



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 16 May 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 16 May 2018

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

The PRESIDENT read the prayers.

Bills

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

First Reading

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

The Hon. DON HARWIN: 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. DON HARWIN: I move:

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

Motion agreed to.

Documents

NSW OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table a special report of the NSW Ombudsman entitled "Is your builder 'fit and proper': the weaknesses of the home building licensing scheme in NSW", dated 16 May 2018. Under the Act, the report has been authorised to be made public.

The Hon. DON HARWIN: I move:

That the report be printed.

Motion agreed to.

Motions

HUMAN RIGHTS

Mr DAVID SHOEBRIDGE (11:03): I seek leave to amend Private Members' Business item No. 2143 outside the Order of Precedence for today of which I have given notice as follows:

- (1) Omit paragraph 2 (b).
- (2) In paragraph 3 omit all words after "commercial gain".

Leave granted.

Accordingly, I move:

- (1) That this House notes:
 - (a) serious concerns have been raised about the Real Bodies exhibition currently on display at Byron Kennedy Hall, in the Entertainment Quarter Moore Park;
 - (b) organisers have failed to answer questions about the provenance of the bodies used in this show, and there are ongoing concerns that some of the bodies are those of Chinese political prisoners;
 - (c) at a minimum there is genuine and well-founded concern that the people on display did not give full, free and informed consent to be used as objects in this exhibition; and
 - (d) lawyers groups, doctors organisations, Christian groups, groups of people with Chinese heritage, and Falun Gong practitioners have all expressed alarm about the exploitation of people by this exhibition.

- (2) That this House recognises that:
- (a) it is an offence against the law of New South Wales to improperly interfere with, or offer any indignity to, any dead human body or human remains; and
 - (b) similar exhibitions have been banned in France, Israel and the United States of America over concerns about the origins of bodies used and the absence of documentation about consent.
- (3) That this House believes as a fundamental principle that human bodies should not be exploited as property for commercial gain.

Motion agreed to.

MAI-WEL GROUP GALA BALL

The Hon. TAYLOR MARTIN (11:04): I move:

- (1) That this House notes that:
- (a) the Mai-Wel Group was established in 1960 and provides vital disability services in the Hunter region to allow people with a disability to achieve their own life goals and dreams;
 - (b) the group specialises in social and recreational support, personal and professional development, and living services;
 - (c) the Mai-Wel Group's annual gala ball is a popular event in Maitland that raises thousands of dollars to assist Mai-Wel in the work it does for the community; and
 - (d) the 2018 event raised funds for the Thrive Farm project which is an outdoor space that will provide additional and unique training opportunities and skill development of job seekers.
- (2) That this House congratulates the Mai-Wel Group on the successful 2018 gala ball held on 28 April 2018 at the Maitland Town Hall.

Motion agreed to.

MEMORIES OF ANZAC CONCERT

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

- (1) That this House notes:
- (a) that on Sunday 29 April 2018 St Mary's Anglican Church Ballina held its Memories of Anzac Concert; and
 - (b) the concert included musical performances and skits which paid tribute to the Anzacs and those who have made the ultimate sacrifice for our country.
- (2) That this House congratulates:
- (a) concert director, Joan Pickup;
 - (b) musical director, Peter Hewett;
 - (c) musicians, Marg Tait and James Guinea; and
 - (d) cast members:
 - (i) Felicity Gordon-Ross;
 - (ii) Kerry Johnston;
 - (iii) Gail Sloan;
 - (iv) Peggy Selby;
 - (v) Frances Buckley;
 - (vi) Fran Legge;
 - (vii) Edna Kane;
 - (viii) John Grant;
 - (ix) Beverley Grant;
 - (x) Carney Goodger;
 - (xi) Pip Carter;
 - (xii) Felicity Schulz;
 - (xiii) Jennifer Zobel;
 - (xiv) Mike Ball; and
 - (xv) Jan Fryer.

- (3) That this House recognises the importance of local Anzac Day events in bringing communities together and honouring the Anzac Day tradition of remembrance.

Motion agreed to.

BANGALOW COUNTRY WOMEN'S ASSOCIATION SEVENTIETH ANNIVERSARY

The Hon. BEN FRANKLIN (11:05): I move:

- (1) That this House notes:
- (a) that 2018 marks the seventieth anniversary of the Bangalow Country Women's Association [CWA] branch;
 - (b) the branch was founded in 1948 with 26 members who came together to establish a baby health centre and rest room;
 - (c) in the past 70 years the branch has provide immense support to the Bangalow and wider community including fundraising for local school scholarships, the Far West Children's Home, Liberation Larder and Shift Project Byron Bay; and
 - (d) today, the branch has 72 members and engages in philanthropic work for rural women through all stages of their lives.
- (2) That this House congratulates:
- (a) members of the Bangalow CWA branch, both past and present, on all their work in the Bangalow community; and
 - (b) the members of the branch executive on ensuring that the branch reached this incredible milestone, including:
 - (i) President, Di Campbell;
 - (ii) Vice President, Dr Michelle Wallace;
 - (iii) Vice President (and one of the longest serving members), Sybil Johnston;
 - (iv) Secretary, Sharon O'Meara; and
 - (v) Treasurer, Wendy Cowan.
- (3) That this House recognises the important role CWA branches and their members play right across New South Wales in providing support networks and a strong voice for rural and regional women.

Motion agreed to.

FEDERATION OF BOSNIA AND HERZEGOVINA INDEPENDENCE DAY

The Hon. DAVID CLARKE (11:05): I move:

- (1) That this House notes that:
- (a) on Friday 23 February 2018, the Independence Day of the Federation of Bosnia and Herzegovina was celebrated at a function held at the Parliament of New South Wales and hosted by the Honorary Consul of Bosnia and Herzegovina in New South Wales, Mrs Demila Gabriel, together with her husband, Mr Chris Gabriel;
 - (b) Bosnian Independence Day, held on 1 March each year, celebrates the independence of Bosnia and Herzegovina from the Socialist Federal Republic of Yugoslavia in 1992;
 - (c) those who attended as guests included:
 - (i) Mr Mark Coure, MP, Parliamentary Secretary for Transport and Infrastructure, representing the Hon. Gladys Berejiklian, Premier;
 - (ii) The Hon. David Clarke, MLC, Parliamentary Secretary for Justice, and his wife, Mrs Marisa Clarke;
 - (iii) Mr Ed Husic, MP, Federal Opposition shadow Minister for the Digital Economy, Employment Services and Workforce Participation;
 - (iv) Dr Nijaz Sofic;
 - (v) Jane Connolly, Dean of the New South Wales Consular Corps and Consul-General of Ireland;
 - (vi) Eric Borgman, Vice-Consul of the United States;
 - (vii) Melih Karalar, Consul-General of Turkey, and Mr Aydeniz Karalar;
 - (viii) Bernadette Hunkeler Brown, Consul-General of Switzerland;
 - (ix) Bushra Salam, Consul-General of Pakistan;
 - (x) Christos Karras, Consul-General of Greece;
 - (xi) David Grabovac, Honorary Consul of the Bahamas;

- (xii) Keizo Takewaka, Consul-General of Japan;
 - (xiii) Klaus Steitz, Deputy Consul-General of Germany;
 - (xiv) Murat Smagalov, Consul-General of Kazakhstan, and Mrs Nailya Smagalov;
 - (xv) Paulo Domingues, Consul-General of Portugal;
 - (xvi) Sang Soo Yoon, Consul-General of the Republic of Korea;
 - (xvii) Sergey Shipilov, Consul-General of Russia;
 - (xviii) Deepak Khadka, Honorary Consul-General of Nepal;
 - (xix) Christopher Maxwell, QC, Crown Prosecutor;
 - (xx) Tarik Abdulhak, Crown Prosecutor;
 - (xxi) Alex Morris, QC, Crown Prosecutor; and
 - (xxii) representatives of numerous Bosnian community organisations.
- (d) those who assisted in organising the function included:
- (i) Mr Chris Gabriel;
 - (ii) Alisa Kocabicak, event coordinator;
 - (iii) Ermin Serifovic, technical support;
 - (iv) Fahir Zecevic, journalist;
 - (v) Emina Kamenjasevic Ramic, master of ceremonies;
 - (vi) Dr Nijaz Sofic;
 - (vii) Cameron Hayward; and
 - (viii) members of the Islamic Association of Penshurst and Smithfield.
- (2) That this House:
- (a) congratulates the Federation of Bosnia and Herzegovina on the occasion of the celebration of its anniversary of independence; and
 - (b) extends greetings and best wishes to the Bosnian-Herzegovinian Australian community on the occasion of its celebration of the independence of Bosnia-Herzegovina proclaimed on 1 March 1992.

Motion agreed to.

CHALDEAN LEAGUE AUSTRALIA FUNDRAISING DINNER

The Hon. DAVID CLARKE (11:05): I move:

- (1) That this House notes that:
- (a) on Saturday 3 March 2018 at the Nineveh Reception Centre, Edensor Park a fundraising dinner was held and attended by over 500 members and friends of the Chaldean League Australia;
 - (b) funds raised at the event will be used for humanitarian and social work amongst members of the Chaldean Catholic community, particularly those in Syria and Iraq who have suffered persecution as a result of the terrorist activities of ISIS and similar groups, and
 - (c) the function, which was held under the patronage and in the presence of His Grace Mar Emil Nona, Archbishop of the Chaldean and Assyrian Catholic Church in Australia and New Zealand, was attended by special guests which included:
 - (i) Reverend Father Gewarges David, representing His Grace Mar Yaqo Daniel, Metropolitan of the Ancient Church of the East, Archdiocese of Australia and New Zealand;
 - (ii) Mr Chris Hayes, MP, Federal member for Fowler, representing the Hon. Bill Shorten, MP, Federal Leader of the Opposition;
 - (iii) The Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Gladys Berejiklian, MP, Premier;
 - (iv) Mr Luke Foley, MP, Leader of the Opposition;
 - (v) The Hon. Chris Bowen, MP, shadow Treasurer for the Federal Opposition;
 - (vi) Mr Guy Zangari, MP, Opposition shadow Minister for Justice and Police, Corrections and Emergency Services;
 - (vii) Mr Paul Lynch, MP, Opposition Attorney-General;
 - (viii) Dr Hugh McDermott, MP, member for Prospect;
 - (ix) Councillor Frank Carbone, Mayor of Fairfield City Council;

- (x) Councillor Charishma Kaliyanda representing the Mayor of Liverpool;
 - (xi) Councillor Susai Benjamin, Blacktown City Council;
 - (xii) Mr Anwar Al Essa, Iraqi General Consul;
 - (xiii) Mr Mayer Dabbagh, Consul of Syria;
 - (xiv) Mr Haval Sayan, representative of the Kurdistan Government in Australia and New Zealand;
 - (xv) representatives of the Iraqi media; and
 - (xvi) representatives of Chaldean and Assyrian Community organisations and Lebanese political parties.
- (2) That this House:
- (a) commends the Chaldean League Australia for its humanitarian work, particularly amongst those who have suffered persecution in Iraq and Syria; and
 - (b) extends best wishes to the Chaldean Catholic Community in Australia for its ongoing positive contribution to Australia and New South Wales.

Motion agreed to.

PORTUGUESE LANGUAGE SCHOOLS LAUNCH

The Hon. DAVID CLARKE (11:06): I move:

- (1) That this House notes that:
- (a) on Monday 5 March 2018 the official launch of the Portuguese Language Teachers Association and the Portuguese Language Schools Parents and Friends Association was held on the premises of the NSW Federation of Community Language Schools Inc. situated in Dulwich Hill and attended by members and friends of the Portuguese-Australian and Brazilian-Australian communities;
 - (b) the official launch was hosted by the NSW Federation of Community Language Schools Inc. in association with the Consulate General of Portugal and Consulate General of Brazil in Sydney;
 - (c) those who attended the official launch included:
 - (i) Mr Jose Luis Carneiro, Deputy Minister for Portuguese Communities Abroad;
 - (ii) His Excellency Mr Paulo Cunha Alves, Ambassador of Portugal in Australia;
 - (iii) Her Excellency Mrs Martha Mavrommatis, High Commissioner of Cyprus in Australia;
 - (iv) Mr Carlos Henrique de Abreu, Consul-General of Brazil in Sydney;
 - (v) Mr Paulo Domingues, Consul-General of Portugal in Sydney;
 - (vi) The Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (vii) Mr Faro Ramos, President of the Camoes Institute;
 - (viii) Councillor Victor Macri, Inner West Council;
 - (ix) Mr Albert Vella, President of the NSW Federation of Community Language Schools Inc.;
 - (x) Mr Michael Christodoulou, Executive Officer of the NSW Federation of Community Language Schools Inc.; and
 - (xi) representatives of various Portuguese-speaking community organisations.
 - (d) Portuguese is the third most spoken European language in the world, the sixth most native spoken language in the world and the most spoken language in South America.
- (2) That this House:
- (a) congratulates the Portuguese Language Teachers Association and the Portuguese Language Schools Parents and Friends Association on their official launching; and
 - (b) extends best wishes to Portuguese-speaking community organisations in Australia.

Motion agreed to.

AUSTRALIAN SMALL BUSINESS CHAMPION AWARDS

The Hon. BEN FRANKLIN (11:06): I move:

- (1) That this House notes that:
- (a) the Australian Small Business Champion Awards night was held on Saturday 21 April 2018;
 - (b) the Australian Small Business Champion Awards is a prestigious program which recognises and supports outstanding Australian small businesses; and

- (c) Collins Hume from Ballina received the 2018 Accounting Services Award from a field of 20 national accounting finalists.
- (2) That this House congratulates the Collins Hume team on this wonderful achievement, including:
 - (a) Collins Hume partners:
 - (i) Christopher Atkinson;
 - (ii) Peter Fowler;
 - (iii) Shane Bartrim;
 - (iv) Jamie Doyle;
 - (v) John Collins; and
 - (vi) Ian Wunsch.
 - (b) Collins Hume business manager David Keith; and
 - (c) Collins Hume business advisers and accountants:
 - (i) Chris Horne;
 - (ii) Chris Priestler; and
 - (iii) Jeff Skinner.
- (3) That this House recognises the role small businesses play in driving local economies, creating jobs and contributing to a sense of identity in our communities, particularly in regional areas.

Motion agreed to.

FESTIVAL OF HOLI AND HARMONY DAY

The Hon. DAVID CLARKE (11:06): I move:

- (1) That this House notes that:
 - (a) on Saturday 24 February 2018, the Council of Indian-Australians, in partnership with The Ponds and Kellyville Ridge Community Associations, held a successful community function at The Plaza Park, The Ponds, that was attended by several thousand members and friends of the Indian-Australian community to celebrate the 2018 Festival of Holi as well as Harmony Day;
 - (b) the Festival of Holi, also known as the Festival of Colours, which is celebrated not only throughout the Indian subcontinent but also worldwide where there are significant Indian communities, signifies the victory of good over evil and is a time of thanksgiving;
 - (c) those who attended as special guests included:
 - (i) the Hon. Ray Williams, MP, Minister for Multiculturalism and Disability Services;
 - (ii) the Hon. David Elliott, MP, Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs;
 - (iii) Mr Kevin Conolly, MP, member for Riverstone;
 - (iv) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice;
 - (v) Dr Geoff Lee, MP, Parliamentary Secretary for Western Sydney and Multiculturalism;
 - (vi) Mr Mark Taylor, MP, member for Seven Hills;
 - (vii) Mr Suman Saha representing Ms Julia Finn, MP, member for Granville;
 - (viii) Councillor Chris Quilkey representing Councillor Stephen Bali, Mayor of Blacktown Council;
 - (ix) Councillor Susai Benjamin, Blacktown Council; and
 - (x) Councillor Moninder Singh, Blacktown Council.
- (2) That this House:
 - (a) congratulates the Council of Indian-Australians particularly its executive comprising Mohit Kumar, President, Nitin Shukla, Vice-President, and Sanjay Deshwal, Secretary, for organising a successful joint 2018 Festival of Holi and Harmony Day; and
 - (b) extends greetings and best wishes to members of the Indian-Australian community, particularly in The Ponds and Kellyville Ridge areas on the occasion of the 2018 Festival of Holi and Harmony Day.

Motion agreed to.

STATE EMERGENCY SERVICE WAVERLEY-WOOLLAHRA UNIT AWARDS

The Hon. DAVID CLARKE (11:07): I move:

- (1) That this House notes that:
- (a) on Friday 23 March 2018 the Annual Unit Awards presentation of the NSW State Emergency Service Waverley-Woollahra Unit was held at its headquarters office in Bondi Junction;
 - (b) those who attended included:
 - (i) NSW State Emergency Service Commissioner, Mark Smethurst, DSC, AM;
 - (ii) The Hon. David Clarke, MLC, Parliamentary Secretary for Justice, representing the Hon. Troy Grant, MP, Minister for Emergency Services;
 - (iii) Deputy Regional Controller NSW State Emergency Service, Daniel Kenner;
 - (iv) Councillor Anthony Marano, representing the Mayor of Woollahra, Councillor Peter Cavanagh;
 - (v) Councillor Dominic Wy Kanak, Deputy Mayor of Waverley, representing Councillor John Wakefield, Mayor of Waverley;
 - (vi) Councillor Lucinda Regan, Woollahra Council;
 - (vii) Kim Edwards, NSW State Emergency Service Local Controller, Waverley-Woollahra Unit;
 - (viii) Mara Greenwood, NSW State Emergency Service Deputy Local Controller, Waverley-Woollahra Unit;
 - (ix) Anthia Kollaras, NSW State Emergency Service Deputy Local Controller, Waverley-Woollahra Unit; and
 - (x) members and friends of the NSW State Emergency Service Waverley-Woollahra Unit.
 - (c) those who were honoured with an award at the NSW State Emergency Service Waverley-Woollahra Unit's Awards Presentation Event comprised:
 - (i) Renae Nottage, NSW State Emergency Service 15 Years Long Service Award;
 - (ii) Michael Neumann, Spirit of Waverley-Woollahra Award;
 - (iii) Suzy Domingues, Training Achievement Award; and
 - (iv) Michael Horn, Paul McQueen Excellence in Leadership Award.
 - (d) the NSW State Emergency Service Waverley-Woollahra Unit has 55 active volunteers who are ready to respond 24 hours a day, seven days a week, 365 days a year to storm and flood events as well as providing support to other emergency services and the NSW Police Force by participating in land search operations for missing people.
- (2) That this House congratulates and commends the NSW State Emergency Service Waverley-Woollahra Unit award recipients and acknowledges the outstanding service of all members of the NSW State Emergency Service.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. SCOTT FARLOW: I table the following paper:

Annual Reports (Statutory Bodies) Act 1984—Annual report for the Technical Education Trust Funds for year ended 31 December 2017.

I move:

That the report be printed.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. DON HARWIN: I move:

That Business of the House Notices of Motions Nos 1 and 2 be postponed until a later hour.

Motion agreed to.

Bills

TRANSPORT ADMINISTRATION AMENDMENT (SYDNEY METRO) BILL 2018

Second Reading Debate

Debate resumed from 15 May 2018.

Dr MEHREEN FARUQI (11:20): I lead on behalf of The Greens in debate on the Transport Administration Amendment (Sydney Metro) Bill 2018. The Greens are against this bill. The Greens oppose the agenda of those opposite which seeks to privatise at all costs. The Greens oppose the establishment of new agencies while starving publicly run public transport systems such as Sydney Trains of funds. The Greens oppose the very broad powers in this legislation to acquire and develop land. It seems the Sydney Metro will be less of a transport service provider and more of a property developer that also happens to run trains.

The Transport Administration Amendment (Sydney Metro) Bill 2018 aims to create the Sydney Metro Delivery Office as a statutory corporation and, alarmingly, gives it functions equivalent to Transport for NSW, which is meant to be the overarching transport planning agency. Section 38C replicates for Sydney Metro all the major functions and powers afforded to Transport for NSW, especially in relation to developing new infrastructure, compulsory acquisition and development of land in the vicinity of services, which may have nothing to do with the actual provision of transport services. Other transport delivery agencies, such as Sydney Trains, do not have these powers. The broad planning and development powers being given to Sydney Metro by this bill are extraordinary and on par with Transport for NSW.

In 2011 this Government created Transport for NSW and the then Transport Minister Duncan Gay said it would be an "integrated transport authority which will be responsible for the coordinated delivery of services across all modes of transport". The stated purpose at the time was to "ensure consistency and clarity of approach across all modes and aspects of transport delivery in New South Wales". Yet here we are, with the Sydney Metro being established as a standalone authority with very unclear accountability to the overarching agency. It has the same—and even competing—powers as Transport for NSW. The Minister stated in his second reading speech that "Sydney Metro will have the same compulsory acquisition powers as Transport for NSW". This Government is creating a competing body when the entire purpose of Transport for NSW was to be the transport authority that ensures integration of our public transport system. Either the Sydney Metro is not considered a transport authority by this Government or any idea of a holistic approach to transport planning has all but been thrown out the window.

This is no surprise, given the track record of this Government and its long-term plan to break up and sell off all our public transport. This new Sydney Metro authority can acquire any land with no permissions required from Transport for NSW. When the Minister said in his second reading speech that Sydney Metro will be a transport agency similar to Sydney Trains and NSW Trains, he was not giving a full or accurate picture. No other transport agency, except Transport for NSW, has such broad land acquisition powers. For example, Sydney Trains and NSW Trains can only compulsorily acquire land with the explicit approval of Transport for NSW, but the bill in front of us today makes no such requirement for Sydney Metro. It is clear that having a Sydney Metro authority with such broad powers will undermine the role of Transport for NSW.

Its name may suggest it is a transport agency, but Sydney Metro can also carry out, finance, manage and/or otherwise participate in development for residential, retail, commercial, industrial and mixed uses. Section 38B of this bill grants the Sydney Metro authority powers to compulsorily acquire any land it deems fit, and it can then develop, sell, lease or otherwise dispose of any of this land. Again, this could all happen without approval from Transport for NSW or any involvement of the planning department. This makes no sense whatsoever. Giving one transport authority such a broad remit to develop with no oversight from Transport for NSW, or any statutory requirements to involve the Greater Sydney Commission or the planning department, is a cause for serious concern. This is not planning; this is open slather.

There is a real risk that land and people's homes and businesses could be acquired for the purposes of property development with no greater transport good. This is, in no uncertain terms, highway robbery. This bill creates a Sydney Metro Board of three to seven directors, all to be appointed by the Minister. One optional member can be appointed by the Transport secretary. The bill defines no qualifications for these board members. For all we know, this board could be stacked with property developers. It is a shame that this Government has completely abandoned one of the most important principles of integrated transport and precinct development—that is, to engage the local community, councils, the overarching transport planning authority and the planning department.

If property development is going to occur in the locality of a metro station, this should not be done using compulsory acquisition powers to facilitate outcomes that have nothing to do with transport. This rings all sorts of alarm bells. The first and foremost concern is that hundreds of homes could be forcibly acquired by the Sydney Metro authority without oversight from any other agency or department. We have seen how appalling, dreadful and terrible the forced acquisition process for WestConnex has been. We know how incapable and insensitive this Government is when it comes to forcibly acquiring land and people's homes. WestConnex has been a complete shambles on many levels, and especially at this level. The Government has caused anguish to many people with its callousness and bad planning. Let us be very clear: This bill sets up the Sydney Metro to create a feeding frenzy for the big developer end of town.

At the Sydney Metro in Martin Place, the Government forcibly acquired three central business district [CBD] buildings and will gift them to Macquarie Bank in exchange for constructing one metro station. Macquarie Bank will be given prime real estate to make hundreds of millions of dollars, and more, through building 42-storey tower developments. This is a dud deal for the public and a very lucrative one for the bankers. It has happened without any tenders and through the very shady process of unsolicited proposals—a dodgy deal. Yet again, this Government is all about appeasing private interests.

This is neither a holistic approach to transport planning nor value capture. This is simply a ticket to massive overdevelopment where there are no measures or protections in place for established communities around these proposed metro stations. Their absolute disregard for communities and democratic planning is galling. This Government is ripping up the perfectly functional Sydenham to Bankstown rail line, which is publicly owned and operated, to build a metro and hand it over to private operators. The line will be closed for months for no good reason and tens of thousands of commuters will be subjected to seven years of pain and inconvenience. Massive areas of land along the Sydenham to Bankstown corridor have been rezoned and are being snatched away from local communities. This is a bonanza for developers. This is nothing but a toxic mix of overdevelopment and privatisation.

Why cannibalise our existing lines? Why not expand public transport to areas that have no rail lines? Rest assured, there are plenty of those to pick from. Unfortunately, this bill leaves no doubt as to the real motives of this Government. The bill makes much more sense when we look at this Government's track record and find that there is nothing the Government has touched in the State that it has not wanted to privatise and sell off. In the Government's few years in office, many of the State's assets have been privatised. There has been a tragic wholesale privatisation of public transport in Newcastle and the privatisation of inner-west buses in Sydney against the clearly and loudly expressed views of the community. In his second reading speech the Minister spoke of the Government's Future Transport Strategy. For anyone still in doubt about the Government's hunger for privatisation, the Future Transport Strategy clearly states:

NSW will create a service ecosystem where government enables service innovation and is no longer the default service provider.

This is a frightening future where all of our public services have been sold off and the taxpaying public is at the mercy of commercial service providers and market conditions. The Future Transport Strategy further states:

...the role for government will be to get out of the way and allow the market to deliver services.

It is as clear as day that this Government wants to prop up assets using forced land acquisitions and taxpayer funds, only to fatten them up and flog them off to the highest bidder. The fallacy in this thinking is that markets all over the world have failed to deliver affordable, reliable and accessible public transport. Under the priorities of the private sector any service that does not return a bang for its buck will be slashed with no regard for the communities that will be cut off from services as vital as public transport. This is a crazy future. It also shows the Government's lack of clear direction in transport planning. If the new light rail is ever finished it will not integrate with the inner west light rail that we already have. The new intercity fleet trains the Government has ordered are too wide for some tunnels. The Sydney Metro will not integrate with the network we already have. What kind of integrated transport planning is that?

This bill provides for even further fragmentation of our public transport network. At least, it shows this Government's complete failure to undertake integrated transport planning. At worst, it shows the Government's real plans—to break up the network so that it can be sold piece by piece while pushing inappropriate and excessive development at all costs. Rather than setting up transport corporations to be sold off, this Government needs to invest in improving the reliability and capacity of our existing system and expanding public transport access. Anyone in this State who commutes by public transport knows that the current system has been left to rot by this Government. The most recent report card from commuters—from just two months ago—showed the public's lack of trust in this Government.

The ReachTEL poll conducted by the *Sydney Morning Herald* showed almost half of voters are not convinced their journey to work will improve despite the Government throwing billions of dollars at its pet project. The survey asked more than 1,500 people across New South Wales whether they felt the Government's transport projects, including the Sydney Metro, would speed up their journey to work. Only 28.3 per cent believed that this project would deliver any benefit to their commute. This poll clearly shows that people have no faith in this Government's judgement and planning on transport. This comes as no surprise, as this out-of-touch and arrogant Government has refused time and again to listen to communities.

The public is faced with cancellations, overcrowding, significant delays and signalling failures day in and day out. Sydney Trains and NSW Trains are crumbling under this Government's lack of investment, lack of maintenance and deliberate disregard. This bill does nothing to address these concerns; rather, it exacerbates them. The Greens are concerned. Communities along the proposed metro lines are concerned that they will lose their

existing lines, suffer through closures for months on end, and be faced with massive overdevelopment. If the Government has any sincerity left towards the people of New South Wales, it must take note of this incredibly negative report card on transport and fix this mess. The people of New South Wales deserve an efficient, affordable, integrated, reliable, publicly owned and publicly operated transport network. The Greens will oppose this bill and we will always oppose the privatisation of our public transport.

The Hon. LYNDIA VOLTZ (11:33): I join my colleagues in opposing this legislation. I know the Bankstown to Sydenham line well. In 1938 my grandfather built a second house in Wentworth Street in Birrong. Houses were built in the suburbs of Birrong, Bankstown, Yagoona and Punchbowl because the train line had come in. The train line was a way out of the poverty of the inner city that people had suffered due to the Great Depression. Those people moved to places like Birrong and Yagoona because the Chullora rail yards were there. The history of the rail line in the Canterbury and Bankstown region is significant and has fundamentally underpinned those suburbs and the growth of that region.

In this Government's proposal only Canterbury and Bankstown will have the train line ripped up. Residents in the northern suburbs will not be affected; they have two train lines. In Canterbury and Bankstown the rail lines will be ripped up and there will be extra development to pay for it. In an area where the soccer team that I coach has to share 1½ fields between 81 teams, the Government's proposal will bring 30,000 more dwellings. Under this proposal people will be screwed and the Government will not be accountable for infrastructure delivery. Under this legislation this organisation will be allowed to do whatever it likes with the open space. If it sees open space in that region and it decides to use it for transport there is not a lot we can do about it.

This Government has form. Look at what it has done to recreational space in Moore Park and what it is proposing to do to Robin Thomas Reserve in Parramatta, where soccer fields will have tram lines built across them. That is what this Government is doing. Private enterprises also have the right to compulsorily acquire land. We know the Government's record on compulsory acquisition. It has just been defeated in court on land it said was needed for transport infrastructure. The court said, "We are not buying it," and the Government's decision was overturned. This is the Government's stealth in privatising train lines. It has been privatising newly built train lines, but this is not a new train line; it is an existing train line that carries passengers from Birrong and Yagoona into the city.

Birrong used to have two trains that went either way to the city. People living around Sefton and Birrong used to work at Flemington Markets because that is where the train went. The Government got rid of the train that ran to the city via Lidcombe and now under this proposal Birrong and Yagoona, suburbs with thousands of people, will be screwed again because there will no longer be a train in the other direction. The major high schools in the area, Birrong Girls High School and Birrong Boys High School, have kids coming from Berala, Auburn, Yagoona and the edges of Bass Hill and Chester Hill. Those suburbs will no longer have train lines into the city when they used to have two. Before this Government, those suburbs had a route either way and that is where the people worked. They went to the industrial sites in the city and worked in the manufacturing industry.

Under this proposal trains will no longer stop at St Peters. The Government is not telling us what it will do about those stations where people used to work at industrial sites; it is just taking them out. The Government is not doing this in the northern suburbs; it is doing it in Bankstown and Canterbury—the western suburbs of Sydney. That is what this Government is doing under this legislation. This bill will enable us to make requests under the Government Information (Public Access) Act [GIPA Act]. I will not even start on this Government's inability to address any GIPA Act application that comes before it. This bill is an attempt by the Government to do nothing—to move as far away as possible from governing and delivering services to the people of Sydney. The people who are paying the most are the people in Canterbury and Bankstown who built the system on the back of a rail network. Now they are paying for it to be ripped up.

The Hon. Dr PETER PHELPS (11:38): We hear a lot from the Labor Party about plans for privatisation. But we should remember that 697 days ago the Labor Party said it was certain the Liberal-Nationals Coalition Government would privatise Medicare. It has not been privatised in the intervening 697 days. The Labor Party runs scare campaigns that this Government is going to privatise this and privatise that, as if privatisation is some sort of bogeyman who will wave things around and say, "Things will be terrible." They were wrong about Medicare as they were about many things.

The question is: Why are we doing this? We are doing this because for 16 years the Labor Party completely and utterly failed to fund significant infrastructure projects in New South Wales. They had a Messianic leader who believed, quite frankly, that Sydney is full. The Hon. Bob Carr said, "Sydney is full", and decided to prove his point by not doing anything that would ease the burden of city living for those people who chose to live here. He had a grim Malthusianism about him which said, "We must not have a single person enter this city any further." The gates of Rome must be locked and barred. That went against what people want to do. People want

to live in Sydney; they like Sydney. It is a wonderful place to live and it beats any other city around Australia—perhaps other than Queanbeyan.

The question is: Will the Sydney Metro provide a new and better service? It provides a new service but does it provide a better service? Not even Labor Party members are arguing that it provides a worse service because they know full well that the extension of the metro will provide a much better service to every person, station and community along the line. It will be a much better service with higher commuter throughput rates for every station along the line. Yes, it takes a while to build, but we are actually building it; Labor never did. Labor is happy to keep using the infrastructure and rail lines that were built 50 to 140 years ago and to make minor adjustments and fixes, but it will not make any substantive changes that will improve the capacity or the durability of the system. That is what happened under Labor. This Government is different. We believe in building stuff and in making things better. We believe in taking existing property and making it much better.

The final notable point about this debate so far is the whiney leftist complaint that we hear from certain sections of Labor and from every section of The Greens. They love to talk about housing affordability and how we must have more homes for poor people, except when it comes to zoning homes for people who are not as well off in these areas. There is no better example of this than the Inner West Council, which talks about housing affordability but it is dying in a ditch to prevent any opportunity to increase the level of medium- and high-density housing in its municipality. This debate is about trendy, middle-class left-wingers who talk about the need for housing affordability but only if it is not in their area. They do not want poor people in their area; they do not want working-class people in their area. They want middle-class bourgeois leftists who own the nice little property next to them. They do not want people along the rail line with access to the city—

The Hon. Penny Sharpe: Point of order: I have listened carefully to the contribution of the Hon. Dr Peter Phelps and he is straying a long way from the title of the bill. He is talking specifically now about the development of housing and not the bill in front of us.

The Hon. Dr PETER PHELPS: To the point of order: Members opposite have alleged that space in the rail corridor will be used for building various structures. If they are raising that as an issue I should raise as a countervailing issue what the potential use of that space could be for.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The member will continue his speech but keep to the long title of the bill.

The Hon. Dr PETER PHELPS: It is recognised throughout the world that public transport infrastructure projects, particularly rail infrastructure projects, can benefit by having a confluence of housing and businesses along a rail line that can provide an incentive for those people other than government—the Labor Left and The Greens want the Government to build everything. Some people believe that the private sector can do it more cheaply, more efficiently and more effectively. The way to do that is to monetise additional areas around railways to make it attractive for those people. In Australia it has the additional benefit of providing housing at significantly reduced rates for those people who wish to buy close to a major arterial transport link, which we should be applauding and celebrating. Not only is it socially and economically good; it is also good for the community. For that reason I support the bill and warmly recommend that all members support it as well.

The Hon. PAUL GREEN (11:45): I speak in debate on the Transport Administration Amendment (Sydney Metro) Bill 2018, which the Christian Democratic Party wholeheartedly supports. There is no doubt that with New South Wales growing by 80,000 people per year—nearly one million people over the next 10 years—we have a responsibility to lead, particularly with infrastructure. It does not matter which government builds the Sydney Metro, there will always be troubleshooting issues. In a moment I will note some points made by the Sydney Alliance and the Save Sydney Coalition. The future transport strategy, the Sydney Metro, is Australia's first fully automated metro system, using technology that has been in operation on metro railways around the world. London and Paris are great examples of where it works efficiently. When we use other metro systems around the world, we know they have got it right. No doubt there will be challenges in establishing the infrastructure.

Sydney Metro will begin in Sydney's north-west and include eight new stations and upgrades to five existing stations. The Sydney Metro will be extended under the Sydney Harbour through new underground stations in the central business district and beyond to Bankstown in 2024. By 2024, Sydney Metro will have 31 stations with trains running every four minutes. It goes without saying that many other areas across New South Wales have rail challenges. The South Coast line would benefit from some of the investment that is going into the Sydney Metro. The far north of New South Wales would like its rail line tweaked as well. While it is nice to build important infrastructure, we must not lose sight of the much-needed upgrades for the Wollongong line, the South Coast line, the North Coast line and the Southern Highlands line. This bill will establish Sydney Metro as a corporation that will be responsible for facilitating the development, implementation and operation of the metro

in Sydney. We note that the Sydney Metro will be governed by a board responsible for overseeing the operation of Sydney Metro and ensuring that activities are carried out properly and efficiently.

Yesterday the Minister attended a crossbench meeting, which shows good leadership. He was present to answer questions firsthand, which is a good sign that he has confidence in the project. Crossbench members appreciate that there is top-down leadership willing to scrutinise and question such a large-scale development. The Minister said at the time that this fits into the Greater Sydney Commission plan, so it will always come under that umbrella; it will not operate in its own microcosm. The Sydney Metro, which is part of a greater vision, has two principal objectives. The first is to deliver safe and reliable metro passenger services in an efficient, effective and financially responsible manner, and the second is to facilitate the orderly and efficient development of land in the locality of metro stations, depots and stabling yards, and proposed metro stations, depots and stabling yards.

I visited Taiwan and looked at its very fast train. A very fast train also goes through the Channel Tunnel between Paris and London. All over the world people have taken the opportunity to build infrastructure to link economically strategic places. From memory, Taiwan built a community and a business sector around approximately five stations. Businesses that are drawn to an area create job opportunities and money flows throughout that area. It becomes a key economic destination. There will be many metro stations in New South Wales. It would be wise to establish which precincts can undergo transformation so they do not miss out on using their airspace. If one million people are coming to Sydney we must be wiser in the use of our airspace. Other countries have made wise use of the airspace over metro stations and railway stations by incorporating transport strategies and reducing the need for people to buy a car.

The Hon. Shayne Mallard: Like Chatswood station.

The Hon. PAUL GREEN: Yes. I note the comment of the Hon. Shayne Mallard. This is the way of the future and people need to get used to it. We do not want more cars on the road; we want people to use public transport. Everyone needs access to public transport. We must keep in mind that we also have an ageing population. If 80,000 people come to Sydney there will already be three million people over the age of 65 years. By 2050 that number is projected to be 7.2 million. Those people need safe and affordable transport services to ensure that they have the quality of life to which they are entitled, given that they have already put their hand to the plough, worked hard and paid their taxes. This system will enable our ageing population to move around Sydney more easily, will meet their needs and improve their quality of life.

The Christian Democratic Party notes that the Sydney Metro will have the same controversial compulsory acquisition powers as Transport for NSW. On examination, the record of this Government on compulsory acquisition has been pretty slack. When we support a bill such as this, it is not unconditional—we are not writing a blank cheque. Property owners along the freeway at Penrith have not been given full improved property values or future property values; they have been given values from the last local environmental plan. On several occasions they have expressed concern about compulsory acquisitions and we have made representations to give them a fair go. The Government seems to be learning along the way that it cannot afford to rip people off, for two reasons: first, it is just not right and, secondly, when people are forced to sell their properties it cuts them out of the market and they can no longer buy properties in their community. They are priced out of the community in which they have lived for years if not decades. They need to get a return on their property that enables them to continue to reside in their community. That would be fair compulsory acquisition.

The people who are contacting us and others are talking about being done over as they are not getting full value for their homes which would enable them to buy homes of equal or greater value. That is a fair point. The Government must ensure that people are given a fair go and that they receive full recompense. People need to be able to remain in the community that they call home and where their doctors, sporting clubs, friends and services are located. It is one thing to be an economic rationalist, which is what this Liberal Government is, but it also needs to be sympathetic to people's needs. The Christian Democratic Party is the heart of economic rationalism. We have done well over the past 7½ years. The Government has received wise counsel from us and it has implemented good reforms. We have had a great partnership. I encourage that sort of approach when it comes to implementing its compulsory acquisition powers.

The Sydney Metro will be subject to government approval processes including Department of Planning and Environment consultation processes and approval pathways. The Sydney Metro will be subject to the control and direction of the Minister for Transport and Infrastructure as well as the Transport secretary, which will ensure accountability. As I noted earlier, the Save Sydney Coalition expressed concern about the track from Sydenham to Bankstown. I have previously stated in this House that I strongly support the idea of doing the right thing in the right way and in the right order, which means the community will be on board. When the community is not treated with respect or given an opportunity to voice its concerns, there will be protests, lobbying and so on. The Christian Democratic Party has received requests from the community not to support this legislation but I do not believe that to be in the best interests of the people of New South Wales, future generations of Australians, Sydney's

carbon footprint, or our ageing population. There are a lot of reasons we are voting this way today—and they are the right reasons.

I encourage the Government to do the right thing in the right way and in the right order, and to adhere to local environmental planning instruments that have been made by councils in consultation with the community. The Save Sydney Coalition is deeply concerned about the heritage listing of some of the affected buildings. What are we wiping out to put this through? Once again I encourage the Government to make sure we are not wiping out some of the State's most prestigious heritage items, whether it is housing or other buildings. Let us be wise and rework the plans to ensure we do whatever we can to achieve a win for the community, a win for heritage items and a win for the transport strategy. We need to consider community expectation and listen to community feedback in relation to proposed developments, especially as to the height and density of these new developments. We also need to take into account population shifts and the future growth of the population.

From 30 September this year the Chatswood to Macquarie University line will be closed for station upgrades to facilitate the metro line. That will mean a great change in commuters' daily routine and it will cause great disruption to travel and to the local community in Epping and around Macquarie Park. It is never easy when rail line closures occur, although communities are provided with bus alternatives. However, the concern is that the closure of the line will create additional pressure on already busy roads. We want to see a plan of how the Government proposes to handle the teething problems and challenges of closing this line as there will be many more buses on roads that are in a high-impact area during peak hour. The work is expected to take approximately seven months. I hope the Government has a plan B if it all goes belly up.

I am not against the idea of closing roads; in fact, a major road was closed in the Shoalhaven for six months. Had the work on that road been done bit by bit it could have taken 12 months to two years to complete, but the community had access to the road again after six months, and the work cost less because it was all done at once and traffic did not have to be redirected through major intersections. I am a firm believer in communicating with the community and giving them a very clear message upfront of what a closure will be and why it is being done. The best way forward is to have some short-term pain for long-term gain.

In conclusion, as I previously stated, planning for the Sydney Metro should occur in conjunction with agreement with the local community. We ask that Sydney Metro Corporation ensures that it addresses community concerns and adjusts its planning if necessary, taking into consideration the concerns of local communities when carrying out this development process. The Christian Democratic Party acknowledges the need for the development of infrastructure for the twenty-first century and beyond. We do not want to be found wanting in 20 or 30 years. This is our watch and we need the infrastructure—I know the Labor Party agrees with that to a large extent. How the Labor Party would address the issue might be slightly different, but I do not think it would be ignorant enough to say that we do not need this infrastructure. We need this to plan for the future. We need this for our kids' future, we need this for a future ageing population, we need this for the future population growth of Sydney—we need this for so many reasons. Therefore, the Christian Democratic Party commends the bill to the House.

The Hon. ERNEST WONG (12:02): I make a brief contribution to the debate on the Transport Administration Amendment (Sydney Metro) Bill 2018. I concur with colleagues who have spoken earlier that corporatisation is an accepted prelude to privatisation. As lawyer Joseph Sozzani pointed out in the *Bond Law Review*:

Corporatisation is a precursor to privatisation and as such, provides for the necessary changes ... in a government owned enterprise (GOE) prior to its passage from public to private sector ownership ... corporatisation often includes ... [strengthening] the commercial objectives of an enterprise ... prior to ... the process of privatisation.

Once the Sydney Metro Delivery Office is re-configured as the Sydney Metro Authority, its transition to privatisation is almost assured. The core issue with this legislation, therefore, is transparency and what the Government wants to achieve. New section 38B (4) particularly provides that the newly corporatised Sydney Metro Authority may:

- (a) acquire any land, and
- (b) develop, sell, lease or otherwise dispose of any of its land

What does the Government have in mind by inserting this provision in the bill? To gain some insights, we could look at at least one of the operators currently contracted to run the Sydney Metro Northwest. According to PricewaterhouseCoopers [PwC], the operations, trains and systems contract for the Sydney Metro Northwest is delivered under a public-private partnership [PPP] between Transport for NSW and Northwest Rapid Transit [NRT]. In turn, NRT is a consortium in which the Mass Transit Railway [MTR] Corporation has a 20 per cent holding.

MTR, as many members may know, is a major Hong Kong-based company operating on a global scale. Having been set up as a government-owned enterprise in 1972, it was privatised in the early 2000s. In 2009 it became a 60 per cent shareholder in a consortium, including John Holland Group and UGL, which gained the contract to operate Melbourne's metropolitan rail network. It was on this platform that the consortium that it led gained the contract in 2014 to operate Sydney Metro Northwest. Subsequently, MTR gained the contract to operate the South Western rail franchise in Britain and will run the Elizabeth tube line when it begins operation in London. It may surprise some colleagues, but MTR is principally a property developer rather than a rail operator. That derives from the business model that it employs, the Rail plus Property model. This model is not new, and was pioneered in the United States. Professor Robert Cervero noted:

By 1912, private landholders built inter-urban rail lines as a loss-leader in over two dozen U.S. cities, opening up land for property development that yielded tremendous profits, easily covering investment and operating costs.

Today, as Professor Cervero remarks:

The MTR Corporation has advanced the practice ... more than any other public transport organisation worldwide.

In Hong Kong, land is state property and the land tenure is leasehold. The government of Hong Kong is responsible for land management, development and its lease to companies. Under the Rail plus Property model, the Hong Kong Government has granted MTR the development rights of land around station areas at a "before-rail" commercial price, which allows MTR to acquire land at a low cost. MTR then uses those rights to partner with selected developers, based on the projected "after-rail" price. MTR is the single organisation responsible for the whole development cycle. MTR functions as the master planner, creating a development plan and managing the lease and sale of completed properties. Property development, rather than rail building, has become the major source of income for MTR, accounting for 38 per cent of MTR's income between 2000 and 2012.

Is this the scenario that the Government has in mind? The Minister's second reading speech, apart from being an object lesson in advertising, provides little insight. However, we do know, from reports in the press, that the Minister for Transport and Infrastructure has met with representatives of MTR. While apparently suitable for Hong Kong, questions must surely arise about the suitability of this model for Sydney. Guy Perry, Executive Director, Building and Places, for the Pacific division of the global engineering firm AECOM, commented at the 2015 conference of the Urban Development Institute of Australia [UDIA] that MTR's model was "something to be really careful about". He said:

The new cities created around the metro stations are so orientated to create value for themselves at the expense of creating a more general fabric to the city.

It is surely the course of developments that may arise from the foundation that this bill establishes that must give us pause for reflection. I did not hear the Minister say categorically in his second reading speech that privatisation is not being considered. Correspondingly, I feel compelled to err on the side of caution and advise that I cannot support this legislation.

The Hon. TAYLOR MARTIN (12:08): I speak in support of the Transport Administration Amendment (Sydney Metro) Bill 2018. The bill establishes Sydney Metro as a statutory corporation responsible for metro services and assets through all stages of the project, and for revitalising areas around metro stations. This bill is another step forward in delivering world-class transport services and vibrant precincts to communities across Sydney, such as we are seeing unfold in the city's north-west. But, if we believe those opposite, the sky is falling.

In the other place, Labor has claimed that this bill is about everything from fattening up Sydney Metro and selling it off to the highest bidder, to a vehicle for overdevelopment—as we just heard from the Hon. Ernest Wong—to a trick to hide information and a scheme to privatise buses. Is there a conspiracy theory which Labor has yet to claim? Let me make it clear enough for even those opposite to understand: Under this bill, Sydney Metro will remain within the Transport cluster and will become an operating agency similar to Sydney Trains, NSW Trains, and Roads and Maritime Services. Taxpayers will remain the owners of Sydney Metro. While Sydney Metro will be able to acquire, build and dispose of metro assets, it will not be able to dispose of the metro system. Sydney Metro will also be subject to existing requirements for any closure and disposal of railway lines under section 99A of the Transport Administration Act 1988.

As both the Minister for Transport and Infrastructure and the Parliamentary Secretary have already noted in the Legislative Assembly, Sydney Metro will be subject to appropriate accountability requirements that apply to similar statutory bodies. This includes requirements to prepare financial reports to comply with the Public Finance and Audit Act 1983 and being subject to annual audits by the New South Wales Auditor-General. Despite that, Labor Party members, including the member for Strathfield, have claimed in the other place that this bill is about hiding information and avoiding compliance with the Government Information (Public Access) Act [GIPA Act] 2009. That is completely wrong. In fact, Sydney Metro will be subject to the GIPA Act as well as the Privacy and Personal Information Protection Act 1988.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): There are too many interjections.

The Hon. TAYLOR MARTIN: I say to those opposite and to the member for Strathfield that, rather than hiding, we are proud of our investment in and delivery of Sydney Metro, a project Labor only ever talked about—talk is cheap. We are a government that time and again has proven itself capable of delivering the infrastructure for tomorrow's Sydney and tomorrow's New South Wales. As a statutory corporation, Sydney Metro will remain subject to all relevant government strategies, policies and approval processes, including planning consultation pathways. As a further accountability mechanism, Infrastructure NSW will continue to provide independent assurance oversight of metro projects.

Further, Sydney Metro will be required to prepare and deliver corporate plans, which will be subject to public consultation. In addition, Sydney Metro will have to take into account any public submissions it receives before plans are finalised. With Sydney Metro remaining in public hands, it will be subject to directions issued by the Minister for Transport and Infrastructure and Transport for NSW and will be required to supply the Minister with information about its activities. Sydney Metro will have an expert board to help it deliver a world-class metro system that meets the needs of the community both now and in the future. In the Legislative Assembly, the member for Strathfield was obsessed with who may be appointed to the board and chose to ignore the important role it will play in delivering public benefits. Establishing an experienced decision-making board with appropriate skills and expertise is appropriate and necessary to maximise the benefits of the Government's significant investment of public funds in this project while exhibiting a sense of social responsibility and regard for the interests of the community.

The directors of the Sydney Metro board will be subject to the governance requirements set out in schedule 2B of the Transport Administration Act 1998, including requirements relating to disclosure and management of pecuniary interests. The board will also operate consistent with broader government objectives and policies of the organisation. This world-class metro system will make it much easier for commuters travelling every single day from regions such as the Central Coast and the Hunter to Macquarie University and surrounding business parks. Currently, those students and business commuters have a wait of up to 15 minutes at Epping station for a train to the Macquarie University station. When Sydney Metro opens next year, that maximum wait will be reduced to just four minutes.

As I said earlier, this bill is another step forward in delivering world-class transport services and vibrant precincts to communities across Sydney. Transport-orientated precincts do so much to improve the communities that we live in. In 2015 the New South Wales Government purchased the Store site at Wickham, with the intention of transforming it into essential transport infrastructure. In Newcastle last month, the Minister for Transport and Infrastructure announced the selected design for the development of the fully integrated development solution next to the Newcastle Interchange at Wickham. The design looks great and has been well received in Newcastle. This is the kind of precinct that this bill envisages around Sydney Metro stations. This bill is about setting up a New South Wales Government agency focused on delivering world-class metro systems now and into the future, which all members in this place should welcome. I commend the bill to the House.

The Hon. DANIEL MOOKHEY (12:14): The people's champion, the Hon. Dr Peter Phelps, strolled to this rostrum and—with the usual theatrical thrust that he usually reserves for when he denounces the McGirr Government—set forward and denounced the comments of a former Labor Premier dating back to 2004. He labelled him as an archetype of the left wing bourgeois because he declared in his mortal words that Sydney was full. The Hon. Dr Peter Phelps is honourable and I would expect him to be very even and balanced in his criticisms. I waited for him to lay the same charge at those on his side who have made the same argument. It may well have escaped his attention, but I am happy to remind him and the House of comments of his colleagues.

The Hon. Shayne Mallard: Point of order: I question the relevancy of this speech in the context in the second reading debate and the long title of the bill.

The Hon. DANIEL MOOKHEY: To the point of order: I make the same argument as the Hon. Dr Peter Phelps when the same point was taken against him. Views were made in the second reading debate and he presented a countervailing view, as I am now.

The Hon. Catherine Cusack: To the point of order: The Hon. Dr Peter Phelps gave a speech about the bill. The Hon. Daniel Mookhey has not made a single reference to the bill before the House. All we have heard from him is a physical description of the Hon. Dr Peter Phelps approaching the microphone, and an intellectual discussion of his use of the member's contribution generally in this place, which has no relevance to the bill before the House.

The ASSISTANT PRESIDENT (Reverend the Hon. Fred Nile): The Hon. Daniel Mookhey will speak to the long title of the Transport Administration Amendment (Sydney Metro) Bill 2018.

The Hon. DANIEL MOOKHEY: I will. In relation to the bill, the argument made by the Hon. Dr Peter Phelps is that Labor's inspiration and cause for opposition is because it opposes overdevelopment in general. In fact, he went so far to accuse those who have those views as being members of the left wing bourgeois—that is, anyone who opposes this bill and overdevelopment is a member of the bourgeois. That must be news to the member for Drummoyne, Mr Sidoti, who in respect to the same proposal and the planning in this bill, slammed the 3,600 new homes and rezoning for towers as high as 40 storeys in Rozelle East as part of the priority precinct that this bill envisages.

The Hon. Catherine Cusack: Point of order—

The PRESIDENT: The Hon. Daniel Mookhey will resume his seat. I remind members that when a point of order is taken the member with the call will resume his or her seat.

The Hon. Catherine Cusack: The Hon. Daniel Mookhey has been asked to be relevant to the bill before the House. He has used his word "overdevelopment". He is now giving a speech on his opinion of overdevelopment. It is not a drift away from the bill; the gulf is such that he has yet to make a single statement that is directed towards the bill before the House. I ask that he be called to order.

The Hon. DANIEL MOOKHEY: To the point of order: If the Hon. Catherine Cusack had listened, I made direct reference to the priority precincts, which this bill legislates for and which other members have commented on.

The Hon. Scott Farlow: To the point of order: The member is talking about a priority precinct with respect to planning, and nothing which is encapsulated within this bill.

The PRESIDENT: I remind all members that I just took the Chair. I remind the Hon. Daniel Mookhey that I will listen carefully to what he says. The long title of the bill is:

An Act to amend the *Transport Administration Act 1988* and other legislation to establish Sydney Metro and to facilitate the development, implementation and operation of a metro in Sydney; and for related purposes.

The Hon. DANIEL MOOKHEY: I move now to the attitude taken by Mr David Elliott, the member for Baulkham Hills, with respect to the proposed construction in his electorate of the very same metro that this bill envisages. In an email to The Hills Shire Council, the Minister slammed the proposal and admitted to having used unparliamentary terms when talking to planning Minister Anthony Roberts about the development proposals accompanying the bill and the metro that his community would be forced to internalise as well. The member for Epping, Damien Tudehope, is equally unimpressed with the more than 3,750 new dwellings slated for Epping and Cherrybrook arising from the planning processes associated with the Sydney Metro. The Hon. Dr Peter Phelps did not condemn those members as being bourgeois for standing up for their communities. There is a reason why.

The PRESIDENT: Order! Members will cease interjecting.

The Hon. DANIEL MOOKHEY: He omitted those members from his contribution because he is not prepared to tolerate the view that his Government is divided on this issue.

The Hon. Catherine Cusack: Point of order: The member is again talking about planning matters. The fact that the metro physical infrastructure passes through these areas does not make this a debate about planning and the planning Minister. The only reference the member has made to the metro thus far has been an awkward attempt to use the word "metro" to make planning issues relevant. They are not relevant. I ask you to draw him back to the provisions in the bill.

The Hon. DANIEL MOOKHEY: To the point of order: Firstly, that submission was a debating point. The member is welcome to contribute to the second reading debate. Secondly, in second reading debates, members are allowed to respond to points that previous speakers have made. Incidentally, all Government speakers have made reference to these very issues. That is why it is called a second reading debate.

The PRESIDENT (12:22:0): I refer the member to the ruling of then President Fazio in December 2009:

This chamber has always allowed wide latitude to members making speeches on the second reading of bills but comments should generally be within the leave of the long title of the bill.

In 2008, then President Primrose ruled:

With regard to debate on bills, the contributions of members must be more than generally relevant; they must be relevant. A determinant of what is relevant is the long title of the bill. Some degree of latitude is given to permit wide-ranging debate on bills, but only if the contributions of members remain relevant to the long title of the bill.

I have listened closely to the member. I have given him wide latitude, but he must bring his comments within the long title of the bill.

The Hon. DANIEL MOOKHEY: I turn to why the people of south-west Sydney have such anxiety about this bill and the development associated with the establishment of the metro, and particularly the establishment of the new authority and its proposed powers. Part of the reason that they have such scepticism is because since 2011 their communities have had a construction target of around 20,000 new apartments. That is coming from the department's—

The Hon. Catherine Cusack: Point of order: This is flagrant disregard for the rulings that have been made. The member is ploughing ahead with his prepared remarks irrespective of the rulings you have given. He is talking about planning matters yet again. The House is debating transport legislation related to the installation of infrastructure for the metro. It could not be clearer.

The Hon. Penny Sharpe: To the point of order: The bill clearly sets out the arrangements for the new metro organisation that include the development of land around the stations. The member was drawing that together and was being relevant to the bill.

The PRESIDENT (12:24:): I uphold the point of order. If I take it that the member is referring to new section 38D, then he is being generally relevant. The member is trying in a clever way to link the long title of the bill, but he is not getting there. The member needs to be more generally relevant. If the member refers to aspects of the bill, he needs to tie his comments into some of the provisions of the bill if he cannot come within the long title of the bill.

The Hon. DANIEL MOOKHEY: I accept your ruling. The community is anxious about the new authority's powers under new section 38 and other provisions of the bill because of the fact that it will be able to dispose of transport lands on its own, the fact that it will be able to compulsorily acquire land for its own purposes and the fact that the board that is envisaged does not include any reference to or representation of the community. People are anxious about such powers because they have had seven years of promises from the Liberal Government about how these powers are to be used. They have an evidentiary record in which the rhetoric of Government members, both in this place and the other place, can be compared to the reality that it has created.

In truth, we have seen the unequal distribution of population growth across the Sydney Basin, which is creating anxiety. If another authority were to be created that is unaccountable to them and in large part unaccountable to this Parliament, then of course those concerns would flourish. People have every reason to be anxious when they look at this pattern. There is a difference in how those powers will be applied in certain communities, including parts of the Sydney Metro that this authority will have jurisdiction over. For example, I refer to the difference in how those powers will be applied on the North Shore and on the southern side of the city. I refer to the planning targets of the Department of Planning and Environment. The department has set targets for new residential housing growth in Ku-ring-gai, which we are told is meant to benefit from the Sydney Metro, of being 300 to 3,000 in the course of four years. Compare that to Canterbury Bankstown, where the same growth is 20,000.

The PRESIDENT: Order! The member is now deviating from the long title of the bill.

The Hon. DANIEL MOOKHEY: I was about to make—

The PRESIDENT: The member's comments do not come within new section 38D, which I was more than happy to bring to his attention.

The Hon. Catherine Cusack: Sit down!

The PRESIDENT: Order! I will direct the member to sit down if he needs to. The member is deviating from the long title of the bill. I bring him back to the long title of the bill.

The Hon. DANIEL MOOKHEY: My standing was not meant as any disrespect to the Chair.

The PRESIDENT: I understood that.

The Hon. DANIEL MOOKHEY: I conclude by making this point: It is fine for members to be critical of other members for standing up for their communities, but if they are going to have that view they should be even-handed. Members should be honest about that. They should acknowledge that these concerns are not only held by some Opposition members but also by some Government members. Some members share the same concerns and have the same scepticism about the powers that this new authority will have and the unaccountable structures that are being envisaged. It is the role of this House to provide proper expression of that concern and to allow those issues to be debated. It is in no way, means, shape or form an example of nimbyism for us to make the point that all such authorities created by the Parliament should be accountable to the Parliament and to the communities that we represent.

The Hon. SHAYNE MALLARD (12:27): I support the Transport Administration Amendment (Sydney Metro) Bill 2018. My speech will include some history lessons for Opposition members. I will lay some facts on the table for members of the Labor Party and The Greens, to contradict some of the comments they have made. I will speak to the bill.

The PRESIDENT: I should hope so.

The Hon. SHAYNE MALLARD: During the 16 long years of neglect under Labor the people of New South Wales were promised 12 rail lines, but only half of one line was actually delivered. The Labor Party promised nine transport master plans through six transport Ministers. In contrast this Government has got on with the job of building tomorrow's Sydney, as seen on the billboards at the metro sites. Sydney Metro is a game changer for Sydney. It will revolutionise how we will move around our great global city for generations to come. I am confident that Sydney Metro will be the signature legacy project for this Government. Australia has seen nothing like this new metro system before. The time is right to take the great work done by the Sydney Metro Delivery Office and transform it into an enduring statutory corporation overseen by an expert decision-making board.

However, it appears that those on the other side of the House are suffering from amnesia. The Transport Administration Amendment (Sydney Metro) Bill 2018 is almost exactly the same as the Labor Government's Transport Administration Amendment (Metro Rail) Act 2008 that had bipartisan support. It shows that the opposition of the day was responsible in its support of infrastructure for this city, despite the then Labor Government's abysmal infrastructure record. Those on the other side of the House, and indeed in that other place, have chosen to play politics with the delivery of the biggest urban rail infrastructure investment in Australian history. It is an embarrassment for them.

During 16 years of lacklustre governance of this great State, the people of New South Wales saw many projects announced and then cancelled, announced and then cancelled. Members of this place should really not be surprised. There is only one Government, the Berejiklian Government, that cares about improving the livelihoods of the citizens of this State. Sydney Metro is the centrepiece of this Government's vision for Sydney's future. Since 2015, the Greater Sydney Commission has been leading metropolitan planning for the Greater Sydney region. Its focus is on aligning infrastructure decision-making and land use planning whilst promoting housing supply and supporting improvements in productivity, livability and the environmental quality of our great city. How weird, those on the other side of the House are not paying attention. I can only assume that it is because this visionary project—

The Hon. Greg Donnelly: Point of order: The member is casting aspersions on Opposition members by accusing them of not listening to the debate. I am listening carefully to each word. It is unreasonable to make such statements and I ask, through the Chair, that he withdraw them.

The PRESIDENT: The comment was made generally. I ask the member not to make general comments but to remain, as I have previously directed, within the purview of the long title of the bill.

The Hon. SHAYNE MALLARD: I, of course, accept that ruling. I have been in the Chamber for the entirety of the debate, as have some members opposite. I note there are no Greens members present in the Chamber, despite contributing to the debate earlier, which is disappointing.

The PRESIDENT: Order! The member will resume his seat. A habit has developed in the Chamber where members comment as to whether a party has members present in the Chamber. It is my view that has no relevance to a debate and the long title of a bill. I ask members to keep that in mind. There could be many reasons why members are not present. I note that not every Government or Opposition member is present at all times. It is inappropriate for the comment to be made and I ask it to cease. The member has the call.

The Hon. SHAYNE MALLARD: This is a visionary once-in-a-generation investment. It will deliver the necessary step-change in rail infrastructure to deliver this Government's vision for Sydney's three 30-minute cities. As a matter of record, this project was one of those cancelled by Labor when it was in Government, which must be the reason the Opposition opposes the bill. I will deal with the facts. The Transport Administration Amendment (Sydney Metro) Bill 2018 represents good policy by a good Government. Those on the other side of the House in the other place would have people believe that this bill is about privatisation. The Greens made that assertion in their contribution to the House. It has been said the Government is "fattening the pig to be sold off".

The problem, however, is that only someone who had failed to do their homework or to read the bill could make such a preposterous statement. Clause 38B (3) (e) of this bill expressly requires the Government to return to the Parliament if it ever wishes to sell the Sydney Metro. The Government has made it quite clear that it has no plans to sell off the metro. Make no mistake, had the Labor Government built the Sydney Metro it had no

intention of actually retaining it. Why else would a principal function of the then Sydney Metro entity have the operation of the metro as a function of last resort?

This Sydney Metro will be owned by the Government and will be part of the Government's transport cluster operating as a transport agency similar to Sydney Trains, NSW Trains, and Roads and Maritime Services. That means the Sydney Metro Delivery Office, which has been working successfully as part of Transport for NSW since 2011, will be transitioned into the new corporation. My favourite part of the 2008 Act is that it has as one of its principal functions under section 55C (1) (d) the following obligation:

... to enter into ... arrangements, with persons for the provision of safe and reliable metro railway passenger services or the operation of metro railway systems or other transport systems, and

Those opposite would have people believe that there is something shifty about Sydney Metro's right to operate bus services. In their contributions to this debate those opposite have said that this Government is trying to pull a fast one on the people of this State. Only someone who has never delivered a project would be naive enough to think that the establishment of the Sydney Metro organisation was about privatising buses.

Sydney Metro organisation's right to operate buses is the same as every other transport entity in New South Wales. It is a necessary right. It enables rail replacement services to be operated during maintenance. It is the same right that the 2008 Act afforded the Sydney Metro organisation. Why then do those opposite oppose this bill? There can only be one reason: Members opposite do not understand and cannot imagine what it means to deliver a project such as Sydney Metro. That organisation will be tasked to lead the work across government that will deliver a world-class metro system that is customer focused and supports local places, thereby assisting to drive the State's economic growth well into the future.

Let there be no doubt, Sydney Metro will be a game changer for Sydney. It will transform how we travel around this great global city. It will change the way we work, live and play by providing truly integrated, world-class transport to vibrant and active communities. It is time to look to the future and realise Sydney Metro's true potential to help manage Sydney's growth. It gets better. The Hon. Taylor Martin stated in his contribution to the debate that if the Government ever wants to close a railway line, including a metro railway line, section 99A of the Transport Administration Act requires an act of the Parliament authorising that closure. The 2008 Act expressly excluded the need for an act of the Parliament to close a metro railway. That is a big difference between that Act and this bill.

The opposition to this bill is a vain attempt to hide the embarrassment of trying to stop the well-planned growth of Sydney. It is politics at its worst. It is much easier for the Opposition to have as its public transport and land-use planning policy centrepiece that it will cancel projects than give the people of this State the respect of producing policies that will benefit our communities. One example of a Labor project is the land-use and transport planning debacle that is Mascot and Green Square. I am familiar with that issue. There were no development controls, there was no proper planning and no transport planning and now this Government is forced to clean up the administrative mess left by the Labor Government.

Sydney Metro will be charged with leading integrated planning solutions for land in "the locality of a metro station, depot or stabling yard or a proposed metro station, depot or stabling yard". That will include land that is shown on a map referred to in an order made by the Minister for Planning, with the concurrence of the Minister for Transport and Infrastructure, and which is published in the *Gazette*. There is nothing sneaky about good planning. There is no conspiracy theory. The land acquisition powers of Sydney Metro are no different to those that the then Labor Government afforded to the former Sydney Metro entity in its 2008 Act. That is the one thing it did do. I know that it acquired land because I was involved with that acquisition as a City of Sydney councillor. But then the project was cancelled after the former metro entity had evicted many tenants. Those on the other side of the House have proven that all that they are good for is stifling progress, jobs growth and investment.

The New South Wales Government wants to make sure its major investment in a new railway system delivers the best outcomes for customers and the community and services our great global city for generations. Sydney Metro is much more than just a state-of-the-art railway. It needs to be integrated successfully with the precincts and the communities it will serve and with the existing public transport system, allowing customers to seamlessly interchange from metro rail to suburban trains, buses, light rail and ferries. In Copenhagen, there is a great example of a metro that is integrated with heavy rail, bus interchanges and development.

The Hon. Dr Peter Phelps: And bicycles.

The Hon. SHAYNE MALLARD: True. Bicycles are integrated into transport hubs with health services, schools and so forth. I admire the Copenhagen metro system. When the Premier was Minister for Transport she visited that metro system to see how it worked. The Sydney Metro Delivery Office is already actively involved in

precinct revitalisation through partnership with a number of government agencies and offices. The bill will provide an ongoing mandate for Sydney Metro to continue this important work and will provide a framework for better inter-agency collaboration and coordination.

The compulsory acquisition powers included in this bill are exactly the same as those afforded to the Sydney Metro organisation, which was constituted in 2008 by the then Labor Government. In addition to those powers, Sydney Metro will also have the power to acquire land by agreement. There is nothing shifty about acquisition by agreement. In order to ensure public transport and land use planning are truly integrated, Sydney Metro needs to be empowered to assist planning and transport agencies in preparing strategic plans for the revitalisation of land in the locality of the metro precincts. The framework provided by this bill ensures that the community has a single, consistent point of contact for providing feedback and consultation rather than a multitude of government interfaces which can be confronting for the community.

In undertaking its place-making role, Sydney Metro will continue to work closely with the relevant councils and other agencies such as the Greater Sydney Commission, UrbanGrowth, Landcom and the Barangaroo Delivery Authority, all of which can bring specialist expertise and local knowledge to the proper planning and delivery of metro precincts across the metropolitan area. Each metro station offers its own unique blend of opportunities and constraints and each precinct requires a bespoke approach. Sydney Metro will be best placed to ensure the continued coordination and delivery of vibrant and integrated metro-enabled precincts that truly meet the needs of the communities they serve long into the future.

Make no mistake, the people of New South Wales are not the fools that Opposition members would like us to think they are. They will see through the nonsensical reasons that the Opposition has for opposing this bill. Perhaps if those on the other side of the House spent more time fighting for their constituents rather than fearmongering about the projects we are proposing, this great place would not be wasting its time debating good government policy. Those on the other side of the House supported the exact same bill back in 2008 and they should support it today. I commend the bill to the House.

The Hon. CATHERINE CUSACK (12:42): I will briefly add to the excellent speeches already made by this side of the House in the debate today. I commend the Hon. Paul Green for his thoughtful speech on the purpose of infrastructure development and the people who are going to be the greatest beneficiaries. My parents recently moved to accommodation at Bondi Junction. That area has been totally transformed by its railway station. To be able to walk to doctors and get tests is a brilliant improvement to my parents' quality of life. Dad gets up in the morning and gets the paper.

The PRESIDENT: I call the Hon. Greg Donnelly to order for the first time. As I have indicated on many occasions, the Chair will determine and give directions as to whether or not a member will sit down.

The Hon. CATHERINE CUSACK: The Hon. Paul Green's remarks were meaningful to me. I find some of the criticism made by members opposite both ludicrous and difficult to take. The suggestion that the construction of infrastructure being linked to development is somehow scandalous makes me wonder why the Labor Party believes we would build a railway if not to open up and develop new employment areas, new areas of residential growth, and low-cost housing that meets the needs of the city. If we cast our minds back to 2011, multiple issues in the media at that time caused Labor to lose office and the Coalition to come to government. The most fundamental reason was the lack of integrated transport planning and infrastructure to meet the growth needs of the city. Today, these policies have been portrayed somehow as a conspiracy or something dodgy by the Labor Party, but they are the policies that Sydney needs and that we have been elected to deliver.

As a member from the North Coast, to be criticised in this way by a party that closed more railway lines than it opened—including in the North Coast—is beyond belief. The Labor Party had multiple Premiers visit Tokyo, sit on the very fast train and announce that one would be delivered to New South Wales. This sort of announcement has almost become a joke or a tradition in this State because the trains are never delivered. Financing was one of the biggest hurdles that those opposite could not overcome in growing our rail and metro infrastructure. A hallmark of this Government and the reason why New South Wales is leading the world and the Premier and her Ministers are in demand as speakers all over the world is the Government's innovative method of financing these projects.

The legislation before the House today deals with what has up until now been a myth: using value capture to assist the financing of public infrastructure. This has not been done before. This proposal breaks new ground and will deliver fantastic value for taxpayers. For the first time, taxpayers will get a share of the capital gains that accrue alongside increased public infrastructure. Surely that should be welcomed. I find that is the most exciting aspect of the legislation and model that has been put forward today.

All infrastructure requires prudent budget management. This is another reason why I refuse to be lectured by those opposite. Their inability to organise finance and prudent budget management was the principal reason why they kept announcing project after project that then fell over, wasting more than \$1 billion in the process on non-delivered projects. This Government has delivered on every project it has announced. It has delivered the projects on time and brilliantly. This metro rail line is a total game changer for Sydney and it has required innovative finance measures to bring it forward, accelerate its development, and have it available and operating at the earliest opportunity.

I am proud of the Government and its record, but this bill is one of the most important, groundbreaking and progressive bills ever to deliver value for taxpayers in ways never delivered by either political party when in government, and I believe it will be a model for the future. I congratulate the Minister and the Government on what it is doing. This has been a team effort. Minister Rob Stokes has had a strong vision for value capture and how to incorporate it into financing and accelerating infrastructure. I am happy to commend the Government for this bill. I condemn the Opposition for its unproductive remarks that take us back to 2011 and take us to all of the reasons it is on that side of the House today and we are on this side.

The Hon. NATASHA MACLAREN-JONES (12:48): I support the Transport Administration Amendment (Sydney Metro) Bill 2018. The bill amends the Transport Administration Act 1998 to create Sydney Metro as a statutory corporation responsible for delivering a new world-class metro system for Sydney and revitalising precincts around metro stations. Establishing Sydney Metro as a statutory corporation will put in place a single agency responsible for delivering new transport services and activating precincts near metro stations to make them vibrant parts of a local community. Importantly, it will enable Sydney Metro to undertake integrated planning for transport and urban improvements from the earlier stages with a focus on delivering the best outcomes for commuters and local communities. Through this new approach, councils, business, industry and community representatives will have a single point of contact in government through Sydney Metro, making it simpler for them to deal with government. The bill provides Sydney Metro with the ability to assist the relevant planning and transport authorities in preparing strategic and other plans for development of land in a locality of metro stations, depots and stabling yards as well as proposed metros, depots and stabling yards. This will put Sydney Metro in a position to ensure the needs of the customers and local communities are at the centre of the design and development of the metro and its surrounds from day one.

A great example of Sydney Metro's place-making mandate is evident in the role it will play in revitalising precincts to be serviced by the recently announced Sydney Metro West project, such as Westmead. Sydney Metro is currently undertaking detailed technical assessments for a new underground metro station at Westmead. Having a fast, efficient, reliable transport link between Westmead and Parramatta is essential to support the vital health and education precinct as it continues to grow and lead best-practice medicine and education-related industries. By 2036, the number of full-time staff working across Westmead will increase to more than 30,000 people and the number of students will grow well beyond 10,000 people. The bill will give Sydney Metro the clear direction to continue to engage with NSW Health, NSW Department of Education, Westmead Hospital, the University of Sydney, Western Sydney University and the Children's Medical Research Institute to ensure the Government delivers a truly integrated outcome at Westmead.

This is also well illustrated by the way Sydney Metro has undertaken place-making for the growing Norwest Business Park and Marketown Shopping Centre, ensuring they remain fully and easily accessible while the metro is being delivered. Working with key stakeholders, Sydney Metro has been at the centre of providing better roads, expanded bikeways, and new infrastructure such as an underground pedestrian link between Norwest station in Baulkham Hills to the nearby shopping centre. This coordinated place-maker approach is one of the most effective and efficient ways to deliver a seamless daily journey for customers now and in the future. By building on its detailed knowledge and understanding of the needs and aspirations of local communities, Sydney Metro continues to bring to life this vital and growing precinct. To enable Sydney Metro to fulfil its place-making role, the bill empowers it to carry out finance, management or otherwise participate in residential retail, commercial, industrial, mixed use, open space and recreational projects.

This bill is about giving Sydney Metro the flexibility to deliver on the needs and wishes of local communities, including green spaces. It is also appropriate for Government to undertake precinct planning. Not only will local communities benefit from the vibrant new spaces and transport services, but many returns generated from these activities will reduce the funding burden on taxpayers for large-scale infrastructure investment. Importantly, Sydney Metro will still be subject to relevant planning controls and will be required to obtain all the necessary planning approvals before projects can proceed. Appropriately, the community will have an opportunity to have their say at every stage of the process about proposed projects before they are considered for approval. Sydney Metro will assist in achieving the benefits of integrated transport and land use planning through the ongoing cooperative and whole-of-government approach underpinning the Greater Sydney Commission's Greater Sydney Region Plan, District Plans as well as the Future Transport Strategy 2056. Sydney Metro will be

complemented by a range of other transport solutions and investments underway, as detailed in the Future Transport Strategy.

Sydney Metro will deliver on every outcome identified in the Future Transport Strategy including customer focus, successful places, growing the economy, safety and performance, accessible services and sustainability. By helping creative, attractive, vibrant and livable local communities around metro stations, Sydney Metro will ensure the \$20 billion investment the Government has made in the Sydney Metro system to date will result in maximum social, economical and environmental benefits for all Sydneysiders for generations to come. As a statutory corporation, Sydney Metro will deliver a first-class metro while also supporting whole-of-government initiatives to ensure that Sydney remains one of the most livable cities in the world. Sydney Metro is one of the most significant infrastructure projects across Australia. I commend the bill to the House.

The Hon. SCOTT FARLOW (12:54): On behalf of the Hon. Don Harwin: In reply: I thank all honourable members who made a contribution to debate on the Transport Administration Amendment (Sydney Metro) Bill 2018: the Hon. Penny Sharpe; Dr Mehreen Faruqi; the Hon. Lynda Voltz, the Hon. Dr Peter Phelps—I congratulate him on achieving his key performance indicator of using "whiney bourgeois leftist" in his speech to the House, which I know he is proud of—the Hon. Daniel Mookhey, who delivered a dissertation on the Hon. Dr Peter Phelps's speech; the Hon. Ernest Wong, who gave a dissertation on Mass Transit Railway's operations in Hong Kong, which was educational; the Hon. Shayne Mallard; the Hon. Catherine Cusack; the Hon. Taylor Martin; the Hon. Natasha Maclaren-Jones; and the Hon. Paul Green, who very much understood the bill.

I will start by addressing the Government's response to some of the issues raised by the Hon. Paul Green. The member raised the disruption that will be caused by the closure of the Epping to Chatswood railway line and the Bankstown railway line. That is a key concern for everyone, particularly Transport for NSW and the Sydney Metro. Upgrading the railway line between Epping and Chatswood will allow us to deliver almost four times as many train services and improve customer safety at five Sydney train stations. Unfortunately, we cannot do this upgrade work overnight. From late 2018, for safety and operational reasons, rail services will temporarily be removed between Epping and Chatswood for approximately seven months. During this time bus services will be required to operate between Epping and Chatswood to replace train services while the line is upgraded. In addition to existing bus services, more than 120 new fully accessible air-conditioned buses will be used during the Epping to Chatswood line upgrade. Services are planned to operate on a turn-up-and-go basis with at least one bus being provided every 10 minutes. More services will be provided in the peak periods, with a bus at least every six minutes travelling to stations between Epping to Chatswood.

On the Bankstown line, upgraded stations will be progressively opened from 2020 as the 11 stations between Bankstown and Sydenham are upgraded. The Government's priority is to upgrade the Bankstown line as quickly as possible and minimise the inconvenience to the smallest number of customers. It is also important to note that the line will remain open during the majority of construction, laying bare the accusations made by the Hon. Lynda Voltz in her contribution in which she said it would be the only railway line that would be ripped up for this project. Work needs to be done. We are not ripping up the railway line; we are providing a better service. We are providing a turn-up-and-go service for people along the Bankstown to Sydenham line. Members opposite do not want to provide that service to commuters in central and south-west Sydney.

I note that the Hon. Paul Green mentioned compulsory acquisition in his speech, which concerns us all. In 2016 the Government made important changes to the property acquisition process following reviews undertaken by David Russell, QC, and then Customer Service Commissioner Michael Pratt, AM. This Government has implemented 17 of the 20 review recommendations—

The Hon. Penny Sharpe: What has happened to the other four?

The Hon. SCOTT FARLOW: —including establishment of the Centre for Property Acquisition. I am glad you can count, Penny. We have implemented 17 of 20 and you are asking where are the other four.

The PRESIDENT: Order! The Parliamentary Secretary will not acknowledge interjections and the Hon. Penny Sharpe will cease interjecting.

The Hon. SCOTT FARLOW: Sydney Metro will continue to act in accordance with the whole-of-government acquisition standards developed by the Department of Finance, Services and Innovation and the supporting guidelines and procedures that are developed by the Centre for Property Acquisition. As the Government did with 95 per cent of the Sydney Metro Northwest, the preference of Sydney Metro is that people reach a commercial agreement with land owners who have been affected.

The PRESIDENT: I shall now leave the chair and 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***ELECTRICITY PRICES**

The Hon. ADAM SEARLE (14:30): My question is directed to the Minister for Energy and Utilities. Given that both the South Australian and Victorian governments warned the Abbott and Turnbull governments in 2014 and 2015 about the potential for consumers to be gouged by electricity networks—and yesterday there were revelations about overcharging of consumers by \$400 million a year to cover corporate tax bills—did this Government alert the Federal Government about the issue? If not, why not?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:30): The Leader of the Opposition referred to a matter announced yesterday by my Federal colleague the Minister for the Environment and Energy, the Hon. Josh Frydenberg, who has asked the Australian Energy Regulator [AER] to carry out an investigation into whether electricity networks and regulated gas pipelines are overcharging consumers to cover their corporate tax liabilities. A review follows the request from the Federal Government. As his media release advises, as part of the revenue determination process, regulated networks receive an allowance to cover their corporate tax liabilities which is passed on to consumers, which is the matter to be looked at by the AER.

I remind the House that the Treasurer and the Minister for Finance are shareholding Ministers for the energy companies who appoint boards, and these sorts of issues are matters for the boards. I am advised by the Treasurer that there is no evidence to suggest that New South Wales electricity networks are acting contrary to the regulatory regime. Electricity networks continue to work with the Australian Energy Regulator on regulatory proposals to drive the efficient delivery of services and achieve lower costs for customers. Essential Energy, as the remaining wholly government owned distribution network, has achieved cost savings of hundreds of millions of dollars and network charge reductions of about 40 per cent for its customers as a result of its efficiency incentives.

I commend Essential Energy for its cost reductions to date which have equated to each household saving \$370 per annum in the 2014-15 financial year and what is projected for the next financial year in 2018-19—that is, a reduction from \$1,050 in 2014-15 to a projected \$680 in 2018-19. The reforms that have been achieved by Essential Energy are putting downward pressure on prices for people throughout regional New South Wales. The Treasurer has advised there is no evidence to suggest that the networks are acting contrary to the regulatory regime.

MINERAL AND MINING INDUSTRY

Mr SCOT MacDONALD (14:34): My question is addressed to the Minister for Resources. Will the Minister update the House on the importance of the mining industry to New South Wales?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:34): I thank Mr Scot MacDonald for his undoubted interest in Central Coast and in particular Hunter matters because mining is a driving force behind regional job creation and continues to be a major contributor to the New South Wales economy and, in particular, the Hunter economy. The minerals industry supports thousands of jobs and generates billions of dollars in economic activity in those communities. According to a recent New South Wales Minerals Council survey, mining companies injected in excess of \$10.4 billion into the New South Wales economy in 2016-17. This included \$2.9 billion in wages for nearly 28,000 full-time workers across the sector. Importantly, \$5.9 billion was spent through more than 6,680 local businesses in regional communities right across the State. That is on top of the royalties and taxes which the mining industry contributes to the State which are used to fund our schools, roads and hospitals which benefit everyone in New South Wales.

Members on this side of the House support the mining and the minerals industry but the same cannot be said for everyone else in the Chamber. The New South Wales Labor Party wants to stop mining. Let us be clear: Those opposite were caught out trying to shut down the Boral Montoro clay mine and put 45 employees on the Central Coast out of work. It has not yet tabled amendments to fix its broken bill. Labor should own up to its mistake and apologise to the workers whose jobs it continues to put in jeopardy. Labor also tried to kill the mining industry by promoting excessive and unnecessary buffer zones. Labor tried to shut down the Shenhua Watermark project near Gunnedah, even though it issued the exploration licence in the first place. This Government acted to protect the agricultural land of the Liverpool Plains which Labor put at risk when it was in government.

Mr Scot MacDonald: Point of order: I cannot hear the Minister's important answer.

The PRESIDENT: While I have allowed robust debate in the first seven minutes of question time, it has become too robust. I uphold the point of order. There is too much noise on both sides of the Chamber.

The Hon. DON HARWIN: One would have thought the Labor Party would have learnt what happens when it interferes with independent processes but that is what it proposes to do with the Santos Narrabri gas

project. It is back to the bad old days. Mr President, the Hon. Catherine Cusack, the Hon. David Clarke, the Hon. Richard Colless and I remember the two resources Ministers from that side of the Chamber who are both behind bars at Her Majesty's pleasure.

Going down that track again is a huge mistake. But the Leader of the Opposition is also virtue-signalling on Queensland mining projects in an attempt to win Green votes in the inner city—he is more interested in Adani and what is apparently happening in Queensland than he is in jobs in regional New South Wales. He says one thing in Newtown and another thing entirely in Newcastle. Those opposite tell people in Maitland that they support mining, but every action they take in Macquarie Street shows that Labor is all talk—[*Time expired.*]

MEDICINAL CANNABIS

The Hon. WALT SECORD (14:39): My question is directed to the Leader of the Government, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. In light of the Government's 2 March announcement on medicinal cannabis, will the Minister assure the House that his ministerial staff have fully declared their commercial interests and have excluded themselves from any involvement in ministerial and Government decisions and discussions, and that there are no conflicts of interest relating to medicinal cannabis policy?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:40): My recollection is that all of the interests of the staff member to whom I think the honourable member is referring but not naming have been disposed of. I will check and if there is something to add I will come back with that information at the end of question time.

BROKEN HILL WATER PIPELINE

The Hon. PAUL GREEN (14:40): My question is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. After a visit to Broken Hill, I heard real concerns from local residents about securing the water supply while ensuring that such an essential service as water is affordable for all. Will the Minister report to the House what is being done to ensure that the Wentworth to Broken Hill pipeline is a reliable water supply, but also affordable to all the people of Broken Hill?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:41): I thank the member for a very good question. It allows me to address not only the benefits of this pipeline but also the issue of pricing and the affordability of water in Broken Hill. The first part of the member's question relates to making sure that there is a reliable water supply. That is exactly why we are building this pipeline. Broken Hill relies on what at times can only be described as an unreliable water supply, because the water that has traditionally been sourced for Broken Hill came from the Menindee Lakes system via a pipeline over some 100 kilometres to Broken Hill. We have had many discussions in this House about the unreliability of that supply. In fact, when I became Minister in 2015, one of my first trips was to Menindee Lakes to visit the Broken Hill community. I was accompanied by the Hon. Sarah Mitchell, who was the Parliamentary Secretary at the time. We visited the bore fields that were being drilled in the Menindee Lakes system because we were looking for a more reliable water service.

At the time there was plenty of debate about what should be the long-term water solution for Broken Hill. We looked at a range of measures to see what would be the long-term secure option for the Broken Hill community. The Government decided on the pipeline to make sure that we get on with the job and provide water to the community from the Murray River—a more reliable and regulated system that has the ability to store water in the Hume Dam and provide water to be released down the Murray where possible. The pipeline will not only create a secure water supply but also make sure there is an economic uplift in those areas. At the moment about 150 jobs are being created. There are around 25 Aboriginal employees, \$3 million has been invested in training so far, and \$50 million has been invested in local communities.

We mandated that we wanted the pipeline to be made out of Australian steel which means there has been an economic lift in the Illawarra as a result. The member raised the issue of pricing for the pipeline. The upfront capital costs of the pipeline will be fully funded by Water NSW. The price of water in Broken Hill is subject to a pricing determination review by the Independent Pricing and Regulatory Tribunal [IPART]. When IPART makes a determination, it takes into consideration a range of factors for local communities, including socio-economic factors and the community's ability to be able to meet the cost of essential services such as water. I have said consistently that a safe and secure water supply is also essential for dust suppression in Broken Hill, because it is an area with high traces of lead. IPART will take all this into consideration and I am sure it will come out with a determination that meets the expectations of the community. [*Time expired.*]

MURRAY-DARLING BASIN PLAN

The Hon. RICK COLLESS (14:45): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister inform the House what the New South Wales Government has done to ensure confidence in the Murray-Darling Basin?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:45): I thank the Parliamentary Secretary for his timely and vital question. As members of this House are aware, last week the Commonwealth Government and Federal Labor came to an agreement to get the Murray-Darling Basin Plan back to where it should have been in February. The Basin Plan is the result of years of negotiation between State governments and the Commonwealth and was signed into effect with bipartisanship support in 2012. That is why the recent Federal agreement is so important.

It was this bipartisanship that NSW Labor and The Greens rubbished when showing their support for the Senate's recent disallowance of the four-year scientific review of water recovery in the northern Murray-Darling Basin. In doing so, NSW Labor and The Greens put politics ahead of practical and commonsense outcomes, opposing the science and ignoring the impacts of further water recovery on New South Wales regional communities. In February, the shadow spokesman for water in the other place slammed the New South Wales Government for prioritising New South Wales rivers, communities and people over the South Australian election.

Last week the New South Wales position was completely vindicated by the announcement of the agreement at a Federal level. Key outcomes for New South Wales include \$20 million for hydrometric gauges and remote sensing technology, which will provide for smarter river management for farmers and the environment. Funding has been set aside for Aboriginal and cultural values, with another \$20 million towards economic development opportunities for Indigenous, rural and remote communities most impacted by the plan. Support will also be provided for Collarenebri and Warren, with local engagement facilitators to help identify development opportunities.

Last week's agreement reinstates a \$180 million package of environmental projects in the Northern Basin toolkit measures and local and Aboriginal suppliers will be engaged to deliver these important projects, including fish passage and funding the rebuilding of Wilcannia Weir. None of those projects or commitments would exist if we had done what those opposite advocated—supporting The Greens to tear up the plan, and ripping apart our communities in the hope of winning a few votes in South Australia. Rather than admitting they were wrong and getting behind New South Wales communities, those opposite told the media that they opposed all the outcomes achieved in Canberra despite their Federal counterparts agreeing to the deal.

Rather than formulate their own policies, those opposite find it easier to borrow someone else's lines. That is what we saw with the shadow Minister in the other House and The Greens' Jeremy Buckingham when they took their campaign launch on the road to Broken Hill. A true partnership and double act must have been forged on the shadow Minister's maiden voyage to the home of BHP, because along with NSW Labor, The Greens are the only other party still opposed to the Basin Plan. Three politicians were quoted as standing against the agreement on the Basin Plan: Sarah Hanson Young, Jeremy Buckingham and their latest disciple, the shadow water Minister, Chris Minns. So while NSW Labor and The Greens continue to sell out their communities, and the wins that we have secured, the Government will continue to ensure that all of the social, economic and environmental benefits of the plan are achieved for all New South Wales communities.

JUDICIAL OFFICER BULLYING

Reverend the Hon. FRED NILE (14:49): My question without notice is directed to the Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts, representing the Attorney General. Will the Minister inform the House whether he is aware of recent reports of judicial bullying in New South Wales courts made by the President of the NSW Bar Association. How does this development reflect on the culture of the State's legal profession? Will the Attorney General inform the House about the trends over the past 10 years concerning complaints made against judicial officers by professions on the grounds of apprehended bias and prejudicial conduct, and complaints made by parties appearing before courts in New South Wales alleging bias to conduct?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (14:50): Reverend the Hon. Fred Nile asked me a detailed question which is obviously based on considerable research. I confess it is not something with which I am familiar. The best thing I can do is refer the question to my colleague and friend the Attorney General and obtain an answer as soon as I can.

DROUGHT ASSISTANCE

The Hon. MICK VEITCH (14:51): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister inform the House whether he agrees with the comments made by former Deputy Prime Minister and agriculture Minister Barnaby Joyce, "If the Queensland State Labor Government can give subsidies for transport it is something the New South Wales Government should be looking at as well." If not, why not?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (14:51): I thank the member for his question which gives me an opportunity to refer to what this Government is doing to support farmers through the drought. This week the Premier visited farms in western New South Wales and last week the Deputy Premier and I were out on-farm. We are yet to see the Leader of the Opposition—

The PRESIDENT: Order! The Minister will resume his seat. Stop the clock. I am a little confused. I am not certain whether the Hon. Mick Veitch was still asking his question while the Minister was attempting to answer the original part of the question. I do not believe the Minister needs the member's assistance. All interjections will cease.

The Hon. NIALL BLAIR: As I was saying, the Premier and the Deputy Premier have been out on-farm. The Leader of the Opposition has not yet visited any of these drought-affected communities to meet with farmers. I know the shadow Minister has an interest in this area; he just needs the support of his leadership to visit—

The Hon. Mick Veitch: Point of order: My point of order relates to relevance. I do not need a character reference from the Minister. As entertaining as the Minister's answer is, my question referred to the former Deputy Prime Minister's comments about New South Wales matching Queensland's drought package.

The PRESIDENT: There were so many interjections I thought there was no point in ruling on the point of order until there was silence in the Chamber. I remind all Ministers that answers should be generally relevant to the question asked. The Minister has the call.

The Hon. NIALL BLAIR: The Hon. Mick Veitch said we should be matching Queensland's drought package. New South Wales has a \$300 million drought package. In some parts of the State that has put our farmers in a stronger position as we go into a dry and cold winter. In Queensland farmers often have to suffer three years of drought before they receive drought funding packages. As we travel around the State we hear a range of views about how to assist farmers to get through the winter. Some people look to other jurisdictions and programs in other States. Every farming operation in New South Wales is different.

Farmers understand their operations and in some cases do not rely on government programs because they are prepared and have invested on-farm to get through the dry period. Other farmers are taking up assistance packages that are available in New South Wales. As I said yesterday, \$3 million a week is applied for through the Rural Assistance Authority. That ensures farmers have access to the provisions and infrastructure they need. The Government is continuing to look at drought assistance packages which is why Pip Job was appointed as drought coordinator. She will continue to meet with stakeholders and farmers, and the Government will continue to meet with farming communities.

I hear the bleating of those opposite. They need to put more pressure on their leader in the caucus room to increase his interest in rural issues and to get him interested in backing our farmers. He needs to understand what has to be done to support our farming communities. He cannot do that from Sydney. He has to get in a car or on a plane and go and speak to farmers. When he has those runs on the board he can come and tell this Government what to do. This Government stands with the farmers. The drought coordinator has a direct line to my office to tell me what needs to be changed. We stand by our record. [*Time expired.*]

COMMUNITY GRANTS PROGRAM

The Hon. SHAYNE MALLARD (14:57): I address my question to the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education. Will the Minister update the House on the success of the Community Grants Program?

The Hon. SARAH MITCHELL (Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education) (14:57): The Liberal-Nationals Government funds the Community Grants Program with the aim of creating welcoming environments and meaningful relationships with children and families from Aboriginal communities and disadvantaged backgrounds in early childhood education. This Government is committed to working with communities to break down barriers that may prevent families from enrolling their children in early childhood education programs. The latest round of funding builds on

previous Community Preschool Outreach Grants, which helped to increase the number of Aboriginal and disadvantaged children participating in 600 hours of quality early childhood education in the year before school.

This Government not only listens; it takes advice from those on the ground and it acts. The Community Grants Program is a perfect example of the Government listening and acting. I am pleased to say that a staggering 158 services across New South Wales, in both metropolitan and regional areas, will benefit from the program. Some of these services will start providing regular breakfast programs for their children. It is no secret that starting the day with a healthy meal will ensure that children are able to participate in preschool activities and learning. Some services will not only provide healthy food but also engage children in planning and preparing the food. Other services may put their community grants towards transport initiatives, such as a bus, which will transport children who otherwise would not be able to get from home to the service.

The community grants may also contribute to staff development opportunities, including workshops focused on enhancing cultural competency. The Government supports the development of specialised staff, such as bi-cultural support workers, to help promote outreach to children and families. I am pleased to say that grants were awarded to engage local Aboriginal community members to work with local preschools, share their culture, and build connections between preschools and the local Aboriginal community. Engagement with local Aboriginal communities aims to enhance the relationships between Aboriginal communities, local families and preschools to enhance the participation of Aboriginal children.

Last week I visited a few services that were successful through our Community Grants Program. I visited Learning Links Preschool with the local member for Oatley, Mark Coure. It was great to hear firsthand from the preschool's director and staff how the preschool's community grant is helping to improve the quality of the service provided by the educators and staff. Thanks to the support of the Government, Learning Links Preschool will be able to purchase culturally appropriate educational resources and send 13 staff to an Aboriginal early childhood conference for professional development. The staff are excited about that opportunity. The good news does not end there. Last week I also visited Coolah Pre-School Kindergarten with the member for Barwon, Kevin Humphries. Coolah Pre-School Kindergarten will use its grant to provide regular fruit and vegetables, to invite a community member to share Aboriginal culture and to send staff to a professional development workshop.

These community grants are being utilised around the State, and even on the North Coast. Another service that has benefited from this program is East Lismore Community Preschool. Last week I visited this service with the local member, Thomas George, and the brilliant Nationals Lismore electorate candidate, Austin Curtin. Like me, Austin has a young family. As a member of The Nationals, he understands the importance of quality early childhood education in regional communities. The East Lismore Community Preschool was awarded a community grant to erect a welcome sign using local Aboriginal language, to erect a totem of a goanna on the front fence at the entrance to the preschool, and to create artworks and murals with a local Aboriginal artist during National Aborigines and Islanders Day Observance Committee [NAIDOC] week. The staff of the preschool were excited about this. With all the excitement in the House, it is clear we all agree that investing in local services, communities, families and educators makes a big difference.*[Time expired.]*

BOEN BOE PIGGERY FIRE

The Hon. MARK PEARSON (15:01): My question is directed to the Minister for Primary Industries. I has come to my attention that on 9 April 2015 the Rural Fire Service [RFS] completed its investigation of the Boen Boe piggery fire. The RFS determined that the fire was caused by poorly constructed electrical equipment. The fire spread from there up the wiring and along the roof, igniting the insulation foam. According to the report, as the foam burned it dropped "flaming molten droplets" onto the pens of the piglets below, which then ignited the plastic flooring and resulted in the shed being consumed by fire. All 250 animals within were burned to death. Can the Minister confirm that his department advised a concerned member of the public on 18 May that the fire was started by a worker attempting to clear cobwebs and not by the electrical equipment? If so, on what advice did the department base this response?

The Hon. Niall Blair: Point of order—

The PRESIDENT: I ask the Hon. Mark Pearson to provide me with a copy of the question as I listen to the point of order.

The Hon. Niall Blair: I seek clarification on whether this question is in contravention of standing orders. The member has a bill before the House that has been read a second time and debated. It goes into some detail on fire provisions for intensive livestock facilities in New South Wales.

The Hon. Adam Searle: To the point of order: Seeking clarification is not a point of order and the Deputy Leader of the Government well knows it. The question does not offend the rule against anticipation of

debate because, although there may be a coincidence of topic, it is not about the same matter. It is about a specific incident.

The PRESIDENT: I thank the member for his question. I refer members to Standing Order 65 (4), which states:

Questions must not anticipate discussion upon an order of the day or other matter on the Notice Paper, except an item of private members' business outside the order of precedence or an order of the day relating to the budget estimates.

The matter referred to in the question is outside the order of precedence. The question is in order.

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:04): I thank the Hon. Mark Pearson for his question. The question relates to a detail that goes back to 9 April 2015, not long after I was sworn in as Minister for Primary Industries in this Government. As the question relates to historical events, seeks information in relation to actions that may or may not have occurred from my agency and contains a lot of detail, detail that I do not have with me at the moment in the Chamber—

Mr David Shoebridge: Seventeen colons before we get to, "take it on notice."

The Hon. NIALL BLAIR: Sorry?

Mr David Shoebridge: Seventeen colons before we get to, "take it on notice."

The Hon. Niall Blair: Thank you.

The PRESIDENT: Order! Ministers will not respond to interjections.

The Hon. Niall Blair: I understand why Mr David Shoebridge won his preselection. He is the only member of The Greens that turns up to question time. He is the only one who does the work.

The PRESIDENT: I note that many members, including the Minister, were not in the Chamber when I made a ruling earlier today. I indicate to all members that the practice of members pointing out whether other members are in the Chamber, or whether members of a party are in the Chamber, is not permitted any further. It is simply not relevant to the question being asked, to the bill being debated or to the motion. In my opinion, it is a form of sledging and it will cease.

The Hon. NIALL BLAIR: I congratulate Mr David Shoebridge on his preselection. I too won my preselection, so I am happy to pass my congratulations across the Chamber.

Mr David Shoebridge: It is the best result.

The Hon. NIALL BLAIR: It is the best result, yes. With all of the detail in the question and the fact that I have lost my train of thought, it is best that I take that question on notice. I will come back to the member in due course.

RSL LIFECARE POLITICAL DONATIONS

The Hon. LYNDIA VOLTZ (15:06): My question is directed to the Leader of the Government, Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts. Given the Australian Charities and Not-for-profits Commission has implemented enforceable undertakings against Returned and Services League [RSL] LifeCare over its political advocacy, will the Government now be transparent on political donations and inform the Parliament of the full amount the Liberal Party has received—at both State and Federal levels—in political donations from RSL LifeCare?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:07): I imagine that the honourable member has asked me the question in my capacity representing the Premier, who is responsible for administering the Electoral Act. In answering the question, I have some difficulty recollecting every group that has donated money to the Liberal Party, and I do not think anybody would honestly expect me to. I will take that aspect of the question on notice and seek a response. I think the question that everyone wants answered is: When will those opposite give back the money?

The PRESIDENT: Order! The Minister has the call.

The Hon. DON HARWIN: The prospect of being lectured to by the Labor Party on political donations is extraordinarily galling, given its record on political donations and the way that its various decisions on public policy have been linked to donations. I will save that for another occasion.

COST OF LIVING

The Hon. TREVOR KHAN (15:09): My question is addressed to the Leader of the Government. Will he update the House on how the New South Wales Government is helping to ease the cost of living pressures for the people of New South Wales and are there any alternative policies?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:09): What an excellent question from the Hon. Trevor Khan. The New South Wales Government is taking real action to help ease the cost of living pressures facing the people of New South Wales. Our compulsory third party [CTP] insurance reforms will save motorists, on average, around \$120 a year on their green slip and drivers who spend more than \$25 a week on tolls will be eligible for free vehicle registration. Last year we boosted all energy rebates by 20 per cent for approximately 900,000 households to assist with energy bills. We also scrapped paper bill fees when paying at Australia Post and exit fees to make it easier for customers to shop around for the best deal. This Government also introduced the Active Kids voucher for which parents are able to claim up to \$100 per schoolchild per year. Thousands of children will benefit from this program and it will ease the burden on the family budget.

As I have highlighted to the House before, water bills in Sydney are the lowest in the country and Sydney Water customers are saving \$100 a year off their water bill. We have slashed parking fees at our public hospitals and many regular users will save as much as \$200 a week on parking costs. Since coming to office, we have abolished six taxes and charges and this has saved taxpayers more than \$2.2 billion over four years. Unlike the former Government, which introduced 11 new taxes and increased taxes 21 times, we understand the pressures that families are under and we are taking action to ease that burden. The Hon. Trevor Khan asked me about alternative policies. Instead of focusing on substantial things that this Government is, I was surprised—

The Hon. Niall Blair: Point of order: The interjections that are being sprayed around this Chamber from members opposite mean I cannot hear the answer from the Minister. They are disorderly.

The PRESIDENT: Order! I uphold the point of order. I will commence calling members to order if they continue to interject. I have allowed this to be a robust question time and have tried hard not to overly constrain it, but it has got out of hand.

The Hon. DON HARWIN: What have we got from this Government? Real reductions in CTP premium prices.

The PRESIDENT: Order! I call the Hon. Mick Veitch to order for the first time.

The Hon. DON HARWIN: We are supporting people who need help with rebates on electricity costs. We have the Active Kids voucher, which is saving parents money. We have scrapped all sorts of fees on electricity charges. Water bills are going down, so we have some real substance. What can we expect from a party that aspires to be the alternative government? Well, we got it last week—

The PRESIDENT: Order! I call the Hon. Shaoquett Moselmane to order for the first time.

The Hon. Walt Secord: Online booking fees.

The Hon. DON HARWIN: The Hon. Walt Secord thinks that the big issue facing the people of New South Wales is cinema online booking fees. Obviously this avid cinephile has his finger on the pulse. He has listened to the people and he knows what they want. Seriously, how much will it save?

The Hon. Walt Secord: It will save \$5 of the admission charge.

The PRESIDENT: Order! The Minister will resume his seat. I remind members of the ruling of President Johnson in 1979, which states:

It is not in the interest of members to interject; neither is it in the interest of the member speaking to encourage such interjection.

I also remind members of the ruling of President Harwin in 2013:

It is out of order for a Minister to respond to interjections when answering a question.

The Minister has the call.

The Hon. DON HARWIN: I commend the Hon. Walt Secord for starting to focus on cost-of-living issues. No-one should underestimate the hit that those booking fees can make on the family, but it is time for some substance and real policy from the Australian Labor Party. If it wants to be the alternative government, let us see how it can save families money on water bills, electricity bills, CTP and with an Active Kids rebate as we have.

GOVERNMENT ADVERTISING

Mr DAVID SHOEBRIDGE (15:14): My question is directed to the Leader of the Government, representing the Premier. Given the New South Wales Government has been using taxpayers' money to place ads for the New South Wales Towards Zero road safety scheme on the far right, misogynistic, xenophobic and racist publication *Breitbart*, will the Minister undertake a review as to how this happened and guarantee that public taxpayer money will never go to websites like this again?

The Hon. Scott Farlow: Point of order: The question raised by Mr David Shoebridge contains argument and should be ruled out of order.

The Hon. Penny Sharpe: To the point of order—

The PRESIDENT: I will look at the question while I listen to the Hon. Penny Sharpe's point of order.

The Hon. Penny Sharpe: The point that Mr David Shoebridge makes is the nature of the *Breitbart* website. It is accurate and factual; he is not making argument.

Mr DAVID SHOEBRIDGE: To the point of order: It may be embarrassing for the Parliamentary Secretary because, as he notes, that is the nature of *Breitbart* but we are entitled in this Chamber to describe accurately the nature of a publication. I suggest the question is a very accurate description of that publication.

The PRESIDENT: The Minister can answer the question without referring to those parts of the question that have been raised in the point of order. I direct that the Minister can answer the question in this form: Given the New South Wales Towards Zero road safety program has been using taxpayers' money for advertising in the publication *Breitbart*, will the Minister undertake a review as to how this happened and guarantee the public that taxpayers' money will never go to websites like this again?

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:17): Goodness gracious me. Talk about fake news, heavens above, or fake questions—

Mr David Shoebridge: Point of order: The Minister is now debating the question by making the reference to fake news. The question is real and he should address it.

The Hon. Natasha Maclaren-Jones: To the point of order: The Minister was only 15 seconds into answering the question. He was not debating the question; he was beginning to answer the question.

The PRESIDENT: Order! I have ruled part of the question to be not applicable. I ask that the Minister not refer either impliedly or otherwise to that part of the question. The Minister has the call. I ask that the Minister be generally relevant to the question.

The Hon. DON HARWIN: Heavens above. What I have found interesting is this little publication: *The Greens Manifesto: For the many not the few, for the planet not for profits*.

Mr David Shoebridge: Table it.

The Hon. DON HARWIN: Maybe I will. Maybe all of us should have a closer look after the events of last weekend. Here we have this afternoon, leading the charge from the Bellevue Hill Kremlin over the other side, Mr David Shoebridge taking up the fight against *Breitbart*. This is of course exactly what his base wants. The Marxist-Leninist faction of The Greens has taken over. It has seized The Greens like they were the means of production.

Mr David Shoebridge: Point of order: I would take no objection to the Minister wishing to table the document if he thinks that is relevant to the response but his random, unfocused, bizarre diatribe is not relevant to the question, which was about why on earth the Government advertises in *Breitbart*.

The Hon. Trevor Khan: To the point of order: Whilst the member stood up to take a point of order, he simply took the opportunity to make a debating point. He should be called to order.

The PRESIDENT: Order! That was not a point of order. It was an opportunity for the member to, in effect, have a go at the Minister. At the same time, I remind the Minister of my earlier ruling that he should be generally relevant to that part of the question that I ruled was in order.

The Hon. DON HARWIN: I will take a look at it. If there is something that is of interest to the member, I will come back to him with a response.

Mr DAVID SHOEBRIDGE (15:20): I ask a supplementary question. Noting that the Minister will be looking at matters of interest to the member—that is, to me—I ask him whether it is of interest to him and his

Government that taxpayers' funds are being used to advertise on a right-wing, misogynistic website such as *Breitbart*?

The PRESIDENT: Order! The Minister is not required to respond. I call Mr David Shoebridge to order for the first time. The member is well aware that simply repeating a question is in no way a supplementary question. What is worse is repeating that part of the question that I earlier ruled was out of order and should be removed.

COONABARABRAN WATER SUPPLY

The Hon. DANIEL MOOKHEY (15:21): My question without notice is directed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Given the local council has expressed concern that continuing dry conditions have led to a drop in the dam supplying water to Coonabarabran and that it will no longer be able to supply gravity-fed water and has now resorted to bore water, what steps has the Minister taken to guarantee a safe and secure water supply for the community now that water is no longer sourced from Timor Dam?

The Hon. NIALL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:22): I thank the honourable member for his question. I know that the Government and my agencies have been working with the council to ensure we get some relief for that community in relation to water supply. I hope, from the tone of the member's question, he is not suggesting that bore water is not a safe and secure supply of water, and I will give him the benefit of the doubt. Plenty of communities across New South Wales rely on—

Ms Dawn Walker: But when you've poisoned it with PFAS or PFCs it is not safe then, is it, Niall?

The Hon. NIALL BLAIR: I have said I will give the member the benefit of the doubt. It is the way the question was framed.

Ms Dawn Walker: It is not safe then.

The PRESIDENT: Order! I call Ms Dawn Walker to order for the first time. The member did not ask the question and should not enter into a debate about it. The Minister has the call.

The Hon. NIALL BLAIR: I have given the member the benefit of the doubt. Many communities across New South Wales rely upon bore water for their water supply. I want to ensure that there can be no inference made by anyone, either by mistake or on purpose, that bore water is not a safe option for some of our communities in New South Wales. The community of Coonabarabran in the Warrumbungle shire is facing critical water shortages as water storage levels in their supply dam, Timor Dam, fall to unprecedented levels. As with many areas of the State, a very dry winter and hot summer have contributed to a situation that prompted Warrumbungle Shire Council to seek assistance from the New South Wales Government in December 2017.

I can advise that the New South Wales Government has provided Warrumbungle Shire Council with \$1.1 million in emergency financial assistance to enable drought works to begin in Coonabarabran. The funding is available to the council so it can undertake planning, pre-construction work and test drilling of the Coonabarabran emergency works as well as installation of dead storage pumping equipment, which is now complete, and water carting infrastructure. These essential works will put the shire in a better position to continue the delivery of essential water services to meet the town's needs should water supply levels continue to fall. Along with the financial assistance, the NSW Department of Industry will continue to work with the shire, providing technical assistance to deliver the project. Importantly, further funding will be available if required as the situation develops.

Emergency funding to local government is just one way that the New South Wales Government is delivering water security outcomes for regional New South Wales. The \$1 billion Safe and Secure Water Program has been established to prioritise key water infrastructure projects, from local drought backup systems through to new or upgraded dams to secure water supplies for our regions. This financial assistance is available to local water utilities in regional New South Wales and is currently available via a request to the Minister. The Safe and Secure Water Program is currently open for applications of expressions of interest for local councils and water utilities. We have been liaising with the council for some period and we have contributed more than \$1 million to the council to ensure that town can continue to have a reliable water supply, and that has been in a number of forms. There are a number of these types of programs where local water utilities are engaging with the Safe and Secure Water Program to ensure they have the infrastructure to go forward and to ensure they have a safe and secure water supply for their communities and, in doing so, a safe and secure future.

COMMERCIAL FISHING

The Hon. LOU AMATO (15:26): My question is addressed to the Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry. Will the Minister update the House on consultation for the Southern Fish Trawl Fishery?

The Hon. NIAL BLAIR (Minister for Primary Industries, Minister for Regional Water, and Minister for Trade and Industry) (15:26): I thank the member for his question. I am pleased to inform the House that the New South Wales Government is consulting on a proposal to transition the New South Wales Southern Fish Trawl Fishery into the Commonwealth Southern and Eastern Scalefish and Shark Fishery. Twenty-three fishing businesses operate in the southern fish trawl between Barrenjoey Head and the Victorian border. About half of these already operate in Commonwealth waters. As part of the proposed change, commercial fishing would be managed by one jurisdiction, removing unnecessary duplication and administrative burden, and would operate under a quota system based on recognised best practice and best available science.

This transition has been discussed for many years. Even the Productivity Commission in 2016 recommended that the Southern Fish Trawl Restricted Fishery be absorbed into the Commonwealth Trawl Sector because the Commonwealth has proven stock assessment methods and quota management, and the Commonwealth manages trawling in Victoria and Tasmania. I make it clear that no decisions have been made in this area. The Southern Fish Trawl Transitioning Working Group was set up to identify and resolve issues and it includes members from the Professional Fishermen's Association, the Australian Fisheries Management Authority and the NSW Department of Primary Industries [DPI], as well as commercial fishers from both jurisdictions.

DPI has been consulting broadly and will consider everyone's feedback before moving ahead. All recreational, Aboriginal and environmental stakeholders have been given the opportunity to comment on the proposal during the five-week consultation period. The Nature Conservation Council of NSW and relevant members of the Aboriginal Fishing Advisory Council were also invited but were unable to attend the final working group meeting on Friday 4 May. The Recreational Fishing Alliance of NSW attended and gave an extensive presentation to the working group. Despite the extensive consultation, there is still misinformation being circulated amongst some recreational fishers. It includes misleading statements such as, "More trawlers and super trawlers are going to come into New South Wales," and claims of backroom deals.

These comments are false and completely unacceptable. I will clear up some misinformation. Under the proposed transition package, the number of commercial fishing trawlers in New South Wales waters would not increase inside three nautical miles. Twenty-three fishing businesses would equal 23 fishing permits. There would be no changes to boat length—that means no super trawlers. All commercial fishers would operate under strict quota restrictions rather than the wasteful trip limits currently in force. Trip limits only constrain the catch for one day, whereas quotas manage the total catch over a whole fishing season. This is not about increasing the amount of fish that are caught; it is about improving licensing arrangements. There is no plan to change access arrangements for recreational fishers. The Government will continue to listen to all genuine concerns before making any changes.

The proposed change seeks to remove unnecessary duplication and red tape and ultimately provide better controls on total catch. We want to make sure that we get this right and we are doing that by listening to the community and addressing any legitimate concerns to achieve better management of our fisheries resources for future generations. Decisions will be made on facts and after consultation. We will go through this process, take all feedback on board and then make a determination that will be in the best interests of all stakeholders in New South Wales. Until that time, I will deal with the facts. I am happy to meet with anyone who wants to discuss the issue.

The Hon. DON HARWIN: The time for questions has expired. If members have further questions I suggest they place them on notice.

MEDICINAL CANNABIS

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts) (15:31): Earlier today the Hon. Walt Secord asked me a question which I undertook to answer at the end of question time. I advise him that none of my staff has any interests or equity in medical cannabis companies and that all of their personal declarations are up to date with the Department of Premier and Cabinet.

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

*Deferred Answers***RENEWABLE ENERGY**

In reply to **the Hon. ADAM SEARLE** (11 April 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised:

- (1) As at May 2018, there are now almost 14,000 megawatts [MW] of renewable energy projects approved or progressing through the New South Wales planning system.
- (2) In addition to this pipeline, there are as at May 2018, 11 renewable energy projects currently under construction across the State, amounting to over 1,200 MW, worth \$2.2 billion.
- (3) Construction of a large wind or solar farm can typically range from six months to three years. The expected commissioning dates of the projects under construction in New South Wales vary according to when each project began construction, the size of the project and a range of other factors, including commercial considerations.

ORANGE RETURN AND EARN RECYCLING SCHEME

In reply to **the Hon. ROBERT BORSACK** (11 April 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

The deployment and operation of collection points is a matter for TOMRA Cleanaway, the Network Operator.

CONTAINER DEPOSIT SCHEME

In reply to **Dr MEHREEN FARUQI** (11 April 2018).

The Hon. DON HARWIN (Minister for Resources, Minister for Energy and Utilities, and Minister for the Arts)—The Minister provided the following response:

I am advised there are no unclaimed refunds held by beverage companies.

*Bills***COAL INDUSTRY AMENDMENT BILL 2018****Returned**

The PRESIDENT: I report receipt of a message from the Legislative Assembly returning the abovementioned bill without amendment.

TRANSPORT ADMINISTRATION AMENDMENT (SYDNEY METRO) BILL 2018**Second Reading Debate**

Debate resumed from an earlier hour.

The Hon. SCOTT FARLOW (15:32): On behalf of the Hon. Don Harwin: In reply: Yesterday in debate the Hon. Penny Sharpe raised questions as to why new section 38F of the Transport Administration Amendment (Sydney Metro) Bill 2018 allowed the Sydney Metro board to have at least three and up to eight members. The honourable member also questioned why the Minister for Transport and Infrastructure should be entitled to appoint seven of the eight board members. The Opposition claimed that such a discretion could be used dishonestly by the Government. Here is the thing: the 2008 Act that has been referred to in the debate and which members opposite enacted to establish almost the exact same entity only required the board to have five members including the chief executive officer appointed by the Minister of the day. Five members were good enough then but eight are not good enough now—the hypocrisy! It gets better. Schedule 2B to the bill prevents a board member of the Sydney Metro entity from holding office for more than 10 years, whether consecutive or not. The 2008 Act said there was no limit at all. This Government will not be lectured by those opposite with respect to their record.

The Hon. Penny Sharpe: Point of order: Speeches in reply are supposed to address matters raised in debate. The honourable member is making another second reading speech and members will have no ability to challenge the untrue statements or the verballing of our arguments.

The Hon. SCOTT FARLOW: To the point of order: Yesterday the Hon. Penny Sharpe raised certain criticisms about the bill. I am replying to those criticisms, outlining the provisions in the bill and speaking about how things were constructed under the Act that members opposite previously enacted. I contest that I am in order.

The Hon. Penny Sharpe: To the point of order: I argue that the Parliamentary Secretary is adding material to the matters that were debated during the second reading. He is also misconstruing what the Opposition asked of him, which was to respond to specific questions.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I have indicated to various ministers and parliamentary secretaries that speeches in reply should be directed towards matters that arose in debate and not be another second reading speech. That is not a criticism of the Parliamentary Secretary, but there appears to be a practice that material often goes well beyond the scope of a speech in reply. I do not believe the member has done that at this stage but he will be alive to that. I add that the fact that the Parliamentary Secretary is raising matters that the Opposition does not like is no reason to take a point of order. That is the nature of parliamentary debate. Members also have a limited opportunity to speak on the third reading motion. The Parliamentary Secretary has the call.

The Hon. SCOTT FARLOW: The bill includes appropriate governance arrangements for the constitution and procedures of the Sydney Metro board. These will be set out in schedule 2B to the Transport Administration Act 1988. Consistent with best practice governance arrangements, all board directors will be required to make pecuniary interest disclosures so that any conflicts of interest can be appropriately managed. I will address some points that the Hon. Daniel Mookhey made about planning controls. As I explained yesterday, Sydney Metro will be tasked with working across government to lead the delivery of a world-class metro that is focused on customers and great local places and will drive the State's economic growth well into the future. Sydney Metro will not be a planning consent authority—I want to make that clear and debunk that myth. Planning consent will remain the responsibility of the relevant planning authority. The same planning approval pathways as currently apply to the delivery of Australia's largest rail infrastructure project will remain. Contrary to what members opposite might have people believe, there is no doubt that Sydney Metro will be a game changer for Sydney.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. SCOTT FARLOW: Sydney Metro will not only transform the way we travel around this great global city but also change how we work, live and play by providing truly integrated, world-class transport to vibrant and active communities. It is time to look to the future and realise the true potential of Sydney Metro to help manage Sydney's growth. 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.

The House divided.

Ayes22
Noes 16
Majority.....6

AYES

Amato, Mr L
Brown, Mr R
Cusack, Ms C
Franklin, Mr B
MacDonald, Mr S

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

Blair, Mr N
Clarke, Mr D
Fang, Mr W (teller)
Green, Mr P
Maclaren-Jones, Ms N
(teller)
Mason-Cox, Mr M
Phelps, Dr P

Borsak, Mr R
Colless, Mr R
Farlow, Mr S
Harwin, Mr D
Mallard, Mr S

Mitchell, Ms S
Taylor, Ms B

NOES

Buckingham, Mr J
Graham, Mr J
Moselmane, Mr S
(teller)
Secord, Mr W
Veitch, Mr M

Donnelly, Mr G (teller)
Houssos, Ms C
Pearson, Mr M

Sharpe, Ms P
Voltz, Ms L

Field, Mr J
Mookhey, Mr D
Primrose, Mr P

Shoebridge, Mr D
Walker, Ms D

NOES

Wong, Mr E

PAIRS

Khan, Mr T

Searle, Mr A

Motion agreed to.**Third Reading****The Hon. SCOTT FARLOW (15:45):** On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

The Hon. PENNY SHARPE (15:45): I make a short contribution to the third reading debate. Labor, of course, will not support this bill, but we will not divide on the third reading. I wish to respond to some of the comments made by the Parliamentary Secretary in his speech in reply, which I believe were unnecessary and outside the way in which we normally operate. It is not reasonable to suggest that the questions asked by the Opposition during the debate that sought a response from the Government were an opportunity for the Parliamentary Secretary to simply have a go at the Opposition. We asked questions, those questions were not answered, and that is disappointing. We will, of course, oppose the bill again on the third reading.

The PRESIDENT: The question is that this bill be now read a third time.**Motion agreed to.****NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE
(COMMONWEALTH POWERS) BILL 2018****Second Reading Speech****The Hon. CATHERINE CUSACK (15:47):** On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.**Leave granted.**

The Government is pleased to introduce the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. The Government is acting to ensure that the National Redress Scheme is established.

This bill reflects the commitment made by the New South Wales Government in March this year to participate in the National Redress Scheme for Survivors of Institutional Child Sexual Abuse recommended by the Royal Commission.

New South Wales is pleased to be taking the lead as the first State to introduce a referral bill. Victoria will soon follow and introduce a similar bill. It is anticipated that the Commonwealth Parliament will introduce the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 in the coming weeks so that the National Redress Scheme can start on 1 July this year.

The Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse heard from thousands of survivors across Australia. Their stories opened our eyes to the prevalence of institutional child sexual abuse, the failure of institutions to respond and the lifelong impact it brings to bear. The findings and recommendations of the royal commission are powerful and far-reaching. The New South Wales Government will respond formally to all of the recommendations in June.

Leading the way in joining the National Redress Scheme is one of a number of significant steps the New South Wales Government is already taking to protect children from institutional sexual abuse, hold perpetrators to account and provide support and justice for survivors. Swift and decisive action is what the community expects—and rightly so. That is why New South Wales, together with Victoria, will be the first to opt in to, in principle, the National Redress Scheme.

Royal Commission Redress and Civil Litigation Report

The New South Wales Government has already responded to a number of recommendations in the royal commission's redress and civil litigation report. This includes, first, introducing guiding principles for civil child abuse claims made against New South Wales government agencies to make litigation a less traumatic experience for victims and to ensure a compassionate and consistent approach. In June 2016, the Government issued a Premier's Memorandum on the Model Litigant Policy for Civil Litigation, which had the effect of incorporating the guiding principles into the model litigant policy. Our response to the royal commission includes, secondly, amending the Limitation Act 1969 to remove limitation periods for all actions for damages that relate to death or personal injury from child abuse, including actions against a perpetrator of the abuse or a negligent institution.

Limitation periods were removed because of their effect on victims of child abuse, who on average do not disclose their experiences, or act on them, until decades after the abuse occurs. Thirdly, the Government has been undertaking an extensive consultation

process on proposals to address the barriers that survivors face in seeking damages through civil litigation. The royal commission identified that these barriers include members of religious orders not being "employees" within existing vicarious liability law, and the lack of an entity with legal capacity to be sued—known as the "Ellis defence". New South Wales is continuing to take significant steps on behalf of survivors and I am pleased to say that proposed reforms will be put forward in the coming months.

Royal Commission criminal justice recommendations

In April the New South Wales Government announced that it had accepted the overwhelming majority of recommendations in the royal commission's criminal justice report. More than 50 of these recommendations will be introduced before the end of 2018, which include introducing new criminal offences, including offences of failure to report and failure to protect children from abuse; strengthening existing criminal offences, including increasing the maximum penalty for persistent child sexual abuse to life imprisonment; changes to sentencing, including requiring courts to apply current sentencing standards for historic child sex offences; and changes to procedure, such as retrospectively repealing an old limitation period that is preventing some survivors from accessing justice today.

Overview—the National Redress Scheme for Institutional Child Sexual Abuse

In the course of its inquiry, the royal commission found that for many survivors the current civil litigation systems and past and current redress processes have not provided justice. The royal commission heard that the very nature and impact of institutional child sexual abuse can work against survivors' ability to seek damages under existing avenues. The long-term impacts of child sexual abuse make it difficult for survivors to call institutions to account through the legal system. They are at risk of retraumatisation. Another key factor is the years and decades it can take for survivors to disclose child sexual abuse. Survivors who attended private sessions through the royal commission took on average 23.9 years to disclose. Many people told the royal commission that the difficulties they encountered in trying to obtain adequate redress resulted from the power imbalance between institutions and survivors.

Of course, reforms to our civil litigation system will go a long way towards addressing these problems. The New South Wales Government will be responding to this in the coming months. However, the royal commission also found that civil litigation is simply not an effective means for all survivors to obtain adequate redress. It identified this being the case for survivors of past institutional child sexual abuse, including many Forgotten Australians, Former Child Migrants and members of the Stolen Generations. The royal commission noted that society's failure to protect children across a number of generations has created a clear need for avenues through which survivors can access appropriate redress for past abuse. This leads into the royal commission recommendation that the Commonwealth Government establish a single national redress scheme for survivors of institutional child sexual abuse.

New South Wales has been working closely with the Commonwealth, Victoria and other State and Territory governments to develop a scheme as recommended by the royal commission that is survivor focused, and guided by the needs of survivors and what is known about the nature and impact of child sexual abuse—and institutional child sexual abuse in particular. Subject to the passage of legislation, the National Redress Scheme will commence on 1 July and run for 10 years. The purpose of the scheme is to recognise and alleviate the impact of past institutional child sexual abuse and related abuse. The scheme will be operated by the Commonwealth Government. New South Wales, Victoria and the Australian Capital Territory have opted in. I am pleased that yesterday Queensland and the Northern Territory have now announced their intent to join. Only participating jurisdictions are part of the scheme. For States, at the moment, this means they must have made a law referring legislative powers to the Commonwealth Parliament. It is hoped that other jurisdictions will now follow New South Wales' lead in doing this so that survivors have equal access to redress across Australia.

Redress includes the three core elements recommended by the royal commission. The first is a **monetary payment of up to \$150,000**. As recommended by the royal commission in this case, this is a tangible means of recognising the wrong survivors have suffered. The second element is **access to counselling and psychological support**, depending on where the person lives. The royal commission learned a great deal about the long-term psychological and mental health impacts of child sexual abuse on survivors. It highlighted that many survivors will need counselling and psychological care from time to time throughout their lives. It was made clear that those who made submissions and spoke at public hearings overwhelmingly supported the proposal that counselling and psychological care should be provided through redress.

The third element is a **direct personal response from the participating institution or institutions responsible**. The royal commission explained that many survivors described the importance of receiving an apology from the institution responsible for their abuse. Such an apology includes acknowledgement of the abuse, its impacts and the steps taken to prevent it from happening again. Having said this, the royal commission also pointed out that some survivors may not want further contact or engagement with the institution. For this reason, the principles guiding the provision of direct personal responses state that engagement between a survivor and a participating institution should occur only, and to the extent that, the survivor wishes it.

The Intergovernmental Agreement

An intergovernmental agreement has been drafted to be signed by States and Territories participating in the scheme. The New South Wales Premier has signed the intergovernmental agreement along with the then Acting Prime Minister and the Victorian Premier. We hope that other jurisdictions will now follow this lead and also sign the agreement. The intergovernmental agreement sets out the governance arrangements for the National Redress Scheme and the respective roles and responsibilities of the Commonwealth, States and Territories. The terms of reference for the Ministers' Redress Scheme Board include the voting process for changes to the scheme. Any key change will require the agreement of New South Wales.

I now turn to the detail of the bill.

The text or "subject matter" reference

The bill provides a text reference enabling the Commonwealth Parliament to enact the legislation establishing the National Redress Scheme. This is the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 set out in schedule 1 to this bill.

The amendment reference

The bill also includes an amendment reference to enable the Commonwealth to make amendments to the National Redress Act relating to redress for institutional child sexual abuse. This is subject to specific limitations.

The first limitation set out in clause 5 is to ensure that the Commonwealth cannot make any amendments to the National Redress Act that would prevent or limit the establishment or operation of a State redress mechanism. The term "State redress mechanism" includes a scheme established by a government or non-government entity for or in respect of individuals who have suffered institutional child sexual abuse. The purpose of this limitation is to ensure that State mechanisms such as the New South Wales Victims Support Scheme are not inadvertently affected by any changes made to the National Redress Act.

"State redress mechanism" also includes the jurisdiction of a court to grant compensation or support to victims of crime, including crime relating to institutional child sexual abuse. This means that the limitation to the amendment reference prevents any changes to the National Redress Act that would impinge on the jurisdiction of courts in this regard. I note that clause 5 (3) of the bill identifies certain matters where the limitation does not apply. This is to protect provisions in the National Redress Act that address court proceedings that relate to the scheme. This includes the release of civil liability of institutions or officials in connection with the operation of the scheme; the disclosure or use of evidence or other information provided or obtained in connection with the scheme; and the making, enforcement or protection of payments in connection with the operation of the scheme.

The second limitation, in clause 6, is to prevent the Commonwealth from making any amendments to the National Redress Act that would remove or override a provision that requires the agreement of the State. This protects the provisions in the National Redress Act that require the agreement of States to certain matters. This includes the requirement that a State agree to a State institution being declared by the Commonwealth Minister to be a "participating institution" in the National Redress Scheme. States must also agree to the listing of a defunct institution and to two or more State institutions forming a participating group for the purpose of the scheme. Clause 9 of the bill provides that either regulations or ministerial directions may determine how the agreement of the State is to be given, withdrawn or evidenced.

In addition to the limitations applied to the amendment reference, the Intergovernmental Agreement includes important safeguards to ensure that participating States and Territories are consulted on and have voting powers to approve or oppose proposed changes to the National Redress Scheme. Although not legally binding, the Intergovernmental Agreement acknowledges that the development and implementation of the scheme is a shared responsibility between the Commonwealth and participating State and Territory governments.

Termination

The ability to terminate the text and/or the amendment reference is provided in clause 7 of the bill. A reference can be terminated on a day fixed by the Governor by proclamation.

Clause 8 makes it clear that if the amendment reference is terminated before the text reference, the laws in place are not affected. Clause 8 would apply only if the amendment reference is terminated in accordance with section 144 (8) of the Commonwealth redress bill. This provides that a State may only terminate the amendment reference and remain a participating State if six months' notice is provided and all the participating States do the same.

Information sharing

Clause 10 provides that that State law does not preclude information sharing with the scheme operator and between State agencies for the purpose of the scheme unless prescribed by regulations under the Act. This is consistent with related provisions in the Commonwealth redress bill.

Regulation making power

The bill authorises regulations to be made for the purposes of the proposed Act. This is in clause 11.

Schedule 1 Text of the proposed bill for a Commonwealth Act

Schedule 1 sets out the text of the bill for the proposed National Redress Scheme for Institutional Child Sexual Abuse Act 2018. This is the subject of the text reference under clause 4 (1) of the bill. The Commonwealth redress bill establishes the National Redress Scheme and in doing so, implements the response to the royal commission recommendations. This bill provides the legislative basis for entitlement, participation, offers and acceptance, provision of redress, funding liability, funder of last resort and other administrative matters.

The Commonwealth Government has undertaken significant consultation and negotiation with stakeholders to develop the National Redress Scheme as reflected in its bill. This has involved negotiating with the States, Territories and institutions as well as working closely with survivors, advocacy groups, and experts.

The Commonwealth bill reflects the careful design and development of a National Redress Scheme that responds to the royal commission's recommendations and that puts survivors first at the same time as being viable for institutions to opt in. This is imperative to ensure that as many survivors as possible have equal access to redress.

The Commonwealth redress bill will be explained in detail when it is introduced in the Commonwealth Parliament. I will therefore be brief in my account of the key elements. The Commonwealth redress bill provides that abuse within the scope of the scheme is sexual and related non-sexual abuse that occurred before the start of the scheme, when the person was a child and in a participating State or Territory. A person is eligible for redress if they have been sexually abused within the scope of the scheme, the abuse is of a kind for which the amount of redress payment worked out would be more than nil, one or more participating institutions is responsible for the abuse, and at the time of the application the person is an Australian citizen or a permanent resident.

If an application for redress identifies a participating institution as being involved in the abuse or if the scheme operator has reasonable grounds to believe a participating institution may be responsible, they must request that the institution provide any information that may be relevant. This ensures that institutions are contacted and given the opportunity to provide information to inform the determination.

If the operator considers there is a reasonable likelihood that the person is eligible for redress, they must approve the application. Reasonable likelihood was recommended by the royal commission as the standard of proof for determining applications for redress.

After approving an application, the scheme operator must determine the amount of the redress payment and the share of costs attributed to each liable institution. The process for working out the amounts, including the application of an assessment framework,

is prescribed. This includes deducting any relevant prior payments—for example one that may have been received through the New South Wales Victims Support Scheme.

A determination made by the redress scheme operator is an administrative decision, not a finding of law or fact.

A person who has applied for redress may apply for internal review of a determination. The original determination must be reviewed by an independent decision-maker.

If a person is entitled to redress and wishes to access the counselling and psychological component, they will be referred to the participating jurisdiction where they live. In New South Wales, counselling and psychological services will be provided directly through Victims Services.

If a person wishes to be given a direct personal response, the participating institution must take reasonable steps to give one. Guiding principles are included in the Commonwealth redress bill and a Direct Personal Response Framework sets out the arrangements under which institutions will provide direct personal responses.

If a person accepts the offer of redress, they must release particular institutions from all civil liability for the abuse. The abuser is not released from liability. This is consistent with the royal commission's recommendations.

All Commonwealth institutions are participating in the National Redress Scheme.

State, Territory and non-government institutions must agree to participate. States and Territories must also agree to State or Territory institutions participating in the scheme. A State institution includes State departments and other bodies established under State law.

Because New South Wales has opted into the scheme, non-government institutions in our State including churches, charities, independent schools and other organisations are able to participate. I strongly encourage these institutions to join so that survivors have access to redress.

Some institutions where child sexual abuse has occurred may no longer exist. To ensure that survivors are not deprived of access to the scheme simply for this reason, the Commonwealth redress bill provides that a "defunct" institution can participate in the scheme if it has a representative that acts on its behalf and assumes its obligations and liabilities under the scheme.

For the purposes of the scheme, a participating institution is deemed to be responsible for the abuse of a person if the abuse occurred in circumstances where the participating institution is primarily or equally responsible for the abuser having contact with the person. Various circumstances are relevant to determining that question—for example whether the institution was responsible for the day-to-day care of the person when the abuse occurred or whether the abuser was an official of the institution when the abuse occurred.

Participating institutions that are determined to be responsible for the abuse of a person are liable for the costs of providing redress. Those institutions are also liable for contributing to the administration of the scheme.

Participating government institutions may be the funder of last resort for a non-government institution that no longer exists and is not participating in the scheme. This applies only where the government institution is equally responsible for the abuse and has agreed to be the funder of last resort.

The Commonwealth redress bill provides that the Minister may make rules as required or permitted or to give effect to the Act.

The National Redress Scheme operator must provide an annual report at the end of each financial year. An operational review will be undertaken two years and eight years after commencement of the scheme.

Conclusion

This is an important moment in time. The enactment of this bill by the New South Wales Parliament, together with the enactment of the bills by the Commonwealth and Victorian parliaments, will bring about the establishment of the National Redress Scheme.

I commend the bill to the House.

Second Reading Debate

The Hon. NATALIE WARD (15:47): I speak in debate on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. As a solicitor who has practised in this area for many years, I have witnessed firsthand the devastation and lifelong impact child sexual abuse has had on hundreds of innocent children. Those who have survived—many now middle-aged and elderly men and women—live every day with the effects of this child sexual abuse. They literally are survivors. There is no greater relationship of trust than between an adult and a child, particularly a child in institutional care—those whose parents entrusted the State to take care of their beloved children because they simply could not, or those who gave their children to institutions in the hope that a better life may await them. They did not know—how could they?

Some years ago a number of brave lawyers took on the case of a brave survivor, Mr John Ellis. The case set the bar—a low bar—of the way in which these travesties were dealt with within the civil litigation system and by the defendant institution. I recognise and thank for their tireless work Dr Andrew Morrison, RFD, SC, Mr Richard Rawle and my husband, Mr David Begg, instructing solicitor. Those lawyers and I, together with John Ellis, sought to right the wrongs of childhood sexual abuse perpetrated upon him as an altar boy. Despite the institution's own internal investigation process admitting both the factual occurrence of the abuse and the consequences of the abuse, the church nonetheless took the technical legal point to enable it to effectively create itself as immune from suit. Therefore any successful claim against it could not be grounded in damages—"Yes the abuse occurred, but you can't sue us. There is no such entity as the Catholic Church."

The Hon. Adam Searle: It doesn't exist.

The Hon. NATALIE WARD: It doesn't exist. And so it was that after six years of running Mr Ellis' case, winning at first instance, then subject to appeal by the church, then subject to our own appeal to the High Court, in a devastating blow and a travesty of moral justice, the High Court found against Mr Ellis and did not grant special leave to appeal. As is well known, it became known as the Ellis defence. With the greatest of respect to the High Court Justices, it was a travesty and a moral injustice. This was recognised nationwide. The outrage at this obvious inequity was one of the key drivers to the establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse.

I recognise and thank the work of the Hon. Justice Peter McClellan, AM, the Hon. Justice Jennifer Coate, Commissioner Bob Atkinson, AO, APM, Commissioner Robert Fitzgerald, AM, Commissioner Helen Milroy, and Commissioner Andrew Murray and all the staff at the royal commission. Having worked with and taken statements from hundreds of survivors, having sat through private sessions, having sat through criminal proceedings, having worked with brave people—lawyers and claimants—to settle hundreds of cases to avoid the trauma and re-traumatisation by the court process, I watched and worked with these brave survivors and brave practitioners on all sides to work through this travesty.

Before turning to the bill, I recognise the excellent work of defendant solicitors who act for institutions and insurers. These brave people are righting past wrongs and taking responsibility for their own and others' actions. They act in good faith, and with empathy and care. They are to be commended for their ongoing work, in particular Alex Kohn at Makinson d'Apice Lawyers and Mr Howard Harrison at Carroll & O'Dea and their teams. Nothing can right these wrongs. It is impossible to engage the usual legal principle of damages to put the plaintiff—survivor—back in the place they would have been but for the abuse. However, this is a start. It is by no means perfect.

In this vein I recognise the attention drawn by Mr David Shoebridge in recognising the rights of incarcerated persons who should, on one view, be entitled to access this scheme. However, it is not to be for this time, and for the sake of many survivors today we should not let the perfect be the enemy of the good. We should get on with the job of implementing this scheme: to allow survivors to get on with the process should they wish; to importantly, and usually more importantly than anything else, be given recognition that the abuse occurred, when many have not been believed for years; to give acknowledgment and a personal apology; and finally, in the only way available, to provide financial redress. By avoiding the trauma of commencing proceedings and a fully contested trial, as Mr Ellis endured to the detriment of his health and wellbeing, by this scheme survivors can choose to access a defined process, unlimited counselling and begin the journey of healing.

This bill reflects the commitment made by the New South Wales Government in March this year to participate in the National Redress Scheme for survivors of institutional child sexual abuse as recommended by the royal commission. The bill provides a text reference enabling the Commonwealth Parliament to enact legislation establishing the National Redress Scheme. The bill also includes an amendment reference to enable the Commonwealth to make amendments to the National Redress Act which is subject to specific limitations.

Schedule 1 sets out the text of the bill for the proposed National Redress Scheme for Institutional Child Sexual Abuse Act 2018. This is the subject of the text reference under clause 4(1) of the bill. The Commonwealth redress bill establishes the National Redress Scheme and in doing so, implements the response to the royal commission recommendations. This bill provides the legislative basis for entitlement, participation, offers and acceptance, provision of redress, funding liability, funder of last resort and other administrative matters. New South Wales is pleased to be taking the lead as the first State to introduce a referral bill.

The Royal Commission into Institutional Responses to Child Sexual Abuse was established in 2013 and ran for five years. It was contacted by 16,953 people who were within the terms of reference and 8,013 private sessions were held with survivors of child sexual abuse. I attended some. They were very well conducted and for some of those people it was their first opportunity to tell their story. Fifty-seven public hearings were held. The royal commission was told about 3,489 institutions where child sexual abuse has occurred. While the scale of the problem revealed by the royal commission is staggering, it is the stories of the individuals who were affected that are impossible for me to forget.

For five years Australians learned about the children in every corner of this country who, over the decades, have been sexually abused while in the care of institutions that should have been keeping them safe. Shockingly, we were also told about the abject failure of these and other institutions to respond to reports of abuse. I am delighted to inform the House that the New South Wales Government has taken a major step in delivering justice for survivors of child sexual abuse. Last month the Premier and the Attorney General announced that the New South Wales Government will accept the overwhelming majority of the royal commission's criminal justice

recommendations. This National Redress Scheme will provide survivors with a payment of up to \$150,000, unlimited access to counselling and psychological support, and direct personal responses from institutions.

The New South Wales Government is standing shoulder to shoulder with survivors to bring them closer to healing. The royal commission released its Criminal Justice report on 14 August 2017, making 85 recommendations in relation to child sexual abuse law reform. The Government has accepted the overwhelming majority of the royal commission's criminal justice recommendations, making it the most comprehensive response from any jurisdiction to date.

The key changes to be implemented with the criminal legislation to be introduced in 2018 include: new criminal offences, including offences of failure to report and failure to protect children from child abuse, with a maximum penalty of two years imprisonment for both offences; strengthening existing criminal offences, including increasing the maximum penalty for persistent child sexual abuse from 25 years to life imprisonment; changes to sentencing, including a new requirement for judges to impose sentences for historic offences that reflect current sentencing standards; and changes to procedure, such as retrospectively repealing an old limitation period that is preventing some survivors from accessing justice today.

That is not all we are doing. The Government has already implemented other initiatives aimed at improving survivor experiences of the criminal justice system. The Child Sexual Offence Evidence Pilot has been operating since March 2016 to provide special support to child witnesses in child sexual assault proceedings. This action is consistent with the royal commission's criminal justice recommendations 52-55 and 59-60. I know that Mrs Linde Jobling, OAM, would be proud of these reforms. This Government has allocated \$93 million over three years to implement reforms to encourage earlier guilty pleas and reduce trial delays. These reforms are consistent with the royal commission's criminal justice recommendation 72.

The Crimes (Sentencing Procedure) Act 1999 was amended in August 2017 to ensure victims in proceedings for prescribed sexual offences can access a support person and other special measures when reading their victim impact statement at sentencing. This is consistent with the royal commission's criminal justice recommendation 78. We are moving swiftly. Of the 85 criminal justice recommendations made by the royal commission more than 50 will be implemented before the end of the year. We are also working to respond to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The importance of this work cannot be overstated.

The New South Wales Government has established a taskforce to carefully consider the recommendations. It has committed to the time frame recommended by the royal commission and will formally respond to all recommendations in June 2018, within six months of the final report being released. The New South Wales Government is committed to working with the community and the courageous survivors of child sexual abuse. I commend the bill to my honourable colleagues and to this House.

The Hon. ADAM SEARLE (15:58): I lead for the Labor Opposition in the debate on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. The Opposition does not oppose the bill. The object of the bill is to refer various matters to the Commonwealth Parliament to enable that Parliament to legislate on matters concerning them. Specifically, it will allow the Commonwealth Parliament to legislate for the National Redress Scheme for Institutional Child Sexual Abuse. The Commonwealth Constitution does not permit the Commonwealth Parliament to validly legislate for these matters without a referral by the State Parliament under placitum xxxvii of section 51 of the Australian Constitution.

The bill refers two things in particular. First, it refers a text reference annexed as schedule 1 to the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018, which is proposed to be the Commonwealth Act. The second item is an amendment reference that provides for the enactment of amendments to the scheme. The bill is a response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. Whilst the scheme and the Commonwealth bill are broadly consistent with the royal commission recommendations, there are significant differences, some of which were canvassed briefly in this place yesterday.

This is the first referral bill of its kind to be introduced into a State or Territory legislature. According to public announcements, the scheme is proposed to commence by 1 July. To date, Victoria has agreed to participate, followed by the Australian Capital Territory, the Northern Territory and Queensland—according to public reports, at least. Without referral bills such as this, the National Redress Scheme will not be able to operate. The scheme is proposed to operate for 10 years, and its constitution is set out in the Commonwealth bill annexed to schedule 1. A convenient summary of the scheme is set out in clause 4 of the Commonwealth bill. Redress is provided for abuse that occurred when a person was a child and consists of these components: a redress payment of up to \$150,000, a counselling and psychological component, and a direct personal response from the institution.

For an entitlement to redress, a person had to be sexually abused, the abuse must be within the scheme and a participating institution must be responsible for that abuse. At the time of application, the applicant must be an Australian citizen or permanent resident. The responsibility of an institution is based upon whether the institution is primarily or equally responsible for the abuser having contact with the applicant. If the scheme operator considers there is a reasonable likelihood that the person is eligible for redress, the operator must approve the application and make a redress offer to that person. That offer may be accepted or declined. If the offer is accepted, then the person must release the institution and officials from liability, although the abuser is not released from liability.

Participating institutions that the operator determines responsible for the abuse are liable for the costs of providing redress. They are also liable to contribute to the costs of the scheme. The bill mandates that redress under the scheme should be survivor focused. The scheme's operator is the secretary of the Commonwealth department. The operator must be satisfied there is a reasonable likelihood that the person is entitled to redress. This, of course, is not the traditional burden of proof in civil proceedings. Clause 15 of the Commonwealth bill sets out relevant circumstances for determining responsibility of institutions. The operator must make a determination on an application as soon as practicable. A person can only make one application for redress under the scheme. A person cannot make an application while they are in jail, although this can be waived in exceptional circumstances.

Clause 63 provides that a person is not entitled to redress if they have been sentenced to a period of imprisonment of five years or more unless the operator is satisfied that providing redress will not bring the scheme into disrepute or adversely affect public confidence or support for the scheme. This seems extraordinarily uncertain in its effect and therefore wrong in principle, particularly given the nature of the subject matter with which we are grappling. It seems as though redress is available only when the nebulous concept of public opinion, as mediated by a public servant, is interpreted in a particular way. Likewise, a person is not entitled to redress while a security notice is in force.

In his second reading speech in the other place, the Attorney General did not touch on some of the controversial aspects of the national scheme, including the one I just mentioned. Certainly the establishment of a national scheme is to be welcomed. It is common ground amongst almost everyone who has turned their mind to these issues that the existing common law system has not served all survivors well. The example of Mr Ellis, as noted by the Hon. Natalie Ward, is a particularly powerful example. The establishment of a comparatively simple scheme—certainly simpler than common law proceedings—is to be welcomed, especially in a non-confrontational structure. That was the recommendation of the royal commission.

There are, however, unwarranted and unexplained divergences from the royal commission recommendations in the scheme in this legislation. The most obvious relates to the quantum of redress payments. The royal commission "Redress and Civil Litigation Report" recommended monetary payments to provide tangible recognition of the seriousness of the hurt and injury suffered by a survivor. Recommendation 19 of that report provided that the maximum payment be \$200,000. This was one of the figures canvassed in the consultation papers of the commission. The royal commission noted that that amount and the other amounts in its papers did not exceed common law damages for non-economic loss, referenced at page 247 of the report. There were differing views in response to the consultation. The Truth, Justice and Healing Council, for example, had argued for a maximum payment of \$150,000. The Uniting Church, on the other hand, supported a maximum payment of \$200,000. At page 252, the royal commission concluded:

We are satisfied that the appropriate level of monetary payments under redress is a maximum payment of \$200,000 and an average payment of \$65,000. We consider that the higher maximum payment is appropriate to allow recognition of the most severe cases, taking account of both the severity of the abuse and the severity of the impact of the abuse.

The conclusion and recommendation was reached after considerable thought by the royal commission and after significant consultation. In the view of the Labor Opposition, there is a substantial onus on those who reach a different conclusion. Those advocating for this bill in its present terms have not, we think, discharged that onus. I remind members of the reference made by the Hon. Natalie Ward to the difference between legal outcomes and moral outcomes. This is an aspect that could well have been done better. Also departing from the royal commission recommendation, there is no minimum payment set in the bill. I draw the attention of the House to comments from the Australian Lawyers Alliance [ALA] on the issue of quantum. The ALA said:

The ALA believes that maximum amounts in line with those recommended by the Royal Commission, indexed for CPI over the lifetime of the Scheme, are appropriate. As the Royal Commission noted, a maximum amount of \$200,000 'is appropriate to allow recognition of the most severe cases, taking account both of the severity of the abuse and the severity of the impact of the abuse'.

It also said:

It is important that the amount of redress paid adequately reflects the seriousness of the survivor's experiences and the impact of the abuse on their lives. Particularly in the most serious cases, some survivors might not feel that what they are offered adequately reflects the impact of the abuse on their lives if the maximum redress payment is restricted to \$150,000.

The ALA also argued:

While the Scheme is not intended to offer the level of payment that might be available through civil litigation, applicants will compare what is available through each route. While many will be happy to accept a lower payment to avoid the stress of litigation, the greater the gap between the two potential amounts, the less attractive the Scheme will be to survivors.

If maximum redress payments are so significantly below what might be achievable through civil litigation, some survivors might feel forced to pursue civil litigation even though they would prefer not to. In turn, this will mean that fewer institutions will benefit from the still dramatically lower redress payments available under the Scheme, as well as accruing significant legal fees that will arise should survivors choose to pursue litigation. The basis for the lower maximum figure of \$150,000 seems, as best I can determine, to be maintaining—or rather protecting—the financial position of various institutions. This, in my view, is an entirely wrong and perverse way of looking at the issue. Redress payments are to recognise the seriousness of the pain inflicted and the seriousness of the consequences of that pain. They are not to limit the degree of pain felt by institutions providing the redress. That is an entirely wrong way of looking at it. The maximum should not be \$150,000, but \$200,000 as recommended by the royal commission. The problem, of course, is even more acute when it is remembered that a significant number of institutions involved are or were government owned and run. By limiting the maximum payment to \$150,000 rather than \$200,000, governments are limiting how much they have to pay. They are clearly judges in their own cause on this point. It is to the Government's benefit to limit these payments. There is an element of unfairness as well. If a redress payment is accepted, the survivor ends their common law rights. If successful in a common law action, a victim may well recover vastly more than \$200,000.

If, as the royal commission suggests, this amount of \$200,000 is below the non-economic common law damages then obviously a successful common law claim will result in much more than this amount. Indeed, the available evidence of cases on this point supports that argument. This seems not just wrong in principle, but could have counterproductive consequences in practice—that is, if the maximum payment is set too low it may well encourage survivors to pursue common law claims. NSW Labor welcomes the national scheme, but unequivocally feels that the royal commission recommendation of a higher maximum amount should have been adopted. I note that on this we are in agreement with the position of the Federal parliamentary Labor Party. In my view, this scheme on that point short-changes survivors. There are other differences between the scheme and the royal commission recommendation. Page 347 of the royal commission report states:

We see no need for any citizenship, residency or other requirements, whether at the time of the abuse or at the time of application for redress.

That is not what is contained in the draft bill annexed to schedule 1 to the bill before the House. So far we have heard no credible argument in support of this variation. This also raises particular issues for asylum seekers, refugees and stateless persons who have suffered abuse in immigration centres. They are particular issues for jurisdictions other than the New South Wales Parliament, but we have a disquiet at these provisions and their implications. It seems to say if you are not a permanent resident or citizen at the time you make the application somehow the abuse you suffered did not exist, or is not worth being recognised. That cannot be the case.

The bill also has restrictions on claimants based upon imprisonment or conviction of a crime. These proposals were not contained within the royal commission report. Early media reports suggested individuals convicted of sex offences and anyone convicted of crimes for which there was a maximum sentence of five or more years in prison would be automatically barred from redress payments. That is not what happens in this scheme, as I indicated earlier. There is a discretionary element in this bill that makes it less onerous, but, it seems to me, must dramatically increase the uncertainty surrounding this aspect of the scheme. The ALA's submission on the original reports said:

For many, the sexual abuse that they suffered as children will have contributed to the life of crime they later embarked on, or the single criminal offence (which could be relatively minor, with no sentence imposed, if the maximum possible was five years). In relation to drug crimes, for example, the Royal Commission heard time and again evidence from survivors who explained that they were driven to drug and alcohol misuse as a means of blocking out memories of the abuse that they suffered. A blanket ban on sex offenders will also capture some people who have engaged in low-level offending.

The nonsensical outcome, of course, is that people in these categories will be forced to litigate at common law, potentially obtaining significantly greater monetary recompense than they would have under the redress scheme. While touching on perverse and perhaps unintended outcomes, I should also draw the contrast between the National Redress Scheme endorsed in this bill and what is left of State-based victims compensation scheme in New South Wales after its evisceration several years ago by the Coalition Government. The maximum lump sum payment under the State-based system is dramatically less than provided for in this bill.

The result of this Coalition Government's changes a number of years ago—2011 or 2012—is that the amount of money survivors receive in this roulette system is determined not by the type of injury sustained or its impact on the survivor, but rather by whether or not an institution was involved. As I have said, the Labor Opposition thinks that the bill before the House should provide a higher maximum monetary payment under the national redress scheme, but the figures in the bill demonstrate just how hopelessly inadequate the current New

South Wales victim's compensation system is. With those observations and qualifications, the NSW Labor Opposition does not oppose the bill.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): It is likely during the debate that Mr David Shoebridge will be making a contribution and indicating some amendments that he will move requiring the House to go into committee of the whole. Before we go into committee of the whole I invite members to consider this paragraph. The clerks can assist with material in terms of Senate practice. In *A practical guide to committee of the whole*, page 6, paragraph 2.23, the following observation is made:

On occasion, the House is required to consider a bill to give effect to an agreement between the Commonwealth and State governments. While the Council does not concede any limitation to its power to amend intergovernmental legislation, questions have arisen as to the power of state legislatures to amend the terms of the agreement (usually attached as a schedule to the bill), [As done in this case.] due to the inherent risk that an amendment may result in the legislation in one state being inconsistent with the legislation passed in other jurisdictions. It is clear that members may vote against the clause or schedule to reject the agreement, however if a member intends to propose an amendment to the terms of an intergovernmental agreement, members should first consult the Clerks at the Table for advice.

In due course, subject to what Mr Shoebridge does, I will be inviting members to address me on how we should proceed. That is all I wish to say on that matter at the moment.

Reverend the Hon. FRED NILE (16:16): I will speak in debate on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 on behalf of the Christian Democratic Party. The overview of this bill states:

The object of this Bill is to refer certain matters relating to the National Redress Scheme for Institutional Child Sexual Abuse to the Commonwealth Parliament so as to enable the Commonwealth Parliament to make laws about those matters. The proposed Act will be enacted for the purposes of section 51 (xxxvii) of the Commonwealth Constitution, which enables State Parliaments to refer matters to the Commonwealth Parliament.

As has been done previously this Parliament is passing its power to the Commonwealth. This is a Commonwealth bill. I concur with the Deputy President when he stated that it is crucial that the bill is supported by all the States and Territories. If it is not supported the bill could lapse, which is a major problem. This bill is so important that nothing should be done to endanger or threaten its success. Other projects can be devised in the coming days but we have to deal with the issue before us, which is to adopt this legislation.

I thank the Hon. Natalie Ward for her detailed speech and summary of the conclusion by the Royal Commission into Institutional Responses to Child Sexual Abuse. Her summary included the number of witnesses and the types of abuse. I found that valuable. I will not repeat the points she made, which are historical. The excellent work of the royal commission was contained in a 17-volume report. We do not often get 17 volumes from a royal commission, but that is what happened in this case. I draw members' attention to the statement of Archbishop Anthony Fisher, which was published in the *Catholic Weekly* on 15 December 2017 and in which he thanked the commissioners and gave support to the report's recommendations. In that article, Archbishop Anthony Fisher said:

Many of the findings and recommendations will come as no surprise, as they have been touched upon during the life of the royal commission; others will require further examination. But what I can say is that I'm appalled by the sinful and criminal activity of some clergy, religious and lay church-workers, that I'm ashamed of the failure to respond by some church leaders, and that I stand ready to address any systemic issues behind this.

I thank Archbishop Fisher for his statement in support of the royal commission, and I note his shock at the results of the royal commission and the child abuse that it uncovered in many places, particularly within the Catholic Church.

As the Leader of the Christian Democratic Party, I feel strongly about this issue. It is heartbreaking for me to know that young children have suffered abuse in institutions in which the most vulnerable in society should have felt safe. As a campaigner for the importance of Christian values in this House, I am angered beyond measure that such things could have occurred in organisations that are faith based and supposedly there to protect children. This has caused tremendous damage both to the young victims and to the legacy of those institutions. The lives of those who were preyed upon have been ruined, in many cases irreparably, although many have gone to great lengths to deal with their hurt and trauma. Their experiences have illustrated that the injuries they have incurred are ongoing and have impacted almost all facets of their lives for years.

We have an obligation to help them. That is why I am pleased by the bill. I will speak in more detail on how the bill provides the opportunity for restitution, compensation and so on. We have an obligation to help the children who were abused and who are now, in most cases, adults. Likewise, the legacy of the institutions charged with transmitting the faith and the core principles of our civilisation has been blemished in the most heinous of ways. Many good people who have worked in those institutions, as well as the institutions' core message and traditions, are now impossible to bring to mind without the evil spectre of what was done by the rotten elements

among them. In many respects, the victims suffered a personal apocalypse caused by the most trusted members of their community.

Within the Catholic institution, in many cases, child abuse was carried out by priests. I have read the detailed reports of Catholic families where mothers, because of their loyalty to the Catholic Church, gave total respect to a Catholic priest. In one case, a priest visited a mother and said, "I wish to pray with your daughter." The mother said, "My daughter is asleep upstairs." And the priest replied, "I would like your permission to go to her room and pray with her in her room." The mother, believing in the values of the Catholic Church, never dreamt that the priest had an ulterior motive in going to the child in her bedroom, where he sexually abused her.

Many Catholic parents have been taken advantage of because of their faith and trust in the institution and in priests. That is why I feel strongly about the issue and have discussed it with Cardinal George Pell. He is the subject of charges at the moment, although I understand that the majority of the serious charges have now been dismissed. I spoke with him about whether priests who were sexually abusing children were already paedophiles who had been able to get through the Catholic Church's induction system by applying to become a priest and going through their college, training and so on.

Mr David Shoebridge: You're not taking your advice from George Pell?

Reverend the Hon. FRED NILE: Would you stop interrupting?

Mr David Shoebridge: Are you taking your advice on safe institutions from George Pell in 2018? Disgraceful.

Reverend the Hon. FRED NILE: You are not helping me in what I am trying to explain.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Order! I call Mr David Shoebridge to order for the second time. I have been observing the debate, although I was not in the Chamber until I came to the chair. This is a sensitive subject and the debate has been civil despite the passion and emotions involved. Members will continue this debate in a respectful way.

Reverend the Hon. FRED NILE: I was making the point as to whether some of those priests were paedophiles who deliberately applied to the Catholic Church to become priests, knowing that they would attain prestige, trust and access to children. I believe that as investigations are conducted, this will be found to be true. Sadly, some people, including some in this House, have taken the opportunity to use those events to attack Christian institutions, the Christian church, and Christianity itself. We cannot ignore the fact that these events have occurred not only within the Catholic Church but also, as far as I have read, within all denominations.

The victims deserve our compassion. They also demand that tangible steps be taken to address their grievances, injury and hurt. The bill represents a step in the right direction by allowing the creation of an administrative framework that will directly address the damage done by abusers in positions of trust and authority. The victims need to be taken care of properly and appropriately. Many of them live in the State and many of the crimes occurred here as well. However, it is reasonable to take a national approach to this issue. I agree with the national approach. This presents a challenge to some church institutions that are often based in States. State-based institutions will need to set up a national machinery to deal with the approach that will be established by the bill.

Any differences between States concerning the help that is offered to victims may be perceived as an additional injustice and may only add to the existing anger felt by the community. It is rational to have a unified scheme that will serve the interests of the victims who need assistance and ensure that any approach to addressing their needs is more efficiently administered. That is what I believe the bill will achieve. It proposes to refer matters relating to the National Redress Scheme for Institutional Child Sexual Abuse to the Commonwealth—as this Parliament has done with other matters over the years—so that those matters can be dealt with centrally and federally in relation to organisations that opt into the established scheme.

Under clause 4 (1), the bill allows for a "text reference". This means that it would refer a power to the Commonwealth to introduce and pass the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018. I commented earlier on Deputy President Khan's comments regarding any major amendments to the bill, because one of The Greens' proposed amendments would delete pages 86 to 93 of the bill. The bill is 183 pages long. Some people have argued that deleting those pages would technically mean that New South Wales does not support the scheme. That may cause the scheme to falter when it is introduced on a national basis. I do not believe we should do anything to cause that to happen. It would mean that the results of the royal commission would be wasted and the people who have been abused and are expecting this legislation to achieve some practical results in their lives would be disappointed. We cannot allow that to happen. No legislation is perfect because we are humans and no-one is perfect. It may be that the best legislation we can have is before us and to have some legislation is better than none.

Under proposed clause 5 (2) in particular, the State will retain its power to establish or operate its own redress scheme, should this Parliament deem it appropriate to do so. I would not support that. Proposed clause 6 prevents the Commonwealth from radically altering any aspect in schedule 1 of the proposed Act without first obtaining the State's consent. It has to be supported by all States. I believe that the limitations have achieved a fine balance between the object of creating a National Redress Scheme while also respecting the sovereignty and powers of the Parliament. The bill makes other procedural provisions relating to the termination of a text or amendment reference in proposed clauses 7 and 8 and it also provides various key definitions in proposed section 3.

Part 3 contains various miscellaneous provisions that go to the operation of the reference to the Commonwealth. Proposed clause 9 pertains to how the State will agree to the National Redress Scheme, how that agreement can be withdrawn and how it may be evidenced. Proposed clause 10 concerns information sharing. Under this clause a State agency may transfer certain information to the operator of the National Redress Scheme pursuant to the operator's request. It appears to me that the information is therefore important but only allowed if a request is made. Hopefully, it will be agreed to.

It appears to me that the transfer of information between States does not appear to be subject to a request being made from one State to another in a similar way that sharing information between a State agency and the operation of the National Redress Scheme is subject to the operator's request. The bill, which is extensive, contains 183 pages. Schedule 1 is entitled "Scheduled text of the proposed Bill for a Commonwealth Act" and establishes the National Redress Scheme. I have already outlined the objects of the proposed Act which, in summary, include:

- (a) to recognise and alleviate the impact of past institutional child sexual abuse and related abuse; and
- (b) to provide justice for the survivors of that abuse.

The schedule also contains what I consider to be necessary secondary objectives, or objectives that are necessary to give effect to the broader purpose of the proposed Act. These include establishing the redress scheme; providing redress to victims through compensatory payments, counselling or psychological services; and a direct personal acknowledgement to the victim from the offending institution, which is an important requirement. We question whether that apology should come from the archbishop, the bishop or the priest in charge and how that can be carried out in reality. I am sure the religious organisations or churches will come to some agreement on the best way to achieve that.

The legislation enables the offending institution to participate in the redress scheme and implements a joint response between the Commonwealth Government and State and Territory governments pursuant to the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. The scope of what constitutes a person who can obtain redress through the scheme is established under the proposed Act. That scope is defined by three major criteria, namely: that the person seeking redress was a child at the time that the offence occurred; that the offence occurred before the present scheme commenced; and that the offence occurred within a participating State—for example, New South Wales proposes to become a participating State—or inside a Territory or outside of Australia.

The proposed Act establishes redress in three components. They include compensatory payment, which is capped at \$150,000; counselling and provision of psychological services along the lines of the scheme's purpose and objectives, which is capped at \$5,000; and arranging a response from the offending institution. I understand that the counselling and psychological services are costly. The Federal cap of \$5,000 may be sufficient, but it may not be. Some flexibility may be needed in that area. I suspect that most—if not all—of the compensatory payment will be consumed in many cases by medical and other counselling assistance. It is open to question whether the compensatory payment is therefore sufficient. Either way, the proposed redress components are a step in the right direction. I note that the amending reference allows the Federal Parliament to revisit some of the details of the proposed Act that may need to be revisited to ensure a just framework. There will be no cap on payments in New South Wales.

For an individual to be able to rely on the redress scheme, certain conditions will need to be met. The victim must be found to have been abused; that the kind of abuse the victim was subject to falls under the category of abuse that this scheme was established to redress; the abuse that was suffered has to be of the kind that would attract a redress payment; the institutions under which the abuse was suffered are participating institutions under the scheme; and the person seeking redress must have been an Australian citizen of a permanent residence at the time the application was lodged. That aspect has been questioned by other members. There may be a constitutional reason that the Attorney General can explain. A participating institution is defined as any of the following—*[Time expired.]*

The Hon. LOU AMATO (16:36): I make a contribution in support of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. This is a historic bill. The New South Wales

bill operates under section 51 (xxxvii) of the Commonwealth Constitution known as the referral power, enabling New South Wales to refer matters of redress or past institutional sexual abuse to the Commonwealth agency. The Department of Social Services [DSS] is a well-funded agency of the Commonwealth with vast resources to address a wide range of community issues. It provides support to communities through a wide range of programs and services through grants and funding for organisations providing those services. It provides support to people with disabilities, including carers, who provide support to improve independence and participation in community life. It provides support to families and children through programs and services as well as benefits and payments.

Housing support is provided to those in need of affordable housing, including homelessness services. Mental health support and wellbeing are provided through programs and services, including benefits, payments and grants for service providers. Support is offered to seniors via programs, services, benefits and payments. Grants are also made available to help fund organisations providing services to seniors. Settlement services are provided to improve the wellbeing of migrants and refugees settling in Australia. Support is provided for the safety of women and children through the implementation of The National Plan to Reduce Violence against Women and Their Children that is in partnership with State and Territory governments.

Benefits and payments are made through NewStart and the Youth and Single Parenting Allowance, and welfare reform ensures that the department is focused on preventing lifetime disadvantage. Many survivors of institutional child sexual abuse require a range of professional services to commence the often long road to healing. Some people never fully heal and will require a lifetime of ongoing support. The DSS, with its broad range of community-focused services, is well equipped to provide the best possible support and financial assistance to survivors of sexual abuse. The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 is a direct response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I know that we all wish there did not need to be a royal commission and that those terrible things had never occurred. The bill is considerably complex, so I will discuss the spirit of the proposed legislation. Also, the National Redress Scheme is still in its infancy and the final operational logistics are still being formulated. The objects of the bill before the House can be summarised as follows. The bill establishes the National Redress Scheme for Institutional Child Sexual Abuse under section 51 (xxxiv) of the Australian Constitution.

The conditions for redress under the scheme can be broadly defined as, first, sexual abuse occurring to a child before the scheme start date, which will be 1 July 2018; and secondly, the abuse must have occurred within a participating State or Territory that has conferred power to the Commonwealth under section 51 (xxxiv). The scope of the bill allows for non-governmental institutions to participate in the scheme. However, the bill does not forcibly include non-governmental institutions to participate;—private sector participation is voluntary. However, victims of sexual abuse are entitled to engage in civil action against non-participating private sector institutions.

In addition, a person who suffered abuse is not compelled to have any sexual abuse matter dealt with by the National Redress Scheme. The option to pursue the matter through civil action is maintained. However, a matter determined and redressed by the scheme will preclude any further civil action against the institution. Thirdly, the scheme will operate for 10 years. Fourthly, eligible survivors of child institutional sexual abuse will be offered payments of up to \$150,000 and access to counselling and psychological services. Survivors can request a direct response from institutions participating in the scheme.

New South Wales, Victoria and the Australian Capital Territory have all agreed to participate in the scheme. The main advantage of the scheme is to reduce the unimaginable stress that a victim of institutional sexual abuse must face when having the matter dealt with through civil action. The Department of Social Services will be the department responsible for the administration of the scheme and will be able to offer a range of services in assisting a survivor to regain his or her life. A national scheme will provide uniformity in providing redress to victims of institutional sexual abuse. At present, participation of private sector institutions is voluntary. The situation may change as the scheme evolves and logistics are evaluated and adjusted to better suit survivors of sexual abuse. I commend the New South Wales, Victorian and Australian Capital Territory Governments for their support for the National Redress Scheme. I also thank members for their contributions. The bill is a positive step in helping victims of institutional sexual abuse. I fully support the bill.

Mr DAVID SHOEBRIDGE (16:42): On behalf of The Greens, I indicate that we will be supporting the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. This legislation has been a long time coming. I recall speaking in this House in 2011, and consistently afterwards, on behalf of the victims and survivors of child sexual abuse to urge members of this House and politicians across the country to listen not to me but to the victims and survivors. Since that time, we have begun to hear from those victims and survivors. Through the work of extraordinary advocates and some extraordinary institutions, the voices of survivors have at last been louder than the voices of the institutions that abused them. I did not think we would see that.

I pay tribute to some of those extraordinary advocates: John Ellis, Joanne McCarthy, Peter Fox, Chrissie and Anthony Foster, Carol Nielsen, Craig Hughes-Cashmore and Shane McNamara from an organisation called Survivors & Mates Support Network or SAMSN; Leonie Sheedy and the extraordinary crew at CLAN—they are an extraordinary bunch of people—and the people around the country who work with Survivors Network of those Abused by Priests, or SNAP. They are brave people doing it for love and not money. There are many other individual advocates who are not on that list. There are organisations like the Australian Lawyers Alliance and other groups that have joined around the country and together have done extraordinary work.

I mention another institution, that is, the royal commission itself and Justice McClellan who headed it. That is how to do a royal commission: Listen to the people. Give the institutions that are in the dock natural justice and let them have their voices heard, but do not let them dominate the victims and survivors for whom the institution was created. That the royal commission got that balance right is an extraordinary achievement. We are now seeing the result of a balanced royal commission—and what it can produce.

We are seeing the respect that the royal commission has engendered and the weight given to its recommendations. It has also been a relatively short time since the civil redress report was handed down. It is still too long to my mind but it is a relatively short time in governmental terms. We are now working to legislate the bulk of the redress scheme. Credit where credit is due, that is an extraordinary achievement by the royal commission. I acknowledge that New South Wales was one of the first governments out of the blocks to put its hand up to join the national scheme. I credit some of that to the hard work of the Attorney General.

The politicians, the Attorneys General and even the royal commission all had institutional support. We all have institutional support. It is those advocates, victims and survivors who were so isolated and still stood up to whom we should pay tribute. I recall how lonely it was speaking about this issue in 2011. I recall how politicians in 2011, 2012, 2013, 2014 and 2015—and, sadly, some even to this day—gave so much more weight to the views of cardinals, archbishops and priests and were scared to take on the political power of those institutions. Instead of doing their job and standing up for those who had no voice, they were willing to stand with the institutions and continue a conspiracy of silence. We have broken that conspiracy now, but I think back to how different the debate was seven years ago. We should reflect on how easy it is for elected representatives to side with institutions rather than those individuals who need our help.

This scheme is a national compact, and I accept that. It is not perfect. There are many inadequacies in it, but on the whole it is a major step forward. It is part of a national compact—or a nearly national compact. It is about time South Australia, Western Australia and Tasmania got on board and joined it. If they do not sign on in the very near future, those State governments should be shamed and condemned by their residents and electors. It should be a national scheme. It is designed as a national scheme and I accept that it is a political compromise in that regard. Tragically, it was always going to be a bit of a political compromise—a bit too much of a compromise—but anyhow it is a major step forward.

The scheme requires the State legislation to refer the powers to the Commonwealth if we are to have a genuinely national scheme, and The Greens support that whole approach. We understand and support the scheme commencing on 1 July 2018—as soon as possible is what we would say. That comes about because of those recommendations from the royal commission into institutional abuse. I thank again the many victims of abuse and those survivors who lobbied for many years for this just outcome.

The scheme will enable survivors of abuse to make applications for compensation under the scheme and they will be eligible for payments of up to \$150,000. I note that the royal commission recommended \$200,000, which I believe is a far fairer figure.—We should aim to get there. But we will not get there with the bill. The payment will depend upon the nature of the abuse that the victims suffered and the impact of that abuse. I do not know how one grades and quantifies child sexual abuse. I note that the modelling for the bill seems to suggest that the median payment will be closer to \$150,000 than not, and that is how I would support compensation being delivered. On the whole, compensation should be far closer to the maximum than to the minimum because I do not believe any scheme should say that the impact of child sexual abuse will be about \$10,000, \$20,000 or \$30,000.

The scheme also provides access to counselling and a direct personal response from the responsible institution. The scheme will have a sunset clause—it will run for only 10 years—and it will apply to any instance of abuse that occurred before the commencement of the scheme. Once a person has accepted the offer of redress, they release the institution from further civil liability. In a nutshell, that is how the scheme works. The objects of the Commonwealth Act that the scheme will implement are to recognise the impact of institutional child sexual abuse and, expressly, to provide justice for that abuse. We know from the royal commission that financial compensation can be an important part of the path to recovery for those who have survived child sexual abuse.

The establishment of the scheme will mean that individuals will have an option. If they choose not to take civil litigation in the courts or are unable to do so, they will have the option to come to the scheme. They may

come to the scheme by choice because they do not wish to risk their own assets or to go through the stress, the trauma and the delay of civil litigation in the courts. But often they come to the scheme because either the institution no longer exists or because its assets are protected by legal constructs such as the Ellis defence, as mentioned in the contribution of the Hon. Natalie Ward. I note the battle that John Ellis has continued to fight to get rid of that defence. Let us do that next.

That is the general operation of the bill. However, The Greens wish to put on the record a number of very real concerns that we have with the proposed scheme, not just in New South Wales but nationally. Some of those concerns will be the subject of debate in Committee. We note that the scheme limits eligibility to those who were abused in an institution and to only those who are Australian citizens or permanent residents. What on earth is going through the minds of the drafters of a bill that says a person's access to compensation depends upon his or her visa or migration status? Who would draft a bill relating to institutional child sexual abuse and say that that child or that adult, who was sexually abused by an institution in Australia while he or she was resident in Australia is not entitled to compensation because of his or her migration status? What is so toxic about our political culture that anybody would think that is fair? Of course that provision should not be in the bill and of course we should not be refusing, on the basis of their migration status, compensation to individuals who were sexually abused by an institution. I hope that provision gets removed—if not now, at a later point—by a further compact between the Commonwealth and the States.

The scheme also excludes from its application individuals who were sexually abused as a child whilst in an institution who are in jail, and they are also excluded if at any point they have been sentenced to a period of imprisonment of five years or greater. That is despite the fact that we know from the royal commission that, tragically, many survivors of abuse are so impacted by their offending against them that their lives go off the rails and they can themselves be caught up in the criminal justice system. I read onto the record some of the learning on this from the final report of the royal commission. On page 73 of the report, in the chapter on the impacts of child sexual abuse, the royal commission said:

Although each individual is affected differently, some impacts are commonly experienced by survivors of child sexual abuse in institutional contexts. This chapter describes the common impacts we heard about in private sessions, public hearings and the available research on child sexual abuse. It begins by describing how sexual abuse can result in profound trauma, potentially interrupting normal psychosocial development at every critical stage of a child's formative years. It then describes the many areas of victims' lives that can be affected by sexual abuse in institutional contexts, including:

- mental health
- interpersonal relationships
- physical health
- sexual identity, gender identity and sexual behaviour
- connection to culture
- spirituality and religious involvement
- interactions with society
- education, employment and economic security.

On the following page, the royal commission sets out in table 3.1 some of the impacts of child sexual abuse on survivors and the information that came from private sessions. The table notes that of 6,412 survivors who attended private sessions, 6,088—or 94.9 per cent—identified mental health issues that arose from the child sexual abuse. That is almost 95 per cent. A further 22.7 per cent, or 1,456 of the individuals who had private sessions with the royal commission, indicated that they had an involvement in crime following the sexual abuse. Another 24 per cent said that they had sexual behaviour issues; 55.7 per cent said that they had education and/or economic issues; 67.6 per cent spoke of relationship issues; 7.2 per cent said they had physical health issues; and 6.9 per cent said there were direct consequences of pregnancy or sexually transmitted infection or injury as a result of the abuse.

The figure I would like members in this Chamber to focus on today is the 22.7 per cent of those survivors of abuse who said that they had consequential involvement in crime following their abuse—almost one-quarter. Some studies have suggested that the figure is significantly higher than that. Yet, the bill that we are passing says that any person who has been sentenced to a period of imprisonment of five years or greater is excluded from redress. It is like a triple punishment. Not only was the individual sexually abused as a child in an institution but also their life spiralled out of control, and we know that 95 per cent of those survivors have mental health issues. The royal commission's report further talks about how that can result in drug addiction issues. So individuals are sexually abused when they are children, their lives spiral out of control, they get involved in criminal activity, they get sentenced, they lose their liberty for years, they are jailed, and then the Commonwealth and State

parliaments say, "Tut, tut, tut. Because of your criminality, we are not going to give you access to redress; you are not going to get compensation from the scheme."

How do we do this as a collective effort in 2018? We have direct evidence from the royal commission that this very exclusion potentially will harm a significant proportion of individuals who have been abused as children. Yet, that is the compact that we push through. That is why The Greens have amendments to discuss in Committee to remove those offensive exclusions. I will read onto the record part of the submission from the Survivors & Mates Support Network [SAMSN] that it gave in February this year to the Commonwealth Parliament. I accept that the bill has been slightly changed since the original draft, and that the offensive provision in it is marginally less offensive than the earlier provision. Nevertheless, SAMSN stated:

The exclusion of any group of people from the scheme would go against the very notion of the scheme itself, by denying the victimhood of a survivor, based on their criminal activities, and failing to acknowledge any causal relationship that may exist between childhood victimisation and subsequent criminal activity. While not condoning or excusing the crimes they have committed, any choices a survivor ultimately makes to engage in criminal activity has no bearing, and does not overwrite, the abusive experiences they underwent as a child.

Ample research exists purporting to demonstrate the link between child sexual abuse and subsequent criminal activity. This is reflected in the Royal Commission's Final Report where 'patterns' that the years following sexual victimization were marked with incidents of criminal behaviour and offending. The findings also reported that 23% of survivors say that they have committed at least one type of criminal offence.

I endorse those provisions as well as the balance of the submission. The bill is a major step forward. I was not sure I would see it pass through Parliament, but it will happen today. Despite the defects in the bill, thousands of survivors and victims of abuse will gain a substantial measure of redress through the bill. The job to reform our civil law to ensure that victims of child sexual abuse get fair redress is nowhere done. Tomorrow we should gather together a cross party grouping and draft a bill to get rid of the Ellis defence. We should closely consider the raft of amendments to our criminal justice system so that those who suffer sexual abuse more broadly—not just child sexual abuse—get a fair hearing and a fair outcome from the criminal justice system. There is so much more work to be done.

With those observations, noting the limitations, The Greens are 100 per cent committed to having this redress scheme commence on 1 July. I foreshadow that The Greens will move amendments in Committee. In many ways, those amendments should not succeed—not because they are not 100 per cent worthy, but because the concern would be that if we started to unpick the national agreement, it may prejudice the scheme commencing on 1 July. Let us have that debate in Committee and hopefully collectively commit to passing the bill, and agreeing to do so much more.

The Hon. PAUL GREEN (17:01): I will make a brief contribution to the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. My colleague Reverend the Hon. Fred Nile has already spoken at length to the bill and I concur with his comments. The Royal Commission into Institutional Responses to Child Sexual Abuse estimated that 60,000 children were sexually abused in Australia's institutions. The royal commission explained that, despite limitations in available data, the extent of child sexual abuse in institutional settings in Australia is significant. It noted in its final report:

Child sexual abuse has occurred across a wide range of institutions and has affected tens, if not hundreds, of thousands of people over many years.

As hard it was to revisit that traumatic experience, the survivors opened our eyes to the abhorrent prevalence of institutional child sexual abuse, the failure of those institutions to respond, and the enduring impact that it has had and still holds on many innocent children. In accordance with the royal commission's recommendations, it is essential that all government and non-government institutions are held accountable and take responsibility for providing redress to those people who were harmed in their care.

I commend the New South Wales Government for taking the first step, in principle, to protect children from institutional sexual abuse, to hold perpetrators to account, and to provide support and justice for survivors. The redress scheme aims to consist of, first, a redress monetary payment of up to \$150,000 to survivors as a tangible means of recognising the wrong survivors have suffered; secondly, a counselling and psychological component that, depending on where the survivor lives, consists of access to counselling and psychological services, unlimited in New South Wales, or a monetary payment up to \$5,000 federally; and, thirdly, a direct personal response to survivors from the participating institutions responsible.

Many members would remember the debate on the victims compensation scheme. We needed reform to get those 24,000 people some help as quickly as possible. The only amendment accepted during the Committee stage, at 5.00 a.m., was the amendment moved by the Christian Democratic Party to give victims of child sexual assault a lifetime of help if they needed it. It was one of the best amendments. I know that other States took that leadership from New South Wales. It is fantastic that today we are doing something more substantial at a Federal

level. It is impalpable to imagine the heartache and psychological trauma suffered by innocent children and their families at the hands of these institutions that were entrusted to care for children. Nothing will ever completely alleviate the damage and suffering experienced by survivors. It is irreversible.

My mother put us into institutional care while she was trying to restore her life life—and our family never recovered. My brothers and I were put into care and we were never able to fully re-establish ourselves as a family. I am not saying that it was because of child sexual assault—I cannot tell my brothers' stories—but I am saying that the types of abuse that occurred in some organisations had severe ramifications for my family, my brothers and my sisters to a large degree. I have no doubt about that. Many institutions will seek to repair this fundamental breach of trust. However, understandably, that trust is broken forever for some people. I think it is important to note that, although numerous institutions have shown endemic and catastrophic failures in that area in the past, some institutions have come forward with a readiness to address systemic failures, right their wrongs through action and ensure that this never happens again. As Mahatma Gandhi once said:

You must not lose faith in humanity. Humanity is an ocean; if a few drops of the ocean are dirty, the ocean does not become dirty.

It reminds us to stay focused on the good of humanity, as it far outweighs all the terrible, horrific and evil things that humans have done and are capable of doing. We must ensure that the safety and protection of children and vulnerable adults is paramount at all times. The success of the scheme now lies with the cooperation of the State governments. I commend the New South Wales Government and the Victorian Government for taking the first step. We pray that the redress scheme facilitates some closure and healing, that it eases some of the pain of survivors and that it brings them some peace and justice. The Christian Democratic Party supports the bill and commends it to the House.

The Hon. MATTHEW MASON-COX (17:07): I stand with my colleagues across the Chamber in support of this very important bill, the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. Some have called it a historic bill, a bill which will be another important step in a long journey for all those who have been associated with this grievous issue. The bill is about justice; justice for the victims who have suffered unspeakable crimes at the hands of the people whom they have trusted in their journey to this point. Some people have courageously appeared before a royal commission and shone a light into the darkest chapters of their personal lives and the darkest chapter of our collective history. This is a critical step in acknowledging the pain and suffering that has occurred. Members joining together to pass the bill today will be an important step towards healing for those people.

Whilst the bill seeks to set up a national scheme to deal with redress for those heinous crimes, it also seeks to put a monetary salve on what has occurred to victims of sexual abuse in institutions. It seeks to do that with a monetary figure that, of course, will always be inadequate in dealing with what has happened to the victims of those heinous crimes. It is appropriate that we reflect upon the recommendations of the royal commission. A figure of \$200,000, along with counselling and other support, was put forward as part of those recommendations. It is important to note that whilst we have come up with a figure of \$150,000 by way of a national agreement, whatever the figure is, it will be inadequate. We have to start somewhere and I think this is most appropriate.

Some members of this House think we should amend the bill or the schedule to the bill, which is potentially dangerous. I counsel members to accept the national agreement and to ensure that there is no delay in instituting the agreement on 1 July. The suggested amendments come from a very good place, and I am sympathetic to what has been suggested in that regard. But we need to be pragmatic. We need to take a step forward and ensure that the bill in its current form is passed by this Chamber tonight, to ensure that we can move as quickly as possible to the establishment of the national scheme.

I particularly note that the scheme requires a direct personal response from the responsible institution. This is an important part of recognising the pain of victims. It is an important part of justice being seen to be done and being communicated to the affected person. That package is an enormous step forward in relation to dealing with what I consider to be one of the darkest chapters of our shared history. I put on the record my strong agreement with the scheme. I recognise the Attorneys General for quickly coming to a national agreement, and the New South Wales Government for quickly agreeing to be part of the national scheme. It is important that the remaining States come on board and that this be a collective response, dealt with by an overarching national scheme. Today is a very important day for this Parliament. I again offer my complete support for the bill and look forward to it passing this Chamber unamended tonight.

The Hon. COURTNEY HOUSSOS (17:13): I speak in debate on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. Others have canvassed the extensive work of the royal commission that formed the basis of the bill. The royal commission was established by a Federal Labor Government but continued under successive governments. It outlined the scale of child sexual abuse that

had occurred in institutions over a long period. To be frank, it is horrifying. These institutions were charged with keeping children safe. In the debate in this place, it is important to note that some of those institutions were State-run, and so we in this place play a role in ensuring that victims receive the redress to which they are entitled.

The bill establishes a statutory scheme of redress for victims of child sexual abuse. The establishment of such a system is always the subject of debate because there is no doubt that the amounts that can be given as reparation payments are much smaller than if an individual was to pursue civil avenues for seeking redress. But that is something members of this Chamber grappled with when discussing the inquiry into reparations for the Stolen Generations. Civil proceedings are not an appropriate place for deeply damaged and traumatised people to pursue their need for reparations. I welcome the creation of a statutory body that will provide reparation payments. As other speakers have noted, there is no doubt that it is a small amount of money, considering the heinous and absolutely horrifying crimes that have been perpetrated against those individuals, but we hope that the payments begin the process of healing.

When speaking of amounts, though, it would be remiss of me not to note that the royal commission recommended a cap of \$200,000, and that this bill seeks to award a maximum amount of only \$150,000. I note that Federal Labor will seek to amend the legislation in the Senate to increase the cap to \$200,000, as no-one in this House wants to see the delay of the scheme past 1 July. Noting that we have no desire to delay the implementation, I place on the record that due to our current New South Wales victims of crime system, the amount of compensation to victims will now be determined by whether their perpetrator was in an institution or not. That strikes me as incredibly unfair; the crimes are horrific no matter where they are perpetrated. Whilst institutions are charged with keeping our children safe, the victims suffer the consequences irrespective of where the abuse occurs. That may be something that we will seek to remedy in the future. The bill seeks to begin the redress of some of our more shameful history, which was uncovered by the forensic work of the royal commission. To begin healing, acknowledgement is key. May the healing begin with the passing of the bill. I commend it to the House.

The Hon. CATHERINE CUSACK (17:17): On behalf of the Hon. Don Harwin: In reply: I thank all members for their contribution to the debate. In particular, I thank the Hon. Natalie Ward, the Hon. Adam Searle, Reverend the Hon. Fred Nile, the Hon. Lou Amato, Mr David Shoebridge, the Hon. Paul Green, the Hon. Matthew Mason-Cox and the Hon. Courtney Houssos. I thank members for their interest and passion in participating in the debate today. I know that every member, whether they participated or not, feels very strongly about these issues.

The Hon. Adam Searle, Reverend the Hon. Fred Nile, the Hon. Courtney Houssos and Mr David Shoebridge raised the concern that the scheme was not providing redress payments of \$200,000 as recommended by the royal commission. The Commonwealth Government has determined that monetary payments of up to \$150,000 will be provided to eligible survivors. Although this is lesser than the maximum recommended by the royal commission, the average payment to survivors is expected to be \$76,000, and this is \$11,000 more than the average recommended by the royal commission.

Despite a lower cap, the higher average payment will ensure more consistent and equitable financial compensation for survivors as part of the redress scheme. The scheme is not just about providing survivors with monetary recognition; of equal importance is access to counselling and support. Survivors will have access to mainstream community-based services. I acknowledge comments made by the Hon. Courtney Houssos relating to the benefits for those damaged individuals of avoiding civil proceedings. Legal proceedings have the potential to cause more damage or discourage many people from taking any action at all.

The Hon. Adam Searle, Reverend the Hon. Fred Nile and Mr David Shoebridge questioned why someone needed to be an Australian citizen or resident to be eligible for redress. A person is eligible for redress if at the time of the application the person is an Australian citizen or permanent resident. That eligibility requirement was necessary to mitigate the risk of fraudulent claims and to maintain the integrity of the scheme, given the comparative size of payments and the lower evidentiary burden required by survivors making the applications. Opening the eligibility to non-citizens and non-permanent residents would significantly increase the difficulty of verifying the identity of applicants and would likely result in a large volume of fraudulent claims. It would require primary documentation and verification from foreign governments and Australian embassies, and increase the overall processing time of legitimate applications by diverting the scheme's resources.

In his remarks, Mr David Shoebridge congratulated the advocates for survivors. Every member of this House joins him in that tribute. The member commented that politicians had failed to speak up between 2011 and 2015. I realise that this is a difficult issue. My recollection is that in November 2012 Troy Grant was the backbench member for Dubbo. At that time Chief Inspector Peter Fox started to raise issues in the Hunter area. When he was employed as a police officer, Troy Grant had investigated and charged a paedophile priest. At that point he publicly stepped up, which made a significant difference. His contribution is long forgotten but I will never forget. I acknowledge that.

Mr David Shoebridge and the Hon. Courtney Houssos questioned the disqualification of survivors with criminal convictions from applying to the scheme. I will clarify that situation. If an applicant has been convicted of an offence and sentenced to imprisonment for five years or longer, they are no longer entitled to redress. They are able to apply to the operator of the scheme for an exemption. To determine whether to provide an exemption, the operator must write to the Attorney General of the State or Territory where the relevant abuse occurred and to the Attorney General of the State or Territory where the offence was against the law of that jurisdiction. The operator will take into account the advice of the relevant Attorneys General, and other matters, including the nature of the offence, the length of time since the offence was committed and any rehabilitation of the person.

The advice of the Attorney General of the jurisdiction where the abuse occurred carries greater weight than other factors in the operator's decision-making. Taking those matters into account, the operator may determine that a person is entitled to redress if the operator is satisfied that this would not adversely affect public confidence or bring the scheme into disrepute. The eligibility exclusion was made in the best interests of maintaining public confidence in the scheme by ensuring that redress payments were not paid to those whose actions may not meet prevailing community standards. There is that process in place.

Mr David Shoebridge asserted that incarcerated survivors will not be eligible to apply for the scheme. That is the case. Currently incarcerated survivors are ineligible to apply. That includes survivors who are in a form of custodial detention including prison, remand, juvenile justice or psychiatric confinement relating to criminal offending. The Commonwealth bill provides that the scheme operator may allow a person who is in jail to apply for redress if there are exceptional circumstances justifying the application being made and where providing redress to a person would not adversely affect the integrity and public confidence in the scheme. That eligibility exclusion was necessary. The scheme would not be able to practically deliver the key aspects of redress, including support services and direct personal responses, to incarcerated people whilst also protecting their privacy in closed institutional environments. Once released from incarceration, survivors will be able to lodge their one application to the scheme.

The bill will enable New South Wales to fulfil the commitment to participate in the National Redress Scheme for Survivors of Institutional Child Sexual Abuse as recommended by the royal commission. This will ensure that through the national redress scheme survivors of child sexual abuse in New South Wales government and participating non-government institutions receive the support and recognition that they have been denied for too long. The New South Wales Government acknowledges and thanks the survivors of institutional child sexual abuse who came forward to the royal commission. Their stories have been heard and they will not be forgotten. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, I will proceed accordingly. There is one set of three Greens amendments appearing on sheet C2018-035. I indicate to members that during the second reading debate I raised an issue about Mr David Shoebridge's amendments. As all members are aware, the three amendments seek to effect amendments to what can be described as the Commonwealth bill appearing in schedule 1 to the bill. I have taken advice from the Clerk, who has been kind enough to provide me with some material. I will indicate what I think is the appropriate position on which to proceed.

Where a bill is to give effect to an agreement between the Commonwealth and State governments, so-called inter-governmental legislation, amendments to the bill may result in New South Wales legislation being inconsistent with legislation passed in other Australian jurisdictions. I note that in this case there is no inconsistency at this stage because New South Wales is the first State to move on the matter. However, there is nothing to prevent the Committee from moving amendments to such a bill, or even rejecting the bill outright, although there may be financial or other penalties—and plainly, this would fall into the category of "other penalties"—to New South Wales for doing so.

For example, amendments were moved to the Human Cloning and Other Prohibited Practices Amendment Bill 2007 which, if agreed to, would have placed New South Wales out of step with other jurisdictions. In the event, the amendments were defeated. I note that the proposed amendments to the Human Cloning and Other Prohibited Practices Amendment Bill 2007 were moved by Reverend the Hon. Fred Nile. No point was taken then that the amendments were out of order, although Minister Ian Macdonald did indicate that the passing of the amendments would create an inconsistency with other States. In support of the proposition

that the amendments Mr David Shoebridge is seeking to move are in order, clause 4 (1) of the bill, which is entitled "Text reference", reads:

Matters to which the initial referred provisions relate are referred to the Parliament of the Commonwealth, but only to the extent of making laws with respect to those matters by including the initial referred provisions in a Commonwealth Act enacted in the terms, or substantially in the terms, set out in the scheduled text.

I emphasise the phrase "substantially in the terms" in that clause. The referral that is being done here does allow some flexibility to the Commonwealth to enact legislation that is not consistent with the bill forming schedule 1 of the bill. In those circumstances, if we grant the Commonwealth the power to enact a substantially similar bill to the one appearing in schedule 1, it would seem somewhat unusual if a member could not seek to move amendments in the form that Mr David Shoebridge seeks to do now. In those circumstances, I do not intend to call on members.

Mr DAVID SHOEBRIDGE (17:33): By leave: I move The Greens amendments Nos 1 to 3 on sheet C2018-035 in globo:

No. 1 When application cannot be made

Page 48, Schedule 1, proposed section 20 (1) (b), line 19. Omit all words on that line.

No. 2 When application cannot be made

Page 48, Schedule 1, proposed section 20 (1) (d), lines 22 and 23. Omit all words on those lines.

No. 3 Exclusions from scheme

Pages 86–93, Schedule 1, line 1 on page 86 to line 19 on page 93. Omit all words on those lines.

I am not questioning or in any way cavilling with the Chair's ruling, which I support 100 per cent, but I note for the record that this agreement was struck between a series of executive governments at a State and national level, and it would be passing strange if the legislative branches of each State and Territory government and the Commonwealth Parliament would in any way feel themselves unable to amend the statutory provisions of an agreement struck between a variety of executives.

One of the reasons why I support the Chair's ruling and believe it is important for us to have this debate and discuss the ruling is that, once passed, the bill will be lobbed into the rather toxic field of Federal Parliament. I imagine there may be some discussion in the Senate about the things we are discussing now. As I see it, if these amendments were effected, they would still leave the bill substantially in the terms set out in schedule 1. The reason I say this—and I am interested in the views of other members on this point—is that I do not see these amendments succeeding now. I will say shortly why there may be some valid reason for the amendments not to be adopted, but I hope the amendments are discussed in the Commonwealth because it would be within the legislative ambit of the Commonwealth, as referred by this State, to legislate in a manner that not only adopts the bill, but adopts it with the amendments that I am arguing for here. This is a hideously convoluted and complicated way of saying that I agree with the Chair, but I invite the Commonwealth Parliament to engage in the debate that we are about to have.

The CHAIR (The Hon. Trevor Khan): I thank Mr Shoebridge for his contribution, which was put far more articulately than mine.

Mr DAVID SHOEBRIDGE: Having moved those amendments, I will now speak briefly to them. These amendments are all about exclusions and the circumstances in which we would put legal barriers in place to prevent people from accessing redress and compensation even if there is no argument about whether they have been sexually abused while in an institution. I will deal with the first two amendments together.

Amendments Nos 1 and 2 seek to amend page 48 of the bill by deleting subsections 20 (1) (b) and 20 (1) (d) from the proposed Commonwealth bill. Section 20 of the proposed Commonwealth bill provides that certain persons cannot make an application for redress under the scheme, and some of those exclusions are good. For example, a person who has already made an application for redress under the scheme would be excluded from making another application. There is a rationale for that: If someone has suffered multiple episodes of abuse, whether in one institution or in a variety of institutions, they are encouraged to make those applications at once and there is one pot of money available for that. It may be that individuals who have had multiple instances of abuse will use the scheme to obtain compensation against one or more institutions but then may have a perfectly viable civil claim against another institution. In that case, they would limit their application under the statutory scheme to certain institutions and then preserve their rights against third parties. That is the rationale for that exclusion.

The Greens are concerned about the provision in subsection 20 (1) (c), which states that if the person is a child who will not turn 18 before the scheme sunset day, which is nine years from its commencement, they

cannot obtain compensation. I cannot see the rationale for that. I know that there is an exceptional circumstances provision and that the rules will address the exceptional circumstances provision, but I hope they also clearly articulate a pathway so that if a minor is in those circumstances nine years from now, they will have a valid way of crystallising their claim. Subsection 20 (1) (d) has an exclusion for a person who is in jail. Rather helpfully, within the bill it says:

...in gaol (within the meaning of subsection 23(5) of the Social Security Act 1991)...

In short, that means having been sentenced and in jail or having been committed on remand after having been charged. I am seeking to remove subsection 20 (1) (b) that relates to a security notice in relation to a person, and subsection 20 (1) (d), because they seem to arbitrarily limit people from gaining access to compensation. Subsection 20 (1) (b) states that if there is a security notice in force in relation to that person, they cannot file an application. This is one of those noxious little provisions that picks up the ever-expanded power of a man called Mr Peter Dutton. If Mr Peter Dutton does not like someone and issues a security notice against them, they are gone and cannot seek redress.

As a member of a party that is generally offended by the extensive powers given to that man—the Minister for Homeland Security or whichever Orwellian title he currently has—and to the institution that he represents, we do not believe people should be excluded from redress based upon a security notice issued by the Minister or any other Federal Minister. I note that a number of other Federal Ministers also have the power to issue a security notice.

A person's substantive rights should not be limited in that way. There is an argument that a person's privacy may not be protected if they are in jail and there are difficulties in the scheme that does not allow them to make a redress claim. What happens if someone in their early twenties is sentenced to jail, and whilst in jail they attend counselling and in the course of that counselling they begin to come to terms with their past life? That is what happens. We know that the median delay for people coming forward to disclose their child sexual abuse is approximately 18 to 25 years.

If someone who has had a hard life is sentenced to a term of imprisonment and they receive counselling whilst in jail, they will begin to unpick their past life. They may then come to terms with the fact that they were abused as a child. They may only be jailed for six months, two years or three years. If they are in jail when the sunset period approaches, they are statutorily prohibited from making a claim even though it may be the first time they are able to do so because they have finally come to terms with their childhood trauma. Whatever minor administrative benefit the Commonwealth and State governments may gain from prohibiting these people from making a claim, the real risk of substantial injustice as a result of excluding them will be far greater. That is why The Greens moved an amendment to delete 20 (1) (d). For the record, 20 (1) (b) is about the security notice. As I understand it, those kinds of security notices have rarely been issued in the past. It is likely to have a minor impact. However 21 (d), which is about the exclusion of people in jail, would have a significant impact. That is why The Greens are proposing to have it deleted.

Amendment No. 3 is about general exclusions from the scheme for people who have been convicted of an offence and sentenced to a period of imprisonment of five years or greater. I spoke about that in some detail in my contribution to the second reading debate. I will not repeat the provisions in detail other than to note that the royal commission's own research as a result of its private hearings showed that almost 23 per cent of victims and survivors of abuse who approached the royal commission had had at least some involvement with the criminal justice system. A proportion of those will have had extensive involvement in the criminal justice system because of the impacts of child sexual abuse in the first place. It is wrong in principle and in practice, and as a measure of justice it is wrong to exclude those people from the redress scheme.

There has been a minor tweaking about how the operator may, in limited circumstances, allow them to access compensation. The Greens believe it is wrong in principle and we should be amending and deleting those exclusions from the bill. I commend each of the amendments to the Chamber, but with this caveat: I anticipate, not unwisely, that members from the Government, Opposition and other parties will comment that if we start unpicking this bill now, we may not get the scheme operating by 1 July. I have those concerns as well. I do not move the amendments in bad faith. I move them genuinely to indicate the direction that the bill should take. I acknowledge that there may be a large measure of political wisdom in not having these amendments succeed this afternoon so that we do not delay the commencement on 1 July. I do not challenge the wisdom of that political argument. In fact, I see a lot of merit in it. I lay the amendments on the table of this House to say that this is where the law should be. I accept it is not the best thing to get them up tonight. That is what the Senate should do in the few short days it has to discuss the bill before 1 July this year.

The Hon. CATHERINE CUSACK (17:44): The New South Wales Government does not support the amendments. The Commonwealth bill limits entitlement to redress in specific circumstances to address domestic

security threats posed by those who participated in violent conflicts or undertook training with extremist groups overseas—foreign fighters. The provisions in the Commonwealth bill relating to security notices impact a person's eligibility for redress where the receipt of redress is relevant to the assessed security risk posed by the individual and the receipt of redress would adversely impact the requirements of security. That means that a specific group of people whose passports or visas have been refused or cancelled on national security grounds are not entitled to redress. That is, those who have been involved in politically motivated violence overseas, fighting or who are actively supporting extremist groups. Those arrangements align with Australia's counterterrorism legislative framework and mirror existing provisions in other Commonwealth legislation such as the Social Security Act 1991, the Paid Parental Leave Act 2010, and A New Tax System (Family Assistance) Act 1999.

If a person is in jail, they are not able to make an application for redress under the scheme. That includes survivors who are in a form of custodial detention, including prison remand, juvenile justice and psychiatric confinement relating to criminal offending. As I said earlier, the reason for the policy is that it would be difficult to provide appropriate redress court services to people in jail and confidentiality risks arise in closed institutional environments. However, once released from jail a person is able to apply for redress. In addition, the scheme or operator may allow a person who is in jail to apply for redress if their exceptional circumstances justify the application being made. The Commonwealth bill includes a rule-making power to prescribe requirements for determining that there are exceptional circumstances justifying an application being made.

If an applicant has been convicted of an offence and sentenced to imprisonment for five years or longer, they are not entitled to redress, even though they will be able to apply to the operator for an exemption. To determine whether to provide an exemption, the operator must write to the Attorney General of the State or Territory where the relevant abuse occurred and to the Attorney General of the State or Territory where the offence was against a law of that jurisdiction. The operator will take into account the advice of the relevant Attorneys General and other matters, including the nature of the offence, the length of time since the offence was committed and any rehabilitation of the person. The advice of the Attorney General of the jurisdiction where the abuse occurred carries greater weight than other factors in the operator's decision-making. Taking these matters into account, the operator may determine that a person is entitled to redress if the operator is satisfied that it would not adversely affect public confidence or bring the scheme into disrepute. The eligibility exclusion was made in the interests of maintaining public confidence in the scheme by ensuring that redress payments are not paid to those whose actions may not meet prevailing community standards.

Finally, the Federal Government introduced the national redress scheme bill on 10 May. The bill reflects the policy positions that have been negotiated and agreed upon through extensive consultation between the Commonwealth Government, States, Territories and institutions. The bill will be subject to scrutiny as it has been referred to the Senate Community Affairs Legislation Committee. That is the appropriate forum for consideration of the enabling legislation for the National Redress Scheme. It is also noted that an earlier version of the Commonwealth bill was considered by the Senate Community Affairs Legislation Committee. That Senate committee report has been taken into account in the development of the final Commonwealth bill. The New South Wales Government is committed to seeing the National Redress Scheme for institutional child sexual abuse commence on 1 July. I know that all members of this House are committed to ensuring that survivors can apply to the redress scheme and receive support. I note that the schedule text to the bill, which is intended to be the legislation enacted by the Commonwealth Parliament, is currently before the Victorian Parliament and the Commonwealth Parliament. It has been the subject of extensive and considered consultation between survivor groups, State and Territory governments, the Commonwealth governments and institutions.

The majority of State and Territory governments have now agreed to opt in to the scheme. Any amendment to the bill at this stage could derail those other bills currently before the Commonwealth and Victorian Parliaments. It would at the very least mean that the scheme would not commence on 1 July. It might even prejudice the agreements reached with other jurisdictions and institutions that have agreed to opt in. We should not and do not support these amendments. Survivors have waited long enough. At the same time, we thank Mr David Shoebridge for his consideration of this bill and continued advocacy on behalf of victims and survivors. Despite the fact that the New South Wales Government does not support the amendments, it appreciates the efforts and advocacy of Mr David Shoebridge.

The Hon. ADAM SEARLE (17:49): The Opposition will not be supporting Mr David Shoebridge's amendments, but not because Labor members do not have sympathy for the substance of them and the issues that they ventilate. Indeed, I touched on the issues in my contribution on the second reading. The Opposition's concern is that, as Mr David Shoebridge has eloquently put it, this is an agreement between the governments of the various jurisdictions and the Commonwealth. There is a model. Changing that model in a material particular means at the very least that there would have to be further negotiations with the other jurisdictions which may delay the beginning of the National Redress Scheme. I think the better course is to bed down a scheme and to build on that foundation.

I know that this is not the last time we will be discussing these issues, because they are important and they are about fundamental human rights. It is also about recognising that although many crimes can be accepted, we have to understand that many of the offenders have been brought to that place because of the dysfunction they suffer from, which has been caused or at least compounded by abuse they themselves suffered in earlier years. That does not excuse what they have done. If they are in prison, they are serving their debt to the wider society. But we need to be sensible about why they are there and to understand that it is a more complex situation than simply saying, "Are you convicted and in jail or not?" It requires a longer and more detailed conversation about how we appropriately recognise what they have experienced without making light of where they are in their life today. Labor has much sympathy for where these amendments would go but tonight is not the time for them. Labor will support the bill in its current form.

Reverend the Hon. FRED NILE (17:52): I agree with the Hon. Catherine Cusack's presentation on behalf of the Government and with the Hon. Adam Searle. I know that the amendments have been moved with good intentions, but we should do nothing that threatens or endangers the redress scheme. I point out for Mr David Shoebridge's benefit how difficult it would be to explain to the victims: "We're sorry. Because of some technical thing done by Mr Shoebridge, the redress scheme is not functioning the way it should." That is my fear. Those are complex Federal and State matters. I have received advice that the legislation will be debated in the House of Representatives and the Senate. If Mr Shoebridge feels strongly, he could advise the leader of The Greens in the Senate to try to get agreement, nationally and state-wise, for the amendments at that level rather than New South Wales doing its own thing.

Mr DAVID SHOEBRIDGE (17:53): I thank all members for their contributions. I do not accept the characterisation of these matters by Reverend the Hon. Fred Nile as being technical matters. To say to someone who has been the subject of child sexual abuse that we are putting a statutory exclusion in to prevent them from getting access to redress and describe it as a technical matter greatly understates the reality of it. Reverend the Hon. Fred Nile made the observation that there should be a discussion of amendments in the Senate and that federally The Greens should seek to move this. It will probably be my colleague Senator Rachel Siewert, who has done terrific work federally in looking to move these amendments. I endorse that proposition. If we do not succeed here, we should be looking at it federally.

I hope all members talk to their Federal compatriots—to the extent that we have those relationships, and they all vary in different ways—about these exclusions. If we cannot succeed between now and 1 July, I suggest we make a collective commitment to come back and revisit the issue after the State election in March and after the Federal election, when the reset button has potentially been pressed. I am not trying to predetermine the outcome of those two elections but two elections are approaching. Everyone's heads are in the partisan politics that lead up to State and Federal elections. It is a hard thing to negotiate in that time frame—let us accept that. But once they are passed, let us find the place and the time to revisit the compact that exists and get rid of these elements of unfairness.

The Hon. CATHERINE CUSACK (17:55): I want to clarify in relation to Reverend the Hon. Fred Nile that his remarks were clearly directed at the complexity of the process—the intergovernmental agreement and the way these amendments work. In the spirit of this debate, I would hate for those to be taken and twisted in some way. I hope Reverend the Hon. Fred Nile is satisfied with that understanding.

Reverend the Hon. Fred Nile: They are most serious matters.

The Hon. CATHERINE CUSACK: It is very serious. I note his record and his service on this issue over many decades. I felt that deserved to be clarified.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 1 to 3 appearing on sheet C2018-035. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. CATHERINE CUSACK: 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. CATHERINE CUSACK: On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. CATHERINE CUSACK: On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

Motion agreed to.

HEALTH LEGISLATION AMENDMENT BILL (NO 2) 2018

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Bronnie Taylor, on behalf of the Hon. Don Harwin.

Second Reading Speech

The Hon. BRONNIE TAYLOR (17:59): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Health Legislation Amendment Bill (No 2) 2018. The bill makes a range of amendments to the Health Care Complaints Act 1993, the Health Practitioner Regulation (Adoption of National Law) Act 2009, the Poisons and Therapeutic Goods Act 1966, the Private Health Facilities Act 2007, and the Public Health Act 2010. The amendments in the bill follow both the recent review by the Ministry of Health into the regulation of cosmetic procedures and its regular review of legislation to ensure that it remains up to date and fit for purpose.

I turn first to schedule 3 to the bill which makes amendments to the Poisons and Therapeutic Goods Act to give the capacity for tailored regulations to be made for medicines and therapeutic goods commonly used in cosmetic procedures. The changes will enable a tailored regulatory framework to be developed after appropriate and detailed consultation. They also implement key recommendations arising from the ministry's review of the regulation of cosmetic procedures. It is recognised that there are many responsible practitioners and cosmetic clinics who do the right thing by their clients. However, honourable members will be aware that in recent years there have been a number of serious incidents involving cosmetic procedures.

In 2017 a woman tragically died following a cosmetic procedure in Sydney. Following her death, the Minister for Health, the Hon. Brad Hazzard, directed the ministry to undertake a review of the regulation of cosmetic procedures. The review highlighted issues regarding medicines used in cosmetic procedures, and recommended that a tailored legal framework be developed for these medicines. Medicines commonly used in cosmetic procedures are regulated as "prescription only" substances, meaning that they must be prescribed by a medical practitioner or other legally authorised person. In addition, the prescriber should be satisfied that the person administering the medicines is competent to do so. The ministry's review uncovered concerns about the adequacy of the qualifications and supervision of persons administering these medicines in some cosmetics clinics. Another area of concern is imported products not approved for use in Australia, and of unknown quality, safety and efficacy being used in some cosmetic clinics.

Due to those concerns, the review recommended the establishment of a legislative framework which would allow regulations to be made that are tailored to medicines and therapeutic goods commonly used in cosmetic procedures. Tailored regulation will help better protect the public by improving oversight of the storage, access, use and administration of medicines used in cosmetic procedures. The bill implements this recommendation by including a new division 1A in part 3 of the Poisons and Therapeutic Goods Act. The new division establishes a framework allowing tailored regulations to be made in relation to the possession, supply, manufacture, administration, use, prescription, storage and disposal of therapeutic goods commonly used in cosmetic procedures. It is important to remember that these medicines and therapeutic goods are not only used for cosmetic purposes. For example, botulinum toxin, commonly known as botox, is used to treat serious medical conditions like spasticity in cerebral palsy, urinary incontinence and migraine prophylaxis. It is therefore vitally important that any new requirements in the regulations to be made do not detrimentally impact on clinical care.

In recognition that many practitioners and clinics already do the right thing by their clients, new regulations should not seek to impede the reasonable and safe use of medicines used for cosmetic purposes in appropriate premises. As such, NSW Health will consult widely with stakeholders before any regulations are developed. A breach of the regulations will be an offence under the Act with penalties to range from \$5,500 to \$111,000. Schedule 4 to the bill implements another recommendation of the ministry's review by including a new

section 33A in the Private Health Facilities Act. This new section makes it an offence for a person to perform prescribed services or treatments in an unlicensed private health facility.

The new offence complements changes made to the Private Health Facilities Regulation in 2016, which at the time introduced a requirement for certain high-risk cosmetic surgical procedures such as breast augmentation or tummy tucks to take place in a licensed private health facility. It is currently an offence under the Act for a person to conduct an unlicensed private health facility. However, the Act falls slightly short in that it does not make it an offence for a person to actually perform one of these high-risk cosmetic surgical procedures in an unlicensed facility. At present, that means that if a person knowingly performs a breast augmentation procedure in an unlicensed facility, they are not guilty of an offence unless the person is also responsible for running the facility. The new section 33A will ensure that practitioners performing cosmetic surgery are responsible for checking that the facility they are operating in is licensed as well as safely performing the procedure. It will be a defence if the defendant satisfies the court that they had reasonable grounds to believe the facility was licensed.

Licensed facilities must clearly display a copy of their licence at the entrance of their facility. In addition, a list of all licensed facilities can be found on the New South Wales Ministry of Health website. Practitioners who knowingly perform high-risk cosmetic surgical procedures such as breast augmentation in unlicensed facilities are putting patients at risk and, under the bill, will be facing a fine of up to \$55,000. The bill also includes amendments to the Private Health Facilities Act to improve the compliance and enforcement powers under the Act. Under the changes, authorised officers will have the power to enter and inspect premises with other persons such as police officers. Authorised officers will also have improved powers to require answers to questions and the production of documents. Appropriate protections relating to self-incrimination have been included in the bill in line with other similar legislative provisions. The changes to the Poisons and Therapeutic Goods Act and the Private Health Facilities Act are important in that they will assist in improving patients' safety when undergoing cosmetic procedures.

I turn now to the other provisions in the bill. Schedule 2 to the bill amends the Health Practitioner Regulation (Adoption of National Law) Act—that is, the adoption Act—to make a range of minor but important changes to the complaints scheme for registered health practitioners such as medical practitioners and nurses. The adoption Act is how the National Registration and Accreditation Scheme [NRAS] for registered health practitioners is implemented in New South Wales. The adoption Act applies the Health Practitioner Regulation National Law (Queensland)—that is, the Queensland law—as a law of New South Wales subject to the modifications in the adoption Act. The Queensland law, together with the New South Wales modifications set out in the adoption Act, is known as the Health Practitioner Regulation National Law (NSW).

In implementing NRAS, although New South Wales agreed to the national approach to the registration of health practitioners, the State did not sign up to the national complaints processes. Rather, New South Wales is a co-regulatory jurisdiction in that we kept our own complaints system involving the Health Care Complaints Commission, the health professional councils, such as the Medical Council of New South Wales, and the NSW Civil and Administrative Tribunal.

The bill also makes a range of housekeeping changes to the adoption Act in respect the complaints processes in New South Wales. The bill will allow the tribunal to review conditions that were imposed on a practitioner's registration with their consent. This will ensure that there is a mechanism to appropriately amend and revise conditions, even when the practitioner originally consented to the conditions. The bill will also allow the tribunal, on appeal, to substitute conditions imposed on a practitioner's registration for a suspension and vice versa. This power will ensure that the tribunal has proportionate powers to make orders in the public interest. The bill will allow a health practitioner to appeal against a reprimand issued by a council. This change is in line with the current ability of a practitioner to appeal against a reprimand issued by a professional standards committee.

The bill will also allow authorised officers to exercise their functions to monitor compliance with conditions imposed on a practitioner's registration and remove the ability of the Minister to remove members of an assessment committee and instead give that power to a council. This is a consequential amendment to changes made in 2016 which provided for members of an assessment committee to be appointed by a council rather than the Minister. Changes are also made to the adoption Act, the Health Care Complaints Act and the Public Health Act in respect of suspended practitioners, deregistered and disqualified practitioners. Deregistered health practitioners are those who have had their registration cancelled by the tribunal following a misconduct finding. If a person who is the subject of a complaint is not registered at the time of the tribunal hearing, their registration cannot be cancelled. Rather, the tribunal can disqualify the person from applying for registration in the future and the person becomes a disqualified practitioner.

Deregistered and disqualified practitioners are generally treated the same—neither can hold themselves out as a registered health practitioner. However, there is not always equivalency of these two groups. For example,

under the Public Health Act, deregistered health practitioners must notify their patients that they have been deregistered before providing health services unconnected to their former registration. However, there is no requirement for disqualified practitioners to notify patients of their disqualification. Deregistered and disqualified practitioners have both been found unfit to be registered health practitioners and should be treated the same way. The bill therefore amends the Health Care Complaints Act and the Public Health Act to ensure that disqualified practitioners are treated the same as deregistered practitioners.

Suspended health practitioners are persons whose registration has been suspended by either a health professional council or the tribunal. That can be done either on an interim basis by the council, such as while a serious complaint is being investigated, or following a final hearing by the tribunal. Under the Health Practitioner Regulation National Law (NSW), suspended health practitioners are not considered to be registered health practitioners except for the purpose of complaints handling. The bill amends the Health Practitioner Regulation National Law (NSW) to clarify that any other legislation that refers to a registered health practitioner is not referring to a suspended health practitioner. In addition, clarifying amendments are made to section 176D to provide that once a suspension is lifted, regardless of how the suspension was first imposed, all of the person's rights and privileges as a registered health practitioner are revived, subject to any other action being taken against the practitioner.

Finally, I turn to the new section 12A in the Public Health Act. This new provision will establish a legislative framework for public warnings to be issued by the New South Wales Chief Health Officer. The Chief Health Officer, or NSW Health, currently issues public warnings about a range of matters, such as risks of particular services or risks to patients—for example, following infection control breaches by a particular health practitioner. Such warnings are important so that members of the public can understand the risk and the measures needed to be taken to mitigate the risk. There is no express power under the Public Health Act to issue such a warning. In contrast, the Chief Health Officer has an express power to issue warnings about the safety of a public water supply under section 22 of the Act.

The bill addresses this inconsistency by establishing a legislative framework enabling the Chief Health Officer to issue a public warning about risks to the health or safety of the public or a sector of the public. This will formalise the New South Wales Chief Health Officer's power to make public health warnings and better ensure that the public is made aware of public health risks and the measures they can take to mitigate the risk. The changes in the bill will help to better protect public health and safety. I commend the bill to the House.

Debate adjourned.

ROAD TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS 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. Don Harwin.

Second Reading Speech

The Hon. RICK COLLESS (18:13): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

I am pleased to introduce the Road Transport Legislation Miscellaneous Amendments Bill 2018. The purpose of the bill is to amend road transport and related legislation to give effect to national road reforms concerning harmonisation of heavy vehicle numberplates, registration and enforcement, and to improve existing policies and administrative amendments. The outcomes of these legislative changes contribute to the safe and reliable delivery of transport and freight services for the people of New South Wales. These amendments also demonstrate the New South Wales Government's commitment to national road reform that, through a harmonised approach, will deliver greater benefits to the industry.

The bill provides for a number of national heavy vehicle reforms, including reforms aligned to the Heavy Vehicle National Law. The Heavy Vehicle National Law, which commenced in February 2014, is the tangible outcome of the collaboration of New South Wales with other States, Territories and the Commonwealth to make regulation as consistent as possible and to plan for the nation's future through a shared national strategy. This is built on the understanding that freight does not stop at our borders. New South Wales, Queensland, Victoria, South Australia, Tasmania and the Australian Capital Territory are all signatories to the Heavy Vehicle National Law. As a result, heavy vehicle operators now have a consistent set of laws and requirements across State borders. That is particularly important for New South Wales as a throughput State where the freight industry moves around \$200 billion worth of goods and contributes \$66 billion to the State's economy. Over the next 40 years, the

New South Wales freight task is expected to double, so it is vital that regulation supports a viable and competitive industry and improves safety for all road and transport users.

In November 2016, the Transport and Infrastructure Council approved the introduction of a national heavy vehicle numberplate. The national numberplate is part of a broader package of registration reform. This includes registration sticker removal, common expiry dates for fleet operators and seamless interstate plate transfer. I am sure the House will agree that such reform is a positive step to harmonise and simplify heavy vehicle registration arrangements. The reduction in red tape will deliver benefits to industry through the streamlining of administration processes associated with establishing new and second-hand registrations. Operators wishing to transfer vehicles interstate will now be able to keep their plates, saving significant time and effort. That is particularly important for New South Wales.

The New South Wales heavy vehicle fleet of around 180,000 heavy vehicles makes up almost one-quarter of the registered heavy vehicle fleet in Australia. It is anticipated that the plates will be available in New South Wales from 1 July 2018. The new heavy vehicle numberplate will be issued at the time of a new or second-hand registration. The new national plate will also be made available to a heavy vehicle registered operator on request. It is not proposed to retrospectively issue heavy vehicle numberplates to the current vehicle fleet.

With regards to implementation, Roads and Maritime Services has conducted numberplate testing on the new plate to ensure that they can be read by existing Roads and Maritime Services cameras and by visual inspection. Numberplates form an integral part of the identification process for vehicles and drivers. The ability to correctly identify a vehicle for the purposes of law enforcement is critical to the process of the timely application of sanctions for drivers displaying unacceptable driver behaviour. Roads and Maritime Services and Transport for NSW are continuing to consult with relevant stakeholders, including the New South Wales Police Force, to ensure that operational changes are understood and addressed prior to implementation. It is important that the New South Wales legislation is in place by 1 July 2018 because at that time other participating jurisdictions will be issuing the new national heavy vehicle plate to interstate vehicles that travel on New South Wales roads.

The bill also provides for amendments to align New South Wales legislation with the Heavy Vehicle National Law. The Heavy Vehicle National Law is an applied law scheme. That means that a single host jurisdiction—in this case, Queensland—passes the national law, with every other participating jurisdiction then adopting the national law as a law of their State. In New South Wales, that means that nationally agreed reforms trigger consequential amendments to the New South Wales Heavy Vehicle (Adoption of National Law) Act 2013 that applies the Heavy Vehicle National Law as a law of this State.

At meetings held in 2016 and 2017, the Council of Australian Governments [COAG] Transport and Infrastructure Council agreed to a number of changes to the Heavy Vehicle National Law to implement important heavy vehicle reform measures. The changes to the Heavy Vehicle National Law will be implemented progressively throughout 2018, and will include chain of responsibility and investigation and enforcement reforms. Chain of responsibility aims to ensure that all parties in the supply chain share responsibility to ensure that the Heavy Vehicle National Law is complied with. Roads and Maritime Services uses its regulatory powers for on-road enforcement to ensure that the practices of drivers, vehicle operators and responsible parties in the road transport and logistics supply chain lead to improved compliance and safer roads.

For the period from 2012 to 2017, Roads and Maritime Services undertook 63 prosecutions for breaches of road laws related to chain of responsibility obligations. The chain of responsibility reforms being undertaken this year introduce a primary duty on parties in the chain of responsibility to ensure their transport activities are safe. That includes those involved in consigning, packing, loading or receiving goods. It also includes a driver's employer and prime contractor and a scheduler for the vehicle. The changes will also place obligations on executives of transport operations to exercise due diligence in ensuring that parties within the transport chain comply with their primary safety duties. In addition, other offences in the Heavy Vehicle National Law, which are currently prescriptive offences, will be reframed to introduce an obligation on the relevant party to proactively manage relevant risks. The changes will bring the obligations of this law closer to those in work, health and safety law and make for a safer road transport industry, and in turn make our roads safer for all.

Whilst the Heavy Vehicle National Law is hosted by the Queensland Parliament, there are some provisions that are referenced in the national law, but detailed application is included in each jurisdiction's adoption law. This includes the application of the "mistake of fact defence". For certain offences, the defendant can claim the defence that they had made an honest and reasonable mistake of fact. Due to the introduction of the primary duty and removal of several prescriptive offences, a reference to this defence is being removed from the Heavy Vehicle National Law, hence similar changes are required to the New South Wales adoption Act.

The investigative and enforcement reforms also require change to the New South Wales adoption Act because national amendments will introduce a new power requiring a heavy vehicle driver to produce their drivers

licence. While this change is now being adopted nationally, New South Wales already has that power in the New South Wales adoption Act via a modification. The modification has been in place in New South Wales since the commencement of the Heavy Vehicle National Law in 2014. The bill seeks to remove the modification, as it is no longer needed, now that this requirement will be included in the Heavy Vehicle National Law. This is a positive step that will remove duplicate legislation and is also a recognition of the leadership that New South Wales has shown in heavy vehicle enforcement and road safety.

The heavy vehicle reform measures agreed to by the Transport and Infrastructure Council will also see the establishment of a national registration database, which will be administered by the National Heavy Vehicle Regulator and interface with existing systems maintained by jurisdictions. This approach not only provides benefits for industry but also strengthens the ability of the National Heavy Vehicle Regulator to sustain nationally effective compliance and enforcement practices. A new national registration regulation will also be introduced to govern the data information sharing arrangements between registration authorities and the National Heavy Vehicle Regulator.

Finally, the bill also provides for other minor amendments to the New South Wales adoption Act to ensure consistency with the Heavy Vehicle National Law. The continued efforts of New South Wales, in conjunction with other States and Territories, in harmonising the National Heavy Vehicle Law demonstrate the Government's commitment to deliver greater benefits for industry and align our practices with other jurisdictions to reduce red tape and enhance customer experience. The bill also makes minor amendments to the maximum monetary penalty that a court may impose for offences under section 9 of the Motor Vehicles Taxation Act 1988 and sections 650 and 650A of the Local Government Act 1993. Those changes are sought because section 195 of the Road Transport Act 2013 prohibits penalty notice fine amounts for offences under the statutory rules from exceeding the maximum penalty a court may impose for the same offence.

Section 9 of the Motor Vehicles Taxation Act 1988 provides an offence for a person using or permitting the use of a vehicle on which tax has not been paid. Statistics from Revenue NSW show that in the 2016-17 financial year 5,675 penalty notices were issued for these offences. The offences are considered serious because an unregistered vehicle may also be uninsured and unroadworthy. Unregistered vehicles are unlikely to be covered by compulsory third party insurance. Drivers and operators of unregistered vehicles in an at-fault accident could be held personally liable for compensation to any person injured.

Unregistered vehicles also pose a serious risk to the wider community because those vehicles may not have undergone a required safety inspection. The maximum penalty that a court may impose for an offence under section 9 is currently six penalty units, which equates to \$660. The offence may be dealt with by the issue of a penalty notice fine to the value of \$659. However, that is only one dollar less than the maximum court fine. The same problem exists with sections 650 and 650A of the Local Government Act 1993. Under those sections, it is an offence for a driver to park in a space reserved for the holder of a mobility parking authority. The maximum penalty that a court may impose for this offence is currently five penalty units, which equates to \$550. The offence may also be dealt with by the issue of a penalty notice fine to the value of \$549, which is only one dollar less than the maximum court fine.

The bill seeks to increase the maximum court penalty for those offences up to 10 penalty units, which is equivalent to \$1,100. The increase will provide greater alignment of the court penalty with the maximum monetary penalties available to the court for other offences under road transport law. For example, parking offences under the road rules currently have a maximum court penalty of 20 penalty units or \$2,200. The increase also will address any potential for future conflict with section 195 of the Road Transport Act 2013 when annual adjustment of penalty notice fines, in line with consumer price indexation, occur in future, and in particular on 1 July 2018.

The Government would be happy not to receive a single dollar in fine revenue and would much prefer that people complied with road laws. However, applying consumer price indexation ensures that the deterrent effect of the fines is maintained. In summary, this bill makes some important changes to ensure that New South Wales and the New South Wales freight industry receives the benefits of harmonisation of national laws. It will provide for a national heavy vehicle numberplate, as well as improving the oversight of the safety of heavy vehicles in, or travelling across, New South Wales. It will also ensure that fines to deter unregistered vehicles—which are potentially unsafe and uninsured—remain a deterrent to such behaviour. I commend the bill to the House.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. BRONNIE TAYLOR: I move.

That this House do now adjourn.

LOCAL GOVERNMENT REVIEW

The Hon. PETER PRIMROSE (18:28): There are three themes that are becoming increasingly apparent in how this Government works in its dotage: wrong priorities, secrecy, and incompetent administration. The New South Wales Liberals and Nationals have benefited from rivers of gold during a property boom and have sold every public asset they could find, including those that would have returned revenue for future generations.

But the wrong priorities, secrecy and incompetent administration has meant that many of those resources have been squandered. The continuing adverse effects of costly forced council mergers is just one area that will last for decades. Equally, on 30 August 2016, Parliament unanimously passed legislation to allow count-backs instead of costly by-elections at local councils. Since that time, there have been a number of by-elections that have cost councils up to half a million dollars, while confused residents who failed to vote have been hit with a \$55 fine. That fine is paid to the State Government coffers, not to councils.

There are still so many by-elections because the legislation cannot be used until the regulations have been enacted. I asked the Minister for Local Government: Why the delay? On 14 November last year she replied, saying only that that the Office of Local Government "has commenced work" on drafting the regulations. After 15 months, the Office of Local Government had just started having a look—as I said previously, incompetent administration. Nothing more happened, of course, so in March this year I again asked the Minister what progress had occurred to implement the unanimous decision of the Parliament in August 2016. In April, I received the following response: "I refer to my previous Question on Notice." The response, which is not even grammatically correct, does not give any explanation for the tardiness in carrying out a decision of this Parliament. After 21 months, we still have no regulations.

I do not blame the Office of Local Government. Its resources have been cut back so hard that I have been told it is now often referred to as the "Cupboard of Local Government". But this type of delay, which is costing councils and ratepayers big time, is just not good enough. Every citizen forced to pay a fine to the New South Wales Government for failing to vote in what are routinely poorly advertised council by-elections should remember these words: New South Wales Liberals and Nationals.

The New South Wales Liberals and Nationals are obsessed with secrecy, even about issues such as local council rates and cutting red tape. In April 2016, the Independent Pricing and Regulatory Tribunal [IPART] handed the Government its Review of reporting and compliance burdens on Local Government. IPART was tasked by the Government to examine ways to reduce the financial and administrative burden on councils and their local residents of complying with unnecessary State Government red tape. That was more than two years ago, but the Minister refused to release the report to the public; accordingly, nor has there been any formal Government response to the report. This is not merely negligence; it is incompetence. Another example is IPART's Review of the Local Government Rating System. Despite the Liberal-Nationals Government being given the review in December 2016, the Government still has not released it, nor responded to any of its recommendations. That was 17 months ago.

The real issues facing local government in this State are caused by financial pressures and increased cost shifting by the State Government onto local government. Instead of first addressing those financial issues, the Liberal-Nationals Government went against all advice and pushed ahead with its disastrous forced council mergers, wasting millions of dollars of public money and leaving forcibly merged councils still facing huge financial pressures. But the IPART report that was prepared to look at some of the ways to help to address these financial pressures has been kept under wraps by the New South Wales Government.

The Opposition has continued to demand that the Premier and the Minister for Local Government immediately publicly release those two important IPART reviews. The Government also must release a detailed Government response to each report. The Government has to explain why it has kept those reports hidden from the Parliament and the citizens of New South Wales for such an extraordinarily long time. Such secrecy is a shameful way for the Government to treat everyone who participated by giving their time and ideas to those important reviews.

GOVERNMENT POLICY

The Hon. DANIEL MOOKHEY (18:33): Three years after this Liberal Government started handing taxpayers dollars to an elite set of private vocational educational providers instead of TAFE, what have we learnt? We have learnt that the Minister for Skills, John Barilaro, fired 46 specially chosen dodgy private providers from his Smart and Skilled marketplace. They were fired for using unqualified teachers and instructors to teach their students, using the wrong training tools and assessments on their students, not actually teaching any student they

enrolled, trading their students' subsidies for profit without permission, losing their registration with the Australian Skills Quality Authority, and—my favourite—becoming insolvent.

In Western Sydney 3,743 students were enrolled with a dodgy private provider. In the Illawarra and on the Central Coast 1,804 students were affected. In regional New South Wales 4,585 students enrolled with a private provider that the Government then fired. Statewide, the education of about 17,000 students was entrusted to 46 hand-picked, dodgy private providers instead of TAFE. We learnt this because NSW Labor's Freedom of Information campaign uncovered the data. We did not learn about this data because the Minister for Skills told us about it. The Minister for Skills and the Government he serves said it was necessary for TAFE enrolments to decrease by 175,000 since 2011, for 5,700 TAFE teachers and support staff to lose their jobs, for TAFE campuses to close and course fees to rise to make way for the private providers that they say do a better job. These 46 hand-picked, dodgy private providers fired from Smart and Skilled policy did not do a better job than TAFE. TAFE has never been accused of taking precious taxpayer dollars and making off like bandits.

In New South Wales vocational education is meant to be a stairway to the middle class, a promise that if one learns a skill, one can get a good job, earn a good wage and live a good life. Handing dodgy private providers money that would otherwise flow to TAFE is cheating people of their entitlement to a first-class education. The Premier says that her Government always listens. She should prove it, acknowledge that her Smart and Skilled policy failed those 17,000 students and recant her ideological allegiance to hands-off enforcement strategies for the private sector. Above all, she should admit to brazenly stealing Labor's policy to set up a special investigations unit for the Smart and Skilled marketplace. The Premier should join us to stop the infiltration of the New South Wales vocational education sector by dodgy private providers.

Inside the 2018 Federal budget is a radical plan to rewrite Australia's tax system to hand Australia's richest households the lion's share of personal income tax cuts. In Malcolm Turnbull's Australia, an AMP executive earning \$190,000 a year will be on the same income tax rate as a retail worker living in Cobar who earns \$40,000, whose money the Federal Government is meant to honestly manage. Every member of the New South Wales Legislative Council will be on the same income tax rate as the people paid to clean our offices. How is that fair? Fast forward to 2025. If Mr Turnbull's policies are enacted, Australia's biggest businesses will have pocketed \$65 billion in corporate tax cuts without paying their workers an extra cent in wages. The four big banks will have received a \$17 billion taxpayer donation to their bottom line without having to fear the regulator, the Australian Securities and Investment Commission [ASIC], whose funding was cut by \$28 million last week.

Australia's richest households would have grabbed \$16 billion in personal income tax cuts and Australia's richest property investors would still be using the unreformed negative gearing system with their losses still subsidised by the taxes paid by Australia's first home buyers. Meanwhile, millions of Australians will be without Sunday penalty rates and 750,000 Australians will have lost their pensions. New South Wales will have the highest levels of inequality at any time since Federation. That is Mr Turnbull's vision for Australia; it is not Labor's. Labor still stands by the principle it once shared with John Howard's Liberal Party—it is every Australian's birthright to have their efforts met with reward. It is why Federal Labor said that it prioritises tax cuts for the 10 million households who have not had a decent pay increase this decade, over the tiny number of households who already own most of Australia's wealth.

DARLING RIVER WATER MANAGEMENT

Mr JEREMY BUCKINGHAM (18:38): I put on record an important letter written by Uncle Badger Bates, an elder of the Barkandji nation in western New South Wales. Recently he wrote to the Legislative Council Committee on the Inquiry into the Augmentation of Water Supply for Rural and Regional New South Wales to state his views on the management of the Darling River. It is my honour to read his letter to that inquiry: The Darling River is our ngamaka—our mother. It is barka and we are Barkandji wiimpatja—Darling River people. We depend on our river for everything, our identity, our food, our stories, our family history, our language, our rules, everything. Without it we are nothing.

Our Barkandji Native Title gave us recognition but not much else. At least we hope that our recognised Native Title will give us the right to manage our river for future generations.

Nameless public servants and farmers living far away are taking our rights to cultural water and our native title right to manage our river as we have done for 50,000 years. Now we only get water if there is too much for the farmers upstream to use or store. Over the last 15 years our river has been dry more often than not. I am 69 and this is a new thing, it is not natural, our river water is being drained from our river upstream for irrigation.

To make things worse the water is held at Bourke and if a small flow comes through the public servants send the stored water down to us—waste water that nobody wants, they send that down to pollute the little water we are allocated and they keep the fresh water up there. They send down the salty, oxygen poor waste water full of chemicals from the farms and blue green algae to us at Wilcannia and we have to try and drink it. The fish jump out of the water because they can't breathe and they die in thousands.

I grew up in tin huts or under tarps thrown over a branch of a box tree all along the river. We always had water to drink and the river gave us fish, yabbies, shrimp, turtles, mussels, fresh water snails, birds, eggs and plants to eat.

I learn from my grandmother and uncles all about the river. We know every bend and waterhole, every spring, every sandy bank and everyone stony bank, all the way from Wentworth to Bourke. We knew what fish live where, what they eat, everything about those fish. We saw fish and animals that are now nearly extinct along our river, like catfish and silver bream, water lizards and water rats, river boatmen and water spiders, fresh water snails, so many things you don't see now.

I want to know who gives other people living a long way away the right to destroy these things???

We are brought up to know where our Ngatji lives, our Rainbow Serpent. We know what waterholes it lives in, and where it travels underground from water to water. The Ngatji keeps our river healthy, if the Ngatji dies our river dies and we won't be Barkandji anymore. The Ngatji makes the underground waters and the springs, and the waterholes in the river that never go dry. In 2007 we saw our Ngatji waterhole at Wilcannia go dry, no-one ever saw this before. The Shire was pumping water from a shallow bore for us to drink near this waterhole, but they don't understand like we do that it is all linked, the waterholes, the aquifers and the springs are all linked, they are all made by the Ngatji. If you pump too much water out of one, the others go dry.

People say and write in the papers that there is no economy at Wilcannia or Menindee and that we shouldn't be allowed to live there. But if we had the right to manage the river properly then towns like Wilcannia and Menindee would be able to have a healthy economy and our people would have jobs. No water, no jobs. I want to know why my people at Wilcannia don't have a right to water and a right to jobs just like the people at Moree or Dubbo, for example. What makes us different? Is it that we are Aboriginal, or is it just that we don't have the numbers to influence the vote. Or are you trying to make us extinct like our river and our river animals?

When the river is flowing at Wilcannia all the kids and families go fishing, the kids use the rock weir as a fish trap like we have used rocks for thousands of years, we catch fish and this keeps us healthy. When there is no water the kids get into mischief and the old people get sick.

We Barkandji wiimpatja need our river to stay healthy, everyone in Australia needs our river to stay healthy, our children and our grandchildren and all the generations to come.

William Brian Bates
(Badger)
W B Bates.

GOSFORD HOSPITAL OPEN DAY

The Hon. TAYLOR MARTIN (18:42): On 18 April the brand new Gosford Hospital held a staff open day in advance of the new tower opening to patients so that doctors, nurses and support staff could view the fabulous new facilities in which they will soon be working. A community open day was also held on 21 April to enable Central Coast residents to view the new building. The redeveloped hospital is an amazing facility that features the latest in technology for the comfort of patients, staff and visitors. The hospital redevelopment is significant as it will better serve the existing Central Coast population and position itself for future population growth.

The Maitland and Wyong communities can expect the same high-quality services as those delivered to Gosford Hospital. The new hospital developments are already underway. All in, the Government is investing almost \$1 billion in the three hospitals: \$348 million at Gosford, \$200 million at Wyong and \$400 million at Maitland. At the recent open day I had the pleasure of inspecting the new Gosford Hospital, and I can confirm that it is an impressive facility. The community was shown the new, larger intensive care unit. One of the innovations in the intensive care unit is smart glass used in patient rooms. Smart glass, or switchable glass, is a type of glass that changes from clear to opaque, and vice versa, at the click of a button. Smart glass in the intensive care unit is an improvement on curtains as a form of risk reduction against the spread of infection. The glass also provides effective privacy for patients. Gosford Hospital is the second hospital in New South Wales, after St George Hospital, to feature this innovation.

The intensive care unit also features a large balcony that is fully fitted out to allow intensive care patients to go outside and enjoy fresh air. Hospital staff predict that access to the outdoors provides a huge benefit to patient recovery and wellbeing. Additionally, many of the intensive care beds feature new ceiling-mounted patient lifts. The lifts help maintain the dignity of patients and significantly enhance workplace health and safety for medical staff. The lifts reduce the manual labour required to help patients in and out of bed or go to the bathroom. The community could inspect the new emergency rooms that are quite large and feature a number of design enhancements, including patient bays for children and improved family waiting rooms.

Sometimes the most simple design elements end up being the most important in terms of patient care. When patients are brought to emergency rooms via ambulance and treatment is time critical, something as time consuming as weighing the patient is often moved to the bottom of immediate priorities. However, the weight of a patient is very important in calculating the correct dose of medication. What is often relied upon is a paramedic, nurse or doctor guessing the patient's weight based on their experience. The new hospitals have weighing scales installed in the floor. These are just some of the improvements coming to Gosford, Wyong and Maitland hospitals. Those opposite like to fight for things. They say, "Vote for us and we'll fight for a new hospital." But, in reality, the communities of Gosford, Wyong and Maitland do not need a Labor member fighting for something; it just

takes a Liberal-Nationals Government to build it and, in the process, make up for 16 years of Labor Government inaction.

Prior to the recent Federal budget, the Labor candidate for Robertson posted a photo of herself on Facebook standing outside Gosford Hospital and asking the Prime Minister to get his "priorities right". I am happy to report that both Federal and State governments have their priorities right when it comes to health. Gosford Hospital has been the beneficiary of huge investments by both governments. On top of the \$348 million to redevelop Gosford Hospital, the Commonwealth Liberal Government is investing \$32.5 million in the Central Coast Medical School and Research Institute that is being built on site. The Central Coast is very excited about the new hospital at Gosford. The Central Coast and Hunter can look forward to the opening of the new Wyong and Maitland hospitals and expect the facilities to be just as impressive as those at Gosford, if not more.

GIDGET FOUNDATION

The Hon. BRONNIE TAYLOR (18:47): Each year 100,000 Australians experience perinatal depression and anxiety. That is one in five new mothers and one in 10 fathers. Alarming, suicide is now a leading cause of maternal death. Sadly, this maternal mortality ratio is rising even as ratios for other causes have fallen since the 1970s. For all the advances in medicine, perinatal depression and anxiety is too much for some new mothers. This is a particularly concerning outcome given that pregnant women are among the most medically supervised members in our society.

The Gidget Foundation is a not-for-profit organisation supporting expectant and new parents dealing with depression and anxiety. The foundation is an example of a terrible tragedy being the catalyst for something good. Seventeen years ago, a vibrant young woman named Louise Blacker—affectionately known as Gidget—took her own life just nine months after the birth of her daughter. Her friends and family were shocked. They had no idea that things were so bad for their beautiful friend. Gidget's friends and sisters wanted to do something to honour her memory, and so the Gidget Foundation was born. Now, in 2018, the foundation provides enormous support for thousands of expectant and new parents. It provides an annual scholarship for a child and family health nurse to complete an adult mental health course.

On 18 April I had the privilege—alongside a number of my colleagues, including the Hon. Sarah Mitchell—of attending the launch of the Gidget Foundation's Start Talking program. The master of ceremonies on the day was the lovely and extremely brave Brigid Glanville, known to all of us in this place as a member of the press gallery for the ABC. In the pages of the *Sydney Morning Herald*, Brigid very bravely shared her own experiences with postnatal depression and anxiety. It is so moving when mothers and fathers are willing to share those experiences and start the conversations. It is when we start talking about these things that we realise we are not alone. Also at the launch were the Deputy Premier and the Minister for Mental Health. It was wonderful to hear them announce the New South Wales Government's \$270,000 investment in the Start Talking program.

The New South Wales Government's investment means that rural and remote families can access up to seven free video counselling sessions. With a referral from a general practitioner, those families will now have access to the same high-quality clinical psychological treatment as do families in Sydney, without the inconvenience, time and cost of travelling. It is the same concept that drove me when I was working as a registered nurse. Without access to services in their local communities, many men and women choose to go without them, to the detriment of their health. They will downplay their own needs because they perceive the needs of their family, business or friends to be greater. On 18 April we were also shown a new campaign designed to raise awareness of the Start Talking program. The advertisement depicts a woman in tears, standing at her kitchen sink, staring out the window at her partner and young child. It is extremely powerful. It is so chilling to watch that woman, alone and struggling with overwhelming emotions, and such a relief to hear a voice coming from a laptop on the kitchen bench—her connection to the Gidget Foundation and to help.

Happily, advances in communication technologies mean that a trained psychologist is now not that far away. They might not yet be perfect across the board, but telehealth initiatives such as these will be an absolute game changer for rural and regional New South Wales. The Gidget Foundation reminds me of another foundation close to my heart—the McGrath Foundation. They both honour the memories of young women gone way too soon and they are great examples of how public-private partnerships can get great outcomes for health in regional, rural and remote New South Wales. I am proud to be a part of the Government that is supporting initiatives such as Start Talking. I believe in investing in our communities and in our people, and this fabulous service is another great example of that.

[Business interrupted.]

*Documents***SYDNEY STADIUMS****Return to Order**

The CLERK: I inform the House that, following a query from the Hon. Adam Searle and the Hon. Lynda Voltz as to whether all relevant documents have been provided according to the resolution of the House of 15 March 2018, relating to the order for papers regarding Sydney Stadiums, the Clerk wrote to the Deputy Secretary, Cabinet and Legal, of the Department of Premier and Cabinet seeking clarification. According to the resolution of the House of Thursday 15 March 2018, I table correspondence received this day from the Deputy Secretary, Cabinet and Legal, of the Department of Premier and Cabinet advising that no agency or Minister's office named in the resolution has identified any additional documents for production.

*Adjournment Debate***ADJOURNMENT**

[*Business resumed.*]

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

Motion agreed to.

The House adjourned at 18:53 until Thursday 17 May 2018 at 10:00.