



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 7 March 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 7 March 2018

The PRESIDENT (The Hon. John George Ajaka) took the chair at 11:00.

The PRESIDENT read the prayers.

Motions

HEYWIRE YOUTH LEADERS SUMMIT AND TRAILBLAZER LAB

The Hon. BEN FRANKLIN (11:01): I seek leave to amend Private Members' Business item No. 1891 outside the Order of Precedence standing in my name by omitting all words in paragraph (2) after "That this House congratulates:" and inserting instead:

- (a) Heywire winners:
 - (i) Carlie Stolzenhein, Lochiel;
 - (ii) Ajay Williams, Casino;
 - (iii) Jarrod Sansom, Newcastle;
 - (iv) Lucy Scott, Temora;
 - (v) Amelia Judson, Bogan Gate;
 - (vi) Brianna Martin, Bunyah;
 - (vii) Jessica McWilliam, Dubbo;
 - (viii) Muriel Hunter, Broken Hill;
 - (ix) Michael James, Husskison;
 - (x) Emma Murray, Armidale; and
- (b) Heywire Trailblazer winners:
 - (i) Aimee Snowden, Tocumwal;
 - (ii) Alana Black, Rydal; and
 - (iii) William Sharples, Merimbula.

Leave granted.

Accordingly, I move:

- (1) That this House notes that:
 - (a) the 2018 Heywire Youth Leaders Summit and Trailblazer Lab was held in Canberra from 4 February to 8 February;
 - (b) Heywire is a storytelling competition for young people living in rural and regional Australia which encourages youth to tell their stories of living outside major cities; and
 - (c) this year marks the twentieth anniversary of the Heywire competition.
- (2) That this House congratulates:
 - (a) Heywire winners:
 - (i) Carlie Stolzenhein, Lochiel;
 - (ii) Ajay Williams, Casino;
 - (iii) Jarrod Sansom, Newcastle;
 - (iv) Lucy Scott, Temora;
 - (v) Amelia Judson, Bogan Gate;
 - (vi) Brianna Martin, Bunyah;
 - (vii) Jessica McWilliam, Dubbo;
 - (viii) Muriel Hunter, Broken Hill;
 - (ix) Michael James, Husskison;

- (x) Emma Murray, Armidale; and
- (b) Heywire Trailblazer winners:
 - (i) Aimee Snowden, Tocumwal;
 - (ii) Alana Black, Rydal; and
 - (iii) William Sharples, Merimbula.
- (3) That this House acknowledges the importance of the inspirational Heywire program in supporting young people from rural and regional areas.

Motion agreed to.

SURFEST NEWCASTLE

The Hon. TAYLOR MARTIN (11:03): I move:

- (1) That this House notes that:
 - (a) Surfest Newcastle took place between 20 January and 25 February 2018 at beaches in Newcastle including Merewether, Stockton, Redhead, South Bar, Birubi and Dixon Park;
 - (b) Mr Warren Smith co-founded the competition in 1985 and continues to co-organise it today;
 - (c) Surfest, which is held annually in Newcastle, has become the largest surfing festival in Australia; and
 - (d) the Government, through Destination NSW, supports Surfest which in 2017 resulted in nearly 1,800 additional overnight stays and \$1.9 million spent by visitors.
- (2) That this House congratulates Mr Smith on being named a Freeman of the City of Newcastle on 23 February in recognition of his more than four decades of dedicated service to Newcastle as a lifeguard and as Surfest coordinator.

Motion agreed to.

TRIBUTE TO SRIDEVI KAPOOR

The Hon. DANIEL MOOKHEY (11:03): I move:

- (1) That this House notes:
 - (a) the sad passing of the iconic actress and film producer Sridevi Kapoor on 24 February 2018; and
 - (b) Ms Kapoor was one of the world's most recognised film stars, with movies like *Mr India* which are some of the most viewed films in human history.
- (2) That this House expresses its condolences to Ms Kapoor's family and her many fans affected by this loss.

Motion agreed to.

NORTH COAST STREET MACHINES INC. SHOW N SHINE FESTIVAL

The Hon. BEN FRANKLIN (11:04): I move:

- (1) That this House notes that:
 - (a) the North Coast Street Machines Inc. Show N Shine festival was held on 14 January 2018 in Ballina;
 - (b) up to 200 cars participated in the show including street machines, hot rods and classics; and
 - (c) the day also included tappet cover racing and a wheel changing competition.
- (2) That this House congratulates and thanks the North Coast Street Machines Inc. team for organising this wonderful event.

Motion agreed to.

NOBBY'S BEACH SURF LIFE SAVING CLUB

Mr SCOT MacDONALD (11:04): I move:

- (1) That this House notes that:
 - (a) on Friday 19 January 2018, the official reopening of the Nobby's Beach Surf Clubhouse was conducted;
 - (b) those special guests in attendance included:
 - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter;
 - (ii) Ms Nuatali Nelmes, Lord Mayor of Newcastle City Council; and
 - (iii) Ms Rhonda Scruton—Hunter Surf Life Saving.

- (c) club members have been patrolling Nobbys Beach since the 1922-23 summer and Nobby's Beach Pavilion was first established in 1923, with the masonry pavilion with a pitched gable roof built in 1931 during the Depression;
 - (d) the pavilion has become a symbol of the Hunter coast and part of the history of the Newcastle Port and is housed within a heritage-significant place, the Coal River precinct, surrounded by a coastal landscape integral to the city's heritage of coalmining, convict and Aboriginal settlement and surrounded by the Foreshore Park, Fort Scratchley, Nobbys Lighthouse and breakwater, and the northern end of Bathers Way;
 - (e) the upgrade of Nobby's Beach Surf Pavilion was driven by the need to bring the existing building up to date and provide growing numbers of volunteers with improved facilities;
 - (f) Nobby's Beach Surf Life Saving Club was successful in attracting a grant from the Hunter Development Corporations Newcastle Port Community Contribution, with Newcastle Council matching the funds;
 - (g) the refurbished Nobby's Beach Surf Club building will enable the club to better educate and prepare surf lifesavers to protect all beachgoers and offer the community safer, more private amenities;
 - (h) Nobby's Beach Surf Life Saving Club is managed by an outstanding group of members led by President Ms Narelle Blick, who was the first female president of Nobby's Beach Surf Life Saving Club in its 91 year history and was previously vice president of the club for many years and has been the driving force behind the new facility;
 - (i) Ms Kath Donnelly has been volunteering for over 25 years in surf lifesaving, assisting in all areas of club operations including administration and education of volunteers as well as hundreds of hours patrolling; and
 - (j) Mr Karl Barclay is a life member of Nobby's Beach SLSC and has been highly valued for his expertise in all facets of the club, spending many hours running the club but also patrolling the beach.
- (2) That this House acknowledges the outstanding work of the Nobby's Beach Surf Life Saving Club and congratulates it on achieving its new facility.

Motion agreed to.

Committees

SELECT COMMITTEE ON ELECTRICITY SUPPLY, DEMAND AND PRICES IN NEW SOUTH WALES

Extension of Reporting Date

The Hon. PAUL GREEN: I move:

That the reporting date of the Select Committee on Electricity Supply, Demand and Prices in New South Wales be extended to the last sitting day in November 2018.

Motion agreed to.

Motions

POLICE MENTAL HEALTH TRAINING

Mr DAVID SHOEBRIDGE (11:05): I seek leave to amend Private Members' Business item No. 1937 outside the Order of Precedence standing in my name by omitting the word "additional" from paragraph (3) (a).

Leave granted.

Accordingly, I move:

- (1) That this House notes that:
 - (a) since the shooting death of Roni Levi on Bondi Beach in 1997 there have been 38 people shot and killed by police; and
 - (b) over half of these appear to have been facing significant mental health issues at the time of their deaths.
- (2) That this House recognises that NSW Police officers often act with real bravery and intent to save lives in the work they do.
- (3) That this House supports:
 - (a) significant investment in mental health services to help people at risk; and
 - (b) increased training for police dealing with people with mental illness or in severe mental distress.

Motion agreed to.

HUNTERNET CO-OPERATIVE AWARDS DINNER

Mr SCOT MacDONALD (11:06): I move:

- (1) That this House notes that:

- (a) on Thursday 30 November 2017 the HunterNet Co-operative's Chairman's Awards Dinner was held at McDonald Jones Stadium and celebrated 25 years of the HunterNet Co-operative and 21 years of the HunterNet Group Training Company;
- (b) the following special guests attended:
 - (i) Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter; and
 - (ii) Mr Joss de Iuliis, Mr John McColl, and Mr Nick Killin, all former Chairs of the HunterNet Board of Directors.
- (c) the Board of the HunterNet Co-operative consists of Mr Steven Tolley, Chairman, Ms Kari Armitage, Vice Chair, Ms Leigh Bryant, Ms Lyndell Fogarty, Mr Tim Hardy, Mr Mark Hickey, Mr John Gambrell and Mr Tony Cade;
- (d) the Board of the HunterNet Group Training Company consists of Mr Ivan Waterfield, Chairman, Mr Robert Wolter, Vice Chair, Ms Breony Benson, Mr Ross Bolth, Mr Tony Cade, Mr John Coyle, Mr Wayne Green and Mr Eric Kreutzer; and
- (e) award recipients included:
 - (i) Thales Trainee of the Year Award—Casey Hawkins, Roadhound Electronics;
 - (ii) Verto Outstanding Achievement: First Year Apprentice Award—Jacob Parsons, Swanson Industries;
 - (iii) Forsythes Training Outstanding Achievement: Second Year Apprentice Award—Simon Jamcotchian, BAE Systems;
 - (iv) HunterNet Group Training Company Outstanding Achievement: Third Year Apprentice Award—James Casey, Roadhound Electronics;
 - (v) DSI Underground Ivan Randon Award—Damon Keeping, Liberty OneSteel;
 - (vi) HunterNet Group Training Company Host Company of the Year—BAE Systems;
 - (vii) Sparke Helmore Networking Award—Andrea Novak, Mai-Wel;
 - (viii) PKF Export Award—Port of Newcastle;
 - (ix) Newcastle City Council Innovation Award—Quarry Mining and Construction Equipment;
 - (x) AGL Safety and Training Award—SafetyWorks; and
 - (xi) Port Waratah Coal Services Harvey Knox Award—John Gambrell.
- (2) That this House congratulates:
 - (a) the HunterNet Co-operative and HunterNet Group Training Company on their continued outstanding service to the community, particularly the Hunter Region; and
 - (b) all 2017 award recipients.

Motion agreed to.

ROTARY TREE PLANTING CEREMONY

Mr SCOT MacDONALD (11:06): I move:

- (1) That this House notes that:
 - (a) as part of Rotary International's Earth Day initiative, District Governor Helen Ryan together with Port Stephens Mayor Councillor Ryan Palmer and Port Stephens Council's General Manager Wayne Wallis gathered at Riverside Park, Raymond Terrace, on Friday 2 March 2018 with Mr Scot MacDonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter for a tree planting ceremony in support of Rotary's initiative to plant 1.2 million trees worldwide;
 - (b) upon his election, Rotary International President-elect Ian H. S. Riseley challenged every Rotary club across the world to make a difference by planting a tree for each of its members between the start of the Rotary year on 1 July and Earth Day on 22 April 2018; and
 - (c) Mrs Helen Ryan joined the Rotary Club of Nelson Bay in October 1998 and since then has served with distinction in a variety of roles including:
 - (i) youth, community, vocational and secretarial portfolios prior to being president, a position she has held twice, in 2003-04 and 2008-09;
 - (ii) in 2003-04 Mrs Ryan was instrumental in chartering the Rotary Club of Salamander Bay and initiating a literacy program in the local primary school which is still current and has expanded to three schools, and between 2011 and 2013 she held the position of Assistant Governor as well as being a member of the Rotary Foundation Committee and Chair of the Group Study Exchange;
 - (iii) member of the Learning and Development Committee in 2013-14 at which time she chaired the Rotary Leadership Institute as it was introduced to District 9670; and

- (iv) in honour of Mrs Ryan's outstanding service to the community in 2005 she was presented with a Paul Harris Fellow.
- (2) That this House:
- (a) acknowledges the outstanding contribution Rotary and its members make to the community; and
- (b) acknowledges and commends Mrs Helen Ryan for her continued outstanding service to Rotary and the community.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. SCOTT FARLOW: According to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 6 March 2018. [*During the giving of notices of motions*]

Notices

PRESENTATION

The Hon. Niall Blair: Point of order: The behaviour of members has deteriorated and the lack of adherence by members to the rules of this House is becoming a farce. Members have the right to give their notice of motion and be heard in silence so that the House understands the issue that may be debated at a later time. The constant interjections are disorderly.

The PRESIDENT: Order! I uphold the point of order. As I have indicated on numerous occasions, including yesterday, members giving notices of motion will be heard in silence. Every member is entitled to respect from all other members.

[*Later,*]

The PRESIDENT: Order! I indicate that my previous ruling applies to Government members as well.

Mr Jeremy Buckingham: Show some respect.

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

Visitors

VISITORS

The PRESIDENT: On behalf of all honourable members, I welcome to our public gallery students from high schools in New South Wales who are attending the Young Women's Leadership Program conducted by the Parliamentary Education Unit. Welcome to each and every one of you. I hope that your time in Parliament is informative and enjoyable.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That Business of the House Notice of Motion No. 1 be postponed until Wednesday 2 May 2018.

Motion agreed to.

The Hon. DON HARWIN: I move:

That Government Business Notice of Motion No. 1 be postponed until a later hour.

Motion agreed to.

Committees

PROCEDURE COMMITTEE

Membership

The PRESIDENT: I inform the House that on 6 March 2018 the Clerk received advice from the Leader of the Government of the following change to membership of the committee:

Mr Fang in place of Mr Franklin.

*Matter of Public Importance***PREMIER COMMUNITY CONSULTATION**

Mr JEREMY BUCKINGHAM (11:23): I move:

That the following matter of public importance should be discussed forthwith:

The repeated failure of the Premier, the Honourable Gladys Berejiklian, to meet with community groups.

It is with deep regret but no surprise that I move this motion on a matter of public importance in the Legislative Council of New South Wales about the complete failure by the Premier to prioritise the community in meeting with her. A maxim that is used a lot in the country applies in this case: You have to dance with the ones that brung you. The Premier is voting with her feet; she cannot be judged on her words. The Premier's diary shows that she meets regularly with the big end of town. The lobbyists, big businesses and donors to the Liberal Party and The Nationals grease the wheels and get access to the big end of town through meetings with the Premier. The community groups who battle away on key issues have to beg, scrape, crawl, write and phone but they do not get a meeting with the Premier.

This arrogant, out-of-touch Government is on its last legs and is staggering towards oblivion in 2019. The Government is working for the people who got them into government in the first place. They are dancing with the ones that brung them. There is no better example than the North West Alliance. Many Government members would not even know of the North West Alliance. I am sure that none of them has met with the alliance. It is a collective of community groups and individuals who are desperately trying to save the north-west of this State—the golden triangle, the productive food bowl, the Great Artesian Basin, the Pilliga forest—from destructive coal and gas mining. The North West Alliance has been lobbying the Premier for a meeting but she has refused to meet with them. They are salt-of-the-earth people who built this nation and who feed the Premier every day. I call on the North West Alliance to stop doing that and then perhaps they will get a meeting with the Premier.

For generations these people have been driving the economy of the State, feeding the State, developing the State and growing the food that sustains us all. Yet the alliance cannot get a meeting with the Premier to raise its concerns about the development of coal seam gas [CSG] mining in the north of the State. Recently, Mrs Robyn King and Mr Jimmy King from Montana on Finlay Road, Mullaley, who are members of the North West Alliance, wrote to the Premier. They live on one of the most magnificent and beautiful farms in the world but they are facing the decimation of their region through coal seam gas mining. For a decade they have been campaigning day and night to try to fight off the coal seam gas charlatans and tintookies of the CSG lobby. They have erected signs and run cake stalls to try to get the Government to listen to their concerns. They do not want their area turned into a gas field.

On 7 December 2017 Robyn and Jimmy King wrote to the Premier requesting a meeting and highlighting a letter they had printed at their own expense in *The Land*, which was signed by more than 600 businesses and individuals—veterinarians, doctors, farmers and traditional owners. These good people of the north-west of the State, who live principally in the electorate of Barwon—the Government can kiss that seat goodbye—begged the Premier for a meeting. After all the phone calls and emails and the letter, on 9 February the Premier replied by stating duck egg, zero, nil—"You don't get to meet with me". That is an absolute disgrace and the people of the north-west will not forget it. The Government burnt Broken Hill. Now it has burnt Coonamble and Narrabri. Those people are going to remember.

The Hon. Don Harwin: You're living in a dream world.

Mr JEREMY BUCKINGHAM: I note the Minister for Energy and Resources said that I am living in a dream. It will be a nightmare for him soon enough when he is chucked out of government. The signatories include McLaughlin Cotton Contractors, Narrabri Fish Farm, Kinetic Cattle, Peel Valley Machinery, Pursehouse Rural, Bourke Excavations, Bundock Farming, Total Ag, Kingspray, Coonamble Feedlot, Home Timber and Hardware, the Artesian Bore Water Users Association, Gomeroi Traditional Owners, Friends of Siding Spring Observatory, Upper Mooki and Coonabarabran Landcare, Maules Creek Community Council, branches of the Country Women's Association, Coonamble Chamber of Commerce, the Uniting Church, and the Presbytery of New England and the North West. Could they get a meeting? They could not. What a disgrace.

Government members remember who gave them the money but forget who put a "1" next to their names at the polling booth and voted them in. More than 400 people were at the first meeting. At the next meeting 700 people at Coonamble passed a motion opposing coal seam gas. They are taking matters into their own hands, and The Greens are standing with them. We will stand with them whether or not they vote for us or give us money because they are absolutely right.

The next matter concerns the Darling Delegation—those good people from Broken Hill and the Far West who made the massive effort to travel thousands of kilometres to meet the Premier to present a petition with more than 13,000 signatures. The delegation included Mayor of Broken Hill Daria Turley and Uncle Badger Bates representing the Barkindji nation and river people who have occupied those lands for time immemorial. It also included Katharine McBride from Tolarno Station, one of the most famous sheep stations in the country that has been farmed by the same family for generations. There were also locals from Broken Hill, including Mr Mark Hutton from the Darling River Action Group. Those good people made a massive effort to come all this way. They repeatedly asked the Premier for a meeting and what did they get? Nothing. They were fobbed off. It is an absolute disgrace that this arrogant Government is ignoring the little people.

The Premier has had time to meet with other people. She has found five minutes for Murrumbidgee Irrigation Limited, Murray Irrigation, the Business Council of Australia, Origin Energy, Fox Sports and Nine Entertainment, HSBC, Star Entertainment Group, Lendlease, NAB, the Catholic Archdiocese, Allianz and Rio Tinto. That is just in the past six months. What a disgrace. The big end of town is greasing the wheels with donations and sending in lobbyist mates and former members to open doors. The Premier is dancing with the ones who bring 'em, and the people of New South Wales will not forget it.

The people of Western Sydney have begged Minister Tanya Davies for a meeting because they do not want their suburb turned into a toxic wasteland by the world's largest waste incinerator. The Premier refused to meet with them but fobbed it off to local member Tanya Davies, saying in an email that she unfortunately does not have time. Finally, after being begged by her Minister, the Premier met with handpicked representatives. That is no way to engage the community. If the Premier truly wanted to represent the people of New South Wales she would meet with the North West Alliance, the people of Broken Hill and the residents of Western Sydney.

Can members pick a theme? If someone has something to say that the Premier does not like or that goes against the interests of the people who donated the money they get fobbed off. There is one rule for the big end of town and another for everyone else. This Government has forgotten the little people. The people of Barwon, Western Sydney and Broken Hill will remember that they could not get access to the Premier. They know they had to beg in *The Land* newspaper for a meeting. They have raised money and done everything they can to get the ear of the Premier, but she is more interested in meeting with people from the big end of town because they give her all the money.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (11:34): This is an attempted smear by Mr Jeremy Buckingham on one of the hardest working Premiers this State has ever seen. Since coming to office in January last year, the Premier has travelled all over New South Wales to meet with residents, businesses and community groups. We are a consultative government that will always act in the best interests of the people of New South Wales.

The PRESIDENT: Order! The Clerk will stop the clock. The Minister will resume his seat. Mr Jeremy Buckingham has made his contribution. Apart from two interjections from the Hon. Dr Peter Phelps, he was heard in silence. Mr Jeremy Buckingham has moved that this House discuss this matter of public importance. He will listen to the Minister in silence.

The Hon. DON HARWIN: When Mr Jeremy Buckingham says that the Premier has failed to meet with community groups he means that she has not met with the ones he wants her to meet. Unlike Mr Jeremy Buckingham, who only wants to hear opinions he agrees with, the Premier leads a government that listens and consults with a wide range of people. It is worth noting that Mr Jeremy Buckingham can only comment about which people the Premier has met because of innovations and changes this Government made. The Premier and all Ministers disclose our diaries. I remind members that Opposition frontbenchers have not done that. Even the Leader of the Opposition in the other place—in a direct breach of his election commitment—has not disclosed his most recent meetings.

I am disappointed by the attack that Mr Jeremy Buckingham has made. In light of some of the notices of motion that have been given and some of the projects to which Mr Jeremy Buckingham has referred, I point out that the Premier has 22 Ministers. She also has several dozen members of the lower House and 17 members of this House who give her advice and meet with groups on her behalf.

The Hon. Penny Sharpe: They don't meet with these groups.

The Hon. DON HARWIN: I hear what the Hon. Penny Sharpe says, but she is simply wrong. In regard to the Sandhurst Gas project, I met with exactly the people referred to in Mr Jeremy Buckingham's motion No. 1938. I met with Narrabri Council, Lock the Gate, the North West Alliance and local business leaders. In a motion of which Dr Mehreen Faruqi gave notice today she talked about community groups, farmers and others who are demanding to see the Premier about the Shenhua Watermark project at Gunnedah. I have met with all of them,

including the council and residents. I have also visited both sites: the proposed area of gas extraction at Narrabri and the area over which there has been an exploration licence for the mine near Gunnedah.

The Minister for Primary Industries, and Deputy Leader of The Nationals, has also met with all the farmers concerned about both of the projects referred to. That means that a second member of not just the Cabinet but also the leadership group has met with them. I should also mention that the third Minister in this Chamber, the Hon. Sarah Mitchell, is from Gunnedah. She has known all her life the sorts of people referred to in Dr Mehreen Faruqi's motion. The idea the Government is not listening to the people in that area and that we do not understand their concerns about the two projects highlighted by Mr Jeremy Buckingham in his motion is completely wrong.

Mr Jeremy Buckingham: Point of order: The Minister is misleading the House. My motion highlighted three projects. The Minister has forgotten about the project in Western Sydney.

The PRESIDENT: Order! There is no point of order. I remind Mr Jeremy Buckingham that he is on one call to order.

The Hon. DON HARWIN: The Hon. Trevor Khan is now in the Chamber. He is from Tamworth. He also is familiar with all the issues involved in both projects and has had extensive discussions with the relevant groups. I could go on. I am sure that other members in this Chamber have been involved in these matters as well. The idea that the Government is not aware of all the concerns of both supporters and opponents of these two projects is nonsense. The idea that the Premier can meet everyone is also nonsense. Indeed, no reasonable or rational person would think that was the case. Mr Jeremy Buckingham said, "The opponents of these two projects have been ignored by the Government." But, as I have demonstrated comprehensively, that is simply not the case.

Mr Jeremy Buckingham then tried to smear the Premier with his remarks about donors and a link between meetings and donors. He did not follow through. I note that he did not allege one single donation was tied to any meeting. Finally, I can only ask: When is this preselection finally going to be over? Day after day, we have Mr David Shoebridge and Mr Jeremy Buckingham coming to this Chamber with nonsense—between the two of them we have lawyers at 30 paces. Lee Rhiannon is trying to expel Mr Jeremy Buckingham on behalf of Mr David Shoebridge.

Mr Jeremy Buckingham: Point of order: The failure of the Premier to meet with these people is a very serious matter for the New South Wales community. The Minister is not being relevant to the motion. I ask that he return to the leave of the motion—namely, the complete failure of the Premier to deliver for the people who did not donate like NAB, Allianz and the irrigators.

The PRESIDENT: Order! I was going to uphold the point of order until Mr Jeremy Buckingham turned it into a debating point. There is no point of order.

The Hon. DON HARWIN: This matter of public importance fails the test of what is publicly important on every measure. Under the standing orders of the Legislative Council it must be demonstrated why a matter of public importance is more urgent than every other item on the *Business Paper*. Indeed, in speaking to the motion an honourable member is required to reach the threshold of explaining why the matter is publicly important. The idea that the Premier not meeting with everyone Mr Jeremy Buckingham wants her to meet with is a matter of public importance is just a nonsense. The only thing that is important to Mr Jeremy Buckingham is his preselection. [*Time expired.*]

The PRESIDENT: The question is that the motion be agreed to.

The House divided.

Ayes16
Noes20
Majority.....4

AYES

Buckingham, Mr J
Field, Mr J
Moselmane, Mr S
(teller)
Secord, Mr W
Veitch, Mr M
Wong, Mr E

Donnelly, Mr G
Graham, Mr J
Primrose, Mr P

Sharpe, Ms P
Voltz, Ms L

Faruqi, Dr M
Mookhey, Mr D
Searle, Mr A

Shoebridge, Mr D
Walker, Ms D (teller)

NOES

Blair, Mr N
Cusack, Ms C
Franklin, Mr B
Khan, Mr T

Clarke, Mr D
Fang, Mr W (teller)
Green, Mr P
MacDonald, Mr S

Colless, Mr R
Farlow, Mr S
Harwin, Mr D
Maclaren-Jones, Ms N
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Mallard, Mr S
Mitchell, Ms S
Taylor, Ms B

Martin, Mr T
Nile, Reverend F
Ward, Ms P

PAIRS

Houssos, Ms C

Amato, Mr L

Motion negatived.

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

Debate resumed from 6 March 2018.

The Hon. DAVID CLARKE (11:54): On behalf of the Hon. Don Harwin: In reply: I thank honourable members for their contributions to the debate on the Justice Legislation Amendment Bill 2018. Before concluding, I wish to address some particular matters that members have raised. The Hon. Adam Searle mentioned the KPMG review of the Surety Bond Scheme. As the Attorney General said in the other place, KPMG is currently finalising its review and it is envisaged that the Attorney General will be able to consider and deal with the review in the near future. No litigation with the surety bond provider is anticipated. The honourable member also referred to the bill's amendments relating to the Succession Act 2006. Recommendation 2 of the Statutory Review of the Succession Act states:

Amend the Succession Act to provide that the court may revise the terms of any draft of a proposed will, alteration or revocation for which the court's approval is sought, regardless of whether the application is for leave, or for an order.

During the process of drafting the bill, the Department of Justice and the Parliamentary Counsel's Office determined that this amendment is unnecessary. That recommendation was made because the drafting of the relevant provisions is difficult to interpret. The Supreme Court confirmed that there is no issue in practice. Courts have a general power under section 18 of the Succession Act to revise the terms of any will regardless of whether the application is for leave under section 20 or for an order under section 18.

The Hon. Adam Searle and Mr David Shoebridge questioned whether the Local Court is adequately resourced to deal with the additional matters to be transferred to that court. The reform will have minimal impact on the workload of the Local Court, as confirmed in consultation with the Local Court. It will build upon the first tranche of the table offences reform, which was implemented by the commencement of the Criminal Procedure Amendment (Summary Proceedings for Indictable Offences Act) 2016 on 11 November 2016. The 2018 Productivity Commission Report on Government Services—or ROGS—found that in 2016-17 the Local Court was the most efficient in the country, with only 1 per cent of its cases in the civil jurisdiction being more than a year old and 2 per cent in the criminal jurisdiction. The New South Wales Government acknowledges the hard work of our magistrates to achieve this outcome.

As with other Local Court matters, the relevant offences will now be prosecuted by police prosecutors instead of by the Office of the Director of Public Prosecutions. Resourcing for additional police prosecutors will be provided. Although the table offences reform is anticipated to help alleviate the pressure on the District Court trial backlog, this reform primarily is intended to ensure that matters are resolved efficiently in the most appropriate jurisdiction. There is no need for the vast majority of these four strictly indictable offences to be dealt with in a superior court. More serious individual cases will continue to be heard in the District Court following an election by the prosecution. The four strictly indictable offences to be transferred were identified as suitable to move in a 2015 review conducted by the Department of Justice. When finalising that review, the department consulted with key stakeholders, including the New South Wales police, the NSW Sentencing Council, the Office of the Director of Public Prosecutions, Legal Aid New South Wales, Public Defenders, the Chief Judge, the Chief Magistrate, the New South Wales Bar Association and the Law Society of New South Wales.

The Hon. Adam Searle suggested that eight magistrate positions were cut by this Government. I wish to inform the House that, in fact, this assertion is incorrect. There were eight unfilled magistrate positions in 2016 that have since been restored to ensure the Local Court can manage its workload. In 2017 in the Local Court 14 new magistrates were sworn in. Currently, the Local Court has 137 magistrates, whereas in 2011 it had 132 magistrates. The honourable member also suggested that the Government is not properly funding the criminal justice system. The criminal justice reform package passed in October 2017 is underpinned by a \$200 million investment by the New South Wales Government.

Further, to support the reforms, the Government is investing \$570 million over four years to address the demand on courts and prisons, as well as systemic reforms to reduce reoffending, supported by a \$3.8 billion prison infrastructure plan. I note the comments by Mr David Shoebridge regarding the proposed amendment to section 134 of the Law Enforcement (Powers and Responsibilities) Act 2002. The New South Wales Government will respond to this when responding to the amendment foreshadowed by The Greens.

The bill updates and improves the operation of the New South Wales justice system by clarifying criminal procedure and improving the efficiency and operation of legislation affecting the courts and other Justice portfolio agencies. In particular, the bill makes minor amendments to a number of Acts in order to strengthen and streamline procedures for the NSW Civil and Administrative Tribunal, the NSW Crime Commission and the Land and Environment Court; improve criminal procedure in relation to issuing court attendance notices for private prosecutions and making court orders to obtain particulars from persons who have been convicted of drug-driving offences; improve civil procedure by updating the presumed postal delivery time frame for posted articles to reflect new Australia Post delivery times; and simplify and clarify court processes relating to succession law.

The bill will lead to a number of improvements and enhancements in the operation of New South Wales courts, law enforcement agencies, the civil justice system and the criminal justice system. The bill helps ensure that the justice system in New South Wales remains accessible, but is also effective, efficient and economical. I commend the bill to the House.

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

Motion agreed to.

In Committee

The TEMPORARY CHAIR (The Hon. Shayne Mallard): There being no objection, the Committee will deal with the bill as a whole.

Mr DAVID SHOEBRIDGE (12:02): I move The Greens amendment No. 1 on sheet C2018-008:

No. 1 **Taking identification particulars—drug driving offences**

Schedule 1.10, page 9, lines 1–9. Omit all words on those lines.

As I discussed during the second reading debate, this amendment relates to the proposed additional powers that the Government wants to give local courts where someone is convicted of a drug-driving offence under the relatively infamous random breath testing [RBT] laws in this State. As members in this Chamber may be aware, the way that the roadside drug testing regime operates in this State is very different from how roadside breath alcohol testing works. The RBT project has been in operation now for more than three decades and it has enormous community support. If people are found to have the prescribed content of alcohol in their system, which is set at a level that relates to their being an unsafe driver, they lose their licence and have the book thrown at them.

We have seen RBT greatly reduce the amount of road trauma. It is a hugely successful project and not only does it have the support of all political parties in this Chamber but also, because of the way it has been done in Australia, it has become a model for the way it is done in much of the Western world—it is a wonderfully positive project. Contrast that with the roadside drug testing regime, which does not test for impairment and, until the Government amends it—and it has committed to amending it to include cocaine; thankfully, it has stared down some of its special interest groups in the eastern suburbs—it focuses only upon three illegal drugs: cocaine, amphetamines and MDMA, better known as ecstasy. Roadside drug testing does not test for impairment levels; it tests for the smallest detectable presence of any one of those three drugs in somebody's system. In parts of the State, particularly in parts of rural and regional New South Wales, Bureau of Crime Statistics and Research figures show, for example, the massive over-policing of the northern part of the State, where drivers are 44 times more likely to be subject to roadside drug testing than drivers on the north shore of Sydney, and the testing is focused on cannabis.

People are losing their licence, losing their livelihood, losing the ability to carry out basic social functions such as visiting a doctor or going to get the groceries—that is the reality of losing one's licence in regional New

South Wales—because they have a tiny trace element of cannabis in their system that could have been from consuming cannabis 24 hours, a week or two weeks before they got behind the wheel of a vehicle. They are not impaired drivers. They are losing their licence not because of road safety reasons but because of an appallingly misaligned law that has failed to pick up the learning of roadside breath alcohol testing, which focuses on impairment and getting unsafe drivers off the road—a law that the community 100 per cent supports.

The community is looking to this Parliament to pass laws that say it does not matter what drug, legal or illegal, impairs a person, if someone is impaired by a drug they should not be behind the wheel of a vehicle. The law must be focused on impairment and it has got to be a road safety regime, not a war on drugs dressed up as roadside drug testing. I do not know whether other members have visited Lismore Local Court, for example, when there is a call-over of roadside drug testing matters. At different times so many roadside drug testing matters were coming before the Local Court that one of the magistrates adopted a policy of dealing with matters 10 at a time. He would call over 10 matters, ask if anyone had a prior conviction and if they all said no they would all get a section 10 order. There were so many cases that they were literally clogging up the Local Courts and preventing them from doing what the community wants them to be doing: addressing domestic violence and the serious crimes that are having an impact on communities.

Instead of taking a step back, reforming the law and making it based on impairment, this Government intends to give magistrates even more work in relation to roadside drug testing prosecutions. When 80 or 90 matters come before the Lismore Local Court on a call-over, after having convicted somebody the magistrate will then have to consider whether to make further orders to have their fingerprints, palm prints and photographs taken, and the police—who are already spending an inordinate amount of time bringing these often totally inappropriate prosecutions to the court, tying up hundreds of hours of police time—will then have to take the defendant from the court back to the police station and process them there, with hours and hours more spent. All of that just to build up a database of people who, more often than not when one looks at the anecdotal material from the northern part of the State and around the rest of the State, are losing their licence for the equivalent of having a beer the day before.

It is like people losing their licence following roadside breath alcohol testing because they had a beer at a barbecue the day before. People are losing their licence because they had consumed cannabis well before they got behind the wheel of a vehicle—they are not a danger to anybody. Why would we put extra work on magistrates? Why would we further burden the court lists? Why would we waste further police resources? Why would we build up a further database of people who, if we had a sensible law in the first place, would not be subject to conviction? That is why we move this amendment: to prevent these additional powers being put on the statute books.

The Hon. DAVID CLARKE (12:08): The Government opposes The Greens amendment. The amendment would remove schedule 1.10 to the bill. Section 134 of the Law Enforcement (Powers and Responsibilities) Act 2002 provides that where a court has found certain offences proven against a person, the court may order the person to present themselves at a police station and submit to the taking of identification particulars. Identification particulars include a person's photograph, fingerprints and palm prints.

Currently section 134 of the Law Enforcement (Powers and Responsibilities) Act applies to any indictable offence, an offence of cruelty to animals under section 5 or aggravated cruelty to animals under section 6 of the Prevention of Cruelty to Animals Act 1979 and various offences under the Road Transport Act 2013, including an offence of negligent, furious or reckless driving under section 117, certain drink-driving offences under section 110, certain driving under the influence of alcohol or any other drug offences under section 112, menacing driving offences under section 118, an offence of failing to stop and assist after impact causing injury under section 146, an offence of refusing or failing to submit to a breath analysis under clause 16 (1) (b) of schedule 3, an offence of refusing or failing to provide samples or preventing sample-taking under clause 17 (1) of schedule 3, and various offences of wilfully altering the concentration of alcohol or illicit drug in a person's breath, blood or fluids under clause 18 (1) of schedule 3.

Schedule 1.10 to the bill, if enacted, would add four drug-driving offences under section 111 of the Road Transport Act 2013 to the list of offences to which section 134 of the Law Enforcement (Powers and Responsibilities) Act applies. The amendment made by schedule 1.10 to the bill would enable courts to order persons who have drug-driving offences proven against them to present themselves at a police station and submit to police taking their identification particulars. It appears from comments made by Mr David Shoebridge that in The Greens' view drug-driving should not be an offence.

Let us be clear: Drugs can and do impair the skills required for safe driving, sometimes without the driver's awareness or in ways that are not visible to police patrols until it is too late. People who have illicit drugs present in their system simply should not be driving on our roads. In the 2016-17 financial year 77 people lost their lives in crashes where a driver or rider had an illegal drug detected by mobile drug testing present in their

system. The percentage of fatalities from crashes on New South Wales roads involving a motorist with an illicit drug present in his or her system is high. In 2014-15, 18 per cent of all fatalities involved a motorist with an illicit drug present. This grew to 21 per cent in 2015-16 and 22 per cent last financial year. The New South Wales Government has a zero tolerance approach to drug-driving to stop people putting themselves and others at risk by driving after using drugs.

To deter illicit drug users from taking the risk of driving, mobile drug testing is conducted across New South Wales by the NSW Police Force. In New South Wales more than 97,000 mobile drug tests are conducted each year by New South Wales police. Mobile drug testing targets commonly used illegal drugs that can impair the skills required for safe driving and feature in the New South Wales road toll. The testing is targeted to the active components of the common illegal drugs—tetrahydrocannabinol [THC] cannabis, speed, ice and ecstasy. Cannabis slows reactions and reduces the ability to respond to situations. It can affect perceptions of distance and time, lower concentration and reduce coordination. Stimulants such as speed and cocaine can make drivers more likely to take risks or drive aggressively, and can affect fatigue levels later.

Further, each Australian State and Territory has offences of driving under the influence, drug-driving offences with no prescribed concentration of drugs and mobile drug testing. This reflects a shared commitment to tackling drug-driving as part of the National Road Safety Strategy 2011-2020. On 15 January 2018 the Premier and Minister for Roads, Maritime and Freight announced further measures to address drug-driving, including doubling the roadside drug testing program to 200,000 tests a year by 2020, adding cocaine to the drugs that will be detected through mobile drug testing, increasing penalties for driving under the influence offences, and reviewing restrictions and safeguards to reduce the risk of people driving while impaired by prescription drugs. A bill to implement the first tranche of the New South Wales Government's Road Safety Plan was introduced yesterday in the other place, demonstrating the Government's commitment to road safety and getting the road toll down. Despite Mr David Shoebridge's apparent indifference to road safety, the amendments made by schedule—

Mr David Shoebridge: Point of order: The Minister is directly impugning my motives in saying that I have an indifference to road safety. His comments are designed to insult, no doubt from briefing notes provided by staff, which is deeply offensive. I ask him to withdraw his comments.

The Hon. DAVID CLARKE: To the point of order: I will withdraw the word "indifference", if that is satisfactory?

Mr David Shoebridge: The whole phrase.

The Hon. Adam Searle: To the point of order: Mr Chair, when a member takes offence, it is customary that the offender withdraws unreservedly.

The Hon. DAVID CLARKE: Yes, I withdraw.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Hon. David Clarke has withdrawn.

The Hon. DAVID CLARKE: The amendment made by schedule 1.10 does not modify the existing drug-driving offences. It merely grants courts a discretion to order the taking of identification particulars, which can be exercised only after a criminal offence has been proven. The discretion for courts to make orders under section 134 ensures the proper identification of people found guilty of offences for which the NSW Police Force does not typically make arrests. When police officers arrest a person for an offence they are empowered to take the identification particulars of the person under section 133 of the Law Enforcement (Powers and Responsibilities) Act. For example, drink-drivers are arrested and taken to a police station if they fail their breath test. At the police station they are required to do a second, more rigorous, test known as a breath analysis. Because they have been arrested, identification particulars can be taken at the police station.

A person who is charged by police with a drug-driving offence under section 111 of the Road Transport Act 2013 is not typically arrested for the offence. The testing involves two mobile drug tests conducted at the roadside and a third test conducted by NSW Health. The results of this third test can take three to four months to reach the NSW Police Force. If it is positive, the NSW Police Force issues a future court attendance notice through the mail. At no point is the driver arrested, so there is currently no power to take his or her identification particulars. The amendment in schedule 1.10, if enacted, will close this gap by broadening the court's discretion to make an order under section 134 to include drug-driving offences.

Because an offence must be proven before a court can make an order under section 134, the amendment made by schedule 1.10 will only affect people who have a drug-driving offence proven against them. Courts cannot make orders where they do not find the offence proven and courts cannot make orders in relation to people who are tested by the NSW Police Force, but not charged. I note Mr David Shoebridge's concerns about the impact of the amendment made in schedule 1.10 on the right to privacy. The Legislation Review Committee—chaired by

Mr James Griffin, with deputy chair Mr Lee Evans, and members Ms Melanie Gibbons, Mr Michael Johnsen, the Hon. Natasha Maclaren-Jones, Mr David Mehan, the Hon. Shaoquett Moselmane and Mr David Shoebridge—examined the Justice Legislation Amendment Bill 2018 in Legislation Review Digest 49/56, dated 13 February 2018. The committee considered the impact of the amendment made in schedule 1.10 on the right to privacy. The committee concluded:

... having the power to accurately identify someone convicted of a drug-driving offence can assist in the legitimate aim of proving subsequent offences, and also mirrors the existing approach to drink-driving offences. As such, the Committee makes no further comment.

As the Attorney General said in debate on this bill in the other place, the taking of particulars from a person who has committed a criminal offence where the offence has been found proven by a court cannot be characterised as an invasion of privacy. For these reasons, the Government opposes The Greens amendment No. 1 on sheet C2018-008.

The Hon. ADAM SEARLE (12:19): The Opposition does not support the amendment moved by Mr David Shoebridge. I note some of the comments of the Hon. David Clarke that schedule 1.10 will create a situation where a person found to have had one or more substances in their oral fluid, blood or urine may be required to attend a police station to have his or her photograph, fingerprints and palm prints taken. The issue is a lot broader than simply whether people have consumed cannabis or what have you. It does the Government and others no credit to try to impugn the motives of any member or party in this place about their concerns about road safety. Let us be clear: I do not think anyone in this Chamber has a lax attitude to driver safety or to ensuring that the roads are as safe as they can be. All members believe appropriate laws should be in place to deal with risks on the roads. Mr David Shoebridge makes a good point that some of the present laws target the mere presence of certain substances rather than levels of impairment.

I refer to alcohol. People are not pinged simply because they have alcohol found in their blood. The law deals appropriately with people when there is an excess of a certain prescribed concentration. It has been found that a prescribed concentration of alcohol over a certain level impairs a person's reactions. That does not apply to other drugs or substances for the good reason that they are illegal rather than legal. However, some people are driving on the roads having taken perfectly legal prescription drugs and opiates, which may have the effect of impairing their reactions. The law does not seem to address those situations.

Mr David Shoebridge raises a serious point that legislatures will need to deal with at some point, but this is not the time to do that. The issues that Mr David Shoebridge has raised are far broader than this schedule. I think this schedule is a sensible amendment to the law. The Opposition supports the bill in its current form because it gives the court the capacity to make a certain order. The court may make those orders, but it does not have to. It gives the court an additional tool in its armoury. For that reason, the Opposition believes it is a sensible and balanced change to the law.

If we are to be serious about driver and road safety—for drivers, passengers and everybody else on and around roads—we should turn our minds to the issue of impairment. Ultimately, that is the key issue. It may be that the only safe approach for drivers is to have a zero tolerance for every drug, whether it is prescription or non-prescription, legal or illegal. We may need to consider whether the mere presence of alcohol should lead to an offence. We should take a proper, scientific, balanced and consistent approach. This amendment is not necessary. The law in its proposed form is satisfactory. We do not support the amendment but nor do we seek to impugn anyone's motivations in this debate.

Mr DAVID SHOEBRIDGE (12:23): I note the contributions. I welcome the approach of the Leader of the Opposition to this debate, which is in contrast to the notes that the Parliamentary Secretary received from the staff of the Attorney General. I think they need to take a good hard look at themselves for the way their drafting—whatever the lack of quality controls are in that office—

The Hon. Trevor Khan: Point of order: My point of order goes to the issue of what we do in the Committee of the Whole. We are going beyond the amendment to a range of personal attacks. I do not direct this comment to only side.

Mr DAVID SHOEBRIDGE: This was not personal; this was at the office.

The Hon. Trevor Khan: Be quiet. In a matter such as this we should be addressing the amendment, not engaging in a more broad-ranging discussion.

The Hon. Adam Searle: To the point of order: I do not think reflecting on the staff of Ministers is called for. I think the buck stops with whoever utters the words in this Chamber.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): I remind members that the Hon. David Clarke withdrew those comments earlier. I ask Mr David Shoebridge to return to the substance of the amendment.

Mr DAVID SHOEBRIDGE: I appreciate the ruling of the Chair and I will abide by it, as always.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): Order!

Mr DAVID SHOEBRIDGE: I appreciate the ruling. I think it is the right direction. We should look at the substance of what is before us. I accept that the amendment we are dealing with is an oblique way of addressing a more significant problem, which is the way that the roadside drug testing regime misfires in New South Wales. I accept to some extent the force of the Opposition's position that this amendment is about the discretionary power to get particulars in the set of circumstances extending beyond the roadside drug testing regime. I understand that position.

I welcome in this debate the Opposition's willingness to confront a far broader issue: How do we get consistent road safety laws that—regardless of whether drugs are legal or illegal—focus on road safety and impairment? That is the task before us. The fact is that prescription drugs such as benzodiazepines are not tested for in these roadside drug-testing regimes. Someone can be zonked to the eyeballs on benzodiazepines and be waved through after passing a roadside drug test. However, in the next car a driver may have a tiny trace element of cannabis because they consumed it a week ago and they will lose their licence. That is a law that needs changing. That is a law that is not focused on roadside safety; it is far more focused on an ideological view about drug taking and that will not make us safer.

Let us have laws on roadside drug testing that are evidence based, that will get anybody who is impaired by drug taking and behind the wheel of a vehicle off the roads, whether the drug is legal or illegal. It is about sensible, non-ideological approaches to roadside drug testing. I look forward to the implementation of laws that will include cocaine in roadside drug testing. There was a missed opportunity to include benzodiazepines. As can be seen from lengthy studies, including the Wolff report in the United Kingdom, benzodiazepines are a serious problem for road trauma. There are identifiable levels that we can be testing for already for benzodiazepines and making our roads safer.

The last thing I will say on this issue is that our current laws do not look at the combination of drugs. A combination of benzodiazepines and alcohol is particularly lethal. A combination of alcohol and cannabis is particularly lethal. A combination of a variety of drugs, both legal and illegal, is particularly lethal on our roads. Because we cannot get beyond the ideological fight over legal and illegal substances, and we cannot look at the evidence, we do not have laws on the statute books that are designed to make us safer and get the most problematic drivers off the roads.

The Hon. CATHERINE CUSACK (12:27): I reluctantly feel obliged to make a brief contribution on this point because of the arguments advanced by Mr David Shoebridge and his comments about the need for more testing of different substances. Clearly, Roads and Maritime Services, the Minister and the Government can only go at the speed that science is going. Enormous efforts are being invested. I congratulate them on all of those efforts. However, Mr David Shoebridge seems to be implying that we need to have more drug testing. I would support that when science allows for it.

The big flaw in his argument—and the part I totally object to—is about certain illicit drug users. The member is calling for less drug testing. He is attacking the police on the North Coast for being overzealous and doing too many drug tests. He claims that there are too many people clogging our court system. I will disassociate myself from those comments. The Greens come up to the North Coast and to the Northern Rivers region and regularly cast aspersions and doubt over the validity of this incredibly important work that our police and our courts are doing: saving the lives of young people. Our road toll is horrendous in the country, particularly in northern New South Wales. No government would accept the advice of those opposite and have less drug testing on the roads. We have a cultural problem with drugs on the North Coast. It is terrible and it is disproportionate to the rest of this State. Special measures are being adopted by this Government to address this specific cultural issue.

I thank the Government for doing that. Tragically, two young people doing their Higher School Certificate were hitchhiking because there is no public transport. I will not digress. Both these young people lost their lives because the person who picked them up was driving under the effects of cannabis. These are the sorts of tests that The Greens would like to stop. Those young men had the world at their feet, and their families do not want the testing reduced. Those of us who are using the roads and are at risk of head-on collisions with people who have been taking drugs do not want the testing reduced. We do not complain but welcome and thank the Government for its diligence on this issue. I thank the Minister for standing up to the bullying from those opposite. The Greens say that these tests are illegitimate. There is no question that they have saved lives. I disassociate myself from that aspect of the argument.

Reverend the Hon. FRED NILE (12:30): The Christian Democratic Party fully supports the Government's response to the amendment and congratulates the NSW Police Force on its effective roadside drug testing. May they continue and even expand it.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet C2018-008. The question is that the amendment be agreed to.

Amendment negatived.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. DAVID CLARKE: I move:

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

Adoption of Report

The Hon. DAVID CLARKE: On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. DAVID CLARKE: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

WORK HEALTH AND SAFETY AMENDMENT BILL 2018

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Rick Colless, on behalf of the Hon. Sarah Mitchell.

Second Reading Speech

The Hon. RICK COLLESS (12:33): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Work Health and Safety Amendment Bill 2018. The bill seeks to amend the Work Health and Safety Act 2011 to implement recommendations arising from a statutory review of the Act and to accommodate police responses to active armed offender incidents. The reforms are intended to make workers and business owners safer. They will also assist the police when acting in the interests of the general public. These changes support the New South Wales Government reform agenda to protect workers from harm whilst increasing the competitiveness and confidence of businesses in New South Wales.

The Work Health and Safety Act 2011 commenced in New South Wales on 1 January 2012. The Act aims to secure the health and safety of workers in workplaces by providing them with the highest level of protection against harm to their health, safety and welfare from hazards and risks. The Act is based on national model laws that provide a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. The New South Wales Work Health and Safety Act 2011 incorporates the terms of the work health and safety model law in addition to State-specific variations. The model law allows for limited variation by each jurisdiction to enable local matters to be addressed and ensures that the model provisions are able to operate successfully without affecting harmonisation.

The work health and safety model law is being reviewed at the national level in 2018. To avoid duplicating the activities of the national review, agreement was reached with stakeholders to focus the New South Wales statutory review on whether the New South Wales specific provisions of the Work Health and Safety Act 2011 remain appropriate for securing its statutory objectives. The New South Wales specific provisions are largely those where the national scheme for work, health and safety legislation has explicitly permitted limited jurisdictional variations from the model to provide for State matters. Public consultation was conducted in November and December 2016.

The statutory review report was tabled in the New South Wales Parliament on 22 June 2017. The review received 39 public submissions and involved broad public consultation with unions, workers, businesses, employer associations and government agencies. SafeWork NSW and the resources regulator, who are the New South Wales work health and safety regulators, were also closely involved in that review. Within the limited scope of the New South Wales specific provisions, and based upon comments of respondents, the review found that overall the objectives of the Work Health and Safety Act 2011 remain valid and its terms generally appropriate to secure those objectives.

The review also made 11 recommendations to strengthen the work health and safety regime to better reflect business practices in New South Wales, decrease regulatory costs for businesses and improve compliance and enforcement outcomes. The bill before the House will implement six of these recommendations to amend the Work Health and Safety Act 2011. The other five recommendations include consultation and amendments to regulations and are currently under way. Such amendments include the insertion of new provisions related to the extraterritorial application of the Work Health and Safety Act 2011, recording of interviews and addressing challenges to the validity of regulator appointments and delegations. Other minor amendments are also included to address a drafting error and to align the Work Health and Safety Act 2011 with current practices related to the service of documents.

In addition to the amendments arising from the statutory review of the Work Health and Safety Act 2011, the bill addresses concerns raised by the NSW Police Force. These concerns relate to how the Act may apply in circumstances where a police officer needs to prioritise public safety over compliance with work health and safety duties when responding to an active armed offender incident. The bill addresses this by providing an exemption from certain offence provisions under the Act for New South Wales police officers in such circumstances. This will ensure that police officers can prioritise public safety and focus on saving lives in responding to active armed offender incidents without fear of potential prosecution under that Act.

I turn now to the substance of the bill. The Work Health and Safety Amendment Bill 2018 makes the following specific amendments to the Work Health and Safety Act 2011. The bill inserts a new section 34A in part 2 division 5 of the Work Health and Safety Act 2011 that will provide an exemption from prosecution to individual members of the NSW Police Force when responding to particular active armed offender incidents. A member of the NSW Police Force includes the commissioner, the NSW Police Force senior executives and all other police officers and NSW Police Force administrative officers, including special constables.

All members of the NSW Police Force as workers hold duties under work health and safety legislation. These duties include a requirement for members of the NSW Police Force to take reasonable care of their own health and safety, and to take reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of other persons. When a police officer is responding to an active armed offender incident he or she may have to balance prioritising the safety and security of members of the public with seeking to secure their own safety and that of their fellow officers. It is unreasonable to expect police officers responding to such incidents to face potential criminal liability under the Work Health and Safety Act, because they have prioritised public safety over the duties imposed by that Act. It is also unreasonable for police officers within the chain of command to risk personal liability under the Work Health and Safety Act when meeting legitimate community and government expectations by prioritising public safety during these incidents.

New section 34A states that a member of the NSW Police Force does not commit an offence under the Act for a failure to comply with a health and safety duty that occurs while the member is responding to a particular active armed offender incident. A member of the NSW Police Force will be regarded as responding to a particular active armed offender incident if each of the following are satisfied: first, that an offender armed with an offensive weapon or instrument has attacked, or is attacking, or is attempting to attack another person; secondly, that the member of the NSW Police Force—or one or more members of the police force, who are commanding, authorising actions by, or directing the member—reasonably believes the offender will continue attacking or attempting to attack, or will attack or attempt to attack again, the same or a different person unless prevented from doing so; and, thirdly, that the member is acting, whether alone or in combination with other members of the NSW Police Force, to prevent the offender from doing so.

It should be noted that the relevant work health and safety duties will still apply to police officers involved in active armed offender incidents, but the bill ensures that if an officer fails to comply with those duties in the course of responding to the incident, it will not constitute an offence by the officer under the Act. It should also be noted that the bill does not affect the duties of the State as the person conducting the relevant business or undertaking for the NSW Police Force under the Work Health and Safety Act. It also does not affect the State's liability for prosecution under that Act if the State breaches those duties.

Clauses 2 and 5 of schedule 2 to the bill insert a new section 155 (8) and a new section 185A to permit the recording of interviews conducted by work health and safety inspectors when exercising their powers. A

recording can be made without the consent of the interviewee but only if the interviewee is first informed they are to be recorded. As the Work Health and Safety Act 2011 is silent on the matter of recording interviews, the work health and safety inspectors currently obtain the interviewee's consent before recording an interview. If the interviewee does not consent to the interview being recorded, current practice is for the work health and safety inspector to make a written record of the interview while it is in progress.

As can be appreciated, this is time consuming for all parties concerned and results in time lost and an increase in cost to both the regulators and business. Instead, allowing for the recording of interviews regardless of whether the interviewee consents to the recording will reduce the potential for disputes during legal proceedings. It will ensure that the regulators, the defendant, and the courts have a reliable and objective recording of the interview. It is a safeguard for both inspectors and interviewees. The new sections 155 (8) and 185A do not increase any of the work health and safety inspector's current powers to require a person to provide information. They simply provide a statutory framework for the recording process, and facilitate the capturing of clear, accurate and objective records of interviews.

The protections afforded to individuals under the Work Health and Safety Act 2011 will not be reduced. The Act will continue to provide that an answer to a question by an individual is not admissible as evidence against that individual, other than in proceedings arising out of false or misleading information being provided by the individual. It should be noted that several New South Wales Acts already include a specific power for an authorised officer to use sound recording or audiovisual apparatus to record questions and answers, provided notice has been given.

The bill also clarifies the extraterritorial application of the information-gathering power in the Work Health and Safety Act 2011 by inserting a new section 155A into the Act. Workplace incident investigations are at times hampered, as the Work Health and Safety Act 2011 does not currently give regulators a clear power to require the production of documents from outside of New South Wales during an investigation. The only alternative option currently available to regulators to obtain such information is to subpoena the information after court proceedings have commenced. This is a very inefficient use of court resources as the regulators do not know prior to bringing proceedings whether information that is held interstate will be relevant. It is far more desirable, and a better use of resources of both the regulators and the courts, for the regulators to gather this information during an investigation.

The need for this provision is even more pressing as, due to technological advances, the number of businesses operating in New South Wales that have their head office, data centres, or control rooms located outside the State is growing. This means that the operations of mines and other workplaces can be controlled or monitored remotely from another jurisdiction. There has also been an increase in the number of businesses operating in New South Wales that have their registered address outside New South Wales and in fly-in fly-out workers coming into New South Wales due to the construction boom. It is intended that new section 155A will ensure the regulators can issue notices outside New South Wales related to incidents that have occurred in New South Wales in order to obtain information of which a person located outside of New South Wales has knowledge, obtain documents located outside New South Wales, and require a person located outside New South Wales to give either oral or written evidence and produce those documents.

The national work health and safety model law expressly permits States and Territories to insert local provisions relating to extraterritoriality, including the extraterritorial reach of offences. Several jurisdictions have already implemented extraterritoriality clauses within their local work health and safety legislation, including South Australia, the Australian Capital Territory and the Commonwealth. The bill also addresses the concerns of stakeholders regarding technical arguments raised during criminal proceedings about the validity of regulator appointments and delegations. Clause 8 of schedule 2 to this bill inserts a new section 233A in the Work Health and Safety Act.

It is not uncommon for defendants to challenge the validity of appointments and delegations of the regulator in order to avoid conviction and/or reputational damage on the basis of a technical defect in the prosecution process. To date, all such challenges have been unsuccessful as the regulators have not brought proceedings without being properly authorised, and they have been able to prove this in court when required. However, challenges of this nature add significant time and cost to proceedings and only serve to distract from the core issues in contention.

The insertion of new section 233A in the Work Health and Safety Act will enable documents certifying the status of persons as inspectors or members of regulator staff to be tendered as prima facie evidence in legal proceedings. This is intended to have the effect of minimising unnecessary challenges to the validity of regulator appointments and delegations in future. Clauses 1 and 6 of schedule 2 to the bill omit the term "facsimile" from the note in section 38 (3) and from section 209 (1) (a) of the Work Health and Safety Act in order to reflect current practice, as SafeWork NSW generally ceased the use of facsimiles as a form of notification from December 2015.

It is not intended that these amendments will preclude the regulators from using this facility under the Work Health and Safety Act if required. The relevant provisions still refer to "electronic transmission" or transmission by "other electronic means", which will allow for faxes.

Finally, the bill further proposes two minor technical amendments to the Work Health and Safety Act to: first, remedy an incorrect reference to a provision in section 166 (1), bringing the Work Health and Safety Act into line with the work health and safety model law; and, secondly, to insert a reference to "the Attorney General" in section 230 (5), which will remove ambiguity as to whether the Attorney General may commence Work Health and Safety Act prosecutions. As previously mentioned, the Work Health and Safety Act is part of a model scheme, the development and maintenance of which is shared jointly by the States, Territories and the Commonwealth Government. These amendments to the New South Wales specific provisions of the Work Health and Safety Act 2011 will enhance the operation of the national model work health and safety laws in New South Wales.

SafeWork NSW and the resources regulator will continue to work with stakeholders to ensure that businesses and workers are aware of and understand their responsibilities once the bill is enacted. The Work Health and Safety Amendment Bill 2018 will help the regulators to improve public safety and assist in making the lives of workers and business owners in New South Wales healthier, safer and more productive. I commend the bill to the House.

Debate adjourned.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): I will now leave the chair. The House will resume at 2.30 p.m.

The PRESIDENT: Order! According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

WATER COMPLIANCE AND ENFORCEMENT

The Hon. ADAM SEARLE (14:30): My question without notice is directed to the Minister for Primary Industries, and Minister for Regional Water. Given that the Minister informed the House yesterday that he had misled it and that he gave as an explanation for the delay in informing the House the need to obtain further advice, what advice did he seek, from whom, when was it received and when will he provide that advice to the House?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:31): I thank the honourable member for his question. As I said yesterday, the Deputy Ombudsman conducted a thorough investigation and briefed me on his preliminary findings on 12 February—I repeat, his preliminary findings—and I informed the Parliament of this fact yesterday after seeking advice from the secretary of my department. As I also said yesterday, the correct figures will be included in the Ombudsman's report on this investigation to be tabled later this week and I can look forward to further discussion of the matter after that time.

The Hon. ADAM SEARLE (14:31): I ask a supplementary question. Will the Minister elucidate that part of his answer where he referred to obtaining advice from the secretary of the department and inform the House as to what that advice was?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:32): I thank the Hon. Adam Searle for his supplementary question. The advice that I sought was in relation to my obligations once learning of the information from the Ombudsman. Once I confirmed with the secretary the preliminary findings of the Ombudsman, I took the first available opportunity—which was yesterday—to inform the House that the correct figures will be in the Ombudsman's report that will be tabled later this week.

SYDNEY WATER WASTEWATER OUTFALLS

The Hon. SCOTT FARLOW (14:32): My question is addressed to the Minister for Resources, and Minister for Energy and Utilities. Will the Minister update the House on Sydney Water's plans to deliver a long-term solution to wastewater outfalls at Vacluse and Diamond Bay in Sydney's east?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:33): Absolutely, and I thank the Hon. Scott Farlow for his question. Sydney Water has a long track record of providing lasting solutions for protecting public health and the environment. I am pleased that there was an announcement today by Sydney Water to start a process of exploring a long-term solution to improve wastewater discharges from untreated ocean outfalls at Vacluse and Diamond Bay. I am sure that many members will be aware of the long history of this issue. These outfalls are a legacy from our early wastewater network, dating back nearly 100 years. In fact, the outfalls, which date from 1916, are our last untreated ocean outfalls.

Sydney Water has been investigating options since the 1980s to improve this, although to date a long-term solution has yet to be agreed upon. In 2010 Sydney Water completed an improvement plan that involved inspecting, cleaning and repairing 12 kilometres of mains sewers in the area. This work reduced blockages by 50 per cent and reduced wastewater overflows in the area. More recently, Sydney Water finalised a comprehensive pollution study, along with the Environment Protection Authority [EPA], that assessed potential environmental and public health risks posed by the outfalls. The study identified and assessed new information and, based on that new information, concluded that the risk to public health and the environment is likely to be greater than previously understood.

As part of the study, Sydney Water has clear data on the number of members of the public accessing the area—which is now understood to be around 2,000 people a year—for recreational activities such as diving, fishing, swimming and abseiling. I told Sydney Water when I was briefed about this that it was time to find a solution. In response to the study, the immediate focus of the New South Wales Government is on protecting public health in New South Wales. Sydney Water has already installed temporary signage along known access tracks and developed a fact sheet, which is available on its website. At the same time, Sydney Water has begun to look at options for a permanent solution. Community consultation will start next month. To facilitate consultation, Sydney Water has made the pollution study and fact sheets publicly available. Sydney Water will also work closely with the EPA and other experts. This consultation will be key to identifying the best solution.

Sydney Water will also consider advancements in technology, such as micro-tunnelling technology, which allows underground boring with minimal impact to properties above. These options were not available before. Where the consultation process identifies an agreed solution, Sydney Water will look to include the project in its next capital works program. This program will be submitted to the Independent Pricing and Regulatory Tribunal next year for consideration as part of Sydney Water's next price determination. Despite the study, it is important to note that the State of the Beaches report for 2016-2017 shows that recreational beaches in the vicinity continue to have good water quality, including Bondi. I recognise the member for Coogee and the member for Vaucluse—*[Time expired.]*

WATER COMPLIANCE AND MANAGEMENT

The Hon. WALT SECORD (14:37): My question without notice is directed to the Minister for Primary Industries, and Minister for Regional Water. Given his ministerial statement yesterday when he admitted misleading the Parliament on water compliance and enforcement and given that previously, on 20 September 2016, he apologised to the Parliament for misleading it on Crown land matters, did the Minister mislead the Parliament for a third time on 15 November 2017 when he said in relation to water compliance and enforcement, "While I cannot change what has happened before, I can make the commitment that these issues are now being considered seriously"?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:37): I thank the member for his question. He said that I said we are taking these compliance matters seriously—that is absolutely correct.

The Hon. Penny Sharpe: Why do you keep misleading the Parliament then if you are taking it seriously?

The Hon. NIALL BLAIR: That is why we have created the Natural Resources Access Regulator—to build a compliance and enforcement regime that ensures strong and certain regulation of water.

The Hon. Penny Sharpe: Is it going to check your answers to Parliament?

The Hon. Trevor Khan: Point of order: Mr President, whilst it seems that you are showing leniency regarding interjections, Opposition members have commenced interjecting at the very start of question time and are showing a high degree of discourtesy to the Minister. I ask that you call them to order.

The Hon. Walt Secord: To the point of order: The Deputy President may not take misleading the Parliament seriously, but we definitely do.

The Hon. Trevor Khan: To the point of order: Mr President—

The PRESIDENT: I will rule on the first point of order raised by the Hon. Trevor Khan. I uphold the point of order. I will rule now in relation to the response to the point of order given by the Hon. Walt Secord. I call the Hon. Walt Secord to order for the first time. That was an outrageous response to a point of order and one that I will not accept. I do not need to hear further from the Hon. Trevor Khan. I remind all members, as I did yesterday, of the ruling of then President Primrose in June 2007:

By tradition ... the Chair tolerates interjections that are not disruptive, particularly if they facilitate the exchange of views and arguments in debate. However, the Chair will not tolerate disruptive interjections.

Perhaps I did not make that clear yesterday, but I make it clear now: The ruling of then President Primrose also applies to question time. I try to be tolerant but the interjections are clearly becoming disruptive. I will start calling to order those members who continue to interject. The Minister has the call.

The Hon. NIALL BLAIR: Point of order: Returning to the previous point of order that has been ruled upon, the Hon. Walt Secord referred the comment "not taking misleading this House seriously" not to an individual member of the House but to the position of Deputy President. I believe that is making an imputation against not only an office bearer of this House but also the House itself. I seek that that matter be looked into as an individual point of order. It is casting aspersions on the Chamber.

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

The Hon. Penny Sharpe: To the point of order: The Minister has abused the terms of taking a point of order. First, he is canvassing a ruling of the Chair; and, secondly, he is making debating points to further an argument that he is having with the Deputy Leader of the Opposition. It is inappropriate and out of order.

The Hon. NIALL BLAIR: Further to the point of order: I was not trying to debate the point made by the Hon. Walt Secord. The member should have directed his point of order at the individual member, not at the House.

The PRESIDENT: I do not intend to spend any more time on this issue during question time. I believe the matters raised are incredibly important, and I will reserve my judgement on them and come back to the House. I remind the Hon. Walt Secord that he is on two calls to order and we are only 11 minutes into question time. The Minister has the call.

The Hon. NIALL BLAIR: The member said I commented to the Chamber that we take water compliance seriously. The new regulator that has been set up by legislation that passed through the Parliament is chaired by Craig Knowles. It is set to be operational in the coming months. Last month the regulator signed a memorandum of understanding with the Murray-Darling Basin Authority underpinning a cooperative approach to compliance in the New South Wales Murray-Darling Basin. A new division has been established within the Department of Industry. A dedicated Water Renewal Taskforce has been established to implement the Water Reform Action Plan published in December. All those actions clearly signal that the Government takes this matter seriously. Although I do not doubt that the member is attempting to mislead, if—as the member states—I made those comments, I can say I do take water compliance seriously and those actions clearly demonstrate that.

MUSEUM OF APPLIED ARTS AND SCIENCES CENTRE FOR FASHION BALL

The Hon. ROBERT BORSAK (14:43): My question without notice is directed to the Hon. Don Harwin in his capacity as Minister for the Arts and relates to my question yesterday about the inaugural Museum of Applied Arts and Sciences Centre for Fashion Ball 2018. I understand that the purpose of the fundraiser was to raise money for purchasing Australian fashion and that some 300 people attended this exclusive event at a cost of \$11,000 per table. I have received reports that the event raised less than \$300—or less than \$1 per guest. Will the Minister inform the House how much money was raised at the event, where did all the money go, and will he guarantee that no costs were met by the taxpayer?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:44): The Hon. Robert Borsak has asked a question about fundraising from the Museum of Applied Arts and Sciences Centre for Fashion Ball. I am able to give him an immediate response. It was a successful event from the point of view of fundraising and I am advised more than \$70,000 in donations for the Australian Fashion Fund were raised at that particular function. His information is incorrect.

The Hon. ROBERT BORSAK (14:44): I ask a supplementary question. Will the Minister elucidate his answer specifically with regard to the net profit of this fundraising event after all costs were deducted?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:45): I do not think I can be clearer. It was a fundraising function and there were donations of \$70,000 to the Australian Fashion Fund. I will take the supplementary question on notice and consider it carefully. If further information needs to be provided to the House, I will do so.

UNITED ARAB EMIRATES TRADE RELATIONSHIP

The Hon. BRONNIE TAYLOR (14:45): I address my question to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on how the New South Wales Government is developing our State's international trade?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:45): I thank the honourable member for her question. Developing our

trade relationships is part of the New South Wales Government's vital work to ensure that our State remains the powerhouse of the Australian economy. Our relationship with the United Arab Emirates [UAE] provides a great example of how this Government is working to open new opportunities for New South Wales businesses in order to generate jobs for the future. The United Arab Emirates is the gateway to the Middle East and is a rapidly growing nation with one of the highest per capita incomes in the world. The good news is that a dinner table in Dubai now features the best produce from across the length and breadth of New South Wales. Air links from Sydney to the United Arab Emirates mean that we can capitalise on the rapidly increasing appetite for our world-beating produce.

Last month I was able to provide support to New South Wales food and beverage producers seeking new markets in the United Arab Emirates at Gulfood in Dubai. It is the world's largest food trade show, attracting more than 97,000 visitors from around the world. Honey Australia, Mudgee, was one of 22 companies in the New South Wales pavilion. The company employs 15 people and has its own manufacturing facility. It produces 300 tonnes of honey a year and exports to Asia, the United States of America and the United Kingdom. Nathan Maiolo, who runs the company with his brother Nicholas, said that attendance at Gulfood had sparked enormous interest and they will soon appoint an agent in the United Arab Emirates.

The United Arab Emirates' hunger is not only for our produce but also for our agricultural expertise. This was emphasised in a meeting with the United Arab Emirates Minister for Future Food Security, Her Excellency Mariam Bint Mohammed Almheiri. But it is not just a story about food. I toured the University of Wollongong, Dubai campus. It is the first overseas university to be established in the United Arab Emirates and is one of the most prestigious education institutions in the region. Its work is a demonstration of how free trade brings benefits beyond national boundaries. More than 100 students from the University of Wollongong, Dubai, studied at the Australian-based campus during 2016-17, enhancing our people-to-people links.

Beyond providing food and education in the United Arab Emirates, we hope to partner with the United Arab Emirates in the next stage of economic growth. This will include opportunities around the Western Sydney airport development, which is why I ensured that I briefed prominent aviation companies such as Emirates and Etihad as well as sovereign wealth funds. I was able to discuss the airport and the new aerotropolis with the United Arab Emirates Minister for Economy, His Excellency Sultan Al Mansouri, who has witnessed first-hand similar developments in the United Arab Emirates. The New South Wales Government will continue to promote trade and investment with our friends in the United Arab Emirates and I look forward to continuing my role as Minister for Trade and Industry to ensure that the relationship continues to grow.

I thank the Australian Ambassador to the United Arab Emirates, Mr Arthur Spyrou; New South Wales Trade Commissioner in the United Arab Emirates, Moin Anwar; and all the team at Austrade and the Australian Embassy who worked so hard to make my trip a success. I know that Mr President visited the UAE and also spent some time at the University of Wollongong campus. This year the university is celebrating 25 years in Dubai, which is a fantastic achievement. It was an honour to meet with students not only at the campus but also at alumni functions and going about their everyday business. It highlights the great work of the University of Wollongong.

TAFE NSW REDUNDANCIES

Ms DAWN WALKER (14:49): My question is directed to the Minister for Primary Industries, representing the Assistant Minister for Skills. How many full-time equivalent positions will be made redundant within TAFE NSW this financial year? Is it correct that all recruitment and redundancies for TAFE NSW must be completed by April 2018?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:50): I will refer the question to the Assistant Minister for Skills, whom I represent in this Chamber. First, I will check whether the question contains argument.

The Hon. Penny Sharpe: If it has argument you should have done that before you started answering it.

The Hon. NIALL BLAIR: No, I am happy to take the question on notice.

The Hon. Penny Sharpe: You cannot check it for argument now.

The Hon. NIALL BLAIR: No, I can do that as well.

The PRESIDENT: Order!

The Hon. NIALL BLAIR: I will refer the question to the Minister, who I am sure will provide a detailed response in due course.

WATER COMPLIANCE AND ENFORCEMENT

The Hon. PETER PRIMROSE (14:51): My question is directed to the Minister for Regional Water. Given that the Minister and his department misled this Chamber and the NSW Ombudsman, will he now guarantee that he and his department did not mislead the Matthews inquiry?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:51): In relation to the preliminary findings that the NSW Ombudsman discussed with me, we will no doubt return to those matters once we see the Ombudsman's final report. In relation to the inquiry conducted by Mr Matthews, at every stage all of my agencies have not only participated and assisted Mr Matthews but also clearly acted promptly and in a response—

The Hon. Penny Sharpe: How do we know you didn't mislead them?

[Interruption]

The Hon. Scott Farlow: Point of order: The interjections back up my point of order. Opposition interjections are becoming quite loud and Hansard has no chance of recording what is happening in the House.

The Hon. Adam Searle: To the point of order: The honourable member is notorious for being asleep at the wheel in doing his job in this Chamber but the belated taking of points of order is just—

The Hon. NIALL BLAIR: That is the worst debating point.

The Hon. Adam Searle: You have been sitting there carrying the load for your side and no-one has been running interference to support you. I think you would just like to have a bit of assistance.

The Hon. NIALL BLAIR: No wonder he does all the talking for you.

The Hon. Don Harwin: To the point of order: The Leader of the Opposition has just made a slur against a member of this Chamber and should be called to order.

The PRESIDENT: I uphold the point of order. In light of the response by the Hon. Adam Searle, I call him to order for the first time. As I indicated previously to the Deputy Leader of the Opposition, points of order, or responses to points of order, are not an opportunity either to make a debating point or, worse still, to make imputations against another member.

The Hon. NIALL BLAIR: We have participated with Mr Matthews' investigation. Once he has provided his interim and his final report the Government, along with the agencies under my responsibility, have to work to make sure that we implement those recommendations. We have already spoken today about the function of the Natural Resources Access Regulator that was created as a result of Mr Matthews' report. Next week we will start to see consultation being rolled out across the State about the next changes to the water reform, including legislation that we will be bringing back to this Parliament to address those issues. If the Hon. Peter Primrose has any evidence of anyone, or anyone in my agencies, not participating in or misleading such inquiries, I suggest that he report it to the appropriate authorities.

The Hon. PETER PRIMROSE (14:55): I ask a supplementary question.

The PRESIDENT: Order! The Hon. Penny Sharpe will allow the member to ask his question in silence.

The Hon. PETER PRIMROSE: Will the Minister elucidate his answer as to whether any of the inaccurate information that was presented to this House was also presented to the Matthews' inquiry?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:55): I am happy to take the question seeking elucidation on notice and report back to the House in due course.

NAIDOC WEEK

The Hon. NATALIE WARD (14:55): My question is addressed to the Minister for Aboriginal Affairs. Will the Minister update the House on how the Government is working to increase cultural awareness and Aboriginal achievements in our communities?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:56): This Government is a proud supporter of NAIDOC Week, which is why it is my absolute pleasure to update the House today. Yesterday this Government announced a further \$200,000 to support celebrations across the State in 2018. As members will know, NAIDOC Week is a time for all Australians to celebrate Aboriginal and Torres Strait Islander history, culture and achievements, and to recognise the contributions that our First Peoples make to this country and our community. The 2018 NAIDOC

Week celebrations will be held from 8 to 15 July. The National NAIDOC Awards Ceremony will be held in Sydney to recognise and celebrate the outstanding achievements of Aboriginal and Torres Strait Islander Australians in their chosen field. Traditionally, the National NAIDOC Awards are held on the Friday evening during NAIDOC Week, and are telecast or livestreamed via NITV to Aboriginal and Torres Strait Islander communities across Australia.

I am sure some members are aware that the National NAIDOC theme announced for 2018 is "Because of her, we can!", which I think is most fitting for this year in particular. It is an opportunity to focus on the invaluable contribution that Aboriginal and Torres Strait Islander women have made, and continue to make, to their families, communities, culture, history, and to our nation. As we know, Aboriginal and Torres Strait Islander women make invaluable contributions to the communities. For example, Aboriginal business woman Kristal Kinsela was last year named Aboriginal Woman of the Year as part of the NSW Women of the Year Awards administered through Women NSW. The awards are announced each year as part of International Women's Day celebrations and Kristal, who is a Jawoyn and Wiradjuri woman, received the award in recognition of her work in education and training, organisational and workforce development and as a supplier of diversity across government and non-government agencies.

However, there are many more Aboriginal and Torres Strait Islander women out there who are the quiet achievers and who are doing great things in and for their communities. In recognising the importance of NAIDOC Week, each year the Government administers grants to eligible organisations to assist in the delivery of local community celebrations throughout the State. Yesterday I was delighted to announce officially that the Liberal-Nationals Government will continue to support this important date on the Australian calendar by opening the 2018 round of NAIDOC Week grants. Past cultural celebrations and events to which Aboriginal Affairs has contributed include community gatherings incorporating traditional activities such as song, dance and storytelling, as well as smoking and flag-raising ceremonies, art exhibitions and workshops. In 2017 we supported the Jimmy Little Gathering in Bathurst—a music and cultural festival that brought together local and non-local artists to commemorate the life of Jimmy Little and to celebrate local Aboriginal culture.

Another event funded by the Government last year was the Inner City NAIDOC Family and Sports Day at the National Centre of Indigenous Excellence in Redfern. This event attracts well over 5,000 Aboriginal and non-Aboriginal people each year and features free rides, sports clinics, performers, information stalls, art and culture workshops, and activities for kids and elders. The Government recognises that through investment in events such as this it is supporting economic and social outcomes in the local community. In addition, these events promote greater community cohesion, giving all Australians an opportunity to learn about the culture and heritage of the first Australians and the contribution they have made and continue to make to our history and collective identity as a nation.

As Minister for Aboriginal Affairs, I will attend a number of regional gatherings across New South Wales during NAIDOC Week. It is an enjoyable part of my role to meet with key stakeholders and to celebrate Aboriginal achievements within local communities. I encourage all my colleagues do to the same; I am sure many of them already do. It is important for all of us to take part in the week's events in the interests of raising awareness and celebrating first nations people across the State.

SHENHUA WATERMARK MINING EXPLORATION LICENCE

Dr MEHREEN FARUQI (15:00): My question without notice is directed to the Minister for Aboriginal Affairs. The traditional owners of the land at Breeza—the Gomeroi people—have been locked out of visiting their sacred sites on land owned by Shenhua for the Watermark coal project for many years. Will the Minister personally intervene and establish a right of access for Aboriginal people?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (15:00): Ensuring the protection of Aboriginal heritage is a key priority for this Government. As Minister for Aboriginal Affairs, I regularly confer with my colleagues regarding issues affecting the Aboriginal community. I am advised that the legislation covering the specific issue that the member has raised crosses a range of government departments and a number of Acts. I am, however, also advised that the area in question is currently covered by an exploration licence issued under the Mining Act. As such, locations within the title area are working exploration areas. These areas may be fenced off for work health and safety reasons. The purpose of any fences on the site is to ensure safety for all those accessing the site and to assist in meeting obligations under the Work Health and Safety Act 2011.

In addition, condition 42 of the Shenhua Watermark project development application requires the preparation and implementation of a heritage management plan. The plan requires Shenhua to maintain and manage reasonable access for Aboriginal stakeholders to heritage items on the site. That is a matter for the Minister for Planning. I am aware that the Gomeroi people have lodged an application with the Federal Government seeking

a review under section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act. The review is ongoing, with a determination expected to be handed down shortly. I hope that the company can continue to work with the Gomeroi people to address the issues and ensure the protection of valuable Aboriginal heritage.

WATER COMPLIANCE AND ENFORCEMENT

The Hon. MICK VEITCH (15:02): My question without notice is directed to the Minister for Primary Industries, and Minister for Regional Water. What is the Minister's response to community concerns that the longstanding tradition of ministerial responsibility dictates that when a Minister misleads the Parliament, they resign? When will the Minister resign?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:02): As we heard earlier, when I was informed about the preliminary findings of the Ombudsman I sought further advice. At the appropriate time at the start of this sitting week I informed the House that the correct numbers will be provided in the Ombudsman's report. We do not have the Ombudsman's report yet to identify what the final numbers are because his meeting with me was on his preliminary findings.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. NIALL BLAIR: We wanted to make sure that I not only informed the House at the earliest convenience that there was an error in the numbers provided but also clearly outlined that the Ombudsman will be tabling the report and it will have the correct numbers in it. In relation to when I am going to resign as Minister for Primary Industries, and Minister for Regional Water, I could say that I will resign when they can find someone who will stand up for our primary producers more than I will, work harder to advance the cause of our regional communities better than I do and better understand the danger that members opposite present to the communities and industries that I represent. I have not found that person yet. They are certainly not sitting on the other side of the Chamber.

The Hon. Penny Sharpe: Point of order: This is a serious question to do with ministerial responsibility. The Minister is no longer being relevant to the question asked.

The PRESIDENT: Order! The Minister is being generally relevant. My difficulty is that I can hardly hear what the Minister is saying because of interjections from members on both sides. I do not know how Hansard can possibly work it out. Members will cease interjecting. This is an important question. The Minister has the call.

The Hon. Mick Veitch: Point of order: If the Minister wants to continue to cast aspersions on members of The Nationals he should do so by way of substantive motion.

The PRESIDENT: Order! There is no point of order.

The Hon. NIALL BLAIR: I was talking about the Libs.

The Hon. Trevor Khan: I don't want the gig.

The Hon. NIALL BLAIR: You're not going to get it, that's for sure. I am proud to stand on my record in this area.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the second time.

The Hon. NIALL BLAIR: I am proud to stand on my record when it comes to Primary Industries, Regional Water, and Trade and Industry. Although it might make it easier for members opposite if I stood down, I can guarantee London to a brick that I am not going anywhere. I am going to be under their ribs at every stage, telling everyone in regional New South Wales about the risk that members opposite pose to our regional communities and our primary industries sector, in particular. That is demonstrated by the fact that their friends and colleagues in Canberra and South Australia have walked away from our regional communities and put \$180 million of environmental water projects down the drain. The biggest risk to regional New South Wales is members opposite. I will address any issue that comes up. I am the one who has introduced legislation to address issues that we have identified through things such as the Matthews inquiry. I am not done yet; there is so much more to do. A large part of it is to show everyone in regional New South Wales—

The PRESIDENT: Order! The Clerk will stop the clock. The Minister will resume his seat. It is difficult for me to work out who to call to order because almost every Opposition member is interjecting. The Minister has the call.

The Hon. NIALL BLAIR: If members opposite want me out of this gig they will have to work harder, work smarter, get across the issues, and come and get me.

CULTURAL INFRASTRUCTURE MANAGEMENT

The Hon. NATASHA MACLAREN-JONES (15:08): My question is addressed to the Minister for the Arts. Will the Minister update the House on how the New South Wales Government is delivering the cultural infrastructure that regional New South Wales so desperately needs?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:08): I assure the House that the Government is not just delivering cultural infrastructure for regional New South Wales; it is delivering the cultural infrastructure that regional New South Wales actually needs. Previous plans for cultural infrastructure in regional New South Wales were either lacking or only relevant at a local or regional level. State agencies, local councils and cultural organisations were without a strategic statewide plan when it came to deciding where and when to fund cultural infrastructure in regional New South Wales.

However, an infrastructure plan is only half the equation. The other half is ensuring that there is support available for cultural infrastructure in regional New South Wales. This Government is investing hundreds of millions of dollars in cultural infrastructure. That is why we need a plan to deliver it. Following the completion of Infrastructure NSW's Cultural Infrastructure Strategy advice, our recently created Cultural Infrastructure Program Management Office has been consulting with the entire State to turn that strategy into a realistic plan to deliver cultural infrastructure. That plan will build on and respond to Infrastructure NSW's advice. For the first time, New South Wales will have a set of clear priorities to deliver a strategic and long-term approach to cultural infrastructure investment in regional and metropolitan New South Wales.

The new Cultural Infrastructure Program Management Office has only recently completed a rigorous and genuine consultation program for the plan. The team has travelled more than 8,000 kilometres to 15 locations and engaged with more than 400 representatives from the cultural sector in workshops. We are also hearing directly from the people of New South Wales. The team has sought feedback from local communities. It visited 14 local communities—shopping centres, sidewalks and foreshores—and heard directly from more than 1,400 community members about cultural infrastructure. Consultations were undertaken in Armidale, Bega, Broken Hill, Coffs Harbour, Cooma, Dubbo, Goulburn, Lismore, Newcastle, Orange, Terrigal, Wagga Wagga and Wollongong. In addition, there has been a strong response to our surveys—namely, more than 3,200 responses from throughout the community and the cultural sector to date. Developing a strategic plan for cultural infrastructure in regional New South Wales is one thing, but the Government is also delivering cultural infrastructure to regional New South Wales.

The PRESIDENT: Order! I remind the Hon. Penny Sharpe that she is on two calls to order.

The Hon. DON HARWIN: The New South Wales Government's Regional Cultural Fund is the single biggest investment in the regional cultural sector in the history of this State, and the Government and I are very proud of that fact. Over four years some \$100 million will be invested in cultural infrastructure projects in all corners of the State. With the completion of the Cultural Infrastructure Plan, we can ensure that all future projects under the fund align with the strategic vision for New South Wales. I am proud that New South Wales is in the financial position to make such a big commitment to cultural infrastructure in regional New South Wales. As I and others on this side of the House know, it is arts and culture that enliven regional communities and keep them the great places they are to live in.

SYDNEY WATER WASTEWATER OUTFALLS

Mr JUSTIN FIELD (15:12): My question without notice is directed to the Minister for Resources, and Minister for Energy and Utilities. Given that community concern about untreated wastewater outfalls at Vacluse and Diamond Bay has existed for decades, and given that a recent pollution study report identified very high health and environment risks from the current discharge, will the Minister inform the eastern suburbs community and the Minister for the Environment—who lives there—when untreated sewage will stop flowing from outfalls in the eastern suburbs?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:13): I am not sure where Mr Justin Field was at about 2.35 p.m. this afternoon, but he obviously was not in the House. However, I knew this might happen so I have another answer for Mr Justin Field. As I told the House earlier, this problem goes back to 1916 when the outfalls were built. Sydney Water has been looking at it for a while.

The PRESIDENT: Order! The Clerk will stop the clock. The Minister will resume his seat. A member has asked a question of the Minister, who will answer it in accordance with the standing orders and past rulings. It is not for Government or Opposition members to answer or debate the question, or to make light of it. The member who asked the question is entitled to the same respect as all members are entitled to when asking a

question. The Minister will be given the opportunity to answer the question without interruption. The Minister has the call.

The Hon. DON HARWIN: In 2010 Sydney Water completed an improvement plan, which involved inspecting, cleaning and repairing 12 kilometres of main sewers in the area. That work reduced blockages by 50 per cent and reduced wastewater overflows in the area. Although that was a step forward, it was not a solution to the problem. In 2016 Sydney Water responded to the New South Wales Environment Protection Authority's request for a study into the level of risk to the environment and public health posed by the three outfalls. As part of that study Sydney Water reviewed existing information about the outfalls and the ocean, engaged with key stakeholders and carried out wastewater dispersion modelling.

Since finalisation of that study, Sydney Water has been liaising about the appropriate way forward. The Government fully supports finding a long-term solution but it is important that proper process be followed. There is a need for community consultation. The new information from the pollution study, and advances in technology since this was looked at previously, warrant consultation on the possible ways forward before a long-term solution is decided upon. It would be wrong to pre-empt the consultation process with the community.

Following the outcome of the consultation process, and consistent with the funding approach for all Sydney Water capital works programs, the project will be included in Sydney Water's submission to the Independent Pricing and Regulatory Tribunal [IPART] for its next determination of Sydney Water's prices. The IPART process is important. It provides rigorous assessment to ensure that household bills are as low as possible and that consumers get value for money. This is vital. One of the reasons for water bills being \$100 less this year—

The Hon. Shayne Mallard: How much?

The Hon. DON HARWIN: As I was saying, one of the reasons for water bills being \$100 less this year for the average household—and they will be lower again next year—is this rigorous process in looking at what the capital needs are. Work was done on this in the past but a lot has happened since then. As the Minister for Energy and Utilities, and the Minister responsible for Sydney Water, I have made it quite clear that I want a permanent solution. However, I will not rush into an announcement without making sure that we consult with the community on the best way forward. There is a number of different options, all of which have different cost implications. We will go through the proper process of getting the Independent Pricing and Regulatory Tribunal to look at them. That is the responsible thing to do. I have run out of time so I will have to leave this for another occasion, but I have been a little surprised by some of the shadow Minister's comments about this matter.

TANDOU WATER ENTITLEMENT

The Hon. GREG DONNELLY (15:18): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. In light of allegations of corruption made in the *Sydney Morning Herald* on 21 February 2018, does the Minister stand behind his praise for the decision to buy out the water entitlements of Lake Tandou as a "win-win", given the suggestion, as reported in the *Guardian* on 26 October 2017, that then Deputy Prime Minister Barnaby Joyce and the Federal Government paid almost twice the amount recommended by a valuation placed on the water entitlements by its own agency?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:19): I thank the Hon. Greg Donnelly for his question. While raising the Tandou water buybacks, he has referred to allegations of corruption reported in the *Sydney Morning Herald*. It is difficult to respond specifically to the question because of a lack of detail about the alleged corruption. However, in addressing the parts of the question to which I think he alluded, I can state that at the time the Federal Government announced its intention to purchase the Tandou water entitlement, I said that that was win-win because, on the one hand, it was solely a decision by the Commonwealth Government to acquire Tandou's water entitlement, and not a decision of the New South Wales Government—at no stage did the New South Wales Government intervene in that transaction—and, on the other hand, the buyback delivered good environmental outcomes through a direct reduction in water being taken out of the system. It provided significant additional environmental benefit as less water was being lost while servicing this entitlement. That is why I would have made those comments at the time.

In Senate estimates the Federal Government was subjected to hours and hours of questioning on the Tandou water buyback. The matter was examined thoroughly through the Senate estimates process. The decision was made by the Commonwealth Government. My department has made it clear that the Tandou purchase is fundamental to achieving the maximum water recovery offset for the Menindee Lakes water savings project, which would have helped New South Wales meet its water recovery targets—until the Opposition's mates in Canberra decided to throw out a plan that had been agreed to by all States, including the Commonwealth. Those

opposite should not suddenly act interested in what is happening in that part of the system when the toolbox measures that were designed to provide environmental water—

Mr Scot MacDonald: Point of order: Mr President, I cannot hear the Minister's answer because of the galahs on the other side. Will you call them to order?

The PRESIDENT: I call Mr Scot MacDonald to order for the first time. It is unacceptable for him to refer to Opposition members as "galahs". He will treat the taking of points of order with respect. There is no point of order. I call the Hon. Shaoquett Moselmane to order for the first time.

The Hon. NIAL BLAIR: These water purchases were made as part of the broader project of the Murray-Darling Basin Plan—a plan that those opposite, through their Federal counterparts and their colleagues in South Australia, have now thrown onto the scrapheap. It was an opportunity to deliver better water outcomes for communities and the environment. Those opposite did not understand what they were condoning and do not understand that their mates in Canberra were more worried about the skins of their mates in South Australia than the environment here in New South Wales. It is disingenuous for them to suddenly be interested in these projects and purchases. It was a win-win; it provided social economic certainty and environmental outcomes. [*Time expired.*]

FERAL ANIMAL CONTROL

The Hon. WES FANG (15:24): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister please update the House on how Local Land Services is supporting land managers in the south-east to better manage pest animals?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:24): I thank the honourable member for his question. Last week, along with many of my colleagues, I visited the great seat of Goulburn. During that visit I stopped by the Local Land Services [LLS] office to meet the local team.

The Hon. Courtney Houssos: Did you make it all the way to Queanbeyan?

The Hon. NIAL BLAIR: Queanbeyan is not in the seat of Goulburn. It was great to hear about the work that they are doing on the ground—in particular, the work of the Feral Fighters program.

The Hon. Don Harwin: Point of order: The Hon. Courtney Houssos and the Hon. Penny Sharpe have been interjecting for almost the entire duration of the Minister's answer. It is ridiculous. It is not acceptable.

The PRESIDENT: I uphold the point of order. I remind the Hon. Walt Secord that he is on two calls to order. I remind the Hon. Penny Sharpe that she is on two calls to order.

The Hon. NIAL BLAIR: Pest animals—including foxes, feral pigs, wild dogs and rabbits—pose a great threat to our rural communities. They prey on livestock and native wildlife, carry diseases, and have a negative impact on the environment. They are a risk to the reputation of New South Wales as a bio-secure State. The Feral Fighters program brings together communities and neighbours for strategic, coordinated and targeted pest animal control campaigns at key times of the year, such as autumn and spring.

Group control programs are considered best practice in pest animal management. The more land managers involved, the greater the area covered, which means there are fewer places for pests to inhabit. The program has evolved from a partnership between South East Local Land Services and Gunning District Landcare. Launched in 2015, they had 200 land managers involved in their first campaign. The program now has more than 2,030 members throughout the south-east region. In 2017 the biosecurity teams trained 619 land managers and issued enough baits to control pest animals across almost 1.5 million hectares. This is a great result in a challenging and ever-evolving space. The group training sessions not only ensure land managers have the skills required, but also help create local networks. Members are equipped with signs to put on their farm gates, which demonstrates their commitment and encourages others to participate. The program demonstrates how South East Local Land Services is supporting land managers in meeting their general biosecurity duty.

I later accompanied staff to meet with some of the Goulburn area Feral Fighters local champions, prior to the launch of the autumn fox baiting program. It was great to listen to these dedicated land managers in person and thank them for their commitment and contribution. Their response was positive; they spoke highly of the support and advice provided by the LLS team and the impact the program has had on pest animal activity. I was particularly interested to hear about the efforts of land managers on smaller blocks, who may only visit on weekends and are not primary producers. A key part of the program is highlighting the shared responsibility for managing pests, so it is great to see the program caters to land managers with concerns about social and environmental outcomes as well as economic.

I congratulate South East LLS and the members of the local Feral Fighters network on the time and effort they put into tackling pest animals to ensure that New South Wales maintains its reputation as a safe and secure producer. I particularly thank Mr John Klem, one of the local landholders, and Jennifer Heffernan, the coordinator for Gunning District Landcare, for their efforts. It is a fantastic initiative and I look forward to seeing the results.

ANTI-BULLYING PROGRAMS

The Hon. PAUL GREEN (15:28): My question is directed to the Minister for Resources, representing the Attorney General. Like many, it saddened me to hear of the news of Amy "Dolly" Everett taking her life over the Christmas break, and I send my condolences to her family. In light of this, more needs to be done to protect our young people and ensure that we are treating bullying like the serious crime it is. Will the Minister report to the House what is being done to treat bullying as a serious crime? What is the Government doing to ensure that it is legislating accordingly? After all, words can be just as harmful as physical abuse.

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:29): I thank the Hon. Paul Green for his question. I am sure all members of the House share his sorrow about the events he referred to in his question. There are very few subjects that I feel more personally affected by than the issue of bullying in schools. School can be a very difficult place and it can be even worse these days with the advent of social media and cyberbullying. I saw some terrible things when I was at school, but I cannot even begin to imagine what young people are starting to experience these days as a result of the extraordinary capacity of social media. What once upon a time was bad enough by word of mouth, now can be broadcast to an extraordinary number of people in a very short period, and that can be devastating. I am very happy to take the honourable member's question on notice and I will ensure that he gets a response as quickly as possible.

The time for questions has expired. If members have further questions, I suggest they place them on notice.

POWERHOUSE MUSEUM CODE OF CONDUCT BREACH

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:31): Today in question time I was asked a question by the Hon. Robert Borsak and yesterday I was asked a question by the Hon. Robert Borsak about a related matter. I have undertaken to the Hon. Robert Borsak that I will take on notice the question he asked today and provide him with further information after I have sought a full response from the museum. However, I am now in a position to be able to give a response in relation to the matters that he raised yesterday.

I am advised by the museum staff that staff from the Museum of Applied Arts and Sciences did host a small post-event function. Beverages served—which was a matter raised in the Hon. Robert Borsak's question yesterday—were not paid for by taxpayers, and claims to the contrary are incorrect. The museum has no record of a noise complaint being received, and neither security nor police were required to attend the function. I am further advised by the museum staff that no complaints about the post-event function were received. The museum strongly refutes the allegations of illegal activity at this post-event function.

Visitors

VISITORS

The PRESIDENT: I take this opportunity to welcome to the public gallery on behalf of all members Ms Ashley Chan from the University of Sydney, who is an intern with the Hon. Shaoquett Moselmane. I hope that your experience with the Parliament and your experience working with the Hon. Shaoquett Moselmane is both informative and enjoyable.

Personal Explanation

WATER COMPLIANCE AND ENFORCEMENT

The Hon. WALT SECORD (15:33): By leave: I wish to make a personal explanation. During question time, during the Opposition's second question without notice on the matter of whether the Minister for Primary Industries misled the House for a third time, I took a point of order in response to the Hon. Trevor Khan's initial point of order. I referred to the Hon. Trevor Khan as the Deputy President. The Minister for Primary Industries then took exception to me referring to the Hon. Trevor Khan in the context of his title of Deputy President of the Chamber. I used the title because there have been repeated warnings and repeated rulings in this Chamber about the use of proper and full titles. I was referring to the Hon. Trevor Khan as the Deputy President for no other reason. I apologise to the Chamber if it was misinterpreted. I was referring to the Hon. Trevor Khan as the Deputy President. I thank the House for its consideration.

*Bills***PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT (PROPERTY INDUSTRY REFORM) BILL 2017****Second Reading Speech**

The Hon. SCOTT FARLOW (15:35): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2017. This bill is the first step in the introduction of the New South Wales Government's major reform package for the real estate and property industry. The reform package will put consumers first by: improving educational and professional standards across the industry; improving accountability and transparency; streamlining the licensing framework; and strengthening NSW Fair Trading's compliance and enforcement powers. Property services agents are entrusted to manage valuable rental properties and strata schemes. Property agents act on behalf of consumers in the biggest and most important transactions of most people's lives—the sale or purchase of a property. Almost every citizen of New South Wales will, at some point in their life, have dealings with a property industry agent.

The real estate and property sector is also an integral part of the New South Wales economy, with more than \$11 billion in stamp duty collected in the last financial year. Although many real estate agents and property industry agents undertake their responsibilities to a high standard, the industry itself continues to express concerns that educational and qualification requirements are inadequate. With this in mind, in the last financial year the Property Services Compensation Fund paid out more than \$600,000 to consumers due to agents' failure to account for their clients' funds. In previous financial years the amounts paid out of the compensation fund have exceeded \$2 million or even \$3 million. I am sorry to report that NSW Fair Trading also receives a high volume of complaints every year from consumers about their dealings with the real estate and property industry.

NSW Fair Trading data shows there were 4,077 complaints about real estate and property matters in 2016-17, accounting for 9 per cent of all complaints during that period. There is a clear need for Government action. The Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2017 is the first step in the New South Wales Government's overall reform package. It is essential that the legislation regulating the industry balances the need for appropriate levels of consumer protection with the need to ensure the efficient and effective operation of the industry. The Property, Stock and Business Agents Act 2002 is the primary piece of legislation regulating the New South Wales real estate and property services industry. The Act establishes a mandatory licensing system for the following service providers: real estate agents, buyers agents, stock and station agents, business agents, strata and community managing agents, and onsite residential property managers.

Although the amendment bill provides the overall foundation for the reform package, other key elements will be introduced by amendments to the Property, Stock and Business Agents Regulation, which includes the Rules of Conduct; the Property, Stock and Business Agents Qualifications Order; the guidelines for continuing professional development; and the supervision guidelines for licensees in charge. These aspects of the reform package will be the subject of further close consultation and discussion with stakeholders in coming months. The development of the reform package was guided and informed by an independent review of the property services industry training framework; an assessment of the current licensing system using the Independent Pricing and Regulatory Tribunal [IPART] licensing framework and guide; identification of key industry issues by Fair Trading's real estate and property division; and extensive discussions with NSW Fair Trading's real estate reference group.

The independent training review was undertaken in response to industry concerns that property services training was insufficient, meaning that real estate agents and property services agents were working in the field without adequate training or the qualifications necessary to assist members of the public. The panel's final report, publicly released in June 2016, noted that the major function of educational standards should be to protect the public. In fact, improving consumer protection is a key principle of this reform package. The reform package was set out in the Government's Real Estate and Property Services Industry Reform Paper that was released in November last year. Industry and community feedback on the reform paper showed strong general support for the reforms, in particular, the enhanced training and educational measures.

I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The matters dealt with in this bill are as follows.

Licensing and qualifications

The new licensing framework will have three levels of licences, licensees in charge, licensed agents, and certificate of registration holders.

The highest level will be a class 1 licence. This licence will be required for anyone working as a licensee in charge of a business.

In order to apply for the new "licensee in charge" class licence, a licensee will need to have two years' work experience, and will have to complete a diploma from the national property services training package. Alternatively, they must hold a certificate IV and an equal qualification in business management.

While all property businesses are currently required to have a licence holder acting as licensee in charge to supervise the operation of the business, there is currently no specific licence type or qualification for this role.

In addition, an examination of complaints received by Fair Trading and claims on the Property Services Compensation Fund indicates that a lack of proper supervision of staff is putting consumers at risk.

Given the level of responsibilities of licensees in charge, these training and experience requirements are considered appropriate and will enhance industry professionalism, and help minimise consumer detriment.

The higher education requirements reflect the significant responsibilities of licensees in charge.

The framework will also provide more flexibility, as one licensee in charge will be allowed to supervise more than one office of the same business, but they will still have to ensure that business operations are being properly and effectively supervised.

The next level will be a class 2 licence, equivalent to the current full agent's licence. Class 2 licence holders will be known as "licensed agents".

Licence applicants are already required to complete a certificate IV level qualification, and this requirement will remain. However, the reforms mean that class 2 licence holders will also need to have 12 months' industry experience to apply for a full licence.

The bill will also streamline the licensing framework, and reduce the number of licences required.

For example, the buyer's agent licence, the business agent's licence and the onsite residential property manager's licence will all be integrated into one licence, the real estate agent's licence.

Holders of the licences to be merged will be grandfathered onto the real estate agent's licence with appropriate restrictions, so that their business operations will not be affected.

The required competency units from the certificate IV in property services that must be completed to obtain a real estate agent's licence under the new framework will be revised to ensure they reflect the wider functions that these licence holders may undertake.

Current holders of the licence types to be integrated will be grandfathered onto a real estate agent's licence. This will avoid any interruption to routine business operations from the licensing reforms.

The range of activities for grandfathered licence holders will be restricted unless they complete the additional competency units required to qualify for a full real estate agent's licence as will be required in the revised qualifications order.

New industry entrants, or certificate of registration holders, the third class of licence, will need to complete three additional competency units from the certificate IV qualification, increasing the total to seven competency units needed to become a certificate holder.

However, new licence applicants will also need to have 12 months' industry experience, and will need to demonstrate that they have attained certain competencies. The additional training units will improve the knowledge of people who are just starting out in the industry.

The reforms to continuing professional development will also create a clear path for certificate holders to progress to a full licence within three to four years.

The qualifications and specific competency units to be required for the new licensing framework will be the subject of close industry consultation in coming months.

To further reduce regulatory burden, a specific exemption from the requirement to hold any qualifications will be introduced for people working in property services agencies who do not undertake any real estate functions.

For example, this would include those employees who complete reception, administration and or graphic design work duties. There is currently some uncertainty in the industry regarding what qualification some employees should have, and this aims to resolve that issue.

Of course, if a business operator prefers only to employ people who hold qualifications, they will not be prevented from doing so. This will ensure that operators can decide how best to run their business, and to meet their clients' needs.

The definition of strata managing agent has been clarified to capture licensees who manage strata schemes or community schemes. This ensures that there will be no impact on the regulated functions of strata or community managers.

The regulated functions of stock and station agents remain appropriate and are also being retained.

Continuing Professional Development [CPD]

To improve educational standards across the entire property services industry, the continuing professional development, or CPD, guidelines for the property services industry will be overhauled to introduce new requirements for each qualification level.

Class 1 and class 2 licence holders will have to complete six hours of CPD annually. This will involve three hours of compulsory topics and three hours of elective topics. This is an increase from the current requirement of 12 CPD units that take four hours to complete.

The compulsory topics will cover matters such as legislative changes and key compliance matters. They will be chosen by an industry-government advisory group and will be reviewed regularly to ensure CPD remains appropriate.

Licensees in charge will have to do the same six hours as class 2 licence holders, but will also have to do another three hours of CPD focusing on business skills.

To establish a professional training pathway, annual CPD for certificate holders will be competency units from a certificate IV qualification. In combination with the seven competency units required to enter the industry, this will ensure that certificate holders will complete enough competency units within three to four years to obtain a certificate IV qualification.

This will mean they will increase their knowledge while gaining on the job skills and experience and will obtain all the qualifications to be eligible to apply for a licence.

The new CPD framework will help establish a clear career pathway for certificate holders to advance to a full licence. It will also make CPD more relevant for licence holders and licensees in charge.

Prescribed roles and responsibilities

To ensure that different activities in the real estate and property industry are undertaken by people with appropriate qualifications, the bill allows for prescribing which roles and responsibilities are suitable for each of the three classes of real estate licence.

This will mean the significant areas of responsibility, such as approving withdrawals from trust accounts, will only be undertaken by licensees in charge, whereas certificate holders will have more limited responsibilities.

This will be introduced by regulation, and there will be close industry consultation to determine the appropriate roles and responsibilities for each level of qualification.

Supervision of a business

The bill will introduce greater flexibility for business operations.

Under current requirements, every place of business must have a licensee in charge. Exemptions can only be granted by application to the Secretary of the Department of Finance, Services and Innovation.

This requirement does not allow for the ability of modern technology to enable a licensee in charge to conduct transactions while not being physically present and the increasing use of the internet in real estate transactions.

The bill will allow for a real estate or property business to have one licensee in charge of the whole business instead of each place of business. This means that one licensee in charge will be able to supervise more than one office.

Licensees in charge will still be required to ensure the proper supervision of the business. The current supervision guidelines will be reviewed to reflect the new business arrangements.

To protect against potential conflicts of interests, a licensee in charge will still not be able to work for more than two licence holders unless those licence holders are in a partnership.

In addition to these provisions, the supervision guidelines will be reviewed in an appropriate manner regarding proper oversight of employees.

Restrictions on gifts and benefits

The bill will also introduce a restriction on the gifts and benefits that may be accepted by people working in the real estate and property services industries. A dollar value limit will be prescribed by the regulation, in consultation with industry.

This restriction will help limit gifts and benefits being given that would act as inducements for an agent not to act in their clients' best interests.

These provisions have been carefully drafted to ensure that items such as gifts provided by employers to employees as a form of bonus will not be captured.

In addition, gifts provided to agents from clients as a thank you for providing quality services are still allowed.

It is a reasonable expectation that agents should not be accepting gifts or benefits that are potential inducements. Such gifts or benefits could create a conflict of interest to encourage agents not to act in their client's best interests.

Lodgement of trust account audits

The bill will require all trust account audits to be lodged with NSW Fair Trading. All licensees are already required to have their trust accounts audited, so having to submit all trust accounts audits should not be a significant extra burden.

Agents' failure to account for money held in trust is a major risk area for the industry, and a major source of consumer detriment. During the last financial year, the Property Services Compensation Fund paid out more than \$600,000 to consumers. As well, there were other significant consumer repayments from businesses where Fair Trading has appointed a manager.

Furthermore, if an audit is not lodged it is not clear whether the audit was unqualified and did not have to be lodged, or was in fact qualified but the agent had failed to lodge a copy.

To minimise any additional administrative burden, an online audit lodgement portal is being developed. This system will be in operation before this requirement comes into effect.

Additional trust account requirements will be introduced by regulation. This will include a requirement to hold separate trust accounts for sales and rental payments, and a requirement to clear rental trust accounts at the end of each month.

This will help keep landlords aware if there is any shortfall in their rental income that cannot be accounted for.

Suspension of certificates and licences

The bill will also allow for an extension of the time for which a licence can be suspended while a licensee's conduct is investigated.

Where the secretary considers that the grounds for disciplinary action are serious, the bill allows a suspension to be imposed for as long as the secretary reasonably requires to investigate the matter, rather than usual limit of 60 days.

Extended licence suspension will also be possible for failure to lodge an audit report, so the suspension may continue until the audit report is lodged.

Acknowledgements

I commend Vic Dominello, former Minister for Innovation and Better Regulation, for the development of the reform package.

I would also like to thank:

- The Real Estate Institute of NSW;
- The Estate Agents Co-operative;
- The Australian Livestock and Property Agents Association; and
- Strata Community Australia.

These key industry stakeholders have been integral to the development of the package through their participation in Fair Trading's Real Estate Reference Group.

Conclusion

The primary aim of the package is to improve industry professionalism and skills and to deliver better consumer outcomes.

The measures in the bill strike an appropriate and reasonable balance between effective consumer protection and industry regulation.

These proposals fit with the Government's commitment to better regulation and appropriate licensing through the Independent Pricing and Regulatory Tribunal [IPART] framework.

The reforms in this bill also support the Government's "Consumer First" initiatives that aim to support members of the community in their dealings with traders.

The Government will continue to work with the industry in the next stages of the implementation of the reform package.

I am confident that the reform package will help to build higher educational and professional standards across the State, and to deliver improved outcomes for consumers.

I commend this bill to the House.

Second Reading Debate

The Hon. PETER PRIMROSE (15:39): I lead for the Opposition in debate on the Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2017. The property industry is one of the most crucial industries in this State. Basically, it provides shelter and accommodation for us all. It is also a powerful contributor to the State's economy. The Minister in his second reading speech acknowledged this, noting that the buying and selling of property brings in a staggering \$11 billion in stamp duty each year for government activities. The property industry in its operations affects us all, yet the Government to date has taken a very light-touch approach to regulation of the broader property industry.

One of those aspects has been the regulation of real estate and property estate agents. As the Minister noted, consumers place tremendous trust and expectation upon the actions of these agents, who deal with what is normally one of the largest and most important decisions a family or individual makes—that is, the buying and selling of a home. However, the actions and behaviour of some of these agents betrays this trust. I note that almost 10 per cent of all complaints received by Fair Trading concern real estate and property matters. I stress we are not talking about all agents; many of them are diligent in their work but I repeat that up to 10 per cent of all complaints to Fair Trading concern the activities of real estate agents and property matters, indicating that there is a problem.

The bill seeks to lift the bar for the regulation and, importantly, the training and accreditation of property, stock and business agents. It is incremental reform and I note that the Minister intends to bring subsequent changes to the House later this year and we look forward to seeing those changes. The Opposition supports any efforts to raise the bar for licensing, training and ongoing professional development. I indicate that the Opposition supports the bill.

I turn now to the contents of the bill. The Opposition sees the need for action to lift the regulatory bar. The central component of the bill is the creation of a new framework to oversee the industry. The new licensing framework contained within the bill is sound and we hope will lead to a higher degree of expertise and professionalism across the board. There is genuine concern, both within the community and the industry itself, that the educational and training requirements to practise in the field are now way too low. I recall reading recently that someone in the industry said that in fact more training was required to become a barista than to work in this industry. I cannot say for sure that that is the case; I have never looked at the training requirements for being a

barista. However, it highlights concern that the current educational and training requirements to practise in this important field are way too low, as viewed by many in the industry themselves.

The three classes of licence contained in the bill reflect the various skills, proficiencies and competencies required across the field. Class 1, the highest level, will be required for those in charge of a business, requiring at least two years work experience. They will have to hold either a diploma from the national property services training package or certificate IV, as well as an equal qualification in business management. Class 2, equivalent to the full agent's licence, will apply to licensed agents, requiring the current certificate IV qualification as well as 12 months industry experience. The third class of licence for new entrants or certificate of registration holders will need a total of seven competency units from the certificate IV qualification, an increase of three from the current four-unit requirement.

The bill provides that any licence or certificate of registration can be granted for a period of one year or five years. The bill makes exemptions for those working within the industry who do not undertake any real estate functions, such as graphic design work, receptionists and the like. The bill updates the Act to reflect the fact that these days transactions often occur while the licensee in charge is not physically present. This accounts for modern technology and ongoing developments such as the internet, which can allow the licensee in charge to supervise more than one office without being physically present. The new licensing framework is welcome, as is the bill's intent to streamline and simplify the framework, and reduces the number of licences required. This makes it clear to both industry and the consumer what is required by someone operating within the real estate and property industry at a particular level.

The Opposition notes that the qualification and specific competency units to be required will be subject to further industry consultation. The Opposition notes also the bill's intentions towards continuing professional development. This is a critical part of the industry, ensuring ongoing professionalism. The Opposition would like to see some aspects of this strengthened and I will turn to that later. The bill introduces new restrictions on gifts and subsequent penalties of up to \$2,200, which seek to avoid situations where the agent may not be, or may not be seen to be, acting in the best interests of their client. I note practical exclusions are foreshadowed, such as gifts from clients, which is supported.

The bill requires that all trust accounts must be lodged with NSW Fair Trading. The Opposition supports this and believes it should not create a significant burden on the industry, particularly given the extra transparency that will be delivered. I note again the Government's intention to develop an online audit lodgement portal, which should further reduce any administrative burden. Finally, the bill gives the secretary of the department more discretion in suspending a particular licence, allowing a suspension for as long as the secretary reasonably considers appropriate to investigate any matter, removing the artificial limit of 60 days. Given the seriousness of some of these matters, the Opposition supports these proposed enhanced powers.

The Opposition seeks a number of clarifications from the Government. The first concerns business agents. The Opposition has been contacted by a number of business agents who are concerned about the impact of the bill, unintended or otherwise. I know my colleague the shadow Minister for Small Business, who has experience in the complexity of buying and selling businesses, has also raised this concern. I understand the bill will remove the concept of business agents and incorporate them into the second class of licence. I seek clarification from the Minister that the concerns of business agents have been considered and, if not, it will be taken into account during the making of regulations. We need to make sure that the legislation and regulations distinguish the unique complexities of business agents compared with the broader sector.

The Opposition has received representations also from onsite managers who manage short-term holiday lettings, generally those up and down the coast. There is a concern that their unique circumstances will be lost in the bill. Again, I seek clarification from the Minister over the impacts on this type of agent, as well as a commitment that the department will consult with this group. I foreshadowed that the Opposition will move an amendment, which has been circulated, but I stress the Opposition supports the bill; it will not oppose it outright. The Opposition seeks to move a simple amendment on an important issue pertaining to continuing professional development. Our consultation with the industry has revealed great support to lift the bar when ensuring ongoing professionalism within the industry. Rapid change in the industry requires that practitioners must remain up to speed with these changes as well as the regulatory environment.

The Opposition is concerned by anecdotal evidence that the current requirements are woefully inadequate to the point where units that technically require 4½ hours to complete can be completed within 3½ minutes. This is not what continuing professional development should mean. The Opposition is concerned that aspects of this continuing professional development are driven by financial considerations rather than ongoing professionalism of the industry. As such, consumer interests may not be central to the status quo. The Government intends to overhaul these continuing professional development guidelines and enshrine them in commissioner guidelines. The Opposition believes the guidelines should be enshrined in regulations, which would ensure ongoing

consultation with industry and ensure Parliament that the sentiments expressed by the Minister in his second reading speech are translated into practice.

As I said at the outset, there has been a light touch when it comes to the approach of regulators of the property industry in New South Wales and the losers have been the broader New South Wales public. This bill is supported by the Opposition because it addresses inadequacies in the property services agent industry and, as a whole, it receives our ongoing support. Yet there are other areas where the Government has either lagged or failed to respond. Those are the areas of affordable housing and short-term holiday rentals. It has essentially kicked the excellent Lambert review into the long grass—or, as some would say, down the road—and there are shameful delays around an appropriate response relating to flammable cladding, on which we are only now beginning to see some action taken. These are just some areas where the Government has failed to respond appropriately or, in some cases, respond at all.

I believe the Minister understands many of these issues and the need to respond, but is hamstrung by others on his side—those who do not want to see tighter regulation of the property industry and who would prefer a laissez faire "let it rip" approach. The Minister needs to stand up to these members and ensure that consumers, homebuyers, renters and others get a fair deal.

Mr JUSTIN FIELD (15:51): I speak on behalf of The Greens to support the Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2017. Primarily that is because it seeks to improve consumer protections for those who engage with the property industry, particularly those who engage with real estate agents. This bill came about in part because of the high rate of complaints that were received from consumers, particularly renters, and the high payouts from the Property Services Compensation Fund, which has paid approximately half a million dollars in the last financial year and more than that in preceding years. It is important that steps are taken to regulate this sector, particularly to improve the training and licensing requirements for those working in this sector.

My colleague in the other place Jenny Leong, the member for Newtown, spoke about the changing demographics and the move away from people owning their own homes to renting. Many more people are renting and many more people are experiencing what can be a struggle in the rental market to find affordable rental properties and also to engage with the real estate industry. It is appropriate to do anything that can be done to improve the training and professional development and ensure appropriate licensing so those people who are interfacing regularly with real estate agents have a good experience.

In the briefing we received on this bill it was also clear that the efforts to change elements in the auditing of trust accounts would give people some assurance that if poor practices were in place, or if people were engaging in fraudulent behaviour, those problems will be identified sooner than is currently the case. It will also ensure that losses to people who have money in trust accounts, whether for a deposit for a house or otherwise, are not having high levels of compensation paid. We are taking action sooner rather than later. Ultimately, the bill seeks to improve consumer protections for those engaged with the property sector, which is why The Greens fundamentally support it.

I will not go into too much detail because issues have been addressed by the Government and the Opposition. However, I stress that there is a long way to go in engaging with the property industry and engaging with the way that the public experience property—the houses and the places where people live. Affordable housing was the primary objective announced by the Premier when she took office. I do not think anyone from the Government can credibly say that that has been addressed or that sufficient action has been taken to improve housing affordability in this State.

Short-term holiday rentals affect communities in regional areas, particularly coastal communities, in an extreme way by changing the nature of their communities. All of these areas of engagement with the property sector need appropriate regulation to reflect the importance of housing as a social good. That is something that has been lost in the debate on housing, house prices, housing speculation and housing investment over many years by both Liberal and Labor governments. I look forward to our debating pieces of legislation and issues about improving the rights and access to housing as a public good for all residents of New South Wales in the future. The Greens support this legislation.

The Hon. NATALIE WARD (15:55): I support the Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2017. I congratulate Mr Matt Kean, the Minister for Innovation and Better Regulation, on his leadership and his vision in this important area. The bill will introduce changes that will usher in significant reform of the real estate and property industry. These changes are designed to improve the educational and professional standards in the real estate and property industry. They are significant given the importance of the property industry to Australians.

The changes include: consolidation of the number of licences and certificates of registration under the Property, Stock and Business Agents Act, which is the principal Act, to provide for two classes of licence, one of which is required to be held by a licensee in charge of a business, and to permit regulations under the principal Act to specify which functions in the principal Act may be exercised only by the holder of a particular class of licence; to permit working experience to be approved as a qualification for a licence or a certificate of registration; to permit a licence or certificate of registration to be granted for a period of one year or five years; to provide that the offence of an agent failing to disclose a material fact is limited to material facts of the kind prescribed by the regulations under the principal Act; to prohibit the holder of a licence or a certificate of registration from receiving certain gifts; to require the lodgement of auditor's reports; and to specify circumstances in which a licence or certificate of registration may be suspended for more than 60 days.

As outlined by my colleague in the other place Minister Kean, many members of the real estate industry undertake their responsibilities to a high standard. However, the industry is facing some challenges and, as a result, is calling for higher educational and qualification requirements to ensure a consistent quality in the services of its members. I also note that NSW Fair Trading receives a high volume of complaints every year about consumer dealings with the industry and those statistics have already been vetted by my colleagues. In previous years the amounts of compensation paid out have been significant. This bill seeks to properly balance the need of the industry to operate efficiently and effectively with the need to avoid unnecessary costs for consumers and other important consumer rights. The Berejiklian Government is committed to the Consumer First initiative, which aims to support members of the community in their dealings with traders.

I note that Minister Kean has worked closely with industry bodies such as the Real Estate Institute of New South Wales, the Estate Agents Co-operative, the Australian Livestock and Property Agents Association Limited and Strata Community Australia. These bodies have been integral to the process through their participation in the NSW Fair Trading real estate reference group. The Property, Stock and Business Agents Act 2002 is the primary piece of legislation that regulates the real estate and property services industry. This bill consolidates the licensing framework and reduces the number of licences. The buyer's agent licence, the business agent's licence and the onsite residential property manager's licence will be integrated into one licence known as the "real estate agent's licence". Holders of current licences will be grandfathered onto the real estate agent's licence, with appropriate restrictions so their business operations will not be affected. These changes can be found in schedule 1 [3] to the bill. People who are required to hold certificates have been renamed from "salespersons" and "registered managers" to "assistant agents". Some of the new definitions in the bill include:

agent means:

- (a) a real estate agent, or
- (b) a stock and station agent, or
- (c) a strata managing agent.

assistant agent means:

- (a) an assistant real estate agent, or
- (b) an assistant stock and station agent, or
- (c) an assistant strata managing agent.

...

regulated functions means real estate agent functions or the functions of a stock and station agent or a strata managing agent.

...

real estate agent means a person ... who, for reward ... exercises real estate agent functions in the course of carrying on a business.

To provide for two classes of licence—one of which is required to be held by a licensee in charge of a business—the Act establishes a mandatory licensing system for the following service providers: real estate agents, buyer's agents, stock and station agents, business agents, strata and community managing agents, and onsite residential property managers. In order to apply for the new licensee in charge class licence, a licensee will need to have two years work experience and will have to complete a diploma from the National Property Services training package. Alternatively, they must hold a certificate IV and an equivalent qualification in business management. Licensees in charge will now be allowed to supervise more than one office of the same business. However, they will be responsible for ensuring business operations are supervised properly and effectively.

For new industry entrants, the third level of qualification class will still be a certificate of registration. However, under the reforms new entrants will need to complete three additional competency units from the certificate IV qualification, increasing the total to seven competency units needed to become a certificate holder. The additional training will improve the knowledge of people who are just starting out in the industry. New licence

applicants will also need to have completed 12 months industry experience and will need to demonstrate that they have attained certain competencies. The reforms will require continuing professional development—as is the case for other professional services—for certificate holders so that they progress to a full licence within three to four years.

Industry consultation will occur shortly to confirm the qualification and specific competency units that will be required for the new licensing framework. Further, an exemption from the requirement to hold any qualifications will be introduced for people who work in the real estate industry but who are not involved in any regulated functions. Examples of this would include receptionists, those involved in administration, graphic design or information technology functions. The definition of "strata manager" has been revised to capture licensees who manage strata schemes or community schemes. This will ensure that there will be no impact on the regulated functions of strata or community managers. The regulated functions of stock and station agents remain the same and are retained.

There will be greater flexibility for business operations. Under current legislation every place of business must have a licensee in charge. Exemptions to this can only be granted by application to the Secretary of the Department of Finance, Services and Innovation. This bill updates the legislation to take into consideration the changes in modern technology and the commensurate flow-on effects to work practices. As result, there can be one licensee per business so long as that licensee is able to provide proper supervision. Supervision guidelines will be updated to reflect these new arrangements. Additional protections to counter potential conflict of interest issues will also be introduced that prevent a licensee in charge from working for two or more licence holders unless the licence holders are in partnership. Provisions will be added to supervision guidelines about how to properly oversee employees. They will be required to lodge all audits of trust accounts with NSW Fair Trading.

The requirement to have trust accounts audited already exists but the requirement to lodge all audits with NSW Fair Trading is new and seeks to address an area of significant risk. A new online audit lodgement portal is being developed to make the process for the lodgement of audit documents easy and to help reduce the burden on the industry that this new obligation will create. The circumstances will be specified in which a licence or certificate of registration may be suspended for more than 60 days. The bill also amends the various penalties and sanctions available to the secretary by extending the period for which a licence can be extended, from 60 days to a further period so long as the secretary reasonably requires to investigate the matter. I commend the bill to the House.

The Hon. PAUL GREEN (16:03): I speak to the Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2018. The Hon. Natalie Ward has done a wonderful job explaining the bill so I will concentrate on other issues in relation to housing. The bill before the House, which is about cleaning up the real estate agency industry, is much needed. Home is one of the most important places for the people and families of New South Wales. I am a firm believer that everyone should have a place to call home, a place that provides stability, security, safety and connection with family, friends and community.

Whether home is a cottage, a terrace, a studio, a bedsit, a unit, a caravan or a room in a boarding house, it can ameliorate disadvantage and enable people to participate in society both economically and socially. Buying a house is one of the biggest purchases in a person's life. The Christian Democratic Party is committed to ensuring that every family is given the opportunity to flourish and have a place to call home. Recently the Government announced a State-based Productivity Commission that has within its priorities a focus on making housing more affordable. The Sydney Alliance welcomes this announcement and yet has raised concerns. It states:

There are many worthwhile things to investigate but not at the expense of the 8,000 affordable rental homes that we urgently need each year for those at risk of homelessness and to prevent further loss of workers, like train drivers, that we need to keep Sydney running who can no longer afford to live in Sydney.

I agree with this sentiment. We need to continue to ensure that every year this State produces affordable housing. The "Key worker housing affordability in Sydney report", which was commissioned by the Teachers Mutual Bank and the Firefighters Mutual Bank of the University of Sydney, was released on Monday 5 February 2018. The report provides a detailed analysis of the declining level of housing affordability across greater and metropolitan Sydney for key workers. Key workers are usually represented as teachers, firefighters, nurses, police, ambulance drivers, paramedics and others. The report noted that these workers are generally in stable employment with moderate incomes. A single-income key worker can generally afford rent of \$450 per week and a double-income home can afford just over a \$650,000 mortgage.

When it comes to renting or purchasing a home in Sydney the report found a "small affordability gap" where a single-income key worker would be short around \$50 a week to enable them to rent a property based on median rents. A double-income family would face a similar problem when looking to purchase a home with the price threshold currently exceeding the maximum amount possible for them to borrow by up to \$50,000. The report found that a dual-income family will need to save for more than five years to accumulate a deposit to

purchase a home. That has increased by 24 months since 2006, when it took a dual-income family only three years to save their house deposit. We must ensure that our Sydney teachers, nurses, ambulance officers, fire and emergency workers and police have access to affordable housing in Sydney.

As the report states, and I agree, the longer the commute is to a workplace, coupled with a failure to provide secure housing, there are serious flow-on effects for key workers and their families. I label myself as a dinner table politician. I came into this House to ensure a better deal for the residents and families of New South Wales. When the family is sitting around the dinner table at night, I want parents and children to be able to relax and focus on spending more time together and not on the anxiety of paying bills, affording food for the table, the price of petrol or how to pay for all the other things kids need.

As the population throughout New South Wales continues to age, demand for social and affordable housing is expected to increase, particularly in Sydney where it is estimated that the population will rise from 4.7 million currently to between eight million and 8.9 million by 2061. We need to continue our focus on housing affordability. I congratulate the Government on its initiatives to support first home buyers. I know the initiatives are making a difference to many families to get into their first home. As I have six children who will be looking to buy their first home, I look forward to other initiatives being brought forward by the Government to assist. The problem has not been solved and we must continue to address this issue through innovative ideas and proactive measures. This bill represents the beginning of a reform package that seeks to put the consumer first, the mums and dads who are renting and/or looking to purchase their first home.

In 2002 the Property Stock and Business Agents Act established a mandatory licensing system for real estate agents, buyers' agents, stock and station agents, business agents, strata and community managing agents and onsite residential property managers. The bill will improve the education and professional standards of the industry, increase accountability and transparency, streamline the licensing framework and strengthen Fair Trading's compliance and enforcement powers. It is evident that while many real estate and property agents work to a high standard, it is unfortunate that consumer experience has demonstrated that not all agents operate independently to this high standard. In 2016-17, 4,077 complaints were made to Fair Trading. In the past financial year more than \$500,000 was paid out of the Property Services Compensation Fund to consumers due to the failure of agents to account for their clients' funds. This bill will introduce a new licensing framework, establishing clear requirements regarding the appropriate level of education qualification and work experience necessary to hold the relevant licence class.

In addition to clearer licence qualifications, licence holders will be required to undertake continuing professional development [CPD] for six hours every year, increasing from the current four hours. The CPD will contain both compulsory and elective topics that will need to be covered. Compulsory topics will cover matters such as legislative and key compliance changes. The bill will also ensure that different activities in the real estate and property industry are undertaken by the appropriate and qualified licence holders—for example, restricting access to trust accounts so that withdrawals are carried out by qualified and responsible licence holders.

I believe this bill will improve professional standards and ensure the delivery of better outcomes for mums and dads and first home buyers across New South Wales. By strengthening the legislation and regulation, the people of New South Wales can have greater trust in dealing with agents when renting a property or purchasing a home. There is nothing worse than a real estate who takes money on the side from a buyer and gives them priority on a purchase. It is hard enough for young people to get into the market. They should be given a fair go in a competitive market. I hope that this bill will lift the standards of many real estate agents and level the playing field. I commend the bill to the House.

The Hon. SCOTT FARLOW (16:13): On behalf of the Hon. Sarah Mitchell: In reply: The purpose of the Property, Stock and Business Agents Amendment (Property Industry Reform) Bill 2017 is to introduce measures to improve educational and professional standards across the industry, improve accountability and transparency, streamline the licensing framework and strengthen the compliance and enforcement powers of Fair Trading. I acknowledge the presence in the President's Gallery of the Minister for Innovation and Better Regulation, Mr Matt Kean, and a former member of this Chamber, the Hon. Dr Brian Pezzutti. I thank the Hon. Peter Primrose, Mr Justin Field, the Hon. Natalie Ward and the Hon. Paul Green for their contributions to this debate. The Hon. Paul Green highlighted his concern for first home buyers, housing affordability generally and the actions of a small minority of unscrupulous real estate agents who have been in the industry.

I turn to concerns raised about the bill. It is essential that this legislation, which regulates the industry, balances the need for appropriate levels of consumer protection with the need to ensure the efficient and effective operation of the industry. Every year Fair Trading receives a very high volume of complaints from consumers about their dealings with the real estate and property industry. During 2017, the Property Services Compensation Fund paid out 114 claims, which amounted to nearly \$640,000. That does not include the repayment of other significant amounts to consumers after Fair Trading appointed managers to several real estate businesses.

Fair Trading data shows there were 4,077 complaints about real estate and property matters in the 2016-17 financial year, accounting for 9 per cent of all complaints during the period, as was raised by the Hon. Peter Primrose. Concerns have also been raised by both the industry and the community regarding these problems. There is a clear need in this space for government action and this reform package will help address this situation. The Hon. Peter Primrose, in his contribution to debate, raised concerns about business agents under the Act. Last weekend on Clean Up Australia Day, Gulian Vaccari, Mayor of Strathfield, raised this matter with me as it had been raised with him by business agents in the area.

Under the reforms, the business agent licence will be integrated into the real estate agent licence. Existing business agents will be transferred onto real estate agent licences but will be restricted to undertaking business agent functions. For certainty, "business agent functions" are clearly defined in the bill. The bill also provides for business agent functions to be further prescribed by regulation, should that need arise. As the real estate agent licence category will now capture wider functions, the required competency units for the certificate IV in property services will be revised to ensure they comprehensively reflect these new functions.

For example, new competency units that reflect the scope and nature of the functions of business agents functions will be added to the qualifications required to obtain a real estate agent's licence. Additionally, there is nothing to prevent business agents from continuing to advertise themselves as business agents, and they will still be able to provide their usual services. This will help ensure there is no disruption to business operations. The bill will also ensure that the laws and regulations continue to distinguish the activities of business agents from the wider real estate and property sector. Senior departmental officers have held discussions with the Australian Institute of Business Brokers, and its concerns have been taken into account. Moving forward, there will be further consultation with the institute regarding the new qualification requirements.

The Hon. Peter Primrose raised concerns about onsite residential property managers at small strata complexes and how they will be handled. A number of onsite residential property managers are concerned that the new licensing framework and higher qualification requirements will reduce new entrants to their sector of the industry and that this will impact on the resale value of their management rights. These licensees generally manage small strata schemes of 20 lots or less. The Government is aware that the circumstances for onsite residential property managers who manage small strata buildings for holiday lettings are different from those who manage large strata buildings in urban areas.

As large strata buildings involve significant management responsibilities, it is considered appropriate to require a higher level of qualifications to undertake this role. However, the circumstances of licensees managing small strata buildings solely for holiday letting are under close consideration, and these licensees have spoken directly to senior departmental staff. The real estate and property laws already provide for exemptions and qualifications can be specified. This will allow us to develop a simple and specific means to deal with this situation and support these small businesses without impacting untowardly on the reform package. The Government will consult directly with stakeholders regarding the changes that are warranted. For example, this could involve an exemption based on the size of the strata scheme being managed, or an exemption from the need to hold the new class 1 or class 2 licence, or amending the required qualifications for licensees managing small strata buildings. Consultation with licensees and other interested parties will help determine the most appropriate and effective means to address this matter and help protect the value of the investment of the licensees.

The Hon. Peter Primrose also spoke about the time taken for continuing professional development [CPD] courses. It was ironic for Labor to raise that issue here and in the other place. The Property, Stock and Business Agents Bill 2002 was brought before Parliament by the Hon. John Aquilina first in 2001 and again in 2002. In the second reading debate at the time the Hon. John Aquilina boasted:

The bill provides an opportunity to keep pace with developments in the competency-based approach to education and training by allowing for competency standards to be adopted as a pre-entry requirement for the licensing of the real estate industry.

Further, he said:

By ensuring that those who are granted a licence or certificate of registration demonstrate certain levels of competency, consumers are protected, consumer confidence is boosted, vocational professionalism is increased, and an economically efficient property sector ensues.

The 2002 bill overhauled the licensing requirement from formal training to a competency approach based on industry determined standards. Further, the renewal requirement was overhauled so that CPD would be sufficient for a renewal to be granted. The shadow Minister for Innovation and Better Regulation, the member for Swansea, in the other place obviously did not read Mr Aquilina's second reading speech when she was putting together her media release entitled, "Government must tackle untrained real estate agents as a matter of priority". In her media release she noted that intervention was needed to "ensure real estate agents have the appropriate training when dealing with the biggest purchase of many people's lives" and "Labor would look at mandatory requirements". It

is unfortunate that the policy and training requirements that the member for Swansea was criticising were her party's policy.

The bill lifts the standards required to obtain a licence and lifts the standards to maintain continued professional development. Importantly, it increases flexibility into the future. We want to protect consumers and increase confidence in the real estate sector. We are putting consumers first. Mr Justin Field raised concerns for renters. Lifting the standards and accountability of the real estate and property sector—which this bill and the broader real estate reform package does—will impact positively on renters as well as others who interact with the sector more broadly. For example, the additional trust account requirements that will be introduced by regulation will include a requirement to hold separate trust accounts for sales and rental payments. It will also require rental trust accounts to be cleared at the end of each month. That will help ensure that renters' payments are better accounted for and will allow early detection if funds appear to have been misappropriated.

Additionally, the bill prescribes which roles and responsibilities are suitable for each of the three classes of real estate licence, meaning that significant areas of responsibility—such as approving withdrawals from trust accounts—will only be undertaken by licensees in charge. Certificate holders will have more limited responsibilities. Limiting those significant functions to individuals with more qualifications will help to lift professionalism and expertise in the property sector. I thank Julie Stewart and Richard Hodge from the Minister's office and his chief of staff, Ben Cole. They all do an exceptional job and have been very helpful in bringing this bill to the House. I pay tribute also to Minister Kean for introducing the bill and to Minister Dominello, who started the process by conducting extensive consultation with the industry sector. I commend the bill to the House.

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

Motion agreed to.

In Committee

The TEMPORARY CHAIR (The Hon. Shayne Mallard): There being no objection, the Committee will deal with the bill as a whole.

The Hon. PETER PRIMROSE (16:24): By leave: I move Opposition amendments Nos 1 and 2 on sheet C2018-006B in globo:

No. 1 Professional development

Page 9, Schedule 1[26], lines 14–16. Omit all words on those lines. Insert instead:

[26] Section 20 Conditions—general

Omit section 20 (c).

No. 2 Professional development

Page 9, Schedule 1. Insert after line 24:

[28] Section 20A

Insert after section 21:

20A Special condition requiring continuing professional development

- (1) Every licence (other than a corporation licence) and certificate of registration is subject to the condition that the holder must undertake, for the purposes of professional development, the further education or training (if any) set out in the regulations in respect of the licence or certificate of registration.
- (2) The education or training must be undertaken during the term of the licence or certificate of registration.

In my contribution to the second reading debate I outlined in detail the reasons behind the amendments and the need to improve ongoing professional development. I will not canvass those issues again but simply refer honourable members to my speech. While continuing professional development is extremely important, these are simple amendments that will overcome what is now a minor problem in the bill that will continue to grow over the years if we do not address it.

The Hon. SCOTT FARLOW (16:25): The Government does not support the Opposition amendments. Under existing provisions in the Property, Stock and Business Agents Act 2002 conditions can be attached to certificates or licences regarding professional development. This provides for agents to be obligated to undertake continuing professional development [CPD]. Guidelines issued by the Commissioner for Fair Trading clearly set out how agents can meet their CPD obligations. The obligations apply just as strongly under the guidelines as they

would if prescribed by regulation. For a number of reasons, enshrining the CPD requirements in guidelines rather than in primary or secondary legislation is the most appropriate and effective way of mandating those requirements.

First, CPD is part of the operational and administrative details of the regulatory framework. It is not considered appropriate to include such operational and administrative details in legislation. Secondly, Parliament approved the arrangements for CPD when the Property, Stock and Business Agents Act 2002 was originally approved. The guidelines have been an effective mechanism to set out required activities. There is no demonstrated need to change the current arrangements. Thirdly, a major benefit of the existing arrangements is that they provide flexibility that allows Fair Trading to move quickly to improve them in response to changes in the industry caused by developments in new technologies, for example, and to address the latest industry compliance issues, legislative changes and work practices. This flexibility will be a key part of the new system in which the compulsory topics will be reviewed regularly.

In consultation with key industry associations during the development of the Real Estate Reform Package, it was agreed that CPD would be significantly enhanced and that these changes would be introduced by major revision of the guidelines. At that time there were no calls from stakeholders to prescribe CPD by regulation. The key associations include the Real Estate Institute of NSW, the Estate Agents Co-operative, the Australian Livestock and Property Agents Association, and Strata Community Australia, which are all members of the Fair Trading Real Estate Reference Group.

Mr JUSTIN FIELD (16:27): The Greens support the Opposition amendments. They make sense from the explanation the Opposition spokesperson gave in the second reading debate. I am not convinced by the Government's argument. It would seem to require not that much more effort. In reality, it is quite easy to introduce changes to regulations to require more specific training. One reason this is happening is that we have recognised the essential role that agents play in the everyday lives of people who are buying or selling a home or renting. If there is a need for urgent training it does not seem that onerous to incorporate it in regulation. It would not seem to reduce the flexibility that would be useful to ensure the best outcomes for consumers.

The Hon. SCOTT FARLOW (16:29): A major benefit of the existing arrangements is that they provide flexibility. This will allow Fair Trading to move quickly to improve the guidelines over time. Such changes may need to occur quickly to adapt to changes in the industry caused by developments, for example, in new technologies or major compliance issues. This degree of flexibility will also be important to the new continuing professional development [CPD] requirements, with three hours of compulsory topics to focus on key industry issues. These key industry issues will be reviewed regularly by an industry-government panel and updated as needed. The flexibility provided by the CPD guidelines will be essential to the effectiveness of the new CPD framework.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The Hon. Peter Primrose has moved Opposition amendments Nos 1 and 2 on sheet C2018-006B. The question is that the amendments be agreed to.

Amendments negatived.

The TEMPORARY CHAIR (The Hon. Shayne Mallard): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. SCOTT FARLOW: 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. SCOTT FARLOW: On behalf of the Hon. Sarah Mitchell: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

SAINT JOHN'S COLLEGE BILL 2017**Second Reading Speech**

The Hon. CATHERINE CUSACK (16:32): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Saint John's College Bill 2017 repeals and replaces the historic Saint John's College Act 1857, one of the earliest Acts still on the New South Wales statute books. The bill modernises the administration and operation of this venerable institution. Most importantly, the Council of St John's College is to be brought into line with more modern governance practices on the size and constitution of boards. The number of members is to be reduced from 19 to 13, with the majority now appointed. This will allow for a targeted mix of skills to be brought to the college council and enable more member diversity than the previous arrangements. Appointments are required to be made taking into account expertise and experience relevant to the council's functions and an appreciation of the objects, values, functions and activities of the college. The council is required to have regard to gender diversity in making its member appointments.

A significant way in which the bill modernises Saint John's College is to provide that clerical members of the college council can be either a Roman Catholic priest or a member of a Roman Catholic religious order. This permits the appointment of both male and female clerical members for the first time. Similarly, the new position of chaplain may be filled irrespective of gender as opposed to the pre-existing exclusively male role of dean, which it replaces. The bill specifies the functions of the college council, including the development and implementation of policies and strategic plans for the administration of the college, development and implementation of the college's educational and pastoral philosophy, management of the college's financial resources and overseeing the performance of the college and its senior officers. There are numerous other minor and machinery-type provisions that will enhance the administration and operation of Saint John's College including, for example, allowing council meetings to be called and conducted using technology. Reform is overdue.

Since 2012 the St John's College Council has been constituted under emergency provisions introduced to the Saint John's College Act, with bipartisan support, following a well-publicised crisis in governance. It was always intended that there be more lasting reform. Importantly, these amendments have the support of the current St John's College Council, the Vice-Chancellor of the University of Sydney and the Roman Catholic Archbishop of Sydney. The archbishop remains the official visitor to St John's College under the Saint John's College Act. The archbishop also retains the power, with the concurrence of the vice-chancellor, to reconstitute the council in the extraordinary situation where there are vacancies in the office of either all three clerical fellows and/or all but one of the offices of lay members. These powers remain to be called upon if there is a real emergency in governance and they are needed.

The bill also contains 13 amendments moved by the Government in the other place. These amendments were suggested by the college council, the alumni and the university. I acknowledge the Hon. Dr Brian Pezzutti, who is seated in the President's Gallery. He has been vigilant in the preparation of this bill. The amendments were moved by the Government with the support of Labor and The Greens in the other place. This bill is unusual as it repeals a private Act. The Government's role is to act as a catalyst for change on behalf of the stakeholders. The amendments will further modernise the governance arrangements of the college. We wish it every success with the new arrangements. I commend the bill to the House.

Second Reading Debate

The Hon. ADAM SEARLE (16:36): I lead for the Opposition in debate on the Saint John's College Bill 2017. The Opposition supports the bill—particularly as amended in the other place, as the Parliamentary Secretary referred to. The bill repeals the Saint John's College Act 1857, which provided the original establishment and governance arrangements of St John's College at the University of Sydney. The arrangements that were set in place more than 160 years ago essentially continue to this day with little change to the fundamentals. One of the defining features of the arrangements was the placing of the college outside the control of the administration of the University of Sydney. In recent years many of the original governance arrangements have come to be seen as anachronistic, impractical and in need of modernisation. Indeed, some might think an institution like the college continuing to have its own private Act of Parliament may be a little anachronistic, but that may be a debate for another day.

The other defining feature of the legislation is the recognition of the character of the college as a Catholic college, with the Catholic Archbishop of Sydney having the formal role of the official visitor and with certain powers granted to the holder of that office from time to time. It is important to consider that, although it was always a Catholic college, it has never been a church institution. Importantly, it was founded with money raised

by the laity and it has been maintained by the laity since its inception. I think it originally had its own Act of Parliament because in the nineteenth century we did not have corporations and trusts were seen as being a little unreliable. It reflects the genius of nineteenth century legislators to bypass those problems and to oversee the foundation of the college by way of legislation. It was a useful innovation at the time and continues to have enduring social value, subject to my earlier observation.

The bill contains a number of reforms that relate appropriately to the required modernisation of St John's College—for example, there are a number of changes and reforms to the size and make-up of the college council that have been enumerated. Importantly, the bill will allow for the first time the appointment of female clerics to the council, as well as provide the administration of the University of Sydney with the ability to appoint a member to the college council. These two reforms represent a step towards bringing the college and the university closer than they once were. They build on the progress the college has already made since opening its doors in 2001 to female students and to students from various faiths and denominations. I understand that at any given time around 40 per cent of the students in residence are not Catholic. They also build on the work of the interim council, which was put in place as a result of the emergency measures that the Parliamentary Secretary has outlined.

The bill before the House specifically concerns St John's College. However, the issues that the college has faced might apply equally to a number of other university colleges, which to a greater or lesser degree are grappling with similar calls for cultural change and also dealing with the legacy of old and complex legislative arrangements. For clarity, I declare that I am a former student of the university—although not a resident of the college. I have a child who is a university student there and a resident of Wesley College. I am aware of a number of issues facing the colleges but also the concerns of many in the community, including parents of students in residence. For many school students and their families, the opportunity to enter the University of Sydney—one of the sandstone universities of this country—is the result of great effort and focus by students, supported by their families. This engenders an understandable feeling of pride.

For a large proportion, there is a further aspiration to be accepted into one of the university's colleges. For many of those who attend St John's College, it is a family tradition—although not in my family. For others, it is a faith-based tradition, and we must be sensible and respectful of that. For many students, especially those from regional areas, the residential colleges offer a trusted home away from home. Parents place the wellbeing of their children—many of whom are under 18 or just turning 18—in the hands of the university and, in the current instance, in the hands of college administrators. Those parents and many other interested observers were rightly horrified when they learnt about the appalling treatment of a female student in 2012, who was the victim of a dangerous and degrading hazing ritual at the college.

Their concern was no doubt deepened when the media and other commentators reported on what had loosely been called "bad behaviour" at not only St John's but also other colleges at the university. To be blunt, the behaviour and culture that has been reported from time to time since then—including a report last week—goes a lot further than what might euphemistically be called "bad behaviour". It is crude, it is unacceptable and it should have no place in modern society.

Mr David Shoebridge: Often criminal.

The Hon. ADAM SEARLE: I acknowledge the interjection. I know that those involved not only in the administration of the university but also around the college and who were rightly protective of the reputations of both the university and the college were also appalled by that and have taken steps to improve the situation. One of those steps is the improved governance arrangements embodied in this legislation. The New South Wales Labor Opposition believes as a point of principle that it is the right of every student in this State, regardless of gender, sexuality, race or religion, to be able to enjoy a learning environment and, in the case of residential colleges, a living and recreational environment that is free from bullying, intimidation, discrimination and sexual misconduct. They should feel comfortable, confident and safe wherever they study. There should be no room at any university, college or indeed any other place for behaviour or rituals—regardless of their perceived traditional value—that rely on degrading, harassing and humiliating students or putting them in harm's way.

Across our society, the safety of women has been and remains a significant issue. It is astounding that in 2018 women still face significant physical and emotional safety issues—in the workplace, at universities, in the schoolyard and in the family home. It is well past time that society and all its institutions embraced broader cultural reform. The New South Wales Labor Opposition is working hard to tackle sexual assault issues on campus. I know that many of my parliamentary colleagues consider the reform of university colleges and the stamping out of any culture that condones, facilitates or even turns a blind eye to inappropriate—or indeed criminal—behaviour towards women as an important part of this broader university campaign. My parliamentary colleague in the other place the member for Lakemba, the shadow Minister for Education, in debate on this legislation made this call to action:

... to students, current and past, to set about creating new traditions and new rituals that are commensurate with the esteemed status of the church, the college and the university and what we all might expect from a group of presumably intelligent and engaged young leaders who have the opportunity to study at one of the great universities and reside in one of its oldest colleges.

The legislation establishes new governance mechanisms that protect and support the rights of all students who attend the University of Sydney and St John's College. The University of Sydney and its colleges are an important cornerstone of the academic and cultural development of this city and State. What happens there should matter to us all, particularly to those of us who are interested in the advancement of education generally and in the development of an inclusive and modern generation of leaders. In relation to this legislation, I note that the college and its stakeholders have been working on it since 2014—

The Hon. Catherine Cusack: Two thousand and twelve.

The Hon. ADAM SEARLE: I stand corrected. I thank all the stakeholders, the college and the office of the archbishop for working on developing the legislation. More broadly, I commend the engagement of the alumni and the office of the vice-chancellor. I particularly thank the Government and the Minister for Education for engaging with a range of stakeholders, including the Opposition, to improve the original bill. The original bill represented an important step forward in improving governance arrangements but there were some aspects that were not consistent with the spirit that gave rise to the legislation. I refer, for example, to the inclusion of a clerical quorum—the university council could not function without at least one of the clerics being present. That was a notable feature. There was also the mandatory removal from office of all members of the college if all the clerics were to vacate their office. That undermined many of the positive aspects that imbued the rest of the legislation and the spirit underpinning it, and risked undermining some of the goodwill between all the stakeholders who sought to improve the situation.

I acknowledge the good faith with which the Government, the Minister and all the parties engaged in the process. I thank the Government for making the changes to the legislation that it did in the other place. Those ideas emerged from a range of places, including from the Opposition. In the tradition of dealing with legislation of this type, where there should be no place for partisan dispute, the Government took a longer-sighted approach and dealt with it in the way it has. This legislation represents a significant improvement to the governance arrangements for this college. Hopefully, we will see the passage of the legislation in this balanced form through this House. With those short observations, I indicate that the Opposition will support the legislation.

Reverend the Hon. FRED NILE (16:48): On behalf of the Christian Democratic Party, I am pleased to speak in support of the Saint John's College Bill 2017. The bill repeals the Saint John's College Act 1857 and introduces a new governance regime for the college. As members have heard already, the college Act was a private Act, which is unusual amongst all the bills that come before Parliament. It was quite historic. Like other members, I have been a student of the University of Sydney, and a student at the United Faculty of Theology at St Andrew's College, University of Sydney. I have had a long acquaintance with the university and with the various colleges.

The Saint John's College Bill 2017 consolidates the work of reform at the college that has taken place over the past five years. In November 2012 an amendment to the 1857 Act permitted the college's visitor, the Roman Catholic Archbishop of Sydney, to appoint a new council for the college. This council, together with the college's rector, has undertaken substantial reforms at every level of the college's life, including settling the new governance arrangements contained in the bill. The intention of the bill is for the arrangements for the new council to help maintain the momentum for reform. Through recent media stories we have heard about the negative and antiquated college rituals and traditions that are from a bygone era, and of which I have never had personal experience. They are no longer accepted in our contemporary society. This new bill is one part of the cultural reforms that have been fully embraced by the college and that are taking place right now at St John's College. This bill, together with the many other initiatives under way at St John's College, is a step in the right direction.

I understand that between 2012 and 2017 there was extensive and robust consultation between the college council, the archbishop, the Vice-Chancellor of the University of Sydney and the Johnsmen Association. I am pleased to see that, notwithstanding the different views of some of the parties involved, we have now been able to obtain bipartisan agreement in relation to modernisation and the reforms that are so drastically needed to ensure the name and good reputation of St John's College is preserved. To this extent, the Government in the lower House moved 13 amendments to the bill, which were supported by the Opposition and minor parties. A tremendous spirit of cooperation from members of all political parties has seen the seamless passage of the bill in the lower House to ensure the college is able to bring about change, good governance and cultural reforms.

I will not go through each and every amendment; however, I will emphasise the following salient points. "Member of a Roman Catholic order" means a member of an Institute of Consecrated Life within the Roman Catholic Church. This amendment allows for the appointment of both male and female clerical members, whereas under the previous Act only priests could be appointed to the college council. At the same time, the amendment maintains the Catholic connection between the college and the church and continues down the path of opening

the college to all denominations. In relation to council elections, a roll is to be maintained of eligible voters, and there is also provision for casual vacancies in the office of council members. These changes are not too dissimilar from how vacancies are filled in the Senate of the Federal Parliament of Australia. This ensures consistency and fairness in the democratic election process of council members, and also transparency.

Another amendment is that the council is to have regard to gender diversity in appointing persons to the council of the college. This is one of the few pieces of legislation that recommends gender diversity. This is a proactive step recommended by the college to ensure that a divergence of views and opinions are obtained, and that independent expressions are embraced for the collective good and better governance of the college. As mentioned previously, this is just one of the many cultural reforms taking place at St John's College. These changes in legislation and the enactment of the Saint John's College Act 2017 complement the reform activities currently taking place at St John's College. The fact that the college is effecting cultural change is borne out in the "Report to St John's College on Cultural Renewal", undertaken by Elizabeth Broderick, former Sex Discrimination Commissioner. I will comment briefly on her report.

In November 2017, Elizabeth Broderick handed down a report in relation to cultural renewal at residential colleges, including St John's College. This was an extensive and detailed review of the college and culture, and several recommendations were made. The college has accepted every one of those recommendations. The report also noted some of the reforms under way at the college, in particular. In conducting the work, the Broderick project team acknowledged the strong support of the rector, the staff and student leaders, who have been critical to the success of the project. This leadership group ensured strong levels of engagement in the cultural renewal process.

St John's College has instituted a number of changes over the past few years, prior to the commencement of the project and as recently as 2017. The project team commended the college for this progress and noted that a number of its recommendations build on recent cultural change initiatives, including greater accountability of students who engage in unacceptable behaviour; stricter rules concerning activities in Orientation Week, including reducing the number of days constituting Orientation Week and requiring approval from the rector for all student-run events; and limiting the supply of alcohol.

A strong theme heard by the Broderick project team was that students felt supported by staff, peers and the student leadership team. St John's College has a strong model for peer assistance in its student pastoral care team. The college's harassment policy and procedures in the Student Code of Conduct, which is published in the student handbook, clearly enunciates the college's zero tolerance towards harassment, vilification and victimisation. The policy has several features that the project team considered to be examples of best practice. Students had confidence in the reporting system at the college. Many students stated that they were confident about disclosing and reporting an incident and were comfortable approaching the dean or a member of the student pastoral care team. The Broderick team concluded:

St John's College is an impressive and influential institution, one that has provided a strong intellectual, cultural and spiritual environment to students for over 150 years. The St John's community has much of which it should be proud, including the commitment of its Rector, staff and student leaders; the involvement of its student body in rich and diverse extracurricular activities; and its academic achievements.

In addition, the college has implemented several reform initiatives, including pastoral care and student support. The college provides pastoral care for students through its pastoral team comprising the vice rector, the dean, two sub-deans and a number of resident assistants and corridor representatives. The college has implemented a reporting and support guideline for students so that they are able to report any incident that is unlawful or contrary to college rules and policies. Senior members of staff have been trained and identified as support advisers to students to assist them in the reporting and complaint-making process.

As part of the cultural change program, the college commenced leadership training for its third-year Leadership Student Group. The leadership group provides support and mentoring to new students commencing at the college. Some of the training that has been provided to the leadership group includes youth mental health first-aid training, which provides information and assistance to students in relation to identifying issues impacting upon adolescence such as depression, anxiety, eating disorders, suicide, the effects of alcohol and mental health; and Living our Values training, which is a presentation by senior staff of the college in relation to the core values of the college, the expectation of the team leaders as role models, helping to prepare the next generation of Catholic leaders, affirming the mutual relationship between human reason and Catholic faith, engaging with issues of significance to local and global communities, and demonstrating high standards of ethical behaviour and social responsibility.

In Sex, Safety, and Respect (Understanding Consent) training, Rape and Domestic Violence Services Australia gave a presentation to the students about education and training regarding sexual, domestic and family violence, and violence within the community. In addition, senior specialist staff from Royal Prince Alfred Hospital

gave presentations in relation to the impact and dangers of drugs and alcohol, complemented by presentations by Red Frogs Australia regarding alcohol consumption, binge drinking, drug and alcohol awareness, and peer pressure. New students to the college have been provided with specialist training in relation to the college code of conduct, rules and regulations, and adherence to the St John's vision, mission and values statements. They have also received training and education in relation to identifying and mitigating acts of violence, assault and sexual assault.

This year the college implemented a 10-member equality committee. The committee comprises senior students, seven of whom are female and three of whom are male—I emphasise that seven are female. This is a senior leadership group within the college. Their charter is to review all issues of diversity, complaints of inequality and system improvements. They report directly to the vice rector and dean of students. Finally, cultural reform can be achieved only when all parties act together for a common purpose. The college is undertaking a great deal of work with the student leadership team, new students, the college council, the alumni and the Johnsmen's Association to ensure that these reforms occur and work.

Reform does not occur overnight. It takes time, understanding and acknowledgement that some of the past traditions belong in the past. I hope that all vested parties who have been involved in the evolution of the bill continue with the spirit of goodwill and collaboration to ensure that the college is able to continue down the path of reform and build upon the cultural improvement that is taking place within St John's College. All parties need to fully understand that they must act in the best interests of the college to ensure continuation of reform and the wellbeing and academic success of the students. For those reasons, the Christian Democratic Party is pleased to fully support the Saint John's College Bill 2017.

Mr DAVID SHOEBRIDGE (17:00): On behalf of The Greens I speak to the Saint John's College Bill 2017. We are debating this bill in the week that follows the release of "The Red Zone Report", which I hope members have read and considered, at least partially. "The Red Zone Report" is a distressing and disturbing report. It details the abuse, bizarre hazing rituals, harassment, bullying and misogyny that have not disappeared from residential colleges at the University of Sydney—not limited to St John's, but also at St John's—but that are still continuing to this day. One of the recommendations from "The Red Zone Report" is that we should clearly criminalise such conduct. That is unfinished business and this bill does not do that. We as a Parliament need to grapple with the conclusions of that report and should put clearly on the parliamentary agenda legislative reforms that address the appalling abuse that was evidenced in that report.

What we have before us today is a remaking of a piece of legislation that is now 150 years old. The Saint John's College Bill 2017 seeks to repeal and remake the 1857 laws that currently govern the management of St John's College. For the record, I went to the University of Sydney but I did not go to a residential college. However, anybody who spent any time at the University of Sydney would have gone to a number of functions at residential colleges and seen them awash with alcohol and drugs—at least in the time that I was there. Awash with alcohol and drugs was my observation of most of the functions that were held, particularly those driven by students at the likes of St John's, St Paul's, Wesley and all the colleges at the University of Sydney. The behaviour that surrounded those events was pretty poor, from my observation. It was largely tolerated by the university and by the college officials. My observations would not be unusual from the time that I spent at the University of Sydney and my limited exposure to those events at colleges.

Of course, in 2012 we saw at least one appalling incident come to the fore and since then steps have been taken to seek to address the appalling mismanagement at St John's College. I acknowledge that it has been a long and engaged road by stakeholders in that regard. I do not normally have many positive things to say about George Pell but I think he intervened at least at some point to start some steps of reform at St John's College. Since then, there have been efforts by a series of stakeholders surrounding St John's College to try to come up with some sort of agreed remaking of the legislation that covers St John's College.

At this stage I acknowledge two of my colleagues in the other place, Tamara Smith and Jamie Parker, for working with stakeholders and communicating with the Minister's office about some of the amendments that have been bouncing back and forth. I have seen many of those exchanges and discussed with them the various amendments that have been bouncing back and forth about the bill. However, despite those amendments improving the legislation—they do improve the legislation and were supported by my colleagues in the other place—we still have a nineteenth century management structure for what should be a twenty-first century institution.

The starting point would be to look at the proposal for the make-up of the council of the college. We are now in 2018 and the proposal for the make-up of the council of this college is the rector and then three persons appointed by the archbishop, each of whom must be a Roman Catholic priest or member of a Roman Catholic order. We then have four laypersons elected, one layperson appointed by the vice chancellor and then four persons who are appointed by that council that is dominated—

The Hon. Adam Searle: Laypersons?

Mr DAVID SHOEBRIDGE: Yes, four laypersons appointed by the council. Of course, the council that appoints those four laypersons is dominated by the clerical appointments of the archbishop. That is not a twenty-first century management structure; that is a nineteenth century management structure. It should not be in legislation that we are considering in 2018. Indeed, giving that enormous amount of power to clerical appointments of the archbishop right now—three and a bit months after seeing the outcomes from the Royal Commission into Institutional Responses to Child Sexual Abuse, which recommended that all institutions need modern management structures—is a case of when will this Parliament get it and when will decision-makers in this State get it that we need to insist upon modern management structures for institutions that have young people, in particular?

Indeed, I extend that definition to include first-year university students and others. Young people in their care need modern management structures, not these kinds of nineteenth century models. This is not an appropriate response but I accept that it is better than the initial draft that came to the other place. There were concerns about what was initially an absolute clerical veto on the council, giving the visitor—the "visitor" being the euphemism in the Act to mean the archbishop—the power to just sack the council at will. The original draft said that if the three clerical members resigned, it gave the archbishop the power to just sack the entire council.

The Hon. Adam Searle: Required it.

Mr DAVID SHOEBRIDGE: Yes, indeed. I note the interjection from the Leader of the Opposition—it required the archbishop to sack the council. Of course, in the church structure priests are subject to the direction of the archbishop. If the archbishop wanted to sack the council, the archbishop could direct the priests to resign and—bang—there goes the council.

The Hon. Adam Searle: As happened last year.

Mr DAVID SHOEBRIDGE: That is not just a question of academic concern; this kind of behaviour has happened. There has been a marginal improvement in the bill so that now clause (6) of schedule 1 to the bill states that if there are vacancies in the office of all three clerical members, or in the office of eight of the nine lay members, the visitor—being the archbishop—may, with the concurrence of the vice-chancellor, remove the remaining members. There is at least some check and balance; it is not purely a decision of the archbishop. The archbishop has to get the vice-chancellor on board. However, why are we handing that kind of veto power—that extraordinary power—to the archbishop of an institution that we know has so grossly failed previously in its duty to the young people in its care? It is totally inappropriate.

The bill is slightly better than the first draft. I acknowledge the work done to at least give the vice-chancellor a role. This is not a twenty-first century management structure. This is a nineteenth century management structure. I thought we had got over this. I hope that this improves matters at Saint John's College. I hope that history does not repeat. I hope that there is fundamental culture change. However, if this Parliament were serious about fundamental cultural change it would not be passing this bill.

Dr MEHREEN FARUQI (17:09): I speak to the Saint John's College Bill 2017. In particular, I will focus on the main reasons why we need governance reform in this college and others. Colleges have been boys' clubs for far too long and have a terrible culture of sexism and misogyny. This must change. The bill before us today makes some changes to the governance structure of the council for St John's College at the University of Sydney. Although these reforms are important, they do not even begin to address the real problems with the culture of colleges at the University of Sydney and many other universities across the State and, indeed, across the country.

I am sure that members in this Chamber are well aware of the disturbing reports coming out of universities in New South Wales—reports of extreme hazing and the prevalence of sexual assault. Many people have said that this is nothing new; it has gone on for years. That we have allowed this to go on unfettered for so long nonpluses me. Members will know that there are deeply entrenched cultural problems in most residential colleges. Once again, residential colleges such as Saint John's are in the news for all the wrong reasons. Problems such as sexual assault, hazing and the glorification of masculinity foster an elitist, toxic and sexist culture that thrives on secrecy and excludes anyone who does not conform.

It has taken a group of very determined students and activists to force universities even to admit that there is a problem with campus safety in Australia, and so far we have only been offered band-aid solutions. I commend the courage, commitment and resilience of activists such as Anna Hush and journalist Nina Funnell, who founded End Rape on Campus Australia, and who have recently published an extensive report on sexual assault on campus, entitled "The Red Zone Report". The report reveals the true nature and depth of problems present in residential colleges. Before this, the Elizabeth Broderick review and the Australian Human Rights

Commission report into sexual assault at universities gave similarly harrowing accounts and pointed to the pervasiveness of a culture that looks away rather than addressing the underlying problems.

Following the Human Rights Commission report, I wrote to the vice-chancellor of every single university that has a campus in New South Wales urging them to urgently implement the recommendations of the report across all their campuses. In August 2017 this House unanimously passed my motion calling on all New South Wales universities to implement these recommendations. One recommendation from the Human Rights Commission directly called on residential colleges and residences to commission an independent, expert-led review of the factors that contribute to sexual assault and sexual harassment in their settings. This should include the ways that hazing practices and college traditions facilitate a culture that may increase the likelihood of sexual violence. And then, these have to be addressed very seriously.

However, we have yet to see a single residential college start this independent review process—not a single one, Mr Deputy President. Yes, the bill before us today changes the governance model of St John's College, but it stops short. It stops short of assuring us that this will actually change things. Precisely how will this change in governance arrangements address the entrenched cultural problems at residential colleges is yet to be seen. Will the new council commit to seriously, and—this is crucial—openly addressing the harmful practices that have been allowed to occur under the very nose of previous councils? These reforms mean nothing until they start putting the welfare of the young people entering these colleges before the supposed risk to their institutional reputations. The changes in governance are welcome and show that, at the very least, this Parliament is beginning to recognise the problem.

We know that cultural change can only happen—as stated by the Elizabeth Broderick review into residential colleges—when there is strong and courageous leadership. The college council is important in this regard, as it is the ultimate internal decision making body in most cases. Until and unless we have visible and strong commitment and action from the council towards eradicating the toxic culture that has prevailed for far too long, there is nothing to celebrate here. We can all agree that the years spent studying at university are supposed to be safe and fun, in an environment for learning and making important and lasting friendships. But many students are destroyed by traumatic experiences because those in authority have failed to protect them. We can no longer ignore that this culture and the secrecy has harmed too many young people and caused too much damage.

The State Government must review the governance structures and cultural problems at every single residential college that operates independently from the university administration and has been established through a private Act of Parliament. We need well thought-out and serious reforms that address the core problem: a culture that is rooted in misogyny and forces students to conform, resulting in widespread abuse. We need our universities to be places students are safe and have respectful relationships, no matter their gender. Let us work towards this, and there is more work to be done.

The Hon. PENNY SHARPE (17:17): I will make a brief contribution to debate on the Saint John's College Bill 2017. This is a simple governance bill and the details in relation to it have been well canvassed by many members. I wanted to use the opportunity of debate on this bill to talk about the bigger issue that we are confronting. This is a symptom of a much bigger problem within the community—that is, the ongoing violence against women and the bullying that inhabits many different institutions with very poor culture. What is really disturbing in relation to what has been talked about in recent times is that we have been talking about it for such a long time and there has been so little progress. I was involved in student unions a very long time ago, in the early 1990s.

The Hon. Dr Peter Phelps: Was that with the National Organisation of Labor Students?

The Hon. PENNY SHARPE: Yes, of course. We got a videotape from the United States. There was a campaign on campuses in the United States to end rape on campus. It documented horrifying stories of women in a range of different places at college trying to get an education and the experiences they had. At the time I remember getting this little videotape. The women's officer and I went around to the colleges at the University of New South Wales and held video nights. We asked women to come, look at the video and talk about what they could do to look after themselves and each other. At the time we were lucky if three or four people came along. Our experience, through the counselling services and our own experience, was that some of the things happening to women in those colleges were very serious and were never reported properly to authorities or dealt with by the law, but impacted greatly on women and those who did not conform. I include gay men in those comments as well. People who were a little bit different could suffer terrible consequences as a result.

I come to this debate in that context. We were talking about this 25 years ago and it seems that little has changed. I thank all those who—over the past 25 years and beyond—have continued to stand up and challenge a culture that is unacceptable, a culture that is dangerous, a culture that destroys lives, a culture that condones the sexual objectification and sexual assault of women, and a culture that supports the view that it is boys being boys

and we should let them have fun at university. No-one is having fun at university if they cannot go to their room without having people knock on the door or try to get into their room at night without their permission. No-one is having fun if they cannot even wash their hair with a product that has not been tampered with by boys who are just having fun. The stories that are in "The Red Zone Report" deserve and have had very wide circulation but we should not, and we must not, forget that real people have been impacted by these actions. This is not just about St John's; this is about institutions all over campus.

It is a very peculiar reason that this bill, which is about the history of the establishment of the colleges at Sydney university, is before us today but I do not pretend for a minute that this is not happening on campuses all over Australia. All of those people who feel smug because Sydney university is taking all the heat should have a good look at themselves because it is happening on their campus too. The question they have to answer is: What are they doing about what is happening in their own institutions? I would also like to thank those women—most of whom have been women's officers and have raised this issue every single year they have been elected. I deal with women's officers every day. I have the great privilege of meeting these incredible young women. They are prepared to stand up to large institutions and make themselves very unpopular amongst some of the clubs in society for daring to want a place where women are safe and can have fun without being attacked, objectified or generally made fun of because they do not want to join in the pervasive and negative culture that exists, and that we continue to allow to exist.

I think this is an important bill. It is a simple governance bill. Those of us who say that we care about this issue need to look at every institution where this kind of behaviour and poor culture exists. We need to take personal responsibility for trying to stamp it out and change the institutions themselves as well as support those who dare to speak up when often it makes them very unpopular.

The Hon. Dr PETER PHELPS (17:21): I will go through my concerns with the Saint John's College Bill 2017 before I respond to some of the remarks that have been made by previous speakers. We are nominally replacing the 1857 Act with a new Act of 2018 but the process has been going on since 2012. Like Mr David Shoebridge, I am concerned about the make-up of the council. The council contains four laypersons elected under section 8, three persons appointed by the archbishop, the rector, one layperson appointed by the vice-chancellor and four laypersons appointed by the council. In other words, the council is constituted by those people who were previously elected or appointed at an earlier point of time.

First, what is interesting about this bill is that, far from being a modern governance practice, it is vaguely redolent of the way that the membership of this Chamber was selected in the period between the 1930s and the 1970s. In other words, there was a collegium of people who were variously elected by the lower House, or previously appointed by this place, who would determine one-third of the make-up of the Legislative Council. This is really a case of back to the future; this is a pre-Wranite retrogression to a period that we rightly got rid of under the Wran Government.

Secondly, I note that one person shall be appointed by the vice-chancellor. This is a new, and in my view, very damaging occurrence. The history between the university and the various colleges is fraught, not the least of which—from the time of their inception when the university disapproved of the creation of colleges through to arguments about an Oxford versus an Edinburgh system of higher education in this State—took up a fair amount of time of this Parliament. In recent years we have seen a vice-chancellor who has become more and more acquisitive of power, and more and more desirous of getting his hands on land. Indeed, the suburb of Darlington has basically been eaten by the university.

The colleges have plenty of open spaces. Indeed, the Charles Perkins building which exists at the university was in fact excised out of existing land that had been awarded to St John's College. The nanotech building was similarly excised out of land that had been owned previously by St Paul's College. We can go back further to the 1930s, I believe, to when the Rockefeller building—which was a Rockefeller bequest, but has had a name change—was excised out of land that belonged to St Andrew's College.

I do not have a great deal of faith in the current vice-chancellor in maintaining either the spirit or traditions of independent collegiate life at the University of Sydney. His positive behaviour at the announcement that St Paul's College was going to be acceding land to the university for new offices and lecture theatres was followed two weeks later by a blanket condemnation of the sexist and misogynistic nature of the entire St Paul's College. "Snake in the grass" is an overused phrase but I think one that is particularly applicable to Vice-Chancellor Spence in this case. The fact that the vice-chancellor can appoint a person to this board is interesting. He is required to appoint one layperson. Who could that layperson be? If you look at the definition, a layperson means a person who is not a Roman Catholic priest or a member of a Roman Catholic order.

Theoretically and, in contradistinction to both the rector and vice-rector who are required to be either members of the clergy or alternatively at least Catholics in good standing with the church, there is no obligation

on the vice-chancellor to appoint anyone Catholic. Presumably, the vice-chancellor could appoint anyone. He could appoint a Muslim scholar, a Jewish scholar or a transgender lesbian Anglican priest—and believe me there is one in the Brisbane diocese. There is no requirement that the vice-chancellor need appoint someone who is Roman Catholic either in spirit or in form. That to me is quite bizarre and unacceptable because it means the vice-chancellor can play whatever games he likes, aside from the fact that he immediately has one vote on council straightaway the next time that the university comes looking to try to steal more land off St John's College.

Mr David Shoebridge pointed out too that each of the three appointments by the archbishop must be a Roman Catholic priest or a member of the Roman Catholic order. Mr David Shoebridge rightly pointed out that this in itself is quite an archaic provision. For example, at St Paul's College the requirement that clergy be on the council at a certain percentage is ameliorated by the fact that those members of the clergy can independently nominate from anywhere in the Anglican communion, but are still voted on by the existing body. What we have here is an appointment process which denies that. Theoretically, if the archbishop wished to maintain control he could appoint three priests from within the Archdiocese of Sydney who are then beholden to him. You may ask if they are genuinely beholden to him but in fact they are.

While it is not on my normal reading list, I happened to chance upon the canon law of the Roman Catholic Church, particularly paragraph 273, which specifies that clerics are bound by special obligation to show reverence and obedience to their own ordinary. "What does that matter?", you may ask, considering the fact that the quorum is seven, and even if the three Catholic clergy members do not turn up the meeting would still be quorate. However, clause 6 (2) of schedule 1 to the bill states that if there are vacancies in the office of all three clerical members, the visitor—that is, the archbishop—may with the concurrence of the vice-chancellor essentially dismiss the council. The visitor has the ability to direct the three clerical members to resign from their offices, at which point he becomes essentially the decision-maker with the nominal—and it will only be nominal—concurrence of the vice-chancellor to dismiss the entire council. I am not sure how that represents modern administrative practice.

The fact that a vice-chancellor seeks to have a person on the council is worrying to me. Those of us who have read *The Lord of the Rings* are aware of the story of Wormtongue, who lurked in the court of King Théoden, all the while doing the bidding of Saruman. Who is to say that will not happen in this instance? But a more important issue is at stake. The college was built essentially without the input of the Roman Catholic Church or the University of Sydney. The cry against tyrants throughout the ages has been "No taxation without representation". Here they are demanding representation without contribution.

If the University of Sydney and the Roman Catholic Archdiocese of Sydney were serious about their involvement in St John's College one would expect them to say, "That, commensurate with our role on council, we will match any donation made to the college by Old Johnsmen." The university would look at how much Old Johnsmen had donated over the previous year and on a one in 12 increment it would give 8 per cent of that amount from the university funds to St John's College. Then each year the Roman Catholic Archdiocese of Sydney, which makes up 25 per cent of the new board, would voluntarily donate 25 per cent of the amount that Old Johnsmen had managed to donate to the college that year.

Would that not be a more flourishing arrangement and give true meaning to the words "representation with contribution"? Of course, I bet my bottom dollar that they will not do anything of the sort. They will simply keep their fingers in the pie to try to do what they can from what are competing interests but nonetheless their own interests rather than the interests of the college.

The Hon. Adam Searle: This is the longest speech we have had on this bill.

The Hon. Dr PETER PHELPS: And certainly the best, I say immodestly. Then again, I am a Pauline. I suppose we have to accept a bit of arrogance coming through. When I claim that the university's subtle insinuation onto the college council is a matter of concern, some might say that I am just being paranoid about what the university wants to do. I am thankful to University of Sydney academic Dr David Smith who, in response to a tweet from a colleague who complained about appalling behaviour at the university colleges, let the cat out of the bag by saying:

They are sitting on some great land and property that would be better used for almost any other purpose.

David Smith has let the cat out of the bag about what the vice-chancellor appointment to the college is really about. It is about a land grab on the part of an acquisitive university which, having eaten the nearby suburbs, now thinks it has an easy mark in the colleges and has done nothing to defend their reputations in the face of what has gone on. Members heard other speakers comment on the Broderick review of residential colleges. It is worthwhile looking at what Elizabeth Broderick had to say about them. She wrote:

Our research found that for most college students most of the time, their experience is positive and rewarding. This was an overwhelming finding, drawn from both our survey data and the qualitative data.

Students spoke of the strong academic support, pastoral care, access to extra-curricular activities and the establishment of firm friendships—all features of college life that enriched their overall university experience.

Our data shows that of students surveyed, 86 per cent felt a sense of belonging at their college. This strong sense of belonging also featured in many of the discussions with students across all of the colleges.

Who in this Parliament can say that there is an 86 per cent sense of belonging? Elizabeth Broderick continued:

In addition to this, 89 per cent of students felt supported by peers and staff.

Who here can say that 89 per cent of parliamentarians are supported by their peers and staff? She continued:

Students told us:

"I feel safe, included and truly believe that college has not only helped me excel in academia but also learn social skills and gain friendships for life."

It is true that comment was made about a drinking culture at the colleges, but let us quantify it. Elizabeth Broderick wrote:

A further 15 per cent believed that there was too much focus on drinking at college. 13 per cent experienced pressure to drink alcohol when they didn't want to. Female students were significantly more likely to report experiencing this (15 per cent) than male students (9 per cent).

That means that 85 per cent of students believe there was not too much focus on drinking at college, 87 per cent did not experience pressure to drink alcohol when they did not want to and between 85 per cent and 91 per cent of students were happy with the situation in which they found themselves in colleges in relation to drinking. Of course, there will be people to whom college life is not suited. They have the option of either seeking to change their college life or to leave, and many do. Elizabeth Broderick also spoke about the various things she would recommend. She wrote:

On ensuring the wider university campus is inclusive for all students—college and non-college students alike—we make specific recommendations to the University of Sydney. Our data found that around 51 per cent of college students felt stigmatised on the broader university campus because they attend college. There was a sense that they did not belong on the campus.

Interestingly, her first recommendation is:

We therefore propose that the university's code of conduct prohibit negative or unacceptable comments, attitudes or behaviours from other non-college university students and university staff towards college students and staff.

Her first recommendation is to stop picking on the colleges, stop demonising college students and stop using them as whipping boys for our own personal political agendas. In this debate Mr David Shoebridge complained that on the rare occasions he went to college functions he found the presence of alcohol and drugs. Who would have thought alcohol and drugs would be on a university campus? Who would have thought that would be the case? By the way, this is the same Mr David Shoebridge who is so opposed to drugs that he says police should get rid of sniffer dogs because they might sniff them out. But let us not worry about that. He is opposed to alcohol and drugs. Has Mr David Shoebridge not heard of the old JSoc at the University of Sydney? Has he never been to the Manning or Wentworth bars or attended a University of Sydney Union function, particularly late in the evening? If we are going to ban things because of the presence of alcohol and drugs, the Gay and Lesbian Mardi Gras in Sydney may come within the purview of his outrage.

Dr Mehreen Faruqi said that all the colleges at Sydney university have a culture of bullying and sexism. I would love to see the culture of bullying and sexism at Sancta Sophia College or the Women's College. But that is too subtle. Dr Mehreen Faruqi had to demonise all of them by saying that they all have a culture of bullying and sexism. Dr Mehreen Faruqi also said every college that is established by a private Act should be examined. Is she saying that there is no sex, no drugs and no alcohol at Basser, Philip Baxter and Goldstein colleges?

The Hon. Trevor Khan: Or New College.

The Hon. Dr PETER PHELPS: Or New College? Given that those colleges do not have a private Act and are governed by university administration, I suppose one could probably say they are models of puritan virtue and light. I can say also that one or two beverages may have been consumed during my recent address at Goldstein College—not only by me but also by everyone else who was there. Perhaps drinking is the only way students can survive my lecturing. More seriously, in every institution there are always problems. To suggest that drinking, drugs or sexual misbehaviour does not take place in the Parliament of New South Wales is ridiculous, and to suggest that a form of hazing does not exist in this place is also just as ridiculous.

If The Greens want to talk about sexual abuse they should consider that their own members, employees and volunteers are currently under investigation in New South Wales, Victoria, the Australian Capital Territory and Tasmania for gross sexual misconduct, including sexual assaults repeatedly asked to be investigated and repeatedly covered up by the various elements of The Greens party. The Greens should get their house in order before they start throwing stones at other people. They should stop being the pot calling the kettle black. My time

at college was very enjoyable. I went through a fresher initiation, which was a form of hazing, and I did so voluntarily. I drank alcohol on occasion at the college and I found that also very enjoyable. College is not for everyone. It is terrible thing for The Greens and the rest of the angry sisterhood to come into this Chamber and attempt to belittle the college system. [*Time expired.*]

The Hon. JOHN GRAHAM (17:41): I make a contribution to debate on the Saint John's College Bill 2017. I state at the outset that I support the minimalist changes to the legislation that governs St John's College at the University of Sydney. The changes, which have been a long time coming, are a step in the right direction. However, I remain concerned about the state of the culture at this institution and others across this State. In fact, I do not believe these minimalist changes will be enough to change that culture and this House should be very clear about its expectations as to the changes. The Hon. Dr Peter Phelps said we should be careful not to throw stones if there is a culture of misbehaviour or of cover-up. We have to tackle these cultures wherever we find them—whether it is in the institution we are now talking about or in a political party. It is important to note that in all political parties there are issues, and we should take them on.

I recognise the many students, especially the campus women's officers and the End Rape on Campus [EROC] team, who have been raising these issues for a long time. I recognise also some of my colleagues in the other place who have been campaigning on these issues, particularly over the past 12 months—the members for the electorates of Summer Hill, Maitland, Canterbury and Lakemba. The Hon. Penny Sharpe spoke earlier in this debate. She also has a long history of campaigning on these issues. I have listened to this debate with great interest, and some good contributions have been made across the Chamber. It is obvious that people on all sides of politics hold strong views and are committed to tackling this culture.

I also appreciate the way in which the university has tried to tackle this issue. I believe, looking from the outside in, that the vice chancellor is taking this seriously. I thank Elizabeth Broderick for her report, which has put some facts on the table, and nor do I underestimate the hard work of the Minister in bringing this matter forward. He has done much better than his predecessor on this issue. The Hon. Dr Peter Phelps said this has been an issue since 2012 and yet six years later we are dealing with it. My view on this issue is much the same as that of my colleague in the other place, the member for Summer Hill, who is currently on maternity leave following the birth of her twins. Her written contribution to this legislation concluded as follows:

Let this bill also be a promise that this is only the first step in a much longer journey of reform, because there is much more work to be done if we are to end the scourge of sexual assault, harassment and rape on our university campuses.

For decades this culture has been a problem. Several members have quoted from the Broderick report, including the Hon. Dr Peter Phelps. I will now refer to a couple of things that have not been quoted from the report, including that 50 per cent of students surveyed reported they had witnessed bullying, intimidation or hazing. The report states:

The majority of US states have laws against hazing, and many tertiary education institutions there base their anti-hazing policies on those laws. The result is a powerful message ...

I acknowledge that the earlier quotes from the report were accurate. The report states also that 25 per cent of women reported they had experienced sexual harassment since commencing at the college, almost all of which occurred on college grounds. Some 12 per cent of women surveyed reported that it happened in one week—Orientation Week—and 6 per cent reported experiencing actual or attempted sexual assault since commencing at the college. We cannot look sideways when those figures are included in this report.

The Hon. Catherine Cusack: Is that at university?

The Hon. JOHN GRAHAM: At university.

The Hon. Catherine Cusack: That is not true of colleges.

The Hon. JOHN GRAHAM: I repeat the earlier figure that 90 per cent of these sexual harassment issues happened on college grounds. To put this in context, there are also very few police reports. Police are not receiving reports, which goes to culture. This culture poses a risk to the education sector in New South Wales. First, Tanya Plibersek has already made it clear that a future Federal government may well take action against educational institutions. Money could be taken out of educational institutions in New South Wales if these issues are not cleared up and this culture improved—that is the case in jurisdictions such as Canada. Secondly, this is a key export industry. In New South Wales international education is valued at \$10 billion; it is our second biggest export earner. The reputational threats associated with this should not be tolerated. It deserves a serious response.

I take this opportunity to express my support for all those victims who have spoken out publicly. I specifically express my support for the Kelly family in the loss of their two sons. Stuart Kelly's story is very upsetting and should be a cause for reflection for us all. I join the university in supporting the call of the Kelly family for a coronial inquest into the circumstances of the death of Stuart Kelly. From reading these reports it

seems as though these colleges have been conducting a decades-long masterclass in misbehaviour rather than providing accommodation. I call on the Minister to do the following things. First, he should request quarterly reports from the colleges on the key measures that the Broderick report draws attention to—namely, gender balance in leadership positions, the diversity of residents and, crucially, on the number of incidents of harassment or assault reported and the outcome of each of those reports.

Secondly, the Minister should use this information to brief the Minister for Police and the Commissioner of Police so that it can inform a risk-based assessment of policing by the commissioner. Given the Broderick review's finding that fully 12 per cent of these incidents happen during one week of the year and the majority occur on college grounds, I suspect such an assessment would make it a high priority. Thirdly, I call on the Government to deal with the general governance reform for colleges in New South Wales. Today we deal with St John's College, but I ask the Parliamentary Secretary: When do we deal with the issue generally? When do we deal with governance at other institutions that have been referred to in the debate? Fourthly, the Minister should introduce New South Wales legislation to outlaw hazing. Most states in the United States have done so. Given this culture, why should we not act? Lastly, the functions of the college, set out in the bill, are as follows:

- (a) to provide accommodation, education and religious instruction to students.

If the incidents do not stop, if the culture does not change, if the cooperation of the colleges ceases, in my view these institutions will have strayed unacceptably far from their stated public purpose. In that case, these colleges—situated on land granted to them by the public—should be handed back to the university and run as accommodation for students who most need it. I support the bill and I support changing the culture. It has taken too long to do so; it has to change.

The Hon. CATHERINE CUSACK (17:51): On behalf of the Hon. Sarah Mitchell: In reply: I thank all members who contributed to debate on the Saint John's College Bill 2017. This bill will modernise the administration and operation of St John's College. It will lay to rest the lingering uncertainty around the college's governance that dates back to the 2012 emergency measures incorporated, with bipartisan support, into the Saint John's College Act 1857. The bill builds on the progress made by the current St John's College council and its predecessor. Importantly, all positions on the council will be open to both male and female candidates and the council will be required to have regard to gender diversity in making appointments.

Mr David Shoebridge was incorrect in his assertion that the council is dominated by clergy. Amendment No. 13 ensured that the four lay appointees are appointed after four laypersons are elected. In other words, the selection of people who appoint laypersons will consist of three clerical fellows, one vice-chancellor appointee, and four elected laypersons. This was considered to be a fair balance on the council and it is certainly different to the previous situation, in which the Archbishop had the sole power to collapse the quorum and render the council dysfunctional.

As members may know, I am a former resident of The Women's College, which is a venerable institution and one of the great institutions for women in this State. Not one word of the things that have been said against colleges today could possibly apply to The Women's College. In 2012—a very dramatic year for St John's College—my eldest son, Josh, was enrolled as a freshman and I made a contribution to the debate at that time. My younger son, Lachlan, spent two years there and now has moved to another university. Neither my sons nor I experienced the culture that has given rise to the current debate, and I think all members and all stakeholders take the welfare of students very seriously. They have very different perspectives.

The University of Sydney was established by visionary people as a secular university, and there were grants of land intended for the moral wellbeing of students. Significantly, this meant that the university was not a religious institution. Instead, the college system was set up to take care of those issues. At the time, that was important. I endorse the comments made by the Hon. Adam Searle and I add that the private college Acts were not simply a form of incorporation; they were also a form of land grants.

A number of stakeholders have been approaching this issue from different directions, and there has been an intense debate on how to modify the college's future governance. The college council is self-perpetuating, and I think any current organisation with a self-perpetuating council or board will face the same difficulties. They are modernising their organisations, and it works until that cooperation breaks down. I believe people have come back together to support the wellbeing of the students. My goodness, what an outstanding group of young people I encountered at St John's College and the other colleges.

During the debate, members made a number of incorrect statements. Dr Mehreen Faruqi perhaps does not understand that there are only six colleges in New South Wales that have private Acts of Parliament. They are all on campus at the University of Sydney. They include Sancta Sophia College and The Women's College. Rather than there being vast numbers of boys' clubs, we are now down to four colleges. Wesley College is already co-educational, although it was the only co-educational college when the Hon. Penny Sharpe was at university in

the 1990s. Her recollections may have been faulty in that regard. I think it is incorrect to say that no progress has been made; I think enormous progress has been made, certainly since my day.

Yesterday was Josh's birthday—he is still president of the Liberal students there—and I asked him how Orientation Week had gone at the University of Sydney this year. He laughed and said it was the flattest orientation week of any campus in the history of Australia. To say that this debate has been ignored is unfair to the staff, students and leaders on campus who have worked incredibly hard. That includes the Vice-Chancellor of the University, Michael Spence, who does a great job. He is in charge of the security and wellbeing of those college students as they move around campus. The reputation of the university has been affected by some of these incidents. My understanding is that all the stakeholders in the college have been accepting of the Vice-Chancellor having a role in this. I know the Johnsmen have a lot of reservations about that, but we all hope that the goodwill and the progress that has been made will see this go forward and be a real success.

The bill has removed the archaic and outdated terminology from the Saint John's College Act 1857 and it has been drafted in more contemporary language. That is important both as a matter of practicality in administering the operation of St John's College, and symbolically as the college moves forward as a modern institution with its long and extraordinary history. The college has made a marvellous contribution to our nation. Feedback from stakeholders following the introduction of the bill late last year has been properly considered and a number of amendments have been adopted to further clarify and modernise the arrangements for St John's College. The bill has the support of the current college council, the Roman Catholic Archbishop of Sydney, and the Vice-Chancellor of the University of Sydney. It places this notable institution in good stead to continue to contribute to the rich tapestry of academic life at the University of Sydney.

I congratulate the Minister on finding a way through this matter. It would have been easy to leave it in the in-tray and do nothing, but he has spent significant personal time and effort to bring the parties together and to resolve issues that at the outset seemed unresolvable. I thank the Minister for that and I thank the colleges for the good work that they have done for students—especially those, like me, who came from the country. I would not have had the opportunity to participate at Sydney university were it not for my place at the college. I know there are many dedicated people there. In fact, all the people who have worked on this are dedicated and it has been an emotional journey for them. I thank them and I wish them well as things go forward.

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

Motion agreed to.

Third Reading

The Hon. CATHERINE CUSACK: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

STATE DEBT RECOVERY BILL 2017

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Scott Farlow, on behalf of the Hon. Don Harwin.

The Hon. SCOTT FARLOW: I move:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

That the second reading of the bill stand an order of the day for a later hour.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. SCOTT FARLOW: I move:

That this House do now adjourn.

SWIMMING POOL SAFETY STANDARDS

PUBLIC LIBRARY FUNDING

The Hon. PETER PRIMROSE (18:02): In October 2017 the NSW Office of Local Government—now, as a result of endless government cutbacks and downgrading, often referred to as the "cupboard of local government"—issued Practice Note No. 15, entitled "Water Safety". The document specifies that local councils "have a responsibility to ensure that all water safety functions are carried out safely and effectively to minimise risks of injury and death". As there are no water safety minimum standards in the Local Government Act, the practice note is the key document for water safety policy to guide local councils in carrying out water safety functions. However, considerable concern is being expressed that Practice Note No. 15 in fact downgrades the qualification requirements of pool managers and supervisory staff working at a swimming pool on any particular day. It does that because now only the representative from the local council or management company is required to hold the recommended qualification, not the person doing the work at the swimming pool. One of the key stakeholders, Country Pool Managers Incorporated, has stated that it strongly believes that:

... the day-to-day, on site facility manager should have to hold the qualification (not a "representative" who could be interstate). A Local Council or Management Company operating multiple community aquatic facilities, literally now only requires a person sitting in the head office to be qualified.

This may simply be a matter of poor wording in the practice note or it may be part of the wider Liberal and Nationals agenda across many industries of eliminating the need for formal qualifications to undertake many jobs across the State economy. Attempts by many people, including me, to seek clarification on behalf of concerned stakeholders have repeatedly hit brick walls. The confusion has not been helped by the Government's decision to remove responsibility for this local government policy area out of the purview of the ever-diminishing cupboard of local government and give it to NSW Fair Trading. Responses to requests for advice are delayed or remain unanswered. As always with the policy settings of this Government, information is sparse, responsibility is opaque and confusion reigns. Those in the sector need this cleared up. The people who use swimming centres and pools across New South Wales deserve to know that those working at the facility are fully qualified to provide them with a safe and healthy environment. I urge the Government to issue a clarification.

In the short time available to me, I will briefly raise one other matter that I will have much more to say about in the future. While the New South Wales Liberals and Nationals are prepared to spend \$2.5 billion tearing down and rebuilding stadiums in Sydney, our great public libraries are being starved of funds. There are currently around 101 central library services in New South Wales, 267 branch libraries, 65 service outlets and 20 mobile library services. In 2016 there were 34.8 million visits to our public libraries, 42 million loans including 861,000 e-books, 8.5 million onsite internet sessions, and 11 million website visits, and around 1.3 million people attended public programs and events. Notwithstanding pre-election promises by the Coalition, State government funding has remained virtually static, despite repeated promises from Liberal Premiers and The Nationals Deputy Premiers of sizeable increases.

In 2016-17 the State Government provided only a little more than \$28 million, or 7.8 per cent of funding, while cash-strapped local councils had to find more than \$335 million. State funding remained at a little more than \$28 million in this year's budget. The New South Wales Government provides funding of only \$3.76 per capita to our public libraries. That is the lowest per capita funding for public libraries of any State in Australia. The New South Wales Liberals and Nationals have decreased their commitment to funding our public libraries and have cost-shifted the responsibility almost entirely onto local government. The starving of funds for our great public library system is another example of just how wrong are the priorities of the New South Wales Liberals and Nationals.

GUN CONTROL LAWS

MIDCOAST COUNCIL PLANNING

Mr DAVID SHOEBRIDGE (18:06): On 14 February the world was again at a loss for words after the shooting at Stoneman Douglas High School in Florida. I know I am not alone when I express sympathy and condolences to all those affected by this appalling crime. But no-one is made safe just with expressions of regret or sympathy, and young people are smart enough to know that. No student should ever go to school afraid of gun violence. Today I recognise the powerful call from the young people who survived that shooting. While mourning their friends and teachers, they stood up and vowed to do everything in their power to make sure this never happens again. We join them in their call, "Never again." These brave young people will be in the streets on 24 March and we in Australia will join them in spirit and solidarity.

Many in America hold up Australia's gun laws as the gold standard for gun control and we owe it to them, as well as to our own constituents, to ensure Australia's gun laws stay strong and loopholes are closed whenever they are identified. Our *toomanyguns.org* website has received more than a quarter of a million hits,

and people have been shocked to see the private arsenals that are in our suburbs. After our own tragedy in Port Arthur two decades ago, Australia's politicians made a rare, collective commitment to say "Never again." They acted with courage, they changed the laws and they made us all safer. We need to remember that courage every time a new proposal comes to water down our gun laws. If students took our place in this Chamber when the gun lobby next came knocking, I know that they would say, "Never again."

The mid North Coast is a beautiful place but currently it is under the hammer from a series of controversial developments. It is far enough away from Sydney that it rarely gets a mention in State media, let alone in this Parliament. It is also a fair distance from the regional media hubs of Newcastle and Port Macquarie. That means there is little independent scrutiny of what goes on in the nearly 100,000 square kilometres that makes up the new mega council of MidCoast. When Glenn Handford was appointed the council's general manager by the administrator and friend of coal John Turner, with no advertisement or selection process, it hardly rated a mention. When he announced his surprise resignation on 21 December 2017, less than six months into a five-year contract, it barely raised a ripple. But locals are not fools and they are asking the tough questions. Top of their list is: Where is Mr Handford going? He says he is going into private industry and public records show he has set up business as a consultant. His main skill is in planning and development, having spent two decades as the former Great Lakes Council director of planning. Locals are not asking these questions in a vacuum.

In 2016, Great Lake's long-term investigations and prosecution coordinator, Greg Pevitt, left council and took a job with notorious local developer Phillip Dong Fang Lee and his company Tea Gardens Farms Pty Ltd. Locals thought that was remarkable. In the past decade, companies associated with Mr Lee have been repeatedly prosecuted by Great Lakes Council for serious environmental breaches. In January this year Mr Lee was again prosecuted, this time for a wave of unauthorised environmental destruction at a 2,400 hectare site in Tea Gardens. There are credible reports that his companies have illegally logged trees and dumped them in the marine sanctuary while building an unauthorised road. Of course locals are worried that Mr Handford, like Mr Pevitt before him, has jumped from council to developer, from gamekeeper to poacher. Given the history they are right to be worried.

It is not just development that is of concern. There is also the former MidCoast Council administrator's decision to buy the failed Masters Home Improvement warehouse in Taree as new council chambers. How council will afford to turn this inappropriate box into functioning council chambers and what they are planning to do with the existing three council chambers in the middle of their respective towns is an ongoing mystery to locals. We will continue to put pressure on MidCoast Council to fairly represent its residents, to have some proper disclosure and to protect the local environment. We call on them to follow the lead of Gloucester City Council and get serious about opposing coalmines. However, for many residents the biggest threat to their patch on the mid coast is the rash of new residential development and the environment destruction that it is causing. Today we are sending a message to all the locals and developers in the mid coast region. Today we are telling them that we are on the case.

MEDICINAL CANNABIS

The Hon. TREVOR KHAN (18:11): Most members in this place would acknowledge that occasionally in this place I am known as a grumpy old man and indeed hard to please on issues I feel strongly about. On Friday 2 March, in a joint press release issued by Federal health Minister Greg Hunt and New South Wales health Minister Brad Hazzard, access to medicinal cannabis in New South Wales has been streamlined, with the removal of the two-tier approval system that had previously been in effect and was widely and, in my view justifiably, criticised for its inefficiency and unnecessary doubling up of bureaucratic oversight. Indeed, it was a criticism I had made on a number of occasions to members in this Government.

This is a welcome announcement and I congratulate and thank Minister Hazzard for not merely cutting the red tape but indeed taking a machete to it. The new process dramatically speeds up waiting times for patients by removing the State level of approval for patient prescriptions. Applications will be solely reviewed by the Therapeutic Goods Administration [TGA], which is the ordinary course for all other non-approved therapeutic products. This means that a process that would have ordinarily taken weeks, and in some cases months, to clear will be brought down to what is said to be an approval rate of about 1.6 days. This announcement is made even better by the fact that it is being implemented from day one. I am advised today that several approvals have already been processed since Friday's announcement, all within the target two-day time of reference.

This is a win for all concerned, and most particularly for the patients and families. While the red tape is gone, some safeguards will remain in place. NSW Health will continue to oversee the approval of medical practitioners to be prescribers of schedule 8 drugs such as medicinal cannabis products. This will protect patients and the public from the unscrupulous practices of a very few—and I stress a very few—dodgy doctors who are on the periphery of the system. NSW Health is working with the TGA to develop a single application form that will function as both the patient's application under the TGA's Special Access Scheme and NSW Health's approval for medical practitioners.

Doctors will continue to be supported by the NSW Cannabis Medicines Advisory Service, based at John Hunter Hospital in the Hunter region. The advisory service is a hotline for medical practitioners to receive guidance and advice on which currently available medicinal cannabis products are most available for the patient's condition and to assist the completion of the relevant application forms for the TGA's Special Access Scheme. The advisory service was opened in January this year with \$6 million worth of funding from the New South Wales Government. I think we in New South Wales are now ahead of all the other States in this space. It is a significant and bold move that responds to community concerns and indeed concerns raised by a number of members from both sides of the Chamber. It allows State resources to focus on the clinical trials to ensure that we have a comprehensive body of empirical evidence on best practices for the prescription of medicinal cannabis products.

I cannot conclude without expressing my thanks to Lucy Haslam for her tireless advocacy. If I do not receive an email once a fortnight something has gone highly wrong. Without her, it is likely all this would still be on the drawing board, if not in the too-hard basket. It is just over three years since Dan Haslam passed away. As members would know, I knew him. I knew him from when he was a small child. I saw him play hockey and sport with my children. His passing is a terrible tragedy. He worked so hard in his final years and months on this issue and he should remain in all our thoughts. When we work on this issue we are doing something that Dan wished to achieve and it is in those circumstances that I thank the Minister.

MURRUMBIDGEE RIVER FLOODING POSTHUMOUS BRAVERY AWARDS

The Hon. MICK VEITCH (18:16): It is said the Murrumbidgee derives its name from the local Wiradjuri language where "mor-un-beed-ja" is a warning for big water. Anyone who has observed the Murrumbidgee River in full flood would agree that is indeed a "big water". For thousands of years the Murrumbidgee River provided a rich source of sustenance for the people of the Wiradjuri nation. There were abundant fish, crayfish and mussels in the river, and wildfowl sheltering in the dense masses of reeds lining the banks, and kangaroos, emus, bandicoots and turkeys were nearby. Plant food was provided by bulrushes, "sow" thistles and the roots of the kurrajong trees. The Wiradjuri knew the river well and respected its power and beauty.

The first moves to establish Gundagai as a township were in 1838 with plans for the new settlement. The local Indigenous population warned the white settlers not to build dwellings so close to the river, and certainly not on the river flats, and that the river in fact was prone to very big and raging floods. The advice was ignored by those establishing the new community. Gundagai was still considered a frontier town in 1852. On 25 June 1852 a flood in the Murrumbidgee River swept the first colonial town of Gundagai away, killing at least a known 89 people of the town's population of 250 people. This flood is acknowledged as one of the largest natural disasters since white settlement in lives lost due to flood. The loss of life was probably much more as Gundagai was the crossing place of the Murrumbidgee River for those souls travelling to the goldfields further south. Media reports at the time suggest the death toll could in fact have been more than 100. We will never know.

The river was rising at an estimated three feet per hour and the local community had clearly underestimated the force of a flooding Murrumbidgee River. This was not the first flood of Gundagai however. The Crown Commissioner for the Murrumbidgee District, Henry Bingham, praised the heroic actions of Aboriginal people at Gundagai in rescuing settlers from the 1844 flood. This earlier flood should have been a warning to the fledgling community of Gundagai that the Murrumbidgee River could indeed rise to unbelievable levels when in full flood. Unbelievably, after 1844 the township of Gundagai continued to be developed on the river flats. I provide this information as a lead-in to an issue that was raised with me recently regarding the heroics of Yarri and Jacky Jacky during the 1852 floods.

There are some in the Gundagai community who feel Yarri should receive a posthumous bravery award for his remarkable efforts during the significant flood of Gundagai in 1852. Local Aboriginal men, Yarri, Jacky Jacky, Long Jimmy and one other played a role in saving many Gundagai people from the 1852 floodwaters. They are estimated to have rescued 68 people using their bark canoes. They did not care about skin colour, age or gender. The reports at the time make it clear that they worked over three days pulling people from rooftops and trees. The website of the State Archives and Records Authority of NSW states:

After heavy rainfall throughout the month, the town of Gundagai, located on the banks of the Murrumbidgee River, was hit by a giant swell early in the morning of 25 June. Only three houses remained standing and 89 people out of the town's population of 250 drowned.

It is reported that Yarri was born circa 1810 and died on 24 July 1880. He was about 42 at the time of the flood. Yarri was of the Wiradjuri language group. His traditional name of Coonong Denamundinna indicates he was of the traditional Indigenous group situated near the current towns of Tumblong and Adelong and was also associated with the Coonong region downstream of Wagga Wagga. Yarri, Jacky Jacky and Tommy Davis were honoured with bronze breastplates for their efforts and were allowed to demand sixpences from all Gundagai residents.

Long Jimmy died not long after the rescues, possibly because of the effects of exposure to the freezing cold water and wet conditions.

The rescue effort and reward to Tommy Davis are recorded in a former *Gundagai Independent* newspaper. It is reported that Yarri saved John Hargreaves' life during the 1844 floods. Yarri remained a friend of the family for many years, living on their Tarrabandra farm until his death. There are stories that would indicate that Yarri was not a perfect hero but a complex individual. Media outlets of the time suggest that Yarri is believed to have killed John Baxter on the Edward John Eyre expedition in 1841. This would have Yarri a fair way from his traditional lands, which makes this a little hard to comprehend. However, there are media reports of the time suggesting that this is indeed the case. Yarri is also said to have killed a young part Aboriginal woman named Sally McLeod near Gundagai in 1852. Warrants for Yarri's arrest were issued by the New South Wales police after members of the Indigenous community from Brungle reported him to the police over Ms McLeod's murder.

However, Yarri and Jacky Jacky did what was necessary in the 1852 floods, despite the tensions between European settlers and Indigenous people at that time. A bronze sculpture of Yarri and Jacky Jacky with a canoe was unveiled in Sheridan Street, Gundagai, in 2017. The number of people whom they saved is estimated at 68, which was one-third of the infant town's population. Many families in the Gundagai district owe their very existence to these brave individuals. It is my belief that the bravery of these two gentleman should be acknowledged with a posthumous bravery award.

WOMEN ACTIVISTS

Ms DAWN WALKER (18:21): This time last year I had the great privilege of making my inaugural speech in this place on International Women's Day. I put on record a quote that is often shared on this day:

Here's to strong women. May we know them. May we be them. May we raise them.

This past year I have had the pleasure of working with a team of strong Greens women in Parliament: Dr Mehreen Faruqi, our spokesperson for women, who has been a particularly courageous voice on abortion law reform; Jenny Leong, the member for Newtown, who has been a champion of public housing and renters' rights; and Tamara Smith, the member for Ballina, who is a strong advocate for public education and her community. When I came into this place last year, I gave my thanks to all the powerful women who had come before and who paved a path for women to be a greater part of our democratic process. I came here determined to be a forceful voice for women in this place and to be true to The Greens community who voted for me to represent them in Parliament.

One year on I am proud of the work I have done so far. But believe me, I am only just getting started. Since being elected, I have toured the State and seen firsthand how this Government is taking a wrecking ball to TAFE NSW, which is an institution with a long, proud history of providing flexible training opportunities in a supportive environment. TAFE has been especially important for women of all ages, allowing them to retrain on their own terms and facilitate mobility and independence in the workforce. I am lucky enough to be one of the women who has benefited from TAFE. I am also proud to say that I have stood on the front line with brave women and their children to stop logging trucks from further destroying our koala habitat. Just last week, I joined a Gladstone State Forest blockade with the former Greens leader Christine Milne, a woman who has literally put her body on the line for our environment. The blockade was full of similarly determined women, acting to protect their community and this precious forest.

In my years of activism I am always humbled to see the amazing work of women activists, who are often the first to speak out and the last to back down. This is all the more incredible when we consider the powerful forces of patriarchy, which demand that women be quiet, be small and do not take up space in this world. I have seen women stand strong time and again on all the campaigns I have worked on and on all the issues for which we are still fighting today. This State election will be critical for issues of climate change and social justice. With the help of these women and The Greens community, I am determined to see this cruel, incompetent and visionless Liberal-Nationals Government kicked out and to deliver on the campaigns I have been working on. I want to see the creation of a great koala national park; the restoration of 100 per cent of vocational, educational and training funding to TAFE; and the end to native forest logging across New South Wales. I want to see that disability services remain fully funded and the change of date to a national day we can all celebrate. This is my goal. This work is so important and it needs to be done. One year on from my first speech in Parliament I am proud of what we have achieved but I am only just getting started.

TRIBUTE TO COLIN WOOD

The Hon. BRONNIE TAYLOR (18:25): One of the great honours of being a member of The Nationals is coming to know our fellow members, men and women who are pillars of their communities. Our membership ranks are made up of leaders at every level: local community leaders such as chairpersons of Lions Clubs and

Country Women's Associations; presidents of show societies, chambers of commerce and parents and citizens committees; right through to representatives in local government, industry, agriculture, water, health and education. They are proud of their families, their friends and their communities. They have the imagination and vision to see the potential in their communities and the will to make it a reality. They work hard and when they commit to causes they give their time and energy faithfully and tirelessly. They believe in the power of community because in their lives they have seen the results of it being used to its best advantage. The grassroots members of The Nationals may believe they are ordinary people but it makes me extremely proud to be a member in this place representing them. They are the salt of the earth and their lives are an example of true community service to us all.

I was devastated late last year to hear of the loss of one such member, Colin Wood of Cookardinia near Henty. Colin died on 5 December 2017 aged 79. His funeral was held on 13 December 2017 at St Paul's Lutheran Church in Henty. Colin was a dedicated member of the NSW Nationals for 48 years. He was Chairman of the Henty Branch of the NSW Nationals and Vice Chairman of the Albury Electorate Council. Colin's passing was felt deeply by many across southern New South Wales where he was well known and respected as a former Chairman of the Henty Machinery Field Days. Colin was Chairman of Henty Machinery Field Days for more than 30 years and had the vision and leadership skills to transform it into the extraordinary event that we know today. He began as a volunteer on the committee in the mid-1960s, helping prepare for the field day by pegging out sites and preparing the car park. He married his wife, Gwen, in 1968, and she too became a loyal volunteer of decades in the site office.

Colin became chairman in 1973 and under his leadership the field days secured their current site on Cookardinia Road and expanded to become a three-day event. The permanent site allowed for the necessary improvements and facilities that now support nearly 60,000 visitors each year. On his retirement in 2007 Colin was acknowledged for his work with young people and women. His mentoring ensured that these future industry leaders were engaged and encouraged, with many serving on the Field Day Committee. With the expansion of the field days, Colin saw the potential in partnering with local clubs, organisations and schools to provide catering. The proceeds from catering stands at Henty now go to these groups from towns including Henty, Holbrook, Yerong Creek, Walbundrie and Culcairn. The Natural Fibre Fashion Awards were also introduced under his chairmanship. These awards celebrate the use of natural fibres such as wool, cotton, cashmere, linen and silk in creative but wearable garments.

In 2016 Colin was honoured, alongside fellow stalwart Milton Taylor, with the naming of the new and permanent Taylor Wood Pavilion. The Henty Machinery Field Days are an iconic event across southern New South Wales and beyond. Apparently in 2003 a survey showed that 80 per cent of farmers across southern New South Wales could recite the famous Henty jingle by heart. I love going to Henty and feeling the positivity about the future of agriculture and country areas and seeing the camaraderie of old friends catching up and the local community all working together to pull off the extraordinary year after year. It is a credit to Colin and the team that he led for those 30 years and those who have carried on since. It was not just the Henty Machinery Field Days that saw the benefit of Colin's hard work. Colin was a three-term councillor on Culcairn Shire Council and an active member of the Rural Fire Service and he served on the board of St Paul's College at Walla Walla. He was remembered by the Henty committee as:

An outstanding leader, a dedicated volunteer and mentor to youth. One of nature's gentlemen, Colin was well loved and respected for his kind and generous nature, and was considered as a true friend by many. His innovation, vision and sense of community laid the foundation for one of the nation's most iconic agricultural events.

Colin is survived by his wife, Gwen, his siblings, Bryce and Robyn, his children and their families. He will be deeply missed but fondly remembered for his extraordinary life and legacy.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 18:29 until Thursday 8 March 2018 at 10:00.