's cost recovery?

The PRESIDENT: Order! The Minister will give his answer in silence.

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:01): I thank the honourable member for his question. I was absolutely delighted to accompany the Premier and the Deputy Premier last week, as well as the Parliamentary Secretary for Western New South Wales and Regional Health and the local member, to make the announcement regarding the long-term water security for Broken Hill and the surrounding communities. The issue of cost and bill impacts was raised last week by the community. I will reiterate what the Premier said at the time:

The final structure of the project ... will be determined in the near future.

While the community will be asked to contribute to the cost of the project, the Government will ensure any increase in rates is introduced very gradually. This is ultimately a matter for the Independent Pricing and Regulatory Tribunal [IPART] when it determines the cost of water bills. One thing we know is that IPART takes into consideration a number of factors, particularly the socio-economic impacts and the social disadvantage of some communities when it determines pricing. The answer is consistent with what was said last week. The issue of cost will be a matter for IPART at a later stage. The Government will ensure it is implemented gradually to ensure minimal impact on that community. IPART takes a number of considerations into the mix when it makes its determination.

STATE BUDGET AND ROADS, MARITIME AND FREIGHT

The Hon. MATTHEW MASON-COX (16:04): My question is addressed to the Minister for Roads, Maritime and Freight. Will the Minister update the House on the 2016-17 State budget for roads, maritime and freight?

The Hon. Daniel Mookhey: Will you pay all your contractors this year?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:04): We always pay our contractors. I thank the honourable member for his question. It is with much delight I can report a record spend of \$9.7 billion for New South Wales as we crack on with the job of busting congestion, reducing travel times and getting freight from the paddock to the port faster. I stand here today as a proud Minister for Roads, Maritime and Freight. When I was given this important job, we had one goal in mind—to deliver on the promise of better infrastructure, and that is exactly what the Government is doing. This year's budget is a mammoth 29 per cent increase on last year's budget. The Government is continuing its historic investment to build new and improved roads, boat ramps, wharves and rail lines across this State with projects such as the \$2.9 billion for WestConnex.

Funding of more than \$2.1 billion will fast-track major upgrades of key regional highways such as the Pacific, Princes, Central Coast and Great Western, to name a few. Also, \$338 million has been allocated to continue building and upgrading roads to support Sydney's second airport at Badgerys Creek. This Government is doing what the former Labor Government failed to do, which is building critical infrastructure to cater for a growing population. I will let the numbers do the talking. When Labor was in office, it had six Ministers for its last six budgets and when it had the chance to do something, it allocated \$3.8 billion a year, on average, to roads, maritime and freight. Let us compare its \$3.8 billion with what this Coalition Government has done since coming into office. In its last six budgets, including today's, it has allocated a mammoth \$38.2 billion. On average, that is \$6.4 billion per year since it has been in office. It is incredible that today's is a headline figure of \$9.7 billion.

It is no wonder that organisations such as Roads Australia are happy. It describes the record spend as "a much needed tonic for congestion that will make Sydney a more liveable city". All up, the Government has allocated more than \$20 billion for roads, maritime, freight and public transport combined in New South Wales. Our next-door neighbour, Victoria, a Labor State, has managed in its budget this year to stump up \$10.4 billion—that is \$20.2 billion for us and \$10.4 billion for Victoria. Queensland—the reds of the State of Origin—are asleep at the wheel with another Labor Government with only \$4.4 billion. When we do the State of Origin, New South Wales has \$20.2 billion and across the border, with the Labor Party in power, it is \$4.4 billion. When we look at the kilometres to cross the great State of Queensland, I suspect there are not fewer roads in Queensland than there are in New South Wales. The old economic powerhouse of Australia—Victoria—is spending half of what we are spending, which is an indictment of us. People who are about to vote in the Federal election should look at that. *[Time expired.]*

NEPEAN HOSPITAL

The Hon. WALT SECORD (16:09): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism, representing the Minister for Health. Given that Mulgoa member of Parliament, Tanya Davies, on 18 March 2015 promised the upgrade of Nepean Hospital, why does today's budget only contain \$1 million in planning money for what will be a \$370 million much-needed upgrade at the State's most overstretched hospital, where 51 per cent of patients wait longer than four hours and there are more than 3,000 patients on elective surgery waiting lists?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:10): I thank the honourable member for his question. What an extraordinary budget. What an extraordinary budget in the area of health. I thank the Treasurer. I thank Minister Jillian Skinner. Let us have a look at it. The question was about the health budget. Let us have a look at some of the great figures in the health budget.

The Hon. Walt Secord: Point of order: My point of order is in relation to relevance. My question was very specific. It dealt with the State's most overstretched hospital, Nepean Hospital. The Minister made no mention of Nepean although I gave him about 50 seconds.

The PRESIDENT: I think the member's mathematics is a little faulty. I am going to give the benefit of the doubt to the Minister for a little longer.

The Hon. JOHN AJAKA: What those opposite fail to realise is that the health budget relates to every single hospital in New South Wales, including Nepean Hospital. One cannot simply take one little section out and ignore the rest of the health budget. Let us have a look at the wonderful figures. Since March 2011 funding for the New South Wales public health system has increased by \$5 billion—32.8 per cent up from the \$15.5 billion in 2010-11. Almost \$1.6 billion will be spent on capital works in 2016-17, including \$128 million from the Ministry of Health's expenses budget to continue the Government's commitment to build and rebuild hospital and health facilities, taking the total health budget to over \$22 billion. There will be an extra \$375 million to meet increased demand for patient services in public hospitals, including treating 79,000 more patients in our emergency departments—a total of around 2.8 million patients.

The Hon. Walt Secord: Point of order: My point of order is in relation to relevance. It has now been two minutes and the member has not mentioned Nepean Hospital once. The question was very specific. It is about the State's most overstretched hospital.

The Hon. Duncan Gay: To the point of order: I distinctly heard the member mention Nepean Hospital twice.

The PRESIDENT: There is no point of order.

The Hon. JOHN AJAKA: Extra funding in 2016-17 will boost frontline staff for all hospitals, including Nepean Hospital. Let us have a look at that in relation to frontline services. Let us have a look at nurses and midwives. What was the figure for frontline services by nurses and midwives when those opposite were last in Government in 2010-11? The figure was 40,216. What was the figure in 2015-16? It was 44,940, and it is continuing to increase. That is the difference. This Government continues to provide the additional funding for frontline services. The Government is able to do that because the Treasurer and former Treasurer Andrew Constance and Premier Mike Baird continue to deliver the best budgets—something those opposite failed to do for 16 years.

What upsets the Opposition about this budget is that it is such a good budget those members cannot fault it. That is what members opposite cannot stand. They refuse to compare these budgets to the budgets when they were in government for 16 years. They fail to do that. Let us look at some other great news about extra funding. There will be 900 additional nurses, doctors, allied health and hospital support staff at a cost of \$120 million for all hospitals in New South Wales, including Nepean. It is one of the hospitals in New South Wales. There will also be 20 new medical training positions at a cost of \$2.3 million, 65 new specialist nurses and midwives and 30 clinical support staff at a cost of \$9.8 million. [*Time expired.*]

The Hon. WALT SECORD (16:14): I ask a supplementary question. You are hearing things, Duncan!

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time.

The Hon. WALT SECORD: Will the Minister please elucidate his answer with regard to Nepean Hospital and the nurses that he mentioned? How many of those nurses will go to Nepean Hospital as part of the upgrade?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:15): As I indicated, there will be an increase of 65 new specialist nurses and midwives and 30 clinical support staff at a cost of \$9.8 million for all hospitals in New South Wales. There will be an extra 85 paramedics at a cost of \$12.8 million and delivery of the promised 35 extra specialist paramedics two years ahead of schedule at a cost of \$5.1 million. Not only does Minister Skinner deliver what she promised; she delivers it two years early. Those on the other side of the Chamber never delivered a single promise, let alone early. It is something they have no knowledge of.

CITY OF SYDNEY COUNCIL ELECTION

The Hon. ROBERT BORSAK (16:16): My question without notice is directed to the Hon. Duncan Gay, representing the Minister for Local Government. Is the Minister aware that under the City of Sydney Act it is the responsibility of the General Manager to notify and send enrolment letters to all business owners, including occupiers and rate-paying lessees, at least 90 days before the closing date for council elections? How many

businesses are currently registered to vote in the City of Sydney council election and how many have been sent enrolment letters as of today? When were they sent?

The Hon. Sophie Cotsis: This will be the biggest mess in this State. It will go to the Court of Disputed Returns.

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:17): I acknowledge the Hon. Sophie Cotsis's comments that Sydney City Council is the biggest mess in New South Wales.

The Hon. Sophie Cotsis: I did not say that.

The Hon. Shaoquett Moselmane: Point of order: The Leader of the Government knows full well that he is misleading the House because the honourable member did not say those words.

The PRESIDENT: The Opposition Whip should be well aware, by now, that there is no standing order that requires a member not to mislead the House. However, there is a standing order that requires a member not to reflect on another member. While I make no particular judgement in this case, when responding to interjections one should also be careful to ensure that one has heard the interjections correctly.

The Hon. DUNCAN GAY: I will be more vigilant in future. I acknowledge the question, which is a very good question. It seeks a lot of detail. I will take it on notice and refer it to my colleague for a detailed answer.

STATE BUDGET AND DISABILITY SERVICES

The Hon. LOU AMATO (16:18): My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. What is the New South Wales Government doing to provide help for people with disability to realise their potential?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:19): I thank the honourable member for his question. As I have said before in this Chamber, everyone regardless of their age, race or disability should be able to enjoy everything that life has to offer. The New South Wales Government is determined to help people with disability realise their potential and live their lives their way. I am pleased to inform the House that this year's budget delivers for people with disability in New South Wales. It is a budget that can be delivered only by a government that has its finances in a strong position. I pay tribute to my colleague in the other place, our Treasurer, the Hon. Gladys Berejiklian, for making possible a great budget in my areas of responsibility. Thanks to her financial stewardship—and that of her predecessors, Premier Mike Baird and Andrew Constance—we can do more to help those in our community who need it most.

Today's budget delivers a record \$3.3 billion investment in disability services in New South Wales in 2016-17. It commits \$1.3 billion to implement the historic and life-changing National Disability Insurance Scheme [NDIS] in New South Wales. In addition, the Commonwealth will contribute over \$700 million towards the NDIS, which brings the total budget for disability services in New South Wales to over \$4 billion. Starting next week, the NDIS will be rolled out across half of our great State. More than 35,000 people with disability will be able to access the NDIS in the first year alone. Having spoken with people with disability who already are benefiting from the NDIS, I know the incredible and almost unimaginable difference the scheme can make for people with disability and their families.

Importantly, the New South Wales budget will help ensure New South Wales is NDIS-ready. We are extending funding for the highly successful NSW Consumer Development Fund, which is entitled My Choice Matters, that helps people with disability and their families by providing them the information they need to know. The New South Wales Government is increasing its investment in services that help with everyday life, enabling people to live in their own home and participate within their communities. It is investing over \$993 million for community support for people with disability, and their families and carers—an increase of 6.3 per cent from 2015-16. This investment will reach around 27,000 people for skills development and day programs, 26,000 people for respite services, and 34,000 people for personal assistance.

The New South Wales Government is also increasing its already sizable investment to help people access services and community support to maximise independence, wellbeing and quality of life. It is investing over \$439 million for short-term interventions for people with disability, and their families and carers—an increase of 4.2 per cent. This investment will reach around 16,000 families and children for general support, 2,600 people for transition to work programs and 63,000 people for therapy and interventions. Furthermore, the New South Wales Government is investing over \$1.8 billion in supported accommodation for people with disability who have ongoing intensive support needs. This investment will reach around 10,900 people for supported accommodation

services, 37,000 people for non-24/7 supported accommodation, and 78,000 people for supported accommodation services provided by non-government organisations.

In addition, this Government wants to make New South Wales the State of inclusion. As I have spoken about many times in this Chamber, this Government is committed to identifying and, more importantly, removing barriers preventing people from realising their potential. One area in disability services I am particularly passionate about is better helping people with disability to find and keep a job, which is a gateway to greater independence and inclusion. To boost the employment of people with disability, the New South Wales Government is investing over \$2 million in 2016-17 in the highly successful Employment Enablement Strategy. [Time expired.]

PRIVATE PROPERTY RIGHTS

The Hon. ROBERT BROWN (16:23): My question without notice is directed to the Minister for Roads, Maritime and Freight in his capacity as Leader of the Government in the Legislative Council and refers to a letter in *The Land* on Thursday 2 June regarding private property rights. Is he aware that in that article the writer advised that a senior policy adviser from the Office of Environment and Heritage at the Coffs Harbour public consultation meeting on the draft biodiversity legislation claimed that he was a democratic socialist; that freehold rights no longer exist; and that the community now has a greater claim over private land than do private landholders? Does the Government support the stated position of that senior adviser—that property rights no longer exist in New South Wales?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:24): I thank the Hon. Robert Brown for his question. As an avid reader of *The Land*, I cannot believe that I missed reading that letter. Had I seen the letter, it certainly would have been one that prompted my attention. On behalf of the Government I emphatically state that property rights are sacrosanct. I am not going to muck around with that, but with the rest of the statements I will have to be careful because I have not read the letter; nor am I aware of any of the contents. However, as Leader of the Government I certainly am more than happy to take the question on notice, as asked by the Hon. Robert Brown, and seek information from the relevant Ministers, who may well include one in this Chamber but probably some in the other Chamber.

RACIAL VILIFICATION LEGISLATION

The Hon. SOPHIE COTSIS (16:25): My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. As the Minister for Multiculturalism, why is he refusing to support a toughening of New South Wales anti-race-hate laws, which will remove the need for the Attorney General's consent to prosecute the vilification of people on the basis of race, sexual preference and HIV grounds, as supported by Jewish, Chinese and a range of other ethnic community leaders?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:26): I am well aware that there is a bill before the lower House that was introduced by the member for Liverpool, Mr Paul Lynch, if I recall correctly. It is to be debated before the lower House. I am sure that the Attorney General will well and truly define the position of the Government during that debate. If, by some chance, the bill is passed by the lower House, it will then be debated in this House. I have absolutely no intention of pre-empting the outcome of debate in another House.

STATE BUDGET AND PRIMARY INDUSTRIES

The Hon. BRONNIE TAYLOR (16:26): My question is addressed to the Minister for Primary Industries, and Minister for Lands and Water. Will he update the House on how the 2016-17 New South Wales budget is driving growth in the State's \$12 billion primary industries sector?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:27): I thank the Hon. Bronnie Taylor for her question. Today the Treasurer, Gladys Berejiklian, handed down the State's budget, which will deliver an unprecedented investment in the State's \$12 billion primary industries sector. More than \$1.4 billion will be invested in our primary industries and critical water infrastructure, which will drive growth and support jobs creation right across the sector and right across regional New South Wales. In order for our regional communities and regional industries to grow and prosper, there needs to be access to water. I am proud that this year's budget will help ensure water security for regional towns and support farmers during droughts.

Never before have we seen an investment of this scale to ensure that rural and regional communities have access to clean and reliable water. Whether it is securing water supply for regional towns, including a long-term solution for Broken Hill, or helping families and pensioners with the costs of potable water, this budget delivers certainty and support for people in all corners of the State. As part of this year's budget the New South Wales

Government will invest up to \$500 million over three years to secure Broken Hill's water supply. This is the single biggest investment to secure a regional town's water supply. I was proud to join the Premier, Mike Baird, the Deputy Premier, Troy Grant, the great local member for Barwon, Mr Kevin Humphries, and the Parliamentary Secretary for Western New South Wales, the Hon. Sarah Mitchell, in Broken Hill to make the announcement last week.

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the first time.

The Hon. NIALL BLAIR: The budget also will provide \$165 million to assist eligible New South Wales households with the financial costs of potable water; \$75 million for water-saving infrastructure projects, funded by the Commonwealth under the Water for the Future program; \$45 million to clear the backlog of projects as part of the Country Towns Water Supply and Sewerage Program; \$18 million to implement important water reform initiatives as part of the Murray Darling Basin Plan; and \$9.4 million, which has been dedicated to improve water and sewerage services for Aboriginal communities.

I am proud that this Government in this year's budget is delivering on its commitments to deliver vital water infrastructure to ensure our regional communities thrive and prosper. As I travel right across the State I hear that water infrastructure and shoring up water supplies are front and centre of local communities, and I am proud that the New South Wales Government is working to deliver funds and support to deliver vital projects. Also, more than \$159 million will be invested in local water services to continue delivery of essential services to farmers and landholders across regional New South Wales.

Primary producers will also be supported to prepare for and deal with drought, with more than \$90 million allocated to the New South Wales drought strategy for concessional loans, farm business planning and vocational training scholarships, and more weather stations. This will include a boost of \$30 million to the popular Farm Innovation Fund, making up to \$80 million available to farmers in the form of low-interest loans for on-farm infrastructure. More than \$21 million will also be provided for the food safety system to ensure food is safe and correctly labelled. The \$12 billion primary industry sector is the backbone of the regional economy and underpins the social and economic fabric of our regional communities. This budget invests in the sector—

Mr Jeremy Buckingham: Carving the guts out of it—\$150 million.

The PRESIDENT: Order! I remind Mr Jeremy Buckingham that he has been called to order once already during this answer.

The Hon. NIALL BLAIR: —to truly build for the future of this State.

MURRAY-DARLING BASIN WATER MANAGEMENT

Mr JEREMY BUCKINGHAM (16:31): My question without notice is directed to the Minister for Primary Industries, and Minister for Lands and Water, the Hon. Niall Blair. On announcing the pipeline from the Murray River to Broken Hill, the Deputy Premier said that the pipeline "reduces the need for further buybacks of productive water". Why has the Government prioritised upstream irrigation over the health of the Darling River and the farmers and communities that rely on it?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:31): I thank the member for his question. I will explain the comments of the Deputy Premier and how they relate to making sure that in New South Wales we continue to provide a triple bottom line for all our regional communities. We are not about picking winners and losers. What we have been able to do consistently through water policy, and in particular with our announcement about securing a long-term supply for Broken Hill, is ensuring that we have that triple-bottom-line approach to the way that we address water in regional communities and, more importantly, how we address our obligations under the Murray-Darling Basin Plan.

In relation to the question about why we should no longer need to have more buybacks out of New South Wales, it is very clear. Firstly, most of our valleys, particularly in the northern part of the State, have already had water recovered from them. Above Menindee Lakes, 130 gigalitres has already been recovered out of those valleys in New South Wales. For the member opposite to be running this line and criticising those regional communities that use agriculture as the underpinning economic driver of that community is wrong. It is not just wrong; it is absolutely playing politics with communities that do not deserve the member's view when it comes to picking winners and losers. I remind the member that he does support the Murray-Darling Basin Plan.

The 130 gigalitres have been taken out of those communities so we can stand here today and say that our irrigation communities around Walgett, our irrigation communities around Moree and the communities that survive as part of that are the most efficient in this country. What we are saying and have said all along is that we believe that we should be saving water and putting it back into the environment through water efficiency infrastructure projects, not just buying water out of our productive regional communities. That is what the

long-term solution does. We have said consistently that the Broken Hill issue is broken up into three parts: Firstly, it was about securing the short-term supply for the community of Broken Hill. That is what we did. We put the money in to find that short-term solution water source and to build the reverse osmosis plant.

Mr Jeremy Buckingham: The first thing you did was to let all the water out of the lake.

The PRESIDENT: Order! I call Mr Jeremy Buckingham to order for the second time.

The Hon. NIALL BLAIR: I hear the member say that the first thing we did was let the water out of the lakes. Environmental flows were let out of the Menindee Lakes by the Commonwealth—environmental flows firstly by the Commonwealth. The second releases when it came to the control of New South Wales—

Mr Jeremy Buckingham: No, they were not.

The PRESIDENT: Order! Mr Jeremy Buckingham has been warned. I remind him that he is on two calls to order. I ask him to remain silent for the balance of the Minister's answer.

The Hon. NIALL BLAIR: The first release out of those lakes was a Commonwealth call on environmental flows. The subsequent release, once it came down to that operations level of the 480 gegalitres, was a New South Wales environmental release as well. Is the member opposite now saying that we should not be doing environmental releases of water? We did the short-term supply and now we have secured the long-term supply for Broken Hill. The third stage is for us to talk with the Federal Government about how we can recommission and reconfigure those lakes. We want a healthy river system, we want viable communities and we want towns like Broken Hill to prosper. That is what we have done.

Mr JEREMY BUCKINGHAM (16:35): I ask a supplementary question. Will the Minister elucidate his answer by informing the House about the 130 gegalitres he said had been bought out? Was that water bought out of New South Wales or Queensland?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:36): I thank the member for his question. He has asked me about this previously when we talked about the water recovery in the northern part of the State and the reason why New South Wales has been advocating for the northern basin review to be completed as soon as possible. The majority of the heavy lifting for water recovery in the northern basin has come out of New South Wales valleys. That is why we have advocated to the Federal Government that the northern basin review be completed as soon as possible. I gave the figures for what has been recovered out of northern valleys, because we know that that has—

Mr Jeremy Buckingham: You do not know.

The PRESIDENT: Order! I call Mr Jeremy to order for the third time. In accordance with Standing Order 192, I direct the Usher of the Black Rod to remove the member from the Chamber. The member is excluded from the Chamber until the conclusion of question time.

[Pursuant to standing order Mr Jeremy Buckingham left the Chamber, accompanied by the Usher of the Black Rod.]

IMPACT CONSULTING

The Hon. DANIEL MOOKHEY (16:37): My question without notice is directed to the Minister for Roads, Maritime and Freight. Will the Minister guarantee that every small business and subcontractor affected by the collapse of Impact Consulting will be paid all outstanding moneys owed to them for the work performed during stage 2 of the Schofields Road project?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:38): I indicated earlier, when the member asked by way of interjection whether we were going to pay our bills, that we always pay our bills. The New South Wales Government always pays in this situation. It is of great concern to hear that these workers, who were employed to do important work on a government project, have not been paid by a subcontractor. People who work on all projects should be paid. It is important to me that these workers are heard, and I am pleased senior Roads and Maritime Services representatives met with the group of workers along with the union representatives last Friday morning, 17 June. The Roads and Maritime Services has no commercial relationship with Impact Consulting, which has gone into administration.

I understand the company has been providing services on the Schofields Road project to OHL York. Roads and Maritime Services has been holding discussions with OHL York. I am pleased to hear that the company—certainly at our urging, but it volunteered as well—will be offering as many of these affected workers as possible direct subcontract work on this project and other projects. We are trying to have these subcontractors work directly for OHL York, which is the company that we paid. We need the workers to have an immediate cash

flow and this will ensure that that happens. Roads and Maritime Services carries out financial checks on contractors before they are engaged. This was the case for OHL York prior to awarding it the Schofields Road project. The indication is that the Government will keep working with OHL York and with the contractors. It is my understanding that a sum of money was kept by OHL York. The advice from Roads and Maritime Services will be to help these subcontractors wherever possible.

The Hon. DANIEL MOOKHEY (16:40): I ask a supplementary question. Will the Minister elucidate his answer by outlining a timetable by which all the measures he just described will be completed?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:41:1): They have already happened.

STATE BUDGET AND REGIONAL INFRASTRUCTURE FUNDING

The Hon. TREVOR KHAN (16:41): I address my question to the Minister for Roads, Maritime and Freight. Will the Minister inform the House of funding in the 2016-17 budget for roads, maritime and freight in regional New South Wales?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:41): I thank the honourable member for his question.

The Hon. Mick Veitch: He wouldn't know where it is.

The Hon. DUNCAN GAY: I know I should not acknowledge interjections, but I have been waiting for a question about regional New South Wales from the only country Labor member in the House and it has not come. The member has not asked me a question for 12 months or more. Those opposite do not care. Budget day is great for regional New South Wales, particularly in my portfolio.

The PRESIDENT: Order! Government members will come to order.

The Hon. DUNCAN GAY: It is testament to the Government's strong commitment to deliver for the community, businesses and industries in rural and regional New South Wales. Before I detail the exact numbers within the regional budget there is an important comparison that needs to be made: in the 10 years of Labor Government prior to 2011 the average annual spend on roads, maritime and freight infrastructure in regional New South Wales was \$2.4 billion. That is when those opposite had control of the Treasury. In contrast, the average annual spend by the Liberal-Nationals Government has been \$4 billion. This Government has delivered. The Hon. Walt Secord is yawning, that is how much interest he has in regional New South Wales—unless he is travelling to a holiday destination.

The Hon. Shaoquett Moselmane: Point of order: The Leader of the Government is reflecting on the Hon. Walt Secord. He was not yawning. The Minister is misleading the House.

The PRESIDENT: I was not looking at the Hon. Walt Secord when the Minister was speaking. Therefore, I would not know whether he was yawning. I am not able to judge whether the Minister was being unfair. I query how relevant the comment was to the answer being given by the Minister. The Minister was in order and has the call.

The Hon. DUNCAN GAY: There is a 67 per cent increase to the average annual funding for country New South Wales, which is terrific for the people that need it. Key budget highlights in the 2016-17 budget for regional New South Wales include \$1.5 million in joint funding with our Federal colleagues to continue fast tracking the duplication of the Pacific Highway. Given Anthony Albanese's hesitance concerning WestConnex—

The Hon. Walt Secord: Point of order: My point of order is relevance. The Minister has referred to WestConnex; the question was about rural and regional roads. I ask that he be brought back to the leave of the question.

The PRESIDENT: It is far too early for me to form the view it was not relevant. The Minister has the call.

The Hon. DUNCAN GAY: I was about to say, before I was interrupted, that given Anthony Albanese stepped back from and was modest about something he helped put in place, who knows what he would do with the Pacific Highway. Who knows what would happen to those Federal electorates on the North Coast if Labor and its Independent friends ever got their hands on the reins of power. We saw what Anthony Albanese did to the Pacific Highway on the last occasion. He lowered the funding from 80:20 to 50:50, and then down to 20:20, thereby adding seven years to the completion date. People's lives and jobs on the Pacific Highway are at risk because of what the Labor Party did in the past. A leopard does not change its spots.

Labor has played politics with WestConnex. The people of the North Coast of New South Wales should be scared of what might occur if Labor won Federal government. The budget provides \$208 million to upgrade and maintain grain rail lines in country New South Wales. This money means old timber sleepers will be replaced with modern steel sleepers to carry heavier wagons and transport freight to our ports faster. It has delivered \$111 million to support productivity and safety for road freight in regional New South Wales, including the Bridges for the Bush program—[*Time expired.*]

SYDNEY METRO

Dr MEHREEN FARUQI (16:46): My question without notice is directed to the Minister for Roads, Maritime and Freight, representing the Minister for Transport. Given the \$2.7 billion for the Sydney Metro project allocated today in the 2016-17 budget when, if ever, will the New South Wales Government release the full business case for the Sydney Metro?

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council) (16:47): I thank the honourable member for her question. It is one that I will refer to my colleague the Minister for Transport. One only has to look at New South Wales to see what a great Minister for Transport he is. I know The Greens do not like light rail; therefore, metro would have to be out of the question. The Greens do not want roads. However, The Greens once stated that they wanted to build light rail up the middle of Parramatta Road.

Dr Mehreen Faruqi: Point of order: My point of order is relevance. I asked a specific question about the Sydney Metro project, which the Minister has not yet referred to.

The PRESIDENT: There is no point of order. I understand if the Minister had not heard me say that, given the amount of noise from the Government members.

The Hon. DUNCAN GAY: There is a business case that requires proper gateway processes, which include Infrastructure NSW, the Cabinet process, and the construction induction card. They are subject to the Auditor-General. We must traverse the entire gamut of processes, as we should do. If it involves Federal money, the process includes Infrastructure NSW. We go through all the proper processes. Frankly, it is a bit rich having people who do not agree with or support anything asking about process. We could present The Greens with a copy of the *New Testament*, unabridged, and they would reject it—although I suppose that is not surprising. I am flat out establishing what The Greens support.

As I started to say, the member once said in this House that we do not need WestConnex, and that we should put light rail up the middle of Parramatta Road. Earlier today she gave notice of a motion which indicates that she now does not like even light rail. I suspect the metro is way out of the question as well. Is there anything The Greens like or stand for? During debate on a bill earlier this afternoon Dr Mehreen Faruqi said that she did not like antisocial behaviour, but she supported her colleague who did not want people operating personal watercraft to be subjected to drug testing. Good on The Greens!

WILLIAMTOWN LAND CONTAMINATION AND FISHING BAN

The Hon. MICK VEITCH (16:50): I direct my question to the Minister for Primary Industries, and Minister for Lands and Water.

The Hon. Duncan Gay: A year in a month.

The Hon. MICK VEITCH: I asked the Hon. Duncan Gay a question during the last sitting week. What precautions has the Minister implemented as part of the Commercial Fisheries Business Adjustment Program for fishers already heavily impacted by the Williamtown RAAF Base contamination? Why did the affected fishers learn about the additional three-month ban now imposed on them through the media?

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water) (16:50): The precautionary fishing closures in place at Williamtown are set to expire on 30 June 2016. These closures were implemented on advice from the Williamtown expert panel in response to the potential risk to human health and to allow enough time for the comprehensive human health risk assessment to be completed. The assessment report from the Commonwealth Department of Defence will not be available before 31 July 2016, and it will then need to be considered by the expert panel and the New South Wales Government. That is why the Government has made the decision to extend the existing precautionary closures for up to three months to 30 September 2016.

More broadly, the contamination event at Williamtown has a direct impact on fishers in the Hunter and Port Stephens estuaries and other areas of region 4. Fishers impacted by the event are encouraged still to participate in the business adjustment program. On completion of the human health risk assessment, the Department of

Primary Industries will be in a better position to understand the potential long-term implications of the contamination and will implement appropriate management responses. At that time, consideration may be given to whether the current reform decisions affecting the Hunter area should be maintained or adjusted in some way.

I know that that is not a definitive answer, but the timing could not be worse for us to be going through an important and necessary commercial fisheries adjustment and reform program. By saying that, I mean that it could not be worse for the fishers in region 4 who are affected by the contamination issue at Williamtown. The Government acknowledges that and the Department of Primary Industries fisheries officers are working with those fishers. I said that we may need to make some adjustments, and that comment is directed at those fishers.

If when we reach the share trading process and deal with the money we have allocated we still do not have a final determination from the Commonwealth Government—that is, a cloud is still hanging over the process for those fishers—the New South Wales Government will work with the fishers and will make some decisions about whether we need to extend the process or talk about other measures that could be put in place. It is difficult for me to give a definitive answer because some things are out of the State Government's control, such as the response from the Commonwealth Government. However, we will work with these fishers. I reiterate that the polluter-pays principle must be enforced.

We were hoping that we would be at the end of the process and that we would be able to lift some of the bans so that the fishers could go through the normal reform process, but as of today that has not happened. That is why the Government has had to impose the three-month extension. The department will continue to monitor the situation and work with the fishers. I am more than happy to keep the member up to date on any decisions that are made along the way because I know that, like me, he is getting feedback from people in that area. As I said, the Government will continue to work with the fishers and will do what it can to put their minds at ease, but this is a difficult situation.

STATE BUDGET AND MULTICULTURALISM

The Hon. SHAYNE MALLARD (16:55): I address my question to the Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism. Will the Minister inform the House about how the 2016-17 New South Wales budget provides more support to promote harmony throughout our diverse multicultural community?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (16:55:2): Recent events at home and abroad have reminded us all of just how lucky we are to be able to call New South Wales and Australia home. We are all blessed to live in a peaceful, prosperous and diverse community. However, we should make no mistake: We cannot take that hard-won social harmony and cohesion for granted. We must continue to be vigilant toward and guard against the forces of division and hate in our community.

The 2016-17 New South Wales budget provides more support than ever before to promote harmony throughout our diverse multicultural community. Last year's surge in funding has enabled Multicultural NSW to transform into a more efficient and sustainable agency. This much-needed transformation has allowed Multicultural NSW to better focus on the needs of the multicultural community. In this year's budget the Government is promoting social cohesion and community harmony by investing \$23 million. It is also boosting funding for grants that help to bring the community together and to improve and increase the language services offered by Multicultural NSW.

Key highlights from this year's budget include: \$9 million for 45,000 interpreting and translation services in more than 100 languages and dialects. That is an increase of 1,000 services. This service group provides efficient, reliable and professional interpreting and translation services for community languages using trained interpreters and translators. Customers will have increased access to these services through the partnership between Service NSW and Multicultural NSW. The budget also allocates \$3 million for the Multicultural NSW COMPACT Program to support an alliance of community partners who are committed to safeguarding our community. It also allocates \$2.8 million—a massive 23 per cent increase—in grants for community projects, activities and partnerships to foster community engagement and to celebrate our cultural diversity. The budget also provides \$1 million for the development of a telephone interpreting service as part of the improvement of Multicultural NSW's language services.

Apart from increasing funds to help bring the community together, this Government has ensured that one of the State's biggest multicultural festivals—Parramasala—will remain a feature on the Western Sydney cultural calendar for the next four years. The Government has committed \$1.6 million over four years in the 2016-17 budget to secure the festival. Parramasala is an energetic, vibrant and colourful celebration of Indian and South Asian customs, traditions and cuisines, and it also welcomes contributions from all multicultural communities.

Parramasala continues to grow and to attract tens of thousands of people each year to Parramatta and Harris Park in Western Sydney. This is a much-anticipated event and the Government is proud to support its return to Western Sydney until 2019. It is only fitting that one of the State's premier multicultural festivals is held in Parramatta, the geographic and cultural heart of multicultural New South Wales. We live in one of the most diverse cities in the world and Parramasala is an event that celebrates our different cultures and encourages community harmony. I have said before and I will say again that today's budget reflects the Baird Government's commitment to delivering better outcomes for all the communities of New South Wales.

CHILD SEX ABUSE

The Hon. PAUL GREEN (16:59): My question is directed to the Hon. John Ajaka, representing the Minister for Family and Community Services. This morning the *Sydney Morning Herald* reported on the inability of the Department of Family and Community Services and its IT system to provide an exact number for reports of sexual abuse of children currently under its care. Given this alarming revelation of the computer system's capacity, will the Government now aim at protecting the most vulnerable in our community and find a solution to harvest this data to ensure we are resourcing the community?

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) (17:00): I will refer some parts of the member's question to Minister Hazzard and come back with an answer. The protections afforded to children and young people living in New South Wales apply equally to children and young people with disability, whether they are living at home or in a statutory or voluntary out-of-home care setting. We want to ensure that our children are always safe. I am well aware of the article in the *Sydney Morning Herald*. As I indicated earlier, I will seek a detailed answer from the Minister and come back to the member with it.

The Hon. DUNCAN GAY: If members have further questions I suggest that they place them on notice.

Deferred Answers

COFFS HARBOUR CITY COUNCIL AND WORLD RALLY CHAMPIONSHIP

In reply to **Mr DAVID SHOEBRIDGE** (4 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

I can confirm the response provided by the Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council in relation to the question.

NSW POLICE FIREARMS REGISTRY

In reply to **the Hon. ROBERT BORSAK** (4 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

The NSW Police Force has advised me:

A total of 479 NSW Firearms Registry Internal Reviews were conducted in relation to decisions to refuse a licence or permit in the period 2012 to 2015. Of these, 263 were affirmed. The remainder were either set aside, withdrawn, not reviewable, out of time, cancelled or still under review.

It should be noted that some decisions are mandatory and not able to be varied.

DEER HUNTING

In reply to **the Hon. ROBERT BROWN** (4 May 2016).

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water)—The Minister provided the following response:

Hunters with an R-Licence accessing State forests in New South Wales are required to report the number and type of species they harvest, including deer, to the Department of Primary Industries. Hunters hunting deer on private lands are not required to report the harvest of the species they have taken, including deer, under the conditions of an R-Licence or G-Licence.

A total of 5,871 deer have been harvested from New South Wales State forests by R-Licence holders since hunting in State forests began in May 2006.

ROYAL NATIONAL PARK

In reply to **Dr MEHREEN FARUQI** (5 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

In May 2015, Dr Anita Smith and Context Pty Limited completed an expert analysis on possible pathways to seek World Heritage listing for Royal National Park and Reserves. The Office of Environment and Heritage has commissioned further work on potential values and the best possible approach for making a World Heritage nomination. This report is expected to be completed soon and will be submitted to the Commonwealth Government.

NORTH STRATHFIELD LAND REZONING

In reply to **the Hon. PAUL GREEN** (5 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

I am advised:

This is a matter for the Minister for Planning.

SCHOOL CHAPLAINCY PROGRAM FUNDING

In reply to **Reverend the Hon. FRED NILE** (5 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

The New South Wales Government understands the importance of student counselling and support services.

The National School Chaplaincy Programme [NSCP] is a Commonwealth-funded initiative that provides chaplaincy services in schools. The New South Wales Government receives funding for administering the NSCP through an agreement. The agreement outlines that the NSCP will operate for the 2015 to 2018 school years.

Following the budget, Senator the Hon. Simon Birmingham, Minister for Education, stated that the Commonwealth has not decided to cease NSCP funding, and that the agreement is not currently due for review.

KANGAROO MANAGEMENT PLAN

In reply to **the Hon. MARK PEARSON** (5 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

The NSW Commercial Kangaroo Harvest Management Plan 2012–2016 is approved under Commonwealth legislation and is reviewed every five years. The management plan is being reviewed in 2016 and a new draft plan will be publicly exhibited later this year.

ABORIGINAL REMAINS BURIAL

In reply to **the Hon. SHAOQUETT MOSELMANE** (5 May 2016).

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water)—The Minister provided the following response:

The Cemeteries and Crematoria Act 2013 [the C and C Act] already provides for burials (traditional or otherwise) on private land. New South Wales Aboriginal Land Councils or private land owners can bury Aboriginal people if conditions are met, including local government approval to operate a private cemetery.

Aboriginal burials can also occur when there is a wish to be buried on lands under the National Parks and Wildlife Act 1974 [NP and W Act]. Aboriginal burials on national parks estate occur within a set of principles within the park management guidelines, and as part of the joint management arrangements and subject to health and other regulations.

Recognised Native Title holders may have rights to perform traditional burial ceremonies and Indigenous Land Use Agreements [ILUA] may provide for burials on Crown land under the Native Title holders control where appropriate.

SOUTH COAST RAIL SERVICES

In reply to **the Hon. PAUL GREEN** (10 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

I am advised:

As part of the State Infrastructure Strategy, the New South Wales Government has committed to developing a program to reduce travel time between Sydney and the Illawarra.

Improvements so far include an extra 125 services a week between Sydney and Wollongong saving South Coast Line customers up to 40 minutes a week, the rollout of Opal, construction of the new Shellharbour Junction Station,

accessibility upgrades at Albion Park, Dapto and Gerringong stations, and new car parks at Oak Flats and Kiama stations.

UBER

In reply to **Reverend the Hon. FRED NILE** (10 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

I am advised:

The New South Wales Government accepted the recommendation of the Sturgess Point to Point Transport Report to review compulsory third party [CTP] insurance to include point to point vehicles.

The State Insurance Regulatory Authority [SIRA] is currently reviewing how CTP applies to taxis, hire cars and other point to point services in light of recent reforms to industry, including ride share regulation. The aim is to have a system that is fairer and more equitable for the point to point industry. More information is available on the SIRA website.

Subject to legislation being passed, the New South Wales Government has committed to a \$250 million industry assistance package to help taxi and hire car licence plate owners.

For taxi licensees, the adjustment package will include \$98 million for initial payments of \$20,000 per licence (for up to two licences) for owners who bought their plates before 1 July 2015 and a hardship fund of \$152 million for taxi and hire car licensees facing significant financial difficulties as a result of the changes.

FEDERAL BUDGET AND HEALTH FUNDING

In reply to **the Hon. PETER PRIMROSE** (10 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised:

Policy and administrative responsibility for Medicare rests with the Commonwealth Government.

AERIAL DEER CULLING

In reply to **the Hon. ROBERT BROWN** (10 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

- (1) The study was about using a helicopter to drop groups of hunters off to hunt on the ground and was not about aerial shooting.
- (2) The National Parks and Wildlife Service works closely with RSPCA NSW to ensure pest animal control is conducted as humanely as possible. RSPCA NSW oversees all aspects of the Feral Animal Aerial Shooting Team training program and audits a number of aerial shooting operations each year to ensure they continue to meet the required standards.

ENVIRONMENTAL GROUPS FUNDING

In reply to **the Hon. ROBERT BORSACK** (11 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

In 2014–15 the Office of Environment and Heritage and cluster agencies, and the Environment Protection Authority provided a total of:

- \$123,462 to the Nature Conservation Council;
- \$78,960 to the Total Environment Centre;
- \$13,120 to the Colong Foundation for Wilderness;
- \$44,000 to the Wilderness Society; and
- \$105,000 to the National Parks Association of NSW.

No payments were made by the Office of Environment and Heritage and cluster agencies, or the Environment Protection Authority to:

- WWF;
- The Humane Society International; and

- Sydney Wildlife.

M5 EAST

In reply to **the Hon. LYNDIA VOLTZ** (11 May 2016).

The Hon. DUNCAN GAY (Minister for Roads, Maritime and Freight, and Vice-President of the Executive Council)—The Minister provided the following response:

I am advised:

The Transport Management Centre [TMC] routinely uses Variable Message Signs [VMS] across the road network to communicate changed traffic conditions to motorists. Many VMS around the network are controlled by private motorway operators. When the TMC determines that these signs would be useful to communicate messages about incidents on other roads, TMC operators liaise with the relevant control room to ensure messages are displayed to assist the greatest number of motorists.

For disruptions which impact westbound traffic on the M5 East or M5 Motorway, VMS on the southbound approaches—including General Holmes Drive, Southern Cross Drive, and the Eastern Distributor, may be utilised. If it was determined that the use of VMS controlled by the Eastern Distributor should be used, TMC operators would liaise with the motorway's control room to display suitable messages.

Information around the M5 East works is also communicated by TMC spokespeople and available on the www.livetraffic.com website and via the 132 701 Traffic Information Line.

WASTE LEVY

In reply to **the Hon. PAUL GREEN** (12 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

The projected value of the section 88 waste levy for the 2015-16 financial period has been revised from \$634 million as published in the 2015-16 budget paper to \$663.6 million.

The section 88 waste levy is collected by the Environment Protection Authority [EPA] on behalf of government. Approximately one-third of levy proceeds are available for use by the EPA, the Office of Environment and Heritage and the Environmental Trust [the Environment Component]. The remaining approximately two-thirds are directed to the consolidated revenue fund [the ConFund Component].

Questions regarding the utilisation of the ConFund Component should be directed to the Treasurer. As to the Environment Component, these funds were directed to the following OEH, EPA and Environmental Trust major programs in the 2015-16 financial year:

- The Waste Less, Recycle More initiative—\$96.3 million;
- Healthy and Protected Landscapes—\$65.89 million;
- Thriving Local Communities, Increased Tourism and Visitation—\$19.9 million;
- Celebrating and Sharing Our Heritage—\$2.07 million;
- Other waste, resource recovery and regulatory programs—\$6.4 million;
- Air Quality—\$2.8 million; and
- Agile, Effective, Innovative and Customer Focused Organisation—\$0.2 million.

More information about support for local councils through the Waste Less, Recycle More initiative:

The Waste Less, Recycle More initiative is a five year \$465.7 million program. Since February 2013, the initiative has awarded \$268.3 million in grant funding to 653 local government, private sector and non-government organisation projects aiming to divert 1,972,762 tonnes of waste from landfill. These projects have created 741 new jobs.

In 2015-16, New South Wales local councils were awarded the following funding, totalling \$33.88 million, through the Waste Less, Recycle More initiative to drive waste minimisation, waste diversion and litter reduction initiatives in their communities:

- \$17.2 million to waste-levy paying councils for projects to increase recycling and diversion from landfill, tackle illegal dumping and reduce litter, and for waste reduction and avoidance;
- \$5.66 million for local councils to increase the diversion of organics from landfill through kerbside organics services, processing equipment, food waste avoidance and home composting;
- \$4.18 million for regional coordination and regional waste strategy implementation;
- \$3.2 million to support regional illegal dumping squads and illegal dumping clean up and prevention initiatives;
- \$3 million to support the closure of 10 landfills, environmental improvements for 22 landfills and the establishment of seven transfer stations;

- \$2.8 million for local council litter initiatives and regional litter plans;
- \$1.7 million for the establishment of community recycling centres to better manage problem wastes; and
- \$1.14 million to local councils to support their small and medium-sized businesses to reduce waste and increase recycling.

The Waste Less, Recycle More report card provides a summary of achievements so far and is available on the EPA website: www.epa.nsw.gov.au/resources/wastestrategy/160124-wlrm-report-card.pdf.

GOLD COAST AIRPORT

In reply to **Ms JAN BARHAM** (12 May 2016).

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water)—The Minister provided the following response:

I have asked the Department of Primary Industries to review this decision.

ANIMAL CRUELTY

In reply to **the Hon. MARK PEARSON** (12 May 2016).

The Hon. NIALL BLAIR (Minister for Primary Industries, and Minister for Lands and Water)—The Minister provided the following response:

As one of the enforcement agencies under the Prevention of Cruelty to Animals Act 1979, RSPCA NSW has advised that it has investigated complaints about Wagga Wagga Pound and does not intend to commence proceedings. RSPCA has advised it is working with the pound regarding animal welfare.

Records of surrendered or stray animals kept in council pounds are not covered by a Code of Practice under POCTA, they are regulated under the Companion Animals Act 1998 administered by the Office of Local Government.

GUNDAGAI LANDFILL

In reply to **the Hon. PENNY SHARPE** (12 May 2016).

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism)—The Minister provided the following response:

I am advised as follows:

The EPA did provide Visy and the licensee of Burra Road Landfill in Gundagai with inaccurate advice about the method of accounting of grits and dregs used as cover material at the site. This was an error.

Once the EPA became aware of this error it informed the licensee. The licensee ceased taking any further waste until 1 July 2016 when the volume limit on the licence is reset. The EPA is currently amending the licence to ensure that the condition is clear on the accounting method.

Committees

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Remedies for the Serious Invasion of Privacy in New South Wales

Debate resumed from 10 May 2016.

The Hon. NATASHA MACLAREN-JONES (17:05): In reply: I thank those members of the committee who spoke in debate and I also thank Reverend the Hon. Fred Nile. The report of the Standing Committee on Law and Justice entitled "Remedies for the serious invasion of privacy in New South Wales" gave me as chair and members of the committee an opportunity to work together, which was important as this issue affects us not only at a national level but also at an international level. Photographs or images of young women are being taken without their knowledge and those images are being distributed to embarrass or humiliate them. Former partners are then using those images to stalk and harass young women.

There are some things we cannot control as some of these websites are operated internationally. This inquiry gave us an opportunity to make recommendations that will assist all people, regardless of their socio-economic backgrounds, to take action. The committee's report will empower victims to resolve matters, for example, through the Privacy Commissioner to mediate to achieve solutions—simple things such as an apology or further court action where they can seek financial redress. I am proud of our unanimous recommendations in this invaluable report which I commend to the House.

The DEPUTY PRESIDENT (Ms Jan Barham): The question is that the House take note of the report.

Motion agreed to.

STANDING COMMITTEE ON LAW AND JUSTICE**Report: Security Classifications and Management of Inmates Sentenced to Life Imprisonment****Debate resumed from 10 May 2016.**

The Hon. NATASHA MACLAREN-JONES (17:08): I continue my contribution to debate on report No. 58 of the Standing Committee on Law and Justice entitled "Security classification and management of inmates sentenced to life imprisonment", which states:

The Homicide Victims Support Group argued that communication with victims of homicide in relation to reclassification is currently "manifestly inadequate and that the attention recently given to reclassification in the media, whether accurate or not, was largely the outcome of poor communication with victims". It further explained the anguish experienced by victims when they assumed that the reclassification of lifers was linked to the receiving of privileges...

The committee also received evidence to the effect that the general public and victims have not been adequately informed and educated by Corrective Services about the classification system and the prison system more generally, which has resulted in a great deal of misinformation in the community regarding the treatment and living conditions of lifers. Furthermore, there was no policy requirement for direct engagement with victims of lifers as lifers will never be released. This led to the committee recommending that Corrective Services develop and action a comprehensive communication strategy to educate the public on the operation of the correctional system and that it introduce a range of measures to improve communication with victims of lifers.

To empower victims, the committee recommended that Corrective Services NSW facilitate a greater exchange of information across the justice sector to better assist victims and suggested merging the victims register of the Mental Health Review Tribunal, Juvenile Justice and Corrective Services NSW to create a one-stop shop for victims as that would make the system more user-friendly. Furthermore, the committee recommended that Corrective Services NSW trial an opt-out victims register for victims of inmates sentenced to life imprisonment. An opt-out system removes the emotional pressures of having proactively to seek out and join the register and makes the process smoother for victims. The committee noted that some victims may change their mind at a later date and, therefore, we suggested a one-off follow-up of victims who have opted out of the register to ask whether they would like to reconsider joining the register.

To address concerns regarding this information and the lack thereof, the committee recommended that victims of lifers be provided an information package and for staff to telephone them or meet with them in person to explain the correctional system, custodial management practices, and the day-to-day life of an inmate and that they consider doing this in the presence of a counsellor. Furthermore, the committee recommended that Corrective Services NSW, in consultation with victims support groups and the Commissioner of Victims Rights, develop a form to be provided to victims of inmates sentenced to life imprisonment that includes a list of matters that victims can nominate to receive updates about and that this form would also be available to current inmates sentenced to life imprisonment. On behalf of the committee I thank the participants of the inquiry, including family members of victims who appeared and shared their personal experiences. I also express my gratitude to my committee colleagues for their contributions to the inquiry. Finally, I thank the committee staff for their support. I commend the report to the House.

The Hon. LYNDIA VOLTZ (17:11): I also commend this important report to the House, which deals with a difficult subject. Victims of horrendous crimes are not homogenous and each one responds differently to the grief that they experience. No government can come up with a system that fully deals with the grief experienced by people who are victims of the most horrific crimes in this State. It is important for members to recognise that those inmates are also a great risk to prison officers, and Corrective Services must manage them in custody. Throughout the committee process members weighed up the needs of Corrective Services when managing sometimes violent and difficult-to-control prisoners who are subject to life sentences against the need to ensure that the community standard is met.

The victim support groups were keen to ensure that they are always kept informed. I note that Corrective Services NSW undertook to improve its processes over time to ensure that it better communicates with victim support groups about the status of prisoners and any changes that may be legislated. While some prisoners may have been moved between two different grades, they are never to be released from prison and have not been given additional privileges. Corrective Services is looking at ways to better manage prisoners within the system. The committee put forward recommendations that appropriately balance the need to meet those issues.

The other consideration for the Government is that with increased life sentences and truth-in-sentencing laws coming into effect, a number of prisoners will die in the prison system. We viewed the facilities of the Long Bay Correctional Centre that were appropriate for managing lifelong prisoners. I was not able to differentiate between the care they were receiving at Long Bay and the care that they would receive at any other nursing facility. However, they were located in the middle of a prison. There are different levels. We do not want frail,

aged offenders in the general population, but if offenders have been sentenced to life for an horrific crime they will end their lives in prison. It is a balancing act.

I commend the victims who gave evidence, some of whom lost family members under the most horrific circumstances. It must have been difficult for them. Committee members were aware of the nature of the crimes and the people that they were dealing with. I thank Corrective Services for its attempts at making life better for victims support groups and also for its difficult job of dealing with the pointy end of the crime system. We do not want those people on the streets. They are locked away from us but they are not locked away from prison officers. I commend the report and the recommendations to the House.

The Hon. NATASHA MACLAREN-JONES (17:15): In reply: I thank members of the committee for their contribution to this inquiry. I thank the commissioner and secretariat staff for organising a visit to the Long Bay Correctional Centre. It gave us an opportunity to not only look at facilities but also learn more about ageing populations in jails. We made a recommendation to look at that further. We have to be aware of the issue of age when addressing lifers. At the end of the day, the majority of them will not be released and they will die in our jails. We must ensure that our correctional facilities are age-care appropriate. I thank the staff who facilitated that visit in which the committee members participated. I commend the report to the House.

The DEPUTY PRESIDENT (Ms Jan Barham): The question is that the House take note of the report.

Motion agreed to.

Bills

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (REVIEW) BILL 2016

Second Reading

Debate resumed from an earlier hour.

The Hon. SARAH MITCHELL (17:18): On behalf of the Hon. John Ajaka: I seek leave to incorporate the remainder of my second reading speech into *Hansard*.

Leave granted.

The statutory review considered that the ability to revoke an expired apprehended domestic violence order [ADVO] in order to avoid the consequences flowing from the record of that order's existence is anomalous, unique and undesirable.

The Act currently lists a range of possible conditions that the court may wish to make in an ADVO, including place restrictions, and restrictions on approaches to the victim when under the influence of alcohol and drugs, as examples. A prohibition on attempting to locate the protected person is not currently included in this list of potential conditions. Including this prohibition was a recommendation of the Family Violence Report.

The statutory review also recommended redrafting the costs provision of the Act to clarify when costs orders may be made against police officers in response to the Supreme Court's decision in *Redman v Willcocks*. This decision considered the complexity that arises between section 99 of the Act, which allows for costs orders against police officers only where the police officer made the application knowing that it contained matter that was false or misleading in a material particular and the provisions in the *Criminal Procedure Act 1986* (NSW), which pursuant to sections 211-218, do not require these exceptional circumstances where procedural misconduct is proven.

The bill accordingly creates a standalone provision governing the award of costs in ADVO proceedings, without reference to other legislation. The provision limits costs in ADVO proceedings against police unless the court is satisfied that:

- (a) The police officer made the application knowing it contained matter that was false or misleading in a material particular, or
- (b) The police officer has deviated from the reasonable case management of the proceedings so significantly as to be inexcusable.

The new section 99A will also set out certain situations that alone will not give rise to an award of costs against police, such as where the victim does not turn up to court or gives unfavourable evidence.

The bill makes a number of amendments to improve the interaction between ADVOS and family law orders, which are made by the Family Court.

Consistent with the Family Violence Report, section 50 of the Act is being amended to provide for a regulation-making power to prescribe the ADVO application form. The form will require applicants to indicate whether family law proceedings are on foot and whether parenting or property orders have been made; and to provide the terms of any order to the court. These changes will ensure that New South Wales courts have access to information to all relevant Family Court orders, which may in some cases conflict with ADVOS.

Also consistent with the Family Violence Report, the bill amends section 37 so that applicants are also required to inform the court of any existing or pending family law property orders, and that judicial officers are required to inform the applicant of this obligation. This ensures that any New South Wales court property orders are consistent with orders made by the Family Court.

Finally, the bill introduces a new section 40A into the Act to give the Children's Court jurisdiction to make an ADVO where care proceedings are before it and are not related to concurrent criminal proceedings in another jurisdiction. The amendments will allow the

Children's Court to make an ADVO with the child the subject of the care proceedings named as the protected person; and jurisdiction to make an ADVO to protect that child's siblings and any adult who is affected by the same circumstances.

The amendments also extend the jurisdiction of the Children's Court to allow it to vary or revoke any existing ADVO on the application of a party or its own motion where care proceedings are before the court, where the circumstances justify making the order. The Secretary of the NSW Department of Family and Community Services and the Commissioner of Police will be notified and given the right of appearance before the Children's Court.

These reforms implement the Family Violence Report recommendation, which aims to avoid parties being involved in multiple court proceedings arising from similar facts or circumstances.

The bill also gives legislative effect to the Government's plain English ADVO reforms announced in November 2015 by amending sections 36 and 50 of the Act. The bill applies these reforms to both ADVOs and apprehended personal violence orders, together referred to as apprehended violence orders, or AVOs.

The Department of Justice has worked with the Department of Premier and Cabinet Behavioural Insights Unit to develop plain English personalised AVOs designed to increase defendant understanding of, and compliance with, orders.

These changes are being introduced in response to identified issues by stakeholders who work directly with domestic violence defendants and victims, who noted that some of the terms of the AVO orders are difficult for both parties to understand, as often the order uses legal or detailed language that people are not familiar with. There is strong evidence that improving the legibility of forms will improve compliance.

The bill amends section 50 to allow the AVO application forms to be better regulated, and also amends section 36 of the Act relating to the standard orders to remove the word "molest" and replace the phrase "otherwise interfere with". Both phrases have sexual connotations and caused some defendants to distance themselves from the proscribed behaviour and the order.

Section 36 now includes a new standard order prohibiting a defendant from intentionally or recklessly damaging or destroying any property that belongs to or is in the possession of the protected person. This new standard order replaces the phrase "otherwise interfere with", providing both victims and defendants greater clarity with regard to their rights and obligations and further strengthening the AVO framework.

Regulations are being drafted concurrently with these amendments and will prescribe the new plain English AVO application forms.

Turning now to schedule 2 to the bill, which implements the recommendations of the statutory review of chapter 9A of the Coroners Act 2009 relating to the Domestic Violence Death Review Team:

Schedule 2 [1] amends section 101B of the Coroners Act to align the definition of "domestic relationship" to the corresponding definition in the Crimes (Domestic and Personal Violence) Act 2007. This is to ensure all domestic violence related deaths are reviewed.

Items [3] to [5] amend the section governing membership of the Domestic Violence Death Review Team.

The Commissioner of Victims Rights will be included on the team, to recognise the critical role that victims' services play in domestic and family violence policy and service delivery in New South Wales.

An additional Indigenous representative will be included on the team to assist in identifying gaps in service delivery, provide further information and expertise in relation to issues particularly affecting Indigenous populations.

Finally, item [6] of the bill will mean that the Domestic Violence Death Review Team will in future report every two years to Parliament, rather than annually. The State Coroner, as convenor, submitted that the current requirement to report annually does not allow sufficient time for the development of evidence-based policy recommendations within a collaborative, interagency framework. Nor does it leave sufficient time to adequately monitor the implementation of the team's past recommendations.

Biennial reporting requirements are consistent with similar bodies that report on qualitative and quantitative research, such as the NSW Ombudsman's Reviewable Child Deaths Report and the Australian Institute of Criminology's National Homicide Monitoring Program Report.

Domestic violence is a serious crime and a personal violation of trust, all at once. The system for preventing and responding to such a multifaceted problem and challenge to our community, and our response to it, must be comprehensive.

These laws must reflect the fact, as they will, that domestic violence is about a perpetrator controlling a victim—it is not just physical abuse. These changes must also be responsive and flexible to the feedback we get from those working in the team.

This bill is the result of a comprehensive statutory review undertaken by this Government, including a thorough examination of the ADVO system, which is the primary mechanism through which individuals are protected from domestic violence in New South Wales.

The reforms expand the coverage of the Act to give police and courts greater flexibility in the ADVO process, with the result being increased safety and freedom from violence for victims and their children. Domestic violence in all its forms is completely unacceptable. This bill is further evidence of the Government's ongoing commitment to both prevent domestic violence and provide victims with the support and protection they need in real time when it does occur. The Government will not resile from the strong commitment it has made to protect victims of domestic violence.

I commend the bill to the House.

The Hon. ADAM SEARLE (17:18): I lead for the Opposition in debate on the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. The Opposition does not oppose the bill but will seek to amend it by deleting the proposed change to section 101J of the Coroner's Act, which reduces reporting by the Domestic Violence Death Review Team. The object of the bill is to give effect to the recommendations contained in two statutory reviews. They are the statutory review of the Crimes (Domestic and Personal Violence) Act 2007 and the statutory review of chapter 9A of the Coroner's Act 2009 relating to the Domestic Violence Death Review Team. The vast bulk of this bill relates to the former of those two reviews and involves amendments to the

principal Act, the Crimes (Domestic and Personal Violence) Act. The review is dated 2015 but only became publicly available last week when the Attorney General tabled it in the other place. The majority of the changes in the bill and the recommendations in the review are described by the review as procedural issues. In 2007 the principal Act was introduced by the Labor Government. As the statutory review noted:

It is a standalone legislative scheme that consolidated relevant provisions in one place, reduced the complexity identified by the NSWLRC and strengthened protections for victims of domestic violence.

There were further amendments in 2008 and, under this Government, in 2013. The statutory review also noted, at paragraph 2.14:

In its 2014 evaluation of the current scheme BOCSAR reported that 98 per cent of women who experienced physical violence in the month prior to taking out an ADVO no longer experienced physical violence in the month after taking out the order. The study also showed that 24 per cent of women had experienced stalking before an ADVO was taken out, compared to 3.7 per cent after an order was made. The survey revealed that an overwhelming majority of women who take out ADVOs believe they are effective in deterring violent partners.

This review was carried out by the Justice Strategy and Policy section of the Department of Justice pursuant to section 104 of the Act. It required a review to be undertaken within three years of assent to the Act, which was on 7 December 2007. The review made 17 recommendations. The bill adds extra offences from the Crimes Act to the definition of "personal violence offence" in section 4 of the principal Act. The review mentioned sections 112 and 113 of the Crimes Act but did not purport to provide an exhaustive list. The bill has a longer list of offences contained within it. The review talks of resolving anomalies by including extra offences. Following recommendation 4 of the review, the definition of "domestic violence offence" is expanded, with the expanded provision contained in new section 11.

The definition of "domestic relationship" is extended to include a current partner and a former partner of a person. There is a useful case study from the review that explains the practical impact. Susan and Tom lived together in an intimate relationship for seven years. After separating, Susan formed a relationship with James, and has been living with James for two years. Recently, Tom has made violent threats against James. Under the current Act if James wants the protection of an apprehended violence order [AVO] he needs to make his own application to the court for an apprehended personal violence order [APVO]. This may require James to enter into mediation with Tom, for example, which is not a requirement under the apprehended domestic violence order [ADVO] scheme.

Including matters within the apprehended domestic violence order scheme often does not add a protection that is not already there but it is a much better way of getting that protection or getting the order. There is also a substantial change concerning the circumstances under which an ADVO can be issued. The Act presently allows the court to make an order without being satisfied that the person in need of protection fears the offender's conduct when the person in need of protection is a child, suffers from an appreciably below average general intelligence, or when there is a history of personal violence. The relevant conduct includes intimidation, stalking or the commission of a personal violence offence.

The bill adds a new category to this group where an order can be made without the court being satisfied that the person in need of protection fears those things. This new category means that an order can be made if the court is satisfied that the person concerned has reasonable grounds to fear the commission of a domestic violence offence against him or her. They are, however, limited to what are sometimes called standard orders in section 36 of the principal Act. A number of procedural issues were recommended in the review and are found in the bill. The bill provides for the term of provisional orders and when they cease to have effect. There are provisions to allow the court to proceed to final orders in the absence of parties, which is modelled on a provision in the Criminal Procedure Act.

Recommendation 6 of the review is seen in amendments to section 48 of the principal Act, concerning applications for orders to protect children if only children are to be protected by the order. There are other amendments concerning the admission of evidence and transcripts from the Supreme Court and District Court; the replacement of section 72, concerning applications, with the removal of a provision allowing final orders to be revoked after they have expired; and a number of other provisions that I do not need to go into at the moment. Two other changes are worthy of mention. Section 99 of the principal Act deals with costs orders and states that costs awards are governed by the Criminal Procedure Act. It then includes additional provisions. The bill proposes a completely redrafted section so that a standalone provision sets out the position regarding costs separate from other legislation, which I think is appropriate.

New section 99A provides that costs cannot be awarded against an applicant unless the court is satisfied that the application was frivolous or vexatious. Costs cannot be awarded against an applicant who is a police officer unless he or she made the application knowing it contained matter that was false or misleading in a material particular or had deviated from the reasonable case management of the proceedings so significantly as to be

inexcusable. This reflects recommendation 13 of the review. This redrafted provision is narrower than the existing section 99 because the Criminal Procedure Act sets out wider circumstances in which costs could be ordered, including, for example, for procedural misconduct.

These issues were considered in the case of *Redman v Willcocks*, where the Supreme Court said that the interplay between the Criminal Procedure Act and the principal Act would benefit from clarification by Parliament. The review records a rise in the number of costs orders against police since that case was determined. It is hoped this new section will resolve that. New section 41A will prevent children who appear as witnesses in ADVO proceedings being questioned by a defendant directly. They will be able to be questioned only by a legal practitioner or a suitable person. One immediate problem that emerges from the review is that legal aid is generally not available to defend ADVO proceedings and therefore wealthier defendants may benefit from this provision as opposed to other defendants. The solution is not to allow the defendant to personally cross-examine witnesses. The option of having another suitable person undertaking that task is another alternative.

The Act already says that a child is required to give evidence in apprehended violence order proceedings only if the court considers it is in the interests of justice, and the court in any event must be closed. The Criminal Procedure Act means that children can be accompanied by a support person. Children can also give evidence in chief through a recording or an audio-visual link. However, the Local Court Practice Note No. 2 of 2012, "Domestic and personal violence proceedings", already says that children cannot be questioned by an unrepresented defendant and may be questioned only by a court-appointed legal practitioner. Effectively, this bill moves that practice note into a statutory form, and of course will extend it.

Schedule 2 to the bill before the House provides amendments to the Coroners Act and flows from the statutory review chapter 9A of the Coroners Act 2009 on the Domestic Violence Death Review Team. Dated October 2015, this review was also conducted by Justice Strategy and Policy in the Department of Justice. Chapter 9A was legislated for in 2010 by the Labor Government and was recommended by the report of the Domestic Violence Homicide Advisory Panel. Section 101P of the Coroners Act required a review of the chapter to be undertaken three years after the commencement of the chapter. A report was to be tabled within 12 months after that three-year period. So this review is also late—although not as late as the ADVO review.

This bill implements the review's recommendations concerning the definition of domestic relationships, the representation of various agencies and departments, and the inclusion of the Commissioner of Victims Rights on the team. Recommendation 4 of the review recommends the inclusion of an additional Indigenous representative on the team. The bill does not quite achieve that, adding an extra Aboriginal person or Torres Strait Islander if no other member of the team is already within that category. The bill also proposes an amendment to section 101J of the Coroners Act, reflecting recommendation 6 of the review, so that the Domestic Violence Review Team only reports every two years rather than the present yearly reporting. The Labor Opposition does not support this proposal. We believe that annual reporting should continue as was the case when the team was established. If domestic violence related deaths are as serious an issue as we believe they are, it is not acceptable to reduce the frequency of the reporting requirement. That is especially the case when the basis for making the proposal in the bill is so flimsy.

I think we all recognise that the issue of domestic violence and violence against women is a terrible scourge in our society requiring resolute action by all sides of politics and at all levels of government, leading to a wider societal discussion to change the underpinning attitudes that give rise to these unacceptable behaviours. It is sending the wrong signal in that context to reduce the reporting of violence from annually to every two years. It just does not make any sense. While it was certainly a recommendation of the review, the consideration given to the issue in the review is cursory and, the Opposition thinks, quite thin. The only consideration is in one paragraph of the review—paragraph 4.62 at page 27. The only suggestion for biennial reporting comes from the convenor of the team, the State Coroner. The reasons cited in the review and ascribed to the Coroner are unpersuasive. It sounds more like bureaucratic convenience rather than a sensible, reasoned proposal.

The Opposition also finds unpersuasive the claim that it would somehow facilitate increased inter-agency collaboration. If anything, the opposite is the case. The Opposition thinks it could lead to drift and to delay in the activities of different agencies. The real issue is that the Government does not take seriously the work of the team. In 2014 there was a substantive hiatus in its work. The Government refused to appoint a convenor so the team could not meet. That followed the resignation of Mary Jerram as State Coroner in November 2013. The end result of that approach by the State Government was that that year's annual report was delayed by approximately 15 months. The 2012-13 report was tabled only on 20 March 2015, which is extraordinary. Then there is the Government's inadequate response to the recommendation in the team's report. It is not just a failure to appoint a convenor that reflected the Government's disinterest; inaugural team membership expired in October 2013 but new members were not appointed by the Government until November of that year. The Women's Legal Service NSW also opposes the reduction in reporting. It writes:

We do not support the DVDRT preparing a report for Parliament only once every two years. We believe it is important that systemic issues are identified and made public in a timely manner so improvements which could save lives can also be made in a timely manner.

At a minimum the DVDRT should report annually to Parliament as is the current legislative requirement.

The letter points out that the NSW Women's Alliance had argued previously that the reporting should be every six months, which is twice as frequently as the law currently provides and four times more frequently than this bill proposes. A previous member of that team has expressed concern about the proposed changes, pointing to the number of recommendations that have not been implemented and stating that that is more likely if the recommendations are not reported frequently.

The Opposition believes the lack of scrutiny that comes from less frequent reporting will give rise to a lack of action. A lack of frequent reporting reduces scrutiny. The Government is not using the knowledge that is coming out of the death reviews. The review concedes difficulties in implementation. It seems to me that those difficulties would be made worse, not improved, by lengthening the time between reports. The Opposition also received a letter from the Women's Legal Service NSW dated 10 May 2016, which raises a number of issues to which the Opposition seeks a response from the Attorney General and, in this House, from the Parliamentary Secretary during her reply. We understand that the letter from the Women's Legal Service was also sent to the Attorney General.

The Women's Legal Service NSW seeks clarification that inclusion of section 43A of the Crimes Act in the section 4 definition of "personal violence" will not be used as a tool to hold the adult victims of violence accountable for the perpetrator's violence and/or failure to provide. It is concerned as to whether sections 51A, 53 and 54 of the Crimes Act can be included in the definition of a "personal violence offence". It inquires as to whether the current wording in new section 16 (2) (c) (i) should be retained and not amended as proposed. The Women's Legal Service is concerned at the expansion of new section 35 (2) (c1) by adding additional words, including a particular reference to intimate images. The concern is whether that new section should be expanded by the addition of those words.

The Women's Legal Service also asks whether protection from cross-examination should be extended to vulnerable witnesses beyond a child, as is currently proposed in new section 41A. It is also interested in clarification in relation to new section 48 (4A) (b) and which children that includes. It also seeks the deletion of new section 50 (4) (c) concerning family law court orders, and inquires whether the Attorney General would agree with that position. The group is concerned about whether new section 72C (1) also may be misused. It is worried about whether there is an imbalance between government and non-government representation on the Domestic Violence Death Review Team as it has been established, and as it is proposed in the review and in this bill.

In relation to the team, the service also argues that there should be a legislative requirement for government to respond to team recommendations in a timely manner, which strikes the Opposition as a very sensible proposal. The Opposition seeks the response of the Government to the issues raised by the Women's Legal Service NSW. Having said that, with the exception of the issue relating to reporting by the team, the Opposition supports the legislation.

Dr MEHREEN FARUQI (17:34): I indicate the support of The Greens for the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. The bill seeks to implement the recommendations of the statutory reviews of the Crimes (Domestic and Personal Violence) Act 2007 and chapter 9A of the Coroners Act 2009 specifically as they relate to the Domestic Violence Death Review Team [DVDRT]. Many aspects of this bill have been well covered already during this debate, including expansion of the definition of "domestic relationship" to include two people who have had a relationship with the same person; categorising a number of crimes in the Crimes Act as personal violence offences; plain English apprehended violence orders [AVOs]; and expanding the existing 55 criminal offences that are grounds for seeking a restraining order to include all New South Wales or Commonwealth criminal offences when committed in a domestic relationship and when a perpetrator intends to intimidate or coerce a victim by, for example, sending abusive text messages or attacking a victim's ex-partner and so on.

I am particularly pleased to note that introduced into the objects of the Act is the particular impact of domestic violence on Aboriginal and Torres Strait Islanders; persons from culturally and linguistically diverse backgrounds; persons from gay, lesbian, bisexual, transgender and intersex communities; older persons; and persons with disabilities. I note that the part of the bill relating to the Act has more or less broad support. However, the Women's Legal Service NSW has suggested some considerations should be drawn to the attention of members. No doubt Government representatives have received the service's letter. I request that the Parliamentary Secretary respond to matters raised, and clarify concerns, during her reply. I wish to raise some of those concerns here. In relation to the Crimes Act and personal violence offences, the service notes the inclusion of section 43A of the

Crimes Act 1900, which deals with the failure of persons with parental responsibility to care for the child, and section 44 of the Crimes Act 1900, which deals with the failure of persons to provide the necessities of life.

The Women's Legal Service NSW seeks clarification that those provisions will not be used as a tool to hold an adult victim of violence accountable for the perpetrator's violence and/or the failure to provide and asks that consideration be given to circumstances of poverty. The service also asks why a number of other offences are not included, such as section 51A of the Crimes Act 1900 that relates to predatory driving, section 53 of the Crimes Act 1900 that relates to injuries by furious driving, and section 54 of the Crimes Act 1900 that relates to offences causing grievous bodily harm. Those matters seem like very commonsense additions. I request that the Government respond in reply and explain why they have not been included.

The second part of the bill is in relation to the review of chapter 9A of the Coroners Act 2009 regarding the Domestic Violence Death Review Team. The major part of that provision is the doubling of time for presentation of the Domestic Violence Death Review Team reports to the New South Wales Parliament from one year, which is the case currently, to two years, as proposed by the bill. The statutory review of chapter 9A of the Coroners Act 2009 recommended the change proposed by the New South Wales Government in this legislation. That is no small amendment. I found the reports to be very useful so I can imagine—and indeed I have heard firsthand—how valuable they are for advocates and service providers in the sector. I understand that there is a question of resourcing for the production of annual reports and that there are currently just 1.5 full-time equivalent staff resources for the secretariat of the DVDRT, which to me seems obviously inadequate.

I am not clear whether the recommendation to increase the reporting time is to allow the team to do their work, simply because they do not have the resources to produce this important report annually, or due to the need for strategic analysis over a longer period to include the Government's implementation of recommendations. However, I note that the Women's Legal Service NSW and the Women's Domestic Violence Court Advocacy Service NSW want to retain the annual reporting period. I understand that the Opposition will move an amendment in relation to this, so I reserve further detailed comments for that debate. At the moment this is also the last statutory review of chapter 9A of the Coroners Act 2009 specifically related to the Domestic Violence Death Review Team. These statutory reviews are incredibly important to allow an audit of whether given objectives are being met. Specifically in this case, a future review will allow consideration as to whether the make-up of the DVDRT team is still appropriate, and whether its activities and reporting periods are still valid.

I foreshadow that in Committee I will move an amendment to require a review every three to five years, similar to under section 119 of the Victims Rights and Support Act 2013. It will also require a report on the outcome to be presented to each House of Parliament within 12 months of the end of the review. While I am on the subject of the Domestic Violence Death Review Team, there is another clear problem. The membership of this team is overwhelmingly government dominated: 10 government appointees and four non-government. I understand that the legislation requires quite a significant number of government appointees and this is indeed a good thing to promote coordination between various stakeholders. But it seems that there is an opportunity within the existing legislation to add a few more non-government members, as the legislation allows for a team of up to 19.

In New South Wales three-quarters of all women killed die at the hands of someone they were in a relationship with. About two in five of all assaults are domestic violence related. About 317 instances of domestic and family violence are dealt with by police, but only half are reported. The stark and shocking statistics highlight the unacceptability and injustice of domestic and family violence, which means that we need a fresh approach based not just on mitigating its effect but on preventing it in the first place. It has been refreshing to see some recent movements towards challenging the misogyny in our society that too often manifests itself as domestic violence, but this is deep, systemic and long-term work. With that work we need resourcing for all parts of the process.

We have the law and justice approach before us today, but it needs to be matched with investment in prevention and in support services, including funding for independent women-only refuges run by women for women. We know that women-only refuges are a key part of providing support for women fleeing domestic violence situations, especially in crisis. The Going Home Staying Home program was botched and resulted in the women-only refuge sector being severely impacted. It is essential that new women-only refuges are set up to alleviate shortages and to provide support to women across New South Wales.

The Hon. ERNEST WONG (17:41): I make a brief contribution to debate on the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. I note first that Labor does not oppose the bill. I welcome the bill and its efforts overall to aid the Government's fight against the scourge of domestic violence. Labor will not oppose the aspects of the bill introduced to task the recommendations of the statutory reviews of the Crimes (Domestic and Personal Violence) Act and the Coroners Act, bar one proposed change in the bill to the Coroners Act and the responsibilities given to the Domestic Violence Death Review Team.

At the current pace section 101J of the Coroners Act limits the Domestic Violence Death Review Team to produce an annual report on domestic violence related deaths over the previous year. However, the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016 alters this arrangement by making the reports occur biennially. This is an incredibly irresponsible move by the Baird Government. It will directly result in lesser levels of accountability and transparency over government action on domestic violence and any recommendations received. This does not look like a government that is seeking to shine a light on understanding the problem of domestic violence affecting our communities. This looks like a government that has lost its nerve and bowed to bureaucratic pressure. An annual reporting structure can only help government programs in trying to eliminate domestic violence deaths in New South Wales.

Let me be clear: The Government has never treated the Domestic Violence Death Review Team with the proper foresight and care that such an important team deserves. To reiterate what my colleague the member for Port Stephens said in the other place, the inaugural Domestic Violence Death Review Team convenor retired and it took four months to find a replacement. Then it took three months to appoint new team members after memberships lapsed. Significantly, the 2012-13 annual report covered two years and was not even tabled until March 2015. That is poor form; it is an embarrassment.

While the Government speaks strongly and labels domestic violence a scourge on our communities—which it undoubtedly is—the strong words do not match the actions in this bill. Those actions prove the Government's words are simply rhetoric. In opposition, Labor has always shown that it will work with the Government to eradicate domestic violence deaths in New South Wales. The change to section 101J of the Coroners Act does nothing to help this cause. To make sure the point is driven home, I repeat: An annual reporting structure can only help government programs in trying to eliminate domestic violence deaths in New South Wales. The Opposition does not oppose the bill, with the exception of the proposed change to section 101J of the Coroners Act.

The Hon. PAUL GREEN (17:44): On behalf of the Christian Democratic Party I speak briefly in debate on the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. Domestic and family violence comes in many forms. It can be violent, abusive or intimidating behaviour by a partner, carer or family member to control, dominate or cause fear. It is not only physical abuse; it can be emotional, psychological, financial, sexual or other types of abuse. Domestic and family violence can affect anyone, regardless of gender, sexual identity, race, age, culture, ethnicity, religion, disability, economic status or location.

Domestic and family violence has major personal, social and economic effects. Some of these include death, illness, injury and disability. It is the leading cause of death, illness and disability for women aged under 45. In terms of emotional and psychological trauma, it can have a devastating impact on an individual's physical, mental and emotional health. There is a ripple effect in that children who witness violence and suffer emotional distress are more likely to experience or use violence in their future relationships. I have said in the past that it is very evident that hurt people hurt people. We must be mindful of how we meet their needs and minister to them to help them move into solid and healthy relationships.

Domestic and family violence also destroys family life. Violence and the threat of violence at home creates fear and can destroy family environments and lead to family breakup and homelessness. Nearly one-third of people in New South Wales seeking help from specialist homelessness services say that domestic and family violence is an issue. There is also the economic aspect. Domestic and family violence is estimated to cost the New South Wales economy more than \$4.5 billion each year. Official statistics reveal that nearly two million Australians over the age of 15 years have experienced violence at the hands of a current or previous partner. However, as few as 14 per cent of victims report incidents to the police.

The purpose of the bill is, first, to implement the recommendations of the statutory review of the Crimes (Domestic and Personal Violence) Act 2007 regarding apprehended domestic violence orders. Secondly, it aims to implement the recommendations of the statutory review of chapter 9A of the Coroners Act 2009 regarding the Domestic Violence Death Review Team. Finally, it aims to implement plain English apprehended domestic violence orders, which the New South Wales Government announced in November 2015. Basically, the amendments stemming from the statutory review into apprehended domestic violence orders include new recognition of domestic violence against Indigenous people, older people, people with disabilities, culturally and linguistically diverse people, and people from lesbian, gay, bisexual, trans and intersex communities.

The amendments also contain a new definition of "domestic relationship" to include a person's new partner or ex-partner. Amendments also empower the court to make apprehended domestic violence orders without having to establish that the victim "in fact fears violence". The amendments allow the person applying for an apprehended domestic violence order to have their child included in the order without police involvement. There is also a prohibition on unrepresented defendants personally cross-examining child witnesses during apprehended domestic violence order applications.

There are also provisional apprehended domestic violence orders that will remain in force for longer. This will allow a court to determine an application for a final apprehended domestic violence order even if the victim and defendant are not present. The Commissioner of Police must serve a notice of application when police have applied for an apprehended domestic violence order or they wish to vary or revoke an order. The defendant will be prevented from obtaining a firearms licence or weapon permit for 10 years after the apprehended domestic violence order has expired.

The bill requires people to tell the court of any existing or pending family law property orders and allows the Children's Court to make, vary or revoke an apprehended domestic violence order during care proceedings. It clarifies exceptional circumstances where costs can be awarded against police in apprehended domestic violence order proceedings. The amendment arising from the Domestic Violence Death Review Team review includes aligning the definition of "domestic relationship", which reflects changes to the membership structure of the team to include an Indigenous representative, the Commissioner of Victims Rights and representatives from the Department of Premier and Cabinet. The bill requires the Domestic Violence Death Review Team to report every two years, consistent with similar bodies.

The amendments to the Crimes (Domestic and Personal Violence) Act 2007 include the introduction of the new plain English wording such as prohibiting a defendant from intentionally or recklessly damaging or destroying the person's property. The new apprehended domestic violence orders will use similar language to ensure that defendants have a full understanding of their obligations. This is paramount to safeguard those who face domestic and family violence and to make it easier for them to seek solutions to this violence. These amendments are simple changes that ensure the improved operation of domestic violence legislation and protection of the people at whom this legislation is aimed.

Only this week I examined the wonderful legislation regarding provocation. I acknowledge the work of Reverend the Hon. Fred Nile in presenting that bill, which was universally supported, to the House. I note that the elder abuse inquiry report will be released later this week. At the end of the day, society must take responsibility for how these matters are handled. Another way of reducing domestic violence across New South Wales and Australia is by funding men's centres. It will give men the opportunity to be rehabilitated rather than simply leaving them in the house and removing the women. That is what often happens. Children may also be removed by the system, which has a duty of care to protect them. That isolates the children and punishes the woman twice: She is not only beaten but also treated as a perpetrator when her children are removed from her care.

There is much work to be done in this area, and I call on the Government to deal with this issue in an innovative way. There are men's centres that have had success in re-educating and reorienting perpetrators of violence. Many of them are hurt people who are hurting people. If we are to put an end to domestic violence we must have men's centres that will re-educate perpetrators and help them to understand their behaviour and why they hurt others. If we were to approach and resource those centres in the future it would go a long way towards addressing domestic violence across New South Wales. The Christian Democratic Party commends the bill to the House.

The Hon. CATHERINE CUSACK (17:54): I congratulate the Government on the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. As a member of the Government, I am incredibly proud of the effort, thought and resources—including funding—in the bill. The Government has addressed the scourge of domestic violence. I have followed that issue for many years as a member of Parliament. During my time as shadow Minister I put forward a policy proposal that has been implemented through the establishment of the Domestic Violence Death Review Team. The Greens perhaps do not fully understand the concept, but it is a highly expert committee that involves coordinating data. That is a more complex exercise than it might appear at first glance due to privacy constraints and the prevention of data transfers between agencies. The committee is necessarily dominated by government members in order to facilitate the information-gathering process, and it has been operating very successfully.

I wish the reports did not take so long to prepare, but it is a matter for the Coroner and his team to look at providing the information in a more timely manner. The data is important to developing and implementing policies that save lives. I am proud to be a member of a Parliament that expresses strong, passionate and bipartisan support for addressing this issue. I will use the opportunity presented by debate on the bill to talk about some events of the past week that highlight the context of the problem. The media, police officers and the events are focused on individuals. As a member of the Commonwealth Women Parliamentarians I recently chaired a forum in Amman on the problem of political violence against women. It is really a problem of violence against everybody but women are particularly vulnerable.

Last week, in the context of what I can only describe as a divisive, hateful, toxin-filled political debate about whether the United Kingdom should exit the European Union, a female member of the British Parliament was brutally murdered. The act shocked Britain and the world. The explanation that immediately comes to mind

is that the perpetrator was mentally ill. I am happy to go with that explanation. The point I make is that the person undertook that action in a climate of hatred and toxicity. Petrol was poured on the fire for self-serving reasons and the political discourse became hysterical, hateful and, through the scapegoating of individuals, in many ways racist. It caused anger and distress to the whole community and created the climate in which this horrible act occurred.

It is important to understand that these are not brain snaps that come out of nowhere; they are a reflection of the political discourse and what we as members of Parliament are willing to accept or call out. Everybody who has been pushing hate in that debate—on whichever side of the argument—ought to feel responsible and accountable for the violent act that exploded in that environment. In Australia in recent days we have had a less significant, but nevertheless important, issue regarding president of Collingwood Football Club Eddie McGuire's comments on a radio program about a female journalist. He suggested that Caroline Wilson should be drowned.

He said that he was making a joke, which he and the other two men on the radio show found incredibly amusing. I think the other two were the former captain of the St Kilda football team, Danny Frawley, and the president of the North Melbourne Football Club, James Brayshaw. Mr Frawley said that he wanted to ensure that the journalist did not surface, and Mr Brayshaw wanted to hold an auction to raise \$50,000 in sponsorship to follow through on Eddie McGuire's suggestion that she be held under water and another \$10,000 for everybody to bomb her. I have listened to a recording of the banter between the men and, to be honest, their enthusiasm and hilarity is shocking. I am not talking about 19-year-old football players with no experience chatting at the pub; they are very experienced and senior people who claim to be leading on the issues of women in sport and tackling domestic violence.

This incident did not initially appear in the media, but a storm erupted when a journalist reported it. Caroline Wilson was initially furious. The response to this incident followed the usual pattern: The offensive statement was made, there was a furore in the media, and Eddie McGuire offered a pathetic apology. However, this case was slightly different. I pay particular tribute to Jessica Rowe, who yesterday on Channel 10 delivered one of the most articulate explanations of why this is not only unacceptable but was made worse by the fact that Eddie McGuire has refused to take responsibility fully and genuinely. I was blown away by her comments and her passion. She concluded by saying, "On this issue, I have finally found my voice." I believe that more and more women in the media and, I hope, in politics are finding their voice and will call out this dreadful behaviour.

It is very difficult and challenging for women to make a stand. We are all terrified of being classified as Whingeing Wendys, and being told that we cannot take it or that we are asking for special favours. However, as the National Democratic Institute's domestic violence campaign so beautifully puts in respect of women in politics, "The cost of politics is things like hard work, fundraising and doorknocking; the cost of politics is not your safety and not your life." The same applies to people in every profession, including sports journalism.

After a day in the harsh spotlight, Eddie McGuire posted a further apology on Collingwood Football Club's website. This morning on his Triple M program he explained why it took him a day to offer an acceptable apology. He said that he had to spend 24 hours gathering his thoughts and working through his feelings. He went on to say that he spent a long time doing that because he wanted to get it right. He wanted to get to his feelings, and also to make sure that he worked through everyone's touchstones. That was his explanation for it taking him all day yesterday to respond.

There was a media storm and everyone was attacking him. The Australian Football League [AFL] said that what happened was completely unacceptable, that that sort of behaviour should be condemned, and that doing so should not be controversial. However, of course, it did nothing because it is part of the problem. To admit that it knows that that behaviour is wrong and then to do nothing about it contributes to the problem. To me, and I think women generally, it looks as though Eddie McGuire was forced, horsewhipped and humiliated into making the apology, and I give no credibility whatsoever to his pathetic explanation for taking 24 hours to offer it. I have highlighted the delay in offering the apology as a problem because all day yesterday the entire country debated whether he should be sorry for what he said. Politicians engaged in the Federal election campaign were caught up in the issue, as were the Collingwood Football Club and its sponsors. In addition, many more negative remarks were made about the victim, Caroline Wilson. She has done nothing wrong and the fact that Eddie McGuire has refused to say anything is making her position worse.

This is not the first time Mr McGuire has made inappropriate comments. Jessica Rowe's suggestion that he is a protected species and is allowed to get away with these things hit the nail on the head. I dread winter because every year this behaviour always resurfaces—rape, abuse of women, and disgusting comments. We see footballers wearing Armani suits accompanied by officials covered in alcohol logos. They all say they are sorry and that they hate domestic violence. They should look in the mirror because they and this culture are the problem. If they think this is funny, they are a problem. I cannot respect the concept of traditional Australian mateship if it

includes making jokes denigrating women. I would like to believe that my sons and the men who are dear to me do not need to denigrate women to bond with their friends. It is disgusting.

However, to do that in such a high-profile way, to defend it, and then to take so long to offer a pathetic apology contributes to the problem. For the AFL not to understand that or not to feel that it has the power to act is also a big problem. I am sick of it. I ask all of these men who talk the talk but who do not walk the walk to step aside. If they are genuine and really do not accept violence against women, they should get out of the way. Eddie McGuire said that he is still learning. Given that, he should not be in a position of responsibility, power and influence. If he is still on training wheels, he should go away, get the knowledge he needs, and then come back and have a second go.

The Hon. SOPHIE COTSIS (18:06): The Opposition supports the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. However, it does not agree with the proposal to amend the requirement for the New South Wales Domestic Violence Death Review Team to report every two years rather than annually. As members have stated, domestic violence is one of the most prevalent and destructive crimes in our community. On average in Australia, one woman is killed by her intimate partner every week. Last year we experienced a period during which two women were killed every week. The Bureau of Crime Statistics and Research [BOCSAR] states that last year more than 29,000 domestic violence-related assaults were reported in New South Wales. Data from the bureau indicates that only half of all domestic violence assaults were reported in 2013. It is estimated that domestic and family violence costs the New South Wales economy about \$4.5 billion a year.

There is no question that domestic violence is a priority for local communities, the State Government and, indeed, for the nation as a whole. The importance of tackling domestic violence was highlighted by Rosie Batty in her role as 2015 Australian of the Year. I commend her for the work she has done and continues to do. It was extraordinary of her to speak out against domestic violence after what happened to her beautiful son. However, in doing so she has changed the way we talk about domestic violence in Australia; her speaking out was a turning point. In 2011, the Hon. Pru Goward, the Minister for Women, initiated a reference to the Standing Committee on Social Issues, which responded by producing a range of recommendations.

We were calling on the Government to fund programs and to target funding to particular programs that had been cut in the 2011-12 budget. Even before 2011 there had been strong advocates for many years—20, 30, even 40 years—who had been calling on governments to take a coordinated approach to provide not only crisis accommodation, which is lacking in this State, but also coordinated counselling services, help for women with children to get back into the workforce, including upskilling, and stability. Individuals, community groups and peak bodies have made representations to many of us as members of Parliament. They have raised these issues and sought support from the Government as to how we do these things better and get it right for the future.

I commend the work of Rosie Batty on behalf of those victims who have suffered and who are no longer with us. I have been the shadow Minister for Women for many years and in that role I have spoken to women who have suffered at the hands of their perpetrators for 20 or 30 years. I met a woman from the South Coast not long after the Government had cut funding to a youth refuge in Mr Ward's electorate, Kiama. The woman had just left her partner after 19 years, she had a couple of kids and she was trying to get her life back together. She told me of her circumstances and how she escaped and lived for many months under a bridge. She also told me devastating stories of how night after night her partner would be on the drink and then come home and bash her. This has to stop.

I am critical of this Government in some instances and I will continue to hold this Government to account on promises that it has made, but we have to keep putting pressure on this issue, which is cultural and behavioural—and it is about funding. We have to keep putting pressure on. I acknowledge and concur with the comments of the Hon. Catherine Cusack that we have to keep saying to these blokes, "You have to stop. You have to think about comments that you make." It is also our responsibility to teach our kids, particularly our sons, about respecting women and treating women well—to speak appropriately and show manners towards women of all ages. We need to teach young men that if they are seated on a bus and an older person—man or woman—needs a seat, they should stand up and give that person their seat. Let us get back to manners and respect. I have gone off the track.

The Hon. Matthew Mason-Cox: We are liking it, though.

The Hon. SOPHIE COTSIS: Even for a two-, three- or four-year-old child we need to make an investment of time every day to instil in them that they have to have manners and treat people well, whether they are male, female, an older person or a person with a disability. People with disabilities cop discrimination three times over—they are discriminated against because they cannot get a job, because of their sex and because they have a disability. We have to stop and treat people respectfully. Violence arises because people are not treated

respectfully—they are teased and bullied—and it starts before primary school in early childhood education. So I commend the work of Rosie Batty.

In response to a landmark royal commission into family violence the Andrews Labor Government in Victoria allocated more than half a billion dollars to improve the way Victoria responds to domestic violence. The Andrews Labor Government's record investment shows the commitment and leadership required to tackle the scourge of domestic violence. I am calling on the New South Wales Premier, who has not sought to match his Victorian counterpart's leadership on this issue, to do so. This bill, I am afraid, weakens the existing framework which ought to help address domestic violence in New South Wales.

The NSW Domestic Violence Death Review Team was set up by the Labor Government in 2010. The purpose of the team was to end the shoulder shrugging and buck-passing that can occur when a woman is killed by her partner and instead start to build a platform to frankly assess how the New South Wales Government and its agencies can prevent future deaths. Every woman who dies from domestic violence in New South Wales has in some way been failed by the Government. She may have come into contact with the police, the courts, a public hospital or the Department of Family and Community Services [FACS]—or she may not have come into contact with any of these agencies, which itself ought to raise questions deserving of scrutiny. The point of the Domestic Violence Death Review Team is to identify problems so they do not recur—so we learn from each tragedy and make changes to prevent them happening again. Since this Government came to office, this approach appears to have fallen by the wayside.

There was a delay in tabling the 2012-13 annual report, which was not tabled until 20 March 2015. The next report covered two years—2013-14 and 2014-15—and it was tabled on 30 October 2015. The two reports tabled last year cover a three-year period and make 38 recommendations. We do not know what progress has been made in implementing those recommendations because there were only seven months between the tabling of the first report and the tabling of the second report. This means that a vital opportunity to develop policy, monitor its implementation and hold decision-makers accountable is being missed. Instead of sharpening its game and getting on top of its legislative requirements the Government has decided to introduce this bill to water down the reporting timeframe. If we can produce a budget for the State every year and if we can produce annual reports for every government agency every year then surely we can produce a report into one of the most pressing issues facing women and our criminal justice system every year as well.

I also note that this bill has been introduced when real concerns are being raised about services provided by the New South Wales Government to support women fleeing domestic violence. When the Government introduced the Going Home Staying Home policy, many women's refuges were shut down. Since Going Home Staying Home was introduced, most refuges have been at capacity. On 5 July last year the *Sydney Morning Herald* reported that in a sample week only seven refuges had a bed available, with no beds available in metropolitan Sydney. What is worse, because general homelessness services have been combined with specialist domestic violence services, it is unclear exactly how many beds actually exist for those escaping domestic violence. There is clearly a need for proper scrutiny of the Government's policies in this area.

A story appeared last year in the local paper, the *Canterbury Bankstown Express*, in relation to the Sydney Women's Counselling Centre in Campsie, which will cease providing bilingual counselling services following the Government's decision to end the centre's funding. I have written to the Government and I am hoping to get a positive response. The service has received a letter saying that this was extended funding for 12 months. They need another extension of 12 months.

The Sydney Women's Counselling Centre sought a 12-month extension of funding for its Safer Pathway counselling program. Last year it received \$100,000 in government funding to assist with the transition to a new centralised referral system for domestic violence victims. This is an important service because it helps women from culturally and linguistically diverse [CALD] communities. We must provide additional funds for people in CALD communities. There is a whole layer of other issues relating to women from CALD communities. For instance, domestic violence is taboo and there are cultural issues. We must ensure that information is distributed in multiple languages. I am calling on the Parliamentary Secretary and others who are listening to me tonight to provide this service. I am calling on the Government to commit to extending the centre's funding for 12 months. I am aware of another service in Western Sydney that is also being affected. Domestic violence is one of the most important issues in our community. Although this Government is acting, it must do more. I hope the Government supports Labor's amendment.

The Hon. SARAH MITCHELL (18:20): On behalf of the Hon. John Ajaka: In reply: I thank members for their contribution to debate on the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016. I will address the matters that have been raised in debate by those members. Dr Mehreen Faruqi raised a question regarding the amendments to section 4 including additional offences. The domestic violence [DV] review identified some relevant offences missing from the list of 55 prescribed "personal violence offences" that should

be included. The bill expands the meaning of "personal violence" offence to include additional personal violence offences where they involve one of the existing 55 personal violence offences as an element. Broadening the definition in this way is critical to ensuring that apprehended domestic violence orders [ADVOs] are appropriately available where required. The amendments are not intended to be used to further criminalise an adult victim of violence for acts done by the domestic violence perpetrator.

Dr Mehreen Faruqi requested a response as to why certain offences were not included in section 4. This bill expands the definition of "domestic violence offence" to include a number of new offences and also any other criminal offence under New South Wales and Commonwealth law that is intended to coerce, control or cause fear or that arises from the same circumstances as a personal violence offence. First, the DV review identified some relevant offences missing from the list of 55 prescribed "personal violence offences" that should be included. Second, in addition to adding more specific offences, the proposal also expands the definition of "domestic violence offence" to include any other criminal offence under New South Wales and Commonwealth law that arises from the same circumstances as a personal violence offence or that is intended to coerce, control or cause fear or intimidation to the person seeking protection.

For example, the Commonwealth offence of using a carriage service to menace, harass or cause offence will now be considered a "domestic violence offence". Under the expanded definition, the offences listed by the Women's Legal Service would be captured as a domestic violence offence, if they were committed with the intention to coerce, control or cause fear or intimidation to the person seeking protection, or if they arose under the same circumstances as the personal violence offence. Broadening the definition in this way is critical to ensuring that ADVOs are appropriately available where required.

Finally, Dr Mehreen Faruqi raised some concerns in her contribution about the membership of the Domestic Violence Death Review Team [DVDRT]. I have been informed that the review recommended legislation to better reflect the new organisational structure of the Department of Family and Community Services [FACS] and other government agencies. The review noted that the legislation should ensure that there are government members to represent the portfolios of housing, child protection, women, and ageing, disability and home care on the DVDRT. The number of government members and the nominations from FACS and Health should be determined by the responsible Ministers.

During drafting of the amendments to implement the review's legislative recommendations, it was determined that it would be preferable to include the key government agencies in the legislation, and to allow greater flexibility to prescribe the required portfolio areas in the regulations. This will ensure that all relevant portfolios and areas of expertise can be prescribed in the regulations and updated efficiently as the need arises. Aboriginal Affairs, within the Department of Education, is currently a member of the DVDRT. The bill does not propose to change this. The regulations will clarify that the portfolio of Aboriginal Affairs will continue to be included as a member on the team.

The statutory review undertook extensive consultation on the review of the DVDRT. No submissions were made regarding additional non-government representatives on the team. I note for the benefit of members that the DVDRT's current non-government and sector experts include Christine Robinson from the Wirringa Baiya Aboriginal Women's Legal Service; Susan Smith from the Sydney Women's Domestic Violence Court Advocacy Service; Dr Lesley Laing from the School of Social Work and Policy Studies at the University of Sydney; and Dr Jane Wangmann from the Faculty of Law at the University of Technology Sydney.

In response to the contribution of the Hon. Sophie Cotsis and her comments regarding funding for domestic violence, I can inform the House that on 11 June 2016, the New South Wales Government announced new initiatives and record investment to prevent and respond to domestic and family violence in the 2016-17 budget. The Government is doubling its investment in specialist domestic violence services and initiatives to more than \$300 million over four years, which is up from \$148.5 million in last year's budget. The budget allocates \$53 million over the next four years for a statewide rollout of Safer Pathway to ensure high-risk victims receive a consistent and integrated multi-agency response subject to the successful evaluation of pilot sites. Nineteen new sites will commence in 2016-17.

Also included is \$34 million over four years for the Women's Domestic Violence Court Advocacy Services and an additional \$6.3 million over four years to meet the increased demand to respond to police referrals. This investment will ensure victims and their families can continue to receive the comprehensive support throughout the justice system provided by the Women's Domestic Violence Court Advocacy Services, including assisting women and their children seeking legal protection through ADVOs and providing information and referrals to women for their ongoing legal and welfare needs.

Other initiatives include \$43 million over four years for housing supports through Start Safely providing short-term to medium-term financial help for people escaping domestic and family violence who are at risk of

homelessness; \$15 million over four years for NGO-led community-based perpetrator interventions, including \$8 million in new funding to change behaviour; and \$22 million over four years to roll out Police High Risk Offender Teams, as announced last October. The first two specialist teams will launch in the Northern Region and the Central Metropolitan Region this year.

As was explained by the Attorney General in her speech in reply in the other place, on 10 May 2016 the Women's Legal Service NSW wrote to the Attorney General and other parliamentary colleagues raising some queries about the details of the reforms. For the benefit of members of this House and the other place, I report that the Attorney General wrote to the Women's Legal Service on 31 May 2016 addressing each of those queries and providing clarification. In that letter the Attorney General thanked the Women's Legal Service for its close involvement over the course of the development of the reforms in this bill as they relate to the Crimes (Domestic and Personal Violence) Act 2007. I also take this opportunity to assure the Women's Legal Service that its input is valued and the points it raised were carefully considered by the Department of Justice in finalising the statutory review.

The reforms in this bill are the result of detailed statutory reviews undertaken by this Government as well as broad stakeholder consultation with government and non-government bodies. The New South Wales Government is committed to ensuring that the law holds domestic violence perpetrators accountable for coercing or controlling their victims through fear and violence. Domestic and family violence is not only a serious crime, but also a significant personal violation of trust. That is why we must ensure that the system for preventing and responding to this multifaceted offending is comprehensive and adaptable.

The reforms outlined in the bill expand the coverage of the Act and give police and courts greater flexibility in the ADVO process, resulting in increased safety and freedom from violence for victims and their children. The New South Wales Government recognises that domestic and family violence represents one of the biggest social challenges of our time and is therefore tackling this issue with major investment. As I said, on 11 June this year, the Government announced that it was doubling its investment in specialist domestic violence services and initiatives to a record of more than \$300 million over four years. The bill before the House is further evidence of the ongoing the Government's commitment to preventing domestic violence and providing victims with appropriate support and protection within the justice system. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR: There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments, the first being Opposition amendment c2016-058 and the second being The Greens amendment appearing on sheet c2016-053. As both amendments relate to schedule 2 on page 15, I intend to take the Opposition's amendment first and then The Greens amendment.

The Hon. ADAM SEARLE (18:30): I move Opposition amendment No. 1 on sheet c2016-058:

No. 1 **Reports by Domestic Violence Death Review Team**

Page 15, Schedule 2 [6], lines 1–6. Omit all words on those lines.

This amendment relates to the one part of the bill with which we do not agree, that is, diminishing the frequency of reporting times. At the moment there is a requirement for annual reporting. The bill proposes moving to two-yearly reporting. While members of the Opposition understand that that was a recommendation of the review, we do not accept the rationale in the review for doing so. We think that the terrible scourge of domestic and personal violence means there is a need for resolute action by all sides of politics and at all levels of government to address this issue and to address the underlying social conditions that give rise to it. If anything, we should be having more frequent reporting. We think there is no sensible or cogent argument in favour of two-yearly reporting. We believe that the status quo should remain, so our amendment is designed to delete that part of the bill that would provide for moving to two-yearly reporting. It is a simple amendment and I urge all members to embrace it.

The Hon. SARAH MITCHELL (18:31): The Government does not support this amendment. The role of the Domestic Violence Death Review Team [DVDRT] is to examine domestic violence related deaths with a view to reducing the incidence of such deaths in New South Wales and facilitating improvements in systems and services. The DVDRT reviews cases of domestic violence in New South Wales, identifies underlying themes and systemic issues, and recommends improvements to reduce the likelihood of future domestic violence deaths.

As the Attorney General explained in the other place, the State Coroner—being the convenor of the DVDRT—submitted to the statutory review of chapter 9A of the Coroners Act that the current requirement for the team to report annually to Parliament should be changed to a requirement to report every two years. The State Coroner's reasons for supporting a move to reporting every two years rather than annually were as follows: First, the process of developing evidence-based recommendations derived from robust interagency consultation and collaboration is undermined by the time frame posed by the annual reporting framework. Secondly, the 12-month time frame leaves insufficient time for a whole-of-government response to be coordinated and recommendations to be implemented. Thirdly, the quality and scope of the team's quantitative and qualitative research would benefit from additional time and consultation prior to reporting, and this would be better afforded under a biennial reporting framework. Finally, biennial reporting aligns with the reporting calendar of other similar bodies.

The State Coroner—both as the convenor of the DVDRT and as a person extensively experienced in the analysis of deaths—is best placed to advise the Parliament and the Government on the effectiveness of the reporting of the DVDRT. This is not a unique or unusual policy approach. The NSW Ombudsman's Reviewable Child Deaths Report, the Australian Institute of Criminology National Homicide Monitoring Program report and—since amendments passed by this Parliament last year without objection from the Opposition—the Child Death Review Team report are all issued biennially. This bill draws the DVDRT into line with those other bodies which perform similar functions. By moving from annual reporting to reporting every two years, the DVDRT will continue reporting on domestic violence deaths and systemic issues in service delivery to the highest possible standard. The amendments in this bill are a considered and appropriate response to real concerns raised by the State Coroner about the effectiveness of the reporting of the DVDRT. For those reasons, the Government opposes the Opposition's amendment.

The CHAIR: Before I call the next speaker, I welcome to the gallery a community group that is here for A Little Solstice Sitting—a program undertaken by the Parliamentary Education Office celebrating 200 years since the completion of the Rum Hospital. We are currently debating amendments to the Crimes (Domestic and Personal Violence) Amendment (Review) Bill 2016.

Dr MEHREEN FARUQI (18:34): This amendment, a difficult one, deals with a most sensitive matter. I am sure all members of this place would agree with me when I say that I wish the reports mentioned in this amendment never had to be compiled. However, because such tragic and disturbing cases are contained in them we must provide the data and reveal the trends to try to stop domestic violence in its tracks. The statutory review of chapter 9A of the Coroners Act 2009 recommends a change to the reporting period. The report states that the requirement to report annually to Parliament does not provide sufficient time for the development of evidence-based policy recommendations within a collaborative interagency framework. Since the bill was debated and voted on in the lower House I have had the opportunity to communicate with some of the members of the Domestic Violence Death Review Team [DVDRT] as well as the Women's Legal Service NSW and the Women's Domestic Violence Court Advocacy Service in New South Wales. Unlike what has been suggested by the Hon. Catherine Cusack, The Greens and I are fully aware of the complexities that are involved in the DVDRT, and we engaged with both the team and those who read the report.

We have had communications with some members of the Domestic Violence Death Review Team, who have stated that the annual reporting requirement framework does not provide enough opportunity to be able to assess the implementation of some of the recommendations made by the DVDRT. Additionally, some of the recommendations are not accepted or implemented within the shorter time frame, which creates a lost opportunity to report back effectively against the recommendations. Others have said that the reporting every two years instead of annually might mean more ability to identify systemic issues and fully develop appropriate recommendations. It might also allow more time to monitor the implementation of the recommendations.

I feel that there is more to this than has been suggested. Some of the issues related to the team spending all its time producing reports. The time taken up in valuable interagency collaboration could be solved by better resourcing of the team because at the moment the secretariat comprises only 1.5 full-time staff members. I also believe that an annual report does not preclude analysis of government implementation outside that year's report. It is entirely possible for the reports to be rolling reviews that are able to review implementation for several years, for instance. In fact, a switch to two-yearly reporting might mean that we miss out on some key trends and data that occur within the two-year period. It is important that decision-makers have access to timely data.

The request to switch to two-year reporting is understandable from the team's perspective, but I also wonder whether the ability to consider government implementation of recommendations is hampered by the speed at which implementation happens within government. If there is a concern that the implementation cannot be monitored annually, it makes sense to speed up implementation by providing more resources, not slowing down reporting. Concerns have also been raised by the sector about the longer reporting requirement. The Women's Legal Service stated:

We do not support the DVDRT preparing a report for Parliament only once every two years. We believe it is important that systemic issues are identified and made public in a timely manner so improvements which could save lives can also be made in a timely manner.

At a minimum the DVDRT should report annually to Parliament as is the current legislative requirement. Similarly, the Women's Domestic Violence Court Advocacy Service of New South Wales has written to members concerning grave concerns it has about reducing the frequency of the Coroner's report into domestic violence related deaths to every two years. The service believes that the findings from these reports are incredibly important for improving services and systems supporting victims experiencing domestic violence and that reports should be provided annually. I think it is a bit of a conundrum when the Coroner and the Domestic Violence Death Review Team are calling for this legislative change and others in the sector are opposing it. Domestic violence legislation has been dealt with in this Parliament in a spirit of working together. Quite a few domestic violence bills have been passed by this Chamber. The sector more or less urged members of this Chamber to support them—although, as with any legislation, some concerns and opportunities were missed. But, on balance, those bills moved us in a positive direction.

The conclusion I have come to is that this amending provision clearly does not have the sector's support. I have not heard anything from the Government about providing more resources to enable the team to do its duty or providing more staff so that the reporting could be done in a better way annually. Based on the points that I have raised, The Greens will support the Opposition's amendment. We respectfully ask the Government, first, to try the approach of better resourcing and, secondly, to communicate the need for this change to the sector much more clearly. After a reasonable time, if there is still a clear need for this change, The Greens would be happy to support the passing of this legislation. But for now, The Greens support the Opposition's amendment.

The Hon. PAUL GREEN (18:40): The Christian Democratic Party appreciates the input to this discussion by Dr Mehreen Faruqi. I notice that a lot of legislation relating to domestic violence has achieved bipartisan support and unanimity in this Chamber. However, tonight the Christian Democratic Party will support the Government's position. The Christian Democratic Party feels that the Government has got it right and commends the bill to the Chamber without the amendment.

The CHAIR: The question is that Opposition amendment No. 1 on sheet c2106-058 be agreed to.

The Committee divided.

Ayes15

Noes21

Majority.....6

AYES

Dr Faruqi
Mr Moselmane (teller)
Mr Searle
Mr Wong
Ms Houssos

Mr Buckingham
Mr Pearson
Mr Shoebridge
Ms Barham
Ms Sharpe

Mr Donnelly (teller)
Mr Primrose
Mr Veitch
Ms Cotsis
Ms Voltz

NOES

Dr Phelps
Mr Blair
Mr Colless
Mr Gallacher
Mr MacDonald
Mr Pearce
Ms Mitchell

Mr Ajaka
Mr Borsak
Mr Farlow
Mr Gay
Mr Mallard
Ms Cusack
Ms Taylor

Mr Amato
Mr Brown
Mr Franklin (teller)
Mr Green
Mr Mason-Cox
Ms Maclaren-Jones (teller)
Reverend Nile

PAIRS

Mr Mookhey
Mr Harwin

Mr Clarke

Mr Secord

Amendment negatived.

Dr MEHREEN FARUQI (18:48): I move The Greens amendment No. 1 on sheet c2016-053:

No. 1 **Review of Part**

Page 15, Schedule 2. Insert after line 6:

[7] Section 101P

Omit the section. Insert instead:

101P Reviews of Chapter

- (1) The Minister is to review this Chapter to determine whether the policy objectives of this Chapter remain valid and whether the terms of this Chapter remain appropriate for securing those objectives.
- (2) The reviews are to be undertaken:
 - (a) for the first review—as soon as possible after the period of 3 years from the date of commencement of Schedule 2 [7] to the *Crimes (Domestic and Personal Violence) Amendment (Review) Act 2016*, and
 - (b) for subsequent reviews—at intervals of not less than 3 years and not more than 5 years.
- (3) A report on the outcome of each review is to be tabled in each House of Parliament within 12 months after the end of the review. The amendment introduces a statutory review of chapter 9A of the Coroners Act 2009 specifically relating to the Domestic Violence Death Review Team. Let us not forget that the bill we are considering today has come about as part of a statutory review of the Crimes (Domestic and Personal Violence) Act 2007 and of chapter 9A of the Coroners Act 2009 specifically as the reviews relate to the Domestic Violence Death Review Team. Chapter 9A of the Coroners Act 2009 contains only one requirement for a statutory review three years in, which has now passed. My amendment would require a review every three to five years, similar to section 119 of the Victims Rights and Support Act 2013. It would also require a report on the outcomes of the review to be presented to each House of Parliament within 12 months of the end of the review.

The requirement for a review every three to five years is not overly onerous and would enable a systemic review of the key parts of chapter 9A, including membership of the Domestic Violence Death Review Team [DVDRT], reporting periods and so forth. If we are serious about ending domestic violence, we must leave no stone unturned. We need to ensure that we are doing everything we can to prevent domestic violence. This is a simple, commonsense amendment to put in place a process to review chapter 9A and ensure its provisions are appropriate for securing its objectives. I hope all members and the Government can support this amendment. This amendment becomes even more important since the DVDRT will now be reporting only every two years rather than annually. I commend the amendment to the House.

The Hon. SARAH MITCHELL (18:50): The Government does not support the amendment. The amendment seeks to insert a legislative requirement that chapter 9A of the Coroners Act 2009, relating to the Domestic Violence Death Review Team [DVDRT], be reviewed every three to five years to determine whether the policy objectives of the chapter remain valid and whether the terms of the chapter remain appropriate for securing those objectives. The bill before the Chamber today implements recommendations of the statutory review of chapter 9A undertaken by the Department of Justice. That review concluded that the policy objectives of chapter 9A remain valid and the terms of the chapter remain appropriate for securing those objectives. This was a standard statutory review of new legislative provisions.

Unlike other Acts which, for example, impact on personal liberties or contain policy complexities that necessitate ongoing review, the objects of the chapter in question are clear and enduring and will not require constant revisiting. The object of the chapter is to provide for the investigation of the causes of domestic violence deaths in New South Wales so as, first, to reduce the incidence of domestic violence deaths and, secondly, to facilitate improvements in systems and services. If it is felt that the terms of the chapter are not appropriate for securing those objectives, it is within the power of the DVDRT to report on ways in which the functioning of the team and its reporting can be improved. The chapter does not limit what the DVDRT reports on in its reports to Parliament. Tabling the reports in Parliament, as is required by the chapter, also gives members an opportunity to scrutinise the findings and recommendations of the DVDRT and take further action if necessary.

The DVDRT reports also publish updates on the Government's responses to its recommendations, and where recommendations are not supported reasons are provided. This provides a robust accountability mechanism to ensure the Government provides updates on the progress of the implementation of recommendations to subsequent DVDRT reports. The Department of Justice completes a large number of public consultations and statutory reviews each year, with the Justice cluster Ministers together being responsible for hundreds of Acts, and the legislation subject to statutory review therefore must be prioritised. It is neither an efficient nor an

appropriate use of government resources to conduct a statutory review of this chapter every three to five years in circumstances where the body established by the chapter is the reviewable body itself which can make recommendations on its own operation.

As the Attorney explained in the other place in her speech in reply, the reforms in this bill arising from the statutory review of the Crimes (Domestic and Personal Violence) Act will be monitored by the Department of Justice during the first 12 months of their operation to ensure that they meet their intended policy objectives and that no unintended consequences arise from the recommendations. Similarly, the Department of Justice will be directed to monitor the impact of the amendments to chapter 9A of the Coroners Act 2009. I note that requiring an ongoing statutory review process was not considered necessary when chapter 9A was inserted into the Coroners Act 2009 as part of the Coroners Amendment (Domestic Violence Death Review Team) Bill introduced in 2010. Nothing has arisen between that time and now to warrant a change to this position. For those reasons the Government opposes the amendment.

The CHAIR: The question is that The Greens amendment No. 1 on sheet c2016-053 be agreed to.

The Committee divided.

Ayes16
Noes20
Majority.....4

AYES

Dr Faruqi
Mr Mookhey
Mr Primrose
Mr Veitch
Ms Cotsis
Ms Voltz

Mr Buckingham (teller)
Mr Moselmane
Mr Searle
Mr Wong
Ms Houssos

Mr Donnelly
Mr Pearson
Mr Shoebridge
Ms Barham (teller)
Ms Sharpe

NOES

Dr Phelps
Mr Blair
Mr Farlow
Mr Gay
Mr Mallard
Ms Cusack
Ms Taylor

Mr Ajaka
Mr Brown
Mr Franklin (teller)
Mr Green
Mr Mason-Cox
Ms Maclaren-Jones (teller)
Reverend Nile

Mr Amato
Mr Colless
Mr Gallacher
Mr MacDonald
Mr Pearce
Ms Mitchell

PAIRS

Mr Secord

Mr Harwin

Amendment negatived.

The CHAIR: The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. SARAH MITCHELL: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. SARAH MITCHELL: On behalf of the Hon. John Ajaka: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SARAH MITCHELL: On behalf of the Hon. John Ajaka: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

BROKEN HILL WATER SUPPLY

The Hon. MICK VEITCH (19:04): There has been much commentary about Broken Hill's water supply and the state of the Menindee Lakes system. The Minister has also been asked a range of questions about this important matter in this Chamber. I have had people put a range of questions and assertions to me about what has happened to Broken Hill's water supply, who is responsible, and what should be done. It is accurate to say that the people of Broken Hill have very real concerns about the short-term and the long-term security of their water supply, as do the people of Wilcannia, Menindee and Pooncarrie. Everyone should be concerned about the health of the Darling River. A number of stakeholders are expressing views about the Darling River as well as Broken Hill and the Menindee Lakes system.

Water is a valuable and limited resource and it must be managed as such. The townships of Wilcannia and Menindee have concerns about their domestic water supply, not only getting the water but also the quality of that water. People of the Lower Darling and Pooncarrie have discussed with me their issues and concerns about the management of the Darling River and what it means for permanent plantings. What happened in December 2013 will no doubt be investigated thoroughly by the inquiry currently being undertaken by General Purpose Standing Committee No. 5 into water augmentation. No doubt theories of mismanagement, bad policy and evaporation modelling will be explored in detail. The Government recently announced funding for a pipeline to secure the water supply for Broken Hill. It is a pipeline from the Murray River extending 270 kilometres to Broken Hill. Is this the right solution?

When did the Government commence work on the pipeline? Did the local member's survey of residents in recent weeks influence the decision in any way? We do know that the Government conducted assessments of a pipeline in October 2014. The document entitled "Murray River to Broken Hill bulk raw water transfer pipeline and associated works initial option assessment" was released in October 2014. The former Minister for Water, who just happens to be the current member for Barwon, was spruiking the Murray pipeline in November 2014. On 26 November 2014 he told the ABC:

The highest level of security for Broken Hill's water supply was not from the Menindee Lakes, but from the Murray River.

The Government made much of the pipeline during the last State election. I am a tad cynical about the recent survey conducted by the local member of Parliament. The result was already known to government. I have always been concerned about what the residents of Broken Hill will have to pay each time they turn on a tap if a pipeline is constructed. I am concerned about the Premier's statement last week that "the community would be asked to contribute to the cost of the project". Indeed, the Minister today advised the House that the Independent Pricing and Regulatory Tribunal will be involved in determining what that cost will be. This is information that the people of Broken Hill did not have before them when the local member circulated his survey. When did the Government know that the principle of user pays would be applied to this project? We should all have noticed the heads up on who will pay from statements made by the now Deputy Prime Minister on 6 November 2015, when he said:

Why would you do something for half a billion dollars that you can do for vastly less? Somebody, somewhere, has got to work to pay for that money.

Obviously the cost of the project and who will pay has been discussed for some time by The Nationals members of Parliament. Just who will be able to tap into that pipeline? There have been discussions about whether people of the Lower Darling and Pooncarrie will be able to tap into it. The health of the Darling River, the state and future of the Menindee Lakes system, Broken Hill's water supply, the supply of drinking water to Wilcannia, Menindee and Pooncarrie and the various irrigation uses, whether cotton or permanent plantings, are matters that we should all be concerned about. If ever there were an issue of State significance, this is it. The water flowing down the Darling, and the communities along the Darling, are a part of New South Wales and we should respect all stakeholder requirements for the use of the water.

LIBERAL DEMOCRACY

The Hon. SCOTT FARLOW (19:08): Tonight I will address the issue of extremism and the need for us, as both a parliament and a society, to address it head on rather than burying our heads in the sand. What is at stake is no less than our liberal democratic society. Two events in recent days have brought this threat to the forefront of our consciousness. The first is the murder of United Kingdom Labour member of Parliament Jo Cox. Ms Cox was killed by an extremist who allegedly shouted "Britain first" when he stabbed and shot Ms Cox—a man who declared his name in court as 'death to traitors, freedom for Britain'. Jo Cox was killed simply for her opinion and the stance she took and because of her position as a democratically elected representative in the British Parliament.

The perpetrator, Thomas Mair, is an extremist—a far right extremist. He is reported to have links with the Neo-Nazi National Alliance, attended meetings of white supremacists and purchased Neo-Nazi books and other materials. This act was a fundamental attack on our democracy and the respect that should underscore all debate and discourse. While members in this Chamber often disagree—and despite some churlish antics—debate in our system is usually marked by respect and courtesy. Violence has never been, and can never be, a characteristic of our political system.

The other event is the heinous massacre of 49 people at the Pulse nightclub in Orlando and the injuring of 50 more, which was a barbarous act. It was a crime against the gay community, it was a crime against the United States, it was a crime against humanity, and it was a crime that threatened the very tenets of our civil society. It was an act perpetrated by someone who phoned police to pledge his allegiance to Islamic State, which has claimed responsibility for it. Omar Mateen became a person of interest to the Federal Bureau of Investigation in May 2013 after claiming connections to Al-Qaeda and Hezbollah. He was investigated in 2014 on suspicion of connection to American suicide bomber Mohammad Abu Salha.

Islamic State hates the gay community. But that community is not alone; it also hates women, Christians, Jews and moderate Muslims—in fact, any Muslims, Sufi, Ahmadiyyan, Shiite, even Sunni, who do not see the world exactly as Islamic State does. That seems to me to be a substantive coalition. Those groups are also largely reflective of groups that are targeted and hated by extreme Neo-Nazi groups. It has been suggested that both of these attacks are lone wolf attacks and should be dissociated from the groups or ideologies that they espoused. While the attacks may be the work of individuals, they are still motivated and underpinned by extremist ideologies that are intolerant and violent. It is imperative that we call out extreme ideologies from all sides of the spectrum, because it is only then that we can have reasoned and respectful debate without resorting to a cloak of political correctness, which prevents people saying anything and what we hold dear in our society is eroded. We need to confront these ideologies and show that they are not welcome.

The same can be said for the fundamentalist Christian ideology espoused by Robert Lewis Dear in his attack on the Planned Parenthood clinic in Colorado Springs last November, and the stabbing at the Jerusalem gay pride parade last July, perpetrated by Yishai Schlissel, who was captive to an extreme ideology of ultra-orthodox Judaism. I am reminded of the comments of my friend Mohamed Rumman, who wrote from Menzies House after the shocking terrorist attack on Paris last year:

When commentators on the left argue that we should essentially turn a blind eye to extremism, through the same old adage that all religions have problems with fundamentalists, it serves no benefit to either the Muslim community or the western world. It allows this problem to fester in the grassroots, as tensions ferment and communities become more and more isolated. Nor do the commentators on the right who feel it reasonable to stir up tensions in an already volatile environment.

All of us need to be vigilant, to expose and denounce extremism. Our society is built on the tenet of "live and let live". In 2002 I first had the pleasure of meeting now Prime Minister Malcolm Turnbull when he addressed an Australian Liberal Students' Federation activist conference. Mr Turnbull's words will always be clear in my memory: "Our liberal democratic society cannot tolerate the intolerant." Those words apply equally to all extreme ideologies in conflict with our liberal democracy, and we need to confront them head on. Those who are intolerant of our diverse, pluralist society have no place in it, no matter where they hail from, their background, ethnicity, religion or politics. It is incumbent on all of us to call them out—right or left, Christian, Muslim, Jew, Buddhist or Hindu. The future of our pluralist society depends on it. One of my favourite writers, Clive James, wrote in 2010:

I am not against Islam, but Islamic extremism. I regard Islamic extremism as the biggest threat that Islam faces ... Islam like most religions, is well supplied with textual incitement to violence that nobody takes seriously except the violent, who are looking for an excuse. In other words, the menace lies in the extremism, not in the religion.

It is incumbent on us all to call that out. Our future depends on it.

JINDAL STEEL AND POWER LIMITED AND RAMESH AGRAWAL

Mr JEREMY BUCKINGHAM (19:13): I draw the attention of the House to the story of an incredible Indian environmental activist, Ramesh Agrawal. Ramesh is a hero in the fight against coalmining in India. He has been pivotal in the closure of one of the largest coalmines in India, which is owned by Jindal Steel and Power Limited. This story is relevant for us in New South Wales because Jindal Steel and Power Limited is also the owner of Wollongong Coal, which is trying to develop one of the most controversial coalmining projects in New South Wales, Russell Vale Colliery. The colliery has been beset by environmental problems. Local rivers were recently polluted by colliery run-off and it has a terrible environmental record. Ramesh's story makes it clear that Jindal Steel and Power Limited is not a fit and proper company to hold a coalmining licence in New South Wales. The Greens are calling on Minister Roberts to tear up its mining licence.

I met Ramesh, who won the 2014 Goldman Environment Prize, in April this year when he travelled to Australia as the guest of the Lock the Gate Alliance and Wollongong activists. Ramesh told me of his work acting as a watchdog for rural communities impacted by coalmining in India. With just a laptop, and operating out of an internet cafe, Ramesh has been instrumental in keeping local villagers informed about environmental violations by major coalminers and power generators. Chief among his successes is stopping a major coalmine proposed by Jindal that would have burnt more than four million tons of coal a year. He did this by assisting local residents to voice their opposition and filing petitions highlighting Jindal's failure to hold mandatory public meetings and to obtain environmental clearance for the project. In April 2012 this led to the National Green Tribunal revoking Jindal's permits for the mine, citing the various violations reported in Agrawal's petitions. That was a major victory.

However, this work has come at an enormous personal cost to Ramesh. He told me about the efforts that Jindal has made to try to shut him up. First, it tried to buy him off with large bribes. When he refused, the company moved on to threatening him by filing false extortion and defamation charges, which led to his being jailed for 73 days without bail before the case was thrown out by the Indian Supreme Court. Finally, on 20 October 2012 two security officials from Jindal—S. N. Panigrahi and K. K. Chopra, who was also Jindal's head of corporate social responsibility—attempted to kill Ramesh. They almost succeeded. Fortunately, Ramesh had the presence of mind to throw his mobile phone at his attackers as they entered his shop, levelled a gun at him and shot. He was shot in the leg, shattering his bones. He will never recover from those injuries and he will never receive compensation.

If that were not enough to convince Minister Roberts that this company has no place doing business in New South Wales, I hope he will be convinced by the criminal corruption case that has been brought by India's Central Bureau of Investigations against Naveen Jindal and his company, Jindal Steel and Power Limited, which is currently being heard in a special court in New Delhi. Jindal is not a fit and proper company to be operating a coalmine in New South Wales. It has used extortion, violence and threats and has attempted to murder its opponents in India. That is all on the record and it has been proven in the courts. The Minister should look to the experience of Ramesh Agrawal in determining whether the company should operate in New South Wales. He is a hero in the fight to save his farmlands, water and community from inappropriate coalmining and power generation. As I said, he won the 2014 Goldman Environment Prize, which is the Nobel Peace Prize of global environmental activism. The Greens join with Ramesh and the people of Wollongong who are fighting the coalmine in opposing this unnecessary project. Jindal Steel and Power Limited is not a fit and proper company to hold a coalmining licence in New South Wales.

STATE BUDGET

Reverend the Hon. FRED NILE (19:18): I support the Liberal-Nationals Government's 2016-17 State budget. I listened with interest to the Treasurer's Budget Speech in the Legislative Assembly today at noon. The Treasurer detailed the many positive things that she and the Government have been able to achieve to make New South Wales the leading State in the Commonwealth. The Government will deliver a surplus of \$3.4 billion in 2015-16, and that will increase to \$3.7 billion in 2016-17. I know we are all very concerned about jobs. In the Budget Speech a commitment was stated:

... to employ more front line workers—more teachers, more nurses, and more police—while also keeping the back office in check.

It also stated:

In the last year, NSW has created 141,800 jobs, almost two-thirds of the jobs added nationally.

That is a tremendous achievement. I am sure all members would agree with that. Also, the unemployment rate for New South Wales is at 5.2 per cent. It is now the lowest of any State in Australia. I am not embarrassed to say that the Christian Democratic Party [CDP] can take some credit for this budget, because it has always adopted a positive attitude to its role as a minor party in the Parliament, in particular to be constructive rather than

obstructive, which we have seen occurring in the Federal Senate. The CDP policy since my election in 1981 has been to be constructive, not obstructive, and to be positive, not negative, especially as we have over the years shared in the balance of power, which we currently hold.

During the Greiner Government years when I held that balance of power with my wife, I received an urgent call from the Leader of the Government at that time saying that there had been a no confidence motion moved against the Government. My wife and I were in Warsaw, Poland. They said, "We need to have you urgently fly back to Sydney because your vote will be vital in defeating the no confidence motion." Because of the responsible attitude we hold, we jumped on a plane, flew back to Sydney, voted on and defeated the no confidence motion and flew straight back to continue our study tour in Moscow.

As we face the Federal election on 2 July, again a major debate is taking place concerning the role of minor parties in the Federal Senate because of the obstruction of the Liberal-Nationals Government that has occurred in previous years. I remember, as I am sure other members do, the actions of Mr Windsor, Mr Oakeshott and Mr Katter when they used their votes—even though they were elected from conservative, Nationals-voting electorates—to give their support to form the Australian Labor Party Government under Julia Gillard. Those are decisions that our party would never make.

Hopefully CDP candidates will be elected to the Senate. We have candidates running in all States—New South Wales, Victoria, Western Australia, South Australia, Queensland, the Australian Capital Territory and the Northern Territory. We pray that they will be elected and that they will carry out their role in the responsible manner that has been the policy of the Christian Democratic Party: to be constructive and not obstructive to the elected Government, and to respect the mandate of the elected Government to govern Australia in accordance with the prayer that we offer every morning here in Parliament asking for God's blessing that we might always, in all that we do, advance the glory of God and the true welfare of the people of New South Wales and Australia.

SUGARLAND THEATRICAL PRODUCTION

The Hon. BEN FRANKLIN (19:23): Last Wednesday I had the privilege of seeing an extraordinary piece of Australian theatre at the wonderful Western Sydney arts centre, the Casula Powerhouse. The piece was called *Sugarland* and was presented by a very experienced presenter of regional arts work, Performing Lines, in association with Blak Lines, and was commissioned and developed by the Australian Theatre for Young People [ATYP]. *Sugarland* follows the lives of five teenagers and a local youth worker from the town of Katherine in the Northern Territory. For me it was a truly extraordinary night of theatre and raw storytelling about a group of young people in regional Australia and was delivered with such confidence, nuance and maturity it was a genuine privilege to be in attendance.

The piece was co-directed by ATYP artistic director Fraser Corfield and the late David Page from Bangarra Dance Theatre. It is directed at young people with its focus on issues which directly affect them such as mental health, domestic violence and Indigenous health and wellbeing. It succeeds especially because it is presented predominantly to young people by their peers and a very talented young cast of actors. I make special mention of the excellent cast, namely Narek Arman, Eliza Logan, Xanthe Paige, Calen Tassone, Jonas Thomson, and Dubs Yunupingu, who were all outstanding in their roles.

Sugarland was written by Rachael Coopes with Wayne Blair. The play's genesis was in a series of residencies in the Northern Territory, which included interviews and workshops with hundreds of young people from the Katherine region of the Northern Territory. Rachael Coopes in particular spent two months working with teenagers from Katherine as well as from the adjoining RAAF Base Tindal and the surrounding Indigenous communities. From this direct contact with the teenagers of the area, *Sugarland* gives a snapshot of what life is like for young people in remote towns and the issues they face, such as geographic isolation, teenage pregnancies, substance abuse, transience, homelessness, self-harm, unemployment, family violence and many of the other usual problems teenagers face everywhere as they grow up.

Performing Lines is touring *Sugarland* this year, with more than 30 performances in places including the New South Wales regional areas of Bathurst, Orange, Griffith, Wagga Wagga, Taree and the terrific arts centre of Northern Rivers Performing Arts [NORPA] in Lismore. Performing Lines is also running a series of groundbreaking workshops with schools as part of the tour, with cast members involved in question-and-answer sessions with young people about the themes of the play and their reaction to and connection with those themes. The clear commonality with the school participants regardless of their location was established with the young actors. These were often very emotional and revealing workshops with some teenagers sharing their own stories of pain and difference—an emotive and honest reaction every theatre maker would like from an audience. The actors also felt they and their characters were developing further with each school workshop and the revelations from the students about their lives in remote Australia.

The presenter of *Sugarland*, Performing Lines, develops, produces and tours new and innovative Australian performing arts regionally, nationally and internationally. It has more than 30 years of experience in fostering creativity in live performance and it regularly produces difficult, risky or artistically challenging work on often taboo subjects. Performing Lines has presented more than 450 productions, including 128 national tours and 52 international tours. It was the innovative and talented chief executive officer of Performing Lines, Karolyn Brown, who invited me to see *Sugarland* with her staff, including Narelle Lewis, Denise Wilson and Fiona McIntosh, all of whom, along with the rest of the Performing Lines team, are passionately committed to arts in the regions. I am also pleased to confirm that Performing Lines, as touring presenter of the 2016 tour of ATYP's production of *Sugarland*, received more than \$63,000 from Arts NSW for the tour. The impact this play is having on young people—in regional areas especially—cannot be underestimated.

I am thrilled to be part of a government that supports such innovative, evocative and often difficult artistic work. It shows our belief in the creators of Australian theatre, in the maturity of young people to be an attentive and critical audience, and in the young actors in these works, many of whom will no doubt go on to be the great actors of the future. I personally commend Performing Lines, ATYP and the cast and creators of *Sugarland* for reaffirming my belief in the power of theatre. I also commend the immense artistic talents we have in this State and the arts organisations that take works to regional audiences in New South Wales. They are a credit to us all. I am proud to witness their success and ongoing creative endeavour.

GREAT LAKES COLLEGE

The Hon. COURTNEY HOUSSOS (19:28): In December last year I was honoured to return to my former high school—then Forster High School, now Great Lakes College—to speak at its annual presentation ceremony. It was a special night for me. It gave me a chance to show my husband and daughter the very place that I read a Ross Gittins article that is now framed and on my office wall, which posed the question: "Should the Government simply reduce tax or should it invest in teachers, hospitals and better roads?" It was having read that article that I decided it was investment and therefore Labor for me—but I digress. In my speech to the students I spoke about how growing up in Forster and attending both Forster primary and high schools were defining events in my life. Despite being humble public schools, they are special places, and that is a result of the incredibly dedicated teachers there. As I said on that night:

I was incredibly fortunate to benefit from some of the many dedicated teachers both here and at Forster Primary. For them, the day did not just start at ten to nine, and finish at 3, or 3.30. Their dedication to shaping young minds had a definite and lasting impact on my life. I would not be standing here today without it. Every teacher that I had shaped my world view. They understood that developing us as people was just as important as teaching us the curriculum. Of course, there were a couple of teachers who were just as keen as the students to pass the time and get out the door, but they were aberrations.

I pay tribute to three teachers in particular. Mrs Veronica Amato was my English teacher. It was with great pride that I phoned her last year to tell her I had been elected to this place. She is a truly remarkable human being who went above and beyond for all of her students, making us feel as though we were as special as her own children. She is now the principal of Great Lakes College, Tuncurry Campus, which is a recognition of the leadership that she has provided for so many years. Mr Michael Jenkins taught me to think critically and, just as importantly, to read Ross Gittins, including the aforementioned article. We always used to joke that Mr Jenkins knew everything, but I honestly believe he did. I was devastated to hear that he had passed away before I had the chance to tell him about the incredible impact he had on my life. Finally, Ms Annette Ellis, more than teaching me legal studies, showed me that we can dress well and still be feminists—an important lesson.

I am delighted that this week I have a student from my former school, Gabrielle Smart, undertaking work experience with me. After hearing me speak, she wrote to me. I was immediately impressed. Gabrielle is an intelligent and motivated young woman who has a love of learning and who is interested in the way the world around her works. I am so happy I can give her an opportunity this week to come to Sydney to see how the Parliament works. Tonight I also mention Catherine Terez, a student from Marymount Manhattan College. Over the past five months she has interned in my office as part of her studies at the University of Sydney. She is another highly motivated and intelligent young woman who I know has a huge future ahead of her. We will miss her.

As part of her work, she has undertaken a research project on women in representative Parliaments in the United States and Australia. Less than 20 per cent of the members of the United States Congress are women. It is disappointing that in Australia our numbers are just a few percentage points higher. Only 22 per cent of our national parliamentarians are female. This progress has been led by the Labor Party, and I firmly support the affirmative action quotas that we have to make this a reality. I was proud to vote at Labor's National Conference last year to increase our female representation to 50 per cent by the year 2027. Our Parliaments must look like the people they seek to represent, but this means more than increasing the number of women. We must have more representatives from our ethnic communities and from across New South Wales. I hope, in the future, that young women like Gabrielle and Catherine will be among them.

The DEPUTY PRESIDENT (The Hon. Paul Green): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 19:32 until Wednesday 22 June 2016 at 11:00.