



New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Sixth Parliament
First Session**

Wednesday, 22 November 2017

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LEGISLATIVE ASSEMBLY

Wednesday, 22 November 2017

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

The SPEAKER read the prayer and acknowledgement of country.

Documents

NSW OMBUDSMAN

Reports

The SPEAKER: In accordance with section 31AA of the Ombudsman Act 1974, I table the report of the NSW Ombudsman entitled "Oversight of the Public Interest Disclosures Act 1994, Annual Report 2016- 2017", dated 22 November 2017. I order that the report be printed.

Announcements

ST VINCENT'S HOSPITAL GIVING TREE GIFT APPEAL

The SPEAKER: I remind members that for the fourth year I am supporting the St Vincent's Hospital Giving Tree Gift Appeal. Each year St Vincent's Hospital, in support of various agencies across New South Wales, organises its Christmas gift appeal to provide the children in the care of these agencies with presents on Christmas morning. I will be doing my part, and I hope others will too, to support children from all the electorates across New South Wales. Donated gifts will be sent to various agencies. Those wishing to participate should collect a gift tag from the Speaker's office and donate a gift. Those who do not have a gift can donate between \$10 and \$20 and the Speaker's office will purchase a gift on their behalf. I am asking all members to support this appeal, which has been very successful in the past.

[Notices of motions given.]

Bills

BUILDING PRODUCTS (SAFETY) BILL 2017

Second Reading Debate

Debate resumed from 16 November 2017.

Ms YASMIN CATLEY (Swansea) (10:12): I am pleased to lead the Opposition's response to the Building Products (Safety) Bill. One of the central roles of any government is to do its utmost to protect and to enhance the lives and property of its citizens. The Grenfell Tower fire in London tragically showed the community what happens when adequate building regulations are not in place to protect the community. Regrettably, this was illustrated with the deaths of 71 people on 14 June 2017 when London experienced firsthand the devastation and human cost when we get our regulatory settings wrong. I could understand if the Government had been working furiously over the past six months since the Grenfell Tower tragedy to get us where we are today.

Incredibly, the Government has known about the potential dangers of aluminium cladding and other nonconforming products since at least the middle of 2015. This came to the attention of the Government in the aftermath of the fire at Melbourne's Lacrosse Tower in late 2014. For more than three years, the Government has known of this emerging problem, yet its response to date has been woefully inadequate. To be frank, it borders on negligence. For more than two years, the Government has been aware of the increasing amount of dodgy cladding being applied to buildings across this State. We know this because Labor has been asking questions about the Government's response for more than two years. In mid-2015, my shadow portfolio predecessor, the Hon. Peter Primrose, asked the previous Minister a series of questions on dodgy cladding. We uncovered that a circular was prepared by the Department of Planning and Environment and sent to councils. It is unbelievable—a circular was sent to councils. What a limp response. We also discovered that in late 2015, one year after the Lacrosse fire, the Government was still deliberating on whether further action on this issue was required.

The Opposition did not settle for that attempted fob off and sought relevant documents under freedom of information laws in an attempt to hold the Government to account. We found a pythonesque state of affairs that exhibited a toxic combination of regulatory inertia, buck passing, a dangerous preference for letting the market dictate business, all while consciously ensuring minimal interference from red tape. It was shocking that the

Government's obsession with cutting red tape appeared to be more important than the lives and property of the people in this State. The information we obtained under the Government Information (Public Access) Act [GIPA] was truly astounding. The Minister was advised in mid-2015 that although unsafe building products were being used extensively, calls for any greater intervention needed to be "balanced against regulatory burden and supply chain disruption that could result, as well as the potential stifling of positive innovation". We had the pertinent issue of flammable building products and the devastating example of a Melbourne tower that was engulfed in flames. We now know from the *Four Corners* report that the chief Fire and Rescue NSW officer said that it was only because of the conditions of the evening of the fire that we did not see any deaths. We may not be as lucky next time.

Ironically, we had the New South Wales Minister for Innovation and Better Regulation receiving advice that he needed to be careful about adding red tape and stifling innovation while we were seeing lives lost and properties burned to the ground. With all of this in mind, it is hardly surprising that over the course of the following two years next to nothing was orchestrated to address this looming and inevitable crisis. In 2016, further alarms were triggered when Labor attempted to ascertain additional insights during ministerial addresses in budget estimates and was offered little more than puzzled looks and a collective shrug of the shoulders in reply. Disgustingly, it took the sickening events of the Grenfell Tower fire for the new Minister to leap into action with a 10-point plan. The notable problem was that for the two months following Mr Kean's announcement of a taskforce, the Minister neglected to proactively seek a progress report. In this year's budget estimates hearings he was, astonishingly, unaware whether the taskforce that he had personally set up months ago had even commenced work or had met at all.

To date, the Government's response on this issue of dangerous cladding has been to attempt to cover its tracks. Despite the negligence and general incompetence displayed by the Government on this issue, the bill presented it with a fantastic opportunity to make things right, to make things safe and to give the community confidence. It provided the Government with a chance to set up a legislative framework that would promote a modern and proactive approach to finally address the dodgy and noncompliant material frequently being used in our buildings. Unfortunately, the Government has squandered this opportunity in spades. Instead, what we have been provided with is a hollow bill that dances around the issues. It fails to provide a comprehensive framework to prevent the scourge of dodgy building products and to provide regulators with the means of identifying and preventing nonconforming and noncomplying building products. It is the bare minimum, reactive and limited in scope—and I am being polite. The overview of the bill reveals how limited it is in its scope.

So what does the bill do? It gives the secretary for Finance, Service and Innovation or the Commissioner for Fair Trading the power to prohibit the use of a building product in a building if they are satisfied on reasonable grounds that the use is unsafe. It enables the secretary to identify buildings in which building products have been used in a way that is prohibited, including buildings in which the products were used before the prohibition was imposed. It enables councils or other relevant enforcement authorities to require unsafe building products used in a building to be rectified and confers other powers in connection with the investigation and assessment of building products so that unsafe uses of building products can be identified and prevented. I note that most members in the Chamber are asleep and that is because this is such a disappointment.

The SPEAKER: Order! I do not notice anybody asleep in the Chamber.

Ms YASMIN CATLEY: The Opposition is urgently seeking further amendments from the Parliamentary Counsel's Office [PCO] and it will reinstate some of the provisions in this bill that were removed from the draft version. I table some amendments. Unfortunately, given the ridiculous time frame for such an important piece of legislation that relates to the safety of the residents and citizens of this State, we are still waiting for some redraft instructions from the PCO, so we hope to have further amendments to table.

The Opposition is trying to amend the bill to potentially save lives and to avoid exorbitant costs for home owners to rectify and/or remove dodgy products. We know there are sections that should have been in this bill that are now sitting on the cutting room floor, so to speak. If this Government had any decency, it would reinstate them and present a consistent, comprehensive and fair bill that would protect home owners, be supported by industry and most certainly enjoy bipartisan support. I again urge the Minister to intervene and to get this important piece of legislation right and to do it now.

I will now set out what needs to be reinstated in the bill. As I said, if the Government were serious about this matter, which certainly has not been the form it has shown to date, it would have worked cohesively with all parties involved. As it stands, with this bill the Government has lost the confidence of the industry. As a result of this poor, pathetic piece of legislation, the Government has shown itself prepared to expose the people of New South Wales to risk to both person and property. Amazingly, there is no regard for principles like the chain of responsibility—a critical issue at play here if we are to adequately and fairly address the issue of noncompliant and nonconforming building products.

The purpose of a chain of responsibility is critical. On 16 February 2016 at a meeting of the Building Ministers Forum the New South Wales Government, along with all other States and Territories, agreed to work towards a new regulatory framework to enhance the powers of the building regulators. At the heart of this lay the principle of the chain of responsibility. It is a fundamental policy concept that lies at the heart of other successful regulatory frameworks—like the Food Act here in New South Wales, introduced by the Labor Government. Every stakeholder has its part to play. Everyone is responsible. Everyone in the building chain has a duty of care. The chain of responsibility would create a legally enforceable regime of responsibility for compliance across this industry. It would be fair and transparent, and it would underpin the safety of the community.

Astoundingly, however, the Government has consciously removed this key concept. Not only has the Government outraged the industry and created additional confusion but it has fundamentally laid the cost of rectifying unsafe work at the feet of mums and dads—of innocent home owners who are now fearful not only of discovering their homes are unsafe but also that they may have to foot the bill to address this. The Minister, in presenting this bill, has gone back on his word. In July of this year the Minister, surrounded by the media—it has become common for him to do this kind of thing—proudly claimed, as reported in the *Sydney Morning Herald*:

"We'll be hitting every aspect of the supply chain," Mr Kean said. "We'll be removing all unsafe building [materials] from the marketplace."

The bill does not mention the chain of responsibility. This is an "appalling decision"—not my words but the words of an industry stakeholder—from a grossly incompetent Government which is out of touch, lazy and apparently uninterested in the safety and wellbeing of millions of home owners across this State. Besides the genuine threat to life and property, the cost to rectify is, of course, immense. I note that the owners of the Lacrosse building in Melbourne Docklands are currently in court arguing over who will pay the \$15 million repair bill. This lies at the heart of the deficiencies of this mutilated piece of legislation. I received a letter from one of the many aggrieved stakeholders, the Building Products Innovation Council, which advised me:

With the introduction of the watered-down Building Products (Safety) Bill 2017, all chain of responsibility measures have been removed, and the Bill will continue to prop up the same ineffective inspection regime that led to the Lacrosse apartment fire in Victoria and the Grenfell Apartment fire in London...

That is what the industry is telling us. I do not know if the Minister's advisers are builders, but they are not advising him to do the right thing, and this Government is allowing it to happen. Accordingly, Labor will be moving amendments to promptly reinstate the key concepts of a chain of responsibility.

There are additional deficiencies in this bill, which I will now address. Because there are so many problems with this bill, I will limit my comments to setting out the general principles at stake here, but I advise members to sit back because there are many. First, I will turn to nonconforming and noncompliant products. An obvious deficiency is the absence of the key concepts surrounding nonconforming and noncompliant products. This bill provides no attempt to refer to or define nonconforming and noncompliant building products or works.

Instead, the Government relies on the underwhelming concept of "unsafe". Notably, the key concepts of nonconforming and noncompliant products are not mentioned in this bill. That is sensationally extraordinary. The Government has elected to grant powers to the secretary or the commissioner to issue a warning about unsafe products, but that is a long way from addressing the issue at hand. I am advised that significant sections of the bill detailing the ability to ban the supply of noncomplying and nonconforming building products were removed. This bill has no powers to intervene in the supply chain to prevent instances of product misrepresentation unless, of course, the product is deemed to be unsafe.

Labor will move amendments to reinstate these provisions. A fundamental cornerstone of consumer protection law is the ability of the Minister or his representative to issue recalls on dodgy products. In a few weeks I have no doubt that we will hear the Minister tell us about the dangerous Christmas toys that must be taken off the shelves as a matter of urgency. The ability to recall dangerous and faulty products is central to the role of consumer protection. It is fundamental to building regulation, yet this bill is silent on recalls. Labor will move amendments to allow the secretary or the commissioner to recall dangerous building products.

The next deficiency in the bill is the absence of remediation orders—this is fairly basic stuff—the ability for the Government to demand and to force those found guilty to make amends and to clean up their mess. Those who have caused loss or damage through the supply or use of nonconforming building products or noncompliant building work should be held accountable and forced to remediate their work. The absence of these principles demonstrates this Government is more than happy to abdicate responsibility to those at the end of the chain such as the mums and dads and other home owners caught out and exposed to the dangers and risks of nonconforming unsafe building products.

While the Minister labours under the frankly ridiculous title of Minister for Innovation and Better Regulation, one of his core responsibilities is to protect consumers and to uphold consumer protection law. I am

advised that the draft bill was linked with New South Wales consumer protection law and safeguards and contained provisions to allow those adversely affected by defective building works to seek civil justice. This is correct. I understand that was part of the draft bill that impressed industry and demonstrated the Minister's willingness to do the right thing. I expect the Minister to do the right thing. One would think it would be a principle enshrined in the Act. The inclusion of that principle in the Act would demonstrate that the Minister proudly believes in and follows through on the right for consumers to seek justice. But, no, not under that lot opposite.

The key elements of the bill regarding consumer protection and the ability for innocent parties to seek prompt and fair resolution of their building defect issues has been removed. I will be interested to hear the Minister explain why that part of the bill was removed as it is part of the process of imposing a duty of care on everyone involved in the building supply chain from manufacturers through to installers. The Government should have the power to direct those in the supply chain as to how a product should or should not be used. This is particularly important if there is a risk to public safety and potential loss or damage to property arising from the use of a product. Again, Labor will move amendments to reinstate those provisions removed by the Government.

The bill is fundamentally reactionary. Due to a heady mixture of incompetence, ideological arrogance and laziness the Government has been on the back foot for at least three years in relation to this matter. Surely the Minister would have heeded the lessons of his experience on this policy issue over the past few months. He got smashed in estimates, pummelled at a media conference and tried to get on the front foot. Audits are not a revolutionary innovation in government and should have been included in this bill. Currently the bill allows the Government to act only once a dodgy product and a risk are identified. It does not allow the Government to proactively seek out and to prevent the incidence of nonperforming products and noncompliant work. The Opposition will move amendments to empower the secretary to get on the front foot and to root out potential threats to life and property in our communities.

Similar to recalls, product seizures were a fundamental part of the business of the old consumer affairs department—a title I quite like. I am led to believe that the draft bill contained provisions that would have granted the secretary the ability to seize suspect products and materials from a building site or, throughout the supply chain, to test the products and to determine if they conform. I understand that the draft bill set out in some detail robust provisions defining the seizure and testing process, the materials and documentations that could be seized, and under what circumstances. Labor will seek to reinstate those provisions in the bill.

I wish to discuss unlawful conduct. Industry is appalled that the Government removed the ability to prohibit a recalcitrant participant in the supply chain from trading. In certain circumstances government needs the ability to intervene after a product direction or even when a product recall has not proved to be totally effective. That can be the case when someone is engaged in ongoing and intentional misconduct through such actions as product misrepresentation or falsified product certification. I am advised that the draft bill contained clearly defined offences and other proceedings for unlawful conduct and activity by people in the building supply chain. That is a very important backstop—almost reserve powers to intervene when a participant simply refuses to follow directions and continues to break the law. Labor urges the Government to reconsider this matter and to reinstate this important series of clauses in the bill.

There are a small number of amendments that the Opposition will move to improve the rigour and effectiveness of the bill. There are a number of instances in which the secretary or the commissioner has the discretion whether or not to act. While discretionary clauses are appropriate in certain cases, when a building has been identified as unsafe—part 4 section 18 refers to this—and has been deemed to be unsafe, it is absolutely and totally not appropriate for the secretary to decide whether or not a notice is issued. It should be mandatory. This is yet another example showing that this Government just does not get it. Given the history of dithering, delay and reluctant action by this Government in regard to dodgy building products, the removal of any ability to act one way or the other is particularly important.

During estimates, the Minister failed to say why it was appropriate that not all residents in an affected building have the right to be directly notified. The Minister again has refused to address this issue in the bill. Does the Minister not want to let people know that they are living in an unsafe building? Is that the plan here? If it is, it is a really bad plan. Labor believes that all affected residents should be directly notified of a problem that may affect them physically and/or financially. Leaving the responsibility to the owners' corporation to advise owners who then may or may not advise tenants is simply wrong given the stakes involved are life or death. Labor will move amendments to force the Government to notify all affected parties. I wish we did not have to move those amendments because it would at least demonstrate that the Government understands the serious nature of this issue.

It is incredible that we are debating this hollowed-out bill. Today was the Government's chance to put aside its incompetent and secretive handling of nonconforming and noncomplying building products and to present a bill to this House that would be supported by all sides of politics and backed by industry. It would send

a message to the community that the Government is serious about stamping out dodgy building products like flammable aluminium cladding. The Government does not have a good track record. This bill was an opportunity for it to gain the community's confidence, which has completely diminished.

In recent days I have been bombarded with letters and emails from a range of respected industry groups. Their language illustrates that they are appalled at what the Minister has done. Those organisations and key stakeholders who seek to reinstate the provisions I have outlined are: Australian Glass and Glazing Association, Australian Industry Group, Australian Institute of Architects, Australian Institute of Quantity Surveyors, Australian Steel Institute, Australian Window Association, Building Products Innovation Council, Cement Concrete and Aggregates Australia, Concrete Masonry Association of Australia, Engineered Wood Products Association of Australasia, Engineers Australia, Fire Protection Association Australia, Gypsum Board Manufacturers Australasia, Housing Industry Association, Insulated Panel Council Australasia, Insulation Council of Australia and New Zealand, Master Builders Association, National Manufacturers Council, Owners Corporation Network, Property Council Australia, Roofing Tile Association of Australia, Steel Reinforcement Institute of Australia, Strata Choice, Strata Community Association, and Think Brick Australia. That is quite a list.

Those 25 key stakeholders are key operators in the building industry in New South Wales but their collective judgement does not count for much. Excellent reviews such as the Lambert review are largely ignored and kicked into the long grass. Yet the Government has the audacity, or some may say the stupidity, to show industry a draft bill incorporating the wide range of issues concerning nonconforming and noncompliant products only to gut it and replace it with what is really a token effort. It was enough to issue a media release but nothing more. Let us face it, that did not go well either. We should not be surprised. Under the banner of cutting red tape this Government has allowed a cowboy culture to prosper in New South Wales. Many in the community will be paying for this state of affairs in years to come. The experience and expertise of stakeholders are treated with contempt by this Government.

One of the stakeholders who was shown a copy of the draft bill wrote to me in despair. The New South Wales Government has introduced a heavily edited version of the bill to Parliament that is incapable of delivering on the Government's commitments to the Building Ministers' Forum, to industry and, incredibly, to its own 10-point plan. These are not light words. Now, I will give the Minister some benefit of the doubt, as I genuinely believe he understands the issues and the grave risks at play if we do not get this right. I believe that the Minister has been nobbled by his senior Ministers, in particular, the Premier, the Treasurer, and the planning Minister, all of whom perhaps should know better, but then again they are so removed from reality that it is hardly very surprising. This is the crony Premier who has prevailed over a series of amateurish disasters since coming to power. This is a Treasurer more suited to an Institute of Public Affairs picnic or attending secret Opus Dei meetings than dealing with the economic challenges of New South Wales. And this is a planning Minister who puts the interests of his developer mates in front of families and young people struggling to put a roof over their heads.

Ms Eleni Petinos: Are you auditioning for an Academy award today?

Ms YASMIN CATLEY: I remind the member for Miranda we are talking about the safety of people's homes.

TEMPORARY SPEAKER (Mr Geoff Provest): Order! The member for Swansea and the member for Miranda will address their comments through the Chair. The member for Swansea will return to the leave of the bill.

Ms YASMIN CATLEY: I will talk about the importance of people in this community knowing that the products that their homes have been built with are safe. If the member for Miranda wishes to trivialise that fact, go your hardest, honey. Those three people are the ones who should have guided and assisted the Minister through this issue. However, by all accounts they have abused their power and gutted this bill, which at the end of the day is about the safety of our citizens, ongoing confidence in the building industry and allocating liability according to blame. The reason the Opposition takes this matter so seriously is that it is so serious. Only Labor has continued to prosecute the Government on this matter, and now we have ended up with this piece of fluff.

While I could see that the mad Right would relish an opportunity to curtail or even to embarrass the Photios faction, this should never come into play when it comes to policy formulation and the delivery of considered legislation. The fact that the Premier has allowed this to occur betrays how weak and ineffectual she is. If there is a tragic fire in New South Wales; if home owners are economically ruined by the cost of rectification, my view is that there is an argument that the blame should lie at their feet.

TEMPORARY SPEAKER (Mr Geoff Provest): Order! The member for Miranda will allow the member for Swansea to finish her contribution to the debate.

Ms YASMIN CATLEY: I have all day actually, so I am fine. We are struggling with the unrealistic time constraints placed on the bill but we will provide further amendments when we receive those instructions from the Parliamentary Counsel's Office. The Minister rashly promised a legislative response by the end of the year, and I guess that is why we are debating this bill today. I do not necessarily subscribe to the view that rushing legislation through just because the Minister said in the media he would do so is the right thing to do. I foreshadow that Labor will be moving a series of amendments to restore the many provisions of the bill removed by the Government. We are debating this important bill in the dying days of the parliamentary year just days after it was introduced. The Government has dithered and delayed on this issue for three years, and now it expects Parliament to consider the bill in less than a week.

When the bill reaches the other place we will see if we can undo the horrendous hatchet job carried out by the Government. If the Minister is serious about his commission to stand up to Cabinet and to fight for the rights and interests of consumers, he will do the right thing and either pull the bill and fix it or simply reinstate those parts of the draft bill that were inexplicably deleted. I understand a number of crossbench members also have serious concerns with this bill. The Minister should be backing the people of New South Wales rather than his out-of-touch colleagues and back in these changes. If anyone on the other side of the House could be bothered or wanted to go back to their electorate and say, "I supported better, safer homes, where everyone has a duty of care to do the right thing" then they would also support Labor's amendments.

As I said, despite the failure to respond appropriately and in a timely fashion to the potential catastrophic risk from dodgy building products over the past few years, this bill presented an opportunity to turn a page, to put in place legislation that reflects what States like Queensland and Victoria are doing and to introduce a regulatory framework to underpin the safety and economic interests of New South Wales. The fact that this Government has failed to take up this opportunity goes to the heart of its incompetence, its corruption and its arrogance. The Minister should be embarrassed, and the rest of this Government should be ashamed. The bill provides an opportunity to put things right, but fails miserably. Because the bill improves the status quo ever so slightly, we will not oppose it but will seek amendments that will restore those parts aimed at truly protecting the people of New South Wales and build in more confidence and responsibility in the building supply chain.

Ms ELENI PETINOS (Miranda) (10:51): Hallelujah! The member for Swansea's swansong contribution to the second reading debate on the Building Products (Safety) Bill 2017 is over. Her contribution was 30 minutes of fairy dust and a whole bunch of rhetoric from a party that claims to be concerned about the people of New South Wales. They have spent two years supposedly being concerned about the people of New South Wales, but in those two years they did not come up with an alternative solution. The member for Swansea did not outline an alternative solution in her 30-minute speech, which was a bunch of words and rhetoric, most of it having a dig, in interesting language, at members on this side of the House. The fact that the member for Swansea strayed from the leave of the bill so many times told me that those opposite are not serious about protecting the people of New South Wales as they claim. However, I digress.

I support the Building Products (Safety) Bill 2017. The main purpose of this bill is to ensure that buildings do not pose an unwarranted safety risk, which will be achieved through the establishment of a new scheme to prevent building products from being used unsafely in the construction of buildings in New South Wales. Identifying the unsafe use of building products and products that pose a safety risk is only part of that future. The Government will, for the first time, be able to address affected buildings, which are those made unsafe by the use of products subject to a ban for a particular use. Although New South Wales has some of the strongest building and planning laws, there is now consensus of opinion from manufacturers, suppliers and developers that change is needed to ensure building safety.

By way of background, this bill forms an integral part of the fire safety reforms announced in July 2017, in part as a response to the Grenfell Tower fire in London in June 2017 and the Lacrosse tower fire in Melbourne in 2014. On 14 June 2017 emergency services were called to attend a fire in a 24-storey building in North Kensington, London, just before 1.00 a.m. Unfortunately, 71 people tragically lost their lives. Similarly, three years ago, in 2014, a fire took place in the early hours of the morning of 25 November in the Lacrosse building in Melbourne. The fire at the Lacrosse building spread through levels six to 21 of 23 floors, and directly affected approximately 450 to 500 people, who required immediate evacuation and accommodation. Fortunately, in this incident there were no fatalities.

Cladding, which was present in both the Grenfell Tower fire and the Lacrosse building fire, is any material used to cover a structure's exterior. It functions as a protective layer over a surface such as a roof or exterior wall. Cladding protects against the elements and shields against environmental conditions. Following the Grenfell Tower fire, experts were consulted in order to understand exactly how cladding contributed to the spread of the fire. They have stated that in the event of a fire cladding acts like a chimney, drawing hot air up through itself and making the flames burn brighter. In this way, fire travels all the way from the base or the origin of the

fire within the building to the top. Once spread via cladding, the fire could have caught on curtains blowing through windows left open on a hot summer's night.

Building safety is a concern beyond potential fire risks and therefore the safety risk as described is not limited to a fire risk. The scheme provided by this bill is expected to be applied to any safety risk. Nevertheless, it is the devastating consequences of such incidents as the Grenfell Tower and the Lacrosse building fires that brought to light the need for a revision of building and fire safety. We hope this bill will protect the population of New South Wales that live in similar structures to the Grenfell Tower and the Lacrosse building. The Commissioner for Fair Trading will have the power to issue an affected building notice to alert the owner, the relevant council, the relevant enforcement authority if the council is not the relevant authority, and the Commissioner of Fire and Rescue NSW where there is a fire safety risk.

In the case of strata corporations, an affected building notice is considered served when it is given to the owners' corporation. The commissioner may also issue a general building safety notice if they are satisfied that a class of buildings is identified as affected buildings. This notice will identify the safety risk that arises from the use of a banned building product in a building. A general building safety notice will be given to any or all councils and to the Commissioner of Fire and Rescue NSW where the risk relates to fire safety. Both warnings will be used to alert individuals and the relevant enforcement authority to the risks to personal safety and to property to ensure that work is rectified and risks are minimised or eliminated.

The commissioner may also require, via a notice served on the relevant council, the council to report back on the steps it has taken relating to the contents of the notice in the affected building. A report is then required to contain information on whether the council has made a rectification order responding to the building identified in the affected building notice, the progress of or compliance with the order or any additional steps taken by the council to ensure that the identified building is made safe. Powers will also exist to allow relevant enforcement agencies to take their own steps to rectify work. This will enable greater oversight of affected buildings and ensure that the appropriate authority can act as soon as possible to eliminate or to minimise any safety risks. A relevant enforcement agency will always be able to make a building product rectification order relating to an affected building notice or a general building safety notice or when no notice has been given, so long as the agency has been satisfied that the building is an affected building.

Building product rectification orders will be taken to be development control orders under the Environmental Planning and Assessment Act 1979. Although agencies that are currently authorised to issue section 121B orders in the current Environmental Planning and Assessment Act 1979 have a wide range of powers, building product rectification orders are specific to building products and link safety to the use of such products in any affected buildings. Building rectification orders are also distinct from development control orders in that they apply only to affected buildings where a ban is in place that prohibits an unsafe use of the building product. Not only will consumers be protected by the ability to issue rectification of a building, but purchasers and successors in title will also be alerted to any outstanding rectification orders held against the title of their land.

A number of consequential amendments will be made to existing regulations to ensure that full disclosure is given to any purchaser of land. The Strata Schemes Management Regulation 2016 will alert potential purchasers of a strata scheme on the strata information certificate of any outstanding rectification orders put in place by a relevant council. The Conveyancing (Sale of Land) Regulation 2017 will also be amended to ensure that building product rectification orders are captured under the prescribed warranties in a sale of land contract, and any adverse affectations, including an outstanding order, will need to be disclosed.

As an additional disclosure mechanism, planning certificates will include any outstanding affected building notices or building product rectification orders, or any notice of intention to make a building product rectification order that the council may be aware of. Rectification of buildings will provide the Government with the ability to effectively identify, target and rectify buildings that pose a serious threat to safety and respond immediately to mitigate safety risks without delay. This Government is concerned with the wellbeing of consumers and residents in New South Wales, and for this reason I commend the bill to the House.

Mr ALEX GREENWICH (Sydney) (11:00): I welcome the Building Products (Safety) Bill 2017, which aims to end the unsafe use of building products in construction. The horrific Grenfell Tower fire raised serious questions about safe building practices across the world, and I welcome the Minister's action to identify high-rise apartments that could be affected. This is very important in my electorate where more than three-quarters of homes are apartments and massive redevelopment projects are occurring or planned such as in Barangaroo and the Bays Precinct. Fast-tracking development has taken priority in recent years over ensuring homes are built to a high standard, including on safety, sustainability and aesthetics. The worst outcome is a home with defects, and I regularly hear from constituents who have bought homes with significant defects but, due to the tight deadlines and strict definitions in statutory warranties, are excluded from getting any redress. While this bill does not address

the defects crisis following successive changes that have favoured builders and developers, it will help to reduce unsafe practices with building products.

The bill will provide a framework for identifying the unsafe use of building products through testing and assessment and give the Fair Trading Commissioner the power to ban the way a product is used, such as in a class of buildings, if it is found to be unsafe. The commissioner will be able to test a product or order a manufacturer or supplier to test it. I understand independent testing of building products in Australia needs to be improved because the National Construction Code does not require Australian certification. Builders, architects and project managers are often under pressure to keep construction costs down and often have the option to use cheaper products that appear the same as more expensive products, and it can be difficult to determine their quality or safety. Professionals rely on online blogs and word of mouth. Sometimes there are few alternative products. The Government should be testing more products before they are allowed to be used rather than forcing the industry to rely on overseas manufacturer certification, particularly in countries with more lax rules around safety or with different environmental conditions. There is a great focus on fire safety but there are also concerns with toxicity, waterproofing, ventilation and installation.

There is a concern that the approach to banning the use of a product in a particular way, as adopted in this bill, is inferior to banning the supply of products for particular purposes. I understand that it has been argued that the suppliers for the Lacrosse tower in Melbourne, where a fire spread quickly across the building in 2014 due to aluminium cladding, should have known that the cladding would have been used for a high-rise based on the amount that was ordered. I trust the Minister will monitor the process and make changes if necessary. For the process in this bill to work, the Government will need to inform the construction industry, including builders, architects, project managers, private certifiers and councils, of all bans introduced in a timely manner and to provide information on alternative products that would be more appropriate. Suppliers will also need to be informed and should be required to discuss the use of their products with consumers to ensure they are not being used in an unsafe way.

The Government's initial audit of New South Wales apartment buildings found that more than 1,000 buildings could have unsafe cladding. This bill supports further work to identify and to rectify buildings to make them safe. Rectifying buildings will be a costly exercise, and I am concerned that again, as with other defects, owners will be forced to foot the bill for dangerous and inadequate building practices. There is no guarantee that unsafe cladding will fall within warranty close-off dates and I expect that, in most situations, owners will be forced to pay. This is unfair. Governments need to start protecting home owners, who are often forced into hardship after purchasing faulty homes, rather than protecting builders and developers from action against them.

I welcome the transparency provisions in the bill which will ensure prospective homebuyers will be able to find out whether a building has been constructed using products that pose a safety risk. I ask the Government to ensure that renters are also able to find out about their home's safety and, where their home is unsafe, be given the option to break a lease and time to find a safe home. I also flag that I support the amendments that will be moved by the Opposition, which deal with the unsafe supply of products. Making homes safe must be a priority, and I welcome this bill. I agree that it should be stronger and hope to see further changes in the New Year and future bills to reduce defects and to help owners get redress.

Mr PAUL SCULLY (Wollongong) (11:05): I take the opportunity to speak on the Building Products (Safety) Bill 2017, which is a response to unsafe building products that have caused a number of high-rise fires, including in Victoria and London. The Government has been dragging its feet on this matter despite being aware of it since at least 2015. The Government was forced to establish a cladding task force after the Grenfell Towers tragedy in which people, many on low incomes, lost their lives. In August this year, more than 1,000 buildings in New South Wales were identified as containing nonconforming flammable cladding. An earlier estimate from the Department of Planning and Environment estimated that there may be up to 2,500 buildings which contain unsafe building products.

As the shadow Minister for Innovation and Better Regulation indicated during the debate, the Opposition will move a series of amendments to this bill. I hope the Government will consider the Opposition amendments and ultimately adopt them. I note that on 16 February this year, at the Building Ministers' Forum, all States and Territories agreed on the need to improve the current regulatory framework to enhance the powers of building regulators to address instances of nonconforming building products. On 10 July, the Minister released a 10-point plan with the very first priority being to develop a comprehensive building product scheme preventing the use of dangerous building products. Representatives from major building industry stakeholders were invited to review a draft of the bill. According to correspondence addressed to the shadow Minister by the chief executive of the Building Products Innovation Council, Mr Rodger Hills dated 17 November 2017, building industry stakeholders appeared happy with the substance of the draft bill they were invited to review. Mr Hills said in particular:

Industry came away from this meeting satisfied that the draft bill included all key aspects of the model Non-conforming Building Products (NCBP)—Chain of Responsibility legislation that Queensland had introduced and that were fully supported by all sectors of the industry.

On 16 November this bill was introduced into the House, and it has been comprehensively bucketed by the Building Products Innovation Council. This bill has been slammed. Mr Hills states very clearly:

[It] is incapable of delivering on the government's commitment to BMF, to the industry and incredibly, to its own 10 point plan.

Incredibly, the council correspondence then says:

On behalf of all building owners and the general public, the building products industry urgently calls on you—

referring to the Shadow Minister—

to intervene and encourage Minister Kean to reinstate the deleted clauses from the tabled bill, so that resultant legislation is harmonious with other jurisdictions and lives up to the commitments the New South Wales government has publicly made to control nonconforming building product and non-compliant building work.

This correspondence is scathing of this bill. It is attached to four pages of single-spaced proposals to improve the bill. It calls for the reinstatement of the clauses in the original draft bill reviewed by the industry, which have been excised from the bill before us today. The building industry stakeholders, represented by their peak organisation, have essentially trashed this bill. They say, without fear or favour and in rather understated language, that the bill as it stands will do nothing to safeguard building standards, products or work. If one takes the time to read this correspondence and the attachment, one sees that it is damning of this bill. For example, on the chain of responsibility, it says:

With the introduction of the watered down Building Products (Safety) Bill 2017, all chain of responsibility measures have been removed, and the bill will continue to prop up the same ineffective inspection regime that led to the Lacrosse apartment fire in Victoria and the Grenfell apartment fire in London, by leaving the checking of projects until the final stages of construction. As the public knows only too well, this results in significant risk because by that time, NCBPs and non-compliant practices are often hidden away inside a building's structure. In addition to the difficulty in locating non-compliance, the cost of rectification is highest at the final construction stage. The chain of responsibility components are critical in placing a duty of care on everyone in the building supply chain to create a legally enforceable management of responsibility for compliance. Five notable clauses relating to the definition of duties of a person in the chain of responsibility need reinstating. There are further pages and pages of this type of strong criticism of the bill before the House. No-one wants to see a repeat of the devastation that can be visited upon people when poor quality or downright dangerous building products are used or continue to be used. No-one wants to see a repeat of the use of building products like asbestos, particularly people like my father who suffers from asbestosis. No-one wants dangerous products slipping back into the supply chain once they have been banned, and the full force of the law should come down on those trying to do so. Measures to stop the use of unsafe building products need to be tough to protect home owners and building occupants. Importantly, owners and residents do have a right to know.

We have all heard of the problems that can be caused by cheap building products that may not meet Australian standards entering the building products supply chain. We have heard of problems with inferior wiring causing electrical fires. We have heard of inferior pipes and hoses causing flooding. In fact, last weekend my aunt experienced the failure of a hot water pipe. I do not know whether it was an inferior product that should be banned or not, but the result of a large flooding incident in her home has rendered the home uninhabitable and resulted in an insurance claim that is likely to be considerable. It will take several months to repair the damage. If it were the case that an event such as this stemmed from the use of a banned or inferior product, the owner or resident has a right to know that was the cause. Surely that is not too much to ask from a consumer protection regime.

This bill is weaker for what has been removed from it—measures relating to product declarations and warnings; banning the supply of noncompliant or nonconforming building products; recalls; remediation for losses; links to New South Wales consumer protection law; directions on use of a product; conduct of building audits; and seizure of suspect materials and products. These elements should have been included to truly be a comprehensive, consistent and effective regime rather than an attempt to appear to be acting while stripping down measures to the barest of bare bones. The provisions put in place for the safety and security around building products should not just be the bare minimum. They should be just as good and as long-lasting as those expected in the construction of our homes and other buildings. The foreshadowed Opposition amendments will cover these areas because the industry believes they are necessary, and so do we.

Ms JENNY LEONG (Newtown) (11:12): On behalf of The Greens I make a contribution to debate on the Building Products (Safety) Bill 2017. I state at the outset that The Greens will not be opposing this bill, because any safety improvements are welcome. However, as the shadow Minister for Innovation and Better Regulation pointed out, there are clearly significant concerns about it. The Greens contend that the bill has a number of defects—namely, it does not address the supply chain risk or require supply chain responsibility; it has inadequate

notification measures; and it leaves home and unit holders, owners, primarily responsible for the cost of rectification works. Labor has foreshadowed that it will be moving amendments, and The Greens will be supporting them.

We will also be moving amendments in the other place to address notification and home owner warranty issues to ensure that home owners are not holding the can for the costs of these rectification works. Those amendments will seek to have rectification works required under a rectification order deemed to be major defects for the purposes of home building insurance; and to broaden the notification requirements under clause 9 to include notification on the website of a major media outlet in New South Wales and written notice, including by email, to relevant industry and trade groups. Those simple and significant amendments will improve both the notification process and the rectification works process, enabled as a result of safety measures, to be undertaken. The improvement of safety measures is very important.

This bill is a very limited move by the Government. To date, the Government has not made a single unsafe building safe, nor has it identified a single building product that it would take off the shelves. Industry groups are calling for improved supply chain responsibility, which is not incorporated in this bill. It is an inadequate measure to have only prohibitions and penalties as unsafe use, rather than preventing unsafe distribution. No-one can forget the horrific scenes we saw following the deadly Grenfell Tower fire in London. It was reported in a *Four Corners* program, following that deadly Grenfell Tower fire in London, that Australian suppliers of aluminium composite cladding knew the product they were selling was highly flammable. It is clear from that ABC investigation that we should do all we can to make existing buildings which may have this cladding safe. If the Government does not take action to prevent these products from being in the supply chain, people in this State will not be safe from that kind of tragedy occurring here.

It was also reported that, despite more fire-resistant cladding being widely available in Europe and the United States of America, the cheaper core cladding continued to be installed on medium- and high-rise buildings in Australia until as late as 2013. It was said that "Australia, in the grip of a once-in-a-generation building boom, now has a large legacy of buildings swathed in the potentially deadly material." As I said earlier, any attempts to improve building products and building safety as a result of the Grenfell Tower fire are welcome, but it is clear that this bill has defects and does not go far enough to address these issues. The Government should be doing specific things to assist with safety and to reassure the community following that fire tragedy—for example, reassuring those public housing tenants who live in high-rise buildings.

In June, just after the Grenfell Tower fire, I wrote to the Premier. In that letter I urged her to give serious consideration to contacting those public housing tenants who live in medium- and high-rise buildings across this State to reassure them that a safety audit had been conducted or, if there had not been a safety audit conducted, the Government would urgently conduct one. Just imagine the level of stress and anxiety experienced by those who lived, for example, on the tenth floor in the towers at Waterloo and Redfern, when they saw those images of the Grenfell Tower disaster. Some may have had mobility issues but they would all struggle to get down the stairs to safety. I am not suggesting those risks exist, but I wrote to the Premier about the anxiety levels of public housing tenants who live in medium- and high-rise buildings. On 13 July the Premier wrote back to me and said:

The NSW Government takes the safety of its public housing tenants very seriously. I have been advised that none of our residential tower blocks have aluminium composite cladding on their facades

That was a good reassurance from the Premier. However, in the next line she said:

As the Minister for Family and Community Services, Minister for Social Housing, and Minister for Prevention of Domestic Violence and Sexual Assault, the Hon. Pru Goward, MP, has primary responsibility for public housing, I have forwarded your correspondence for her consideration

One would assume that the next step, after receiving that reassurance from the Premier, would be that the Minister responsible for reassuring and representing the interests of public housing tenants, the Hon. Pru Goward, would then write to me or, even better, write directly to the people who live in public housing to reassure them that a safety audit had been conducted. Have I heard anything from Minister Goward following the Premier's letter of 13 July? No.

Have the residents living in public housing who have that anxiety that the Premier seems to take quite seriously and wrote back to us heard? Who knows? Yet again, the Minister for Family and Community Services—who, in Homelessness Week decided the way to solve the homelessness crisis in Martin Place was to move people on with new police powers—shows no regard for the concerns and anxieties of public housing tenants in relation to fire safety. I use that as an example because this is not what we should be seeing. We were not asking for immediate action; we were asking for a simple reassurance that this is how the Government is going to address the issue.

Family and Community Services and Housing NSW held community meetings in some of those tower blocks after the Grenfell Tower disaster. I went to one of those meetings and about 10 residents were there. We know that thousands of people live in high-rise and medium-rise public housing in New South Wales, but did they receive any communication from the Minister for Family and Community Services or anyone else to relieve their anxieties? It is completely unclear. Why is that relevant? It is relevant for two reasons. First, it is about the Government acting to put in place protections and provisions that ensure that this kind of flammable cladding is not put on high-rise buildings, and that there are adequate measures in place to ensure that the rectification of any buildings that have this cladding is supported. Secondly, it is about ensuring that the community has faith that this Government is acting in residents' best interests and in a way that reduces their anxiety and stress, and ensures their safety, whether they are living in public housing buildings or in privately owned high-rise or medium-rise buildings in Sydney and throughout New South Wales.

I urge the Government to consider supporting the amendments that both Labor and The Greens will move in this place and in the other place to improve this bill so that we can see improved safety for people in our community and so that we do not see tragedies such as the Grenfell Tower fire in London occur anywhere in this State. I urge the Minister for Family and Community Services to provide an update to this House at some point or to respond to the correspondence we sent as to what action is being taken to ensure that public housing tenants are aware of fire safety, evacuation procedures and the risks to their safety that may be occurring in high-rise and medium-rise public housing dwellings throughout New South Wales.

Ms JODIE HARRISON (Charlestown) (11:21): The Building Products (Safety) Bill 2017 is being put forward in response to the Grenfell Tower fire in London, where it is thought that external cladding on the building may have accelerated the spread of the fire. But it is worth noting that there have been similar issues with substandard building materials here in Australia, such as a 2015 fire in the Lacrosse apartment building in Melbourne's Docklands, which engulfed 13 of the building's 21 storeys in less than 15 minutes due to a cigarette left on a balcony and cheap, substandard cladding from China. Further, there has been considerable coverage of this issue in the media over the past few years.

The Government has known about this issue since 2015. Back in May 2015, the *Australian* newspaper raised the issue of unsafe building materials coming to Australia from overseas, and Master Builders Queensland said at that time that substandard building materials "could kill people and destroy their homes". Around Christmas last year, *The Age* raised the issue as it applied to developments. In that article the president of the Builders Collective of Australia, Phil Dwyer, claimed that "there will be so many defects and problems in buildings that we won't be able to cope".

Earlier this year, the Australian Competition and Consumer Commission [ACCC] warned home owners across the country that faulty electrical cables under the brand "Infinity" may have started cracking, leading to fire dangers. In another case, in inner-city Melbourne, there has been a spate of exploding glass panels, raining glass shards on pedestrians from new high-rise developments. I note that in early July the New South Wales Minister for Planning and Minister for Housing was reported as saying that when it comes to building materials there is no need for alarm and that his department was keeping an eye on developments. I am pleased to see that the Government has woken up and is taking action on this issue, which has the potential to affect so many lives. But there is more to be added to the bill if it is to properly protect residents and inhabitants of buildings.

The objects of the bill are to prevent the unsafe use of building products in buildings by giving the Commissioner for Fair Trading power to prohibit the use of a building product in a building if the commissioner is satisfied on reasonable grounds that the use is unsafe; to enable the commissioner to identify buildings in which products have been used in a way that is prohibited, including buildings in which building products were used before the prohibition was imposed; to enable councils or other relevant enforcement authorities to require the use of the relevant building product in the building to be rectified, by giving the council or other relevant enforcement authority power to order that the safety risk posed by the use of the building product in the building be eliminated or minimised; and to confer other powers in connection with the investigation and assessment of building products so that unsafe uses of building products can be identified and prevented.

But there are some significant concerns from industry about the bill in its current form. Just over a month ago, representatives from the major building industry organisations were invited to review a draft of the bill, which would have resulted in a comprehensive building product safety scheme preventing the use of noncompliant and nonconforming products on buildings. But what those same industry bodies saw when this bill was introduced into this place was, and I quote from correspondence from them:

... a heavily edited version of the bill that is incapable of delivering on the government's commitment to the Building Ministers Forum, to the industry and incredibly, to its own 10 point plan.

That is why I am supportive of the amendments being introduced by the shadow Minister for Innovation and Better Regulation, the member for Swansea, which will adopt a chain-of-responsibility principle, placing a duty of care on everyone in the building supply chain. The bill also does not address the crucial issue of who would pay for rectification works, with it becoming apparent that costs would be picked up by home owners. These costs could run into the millions of dollars, as seen in the Lacrosse building in Melbourne's Docklands, which I spoke about earlier, with innocent owners in that case locked in expensive litigation over who will pay for the estimated \$15 million worth of repairs. Our amendments will strengthen other provisions of the bill by requiring the Government to notify all residents of the existence of dangerous building material, not just owners or the owners' corporations of apartment complexes and stratas.

According to the Australian Industry Group survey report, "The quest for a level playing field: The non conforming building products dilemma", use of products which do not comply with the Building Code of Australia and relevant standards and regulations is widespread within the Australian construction industry, with more than nine out of 10 firms reporting noncompliant products in their supply chains. The report identifies serious gaps and weaknesses in the building and construction conformance framework, including areas such as surveillance, audit checks, testing, first-party certification and enforcement. The report also suggests that building certifiers bear a disproportionate share of the burden for product conformance, and calls on State and Territory governments to review arrangements in this area, including by asking whether more responsibility should be taken by builders and product suppliers.

The impact of nonconforming products is a major concern for industry and this report clearly suggests the need to reform the current system to ensure quality and safety and to ensure Australian importers, manufacturers and fabricators have a level playing field. Amongst the survey respondents, 92 per cent reported nonconforming product in their sector, nearly half indicated market penetration by nonconforming product of between 11 per cent and 50 per cent, and 45 per cent reported nonconforming product had adversely impacted revenue, margins and employment numbers.

Industry bodies are becoming increasingly frustrated. Pointing to data showing 70 per cent of samples in its segment had failed to meet safety standards during targeted check testing over the past 12 months, the Engineered Wood Products Association of Australasia lamented a "total lack of enforcement". The association said that the system is there, but regulators are not resourced and lack the will to act. The situation of noncompliant product is not taken seriously and regulators do not act on complaints nor impose penalties. The Australian Steel Institute expressed similar sentiments, saying that the construction products industry in Australia is faced with a choice: it can follow a path of the lowest cost denominator and be exposed to the worst in quality the world can produce, or it can implement product conformity systems similar to what is in place in most of the developed world, which inform the client of achievement of the levels of quality compliance benchmark.

The report comes amid increasing concern within the industry about the prevalence of noncompliant products. Every respondent in the electrical product segment reports nonconforming product in their market. Both lighting and electrical equipment accessories are being impacted by counterfeit products, many of which fail safety standards. Steel is also a problem area as 95 per cent of respondents report noncompliant product in their market with steel fabricators, as well as steel building product manufacturers who are being hit by increasing exposure to nonconforming imported structures and products. Glass and aluminium products are also being impacted by concerns about the building certification scheme being a paper exercise and because of a perceived lack of visible regulator and component substitution. Many suppliers in this segment reported quoting at a loss in order to maintain customers.

The use of noncompliant building products in my electorate has been raised with me by a constituent who bought a million-dollar apartment in Charlestown. Since moving in more than three years ago, he is constantly reminded of the inferior building products used in the construction of his building, particularly during severe weather events. During wet weather his apartment is inundated with rainwater. He has sent me videos showing the rain teeming in through faulty window seals. The building shakes during wind events due to inferior building materials used on the penthouse level of the building. The stress and angst that he, his wife and neighbours on level 9 of the building have endured has impacted on their health and the retirement lifestyle they believed they were going to enjoy in that apartment block. The inferior building products have also had an immense financial impact on them, with many thousands of dollars spent trying to rectify the faults. The assistance of builders, plumbers and structural engineers has imposed significant costs on the residents of level 9, to no avail.

This bill aims to prevent the tragic events of London happening in New South Wales. However, if it is to do that and to prevent the situation that my Charlestown constituents have faced due to the use of inferior building products, it is essential that the Opposition's amendments are supported. I commend the amendments to the House.

Ms JENNY AITCHISON (Maitland) (11:31): On about 30 June this year I was woken from a deep sleep by the sound of a fire alarm in an apartment 24 floors above the ground. Like the hundreds of other residents who live in that building, where I stay when I come to Sydney, I wondered whether it was a drill or a fire and what was going to happen. I got up and I walked down the stairs. I had plenty of time to think about those issues as I watched my fellow residents evacuate. It struck me how none of them had a thought that the building codes, plans or components could cause a catastrophic loss of life such as we had seen in Grenfell Tower, where 71 people died. When we live in apartments in densely populated urban areas we have faith that the Government will do everything in its power to ensure the safety of the community through the selection of appropriate, safe building products and the adherence to strict building codes. The way a government acts to protect the lives of its citizens is the ultimate test.

The Building Products (Safety) Bill 2017 is yet another failure of the Government to engage authentically with business and industry, to heed the advice of experts and to act effectively to save lives. This Government's arrogance and crazy priorities show that it values a pretence at removing red tape and not stifling innovation more highly than the safety of the lives of people in our communities. This is a fundamental issue for us. The Government, through the Minister for Innovation and Better Regulation, made the usual grand announcement that, "We have a 10-point plan." It plays well in the media and was released on 10 July this year. In that same month the Minister claimed he would be hitting all parts of the supply chain. Building industry organisations were consulted about a draft bill and there was general consensus that at last we were going to get somewhere. The shadow Minister has gone through the history of this bill, the history of the Opposition's concerns and its attempts to raise matters at an early stage to get real action as soon as it became aware of the issues involved.

But when it came to the nub of the issue, on 16 November this year, when the Government introduced its legislation, we were presented with a heavily edited version of the bill that no longer had the capacity or the capability to deliver on any of the commitments made by the Minister. In fact, the Building Products Innovation Council has written to the shadow Minister, and I quote from that letter:

On 16 November 2017 the New South Wales Government introduced a heavily edited version of the bill to Parliament that is incapable of delivering on the Government's commitment to the BMF, to the industry and incredibly to its own 10-point plan. On behalf of all building owners and the general public, the building products industry urgently calls for you to intervene and encourage Minister Kean to reinstate deleted clauses from the tabled bill so that the resultant legislation is harmonious with other jurisdictions, and lives up to the commitments that the New South Wales Government has publicly made to control nonconforming building product and non-compliant building work.

The shadow Minister has outlined extensively what Labor wants to happen, but the major request from industry stakeholders is the urgent reinstatement of the now-deleted clauses that appeared in the original version of the bill that was shown to stakeholders on 6 October. What happened in the period—not even six weeks—between when the industry was shown what the Government planned to do and when the bill was introduced in the House? It is indicative of the chaos that is overtaking this Government. Recently the Premier said that there would be no more backflips, that we would have stable government. However, the Government is pressing ahead with ridiculous legislative changes that affect small businesses and industries across the breadth of government. I offer as an example the container deposit legislation, which is to commence on 1 December, and the pending commercial fishers reform. Both of those areas have the capacity to significantly and detrimentally affect businesses in this State.

Mr Brad Hazzard: Point of order: I am always interested to hear the views of the member for Maitland on a range of issues, but we are debating the Building Products (Safety) Bill 2017. I ask that you bring the member back to the leave of the bill.

TEMPORARY SPEAKER (Mr Lee Evans): Order! The member for Maitland will return to the leave of the bill before the House.

Ms JENNY AITCHISON: Points of order taken against me by the Minister for Health are always about stopping discussion about the broader implications of legislation. This bill does not sit in isolation. Parliament considers many bills and this is just another example of the Government's inability to provide effective stewardship of legislation in this State. It has no consideration for industry and no consideration for the experts who work in the field. My point was around commercial fishers and container deposit beverage manufacturers—people whose lives and businesses are being completely ruined. That is exactly what will happen here, with mums and dads forced to foot the bill because of the Government's inability to enact the supply chain legislation that was promised and which is missing from the bill. The Government promises fantastic things, but they are always whittled down to something that will be accepted by whatever the machine is on the other side of the House that acts to the detriment of industry, of businesses and of individuals.

In this case the damning result could be the loss of lives. Any person in this State who hears a fire alarm at four o'clock in the morning has to wonder whether they will make it out alive. Is this building or apartment one

of those at risk from this material? The member for Charlestown spoke of the need to inform not only owners and strata companies about the unsafe building products but also renters. How many apartments in this city will be impacted by this legislation? The Government does not know. There is no consistent, professional, acceptable method in the madness within the bill. The Housing Industry Association, the Building Professionals Board, the Building Products Innovation Council and members of the industry report that the bill is a debacle and must be rejected. They ask the Government to return with the bill that was promised.

The health Minister raises points of order each time he enters the Chamber, and earlier the member for Miranda was making jokes. It is deadly serious because these building products are deadly. It must be clear to the Minister for Innovation and Better Regulation and the Premier that this is not a joke. The Government has a responsibility to provide fair and transparent processes that guarantee the safety of the community. The bill does not mention that everyone involved in the building industry must be made aware of their responsibilities. The bill does not mention the removal of unsafe building materials and products. The Government has made a joke of this issue, but at the end of the day it is the responsibility of members opposite to provide legislation that will prevent injury and death. This tricky and duplicitous process is how the Government chooses to work with the community: It promises to do the right thing, but the devil is in the detail. This Government needs to think carefully about what it is doing.

Ms JO HAYLEN (Summer Hill) (11:41): The Building Products (Safety Bill) 2017 is a long overdue attempt to address the significant concerns of residents and construction experts surrounding the use of unsafe building products, in particular flammable aluminium cladding. The bill gives the Commissioner for Fair Trading the power to ban building products believed to be unsafe, and he will be empowered to identify buildings in which these materials have been used. Local councils are required to enforce rectification works when they have been identified. Significantly, many important clauses from an earlier version of the bill have been omitted, which I will address shortly. This legislation has been introduced in response to tragedy. On 14 June 2017, in the dead of night, emergency services received a report that the Grenfell Tower in North Kensington, London, had caught fire. Sixty hours later, 71 people were dead and another 70 were seriously injured. Eighteen of those who died were children and seniors who were unable to escape the flames.

The fire is thought to have been started by a faulty refrigerator on the fourth floor. The flames spread quickly, allegedly due to the aluminium composite rain-screen used to clad the building, trapping residents in their flats. This tragedy reverberated around the world, sparking urgent investigations and regulation of dangerous cladding. It also sparked rounds of recriminations in the United Kingdom as it became apparent that Government officials were warned about the danger, and did nothing. It is concerning to know that this State Government knew about the dangers of aluminium cladding as far back as 2015 and it, too, did nothing. The construction union wrote to the State Government in 2015 to let it know of the union's concerns about the use of unsafe cladding, but it was allegedly told by the Government that it had not received complaints. It was not until the shocking disaster at the Grenfell Tower that the Government was jolted into action, establishing a cladding task force.

In August this year the task force revealed 1,000 buildings in New South Wales contained nonconforming, highly combustible cladding. That is more than 1,000 buildings that pose an unacceptable risk to home owners and tenants in our State. It quickly became apparent that aluminium-polyethylene cladding, such as that used in the Grenfell Tower, is commonly used in Australian buildings. A survey of new buildings in Melbourne revealed that almost half of the 150 buildings surveyed had flammable cladding. In fact, Australia has flirted with disaster. In 2014 the Lacrosse building in Melbourne caught fire after the composite panels used to clad the building's balconies allowed fire to race up 13 storeys in just 15 minutes. It is clear that action must be taken. In fact, it should have been taken years ago. Many of my inner-west constituents have raised concerns about aluminium cladding following the terrible Grenfell Tower tragedy. Understandably, they want to know their buildings are safe and that the many new apartments they see being built rapidly around them are also safe. The residents are used to dealing with defects.

A University of New South Wales survey found that up to 85 per cent of strata owners reported experiencing two or more defects in buildings built after 2000. My office is regularly contacted by outraged and exasperated residents who are struggling to fix defects that appeared shortly after they took possession of their properties. Time and again, developers and builders cut corners, leaving walls cracked and units waterlogged and damaged. In the push and pull between developers, architects, structural engineers, hydraulic engineers, builders, and subbies the imperative to keep costs low wins out. Unfortunately, that means many of the new buildings in my electorate look worse for wear only years after they have opened. Chipped concrete, water-stained facades and cracks in walls are common. Our once-proud heritage neighbourhoods begin to look shabby. Once-busy shopping strips are replaced with cavernous, vacant glass and concrete boxes that are promoted as "commercial opportunities" but kill main street life.

Perhaps most concerning of all, peace between neighbours fractures as entire buildings are embroiled in protracted strata disputes. It is understandable that residents begin to wonder about the defects they cannot see. It is understandable that they have lost faith in the quality of construction in our suburbs and in the materials that are used. So when an issue such as cladding safety is raised, it is also understandable that they want the strongest regulation possible. I am not sure this bill delivers that. In July this year the Minister for Innovation and Better Regulation shared an early draft of the bill with key stakeholders from the building industry. A letter from the Building Products Innovation Council reports:

Industry came away from the meeting satisfied that the draft bill included all of the key aspects of the model nonconforming building products chain of responsibility legislation that Queensland had introduced and that were fully supported by all sectors of the industry.

The bill we are debating today is a poor cousin to that bill, omitting key clauses that would tighten regulation and provide greater certainty to builders and home owners alike. The council further states:

...is incapable of delivering on the Government's commitment to the Building Ministers' Forum, to the industry and incredibly, to its own 10 point plan.

So what is missing? There are insufficient mechanisms to ensure that owners and residents are notified of unsafe products. There is insufficient attention to chain-of-supply responsibilities that protect home owners from rectification costs, which some reports suggest might leave owners tens of thousands of dollars out of pocket. Greater regulation is required to improve product declarations, to ban the supply of dangerous materials, to enforce compulsory recalls and to order remediation. This should be linked to existing consumer protection laws to ensure a more cohesive and effective response when dangerous products are identified. Parliament must do more to proactively audit buildings for aluminium cladding and other dangerous materials. Parliament should not wait for a disaster such as Grenfell to spur it into action.

I am concerned that renters will once again be left behind by this Government. Renters have as much right to know if they are living in a dangerous property as anyone else, yet under the proposed regime it is left to building owners to inform residents about the potential risks. I have learned over the past few years that it is often renters who are the last to know about a threat to their home. For example, during the early home acquisitions for WestConnex property owners failed to inform their tenants that their home was to be acquired. This left renters scrambling at the last minute to find alternative accommodation, with few rights and little support from the Government. Ensuring greater transparency about the use of dangerous materials is in everyone's interest. It will also ensure that tenants are not left in the dark about information that may result in life or death. The Tenants' Union of NSW has suggested using a public register of towers clad in incendiary materials modelled on the disclosures of loose-fill asbestos. The current Residential Tenancies Act does not include provisions that allow tenants to end their tenancy in the event that they discover their property is clad in a dangerous material. They have no rights if this information is wilfully withheld from them.

It is clear that the danger posed by aluminium cladding is present. For that reason, members on this side of the House support the bill as a necessary step towards ensuring public safety. However, I note the significant concerns of stakeholders and call on the Minister to adopt Labor's sensible amendments. This will strengthen the bill and protect home owners from the proliferation of dangerous cladding. I also ask the Minister to consider the rights of renters and to ensure they are aware of the dangers that these materials present. We can act together proactively now before we suffer another tragedy like the one that caused so much heartbreak in London.

Ms JODI McKAY (Strathfield) (11:50): I speak in debate on the Building Products (Safety) Bill 2017. I acknowledge the hard work of the shadow Minister for Innovation and Better Regulation, the member for Swansea, in ensuring that the issue of unsafe cladding is firmly on the agenda in New South Wales. This legislation should go to the heart of ensuring that people across New South Wales are safe in their homes. We are told that the bill aims to prevent the use of unsafe building materials in commercial, residential and industrial buildings by giving the Commissioner of Fair Trading or the Secretary of Finance Services and Innovation the power to: first, investigate and assess which building product should be deemed unsafe; secondly, prohibit the use and sale of a building product when there is a reasonable suspicion that such a product is unsafe—known as a building product use ban; and, thirdly, identify existing buildings where unsafe building products have been used in a way that is now prohibited. The legislation also ensures that relevant enforcement authorities, generally local councils, have the power to require that the use of unsafe building materials in existing buildings be rectified, eliminated or minimised.

I am keen—no pun intended—to hear more from Minister Kean in this regard. More often we are seeing what councils have described as "cost shifting". I am also keen to hear from the Minister about how they will be resourced more appropriately and what support will be given to local councils to ensure that they can require that the use of unsafe materials in existing buildings to be rectified, eliminated or minimised. I acknowledge that the bill establishes penalties for the continued use of unsafe building products after the issuing of a building product

use ban. This penalty also extends to people in trade or commerce who claim that a building product is suitable for use in a building if the use would contravene a building product use ban. In the case of a corporation, I note the maximum penalty of 10,000 penalty units and a further penalty of 1,000 penalty units for each day the offence continues. A 2,000 penalty unit infringement or imprisonment for two years, or both, is designed to act as a strong deterrent for individuals. These are sound objectives, but once we peel back the rhetoric of the Minister this legislation is an example of the chaotic policy-making process that this Government has adopted. I echo the sentiments of my colleagues that the bill falls short of what is required.

We are seeing unprecedented overdevelopment in our suburbs. In his second reading speech the Minister acknowledged that we are legislating in an environment in which construction work is increasing. This is occurring no more so than in the inner west. In my electorate of Strathfield we have only to look at suburbs such as Burwood to see that development is changing the nature of our communities. I have met with Burwood Council to discuss my concerns about certain materials being used in buildings in the area, and I can tell members that it shares my concerns. The council has identified at least one building in Burwood where it believes unsafe material has been used, yet it has no direction or support to address those issues. One can only hope that the bill will go some way to easing the concerns of Burwood Council. The merits of this Government's addiction to overdevelopment by stealth, which has been ideologically pursued since its election in 2011, is a debate for another day. However, it is important to mention in the context of the number of high-rise buildings that are being constructed in areas such as mine. The fact that it has taken until the last sitting week of 2017 for the Government to introduce this bill shows that it will always put its developer mates first and the community last.

It is important to know that the Government has been aware of this problem for at least two years. Given that we have a Government committed to seeing high-rises built across Sydney, one would think that as soon as it became aware of the use of unsafe building materials in the construction industry it would have been talking to the community and stakeholders and doing its job in this place—which is legislating to protect the community. I acknowledge, as my colleagues have done before me, that consultation with the sector has taken place. I understand that during that process stakeholders were generally happy with the progress that the Minister was making and the way in which he was engaging with them. However, once the consultation process was over I understand that the Government's willingness to work with stakeholders in the sector simply stopped. The bill before the House today does not reflect in any way the conversations that the Minister had.

As I said, the Government may have been aware of this problem since 2015, but it took the tragic Grenfell Tower disaster earlier this year to force its hand on this issue. There was also the Lacrosse building fire in Melbourne in 2014. The Government acted only when this issue became a media story. That approach goes to the heart of what this Government is all about: It is addicted to spin and, unfortunately, the media cycle. It never follows a sensible, nuanced policy approach of identifying a problem and quickly putting a solution in place. This is certainly a significant issue that could have catastrophic consequences, brought on by Government inaction and lethargy. As the member for Swansea said, the Government is now so incapable of following proper norms and protocols that the draft version of the bill it presented to stakeholders—including the Housing Industry Association, the Private Certifiers Australia, and the Building Products Innovation Council—was substantially different from the one we have before us today. It is again chaotic, shambolic and inept policy formulation from a government that has had five fair trading Ministers during the past 6½ years it has been in office.

Labor understands, even if those opposite do not, that there can be no more important issue than ensuring every man, woman and child feels safe in their home. We may not be in government but if those opposite do not know how to create policy, we will do it for them. That is why Labor will move a number of amendments that seek to address the deficiencies of this bill. Most importantly, Labor will ensure that owners and residents, including the always forgotten tenant, are notified when unsafe products are identified. Only those opposite could introduce a bill that forgets the people who live inside the buildings we are trying to make safe. They must be told what is occurring. This Government brought forward a housing affordability package that conveniently forgot renters and it has conveniently forgotten them again. Just because the vast majority of renters are smart enough not to vote Liberal does not mean they should be forgotten. The Opposition will move an amendment to reinstate the chain-of-supply responsibilities. This will ensure that home owners are not left with the cost of rectification.

[Interruption]

I would have thought that when I am speaking about safe building practices and keeping people from harm, the Minister for Health would not interrupt me. Labor will not forget the people, their homes and their livelihoods that are affected by the use of unsafe building products.

[Interruption]

Mr Temporary Speaker, I ask that you direct the Minister for Health to stop interrupting. The Minister for Innovation and Better Regulation may no longer be called the Minister for Fair Trading, but this bill proves

why because consumer protection in the building industry goes out the door with this Minister and this Government. The Opposition is happy to govern for those opposite and it will move a number of amendments to reinstate several clauses from the draft bill which somehow disappeared when the Minister was rolled by his colleagues. By all accounts it was a humiliating slap-down of the Minister by his colleagues, led by the Treasurer and the Premier. Ironically, it must be said that this Minister depends on the Premier, and the Premier depends on this Minister.

Mr Brad Hazzard: Point of order: I ask that the member be brought back to the leave of the bill. If she wishes to launch an attack on the Minister she can do so by way of an appropriate motion. It is not a substantive motion.

TEMPORARY SPEAKER (Mr Lee Evans): Order! I uphold the point of order. The member for Strathfield will return to the leave of the bill.

Ms JODI McKAY: The amendments include bans on supply of building products, compulsory recalls, remediation orders, and product declarations regarding noncomplying and nonconforming products. The decision has been made by the Opposition, after extensive consultation with the industry by the member for Swansea, who understands how good policy is formulated. I thank her for her work and commend the amendments she has foreshadowed to the House.

Mr TIM CRAKANTHROP (Newcastle) (12:00): I support the amendments foreshadowed by the member for Swansea to the Building Products (Safety) Bill 2017. This matter is particularly significant to Newcastle, which is the second largest city in the State, because of the large population that will be directly affected by this legislation and by the buildings with cladding on them. I am disappointed that the Government will not let us know which buildings in our own electorates have this problem. On 23 October, the shadow Minister, the member for Swansea, and I talked to the community and the media and called for urgent action to prevent a high-rise tragedy like the Grenfell Tower inferno in England.

This Government needs to do more. While this legislation is a small step in the right direction, it certainly has been watered down so much that 25 associations are calling for the Government to reinstate the deleted clauses from the original draft that would make this a decent piece of legislation. I worked in work health and safety for some 10 years for the regulator prior to becoming a member of Parliament, so it is an issue that is close to my heart. We always wanted our miners to leave for work in the morning and come home in the evening. This sort of legislation goes to when they come home in the evening: will they not get up in the morning because of a lack of safe cladding on their home?

The amendments foreshadowed by Labor will ensure that home owners are not left with the cost of replacing dodgy building products that have exposed more than 1,000 buildings in New South Wales to catastrophic fire. I believe the Government has shocked the industry by removing key elements of the draft bill that would have mirrored good legislation in Queensland, which adopts a chain-of-responsibility principle which places a duty of care on everyone in the building supply chain. The clauses that have been removed from this legislation would have protected home owners, would have de-risked the building supply chain and would have prevented the incidence of dodgy and unsafe building products, like flammable aluminium cladding.

This Government has known about this issue since 2015 and was forced into action only by the Grenfell Tower fire tragedy in London. This legislation does not address the critical issue of who will pay for rectification works. It becomes apparent that the costs may be picked up by home owners and they may run into millions of dollars, as seen with the Lacrosse building in Docklands, Melbourne, where innocent owners are locked in very expensive litigation over who will pay for the estimated \$15 million worth of repairs. The Opposition thinks the provisions of the bill need to be strengthened by requiring the Government to notify all residents of the existence of the dangerous material, not only the owners or the owners corporation of apartment complexes but also the people who live in the building. That is a duty the Government cannot shy away from.

Unfortunately this bill does not make buildings safer in this State, which should be its primary purpose. The Government has ripped out provisions which would have protected home owners from the cost of fixing up dodgy aluminium cladding. Those who are responsible for such products in our homes should pay and be held accountable. Again, this dodgy Government is trying to rush through dodgy legislation after sitting on its hands for more than two years on this issue. Two years later it is trying to ram through this legislation. The decent legislation that was apparently proposed to Cabinet has been slashed and burned. The Minister's attempts to deal with the issue have been good, but I draw attention to the outstanding effort of the shadow Minister, the member for Swansea, on this legislation, particularly her consultation with so many stakeholders. That is apparent from the number of associations that support the reinstatement of the deleted clauses. It is obvious that those deleted clauses need to be a part of this legislation, and I hope that the Government will support the amendments that will

be moved. I support our shadow Minister for Innovation and Better Regulation for trying to get better regulation into this legislation.

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (12:06): I make a brief contribution to debate on the Building Products (Safety) Bill 2017 and support my colleague the shadow Minister for Innovation and Better Regulation and her foreshadowed amendments to this bill to improve public safety. Public safety is everyone's responsibility, from original manufacturers, installers, designers and on-sellers to the end user. We all have a responsibility because nothing can be more important than providing public confidence in safety standards. It is a fundamental principle and purpose of any regulatory reform.

It is somewhat ironic that a bill that was designed to improve public safety and titled as such takes out a fundamental element that would have increased the chances of detecting defective and dangerous products being used or incorrectly installed at each step of the production chain. A chain of responsibility represents more than some written legislative clauses. It is about setting normative standards of behaviour within the building industry and the provision of a social contract between all stakeholders within the industry to look out for each other.

If there are no legislative incentives then behavioural change is unlikely to occur and the risks which were meant to be reduced as a result of this bill remain the same as before. This begs the question of the efficacy of this bill in improving public safety and installing public confidence in the building industry at a time when housing development and density is on an increasingly significant trajectory. An increase in housing supply and density results in an increase in the level of risk through potentially faulty products being used. But at the same time, there is no legislative change which could reduce these risks. This seems quite an odd equation to me with potentially serious consequences both financially and for public safety. As many hands make light work, surely many responsible eyes can minimise the risk as much as possible.

It is unfair to have a situation where those who wear the most risks, that is, the end user or property owner or renter, has played the least role in the manufacturing, design, installation or selling of faulty products. I believe that we cannot have a caveat emptor approach to building safety because the end user in the building production chain is not qualified, nor should they carry all the responsibilities. Asking the end user to carry all of the financial risk and personal risk when each part of the production chain has already received its financial benefit seems to be a somewhat unfair and unbalanced approach given that the Minister is trying to produce a fair trading regulatory reform.

I find it odd that the Minister who introduced this bill is the same Minister who implemented reform to prevent ticket scalping and in a sense to prevent the end users in that industry from wearing all the risk, but he does not apply the same principle in the Building Products (Safety) Bill 2017. Surely the risk from defective faulty building products has much greater consequences for personal and public safety than a few dollars here and there on an entertainment event. If end users can be protected from ticket scalping, why can we not protect the home owner or renter living in densely populated cities? I am concerned that issues have been ignored, despite being raised by a number of industry groups. These groups have called for a collective chain of responsibility which is consistent with other jurisdictions, yet this has been omitted from the bill. When risks are not managed properly expensive litigation can result, but, more importantly, it can reduce public confidence in our regulatory reform, in our legislative processes and in the industry itself. This is not a good outcome for anybody because shared risk and responsibility is in everyone's interest.

When I look around my local community in Macquarie Fields, I see that dense city living is undoubtedly becoming more prominent and apparent as people—for a range of reasons due to either economics or lifestyle—choose that lifestyle. With the tragedies and issues we have seen overseas arising from defective building products, people in my electorate have raised legitimate concerns about how Parliament is looking after their interests and public safety. The amendments that have been moved by my colleague the shadow Minister for Innovation and Regulation are sensible and based on the principle of public safety and public confidence in the building industry. I recommend the Minister take those amendments on board when finalising the bill, which should aim to share the risks and responsibilities.

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (12:11): In reply: I thank members representing the following electorates for their contributions to the debate on the Building Product (Safety) Bill 2017: Swansea, Miranda, Sydney, Wollongong, Newtown, Charlestown, Maitland, Summer Hill, Strathfield, Newcastle, and Macquarie Fields. I will comment on the issues raised in this debate. As members have heard, the powers contained in the bill will put a stop to unsafe building products used in buildings and will ensure that those who misuse building products are penalised for their actions.

Safety is always the Government's priority and all measures will be taken to ensure that unsafe products are not in use in buildings. There would not be a member in this place who was not horrified by the fire at Grenfell Tower in London in June. Those images and the shocking loss of 71 lives were a stark reminder of the

importance of doing everything we can to make sure people in high-rise unit blocks are as safe as possible. Apartment living is increasingly a way of life for the people of New South Wales and many more are living in high-rise buildings. We are determined to make sure those people can go to bed at night knowing that their buildings are as safe as possible. That is why this Government is banning dangerous building products across the State. That includes stopping unsafe cladding being used on high-rise buildings. These measures will significantly bolster fire safety measures in high-rise buildings throughout New South Wales. We are empowering the Commissioner of NSW Fair Trading to stop building products being used where they are unsafe.

This is all about making sure that the right product is being used in the right place. Anyone stupid enough to breach these new laws will face fines of more than \$1 million for companies and more than \$200,000 for individuals. We will be vigorous in using these new laws to make sure building products used in this State are safe and fit for purpose. Under these new laws, builders, building product suppliers, manufacturers and importers will be compelled to produce their records to NSW Fair Trading so that dangerous products can be tracked and pinpointed. This is all about finding this material and getting rid of it. Failure to produce those records will be a criminal offence with penalties of up to \$11,000. If NSW Fair Trading identifies buildings where products have been used inappropriately, local councils will be notified.

The Government's reform package also gives councils increased powers to force rectification where there is a safety issue. The Government will in turn monitor councils' progress in managing the rectification. Companies which continue to use a banned product will be liable for fines of up to \$1.1 million, with fines of up to \$220,000 for individuals. Any shonky operator who thinks they can continue using the wrong product in the wrong place should think twice. We will throw the book at anyone who is found to have breached these new laws. We are doing everything we can to identify unsafe buildings and to make sure that they are made safe as quickly as possible. Work to identify buildings which may have cladding is ongoing and will be made easier by these new laws. These laws will give NSW Fair Trading the ability to identify and to locate buildings where dangerous cladding has been used. We are taking a logical and sensible approach to address the key issue at hand, which is identifying which material is dangerous, in what circumstances and where it is. We are also making it easier to rectify buildings where this material is identified.

The key points are to find this material and get rid of it. Our reform package will make it easier not only to find buildings of concern, but also to rectify them. I am pleased to announce that Fire and Rescue NSW has inspected all the residential high-rises identified in our initial audit of buildings which may have cladding. Dangerous cladding has been identified in fewer than 100 locations. Where it has been identified, Fire and Rescue NSW is updating its fire response plans. It is important to remember that not all cladding is bad and, if a building has cladding, it does not necessarily mean that it is unsafe. Products which may be suitable for some uses may not be suitable for other uses. While Fire and Rescue NSW continues its assessments, we will be delivering letters to each and every resident in those affected buildings to update them. These letters are in addition to the almost 6,000 letters already sent to home owners, owners' corporations and strata managers associated with the buildings identified in the initial report. The Government is acting quickly to do all it can to enhance the safety and security of residents in high-rise buildings.

A number of erroneous claims have been made in this debate about the New South Wales planning task force. For the record, the task force comprises representatives from the Department of Finance, Services and Innovation, including representatives of the Better Regulation policy division, NSW Fair Trading, and the NSW Data Analytics Centre, the Department of Planning and Environment, Fire and Rescue NSW, the Office of Local Government, Treasury, and the Department of Premier and Cabinet. The sixteenth meeting of the task force will be held tomorrow. I meet every week with the chairman of the task force and have done so since it was established. I look forward to the next meeting. In addition, my office is in regular contact with the task force.

The Government has an acute understanding of the gravity of this issue, which is why it has acted quickly to address the concerns. This bill is a sensible, responsible and clear-headed approach to the issue. It allows us to find this material and to get rid of it. We need to get some facts into this debate. New South Wales has some of the toughest fire safety standards in the world. It has led the way when it came to mandating the installation of smoke detectors in homes. We also have sprinkler systems in our buildings and our design standards require a range of protections including fire exits and the compartmentalisation of buildings so that fire can be contained more easily. These laws will complement what is already in place to further enhance safety. We are determined to do all we can to make people as safe as possible in their homes, and the next step is to locate material which is potentially dangerous and to get rid of it.

The New South Wales Government has been and continues to be actively involved in all avenues relating to unsafe building products. The Opposition has falsely accused the Government of sitting on these issues, and it seems to have no idea of what has been happening in this area. The Government has been working towards creating a comprehensive scheme since January 2015 to develop specific and tailored measures to address the fire

safety risks associated with external wall cladding. In January 2015 the Home Building Act 1989 was amended to ensure that builders are held responsible for significant problems in fire safety systems. The changes designated fire safety systems as a "major element" of a residential building to make sure they are covered by the six-year period of statutory warranty for major defects.

In February 2016 the Secretary of the Department of Planning and Environment [DPE] wrote to all New South Wales councils highlighting the potential fire safety risks for buildings with "combustible wall cladding" and requested consideration of any action needed. In October 2016 Fire and Rescue NSW and DPE held information seminars for councils around the State to explain the requirements of the National Construction Code [NCC] and the enforcement powers available to them. New South Wales has been active at the national level working with other States and Territories and the Australian Building Codes Board [ABCB] to strengthen regulation to minimise the risk of using building products that do not conform to and comply with the NCC, technical standards or local laws. The ABCB published a national advisory note relating to the appropriate use and selection of external wall cladding. This is part of a range of measures agreed to by the Building Ministers' Forum to address concerns relating to fire safety in high-rise buildings.

The Opposition also has attacked my predecessor. I note that we were responsible for setting up the Data Analytics Centre, which enabled the Government to undertake an audit of 178,000 building projects and to capture important data and information which has resulted in our having the most thorough audit across the Commonwealth.

With regard to cost, there are existing laws to deal with building defects. It is not correct to say that owners will bear the full burden of rectifying buildings. For example, there are existing laws regarding statutory warranties, negligence and contracts which give residents rights to recover against people who do the wrong thing, as they do in case of any other building defect. With regard to informing residents of affected buildings, I have committed to informing residents if their building is identified as being unsafe. It is important to remember that not all cladding is unsafe and that the safe use of cladding is dependent on how it is installed and the nature of the other fire safety systems which are also installed on the building. Additionally, the bill gives the power to notify the public that a building is unsafe because of a building product when the secretary considers it in the public interest to do so.

A number of speakers for the Opposition have made comments about nonconforming and noncomplying building products. The key point is this: The mischief we are trying to address is building products being used in a way that poses a safety risk. That is what we are stopping under this bill. If a building product is not suitable for a use because it poses a safety risk, we will be able to ban it for that use. We do not need to add unnecessary concepts to the bill; the key point is building products being used safely, and that point is addressed by this bill. The bill already ensures the safety of not only consumers but also any person in New South Wales in relation to the use of unsafe building products, whether for a particular use or all of its uses. This bill will deliver the appropriate safety regime to protect all individuals in New South Wales against unsafe building products. As I have already mentioned, there are strong enforcement powers to ensure that all individuals who do not use building products safely are captured and penalised appropriately. No two building products are the same, and it is necessary that only individuals who contravene the requirements of the bill are held accountable for their actions.

Builders use the building products and should know what they are using when putting the product on the building. Builders should not be engaging in building and construction blindly: All products must conform with requirements of the NCC. The Greens member for Newtown stated that cheaper core cladding continued to be installed, even where fire-resistant cladding was installed. Builders who are responsible for choosing noncompliant products, despite perfectly safe cladding being easily available for use, should be liable for the whopping fines as a reminder that the Government will not stand for unsafe use of any building products in New South Wales.

The Government recognises that the majority of the building industry in New South Wales respects the law and already complies with existing regulations. Our intention is not to target builders, certifiers and developers who are trying to do the right thing, but to ensure that building products are not used for an unsafe purpose and that only offenders are prosecuted. When a building product is identified as unsafe, the secretary will have the ability to ban the use of that product. A person who does not comply with the requirements of the ban will be subject to hefty fines for contravention of a building product use ban. The bill specifically outlines people who must comply with the building product use ban, which includes any person who does building work which causes the building product to be used. Additionally, the bill allows other circumstances to be prescribed by the regulations to ensure that any relevant individuals can be identified and captured in the future.

Offenders will face a maximum fine of \$1.1 million in the case of a corporation and \$220,000 in any other case. Our Government takes a contravention of such an offence seriously, and a fine of \$110,000 will apply

each day the offence continues for a corporation and \$44,000 in any other case. The Opposition is simplifying these issues to the point that it is focusing only on a handful of building products that are currently clearly identified as being unsafe. Building products can have a range of different uses, and some uses can be perfectly safe while others are not. This is why the bill bans the use of building products but only if they are unsafe or pose a safety risk. The Government is not targeting products that have a safe use. It does not intend to put manufacturers and suppliers out of business or to stifle innovation by removing building products which may have a number of safe uses but are used inappropriately. The Government will target specific uses only to ensure that no unsafe building product is used in buildings in New South Wales, that offenders are prosecuted, that home owners and occupants are kept safe and that building products are used properly and safely in all buildings.

As I said at the beginning of my speech, the powers contained in this bill will put a stop to unsafe building products being used in buildings and ensure that those who misuse building products are penalised for their actions. Safety is always the Government's priority, and all measures will be taken to ensure that unsafe products are not in use in buildings in New South Wales. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that this bill be now read a second time.

Motion agreed to.

Consideration in detail requested by Ms Yasmin Catley.

Consideration in Detail

TEMPORARY SPEAKER (Mr Lee Evans): By leave: I will deal with the bill in one group of clauses and schedules. The question is that clauses 1 to 96 and schedules 1 and 2 be agreed to.

Ms YASMIN CATLEY (Swansea) (12:27): By leave: I move Opposition amendments Nos 1 to 36 on sheet C2017-123A in globo:

No. 1 Scope of building product use bans

Page 2, clause 1, line 4. Omit "Safety". Insert instead "Suitability".

No. 2 Objects

Page 2. Insert after line 21:

3 Objects of Act

The object of this Act is to regulate building products:

- (a) to ensure the safety of consumers and the public generally; and
- (b) to ensure that persons involved in the manufacture, supply or installation of building products are held responsible for the safety of those products and their use.

No. 3 Chain of responsibility

Page 2, clause 3. Insert after line 31:

chain of responsibility—see section 12.

No. 4 Chain of responsibility and building product recalls

Page 2, clause 3. Insert after line 44:

non-conforming building product—see section 8.

No. 5 Chain of responsibility

Page 2, clause 3. Insert after line 44:

notifiable incident means:

- (a) the death or serious injury of a person; or
- (b) an incident that exposes a person to a risk of serious injury.

No. 6 Building product recalls

Page 3, clause 3. Insert after line 6:

recall order means a recall order under section 27 that is in force.

No. 7 Chain of responsibility

Page 3, clause 3. Insert after line 6:

relevant regulatory provisions means:

- (c) the *Environmental Planning and Assessment Act 1979*; and

(d) the *Plumbing and Drainage Act 2011*.

No. 8 **Scope of building product use bans**

Page 3, clause 3. Insert after line 18:

suitability risk—see section 4.

No. 9 **Scope of building product use bans**

Page 3, clause 3, line 25. Omit "*unsafe*". Insert instead "*unsuitable*".

No. 10 **Chain of responsibility and building product recalls**

Page 3, clause 3, line 26. Insert "and *intended use*," after "*use*,".

No. 11 **Scope of building product use bans**

Page 4, clause 4, lines 3-5. Omit all words on those lines. Insert instead:

- (1) For the purposes of this Act, there is a *suitability risk* posed by the use of a building product in a building if:
 - (c) any occupants of the building are or will likely be at risk of death or serious injury arising from the use of the building product in the building (referred to in this Act as a *safety risk*); or
 - (d) the building product or the use of the building product will cause or is likely to cause significant detriment to consumers; or
 - (e) the building product or the use of the building product will cause or is likely to cause damage to any property or to destroy or otherwise significantly compromise any property.

No. 12 **Scope of building product use bans**

Page 4, clause 4, line 9. Omit "safety". Insert instead "suitability".

No. 13 **Scope of building product use bans**

Page 4, clause 4, lines 11 and 12. Omit all words on those lines. Insert instead:

- (4) For the purposes of this Act, a building product is *unsuitable* to be used in a building if a suitability risk is posed by the use of the building product in the building.

No. 14 **Chain of responsibility and building product recalls**

Page 4, clause 7. Insert after line 31:

- (4) An *intended use* of a building product in a building means a use of a building product in a building that is intended or is reasonably likely.

No. 15 **Chain of responsibility and building product recalls**

Page 4. Insert after line 31:

8 Non-conforming building product

A building product is a *non-conforming building product* for a use in a building if:

- (a) the use of the building product in a building poses a safety risk; or
- (b) the building product does not or will not comply with the relevant regulatory provisions, or the building product does not perform, or is not capable of performing, for the use to the standard it is represented to perform by a person in the chain of responsibility for the building product.

No. 16 **Chain of responsibility**

Page 5. Insert after line 29:

Part 2 Duties of persons in chain of responsibility

Division 1 General provisions about duties

9 Relationship with safety laws

- (1) If a provision of this Part and a provision of a safety law deal with the same thing and it is possible to comply with both provisions, a person must comply with both provisions.
- (2) However, to the extent it is not possible for the person to comply with both provisions, the person must comply with the provision of the safety law.
- (3) Evidence of a contravention of this Part is admissible in any proceedings for an offence against a provision of a safety law.

- (4) If an act, omission or circumstances constitute an offence under this Part and a safety law, the offender is not liable to be punished twice in relation to the act, omission or circumstances.

- (5) In this section:

safety law means the *Work Health and Safety Act 2011*.

10 Principles applying to duties

- (1) This section sets out the principles applying to duties persons have under Division 2.
- (2) A person may have more than 1 duty because of the functions the person performs or is required to perform.
- (3) More than 1 person can concurrently have the same duty.
- (4) Each person must comply with the duty to the standard required under Division 2 even if another person has the same duty.
- (5) If more than 1 person has a duty for the same matter, each person:
- (a) is responsible for the person's duty in relation to the matter; and
 - (b) must discharge the person's duty to the extent to which the person:
 - (i) has the capacity to influence and control the matter, or
 - (ii) would have the capacity but for an agreement or arrangement purporting to limit or remove that capacity.

11 Code of practice about discharging duties

- (1) The Minister may, by order published on the NSW legislation website, make a code of practice that states a way of discharging a duty a person has under this Part.
- (2) Sections 40 and 41 of the Interpretation Act 1987 apply in relation to an order under subsection (1) in the same way as they apply to a statutory rule.
- (3) A code of practice, or an order amending or repealing a code of practice, commences on the day the order is published on the NSW legislation website or a later day specified in the order.
- (4) A code of practice ceases to have effect 10 years after it commences.
- (5) A code of practice is admissible in proceedings for an offence against this Part as evidence of whether or not a duty under this Part has been complied with.
- (6) Nothing in this section prevents a person from introducing evidence of compliance with the duty in a way that is different from the code of practice.

Division 2 Duties

12 Who is person in chain of responsibility

A person is a person in the chain of responsibility for a building product if:

- (a) the person:
 - (i) designs, manufactures, imports or supplies the building product; and
 - (ii) knows, or is reasonably expected to know, that the building product will or is likely to be used in a building; or
- (b) the person does the building work by which the building product is used in a building.

13 Primary duty of person in chain of responsibility

Each person in the chain of responsibility for a building product must, so far as reasonably practicable, ensure that the product is not a non-conforming building product for an intended use in a building.

14 Additional duty relating to accompanying information

- (1) A person in the chain of responsibility for a building product who designs the building product must ensure, so far as reasonably practicable, that, if the person gives the design to another person who is to give effect to the design, the design is accompanied by the required information for the product.
- (2) A person in the chain of responsibility for a building product who manufactures, imports or supplies the product must ensure, so far as reasonably practicable, that when the person gives the product to another person the product is accompanied by the required information for the product.

- (3) For the purposes of subsection (2), a person gives a building product to another person if the person:
 - (a) sells, supplies or otherwise transfers the building product to the other person; or
 - (b) facilitates the sale, supply or transfer of the building product to another person.
- (4) A person who does the building work by which a building product is used in a building must ensure, so far as reasonably practicable, that the owner of the building is given the information about the product prescribed by the regulations for this subsection.
- (5) The regulations may prescribe the following requirements in relation to the information required under this section:
 - (a) the matters that must be included or provided for in the information;
 - (b) the matters that must not be included or provided for in the information;
 - (c) the form in which the information must be given.
- (6) In this section:

required information means information about the product that:

 - (a) for each intended use of the product, states or otherwise communicates the following:
 - (i) the suitability of the product for the intended use and, if the product is suitable for the intended use only in particular circumstances or subject to particular conditions, the particular circumstances or conditions;
 - (ii) instructions about how the product must be used in a building to ensure it is not a non-conforming building product for the intended use; and
 - (b) complies with the requirements for the information, if any, prescribed by the regulations.

Division 3 Offences relating to duties

15 Failure to comply with duty

A person commits an offence if:

- (a) the person has a duty under Division 2; and
- (b) the person fails to comply with the duty.

Maximum penalty: 1,000 penalty units.

16 Duty about representations about building products

A person must not make a representation, or permit a representation to be made, that the use of a building product in a building complies, or will comply, with the relevant regulatory provisions if the person knows, or ought reasonably to know, that the use of the building product does not, or will not, comply with the relevant regulatory provisions.

Maximum penalty: 1,000 penalty units.

17 Duty to notify non-conforming building product

- (1) If a person in the chain of responsibility for a building product becomes aware, or reasonably suspects, that the building product is a non-conforming building product for an intended use in a building, the person must, as soon as practicable and within 2 days after becoming aware or forming the suspicion, give the Secretary notice of the matter.

Maximum penalty: 50 penalty units.

- (2) If the person is aware of a notifiable incident that was or may have been caused by the use of the building product for the intended use, the notice under subsection (1) must also include notice of the notifiable incident.

- (3) The notice under subsection (1):

- (a) must be given as soon as practicable but, in any case, within 2 days after the person becomes aware that, or forms the suspicion that, a building product is a non-conforming building product for an intended use; and
- (b) must be given in a form approved by the Secretary.

- (4) In proceedings in which a person is charged with an offence under this section, it is a defence to the prosecution of the offence if the person charged proves that the person had a reasonable excuse for the act or omission concerned.

18 Duty to comply with directions of Secretary

- (1) The Secretary may, by written notice given to a person in the chain of responsibility for a building product, direct the person to take stated action within a stated period to remove or minimise the safety risks posed by the use of the building product in a building.
- (2) Subsection (1) applies only if the Secretary is satisfied on reasonable grounds:
- (a) that the use is an intended use; and
 - (b) that the building product is or may be a non-conforming building product in relation to the use; and
 - (c) that the use poses a safety risk.
- (3) A person given a direction under this section must comply with the direction.
- Maximum penalty: 50 penalty units.

19 Duty to notify notifiable incident

- (1) A person in the chain of responsibility for a building product who becomes aware, or reasonably suspects, that a notifiable incident was or may have been caused by the use in a building of a building product that is a non-conforming building product in relation to that use must give the Secretary notice of the notifiable incident.
- Maximum penalty: 100 penalty units.
- (2) The notice under subsection (1):
- (a) must be given as soon as practicable but, in any case, within 2 days after the person becomes aware that, or forms the suspicion that, a notifiable incident has occurred; and
 - (b) must be given in a form approved by the Secretary.
- (3) In proceedings in which a person is charged with an offence under this section, it is a defence to the prosecution of the offence if the person charged proves that the person had a reasonable excuse for the act or omission concerned.

20 Secretary may require remedial action

- (1) The Secretary may, by written notice given to a person, direct the person to do the following within the period stated in the direction:
- (a) remedy a contravention of this Part;
 - (b) take stated steps to prevent the contravention from continuing or being repeated.
- (2) The Secretary may give a direction under this section only if the Secretary is satisfied on reasonable grounds that the person:
- (a) has contravened a duty under this Part; or
 - (b) has contravened a duty under this Part in circumstances that make it likely that the contravention will continue or be repeated.
- (3) The period stated in the direction must be at least 28 days unless the Secretary is satisfied that, if the direction is not required to be complied with within a shorter period:
- (a) a substantial loss will be incurred by, or a significant hazard will be caused to the health or safety of, a person because of the contravention, or
 - (b) the contravention will cause a significant hazard to public safety or the environment generally.
- (4) A person given a direction under subsection (1) must comply with the direction.
- Maximum penalty: 1,000 penalty units.

No. 17 Powers of Secretary

Page 6, clause 9, line 3. Omit "may". Insert instead "must".

No. 18 Scope of building product use bans

Page 6, clause 9, line 5. Omit "the use is unsafe". Insert instead "the building product is unsuitable to be used in a building".

No. 19 **Scope of building product use bans**

Page 6, clause 9, lines 16, 18 and 19. Omit "unsafe" wherever occurring. Insert instead "unsuitable".

No. 20 **Scope of building product use bans**

Pages 7, 9, 10, 11, 12, 32, 33 and 34, clauses 14, 18, 19 (2), (3), (4) and (5), 20, 22, 24, 26, 81 and 86 (2) and (3) (b). Omit "safety" wherever occurring. Insert instead "suitability".

No. 21 **Scope of building product use bans**

Pages 9 and 10, clauses 16 and 19 (1). Omit "safety" wherever occurring. Insert instead "suitability".

No. 22 **Powers of Secretary**

Page 9, clause 18, line 23. Omit "may" where secondly occurring. Insert instead "must".

No. 23 **Notification of affected buildings**

Page 9, clause 18. Insert after line 31:

(b) the occupier or occupiers of the building,

No. 24 **Notification of affected buildings**

Page 9, clause 18, lines 37-0. Omit all words on those lines. Insert instead:

(4) If the building is the subject of a strata scheme under the *Strata Schemes Management Act 2015*, a requirement to give notice to the owner or owners of the building is a requirement:

(a) to give notice to the owners corporation constituted under that Act for the building, and

(b) to give notice to each person who is an owner (within the meaning of that Act) of a lot in the strata scheme.

No. 25 **Notification of affected buildings**

Page 9, clause 18, lines 41 and 42. Omit all words on those lines. Insert instead:

(5) The Secretary must publish an affected building notice on the internet and in the Gazette.

No. 26 **Powers of Secretary**

Page 10, clause 19, line 2. Omit "may". Insert instead "must".

No. 27 **Scope of building product use bans**

Pages 11 and 12, clauses 23 and 25. Omit "safe" wherever occurring. Insert instead "suitable".

No. 28 **Notification of affected buildings**

Page 12, clause 24. Insert after line 8:

(b) the occupier or occupiers of the building;

No. 29 **Scope of building product use bans**

Page 12, clause 26, line 29. Omit "safe". Insert instead "suitable".

No. 30 **Building product recalls**

Page 12. Insert after line 32:

Part 5 Building product recalls

27 Secretary may make recall order

(1) The Secretary may, by order in writing served on a responsible person for a building product, direct the responsible person to recall that building product from use.

(2) An order under this section is a *recall order*.

(3) A recall order may be made only if:

(a) the Secretary is satisfied on reasonable grounds that the building product is a non-conforming building product for all intended uses in a building and it is not reasonably expected to be used for any other use, or

(b) the Secretary is satisfied on reasonable grounds that:

(i) the building product has been, or is proposed to be, used in a building for an intended use; and

(ii) the building product is a non-conforming building product in relation to that intended use; and

- (iii) the intended use poses a safety risk.
- (4) The Secretary may make a recall order for a building product whether or not:
 - (a) the responsible person, or another responsible person, has already undertaken a recall of the building product; or
 - (b) the building product has been used in a building.
- (5) A recall order for a building product may be made in relation to 2 or more responsible persons for the building product.
- (6) In this Part:

responsible person for a building product means:

 - (a) a person who designed, manufactured, imported or supplied the building product; or
 - (b) if the product has been used in a building—a person who did the building work by which the building product was used in the building.

28 Notice of intention to make recall order

- (1) Before making a recall order, the Secretary must:
 - (a) give each responsible person to whom the recall order is to apply written notice of the Secretary's intention to make the order and the reasons for making the order; and
 - (b) give the responsible person a copy of the proposed recall order; and
 - (c) ask the responsible person to show cause why the Secretary should not make the proposed recall order.
- (2) If a responsible person wishes to show cause why the recall order should not be made, the person may make written submissions to the Secretary within 7 days after receiving the notice and copy of the proposed order.
- (3) The Secretary must consider any written submissions made by a responsible person within the period mentioned in subsection (2) before making the recall order.
- (4) This section does not apply to a responsible person in relation to a building product if an order, however called, directing the person to recall the building product from use is in force under the law of another State.

29 Nature of recall order

- (1) A recall order must state:
 - (a) the reasons for the recall of the building product from use; and
 - (b) what each responsible person to whom the order applies must do to recall the building product from use including, for example, the following:
 - (i) the way in which, and the period for which, a responsible person must inform other persons about the reason for the recall order;
 - (ii) the information a responsible person must give other persons about the reasons for the recall order, including the action the other persons should take to mitigate any risk of injury;
 - (iii) the action a responsible person must take in relation to other persons to whom the building product has been sold or supplied, for example, replacing the building product or providing a refund for the building product;
 - (iv) for a building product used in a building—the action a responsible person must take to remove the building product from the building;
 - (v) the action a responsible person must take to stop the building product from being a non-conforming building product for an intended use, for example, by repair or modification;
 - (vi) the action a responsible person must take to help another responsible person to whom the recall order applies to comply with the order;
 - (vii) the information a responsible person must give to the Secretary about the progress of the recall.
- (2) Each responsible person to whom the recall order applies is liable for any cost incurred in relation to complying with the order, including costs incurred by a person giving any assistance the person is required to give under this Part.

- (3) The recall order remains in force until the end of 2 years after the order is made unless sooner revoked by the Secretary.
- (4) Subsection (3) does not prevent a further recall order being made for the same building product to which the recall order applied while it was in force.

30 Compliance with recall order

- (1) A responsible person must comply with the requirements of a recall order that applies to the person.
 - (2) A person must not supply, or cause to be used in a building, a building product that the person knows, or ought reasonably to know, is the subject of a recall order.
- Maximum penalty: 1,000 penalty units.

31 Other persons must help responsible person

- (1) A person who supplies a building product, or does the building work by which a building product is used in a building, must give a responsible person who is the subject of a recall order in relation to the building product any reasonable assistance that the person requests to enable the person to comply with the recall order.
- Maximum penalty: 50 penalty units.
- (2) This section applies only if the responsible person who is the subject of the recall order produces a copy of the recall order to the person the subject of the request.

32 Public notice

The Secretary must ensure information sufficient to alert the public about the reason for the recall order is published:

- (a) in a newspaper circulating generally in the State; and
- (b) on the internet.

No. 31 Scope of building product use bans

Pages 15, 16 and 18, clauses 34, 38, 39 and 42. Omit "unsafe" wherever occurring. Insert instead "unsuitable".

No. 32 Building product recalls

Page 32, clause 81. Insert after line 10:

- (e) a decision of the Secretary to make a recall order;

No. 33 Scope of building product use bans

Page 40, line 2, Schedule 2.1. Omit "Safety". Insert instead "Suitability".

No. 34 Scope of building product use bans

Pages 40, 41 and 42, Schedule 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9. Omit "Safely" wherever occurring. Insert instead "Suitability".

No. 35 Scope of building product use bans

Page 40, line 27, Schedule 2.2 [2]. Omit "Safety". Insert instead "Suitability". No. 36 Long title Omit "unsafe". Insert instead "unsuitable".

No. 36 Long title

Omit "unsafe". Insert instead "unsuitable".

There are 36 amendments, and I will address them according to themes of chain of responsibility, notification, powers of the secretary and the recall mechanisms in the bill. Chain of responsibility is at the core of this issue. The bill should have reflected the agreed approach of the Building Ministers' Forum, which is seeking a consistent approach from all jurisdictions in addressing this serious issue. This Minister is willing to sacrifice the good name and good relationship of New South Wales with the other States and Territories and the Federal Government—and, importantly, industry stakeholders both in New South Wales and nationally—for the sake of artificial deadlines, when the Government has dithered and delayed on this matter for years.

We also seek to recalibrate the purpose of the bill. We seek to refer to it as an Act to regulate building products to ensure the safety of consumers and the public generally, and to ensure that persons involved in the design, manufacture, supply, specification or installation of building products are held responsible for the safety, suitability and conformity of those products and their use. If Government members will not support this amendment then they are telling their communities, "If dodgy building products like Alucobest are found on your premises, good luck and get a good lawyer." If the Government does not support this fundamental amendment, it will lose the confidence of industry and of other jurisdictions. It will state that it is willing to leave innocent home owners in the lurch and footing the bill for rectification works.

A chain of responsibility places a duty of care on everyone in the building supply chain to create a regime of responsibility for compliance. Those opposite have been reluctant to lift a finger to address this very dangerous and serious matter. Instead, they were worried about creating too much red tape or stifling innovation: "Just let the market rip—that will do." Well, that will not do. Industry is calling for a chain of responsibility to be front and centre of legislation across this country. New South Wales is looking like an embarrassment in comparison to the other States. I will actually feel sorry for the Minister when he attends the next Building Ministers' Forum [BMF] to meet his Federal colleagues and hears their opinions about this. There are rumours galore about the mismanagement of this bill, including from the Building Products Innovation Council. The council wrote to me and many other members, including the Minister. The council, which represents many industry stakeholders, has been a great advocate for a chain of responsibility. In that correspondence the council said:

On behalf of all building owners and the general public, the building products industry urgently calls for the already-drafted clauses of the Bill that would have helped protect consumers, de-risk the building supply chain and prevent the incidence of dodgy and unsafe building products, to be re-instated into the Bill.

Those on this side of the House concur with those remarks. For the benefit of those opposite I will list the associations represented by the Building Products Innovation Council: Australian Glass and Glazing Association; Australian Industry Group; Australian Institute of Architects; Australian Institute of Quantity Surveyors; Australian Steel Institute; Australian Window Association; Building Products Innovation Council; Cement, Concrete and Aggregates Australia; Concrete Masonry Association of Australia; Engineered Wood Products Association of Australasia; Engineers Australia; Fire Protection Association Australia; Gypsum Board Manufacturers of Australasia; Housing Industry Association; Insulated Panel Council Australasia; Insulation Council of Australia and New Zealand; Master Builders Association; National Manufacturers Council; Owners Corporation Network; Property Council of Australia; Roofing Tile Association of Australia; Steel Reinforcement Institute of Australia; Strata Choice; Strata Community Australia; and Think Brick.

The Building Products Innovation Council supplied me with that list. Twenty-five prominent stakeholders are being ignored. One might think ignoring one of them would be foolish, given the serious nature of this matter, but 25 of them? The Government is ignoring industry. These are critical stakeholders in the building industry. They are highly regarded and highly respected in an industry that is worth billions of dollars to the New South Wales economy. Those stakeholders have lost confidence in the Government. The only way this ineffective Government can make amends is to stand with Labor and support this amendment. I turn now to notification. This goes to the issue of equity. The Government does not care about the ordinary family and the average individual. When questioned during budget estimates, the Minister could not advise whether every person in an affected building had been notified. Incredibly, it is also absent from this bill. This Government only looks after the big end of town. Now those opposite do not even pretend to care.

These amendments will ensure the secretary is required to notify all occupants and owners of the presence of non-conforming or non-compliant products and/or work. I cannot believe that is absent from the bill. Those opposite should hang their heads in shame. This reflects Labor's view that everyone has the right to be directly advised of the presence of dangerous material in the place they own or in which they reside. To simply rely on some version of the trickle-down effect is unsatisfactory. It is foolish to think that owners corporations will advise everybody about this. The Minister should stand up to his party and at least support this amendment.

I turn now to the powers of the secretary. There are a number of instances where the secretary may undertake a certain action—this is even the case when the presence of dangerous material has been identified. A secretary "may" take action even though it has been identified that a material is dangerous and unsafe? No way. Labor's commonsense change requires that the secretary "must" undertake some actions, rather than "may". I have no doubt that the Minister will agree to the amendment. If he does not agree, then not only will the industry have lost confidence but so will the residents of New South Wales.

The next amendment concerns recalls. In the inadequate time we have had to move amendments, which is very disappointing given the serious nature of this debate, another issue industry thought should be included, but which is now excluded, is the issue of product recalls. Recalls are a fundamental part of consumer protection law—I am sure the Minister is already working on his Christmas product recall press release. That should have been included in this legislation because it is a very serious matter. These amendments will allow the secretary to do his or her job—to protect New South Wales consumers and New South Wales home owners—to recall non-conforming and non-compliant products if so required. I commend Labor's amendments to the House.

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (12:37): The Government does not support Labor's amendments. The bill already ensures the safety not only of consumers but of all people in New South Wales against the use of unsafe building products, whether for a particular use or for all of its uses. The bill will deliver the appropriate regime to protect all individuals in New South Wales against unsafe building products. The bill has been drafted to capture any building product where there is a safety risk.

The Opposition is confusing the issue with these amendments. The problem we are trying to solve is buildings being made unsafe by building products being used in ways for which they are not appropriate.

Often building products may be unsafe for one purpose but they may be totally safe for another purpose. Let us take the example of polyethylene core [PE] cladding. Concerns have been raised about PE cladding being used on high-rise residential buildings following Grenfell, and I share those concerns. However, I have been advised that PE cladding is also used as street signs right across the country. No concerns have been raised with me to suggest that PE cladding is unsafe for that purpose. This bill stops products being used for purposes for which they are unsafe. What Labor is proposing is to go further and it has not been able to provide a justification for why a building product should not be able to be used where it is fit for purpose.

This bill takes safety incredibly seriously. There are high penalties for those people who act in breach of bans. This is a strong response to an issue of unsafe building products and that is why the Government does not consider that this set of amendments should be included in the bill. With regard to the notification of affected residents, we are providing the power to the Commissioner for Fair Trading to make the public aware of a building that is unsafe where it is in the public interest to do so. I have already undertaken to write not only to owners corporations—which we have already done—but to all those residents who live in buildings that have been identified as being affected by unsafe cladding. We have further work to do to confirm whether or not the cladding is unsafe, but at this stage we will notify every resident living in the fewer than 100 properties that NSW Fire and Rescue has identified.

I appreciate some of the concerns raised by my shadow counterpart—we do take this issue very seriously. We will not support the proposed amendments, but we should remember what this is all about. This is about identifying unsafe building products being used in an unsafe way. Our laws will stop that happening and will get those unsafe building products out of the market in New South Wales and make life safer for people living in this State.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that Opposition amendments Nos 1 to 36 on sheet C2017-123A be agreed to.

The House divided.

Ayes37
Noes48
Majority.....11

AYES

Aitchison, Ms J
Barr, Mr C
Chanthivong, Mr A
Daley, Mr M
Doyle, Ms T
Harris, Mr D
Hoenig, Mr R
Lalich, Mr N (teller)
McDermott, Dr H
Minns, Mr C
Piper, Mr G
Tesch, Ms L
Watson, Ms A (teller)

Atalla, Mr E
Car, Ms P
Cotsis, Ms S
Dib, Mr J
Finn, Ms J
Harrison, Ms J
Hornery, Ms S
Leong, Ms J
McKay, Ms J
Park, Mr R
Scully, Mr P
Warren, Mr G

Bali, Mr S
Catley, Ms Y
Crakanthorp, Mr T
Donato, Mr P
Foley, Mr L
Haylen, Ms J
Kamper, Mr S
Lynch, Mr P
Mehan, Mr D
Parker, Mr J
Smith, Ms T F
Washington, Ms K

NOES

Anderson, Mr K
Barilaro, Mr J
Conolly, Mr K
Coure, Mr M
Dominello, Mr V
George, Mr T
Grant, Mr T
Hazzard, Mr B
Johnsen, Mr M

Aplin, Mr G
Berejiklian, Ms G
Constance, Mr A
Crouch, Mr A
Elliott, Mr D
Gibbons, Ms M
Griffin, Mr J
Henskens, Mr A
Kean, Mr M

Ayres, Mr S
Bromhead, Mr S (teller)
Cooke, Ms S
Davies, Mrs T
Evans, Mr A
Goward, Ms P
Gulaptis, Mr C
Humphries, Mr K
Lee, Dr G

NOES

Maguire, Mr D
O'Dea, Mr J
Perrottet, Mr D
Roberts, Mr A
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

Marshall, Mr A
Patterson, Mr C (teller)
Petinos, Ms E
Sidoti, Mr J
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

Notley-Smith, Mr B
Pavey, Mrs M
Provest, Mr G
Speakman, Mr M
Toole, Mr P
Ward, Mr G
Wilson, Ms F

PAIRS

Mihailuk, Ms T
Zangari, Mr G

Brookes, Mr G
Rowell, Mr J

Amendments negatived.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that clauses 1 to 96 and schedules 1 and 2 be agreed to.

Clauses 1 to 96 and schedules 1 and 2 agreed to.

Third Reading

Mr MATT KEAN: I move:

That this bill be now read a third time.

Motion agreed to.

*Bills***NATURAL RESOURCES ACCESS REGULATOR BILL 2017****First Reading**

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

TEMPORARY SPEAKER (Mr Lee Evans): I order that the second reading of the bill stand as an order of the day for a later hour.

LOCAL GOVERNMENT AMENDMENT (REGIONAL JOINT ORGANISATIONS) BILL 2017**First Reading**

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

TEMPORARY SPEAKER (Mr Lee Evans): I order that the second reading of the bill stand as an order of the day for a later hour.

NATURAL RESOURCES ACCESS REGULATOR BILL 2017**Second Reading Speech**

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (12:51):
I move:

That this bill be now read second time.

This bill sets us on a pathway to restoring the community's confidence in water resource regulation in New South Wales. It represents the beginning of a period of reform and improvement for compliance and enforcement in the regional water portfolio and a continuation of improvements in water management generally across the State. Members of the House would be aware that the New South Wales Government commissioned Mr Ken Matthews to report on aspects of water management in New South Wales following media reports of mismanagement. The Matthews interim report highlighted a number of shortcomings and was a sobering read for the Government and communities alike. The Matthews report presented the Government with a significant case for change in the water compliance and enforcement system in New South Wales.

Mr Matthews rightfully identified that the ABC *Four Corners* program had led to a sudden and sharp loss of public confidence in the way New South Wales was handling compliance and enforcement activities in the

Barwon-Darling region and more broadly across New South Wales. While there have been numerous earlier reforms in water management, it is important that we continue to improve and address the problems within New South Wales. The Matthews report has provided us with a guide as to how we can make that happen. In relation to the recommendations in the Matthews report, the Government has accepted the principles of those that are within our power to act upon. This bill will establish a new independent Natural Resources Access Regulator. That new regulator will perform an important role in putting in place new standards to ensure effectiveness and transparency of compliance activities at an individual, water sharing plan and State level.

The Government also accepts there is more to be done. To give effect to some of the recommendations Mr Matthews has made, further amendments will be required in our statutory water sharing plans to provide for best practice measurement of water use and to make it easier for water users to understand what is required to comply. Further changes will also improve information available to the public through an accessible register to increase accountability. These are significant changes that will impact on water users and stakeholders, so it is the Government's intention to release an exposure bill for public consultation prior to its introduction in the budget session of Parliament next year. We want to fix aspects of water administration, including simplifying the rules and making information more transparent for the public.

This bill delivers on the key building block of the Government response: The establishment of an independent Natural Resources Access Regulator. The regulator will be led by an independent board whose role is to determine whether the Government should institute proceedings for breaches of water legislation and to have oversight of all water compliance. In order to give the regulator oversight and to ensure independence from the customer service sensibility of a state-owned corporation, it is also proposed that compliance functions be moved from WaterNSW to the regulator. This move is no criticism of WaterNSW as WaterNSW is an efficient and well-operated organisation. The Government has made a decision that compliance should be moved to the regulator to enable WaterNSW to focus on customer service, such as providing information and advice, licensing, billing and meter reading.

The day-to-day running of compliance operations will be the responsibility of a new chief regulatory officer who will be accountable to the board. The regulator will play a unique role as it will be overseeing access to and the use of water, one of the most precious economic resources of the State. Ensuring that water is used lawfully is also critical, particularly given the private and public economic, social and environmental benefits water generates. As the regulator matures, it may be that compliance and enforcement functions for other natural resource portfolios could be overseen by the board. This would deliver efficiencies to government and build critical mass and professional expertise among otherwise separate and relatively small natural resource compliance teams.

The decision to establish the regulator with an independent board but supported by the Department of Industry was a strategic one. It is also important to note that alternative models such as placing the new regulator in another cluster will inevitably lead to a regional water policy that is ineffective and unworkable. I assure the House that these measures are not about increasing red tape for water users but about developing rules that are easier for everyone to understand and comply with.

The board will have three members appointed based on their skills and experience. As set out in the legislation, the board as a whole will need to have expertise in law, natural resources management, compliance and regulation. The Government is committed to appointing the board as soon as possible and expressions of interest have already been called. Candidates will be assessed and selected based on their skills and experience. The board will be at arm's length from the Minister and from WaterNSW, which provides customer services to water users, and from farmers and environmental water holders and the sections of government that work with these water users.

In addition to determining whether the Government should institute proceedings for breaches of water legislation, the board will have oversight of the regulator's functions, including preparing strategies, policies and procedures, providing advice on the administration of compliance and enforcement matters, and publishing convictions in prosecutions. To ensure full transparency, it will be required to publish an annual statement of its works and activities. It is also important to note that the transfer of compliance resources is not a reversal of the previous move. We are consolidating all water compliance staff into the new regulator. The staff will not be returning to the Department of Primary Industries. The regulation of access to natural resources will be separated from the industry development role of the Department of Industry. I assure the House that no staff will lose entitlements as a result of the transfer. The bill offers the same protections of entitlements for those staff transferred to the new regulator as with previous legislation. The consolidation of all water compliance staff in the regulator will create a single point of contact for dealing with allegations of breaches of the Water Management Act and the Water Act.

This will free up WaterNSW to continue its role in customer service and its compliance and enforcement function in the Sydney drinking water catchment under the WaterNSW Act. Some may wonder whether this bill is premature and whether the Government should wait until the final Matthews report before taking action. However, the Government has decided that it is critical to start the reform process now. This Government has a track record of tackling water resource management issues head on and its approach is no different in this situation. The community does not want the Government to sit on its hands when the first Matthews report has already given it a clear mandate for the next steps.

Part 1 sets out the preliminary matters and definitions. Importantly, it enables natural resources management legislation, the legislation for which the regulator will have a compliance role, to be expanded beyond water legislation to include any other Act administered by a relevant Minister that is prescribed by the regulations. Any such regulation could only be made with the concurrence of that Minister. This will enable additional natural resource management portfolios to be added to the regulator's functions as it matures. A three member board of the regulator will oversee decisions relating to the functions of the regulator as well as a chief regulatory officer reporting to the board who will be responsible for the day-to-day management of the activities of the regulator.

The regulator will not be subject to the control or direction of the Minister. However, the Minister will be able to give the regulator a written direction on general matters if the Minister is satisfied that it is necessary to do so in the public interest and subject to specified exclusions that ensure the directions do not interfere with the regulator's functions. The bill makes it clear that directions cannot be given in relation to specific matters being considered or determined by the regulator, the content of any advice or report given by the regulator or whether proceedings for offences should be instituted. Any direction must be published by the regulator as soon as practicable after it is given and particulars must be included in its annual report. Establishing the regulator in this way means that it is provided with the independence it needs to effectively and transparently manage compliance and enforcement. The Government is still able to direct it where it is absolutely necessary and in the public interest.

Part 2, division 2, establishes the functions of the regulator. As I mentioned earlier, the Government has agreed with the Matthews report and accordingly has allocated the regulator a broad range of functions under the natural resources management legislation including preparing strategies, policies and procedures relating to enforcement powers; advising and reporting to the Minister or any relevant Minister on any matter relating to the administration of natural resources management legislation or any other advice or reports as the Minister may request; publishing details of convictions and prosecutions for offences; and any other functions imposed through the regulations or by other legislation.

Significantly the regulator will be the body that decides whether proceedings for any offence under natural resources management legislation should be instituted by the Crown. To ensure the regulator has sufficient resources to perform these functions part 3 enables the transfer of staff into WaterNSW who are performing compliance functions for the regulator. Importantly, these staff will retain rights to all entitlements and leave in this transfer. As I discussed earlier, this step is intended to provide an additional layer of transparency and independence to compliance and is no reflection on the work of WaterNSW.

Part 3 provides for information sharing between agencies and from WaterNSW to the regulator where necessary. This will ensure that all information required to take compliance and enforcement action is shared appropriately between agencies. Part 3 also provides standard protections from personal liability for the board, the chief regulatory officer and any person acting under the direction of the board so long as they act in good faith. The remainder of part 3 provides for an annual report and that regulations may be made to give effect to this Act.

Schedule 1 contains standard provisions with respect to the members and procedures of the board, including the requirement to disclose pecuniary interests. In short, the provisions of this bill deliver on the first stage of the Government's commitment to implementing the recommendations in the Matthews report. While the proposed bill sets out the functions of the new regulator, the Government has made amendments to clarify the principal objectives of the regulator. For transparency, and to make the regulator's role crystal clear, the regulator's principal objectives are:

- (a) to ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation, and
- (b) to maintain public confidence in the enforcement of the natural resources management legislation.

These amendments will give the regulator a clear mandate to drive the delivery of a transparent and effective compliance and enforcement of water in New South Wales. Following the NSW Ombudsman's progress report the Government will ensure that compliance and enforcement is prioritised and put at the heart of the Government's reforms. This bill sends a clear message to the people of New South Wales that the Government is committed to driving reform in water compliance and enforcement.

A key feature of the bill is that there will be the flexibility to allow the regulator to oversee the compliance and enforcement of other natural resources. It allows the regulator to effectively build critical mass and professional expertise among otherwise separate and small natural resource compliance teams while delivering efficiencies to government. The bill has been amended so functions under the natural resources management legislation that are prescribed as functions of the regulator will be set out in a schedule to the Act. It will include a comprehensive suite of enforcement functions of the Minister under the Water Management Act. Transparency is a key component of the reforms which is why the functions of the regulator will be clearly set out in a schedule to the legislation.

I appreciate that there is robust debate about these matters and I understand that taking a transparent approach is key to rebuilding the trust of the community. This is why the Government is making constructive changes to its approach to make a stronger governance framework for the regulation of natural resources. Conferring additional functions on the regulator will not create confusion for water users and the public. The regulator will communicate clearly what its functions are and why they have been conferred. This bill outlines the commitment of the Government to making changes that will significantly improve the transparency and independence of compliance and enforcement in New South Wales.

While the bill today is focusing on the steps the Government is taking to create an effective compliance framework, it recognises that it is equally if not more important to create a culture of voluntary compliance in the community. The cost of implementation of a metering system may require significant investment for some users. It will work with water users and take a staged approach to implementation. The New South Wales Government has committed to drive water prices down and it is not abandoning that commitment. Staged implementation based on risk will be a key element of the policy developed in consultation with water users.

I remind the House that this is a matter of equity. The Liberal-Nationals Government is committed to working with the community to develop and implement reforms that achieve the key goals of transparency, independence and effectiveness. The proposed changes to water measurement and a public register of entitlements will facilitate a culture of voluntary compliance among water users. This is the beginning of a significant reform package that will benefit communities and the environment. This Government is committed to doing all it can to ensure that community confidence in the compliance and enforcement of water resources in New South Wales is restored. I commend the bill to the House.

Second Reading Debate

Mr CHRIS MINNS (Kogarah) (13:09): I thank the Minister for his precise diction; he clearly enunciated the provisions in the Natural Resources Access Regulator Bill 2017. The second reading speech is available in *Hansard* if members want to read it, but I am sure the House appreciated his learned rereading of that speech. Water affordability is a significant issue for the people of New South Wales. This legislation is problematic because it revolves around an idea that the people of New South Wales should trust The Nationals with water management. Significant provisions of the bill require water regulation to be taken on trust. The bill should provide significant ministerial oversight, government interference and opportunities for the Minister to shape regulation as he sees fit. This is not a personal reflection on the Minister for Regional Water, the Hon. Niall Blair. He has approached this difficult issue with good intent but who will take over after him? We must create a water enforcement protocol that will be in place for the next 50 years that is free from abuse and potential corrupt behaviour.

Over the past 6½ years a litany of problems are associated with water management under this Government. The first issue was water theft on an industrial scale from the Barwon and Darling rivers. For the past six years community groups have said repeatedly that something was not right. For 120 years water from the Menindee Lakes has serviced the people of Broken Hill. All of sudden it has run dry. The Government said that nothing is wrong. *Four Corners* aired a report that demonstrated that the people who had been saying for half a decade that something was wrong were correct. We were asked to take on face value that the problems associated with water management were just a figment of the imagination of communities in far western New South Wales. Yet the media found there were huge problems associated with water management and that water theft from these waterways was occurring on an industrial scale.

Secondly, six months ago we were told in this House that there was no problem with this Government abolishing the special investigation unit into water theft. The Opposition and The Greens protested repeatedly that abolishing the special investigation unit and attaching the commercial arm of WaterNSW to regulators was problematic because it meant that the people who were issuing irrigators with commercial licences were sitting alongside those whose job it was to enforce whether they were complying with their licence. When we brought up this matter the Government's response was, "Do not worry about it. Take it on face value. Trust the Government with water management." It has been proven yet again that we cannot trust The Nationals with water management. Thirdly, we were told there was no problem associated with the early years of water sharing, water trading and

the changes to the water licences. The NSW Ombudsman, the Matthews report, *Four Corners* and anyone else who has looked at water management in New South Wales has said significant problems are associated with the water licences that were distributed in the early years of this Government's tenure, particularly when The Nationals Ministers took over the water portfolio. We were asked to take it on face value and again we were misled.

The Minister said today that this legislation is not a reversal of the previous bill moved in this House but it is because it decouples enforcement regulators from the commercial side of WaterNSW. It takes them out of WaterNSW and puts them in an independent organisation tasked with the responsibility of regulating water management in New South Wales. It is a fundamental reversal and repudiation of the Government's legislation in this House only six months ago. The bottom line is this: The time of giving The Nationals the benefit of the doubt on WaterNSW is over. We cannot do it anymore. Even if we were inclined to do so—frankly, we probably were not—we cannot do it because the people of New South Wales require the independent enforcement of water management in far western New South Wales.

That brings me to the measures prescribed by the Government in the bill. We moved a number of amendments in the upper House relating to the Matthews inquiry and this legislation. There was a simple premise associated with those amendments—the Government commissioned the Matthews report and in discovering widespread problems with water management the Matthews report made a series of recommendations to strengthen water management in this State. Our job was to ensure that the amendments moved by the Opposition were in keeping with what Ken Matthews prescribed.

Debate interrupted.

Community Recognition Statements

WOOLLOOWARE HIGH SCHOOL MENTORING PROGRAM

Mr MARK SPEAKMAN (Cronulla—Attorney General) (13:15): Last month I had the pleasure of attending day two of Woollooware High School's mentoring program, Leadership by the Bay, having attended day one in March. The program brings primary school students together to work on projects with their high school mentors, promoting school leadership through interaction. The students design a project they can take back to their school to implement. Local participating schools included Caringbah High School, Cronulla High School, Caringbah North Public School, Cronulla South Public School, Grays Point Public School, Kurnell Public School, Laguna Street Public School, and Woollooware High School. I congratulate the student leaders from Woollooware High School who coordinated the program—Henry, Chelsea, Tibby, Jane, Mackenzie and Nathan. I also congratulate relieving principal Steve Fisher on his work in organising Leadership By the Bay and all staff members who helped to provide this great opportunity for students. It was delightful to see young people taking the initiative to help improve their school communities.

GLEBE PUBLIC SCHOOL PRINCIPAL VICKI POGULIS

Mr JAMIE PARKER (Balmain) (13:16): I bring to the attention of the House the work of Vicki Pogulis, retiring principal of Glebe Public School. Over the past decade Principal Pogulis has led the transformation of Glebe Public School. She is a staunch advocate for public education and a great leader. Her joy in teaching is reflected in all those who have been fortunate to work with her. Almost one-third of the school's students are Aboriginal and its student attendance rate is well above 90 per cent which is regarded nationally as a flagship of achievement in closing the gap. This achievement is the result of the many innovative strategies set up by Ms Pogulis, including an attendance bus to bring children to school in the morning. Most importantly, she has created an atmosphere of trust and inclusiveness which is helping to build relationships. Involving parents and carers in programming and policy-making has resulted in a curriculum that engages all children. Teaching and learning is supported by high-quality resources and the community coming together. Ms Pogulis will be sorely missed. I wish her all the best in the future and thank her for the contribution she has made to our community. Well done, Vicki.

PALLIATIVE CARE

Mr STEPHEN BROMHEAD (Myall Lakes) (13:17): On 21 October I attended the Push for Palliative garden party which was attended by more than 300 people and raised \$16,000 for palliative care. It was held at the home of Eugene and Marie O'Neill which is situated on a picturesque site beside the mighty Manning River. I congratulate Judy Hollingworth on her work and the work of Push for Palliative in assisting people in the Manning Valley through their last stages of life. The State Government allocated \$15,000 towards the purchase of special chairs for the Palliative Care Unit at the Manning Base Hospital and \$15,000 to Push for Palliative when it first started a little more than 12 months ago to get it up and running. I congratulate it on its work.

WALLSEND ELECTORATE QUEEN'S BIRTHDAY HONOURS RECIPIENT

Ms SONIA HORNER (Wallsend) (13:18): Steve Fernie is engaged in the Wallsend community and I was delighted to learn that he was acknowledged in the Queen's Birthday Honours List. Steve serves as the Hunter and Coastal Regional Commissioner for Scouts Australia NSW and was awarded the prestigious Medal of the Order of Australia for his services to scouting. Among his many achievements, Steve secured funding for the new scout hall to be built on the corner of Minmi Road and Shortland Drive. It is the first scout hall to be built in Newcastle for 70 years. On behalf of the Wallsend community, I congratulate Steve.

PREMIER'S ANZAC MEMORIAL SCHOLARSHIP PROGRAM

Mr JONATHAN O'DEA (Davidson) (13:18): The Anzac spirit lives on in our nation's character through the emerging leadership of today's youth. The Premier's Anzac Memorial Scholarship program offers unparalleled opportunities for young people to understand and experience the Anzac legacy. I congratulate Amber McCully, who studies at Brigidine College, St Ives, within my electorate, on becoming a 2018 Premier's Anzac Memorial scholar. She is one of 20 year 10 and year 11 students in New South Wales competitively selected from nearly 100 applicant schools. Amber will travel to the Western Front for a 13-day tour in June and July 2018, visiting historically significant battlefields including Flanders, Ypres Salient, Passchendaele and the Somme. I commend her strong leadership qualities and interest in Australian history. I hope the tour will be a memorable and formative experience as Amber represents our community and gains a better understanding of the Anzac legacy.

SAILABILITY CHALLENGE

Mr GREG PIPER (Lake Macquarie) (13:19): I acknowledge the remarkable challenge being undertaken by Wendy Evans. Wendy, a person with cerebral palsy, is attempting to become the first person with a severe disability to sail solo around Lake Macquarie, a spectacular waterway. On Friday 10 November I wished Wendy well as she embarked on the first day of her journey in a specially modified Hansa dinghy provided by Sailability Toronto. Wendy is doing the trip in stages and after two days sailing is approximately a third of the way around. Sailability Toronto facilitates participation in sailing and boat usage at social, recreational and competitive levels on inland, estuary and ocean water for people with disabilities, regardless of age and level of disability. Sailability is providing ongoing support for Wendy with a rescue craft accompanying her as she completes her journey. I congratulate and commend Wendy Evans for the challenge she has commenced and I look forward to seeing her after her adventure is completed. I also acknowledge the volunteers at Sailability Toronto for everything they have done to enable this to happen.

BEROWRA SCOUTS AWARD RECIPIENT JAYDEN MARK

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:20): I acknowledge Jayden Mark from 1st Berowra Scouts who was awarded his Grey Wolf Award—the highest honour a cub can receive. Jayden has had to meet a number of requirements to achieve this award, including a gold boomerang, four level two badges, along with two special interest badges. He also had to plan and lead a two-hour bushwalk with six other cubs and two leaders, which he did with great success. Jayden has played a strong leadership role in his cubs group and has taken on the role of sixer which means he was in charge of a small group of cubs. He also took on the role of second in charge. Jayden was presented with his award by District Commissioner Wendy Farrell and has thanked the Berowra cubs for all their assistance to help him achieve this award. Jayden has now moved on from cubs and into Scouts. I congratulate him on his hard work and receiving such a prestigious award.

TRIBUTE TO FATHER ALAN GIBSON

Ms JODI McKAY (Strathfield) (13:21): I pay my respects to Father Alan Gibson, parish priest of my local Catholic parish of St Vincent's, Ashfield. Father Alan is relocating to a Melbourne parish after six years as parish priest at St Vincent's. Over the past six years Father Alan has helped focus the efforts of the parish on broader social justice issues such as housing affordability. It is testimony to his passion for social justice that he recently attended this Parliament for a debate on affordable housing policies, as well as reaching out to inner west councillors to progress affordable housing policies. He has also championed the cause of the Sydney Alliance, playing an active role in its efforts to make Sydney a fairer, kinder and more liveable place. He has led the parish with distinction and truly embraced the Vincentian belief of humble and grateful service to others, especially to those who are poor, disadvantaged and vulnerable. On behalf of our community I thank him for his selfless service. Father Alan will be greatly missed by the parish. I wish him well in the next chapter of his life.

QUOTA CLUB OF TAREE BIRTHDAY CELEBRATION

Mr STEPHEN BROMHEAD (Myall Lakes) (13:22): I wish the Quota Club of Taree, a happy seventieth birthday. My wife, Sue, and I had the great pleasure of attending the club's celebrations. I congratulate President Jeanette Holland and her team on what they do. On Saturday a domestic violence seminar was held at which a panel of experts from the Samaritans, the Domestic Violence Advocacy Group and other supporters made worthwhile presentations. On Sunday the club celebrated its seventieth birthday. I congratulate the Quota Club which does a great deal in our local community. The club supports many organisations in the Manning Valley which would struggle without its support.

WOLLONGONG ELECTORATE COMMUNITY CAMPAIGNS

Mr PAUL SCULLY (Wollongong) (13:23): Over the course of the year the people of Wollongong and the Illawarra have run a number of community campaigns. The campaigns were not for something new; rather they were to retain something we already had. The longest campaign was the one to retain services at Shellharbour and Port Kembla public hospitals in public hands. I acknowledge the members and representatives of the Health Services Union, NSW Nurses and Midwives Association, Australian Salaried Medical Officers Federation and a community group led by the wonderful Norma Wilson and Irene Hatzipetros. More recently the community got behind the campaign to keep the Gong shuttle free. I acknowledge the Illawarra Business Chamber, South Coast Labour Council, Wollongong City councillors and the Transport Workers Union South Coast and Southern Sub-Branch, in particular, Rob Pirc and Brad Gibson who have been there every step of the way. A community is measured by how it rallies to support its members. Once again, when it comes to the people of Wollongong and the Illawarra they are first class.

ST GEORGE ELECTORATE COMMUNITY AWARD RECIPIENTS

Mr MARK COURE (Oatley) (13:24): I acknowledge the seventh annual St George Community Awards which I hosted on 9 November 2017. I congratulate many individuals and community groups for receiving an award. We celebrated the achievements of individuals, youths, sportspeople and seniors, as well as local businesses, community organisations and environmental groups across the St George region. I ask members to recognise each award recipient and commend them for their dedication, commitment and outstanding work ethic in serving the local community. Some of the community groups from the St George area that were represented on the night include St George District Red Cross, Nurses on Wheels, Autism Community Network, Kogarah Community Services, Discovery Writers Group, Lions Club of Lugarno, 3Bridges Community, Meals on Wheels, amongst many others. I extend my congratulations to award recipients and also thank their friends and families for attending to support and honour them.

DYING WITH DIGNITY

Ms TRISH DOYLE (Blue Mountains) (13:25): I acknowledge three of my incredible constituents—Anne and Paul Gabrielides and Coralie Richmond. Each of those people has the most compelling stories to tell of their lives and about debate last week on the recent assisted dying bill that regrettably did not become law in New South Wales. I thank and honour Annie whose strength and capacity to explore the critical issues around choice for the terminally ill has moved me and many others beyond words. It will stay with me forever. I was honoured when she asked me to be her voice in the Dying with Dignity and change.org campaigns to speak her words as she is no longer able to do so.

I thank Paul for his strength in enduring his own pain, for his unfailing love and support for Annie, and for his good humour. Paul argued with integrity, patience and love. He said, "Listen to the families. Ask them what their loved ones want". He said, "This is about self-determination". The compassion and vibrancy of Coralie in explaining one of the more horrific stories I have ever heard deserves public acknowledgement. I thank her for her efforts in visiting Parliament, the long train trip and the hours she gave up to sit and talk with legislators. I honour all those people for their generosity and humanity as we discussed death. This is part of life.

CHILDREN'S WEEK YOUTH PARLIAMENT

Mr JONATHAN O'DEA (Davidson) (13:26): Empowering youth to understand and participate in our democracy is an essential part of New South Wales civic education. I commend Kate Springer, a resident of my electorate, who represented Killara High School at the Children's Week Youth Parliament on 25 and 26 October. Kate was one of 93 New South Wales youth in year 7 to year 9 chosen to voice her ideas, passions and experiences in a parliamentary format. Kate spent her first day in the program understanding parliamentary processes and speech writing, as well as meeting with the Greater Sydney Commission. The next day she presented a speech as the member for Davidson in this Parliament advocating against bullying. Co-hosted by YMCA NSW and the Office of the NSW Advocate for Children and Young People, the 2017 Children's Week Youth Parliament

provided a wonderful opportunity for Kate and other youth to engage in participatory democracy. I appreciate their efforts and congratulate all involved.

DOMESTIC VIOLENCE

Ms JENNY AITCHISON (Maitland) (13:27): I congratulate Alexandra Haggarty who was recently nominated for the John Greig, OAM, award at the Real Estate Institute of New South Wales Awards for Excellence. Alexandra was nominated for her work with Carrie's Place, the domestic violence refuge in Maitland. Alexandra has worked tirelessly to re-home and re-establish victims of domestic violence in the private rental market. As the shadow Minister for the Prevention of Domestic Violence and Sexual Assault, and the member for Maitland, it is wonderful to see such dedicated people in my electorate working to help victims of domestic violence. Often one of the most difficult aspects of leaving a violent and abusive partner is finding a place to stay. Through coordination between refuges like Carrie's Place, public housing organisations and the private market, we can help make the transition for victims of domestic violence easier. I congratulate Alexandra on her well-deserved nomination and wish her and all of the women who are suffering from domestic violence in our community the very best for the future.

BATHURST GARDENERS CLUB SPRING SPECTACULAR

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (13:28): I acknowledge the work of the Bathurst Gardeners Club which recently hosted its Spring Spectacular. Community groups opened up their gardens to enable visitors and locals to see their displays. Eight community groups benefited from the \$18,000 that was raised at the weekend. I thank President Karen Granger for the work that she did in organising sponsors. Many people benefited from the event. Groups supported included the 2BS Bathurst Lions Christmas Miracle Appeal, Can Assist, headspace, Miss Traill's House, Mitchell Conservatorium of Music, Eglinton Rural Fire Brigade, Glanmire-Walang Rural Fire Service and Hill End Rural Fire Brigade. All these groups, which are grateful, will use that money to purchase equipment or to support the elderly or youth in our communities. I congratulate the Bathurst Gardeners Club on the work that it has done.

REFUGEE ADVICE AND CASEWORK SERVICE

Ms JO HAYLEN (Summer Hill) (13:29): The Refugee Advice and Casework Service [RACS] is at the forefront of the greatest humanitarian crises around the world. As more comes to light about the plight of Rohingya refugees and the asylum seekers abandoned on Manus Island, the work of organisations such as RACS has never been more vital. Refugees desperately need advocates and legal support when coming up against Australia's inhumane asylum seeker policy and our complex legal system. Thankfully, RACS is there to offer that support. I am proud that the people of the inner west whom I represent are a diverse and progressive community with a history of supporting organisations such as RACS. I am proud that inner west residents will always stand up—arms open—to welcome the most vulnerable. With 80 per cent of their work unfunded and refugee crises worsening around the world, now is the time to support RACS and refugee advocates. I wish them well in their endeavours.

THORNLEIGH NETBALLERS CLARE ASHPOLE AND SALLY KNIGHT

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:30): I acknowledge some special community members who have dedicated many years of service to the Thornleigh Netball Club. President Clare Ashpole and her sister, Sally Knight, are the heart and soul of Thornleigh netball. They first put on the blue-and-gold uniform more than 30 years ago as kids, and both promised as adults to give back to the club they love. They have certainly done this, by both serving as coach, manager and on the committee. They have also both served on The Hills district committee.

After 22 years together, Sally has decided to step down from the committee and I know that many players will miss seeing Sally at the netball courts every Friday and Saturday. She will still be involved as a mum as they have both passed on their love of the game to their daughters, with Caitlin Knight, Jessica Knight and Hannah Ashpole all involved in the club. Clare will continue on as president. I thank Sally for her years of service and giving back to the community, and for passing on her love of netball to the next generation of players. These are two of the most beautiful and generous people one could ever meet. They represent everything that is good about our community in the Hornsby shire and in our country.

CREATEABILITY 2017 PARTICIPANT DOM FREESTONE

Ms JODIE HARRISON (Charlestown) (13:31): The power of art has given my constituent Dom Freestone a new lease on life. Eleven years ago Dom suffered a horrendous spinal cord injury that changed his life and left him in a wheelchair. Dom's pursuit of art led him to be selected as one of eight artists from regional New South Wales to be profiled in Createability 2017. Createability is a project that provides funding for

filmmakers to profile artists with a disability. Following his injury, Dom slowly slipped into depression. It was around this time that his friend bought some paints and canvasses and they began to spend their days painting and listening to music. For the first time since the accident, Dom found something that he could do independently and enjoy. He began to look forward to getting up and painting each day. Dom is currently studying a Bachelor of Visual Communication Design degree at the University of Newcastle, and so far has maintained a high distinction average. I commend Dom for his perseverance and success despite the adversity he has faced.

RURAL SUPPORT WORKER PETER BROWN

Mr STEPHEN BROMHEAD (Myall Lakes) (13:32): I congratulate and welcome Peter Brown to Taree. Peter has the new role of rural support worker under the NSW Department of Primary Industries Rural Resilience Program. He has been appointed to look after the communities of the Lower Hunter, Gloucester and the Manning. The Manning has the highest concentration of dairy farms in New South Wales and supplies approximately one-third of New South Wales fresh milk. His role is to provide information tools and development that build farmers' skills, knowledge and experience, which will help them build their resilience. Peter grew up on a dairy farm in Wingham and has managed his own dairy farm for more than two decades. He brings a wealth of experience and knowledge to the role, enabling him to help the dairy industry, which is going through a challenging time.

YOUTH FRONTIERS AWARD RECIPIENTS REBECCA AND SARAH PUGH

Mr TIM CRAKANTHORP (Newcastle) (13:33): I acknowledge two remarkable year 9 students and twin sisters at Newcastle High School, Rebecca and Sarah Pugh. The sisters were nominated in separate categories at the Youth Frontiers mentoring program awards. Sarah was nominated and won the Centenary of Anzac Award for her Youth Frontiers project organising a morning tea for veterans. Rebecca was nominated and won the Community Harmony Award for her Youth Frontiers project creating a podcast about refugees. It is outstanding that the two sisters won the awards in their separate categories. There were six categories and only two entries from Newcastle. Between the two of them, they took out a third of the competition. Rebecca and Sarah are both worthy recipients of these awards and are wonderful ambassadors for Newcastle High School and the Newcastle community. I congratulate Sarah and Rebecca on their respective awards. Clearly, this is one family to watch.

PREMIER'S ANZAC MEMORIAL SCHOLARSHIP PROGRAM

Mr GREG APLIN (Albury) (13:34): Patrick Doyle, a student at Murray High School, was granted a Premier's Anzac Memorial Scholarship in 2016 and travelled to the Western Front. Patrick was able to locate names of Albury soldiers on the Menin Gate in Ypres and was chosen to lay a wreath for the centenary ceremony in Pozieres. Seeing thousands of war graves and the names of missing soldiers had a big impact on Patrick and he stated, "It is important that we know what these brave men and women did for us and for Australia. They fought for freedom with enormous courage and sacrifice. We must always continue to remember what they did and how they influenced the way we live today. This tour has been one of the best experiences of my life, with memories and people that I'll never forget." I congratulate Patrick on embracing the idea of the Anzac Memorial Garden at Murray High School, which I helped open on 13 November. Through his role as student representative council president, he was able to inspire the other SRC members not only through organising fundraising but also by helping with the manual labour tasks that needed to be done.

TRIBUTE TO SIMON HOFFMAN

Ms YASMIN CATLEY (Swansea) (13:35): I feel very privileged to know local hero Simon Hoffman of Valentine. Recently Simon made national news after he displayed an incredible level of heroism and self-sacrifice to rescue his friend. Eighteen-year-old Simon was competing in the 29er World Championship in Los Angeles when his friend John Durcan's boat capsized and he became tangled in the ropes underwater. Simon sacrificed his own chance of making the team for the Tokyo 2020 Olympic Games to rescue John from drowning. Swimming to John's boat and pulling him from the water and into a rescue boat, Simon performed cardiopulmonary resuscitation and ultimately saved John's life. John has since recovered and has competed in another world championship event since then. Simon should be incredibly proud. Not only is he an immensely talented athlete, but also a fundamentally decent person. Simon is clearly one in a million, and you are a lucky person if you have him as a mate.

OATLEY DISCOVERY WRITERS GROUP TENTH ANNIVERSARY

Mr MARK COURE (Oatley) (13:36): I acknowledge the outstanding work of the Discovery Writers Group in my electorate of Oatley. In October I had the privilege of attending the Discovery Writers tenth anniversary. I acknowledge group facilitator Margaret Ruckert for her outstanding contribution to leading monthly meetings, which discuss the current work being studied. Each year a new writing theme is created and regular workshops enable participants to upskill their knowledge through interactive, engaging and practical application.

Since 2007, Discovery Writers has engaged in local writing projects and worked with Georges River Council staff and various community partners. Their core goal is to develop and encourage writing in a supportive and collaborative environment and to provide opportunities for writers to reflect upon, celebrate and articulate the diversity of our community. The tenth anniversary of Discovery Writers is a testament to their hard work, passionate enthusiasm and commitment, ensuring quality writing has an environment in which it can flourish.

WALLARAH POINT PHYSICAL CULTURE CLUB

Mr DAVID HARRIS (Wyong) (13:37): Wallarah Point Physical Culture Club, located in Kanwal, was established in 2001 to continue the area's enjoyment of physical culture after neighbouring clubs had folded. Their motto is: fun, fitness, friendship. That was certainly the case during a recent traffic jam on the M1 Pacific Motorway. Members of the club performed an impromptu show-stopping dance routine. The physie group certainly made the best of a bad situation when their bus was caught up in the lengthy delays on the M1 after a truck crash. The Central Coast physie group was on its way back from competing in a BJP Physie ladies team event at Homebush and saw the delay as a perfect opportunity to provide some entertainment for fellow motorists held up by the unfortunate accident. Teacher Pamela McClelland told local media that it was a spur of the moment decision. She stated, "Plenty of people got involved and hopped out of their cars to watch and were laughing and cheering us on." The flash mob went viral on social media and demonstrated once again that people in my electorate shine in the face of adversity

LIVERPOOL CITY ROBINS FOOTBALL CLUB FIFTIETH ANNIVERSARY

Ms MELANIE GIBBONS (Holsworthy) (13:38): On 11 November I attended the fiftieth birthday celebrations of the Liverpool City Robins Football Club at its Ash Road complex in Prestons. In the past few years I have worked closely with this club and I am glad to see members achieve so much during this time. It was a great day, with many families taking part in the celebration—especially on the rides. I have been happy to support this club and helped deliver \$4,180 to assist it with electrical and lighting upgrades, as well as funding to assist with an engineering certificate for a planned footbridge—before Liverpool City Council blocked the construction. I hope that that changes very soon. I thank committee members Duane Cambridge, Dion Williamson, Tanya Cambridge, Tracey Liondas, BJ Williamson, Nabil Jamhour, Rod Hurst and Mario Vlatko for their time and effort to make this one of the best clubs in our area. Congratulations to the club, and I look forward to attending many more events in the years to come.

MEDOWIE SPORTS AND BUSINESS CENTRE

Ms KATE WASHINGTON (Port Stephens) (13:39): I was bowled over recently when I visited the Medowie Sports and Business Centre. This former squash court and indoor sports centre has been reinvented and is now home to multiple small businesses, ranging from physiotherapists and a cafe to a gym complete with a creche. The centre also includes meeting rooms and conference facilities for outside groups, as well as squash courts and other sporting facilities. Congratulations to owner Colin Carter, centre manager Steve Bentley and marketing manager Kylie Smiley on bringing this project to fruition. This winning team has developed an outstanding mixed-use space.

I recently attended an open day held at the centre that highlighted the range of activities on offer. Martial arts, dance, gymnastics, table tennis and a 24-hour gym have made this centre a hub of activities for the whole family. The growing number of families in Medowie are fortunate to have a local facility that caters to local sporting needs, as well as providing additional office space for a number of small businesses. I look forward to watching the Medowie Sports and Business Centre continue to thrive in the years ahead, which will be helped along when the long-awaited Medowie High School is built next door by a Labor Government.

SCONE UNITED HOSPITAL AUXILIARY

Mr MICHAEL JOHNSEN (Upper Hunter) (13:40): I congratulate the ladies of the Scone United Hospital Auxiliary. The 35 auxiliary members do a wonderful job. A number of them were recognised recently for their long service. They include Desley McPhee, who received her 20-year bar, and Helen Murphy, Marian Bettens, Audrey Knight and Stephanie McGiurk, who all received bars for 10 years of service. As I said, they do wonderful work on behalf of the Scone community. Patients and visitors see members of the auxiliary moving around the hospital serving people and doing what they can to make everyone as comfortable as possible. I congratulate the ladies on the fantastic work they do and wish them the very best.

CANTERBURY BOYS HIGH SCHOOL

Ms SOPHIE COTSIS (Canterbury) (13:41): Current national data compiled using National Assessment Program—Literacy and Numeracy [NAPLAN] results illustrates that, on average, girls are outperforming boys in all forms of literacy at every level of schooling. However, Canterbury Boys High School,

which is in the heart of my community, is endeavouring to turn the tables. Like every challenge, it begins with the little things. The students start every morning with 20 minutes of focused reading time. The school's efforts in literacy saw it awarded a place in a coveted program run by the Sydney Story Factory, which acknowledges a proficient writer from the community, such as Bilal Hafda, who works closely with the boys on literacy projects, including the esteemed Shakespeare slam poetry program. This program enables boys of all schooling and literacy levels to confidently showcase and present their love for literacy, thereby opening up a world to Shakespearean literature. This dedication is another example that reflects the spirit and commitment of my community. I acknowledged principal Belinda Giudice, whose commitment and leadership in this initiative have significantly improved the NAPLAN and Higher School Certificate results of Canterbury Boys High School.

MURRAY HIGH SCHOOL ANZAC MEMORIAL GARDEN

Mr GREG APLIN (Albury) (13:42): At the official opening of Murray High School's Anzac Memorial Garden on Monday 13 November two talented musicians, who are members of staff, performed a piece of music that was most appropriate to the occasion. The *Cradle Song* was composed by James Scott Skinner in 1888 after he witnessed a mother's concern for her sick child. It was initially composed as a slow air, with accompanying lyrics. However, today it is more commonly performed as an instrumental piece. It is not difficult to draw a connection between a mother's concern for her sick child and her concern for a child who has gone off to war, or even of Mother Earth's concern for an environment damaged through war. The Anzac Memorial Garden represents an opportunity to reflect on these varied messages. The arrangement of *Cradle Song* was performed by Katrina Becker and Steven Kitos. I congratulate the musicians on their valuable and sensitive contribution to this important event in the life of Murray High School.

ST MARGARET MARY'S PRIMARY SCHOOL SEVENTY-FIFTH ANNIVERSARY

Ms JULIA FINN (Granville) (13:43): On 16 October I was delighted to attend mass for the Feast of St Margaret Mary and to celebrate the seventy-fifth anniversary of St Margaret Mary's Primary School in Merrylands. The following weekend I was delighted to open the chocolate wheel at the school's fete. The school was officially opened by Cardinal Gilroy on 7 September 1941. On 3 February 1942 the Sisters of St Joseph allocated two sisters to teach at the school. The official enrolment on the first day was 40 students, and the school has grown considerably since then. It now has 570 students, from kindergarten to year 6. Father Janusz Pawlicha is parish priest and is ably assisted by Father Peter James Strohmayer. They are both well-known and respected figures in our area. Similarly, principal Kevin Mills is committed to our area and speaks often about the challenge for St Margaret Mary's Primary School in making a positive difference in our community. I have no doubt that the school will flourish for another 75 years. I congratulate past and present students, teachers, parents and the entire school community.

WARATAH RUGBY PLAYER JORDAN CAMERON

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:44): I draw the attention of the House to an exceptional young man, Jordan Cameron, who is a rising star in New South Wales rugby. Jordan recently represented his State and the New South Wales Waratahs at the Gold Coast for the Rugby U16s National Championships. The team was chosen from both country and city school and club rugby teams. His selection is a real honour to him, his family, and his community. His NSW Waratahs Gen Blue Coach said that Jordan exemplified how a State representative player should conduct themselves, both on and off the field and that he will go far in rugby. During his primary school days Jordan received the Matt Kean Award for Exceptional Leadership. It is not for me to say which is more prestigious, so I will say instead that I am personally proud of Jordan. He has an enormous future, both on and off the rugby field. Members should mark my words: They will be hearing much more of Jordan Cameron.

FAIRFIELD POLICE LOCAL AREA COMMAND AWARDS

Mr NICK LALICH (Cabramatta) (13:45): It was an honour to attend the 2017 Fairfield Local Area Command Police Awards ceremony at the Cabra-Vale Diggers Club last Friday. The awards ceremony recognised some of the area's finest officers. Awards such as these are vital in recognising the commitment, dedication and hard work of police officers and employees, past and present. Officers and employees were acknowledged in a number of categories for their contribution to the NSW Police Force and the community. The ceremony was attended by Assistant Police Commissioner Frank Mennilli, APM, my colleagues the member for Fairfield and the member for Prospect, the police band, and friends and families. I commend Superintendent Peter Lennon, APM, Commander, Fairfield Local Area Command, and his support for our local police officers. The need for cooperation between police and their local community is at the heart of effective policing. I thank them for the remarkable job they do in keeping our local area safe.

PRESTON-STANLEY ROOM OPENING

Mr JONATHAN O'DEA (Davidson) (13:45): Judy Preston-Stanley is a constituent of mine. Her great aunt was Millicent Preston-Stanley, who was a trailblazer in New South Wales politics and in 1925 became the first woman member of the Parliament in New South Wales. It is highly appropriate that one of our function rooms be named in her honour. The official opening, which will be held tomorrow from 11.30 a.m., is being sponsored by the Presiding Officers—one of whom is our wonderful female Speaker, Mrs Shelley Hancock.

KARIONG ECO GARDEN

Ms LIESL TESCH (Gosford) (13:46): I was delighted on Saturday night to join members of the Kariong Eco Garden in an evening celebration of the oldest eco garden on the Central Coast. We acknowledged country in the carefully recycled undercover area at the head of a beautiful rainbow serpent that winds through the garden. Travelling along the serpent, we put our hands in the worm farm composting bath, where kids from local schools visit to learn about recycling food waste and nourishing school gardens. We then brushed aromatic herbs in the artistically designed herb spiral, and wound our way down into the bushland learning area. Young students from across the coast—some of whom rarely venture outside to play—relished the opportunity to walk through the bush. They are led by keen community volunteers who love to share the sights, smells and sounds of the unique Aussie bush. After our tour, members pedalled bicycles to power the movie screen, proudly displaying the story of their successful fight to save the local trees in the Langford Drive roundabout development. I commend the work of all the volunteers at the Kariong Eco Garden for the fabulous resource they provide to our community.

TEMPORARY SPEAKER (Mr Adam Crouch): I shall now leave the chair. The House will resume at 2.15 p.m.

*Bills***ELECTORAL BILL 2017****Returned**

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

*Visitors***VISITORS**

The SPEAKER: I welcome Jan Gregory, Margo Johnstone, Rebecca Cameron and Grant Schultz, very important guests of the Speaker and member for South Coast. I also welcome Mrs Sally Quinnell, Labor candidate for Camden and guest of the Leader of the Opposition. I also welcome the Ambassador of the European Union to Australia, His Excellency Dr Michael Pulch, who is accompanied by Mrs Pulch and media adviser Nick Pedley. I welcome to the chamber Kevin and Beatrice Hodgson, guests of the Parliamentary Secretary for the Illawarra and South Coast and member for Kiama. I would also like to welcome the brother of the member for Ku-ring-gai, Dr Frans Henskens, who is accompanied by a group of friends from Newcastle, guests of the Parliamentary Secretary for Finance, Services and Property and member for Ku-ring-gai. I welcome Mary Ajaka, who is the wife of President Ajaka, and Sandra Sidoti, who is in every way the better half of the member for Drummoyne. They are accompanied by Sky and WIN News presenter Jaynie Seal and they are guests of the Parliamentary Secretary to Cabinet and member for Drummoyne.

I also welcome Calvin Wong, who just graduated from North Sydney Boys High School and has sat on the board of Bendigo Bank Mosman as a junior observer. He is accompanied by Virginia Howard and Miles Felstead, Directors of Bendigo Bank Mosman. They are guests of the member for North Shore. I welcome members of the Pennant Hills Women's Bowling Club, guests of the member for Epping. I suggest that you should be out playing bowls. I also welcome Central Coast councillor Jilly Pillon, guest of the member for Terrigal. I welcome a delegation of students and teachers from the City Country Alliance, led by Brian Debus, who have travelled from across New South Wales for a special Student Leaders' Summit in Parliament House today, guests of the member for Kiama and the member for Lakemba. I also welcome school captains from Cerdon College Merrylands West, Delany College Granville, Holroyd High School, Granville Boys High School and Merrylands High School, guests of the member for Granville. I also welcome the son of the member for Maitland, Josh Aitchison, who is accompanied by Sidney Bright, guests of the member for Maitland. I welcome back to the chamber the former Serjeant-at-Arms of the Legislative Assembly, Greg Kelly. What a group we have today in the gallery. I hope you all enjoy question time. [*During the giving of notices of motions*]

*Notices***PRESENTATION**

The SPEAKER: Order! I warn the member for Keira that he will be removed from the Chamber if he continues to interject. I call the member for Keira to order for the first time. I call the member for Keira to order for the second time. I call the member for Fairfield to order for the first time. Members who continue to interject will be removed from the Chamber. I call the member for Londonderry to order for the first time. I call the member for Prospect to order for the first time. I call the member for Keira to order for the third time. I have warned the member that that kind of interjection is childish. Members will come to order. I call the member for Prospect to order for the second time.

[Interruption]

Order! I call the member for Canterbury to order for the first time. Members who engage in unparliamentary behaviour will be removed from the Chamber. I call the member for Canterbury to order for the second time. I call the member for Rockdale to order for the first time. If Opposition members continue to behave in this manner, it will be very hard for me to restrain Government members. Members will come to order or they will be removed from the Chamber.

*Question Time***CHILD SEXUAL ABUSE CRIMINAL SENTENCING**

Mr LUKE FOLEY (Auburn) (14:27:3): My question is directed to the Attorney General. Given that section 5D of the Criminal Appeal Act gives the Attorney General the power to lodge an appeal against the manifestly inadequate sentence given to the Dubbo sex predator, will the Attorney General do his job and lodge this appeal?

Mr MARK SPEAKMAN (Cronulla—Attorney General) (14:28): I thank the Leader of the Opposition for his question.

Mr Anthony Roberts: Three hundred dollars.

The SPEAKER: Order! The Minister for Planning will restrain himself. Members will come to order. This is a serious question. The Attorney General has the call.

Mr MARK SPEAKMAN: I note that yesterday the Leader of the Opposition put out a press release in which he said:

The Criminal Appeal Act 1912 and the Criminal Appeal Rules specifically allow the Attorney General to appeal against a sentence. The Criminal Appeal Rules specify a three-month period for an appeal to be lodged. Even though the Attorney General has missed this deadline, the rules provide for an extension by the court.

There is one little problem with the Leader of the Opposition's proposition—that is, that three-month time limit does not apply to appeals by the Crown.

The SPEAKER: Order! Government members will come to order. I cannot hear the Attorney General.

Mr MARK SPEAKMAN: Go to the Judicial Commission website and you will see a clear statement that that time limit does not apply to Crown appeals. Go to the decision of the Court of Criminal Appeal in 2004 in *Regina v Ohar* where the court held that time limits do not apply to Crown appeals. So the Leader of the Opposition, Fumbles Foley, has been set-up yet again. Three fumbles in two days. Who on the other side of the House is setting him up? It cannot be the member for Liverpool because he is running a thousand miles from this. He does not want anything to do with it.

Ms Jodi McKay: Point of order—

Mr MARK SPEAKMAN: It is her!

The SPEAKER: Order! Government members will come to order. They are not helping. I direct the Clerk to stop the clock until members come to order.

Ms Jodi McKay: It is a very serious and simple question.

The SPEAKER: Order! What is the member's point of order?

Ms Jodi McKay: Will the Attorney General appeal?

The SPEAKER: Order! There is no point of order. The member for Strathfield will resume her seat.

Ms Jodi McKay: It has nothing to do with whether the Attorney General can or cannot appeal. Will the Attorney General appeal?

The SPEAKER: Order! The member for Strathfield will resume her seat. I call the member for Strathfield to order for the first time. The Attorney General has the call.

Mr MARK SPEAKMAN: Three blunders by the Leader of the Opposition in two days. Blunder one today—there is no time limit on appeals. Blunder two—I cannot tell the Director of Public Prosecutions whether or not to appeal. I am not Robert Mugabe. We have blunder after blunder. One has to ask: Who is setting the Leader of the Opposition up? Who wants his job?

Mr Michael Daley: Point of order—

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

Mr Michael Daley: The member for Keira has been put on three calls to order for no reason. Those opposite are acting like they are at a football match and the Speaker does not care. Why does the Speaker not referee both sides of the House?

The SPEAKER: Order! Does the member for Maroubra have a point of order?

Mr Michael Daley: I do.

The SPEAKER: What is the member's point of order?

Mr Michael Daley: This is not the time for the Attorney General to be acting like a smart-arse whilst a paedophile who should be in jail is walking around Dubbo. Why does the Attorney General not just appeal?

The SPEAKER: Order! The member for Maroubra will resume his seat. I direct the Clerk to stop the clock until members come to order. Government members who continue to interject will be removed from the Chamber. I call the Minister for Transport and Infrastructure to order for the first time.

Mr MARK SPEAKMAN: The shadow Attorney General knows better than this. He is clearly keeping himself quite a distance from the repeated blunders of the Leader of the Opposition—blunders on the powers of the Director of Public Prosecutions and blunders on the time for Crown appeals. He is on the airwaves blundering. He is in media releases blundering. He is blundering here today in question time.

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

Mr MARK SPEAKMAN: The Director of Public Prosecutions has been asked by me to consider an appeal. The Director of Public Prosecutions has the benefit of my views on that. I await the decision of the Director of Public Prosecutions. If the Director of Public Prosecutions appeals, so be it. If the Director of Public Prosecutions does not appeal, then I will take such action as is appropriate.

Mr LUKE FOLEY (Auburn) (14:35): I ask a supplementary question. The Attorney General and his colleagues might find it funny—

The SPEAKER: Order! Does the Leader of the Opposition have a question?

Mr LUKE FOLEY: —but a child rapist is walking the streets. Will the Attorney General do his job and appeal?

Mr MARK SPEAKMAN (Cronulla—Attorney General) (14:35): As I said yesterday, these sorts of problems arise because of the mess created by Labor. The Labor Government introduced suspended sentences in 2000. This Government is cleaning up that mess.

Ms Jodi McKay: Point of order: My point of order is under Standing Order 129. The question is: Will the Attorney General do his job and appeal?

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

Mr MARK SPEAKMAN: I want to know whether the member for Strathfield, the Leader of the Opposition and all those opposite will apologise to those who have been the victims of Labor's lax laws? Will the Labor Opposition apologise to the victims of an online stalker and revenge perpetrator who got an 18-month suspended sentence because of its lax laws? Will those opposite apologise to a victim of domestic violence, whose partner got off with a seven-month suspended sentence, despite the victim having her collarbone broken when she was thrown across a ramp—

Mr Jihad Dib: Point of order: My point of order is under Standing Order 129. The question was whether the Attorney General will do his job.

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

Mr MARK SPEAKMAN: Will the Labor Opposition apologise for its laws that allowed a victim of domestic violence, whose partner got off with a seven-month suspended sentence, despite the victim having her collarbone broken when she was thrown across a ramp at Wynyard station? Will the Labor Opposition apologise for its laws that allowed victims of a drink-driver who was let off on a suspended sentence—

Ms Jodi McKay: Point of order—

The SPEAKER: Order! If the member for Strathfield uses the opportunity to grandstand instead of taking a point of order she will be removed from the Chamber.

Ms Jodi McKay: I promise not to grandstand.

The SPEAKER: What is the member's point of order?

Ms Jodi McKay: My point of order is under Standing Order 129. It is for the Opposition to ask the questions—

The SPEAKER: Order! It was a borderline question. The Attorney General is being relevant to the general question he was asked.

Mr MARK SPEAKMAN: Will the Labor Opposition apologise to the victims of a drink-driver who was let off on a suspended sentence, despite being caught with four times the legal alcohol limit in her blood and three young children in her car?

Ms Jenny Aitchison: Point of order—

Mr MARK SPEAKMAN: Those opposite do not like the truth.

Ms Jenny Aitchison: My point of order is under Standing Order 128 (1). The Attorney General is debating the question. The Attorney General should just answer the question: Will the Attorney General appeal?

The SPEAKER: Order! That is not my ruling on the standing order to which the member referred. There is no point of order. The Attorney General is not debating the question.

Mr MARK SPEAKMAN: Will the Opposition apologise to the victims of one in seven convicted rapists who have walked away with a suspended sentence? This Government is abolishing the suspended sentences introduced under Labor in 2000.

The SPEAKER: Order! The member for Bankstown will cease shouting.

Mr MARK SPEAKMAN: The Leader of the Opposition, now known as Fumbles Foley given his repeated errors on legal matters, asks what we are doing. He thinks that I can direct the Director of Public Prosecutions.

Mr Luke Foley: Very funny. This is about a child rapist and the Director of Public Prosecutions.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Mr MARK SPEAKMAN: He keeps yelling out "child rapist". What a grubby, grubby tactic to exploit the victims in Dubbo.

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

Mr MARK SPEAKMAN: Where is your care and concern for the victims in Dubbo?

Mr Paul Lynch: Point of order: The Attorney General should direct his comments through the Chair.

The SPEAKER: Order! I uphold the point of order. As always, the member for Liverpool raises a valid point of order.

Mr MARK SPEAKMAN: As to the general and the specific, the general is that we are fixing the mess that those opposite created in 2000 by abolishing suspended sentences; and the specific is, as I said yesterday, in this particular case the Director of Public Prosecutions is considering an appeal and the DPP is the appropriate prosecuting authority. It is quite exceptional for an Attorney General to intervene—to my knowledge, it has happened twice in 30 years. I will await the outcome of the DPP's consideration and then act as appropriate when I see that outcome. I have asked the DPP to take all steps he can to contact the victim so that if a non-publication order can be lifted, it will be. But let us remember that these sorts of cases arise because of Labor's lax laws— laws

that apparently the Leader of the Opposition does not know. The Leader of the Opposition does not know that I cannot direct the DPP; he does not know that there is no fixed time limit.

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

Mr MARK SPEAKMAN: Who is setting the Leader of the Opposition up to fail? Perhaps we will find out when we come back in February.

The SPEAKER: Order! Members will come to order. I remind them that there are students in the gallery.

INFRASTRUCTURE INVESTMENT

Mr ADAM CROUCH (Terrigal) (14:40): My question is addressed to the Premier. How is the New South Wales Government's record investment in infrastructure transforming New South Wales?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:41): I am very pleased to be asked this question by the member for Terrigal. I acknowledge the work he does not only in his own community but also across the Central Coast, in supporting those vital infrastructure projects that are changing lives—reducing congestion, building hospitals and schools—

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

Ms GLADYS BEREJIKLIAN: We are building those projects that we know make a difference to people's lives. We know the end of the year is not here yet but it is the last sitting week and we thought it appropriate to mention to the House the progress we have made on infrastructure projects this year alone to date—and there is more to come; there is still a number of weeks to go before the end of the year. I am very pleased that, under the strong guidance and oversight of the Minister for Transport, this year the Government signed the tunnelling contract for the second harbour rail crossing and we started to demolish buildings to prepare the central business district [CBD] for that. We have started procurement for Parramatta Light Rail—the member for Parramatta is very excited.

Also this year, we took delivery of the first vehicles for Sydney Metro and Sydney light rail in the CBD, we are bringing in a new public transport timetable this weekend, we have opened the new Barangaroo ferry wharf, and we have opened the Wickham Transport Interchange in Newcastle—the member for Newcastle just nodded because he loves it. That is just in public transport alone—time does not permit me to go through the whole list. Under the great guidance and oversight of the Minister for Roads, Maritime and Freight, we opened the Berry bypass on the Princes Highway. I should correct that statement: The member for Kiama opened the bypass; when I arrived it had already been opened. It is very sad that those opposite do not want to hear about our infrastructure record. Does anyone think those opposite could deliver what we are delivering in infrastructure? Does anyone believe the shadow Treasurer would find a single dollar to bless himself with for infrastructure projects? We know the Leader of the Opposition is a bit shaken in question time today, but instead of spending time on bad tactics in Parliament perhaps he should think about policies for infrastructure.

Mrs Melinda Pavey: Do some work.

Ms GLADYS BEREJIKLIAN: Correct. Do some work. We know the Minister for Roads, Maritime and Freight is doing a lot of work because this year we have started geotech drilling for the Western Harbour Tunnel and Beaches Link, which I know members are very excited about; we have started geotech drilling for the F6 extension, which I know members are very happy about; and NorthConnex reached the halfway tunnelling milestone, which the member for Terrigal, in particular, is very excited about. Many members on the mid North Coast are very excited that we have opened an 18-kilometre upgrade of the Pacific Highway between the Oxley Highway near Port Macquarie and Kundabung. We are also very pleased that tunnelling on the M4 East is more than 90 per cent complete. That is how you build transport and roads. In Health, this year alone we have opened the St George Hospital upgrade—six months ahead of schedule.

Mr Mark Coure: Hear, hear!

Ms GLADYS BEREJIKLIAN: Hooray for Coure! Also, the great Minister for Health—there is not a hospital he will not build and not a hospital he will not upgrade—with the member for Terrigal, attended the topping-out ceremony for the \$350 million Gosford Public Hospital. This year we started construction of the \$576 million Nepean Hospital upgrade. Both the member for Penrith and the member for Mulgoa are especially excited about that upgrade. Does anybody think the shadow Treasurer would even know what \$576 million looks like? Has the shadow Treasurer worked out the difference between recurrent and capital expenditure?

The SPEAKER: Order! I remind the member for Keira that he is on three calls to order.

Ms GLADYS BEREJIKLIAN: It was a great day when I joined the member for Lismore in opening the Lismore Hospital Maternity Unit. It was great to speak to the mums.

Mr Thomas George: A lot more babies.

Ms GLADYS BEREJIKLIAN: A lot more babies. It was wonderful to cuddle the cute new babies. I know the member for Tweed is 100 per cent for Tweed—he is getting \$534 million for Tweed Hospital. I know the member for Coogee, as well as many other members, are very excited about the Randwick Health and Education Precinct, which includes the Prince of Wales Hospital—a \$720 million investment. [*Extension of time*]

In the time available I will try to do justice to what we are doing in education. What a great education Minister we have. We have opened many schools and one of my favourite schools, which I have visited and opened this year with the member for Mulgoa, is Fernhill School at Glenmore Park. It is a school for disabled children.

Ms Yasmin Catley: Point of order: The people in the public gallery expect more from the Premier than her reading from a list. My point of order relates to Standing Order 59. We hear this same list every week and we are sick of it.

Ms GLADYS BEREJIKLIAN: I accept the point of order. I will read from Carl Scully's book instead. On page 456—and this is relevant to infrastructure—he says:

The Liberal State Government is now building a huge mega billion dollar rail project to the north-west suburbs of Sydney, which sadly three separate Labor Governments were unable—

Ms Jenny Aitchison: Point of order: I am halfway through the book and that is a really big spoiler—I have not got to that page yet.

The SPEAKER: Order! There is no point of order. I call the member for Maitland to order for the first time. I remind her that she was removed from the Chamber yesterday. She does not want to make it two days in a row.

Ms GLADYS BEREJIKLIAN: I repeat:

... which sadly three separate Labor Governments were unable or uninterested in delivering.

Carl Scully also writes:

No motorways were planned or delivered during the six years of the Iemma, Rees, Keneally period in an almost complete mockery of the excuse provided to me. The Liberal State Government is now building more motorways than ever I could have imagined and yes unsurprisingly some people are upset, but many tens of thousands will benefit every day in their own lives.

People do not have to believe us; they should believe Carl Scully. We say to the Leader of the Opposition: Stop being so lazy, lazy, lazy.

REGIONAL INVESTMENT

Mr THOMAS GEORGE (Lismore) (14:48): My question is addressed to the Deputy Premier. Will the Deputy Premier advise the House of the record investment delivered to regional New South Wales this year?

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (14:49): I thank the member for Lismore for his question. We know how passionate the member is about regional New South Wales. He comes from a fantastic part of the State. I remind the House that The Nationals are the most progressive grassroots party in the State. We had our community preselection on the weekend where we allowed 3,657 people—members of the community, not of our party—to preselect The Nationals candidate to replace Thomas George in 2019. It was a great success and once again an endorsement of the National Party as a grassroots party. We are unlike those who continue to fly in candidates, as has been done in the seat of Bennelong, from Sussex Street.

The year 2017 has been a golden year for regional New South Wales. This side of the House takes regional and rural New South Wales seriously. When Gladys Berejiklian became Premier, she said she wanted to see all corners of the State receive their fair share. One of the first decisions was to have a Minister for Regional New South Wales because the Government wants to make sure that regional New South Wales does not just get its fair share, but has a strong voice in the Parliament and in the Government. It made me wonder—who is the shadow Minister for Regional New South Wales? I was really struggling to find one.

Mr Guy Zangari: There isn't one.

Mr JOHN BARILARO: There is the answer—there isn't one. Once again Labor has no focus or care for regional New South Wales. Those opposite sit in Sussex Street or Macquarie Street and, by press release, try

to reflect the views of those in regional New South Wales. But as I was walking up Macquarie Street I saw a poster about the shadow Minister for Regional Development and it said, "Missing"—the member for Wyong—"Last seen on Macquarie Street". Because the member for Wyong does not go to regional New South Wales.

Mr Clayton Barr: Point of order: On numerous occasions—

The SPEAKER: Order! What is the member's point of order? Which standing order has been breached?

Mr Clayton Barr: On numerous occasions you have ruled props to be disorderly in the House. I ask that you direct the Deputy Premier to cease using the prop.

The SPEAKER: Order! I direct the Deputy Premier to cease using props.

Mr JOHN BARILARO: I will not use any further props. There is no reward, no-one is really interested in finding the shadow Minister for Regional New South Wales.

Mr David Harris: Point of order. My point of order relates to relevance under Standing Order 129. The last time I saw the Deputy Premier he was in Griffith—in regional New South Wales.

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

Mr JOHN BARILARO: The only time those opposite go to regional New South Wales is to play politics, of course during the by-election by giving preference to the Shooters, but they are now distancing themselves from the Shooters. The member for Orange is sitting alone now. No more cuddly photos with the Leader of the Opposition or the Deputy Leader of the Opposition. They have forgotten about him because they have used and abused him. The only time they turn up in regional New South Wales is to play politics.

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

Mr JOHN BARILARO: I went to my office to have a look at my diary and I noticed that, out of 323 days in 2017 I spent 190 days in regional communities. I thought I would print out my diary to see the towns I have been to.

Mr Clayton Barr: Point of order: I again refer you to the Minister's use of a prop.

Mr JOHN BARILARO: It is my diary—I am reading from it.

The SPEAKER: Order! The Minister is referring to his diary; I do not regard that as a prop. I do regard as props the posters that are floating around the Chamber; they will be put away. If that is the Minister's diary, I accept it is not a prop.

Mr JOHN BARILARO: All these places, all these towns, I could not fit it on. I know the shadow Minister fits his diary on a stick-it-note. We are still waiting for the Leader of the Opposition to show us his diary but he does not because he has a list longer than mine of all the meetings he attends in Sussex Street. We know all the meetings the Leader of the Opposition goes to behind closed doors. It is the Liberal-Nationals who are focused on regional New South Wales. I return to my point: 2017 was a fantastic year for regional New South Wales. We have seen record investment right across the board, be it roads, rail, schools or hospitals. [*Extension of time*]

Why has it been a fantastic year? If members look at our track record of delivery through our Restart NSW fund, they will see that by the middle of this year \$9.1 billion had been committed to programs right across regional New South Wales. Three hundred and fifty-five programs have already received funding and 113 of those projects have been now completed on time and on budget. The Government is strong in relation to fiscal management. When one looks at what we have done in six years for regional New South Wales, it trumps what those opposite did in 16 years. This is just the start. If one thinks about the Regional Growth Fund, the \$1.3 billion announced in this year's budget, we are going to see project after project, millions of dollars after millions of dollars, being rolled out into regional New South Wales to build the amenities that make our communities fantastic places to live, to raise a family and to call home.

Starting next week through our Stronger Country Communities Fund we will see the first round of these projects. These are small local infrastructure projects that change the amenity of a regional community—small parks, Country Women's Association [CWA]—

Mr Clayton Barr: Pork barrel.

Mr JOHN BARILARO: The member for Cessnock says "pork barrel". We all know what those opposite did in Government pre-2011. They pulled the money out of regional New South Wales and sandbagged those inner city Sydney seats to save their hides. If they want to call it pork barrelling, I will wear that as a badge of honour because it means I am fighting for the people of regional New South Wales. What regional and rural

communities get from the Liberal-Nationals government is their fair share, and I make no apology that I come to this House as part of this Government and fight for a fair share each and every day to give regional and rural New South Wales a strong voice in the Parliament of New South Wales.

CHILD SEXUAL ABUSE CRIMINAL SENTENCING

Ms JENNY AITCHISON (Maitland) (14:56): My question is directed to the Attorney General. In light of community concerns, will the Attorney General assure the community that the sex offender from Dubbo and the judge who presided over his case were not previously acquainted?

Mr MARK SPEAKMAN (Cronulla—Attorney General) (14:58): There are two sorts of precluded bias in judicial affairs. One is actual bias and one is apprehended bias. There is no suggestion of any actual bias in this case. Actual bias is where the judicial officer has a pecuniary interest or some relationship that precludes him or her from acting. As to apprehended bias, if a judicial officer considers that he or she may be under a suspicion of bias or any party to the proceedings suspects that, an application should be made by the party or the judge self-identifies. The question is whether a reasonable bystander would apprehend that the judicial officer may not bring an impartial mind to the decision-making. I am not aware of any suggestion that Judge North is the subject of actual bias or apprehended bias. If the member for Maitland wishes to make a very serious allegation, then she should raise it with the Judicial Commission, rather than through a grubby, cheap question in question time.

We are a government that takes child sexual abuse incredibly seriously and our track record speaks for itself. We have started the Child Sexual Offence Evidence Pilot to reduce the trauma for victims. We know that one of the problems with child sexual offence cases is the trauma that witnesses go through and we have introduced that pilot to reduce their trauma and hopefully have more victims come forward to tell their stories. The Government has appointed two specialist child sexual assault judges. The Government has invested \$71 million this financial year for a victims support scheme to support victims of violent crime by providing counselling services and financial support. With a view to introducing reform next year the Government is consulting the community on strengthening child sexual abuse laws and making it easier for survivors of child sexual abuse to obtain civil justice and criminal justice. The Government is taking seriously the recommendations of the royal commission. The Government is working closely with the Federal Government and our State and Territory counterparts on introducing a national redress scheme. I have attended several redress meetings and I am confident that a positive announcement can be made in the near future.

That scheme will offer redress to survivors of historic sexual abuse in institutions. It will not just be a monetary redress but counselling and quite possibly, if the scheme is designed in the way I hope it will be, a direct apology from the institutions concerned. The Government has consulted extensively on civil and criminal justice reforms. Those discussion papers have been available for some time and the Government has received numerous submissions from legal groups, victims groups and others. I thank The Greens for their submission on civil justice. Members will be surprised to learn that notwithstanding the seriousness of this issue, notwithstanding the enormity of stakeholders the Government has consulted, notwithstanding the great breadth of meetings the Government has had, notwithstanding the breadth of people who have made submissions, the Opposition has not made a single submission.

Those opposite will grandstand and score cheap political points about victims in Dubbo and the Leader of the Opposition will fumble with basic legal propositions because someone is feeding him false information, while this Government is concerned first and foremost with the victims of heinous child sexual abuse. That is why the Government is addressing the issue methodically, thoroughly and in consultation with all the appropriate stakeholders in order to receive answers that will support redress and treatment for survivors of historical sex abuse.

SCHOOL INFRASTRUCTURE

Mr ALISTER HENSKENS (Ku-ring-gai) (15:01): I address a question to the Minister for Education. How has the Government invested in school infrastructure across the State, and are there any alternative policies?

Mr ROB STOKES (Pittwater—Minister for Education) (15:01): I thank the member for Ku-ring-gai for his question and his advocacy on behalf of his electorate. There are so many things this Government is doing in relation to increasing the capacity of schools to provide a wonderful, excellent and equitable education for young people in New South Wales. The community of Ku-ring-gai is no exception. There are upgrade projects at Killara Public School and Waitara Public School. Ku-ring-gai High School is receiving a new hall. There are more than 150 discrete projects currently being rolled out across New South Wales. The Government is delivering a record level of funding for school infrastructure. This year's budget will include an historic \$4.2 billion of infrastructure capital funding over the next four years.

It will expand capacity for the burgeoning population of young people to attend public schools. Children and young people will attend schools with quality buildings. The school itself is the shell and the real magic goes on inside the buildings. But we know the buildings and the way in which they are designed can assist teachers to create wonderful learning and teaching environments. As the member for Lakemba has previously stated, Labor left a \$1 billion school maintenance infrastructure backlog. The Government has reduced that backlog by one quarter of a billion dollars. In the last State budget the Government announced three quarters of a billion dollars over the next four years to tackle the school maintenance backlog challenge. Through proper and vigorous strategic planning the Government can ensure that school infrastructure will cope with the growth in student numbers.

The Government has a plan for education infrastructure that ensures children will have the best learning environment possible. I was asked by the member for Ku-ring-gai whether there might be alternative policies. Strangely, I anticipated that question. The Government anticipates the questions from the Opposition as well. I had the opportunity to check on the internet. I did a Google search on "New South Wales Labor policies". It helpfully, and hopefully, directed me towards the NSW Labor Party website. There were a few things to observe: there was a description about the party and its origins, but no explanation as to why they cannot spell the word "Labor". I digress. There was a tag about "our people" and some beautiful soft lens, airbrushed, and sepia photos of the staff. They look better in the flesh. There were some inexplicable changes in font size. There was a "next" tab. I was excited about that. The tab said "Get active". I was excited about possible exercise tips.

The SPEAKER: Order! The member for Prospect will cease interjecting. The member for The Entrance will cease interjecting.

Mr David Mehan: This is boring.

The SPEAKER: Order! If the member is bored he may leave the Chamber.

Mr ROB STOKES: Hello, pot this is the kettle.

The SPEAKER: Order! I direct the member for The Entrance to remove himself from the Chamber for a period of two hours.

[Pursuant to sessional order the member for The Entrance left the Chamber at 15:06.]

Mr ROB STOKES: There was a tab that said "Get active" I was looking for policies. I was expecting a hard labour workout or healthy eating tips from Martha Stewart. *[Extension of time]*

The next tab suggested I join the Labor Party. It said I could join "like minded people", but members opposite do not agree with each other, so I do not know who those people are. It had a "donate" tab in big red letters. Then, it had "Labor shop". I thought, "That is a pleasing outbreak of mercantilism from the collectivists opposite."

Mr Jihad Dib: Point of order: My point of order is Standing Order 129. As entertaining as this is, the question was about school infrastructure.

The SPEAKER: Order! The question referred also to "alternative policies". There is no point of order. The Minister has the call.

Mr ROB STOKES: I continued my search for alternative policies. I thought perhaps in the shop I might find alternative policies or a banner, "Support Labor and look good doing it."

Ms Jenny Aitchison: Point of order—

The SPEAKER: Order! Does the member for Maitland have a different point of order?

Ms Jenny Aitchison: I seek clarification: Is "alternative policies" website design? Is that all the Government has for education?

The SPEAKER: Order! The member for Maitland will resume her seat. This is not an argument or a debate. As usual, the member has no point of order.

Mr ROB STOKES: I accept the interjection. Surely on a Labor Party website it would list its policies, but there are not any when it comes to education. That is my point. In the Labor shop I found you can buy a Labor cap. That is a policy. It is not one the Government agrees with, the Government wants more jobs not a cap on them. There are no alternative policies. The Government is delivering the new schools, new classrooms and new learning environments. In relation to alternative policies, there is nothing.

CONTAINER DEPOSIT SCHEME

Ms LIESL TESCH (Gosford) (15:09): My question is directed to the Minister for the Environment. What is the Minister's response to the concerns of Sam Lentini of Eastcoast Foods and Beverages in Kulnura who told the media that the rollout of the Return and Earn scheme could send their third generation family business broke?

Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (15:09): I welcome the question from the member for Gosford. As I have said in the House before, the Government is committed to providing transitional support for small businesses. They should contact the Small Business Commissioner and make their concerns known. The Government is alive to the concerns that some small businesses may have. This Government helps people when they call out for assistance. The assistance is still available and I counsel the member for Gosford to ask her constituents to contact the Small Business Commissioner.

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

Ms GABRIELLE UPTON: If the member for Gosford would like to have a conversation after question time I am happy to talk to her to discuss the concerns that she brings to the Chamber. These questions from across the Chamber about the container deposit scheme and the environmental change initiative reveal the hypocrisy of Labor and its leader. The Leader of the Opposition has no shred of integrity when it comes to the environment. He does not care about the environment. He cares only about the politics. Some members in the Labor Party will back-in this environmental initiative. They know what their communities want. One of them is a good friend of the Leader of the Opposition. She is a supporter because she understands how this will help the environment. We can see the smiley face of the shadow Minister for the Environment backing-in our container deposit scheme on her Facebook page. This is going to help the environment. It is disingenuous for all these questions—

Ms Jenny Aitchison: Point of order: It is under Standing Order 73. The Minister should not be impugning the reputation of the shadow Minister for the Environment. The question was about small business.

The SPEAKER: Order! The member for Maitland will direct her comments through me rather than being aggressive towards the Minister across the table.

Ms GABRIELLE UPTON: If small businesses have genuine concerns, this Government will assist. It is assisting and it will continue to assist.

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

Ms GABRIELLE UPTON: Let us not take away from the fact that the Opposition is being opportunistic, disingenuous and dishonest about the Return and Earn scheme. This initiative is a game-changer for our communities. It will address 50 per cent of the litter in our litter stream. This Government wants to do something good for our environment and to give businesses across the State an opportunity to be collection points. What is more, it will give opportunities to community groups to be donation partners.

Ms Liesl Tesch: Point of order: It is under Standing Order 129—

The SPEAKER: Order! The Minister has been relevant to the question. The member for Gosford will resume her seat. The Minister has offered to meet and go through the member's concerns after question time. I would have thought that is satisfactory. The Minister has the call.

Ms GABRIELLE UPTON: The member for Gosford has not been listening to what I am saying. I am happy to speak to her after question time. We are here to help, but members should not forget that this is an environmental game-changing initiative. Get your local communities on board. Local community groups can be donation partners. They can reap the benefit of the deposits when people receive refunds and they can help activities in their community. It is good for the whole community. I counsel the member for Gosford to come on board. There will be 200 collection points across the State from 1 December, which is the start of the rollout for Return and Earn. Come on board, Labor. Stop being disingenuous. Stop playing politics and support your local communities who want this initiative.

HEALTHCARE SERVICES

Mr CHRISTOPHER GULAPTIS (Clarence) (15:14): My question is addressed to the Minister for Health, and Minister for Medical Research. How has the New South Wales Government delivered new and improved healthcare services for communities across the State and addressed the issue of trust?

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (15:15): I thank the member for Clarence for his question. He is right to emphasise that in delivering health

services across this State trust is at the core of what we do. It is all about trust. I was with the member for Clarence at Coraki. We had a lovely day opening a HealthOne facility. George Thompson unveiled the plaque and Norma Thompson cut the cake. It was a special day. Delivering health is about trust. This Government promised to deliver improved infrastructure after coming to Government and finding that approximately 50 per cent of our hospitals were more than 50 years old. In other words, Labor had done nothing for the past 16 years. Trust has to be earned. This Government is delivering and making sure that the promise of trust we gave the community is being delivered. I am concerned on behalf of the community and indeed on behalf of the medical profession, the nursing fraternity and the allied health staff that the shadow Minister for Health, who wants to be the Minister for Health, lacks any trust whatsoever. In the November edition of the *NSW Doctor*, President Brad Frankum observed:

The unexpected death of a patient is a tragedy for everyone involved. For the family, there is the heartbreak of loss. For the doctors, nurses and others involved in the patient's care, they share that grief and terrible sadness for the family. Doctors and nurses are parents, sisters and brothers; they are neighbours and coaches; and they mourn those they cannot save, just as the rest of the community mourns.

This is especially the case when the tragedy involves a child. The recent death of a five-year-old boy who was discharged from Hornsby Ku-ring-gai Hospital and died less than 10 hours later was a shock to all those involved.

He further stated:

The process of finding those answers is critical to improving our system.

...

But we also know that hysteria and blame makes our system weaker. It undermines trust and it adds to the grief and distress. It distracts from the thousands of positive interactions our community has with the public hospital system every day. It is for this reason that I was again disappointed by the actions of Opposition Health Spokesman Walt Secord for sensationalising the grief of the five-year-old's family.

...

Mr Secord held up a photograph, identifying the boy and his parents by their first names during a hearing on State Health Budget estimates

...

This is not the first time we have seen such reckless behaviour. My members were equally distressed by heartless references to the tragic gas mix-up at Bankstown-Lidcombe Hospital that led to brain damage in the case of one baby and death in another.

My message to Mr Secord is that if you want to be Health Minister, you need the trust of doctors and we don't trust people who do not understand the system. Trust is the core of Health and the Hon. Walt Secord, the member chosen by the Leader of the Opposition to be their spokesman, is the wrong person to undertake this job. I say that very clearly, because no-one could trust him to deliver on the infrastructure or look after the staff and patients in the way this Government is doing. As I said last time before this House, in the last few years we have had 6,700 additional nurses and midwives and 2,700 additional doctors. Our recurrent budget has increased dramatically from Labor's budget of \$15.5 billion for infrastructure and is now up to \$21.588 billion. We are spending \$7.7 billion over the next four years for infrastructure. And now we are making sure that we are delivering for all of the regional communities. We have delivered more than \$40 million of new HealthOnes since 2011. Today I can announce that we are about to commence spending another \$100 million on HealthOnes across this State. The community can trust this Government to deliver. I will recount some of those. Starting with the member for Clarence, there is \$6.3 million coming to a new HealthOne at Evans Head. This will be a new facility for community health services. [*Extension of time*]

The member for Mulgoa will see another \$17 million come to her community for Orchard Hills and St Clair. The member for Oxley, Melinda Pavey, will see another \$3.6 million come to Bowraville, Nambucca and Urunga. The member for Barwon will see \$2 million come to that mighty town of Tibooburra up in the north-west of New South Wales. The fantastic new member for Murray, Austin Evans, will see \$9.5 million for Dareton and Buronga. The incredible Speaker of the Parliament, the member for South Coast, will see in Ulladulla another \$7.9 million for construction of a new centre. And even the member who barely goes to his electorate—who barely knows his electorate—the member for Auburn, will see \$3.3 million come to Merrylands. I doubt he will be there to open it, because he is never there. The member for Port Stephens will see \$7.8 million come to her electorate. The member for Shellharbour will see \$8.1 million come to Dapto.

This Government is governing for every part of this State. The member for Port Macquarie will see Bonny Hills and Camden Haven get more facilities. The member for Bathurst will get facilities at Lithgow. The member for Londonderry will get facilities at Jordan Springs. The member for Ballina will get facilities at Ocean Shores. The member for Camden will get facilities at Oran Park. The member for Wollondilly will get facilities at Wollondilly. And the member for Heffron will see new facilities at Green Square. This will all be delivered between now and 2021. It is about trust. We have delivered what we promised and now we are delivering more than what we promised. We will continue to deliver, because you can trust the Coalition Government. You cannot trust Labor.

DOMESTIC VIOLENCE SUPPORT SERVICES

Mr PHILIP DONATO (Orange) (15:22): With White Ribbon Day being held this week, my question is directed to the Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault. The incidence of domestic violence in Orange is reportedly twice that of the State average. In light of this there is a desperate need for Orange to address the resultant displacement and homelessness of victims with a crisis facility. Will the Government be supporting the use of the core and cluster regional pilot program funding to support a crisis facility in Orange?

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, Minister for Social Housing, and Minister for the Prevention of Domestic Violence and Sexual Assault) (15:22): I thank the member for Orange for his question. I know he shares the commitment of many of us in this House to oppose the scourge of domestic and family violence and understands the impact that this terrible problem has on a local community. I am very pleased to say that the New South Wales Government continues to lead the nation with a range of initiatives that target this scourge in our community from both sides: supporting victim-survivors and holding perpetrators to account. We are investing more than \$350 million in specialist measures over the next four years to address domestic violence, which is in addition to the hundreds of millions of dollars the Government spends each year to combat domestic and family violence through its mainstream services: justice, police, health, child protection, social housing and homelessness services.

I am delighted that Safer Pathway, the integrated multi-agency response to high-risk domestic violence victims, is now operating in 34 sites, including Orange. We will continue to roll out Safer Pathway, investing \$13 million in the 2017-18 budget. This budget also includes \$25 million to Start Safely, also available in Orange, to help people escaping violence move into stable housing in the private rental market. In the 2016-17 year, 2,500 households, which included more than 4,378 children, were assisted with Start Safely across New South Wales, which was up from 1,974 in the previous year. So we have more than \$10 million for behaviour change interventions for high-risk offenders; \$10 million for the Women's Domestic Violence Court Advocacy Service to support victims through the criminal justice system; and \$6.2 million for Staying Home Leaving Violence—again available in Orange—to support women and their children to remain safely in their home. In 2015-16, specialist homelessness services provided services and assistance to 23,171 clients experiencing domestic and family violence.

There is \$5.1 million for the New South Wales police high-risk offender teams, which includes the rollout of two new teams this financial year; \$4.9 million for non-government organisation-led community based perpetrator interventions; \$3.7 million in support of the Integrated Domestic and Family Violence Services Program, a coordinated multi-agency initiative to prevent the escalation of domestic and family violence; \$1.7 million for the New South Wales Domestic Violence Line to provide 24/7 support and assistance for victims of domestic violence; \$840,000 for new GPS trackers to improve victim safety; and \$4 million, as the member's question suggests, to support a trial of the core and cluster accommodation model in at least four locations across regional New South Wales.

Using a core and cluster model, the Government is identifying properties with existing women's refuges where additional units could be built and used as transitional accommodation for women and their children. That approach will allow women to be supported by the service while also providing a stronger sense of privacy and a greater sense of independence. We know that our regional services will certainly welcome the opportunity to provide more transitional accommodation for women and children. This funding will provide more support services and accommodation options for domestic and family violence victims. As the member for Orange knows, Orange is only one of a number of sites now being considered by the Government. The New South Wales Government continues to deliver on its commitment to ensure our women, children and men are kept safe from domestic and family violence. We are very proud of our record in tackling this grave social issue. It is not enough to simply manage the violence; we need to work to reduce it. Members on this side of the House will never apologise for getting tough and for targeting those criminals.

Ms Sophie Cotsis: You should apologise for closing refuges.

The SPEAKER: Order! If the member for Canterbury interjects again, she will be removed from the Chamber. I call the member for Canterbury to order for the third time. I remind the member that she has received numerous warnings.

Ms PRU GOWARD: We are leading the nation in tackling domestic violence. That is why we invest record amounts of money in tackling all forms of it. This Government will continue to be the champions of social policy that makes people's lives better and their children's lives better.

WESTERN SYDNEY INFRASTRUCTURE

Mr MARK TAYLOR (Seven Hills) (15:27): My question is addressed to the Minister for Western Sydney, Minister for WestConnex, and Minister for Sport. How is the New South Wales Government delivering record investment in infrastructure and providing cost of living relief for Western Sydney? Are there any opposing views?

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (15:27): I thank the member for Seven Hills for his question, because he knows, like many members across this side of the House, particularly those in Western Sydney, that this is a government that is backing infrastructure right across Western Sydney. It is not only backing infrastructure; it is also reducing the cost of living for people right across Western Sydney, particularly those people who use the Sydney motorway network. If you are a resident who lives in Seven Hills and you are travelling along the M7, let us say, every single day, the maximum charge is \$7.94. Who introduced that toll? Oh my God! Labor introduced that toll. If you are a person who uses the M2 and the Lane Cove Tunnel, that charge is more than \$10.

What we have are roads that are important for people to get around Sydney, and only this side of the House is investing in new roads to make sure Sydney can keep moving. We are investing in roads like WestConnex, where we will be building a tunnel underneath Parramatta Road for the first time. If you live in Parramatta, Blacktown or further west towards Penrith and Mulgoa, you want to be able to make sure that you can move up and down the M4 as quickly as possible. After being ignored for year after year, only this side of the Chamber is building that tunnel underneath Parramatta Road. Down in the south of the city we have the M5 tunnel. On the day it opened, every person knew that that tunnel was not big enough. It has fallen to this side of the Chamber to once again make sure the infrastructure is delivered, so we are duplicating the tunnel. We are making sure the capacity of that tunnel will go from four lanes to eight lanes when it opens, and we are building a tunnel big enough to make sure that it goes to 10.

Ms Trish Doyle: Five bucks for seven kilometres.

The SPEAKER: Order! The member for Blue Mountains will cease being garrulous.

Mr STUART AYRES: When we invest in these new roads, we know that it requires a combination of public investment and user pays charges like tolls. That is exactly how the M7 was built—and it was built by Labor. The difference is we have recognised that the cumulative impact of those tolls has an impact on household budgets, so what we have done is introduce a policy to lighten the load on household budgets. If you use the network and spend \$25 a week on average, you will now have your rego covered for you—free rego for people to utilise roads like the M7, M2, the Lane Cove Tunnel, the new M5 and the Cross City Tunnel.

We could do what Labor does and not build anything. We could put up the signs saying, "We're full up," and, "We can't manage the budget." We could do all those things, but that is shutting Sydney down and shutting New South Wales down. That is making sure people who are trying to get their products from the bush to the port cannot get there. But we are investing in the infrastructure we need. What we want to be able to do is make sure we can continue to help those people who need it most. That is why this side of the Parliament has invested in the rego rebate. What was the response from those opposite when this was announced? We got absolutely nothing—no support for it. In fact, the member for Londonderry charged in here yesterday to move motions to oppose what we are doing and oppose the motion that was put forward yesterday, pointing out very clearly that they do not support the rego rebate. So if you are a person who drives a Holden Commodore in the seat of Londonderry and uses the M7, a toll road built by Labor, which costs \$7, I might add—significantly more than what you would pay on the WestConnex—

The SPEAKER: Order! The member for Cessnock will cease shouting.

Mr STUART AYRES: The member for Londonderry opposes \$500 going back into the pockets of Holden Commodore drivers. That is exactly what is happening. But it is worse—

Ms Kate Washington: She opposes \$2,000 coming out of their pockets.

Mr STUART AYRES: I take the interjection from the member for Port Stevens. She has spoken about \$2,000. What is the charge on the M7 that you introduced? Do you believe that we should not provide the rego rebate? You oppose the rego rebate on the M7, the Lane Cove Tunnel and everywhere? That is all you people do is oppose, oppose, oppose. You will not put any money—*[Extension of time]*

There we have it: three years since the last election and they have zero policy on building new infrastructure and zero policy on how to build new roads in Sydney, but, worse than having no policy on car rego, they actually oppose the opportunity that this Government has created by putting money in the pockets of households across New South Wales. This Government recognises that budgets are under pressure. But we also

know that we cannot stop building infrastructure. That is why we understand the importance of having something like the car rego rebate that puts between \$127 and \$715 back in the budgets of every household of motorway users across Sydney. Three years, and what did we get from those opposite when we made this announcement? We got nothing but crickets and tumbleweeds from those opposite. In fact, it was worse than that. People got on the phone and rang Sean Berry and Chris O'Keefe and said: "What is our policy? We cannot figure it out yet. We have no policy."

Ms Prue Car: Point of order: Stuart, nothing is saving you. You are a hypocrite.

The SPEAKER: Order! The member for Londonderry will address her remarks through the Chair. The member will resume her seat.

Ms Prue Car: It is your constituents that are coming to me. You are going to lose your seat over this.

The SPEAKER: Order! I direct the member for Londonderry to remove herself from the Chamber for a period of three hours.

[Pursuant to sessional order the member for Londonderry left the Chamber at 15:35.]

Mr STUART AYRES: We have two clear policy positions from those opposite: They are opposed to new roads, they are opposed to the tunnel under Parramatta Road, they are opposed to the duplication of the M5 tunnel, but they are also opposed to any measure that puts money back in the pockets of families and delivers new infrastructure. If you have a policy on tolls, go out and tell people.

The SPEAKER: Order! Opposition members will cease shouting at the Minister or they will be removed from the Chamber.

Mr STUART AYRES: When you are cashing in your budgets, go and tell the shadow Treasurer how he is going to fund his new roads.

Documents

UNPROCLAIMED LEGISLATION

The SPEAKER: In accordance with Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 22 November 2017.

Committees

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Inquiry into preference counting in local government elections in NSW

Mr ADAM CROUCH: On behalf of the Chair: I table report No. 3/56 of the Joint Standing Committee on Electoral Matters dated November 2017, entitled "Inquiry into preference counting in local government elections in NSW". I move:

That the report be printed.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: MATTERS OF PUBLIC IMPORTANCE

Mr ANTHONY ROBERTS: I move:

That standing and sessional orders be suspended at this sitting to permit the consideration of the matter of public importance submitted by the member for Miranda, followed by the matter of public importance submitted by the member for Canterbury.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: REORDERING

Mr ANTHONY ROBERTS: I move:

That standing and sessional orders be suspended to give precedence on Thursday 23 November 2017 to the General Business Notices of Motions (General Notices) given this day by the member for Heathcote [White Ribbon Day] and the member for Port Stephens [Williamtown Land Contamination].

Motion agreed to.

*Petitions***PETITIONS RECEIVED**

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

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Slaughterhouse Monitoring

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

Lewisham Railway Station

Petition requesting the upgrade of Lewisham railway station, received from **Ms Jo Haylen**.

Sussex Inlet Community Church

Petition requesting an investigation into the sale of the Sussex Inlet Community Church and calling for protection of community land used by churches, received from **Mrs Shelley Hancock**.

Haberfield Heritage Preservation

Petition requesting the Government list the entire 2045 postcode area on the State Heritage Register and preserve Haberfield for future generations, received from **Ms Jo Haylen**.

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

Brisbane Water Channel

Petition requesting the funding of a long-term dredging solution for Brisbane Water Channel, received from **Ms Liesl Tesch**.

Tuggerah Railway Station

Petition requesting the prioritisation of the construction of lifts at Tuggerah railway station, received from **Mr David Mehan**.

RESPONSES TO PETITIONS

The CLERK: I announce that the following Minister has lodged a response to a petition signed by more than 500 persons:

The Hon. Troy Grant—Alstonville Police Station—lodged 17 October 2017 (Ms Tamara Smith)

*Motions Accorded Priority***LABOR PARTY LEADERSHIP****Consideration**

Mr DAMIEN TUDEHOPE (Epping) (15:39): My motion to be accorded priority states:

This House notes the Leader of the Opposition:

- (1) Has difficulties with the truth.
- (2) Demoted his leadership rival, the member for Maroubra, as shadow Treasurer, after promising he would keep him.
- (3) Failed on numerous occasions to publish his diary every two months, after he promised to do so.
- (4) Preferred the Shooters, Fishers and Farmers Party, after ruling out any preference deal.

This motion deserves priority as we finish the 2017 parliamentary year, because we are now heading into the year before an election and the people of New South Wales need to be able to assess the integrity of the leaders who are seeking to lead the Government of this State after the 2019 election. On this side of the House, our leader, the Premier, demonstrates that what she and the Government say will be delivered is delivered. Earlier the Minister for Health eloquently outlined that this Government is one that respects the truth and, when this Government says that it will do something, it will in fact do it.

On the other hand, the Leader of the Opposition seeks to assert his integrity and that of the Opposition in circumstances where he believes he is the alternative leader of this State. The Opposition wants to be able to say to the people of New South Wales, "We are an Opposition that has been rehabilitated—you should forget about the years of Labor under Obeid, Tripodi and Macdonald." That bears examination. I suggest that the record of the Leader of the Opposition as to the manner in which he conducted himself in the last election and performed in relation to the matters before this House is such that the people of New South Wales will never be able to trust him. Trust and integrity are at the heart of the quality of people who put themselves up for leadership. On numerous occasions he promised to publish the details of his diary; he failed to do so. He has told the people of New South Wales that he would never do a deal with the Shooters, Fishers and Farmers Party; he did the reverse. This motion deserves priority because it is about integrity.

EDUCATION FUNDING

Consideration

Mr JIHAD DIB (Lakemba) (15:42): Like anyone else, I love sport. I have been to many events at what is now Allianz Stadium and the Olympic stadium, but is the upgrade there a priority? Absolutely not—not when a third of our schools are either at or above capacity and there is an impending student population increase of more than 170,000 students in New South Wales public schools. In 1964 the then Coalition education Minister, Sir Charles Cutler, placed the first demountable classroom in Kingsgrove North High School. It was meant to be a temporary solution, but 55 years later the philosophy of the Coalition is still the same: It adds more demountables instead of building the schools we need. It is in the DNA of the Coalition that members like to talk up what they are spending on education but do not actually put in the dollars that are required.

The Coalition came into government having talked up a big game, but it did not deliver. We heard it was going to get rid of demountables, but that plan was scrapped in 2012. Our priority has to be education and we need to educate our students in proper classrooms, not demountables. There are 100,000 students in 4,665 demountables right now who would attest to that. More than 1,450 demountables have been at the same sites for more than 10 years—so much for a temporary solution. The Minister spoke earlier about building and construction. I especially liked the lines the Minister used, such as "quality of design". What quality of design is there in a box on stilts? There is no quality of design there; it is simply a box. You do not get the best possible learning environment in demountables. Recently we discovered a secret plan, in a \$300,000 KPMG report that was not going to be released, regarding an increase of 5,800 in temporary demountables, some in Wagga Wagga. The Auditor-General's report was scathing and noted the fact that this Government has repeatedly sold off land that was earmarked for schools.

I have some homework for all members of this place: In the next two weeks we will all attend presentation days, and I request each member to look around the schools rather than just walking into the hall. Look at the schools that are falling apart, the cramped conditions and the demountables. Sit in the hot halls and ask yourselves this: Do I as a member of Parliament agree that it is better to spend \$2 billion on schools rather than stadiums? Nobody would say that it is worse for us to spend this money on schools, but we are spending \$2 billion on stadiums that do not need it. My Christmas wish is that this Government spends on education the money it promised it would spend.

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

The House divided.

Ayes47
Noes36
Majority..... 11

AYES

Anderson, Mr K
Barilaro, Mr J
Constance, Mr A
Crouch, Mr A
Elliott, Mr D
Fraser, Mr A
Grant, Mr T
Hazzard, Mr B
Johnsen, Mr M
Maguire, Mr D

Aplin, Mr G
Bromhead, Mr S (teller)
Cooke, Ms S
Davies, Mrs T
Evans, Mr A
Gibbons, Ms M
Griffin, Mr J
Henskens, Mr A
Kean, Mr M
Marshall, Mr A

Ayres, Mr S
Conolly, Mr K
Coure, Mr M
Dominello, Mr V
Evans, Mr L
Goward, Ms P
Gulaptis, Mr C
Humphries, Mr K
Lee, Dr G
Notley-Smith, Mr B

AYES

O'Dea, Mr J
 Petinos, Ms E
 Sidoti, Mr J
 Taylor, Mr M
 Upton, Ms G
 Williams, Mrs L

Patterson, Mr C (teller)
 Provost, Mr G
 Speakman, Mr M
 Toole, Mr P
 Ward, Mr G
 Wilson, Ms F

Pavey, Mrs M
 Roberts, Mr A
 Stokes, Mr R
 Tudehope, Mr D
 Williams, Mr R

NOES

Aitchison, Ms J
 Barr, Mr C
 Cotsis, Ms S
 Dib, Mr J
 Finn, Ms J
 Harrison, Ms J
 Hornery, Ms S
 Lynch, Mr P
 Mihailuk, Ms T
 Parker, Mr J
 Smith, Ms T F
 Washington, Ms K

Atalla, Mr E
 Catley, Ms Y
 Crakanthorp, Mr T
 Donato, Mr P
 Foley, Mr L
 Haylen, Ms J
 Lalich, Mr N (teller)
 McDermott, Dr H
 Minns, Mr C
 Piper, Mr G
 Tesch, Ms L
 Watson, Ms A (teller)

Bali, Mr S
 Chanthivong, Mr A
 Daley, Mr M
 Doyle, Ms T
 Harris, Mr D
 Hoenig, Mr R
 Leong, Ms J
 McKay, Ms J
 Park, Mr R
 Scully, Mr P
 Warren, Mr G
 Zangari, Mr G

Motion agreed to.*Visitors***VISITORS**

The DEPUTY SPEAKER: I acknowledge in the gallery Declan, a friend and guest of the Minister for Innovation and Better Regulation, and member for Hornsby. It is great to see you, Declan, and I see you are now a New Zealand Warriors supporter. I understand it is your birthday in three weeks—we will not be here, so I am afraid you cannot come in and celebrate with us, but I am sure there will be a cake for you at the office of the member for Hornsby.

*Motions Accorded Priority***LABOR PARTY LEADERSHIP****Priority**

Mr DAMIEN TUDEHOPE (Epping) (15:51): I move:

That this House notes the Leader of the Opposition:

- (1) Has difficulties with the truth.
- (2) Demoted his leadership rival, the member for Maroubra, as shadow Treasurer, after promising he would keep him.
- (3) Failed on numerous occasions to publish his diary every two months, after he promised to do so.
- (4) Preferred the Shooters, Fishers and Farmers Party, after ruling out any preference deal.

At the conclusion of the 2015 election campaign this editorial appeared in the *Daily Telegraph*:

Until Foley rejects all the lies in the union-bought advertising that NSW voters are being subjected to, he can only be seen as continuing to endorse this gross mendacity.

At the 2019 election voters will probably be faced with the same Opposition leader they faced at the last election—unless the member for Maroubra assumes the position he covets. The people of New South Wales deserve to know about the integrity and trustworthiness of those who seek to lead this State. This has been highlighted by the Government's approach of consistently asking the Leader of the Opposition to publish his diaries. At the conclusion of the last election campaign the Leader of the Opposition gave an undertaking that he would publish his diaries every two months. Why is it important that we see the diaries of people who seek to govern this State?

Mr Greg Warren: That is a good question.

Mr DAMIEN TUDEHOPE: It is a good question. The diary of the member for Kogarah would probably show that he has lots of meeting with Chinese constituents. We need to know with whom the Leader of the Opposition meets. We need to know the people who are influencing his policies. This is important because his diaries tell us about the sort of person he is. Does the Leader of the Opposition meet with lots of union leaders? Potentially he meets with leaders of GetUp to ensure that its campaign is organised. We know how Labor operates. We have had "Mediscare". Kristina Keneally is in the field at the moment telling us about the great work she is doing in education. It is an opportunity for her to lie—as she does.

The DEPUTY SPEAKER: Order! The member for Rockdale will come to order. The member for Wollongong will come to order.

Mr DAMIEN TUDEHOPE: Those opposite clearly have trouble with the truth. Importantly, with integrity there are also things left unsaid. The Leader of the Opposition was asked a question that is very important to the future of this State—in fact, it is probably important to the future of Australia. The Leader of the Opposition was asked about his approach to the 2.5 per cent cap on public service wages. The answer to that question has massive ramifications for this State. It could underpin a potential wages blowout, which could undermine the economy of this State. It could also potentially undermine the economy of Australia. What the Leader of the Opposition does not say is a matter of integrity. The people of New South Wales deserve to know his answer to that question. Indeed, the Leader of the Opposition should not be elected if the people of this State do not know what he stands for. On numerous occasions the Leader of the Opposition gave an undertaking not to preference the Shooters, Fishers and Farmers Party. Then what did he do? He supported it for political expediency. The Leader of the Opposition embraces political expediency above the truth. [*Time expired.*]

Mr RON HOENIG (Heffron) (15:57): The Leader of the Opposition will not be lectured on integrity by this Coalition Government. That is like being lectured in human rights by Joseph Stalin. I have known the Leader of the Opposition for many years. In that time I have occasionally heard mild criticism of him. However, no-one has ever criticised his honesty or his integrity. This motion, which is one of the most serious that can be moved in this House, does two things: It exposes the lack of credibility of this Government; and it calls on the Government to produce some evidence. What have we seen? The entire Executive Government of New South Wales has scurried out of the Chamber and the member for Epping, the highly regarded member for Kiama—who has his head well and truly down—and the Minister for Sport, who obviously was not in the Government's tactics meeting today, have been left in the Chamber.

Included in the motion is some criticism that the Deputy Leader of the Opposition is the shadow Minister for Planning. Labor believes planning is one of the most important functions in this State. It is planning that decides affordable housing, it is planning that decides where infrastructure should be, it is planning that decides the quality of life for the people of New South Wales. So the Leader of the Opposition takes the most experienced and senior shadow Minister and allocates him the most important portfolio. What does the Premier of New South Wales do? She takes probably the most eminent planning lawyer in the State—certainly in this House—who is an expert at town planning and sacks him from the Planning portfolio. The Premier moves a man with a PhD in planning law from the Planning portfolio and demotes him.

That is not all the Liberal Party did to the member for Pittwater. When the current Premier stood for the leadership the Liberal Party called a leadership ballot when the member for Pittwater was on the other side of the world. The Liberals' most highly respected frontbencher is on the other side of the world—they knew he was there because they gave him leave to go to Oxford to study for a Master's degree—and they call a leadership ballot. Do you think the current Leader of the Liberal Party would have been confident had the member for Pittwater been in the country? We have only to compare the performance of the Leader of the Liberal Party with that of the member for Pittwater as Minister for Education to see why the Government is looking like it is in the polls—why there are swings of 15 per cent and 25 per cent against the Government at every single by-election. The people of New South Wales have got the Government worked out.

The Government complains about Labor's internal politics, but the former leader of The Nationals, the member for Dubbo, was stabbed in the back by his best mate—and the National Party wants to know why it is bleeding to death in the polls. It is a disunited and dysfunctional Government, and when governments are in trouble they always attack the integrity of the Opposition. Why are those opposite so desperate to see the diary of the Leader of the Opposition? They can see my diary. In it they will see the name of the member for Epping, they might see the Deputy Speaker's name, or they might even see the name of the member for Kiama—although those meetings were secret. If those opposite want to talk about integrity, let them ask the member for Drummoyne what he thinks about the leader's integrity. Let us ask him about the promise made to him that disappeared at midnight on the day the ministry was announced. The people of New South Wales do not want those opposite in government; they do not trust them and it is time for them to go.

The DEPUTY SPEAKER: Order! I reminded members yesterday that it is disorderly to applaud in the Chamber. This is my final warning.

Mr KEVIN ANDERSON (Tamworth) (16:02): I have listened to the debate with great interest. The member for Heffron said that, ultimately, when a government is in trouble it will attack the integrity of the Opposition. For a start, the Opposition does not have any integrity. The motion refers to preference deals with the Shooters, Fishers and Farmers Party after such deals were ruled out. I refer to Orange and remind the Opposition of the deal done with the devil in that by-election. The problem is that the Opposition was running hot on the back of having a member of the Shooters, Fishers and Farmers Party elected in Orange, so it ran hard at the by-elections in Cootamundra and in Murray. That worked well for the Opposition.

We now have two new members from The Nationals, which flies in the face of the claims by the member for Heffron, who said that the National Party is going backwards. Those opposite should read it and weep: two new members from The Nationals. Those opposite back losers because they are scraping the bottom of the barrel. We are the ones who pick the right candidates, and they are sitting in the House here today: the member for Murray, who is up and running—and well done to him—and the member for Cootamundra, who is another winner. We know how to back winners because we have the right candidates who look after regional New South Wales. Those opposite have no idea where regional New South Wales is for a start. Some projects in the regions would not have got up if Labor had got their clowns elected from the Shooters, Fishers and Farmers Party in Cootamundra and in Murray. They were clutching at straws.

In the Murray electorate, there is \$35 million for stage one of the clinical services plan and nearly \$10 million for the Yoogali intersection as well as funding for stage two of the promised hospital. The good folk of Murray would have missed out if those clowns opposite had got their hands on that electorate. Consider some of the roadworks in the Cootamundra electorate. The good member for Cootamundra is backing the \$2 million for the railway crossing at Goldfields Way, West Wyalong, and \$360,000 for the West Wyalong High School. We are looking at schools, police stations, teachers, nurses and doctors. We are getting on with the job, while those opposite are backing losers. They try to put members of the Shooters, Fishers and Farmers Party in electorates, but they are going to line them up and start cooking marshmallows.

The DEPUTY SPEAKER: Order! I call the member for Blacktown. There are no credits today.

Mr STEPHEN BALI (Blacktown) (16:06): There is a maximum of three minutes; I have got the picture. I am amazed at the quality of debate in this Chamber.

The DEPUTY SPEAKER: Get used to it.

Mr STEPHEN BALI: I spent 12 years in local government. Is this the best the Government can come up with? I relate back to local government and, as I said yesterday, I am hoping the Government applies the Blacktown city Liberal philosophy of outsourcing: They accredited me to be mayor, and I am waiting for the State Government to outsource its leadership to the Leader of the Opposition and for him to become Premier. The Government puts up arguments about trust and integrity, but in the Premier's announcement about local government mergers she said:

There will be nothing that people will be forced into. It's really a conversation councils are having.

A conversation—they did not have a choice; it was rammed down their throats. And those opposite talk about integrity and trust. The Deputy Premier said:

Let it be clear that there will be no forced amalgamations in this region. I will keep "Local" in Local Government. Integrity? There is absolutely none on the Government side—zero. Then we heard the interesting comment from the member for Tamworth that the Government is "looking at" schools. It needs to do more than look at schools; it needs to fix schools. Doonside High School has close to a \$1 million maintenance backlog, Blacktown Public School has an almost \$1 million backlog, and Blacktown Boys High School has a \$1 million backlog. What can you expect when one in 10 school buildings is a demountable? It is an absolute disgrace. What is the Government doing? It is disgraceful that the maths and science standards of kids in Kazakhstan are better than those in New South Wales. Kids in that country cannot even get to school but they have better maths and science standards than our kids do. We are below the Organisation for Economic Cooperation and Development standards for literacy. What is happening is ridiculous and the Government is not focusing on priorities. Some 60 per cent of patients at the Blacktown Hospital emergency department are not attended to in time. Some 60 per cent of priority 1 patients are cut off. It is a disgrace. Luke Foley will be the next Premier.

Mr DAMIEN TUDEHOPE (Epping) (16:09): In reply: It is symptomatic of the problems that the Labor Party has in relation to leadership when those opposite ask the best lawyer on their side to speak to the motion. After three questions to the Attorney General, the Leader of the Opposition could not get it right. But if he had spoken to the member for Heffron, he probably would not have asked the questions in the first place. Yet the member for Heffron cannot get a seat on the front bench. We ask why the member for Maroubra is not there. The member for Maroubra ought to be ashamed that he is not the shadow Treasurer; the incumbent has kindergarten level maths ability. In many respects, when the Leader of the Opposition overlooked the best person for that position he was saying to the people of New South Wales, "I do not care about how this State is run; in

fact, I will invest in a person who has a mental incapacity in respect of the way he handles the budget of this State."

The member for Tamworth correctly identified the Opposition's betrayal of the people of New South Wales through the manner in which it endorsed the member for Orange. I point to some regular comments by the Leader of the Opposition. On 20 February 2013 Mr Luke Foley said:

It is clear the Shooters and Fishers Party are calling the shots—with the interests of hunters considered a higher priority in the O'Farrell Government than public safety.

Then on 23 December he said:

Allowing the shooters to now control duck hunting is like putting the fox in charge of the hen house.

The O'Farrell Government has swung the pendulum too far to the side of the shooters.

On 23 November 2012 he said:

Reverend Nile and the Shooters sounds like a good name for a rock band, but it's not the sort of band Barry O'Farrell should be letting run NSW.

On 7 August 2011 he said:

The O'Farrell Government is trying to buy votes from the Shooters and Fishers Party.

But what does the Leader of the Opposition say now? He says, "The Shooters and Fishers Party are now my best friends. I want to, in fact, put guns in the hands of 10-year-olds". My motion should be supported. [*Time expired.*]

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

The House divided.

Ayes46

Noes35

Majority..... 11

AYES

Anderson, Mr K
Barilaro, Mr J
Constance, Mr A
Crouch, Mr A
Elliott, Mr D
Fraser, Mr A
Grant, Mr T
Hazzard, Mr B
Johnsen, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Provest, Mr G
Speakman, Mr M
Toole, Mr P
Ward, Mr G
Wilson, Ms F

Aplin, Mr G
Bromhead, Mr S (teller)
Cooke, Ms S
Davies, Mrs T
Evans, Mr A
Gibbons, Ms M
Griffin, Mr J
Henskens, Mr A
Lee, Dr G
Notley-Smith, Mr B
Pavey, Mrs M
Roberts, Mr A
Stokes, Mr R
Tudehope, Mr D
Williams, Mr R

Ayres, Mr S
Conolly, Mr K
Coure, Mr M
Dominello, Mr V
Evans, Mr L
Goward, Ms P
Gulaptis, Mr C
Humphries, Mr K
Maguire, Mr D
O'Dea, Mr J
Petinos, Ms E
Sidoti, Mr J
Taylor, Mr M
Upton, Ms G
Williams, Mrs L

NOES

Aitchison, Ms J
Barr, Mr C
Cotsis, Ms S
Dib, Mr J
Finn, Ms J
Harrison, Ms J
Hornery, Ms S
Lynch, Mr P
Mihailuk, Ms T
Parker, Mr J

Atalla, Mr E
Catley, Ms Y
Crakanthorp, Mr T
Donato, Mr P
Foley, Mr L
Haylen, Ms J
Kamper, Mr S
McDermott, Dr H
Minns, Mr C
Scully, Mr P

Bali, Mr S
Chanthivong, Mr A
Daley, Mr M
Doyle, Ms T
Harris, Mr D
Hoenig, Mr R
Lalich, Mr N (teller)
McKay, Ms J
Park, Mr R
Smith, Ms T F

NOES

Tesch, Ms L
Watson, Ms A (teller)

Warren, Mr G
Zangari, Mr G

Washington, Ms K

Motion agreed to.*Committees***COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Report: Inquiry into protections for people who make disclosures to the Independent Commission Against Corruption**

The DEPUTY SPEAKER: The question is that the House take note of the report.

Mr DAMIEN TUDEHOPE (Epping) (16:20): As Chair: I speak to the fourth report in the Fifty- Sixth Parliament of the Committee on the Independent Commission Against Corruption [ICAC]. The report was tabled on 16 November 2017 and relates to the committee's inquiry into protections for people who make voluntary disclosures to the Independent Commission Against Corruption. The committee resolved to conduct its inquiry in March 2017 and adopted terms of reference which required it to consider whether the law should be changed to protect people from civil, criminal or disciplinary liability if they voluntarily disclose information to the ICAC for the purpose of the ICAC's functions.

I acknowledge the presence in the Chamber of the member for Balmain who has consistently raised this issue, which was instrumental in the Government conducting the inquiry. As a result of its inquiry the committee found that the current protections for people who make disclosures to the ICAC are too narrow. Protections vary according to whether the person making the disclosure is a compelled witness or making the disclosure voluntarily. Public officials also receive protections that ordinary people do not. There is significant public interest in increasing protections for people who make voluntary disclosures to the ICAC. If people are worried they will be prosecuted or sued for disclosing information to the ICAC they are less likely to do so. This represents a lost opportunity to detect, expose and prevent corrupt conduct in this State.

The committee has recommended the law be changed to comprehensively protect people for making voluntary disclosures to the ICAC. Under these changes people will be protected against civil, criminal and disciplinary liability. However, in making this recommendation the committee made it clear that the increased protections should only protect people against adverse consequences for the act of disclosing; they should not protect people against liability for their own wrongdoing. Put another way, people should not be given automatic immunity for their own wrongdoing merely because they have disclosed it to the ICAC.

During the inquiry some stakeholders told the committee that thresholds should apply before a person is protected for making a voluntary disclosure to the ICAC. For example, a person should only be protected when they have made the disclosure based on an honest and reasonable belief. The committee heard that this would prevent vexatious disclosures that cause unfair reputational damage and waste the ICAC's resources. The committee recommended against thresholds. It was concerned they may deter people from making genuine complaints to the ICAC for fear of attracting liability. The committee found it would do little to deter vexatious complaints and noted that criminal penalties already exist for making false disclosures to the Independent Commission Against Corruption.

However, the committee remains concerned about people who make false disclosures to the ICAC. In particular, it considered the case of a malicious person who publicly discloses the fact that they have made a complaint to the ICAC where they have no genuine suspicion corruption has occurred and merely wish to gain some political advantage or to induce an elected person to decide a matter in a particular way. This not only causes unfair reputational damage but also could jeopardise objective and sound public decision-making. For this reason the committee has recommended the ICAC look at whether more could be done to deter false complaints and to limit the damage where they do occur.

In particular, the committee has recommended that the ICAC consider whether the Independent Commission Against Corruption Act should be amended to provide that it is an offence for a person to disclose or threaten to disclose to a third party or parties that they have made or intend to make a disclosure to the ICAC. The committee's report contains a set of practical and balanced recommendations and I am confident that, if implemented, they will assist to better protect whistleblowers into the future. I take the opportunity to thank all stakeholders who participated in the inquiry. The committee received 23 submissions and heard from 12 witnesses over two days of hearings. This was a truly enlightening process about an important topic. I thank my fellow

committee members for their contributions to the inquiry. I thank the committee staff for their professionalism and support during the inquiry process. I commend the report to the House.

Mr GEOFF PROVEST (Tweed) (16:26): As Deputy Chair: I make a contribution to today's take-note debate on the committee's recent report regarding protections for people who make voluntary disclosures to the ICAC. As the chair noted, the committee has recommended increased protection for people who make voluntary disclosures to the ICAC. However, the committee was clear that these protections should only apply to the act of disclosing. They should not apply to protect people from the consequences of their own wrongdoing. The committee recognises there is significant public interest in protecting people against adverse consequences for the act of making a disclosure to the ICAC. By encouraging disclosures the protections will assist the ICAC's fight against public sector corruption.

In contrast, protecting wrongdoers could cause considerable damage. Imagine if a person who has been involved in a corrupt enterprise could automatically escape the consequences of his or her misdeeds by reporting them to the ICAC. I do not wish to entertain the thought. The committee made 10 recommendations and three findings. As I have indicated, it focused on measures that will encourage people to voluntarily disclose corrupt conduct where they see it. Another of the recommendations related to the protection of the identity of people making voluntary disclosures to the ICAC.

The committee recommended changes to the Independent Commission Against Corruption Act to restrict the ICAC's ability to disclose the identity of people from whom it has received a complaint. The committee found that restriction should not be absolute. Sometimes the ICAC needs to disclose the informant's identity to properly investigate a matter or where it is otherwise in the public interest. During the inquiry the committee heard that the ICAC's public inquiries may deter people from making voluntary disclosures. There is always the risk that a person who makes a voluntary disclosure will eventually be compelled to give that evidence at a public inquiry.

The unwanted publicity may stop them from making this disclosure. However, the committee reaffirmed its strong support of ICAC's ability to conduct public inquiries. We believe the benefits of public inquiries outweigh those risks. The Independent Commission Against Corruption Act contains protections for people compelled to give evidence at public inquiries. Furthermore, public inquiries may sometimes encourage disclosures to ICAC. By promoting transparency and holding ICAC accountable for the way in which it carries out its functions, public inquiries promote public confidence in ICAC. It is essential that if people report wrongdoings they know it will be dealt with appropriately. I thank the committee members for their work during the committee's review, the committee staff and the many stakeholders who made contributions to the inquiry. I commend the report to the House.

Mr JAMIE PARKER (Balmain) (16:30): I thank the committee members who have worked diligently on this issue and the members' staff. I thank the members who are speaking in this take-note debate, in particular, the member for Epping, who chaired the inquiry. On the whole, the recommendations should be welcomed. It is important that we develop law in this place on issues such as the Independent Commission Against Corruption in a methodical and thoughtful way and that we take on board the expert advice from stakeholders. I am pleased to say that this committee has done a great job. The member for Epping guided members on this issue before the committee.

A public servant raised their concerns with me about a disclosure they wanted to make. The way that their disclosure could be protected was weak and needed investigation. The issue that was brought to the attention of the House was discussed by the Committee on the Independent Commission Against Corruption in its discussion paper, "Prosecutions arising from ICAC investigations: Discussion Paper: November 2014." During that discussion, ICAC made a submission to the inquiry addressing the issue, saying that work needed to be done in this area and it was important that the Government consider augmenting the existing arrangements concerning voluntary disclosures. I am pleased that the committee has recognised that the current protections are too narrow and that there is opportunity and scope to vary those protections in a broader way to ensure that people do not have concerns about criminal, civil or disciplinary action.

I support the recommendations of the committee, particularly the protections concerning active disclosure, which is an important point that must be acknowledged. I welcome the issue of thresholds. While some evidence was presented to the committee about the need for a test to be satisfied, the committee erred on the side of caution ensuring there are minimum opportunities to inhibit genuine complaints. That is a sensible way for the Government to proceed. We must minimise the obstacles to people wishing to make a voluntary disclosure. The investigative process can determine their credibility.

It is also important to deter false complaints and the processes whereby people gain a political advantage by making an announcement about a matter being referred to ICAC. It is appropriate, as the committee suggested, that this issue be referred to ICAC for its advice and input. It is important that ICAC feels in control of its own

destiny. I am sure it will come back with positive suggestions. On behalf of The Greens, I thank the committee members and acknowledge the work of the chair of the committee. I also acknowledge the role of the Premier who is very interested in progressing these issues.

Mr GARETH WARD (Kiama) (16:33): I congratulate the work of the Joint Standing Committee on the Independent Commission Against Corruption [ICAC] for its work. I am sure all members would agree that strengthening corruption protections and ensuring that we clamp down on possible avenues of corruption as well as mitigating corruption risks is an important issue for all sides of politics. I address the specific recommendation relating to vexatious and false complaints, having recently been the subject of such a complaint. In the context of a local government election campaign, and unrelated to the campaign, I met with Roads and Maritime Services [RMS] to discuss the Albion Park Rail bypass. I was advised at that meeting that it had concerns that the council was seeking a quid pro quo, wanting to delay part of the project and the acquisition of property in an attempt to ensure that the Government would make contributions to funds for other projects.

Whilst I acknowledge the council has since stepped back from that position and has given the Government the access it needed, at the time I made these claims in the press I was the subject of an extraordinary meeting called by a number of councillors. Not only did the council resolve to seek what legal action it could take against me, it referred me to the ICAC for having relayed publicly what I had been told by Government officials privately. The Albion Park Rail bypass is an important project and governments should not stand in its way. Glen Humphries from the *Illawarra Mercury* sought access to documents under the Government Information (Public Access) Act. He discovered that minutes from that meeting between me and RMS accurately relayed what I had said publicly, which the council criticised me for and referred me to the ICAC, accusing me of corrupt behaviour. Not only does this cause grief to the people involved, particularly those who are subject to false complaints, but also it costs ratepayers money when councils seek to engage in a wild goose chase to refer someone to the ICAC, particularly in the context of an election.

The problem is that if the ICAC is asked if someone has been exonerated, the ICAC cannot confirm or deny it. At that time I also sought to refer myself to the ICAC. I received a response to my referral but ICAC did not indicate that it wished to investigate the complaint I had made. Of course, when the council was asked about this when I revealed this document, it said it had not made the complaint. As always, when the ICAC was approached it said it could not confirm or deny it. This leaves people who have been accused of corruption hanging in the breeze, waiting for the court of public opinion to determine their position, particularly if they are a publicly elected official, or it leaves others with little recourse. I would argue that the law on defamation would not be sufficient to bring an action.

Mr Jamie Parker: What council was it?

Mr GARETH WARD: I mentioned that it was Shellharbour City Council in my introductory remarks. These actions were politically motivated. The functions and resources of the ICAC were used as a weapon to attack somebody else, which is not what the ICAC should be used for. There are many other examples of its time being wasted and taken away from investigating real cases because of this nonsense from Shellharbour City Council. Although the election is over, to this date the council has not withdrawn its complaint. As a member of this House who has been affected by this type of behaviour, I commend this section of the report. I hope the ICAC takes it seriously. I am sure it would rather be working on serious cases of corruption than scorn and ridicule that is motivated by nothing other than politics.

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 47/56

The DEPUTY SPEAKER: The question is that the House take note of the report.

Mr MICHAEL JOHNSEN (Upper Hunter) (16:38): As Chair: I appreciate the opportunity to speak to the Legislation Review Digest No. 47/56. It is the committee's last digest for the year. This week's digest reviewed five bills that were introduced in the sitting week commencing 14 November 2017. I now turn to some of the key issues that emerged from the committee's review of the bills. As always, I encourage everyone to read the digest, which is published online, for the committee's full comments. One focus of the digest this week was the Terrorism (High Risk Offenders) Bill 2017. The bill enables the Supreme Court to order the supervision or detention of certain offenders after the end of their prison term. Such orders can only be made if those offenders would otherwise pose an unacceptable risk of committing a serious terrorism offence.

New categories of terrorism offender are created under the bill, including a convicted New South Wales underlying terrorism offender. Extended supervision orders and continuing detention orders can be imposed in

relation to these offenders in certain circumstances. A convicted New South Wales underlying terrorism offender captures any eligible offender who has been convicted of a serious offence, including serious physical harm or property damage, in a terrorism context. That context can include if there is intent to advance a political, religious or ideological cause. The broadly worded provision could therefore apply to a wide range of offences. There also appear to be no exemptions for political protests and other activities, which an ordinary person may not consider to be terrorism.

Under the bill, the State is generally required to disclose to an offender all documents, reports or other information that is relevant to an application to impose a supervision or detention order. That said, the State is not required to disclose any information that is classed as terrorism intelligence. This term covers a variety of information relating to actual or suspected terrorist activity that may endanger the public or compromise any terrorism or criminal investigation. This broad exception may mean that procedural fairness is not afforded to an offender. However, the committee acknowledged in the digest that the provision is intended to protect the public from an actual or suspected terrorist threat, and therefore made no further comment. The committee also observed that all proceedings under the bill are civil, rather than criminal, proceedings. This means that the State is only required to meet the lower standard of proof that applies to civil proceedings; that is, on the balance of probabilities, rather than beyond reasonable doubt. This potentially places a much higher onus on an offender to rebut the State's case.

I now turn to the Building Products (Safety) Bill 2017. That bill was introduced in response to the Grenfell Tower fire in London and, among other things, enables the Commissioner for Fair Trading to impose bans on the use of certain building products. Under the bill, authorised officers have wide powers to enter private premises, without a search warrant, as well as powers to search and seize property. While the bill contains some safeguards, the committee remains concerned that the bill may infringe on a person's right to privacy and property, without appropriate justification. As a result, this matter was referred to Parliament for its further consideration. That concludes my remarks on this digest, the last digest for the sitting year.

I thank my fellow committee members, in particular the secretariat for their assistance and consistent attendance at our regular meetings throughout the year. I remind the House that we are the busiest committee in the Parliament. We meet and report every sitting week. I also take this opportunity to formally thank the Hon. Greg Pearce, MLC, for his contribution to the work of the committee. Mr Pearce recently retired but served on the Legislation Review Committee for approximately two years. I wish him all the best in his future endeavours. I commend the digest to the House.

Report noted.

Bills

SAINT JOHN'S COLLEGE BILL 2017

First Reading

Bill introduced on motion by Mr Rob Stokes, read a first time and printed.

Second Reading Speech

Mr ROB STOKES (Pittwater—Minister for Education) (16:43): I move:

That this bill be now read a second time.

The Saint John's College Bill 2017 is designed to significantly modernise the governance arrangements for St John's College at the University of Sydney. The historic Saint John's College Act 1857 will be repealed and replaced. The 1857 Act is a private Act, an increasingly rare breed in the New South Wales legislative canon. The bill will see the number of members of the College Council reduced from 19 to 13, with the majority now appointed. Appointments to the council are required to take into account the expertise and experience relevant to the council's functions and an appreciation of the objects, values, and activities of the college. One member is to be appointed by the Vice-Chancellor of the University of Sydney, strengthening the connection between the university and its college. The three clerical members are to be appointed by the Roman Catholic Archbishop of Sydney with the remaining four lay member appointments being the responsibility of the council itself.

It is pleasing to note that diversity in the College Council is further encouraged by the significant reform that clerical members can be either a Roman Catholic priest or a member of a Roman Catholic religious order. This allows for the appointment of both male and female clerical members, whereas under the current Act only priests can be appointed. Similarly, where a chaplain is appointed, that person may be of any gender unlike now, where the broadly similar position of dean must be a Roman Catholic priest. The bill spells out the functions of the council and office holders and the duties of council members. Appropriately one of the duties of council members is to disclose any conflict of interest, and to avoid exercising any function which could involve such

a conflict. The power of the council to make by-laws is retained but with a substantially more modern process. By-laws will be required to be published on the college's website to ensure they are readily accessible to the public.

Transitional provisions ensure continuity from the current St John's College Council and continuation of the appointments of the rector and vice-rector. There are numerous other minor and technical changes from the current Act which will together enhance the administration and operation of St John's College. Reform has been a long time coming and follows an extended consultation and discussion process within the St John's College community. Since late 2012 the St John's College Council has been constituted under provisions introduced to the current Saint John's Act 1857 with bipartisan support following a highly-publicised crisis in governance which saw the resignation of all but one council member.

The emergency provisions introduced at that time were designed to overcome the resulting absence of a quorum and permit the council to be reconstituted. There was always the intention that there would eventually be more comprehensive and measured reform. Importantly the bill has the support of the current St John's College Council, the Vice-Chancellor of the University of Sydney and the Roman Catholic Archbishop of Sydney. The Archbishop remains the Visitor of the College and retains the power to reconstitute the council in the event of the extraordinary situation where there are vacancies in the office of either all three clerical fellows, or all but one of the offices of lay members. This power is firmly moderated by a requirement to consult with the vice-chancellor. It is to be hoped that a situation where this is required never again arises in the life of the college—but this power can be called upon in the event of an emergency governance situation if needed.

I conclude with the obvious point that this is a bill to amend a private Act. My role is therefore to act, as it were, as an agent for the college, which requested governance reform after an extensive period of consultation and reflection. I am deliberately introducing this bill now in order to leave it before the Parliament for consideration before debate. I commend the bill to the House.

Debate adjourned.

TEACHING AND EDUCATION LEGISLATION AMENDMENT (EMPLOYMENT) BILL 2017

First Reading

Bill introduced on motion by Mr Rob Stokes, read a first time and printed.

Second Reading Speech

Mr ROB STOKES (Pittwater—Minister for Education) (16:50): I move:

That this bill be now read a second time.

The bill modernises employment practices under which staff are employed in New South Wales government schools. In particular, the bill extends the period of time for which both teachers and school administrative and support staff may be employed as temporary employees from one year to up to three years. This bill also makes two amendments to the Education Act. These amendments are of a machinery nature. They are needed to clarify the existing power of the secretary in relation the classification of government schools and in relation to the longstanding practice of charging fees for overseas students enrolled in New South Wales government schools.

I turn first to the amendments to introduce contemporary employment practices for staff employed in government schools. Teachers in government schools are employed under the Teaching Service Act 1980. The bill sets out an amendment that will allow for more certainty for temporary teachers, provide face-to-face continuity between teachers and their students, and give certainty to the Department of Education in managing its large and diverse workforce. For example, under the Act as it presently stands, section 50 provides that a temporary employee shall not be employed for a period exceeding 12 months. There is of course a provision for periods of further temporary employment after that, but each engagement can only be for a maximum period of a further 12 months.

This Government is committed to listening to local communities and working with them to get the local schools that best meet their need. This bill recognises that sometimes a school will not be able to fill a teaching position permanently. For example, if a teacher goes on maternity leave, she may indicate that she seeks two or three years away from the paid workforce. In that situation, the school could offer temporary employment for two years or three years. The school and the local community will be better off knowing that a longer period of temporary employment can be offered to a suitably qualified temporary teacher. Such a teacher will be able to maintain better relationships with students and make a more lasting contribution to the school, with more certainty for the school, for the teacher, and for the students and parents.

This amendment is consistent with discussions the department's officers have had on an ongoing basis with the New South Wales Teachers Federation. In particular, the department and the Teachers Federation signed

a staffing agreement for the period 2016 to 2020 which anticipates the employment of temporary teachers for periods of up to three years. This part of the bill will give effect to the equivalent provision in the staffing agreement agreed with the Teachers Federation.

The bill seeks to introduce into the Teaching Service Act two provisions to deal effectively and efficiently with teachers who have either lost a qualification that is necessary for them to undertake their work as a teacher or who have abandoned their employment. In relation to loss of qualifications, the Teacher Accreditation Act contains both a requirement for a teacher to hold accreditation with the NSW Education Standards Authority and a power for employers of teachers to dismiss a teacher who has his or her accreditation withdrawn. What is intended with this part of the bill is to move this power from the Teacher Accreditation Act to the Teaching Service Act. In doing so, the provision has been redrafted to reflect the wording in section 47 (1) of the Government Sector Employment Act 2013.

One barrier the department had identified to offering permanent work to new teachers was the lack of an efficient provision in the Act to manage teachers who abandon their employment in the teaching service. The department is aware of cases where permanent teachers have not returned to duty at the end of approved periods of leave despite repeated follow-up and may have gone on to other careers, but who do not want to give up what they see as the security of their former employment as a teacher. In some of these cases the employees have indicated they have no intention of resuming duty as a teacher in the former school.

This part of the bill recognises the common law concept of abandonment of employment and incorporates it into the statutory scheme of the Teaching Service Act. The secretary will be empowered to terminate the employment of a teacher who has abandoned his or her employment. As with the qualifications issue, this provision exists elsewhere in New South Wales legislation. Section 47 of the Government Sector Employment Act allows the secretary of the department to terminate the employment of an employee who has refused to perform the duties of the role assigned to them or where the employee has abandoned his or her employment.

The bill will in general terms introduce equivalent amendments to the Education (School Administrative and Support Staff) Act to the amendments just described to the Teaching Service Act. Specifically, schools will be able to employ temporary employees for a period of up to three years on a single engagement. The same mandatory notice period and compensation for early termination are introduced for temporary administrative and support staff in schools as for teachers. Finally, a streamlined power to deal with employees who abandon their employment is also introduced. Members of the House will be aware that the Teacher Accreditation Act does not apply to school administrative and support staff, so there is no need to include a provision dealing with accreditation for this group of staff who are employed under separate legislation.

The bill also proposes two minor machinery amendments to the Education Act 1990. Section 29 (3) of the Education Act currently enables the secretary of the Department of Education to determine the eligibility requirements for students to enrol in different kinds or categories of schools established by the Minister for Education. The amendment will allow the secretary to determine the eligibility requirements for enrolment in an individual school rather than only a class of schools. For example, the secretary may wish to determine matters such as transitioning a single school from an infants-only school to a kindergarten to year 6 school.

The other amendment clarifies that New South Wales is not breaching the New South Wales Anti-Discrimination Act 1977 when imposing a fee on certain classes of overseas students who attend government schools. This amendment will preserve a significant revenue stream from fees to overseas students that will help to support other programs designed to support students domiciled in New South Wales as well. These are important amendments that are necessary to enhance the effectiveness and efficiency of recruitment in the teaching service, to provide greater continuity to students and their families as well as to teachers, and to provide opportunities for longer employment for temporary teachers and certainty as to their entitlements on those occasions where it is necessary—for example, for funding reasons—to terminate the temporary employment of a temporary teacher. I make these comments with my experience as a temporary teacher in a school in New South Wales. The bill provides flexibility to schools as well as more security to those engaged on temporary contracts to also give effect to the staffing agreements made with the Teachers Federation. For these reasons, I commend the bill to the House.

Debate adjourned.

NATURAL RESOURCES ACCESS REGULATOR BILL 2017

Second Reading Debate

Debate resumed from an earlier hour.

Mr CHRIS MINNS (Kogarah) (16:58): Some of the issues that are driving this debate most specifically relate to the Matthews report and its recommendations into water practices in New South Wales. It is worth recording some of them for the House—not all 78 pages but some key quotes—for when members are making up their minds on the bill. Mr Matthews says:

The industry's 'social licence' to irrigate is at stake.

That is not a mild comment to make regarding this report but a serious critique of what Matthews sees as the position of the industry. It is a warning and a call to all lawmakers—and in particular the Executive Government—about how serious the stakes are when lawmakers develop and require regulation of the water space. In the most damning passage of the interim report, Mr Matthews goes on to say:

My interviews with members of staff involved in water management suggested a culture of tolerance for expedient work practices in the interests of "outcomes", but at the expense of due and proper process. I saw examples of possible failures to confront unethical behaviour. I heard public servants clearly deficient in their understanding of the Westminster conventions. I observed a group culture diverging from the best traditions of Australian public administration.

Some divisional staff members and many outside the division and the department are deeply concerned about the impact of the Four Corners allegations on the reputation of the NSW public service as a whole.

That goes to the heart of how seriously maligned water management in New South Wales has been in the past six years. As the Minister outlined in his second reading speech in the other place, the legislation before us has been brought about by the Matthews inquiry and the Ombudsman's report, which was released last week. It is his first step in addressing the serious concerns contained in these reports and the serious conclusions at which Mr Matthews arrives in relation to water management in this State. It is obvious that the Government is introducing the legislation to respond to the reports of these two authorities but that the Minister does not fully implement what Ken Matthews asked for when his report was handed down. In many specific ways, the legislation does not marry with the report that Mr Matthews brought down.

First, on page 38, Mr Matthews says the board should have "someone with extensive natural resource conservation experience". This bill does not contain the word "conservation"; the bill does not call for anybody with those skills to be put on the three-person board. The Government has already started advertising for the Natural Resources Access Regulator [NRAR] in *The Land* newspaper and other publications, but no mention is made of the specific characteristic that Mr Matthews calls for. The Minister's response in the other place, that this has been taken into account during the selection process of the board, cannot be strictly accurate because that characteristic has not been called for when asking for nominations. Secondly, Matthews says:

It would be desirable to include a person with Indigenous background, especially with knowledge of Indigenous interests in natural resources.

This bill does not include the word "Indigenous". The members of the board are to be persons, according to Minister Blair, who together have experience and "expertise in law, natural resources management, compliance" but not particular Indigenous interests in natural resources. Again, the Minister said in the other place that that has been taken care of in the selection process of the board: The Government has come forward with a solution that essentially says, "Trust us," but it is not mentioned in its advertisements, the legislation or the Minister's second reading speech. It is a key divergence from what Matthews recommended in his report. Page 38 also says:

Initial staffing levels should be struck at the levels previously funded by the Commonwealth until June 2016 plus the existing FTEs in both WaterNSW and DPI-Water. However, given the manifest performance shortfalls of the previous levels of staffing, an augmentation of the order of 25% is suggested ...

The bill and the Minister's second reading speech are silent on that. The Minister said that transferring staff from WaterNSW is enough to allay the concerns of Ken Matthews in relation to the under investigation of compliance in water management in New South Wales. The Opposition proposed an amendment in relation to that which would see the NRAR talk with Independent Pricing and Regulatory Tribunal [IPART] about making sure that adequate funding levels were in place so that a future government—and I am not implicitly criticising the current Minister for Regional Water—and future Minister for Regional Water could not defund this agency, stopping it doing its crucial regulation work.

Before people scoff at me for that suggestion, there was a situation in New South Wales where the Special Investigations Unit [SIU] was taking something in the vicinity—according to the Ombudsman—of 707 prosecutions a year. There were 820 enforcement actions in 2014-15, and 717 the following year. In the period immediately after that, when the SIU was disbanded and the enforcement unit taken out of the Department of Industry and put into WaterNSW, that number dropped to 200 enforcement actions in a single year. The Ombudsman notes that, according to numbers supplied by WaterNSW, enforcement outcomes from July 2017 have increased, but no specific numbers have been provided in the Ombudsman's report and no specific numbers have been provided by the Minister in the other place in either question time or his second reading speech on the bill. Again, the Government is asking members of the Opposition, and everyone voting on this bill, to take it on

face value that enforcement actions have increased since the Ombudsman reported the last figures: "Take us on face value—trust us." But that is how we got into this predicament in the first place.

There are five specific examples of where Ken Matthews suggested changes to the operation of water management in New South Wales that have been neglected, ignored or conveniently dismissed by the Government. That is not good enough. The Government either accepts the recommendations of Ken Matthews—an eminent person appointed not by the Parliament but, reluctantly, by the Minister for Regional Water himself—or it does not. It must withdraw the statement that it accepts the Matthews report if key elements of its recommendations are not represented in the bill. That should be an important part of how members of this Parliament assess this legislation and its implications in terms of enforcement in New South Wales and the way forward.

Time and again when it comes to water management in New South Wales, the Government insists that members of the Opposition and all parliamentarians take it on face value and trust it. But the clear implication, after nearly six months of revelation after damning revelation and resignations of the most senior water bureaucrats in this State, who were appointed by ministers from The Nationals, the implication is clear: This Parliament cannot trust the Executive Government when it comes to water management. We need to build a robust system that will take into account potential abuses of water management in New South Wales beyond the purview of the Executive Government.

We need to do that for a number of constituencies: downriver communities, the people of Broken Hill, Indigenous communities and, specifically, the irrigators who are playing by the rules—those whose compliance fees go towards enforcement for everybody else and who are being duded by some people who are not playing by the rules. They are owed an explanation for the past six years and for what seems like industrial-scale water theft in New South Wales. This bill simply does not provide that, and it should be rejected on those grounds. Labor will oppose this legislation. Labor moved a number of amendments in the other place last night. Regrettably, all of them were knocked back by the Government and defeated by one or two votes. This is not good legislation, but it could have been. There was an opportunity for the Minister for Regional Water to draw a line beneath this scandal and turn the page but, ruefully, it is an opportunity he has missed.

Mr KEVIN ANDERSON (Tamworth) (17:08): I support the Natural Resources Access Regulator Bill 2017. The Natural Resources Access Regulator, established by this bill, will be a leader in compliance and enforcement in water. One of the key ways it will do this is by developing a culture of transparency and encouraging voluntary compliance. I listened intently to the contribution of the member for Kogarah, an inner city member, and his interpretation of the Natural Resources Access Regulator Bill 2017. Sadly, he missed the mark on a number of issues because he obviously does not understand the detail of the very complex measures involved in water management. He talked about irrigators and the Indigenous community but left out a key component—the environment. The Government appreciates the member for Kogarah's interest in this very difficult area, but urges him to go back and talk to the people on the ground whom this bill affects.

This bill is one step towards enabling water users and the public to be more engaged with, and informed of, compliance and enforcement activities. It enshrines transparency and independence by requiring the regulator to report on its activities, including compliance and enforcement action taken; the regulator will not be subject to the control of the Minister on operational matters; and the role of Chief Regulatory Officer will be established to manage the day-to-day activities of the regulator and to report directly to the board on these matters. The regulator will be required to publish an annual report on its work and activities, which is a key transparency measure. In addition to that requirement, the regulator will be required to publish details of convictions in prosecutions for offences under the natural resources management legislation.

The Government's amendments in the other place further demonstrate this commitment to transparency by conferring specific ministerial compliance and enforcement powers under the Water Management Act 2000 on the regulator. This will make it clear to the Parliament and, more importantly, to the people of New South Wales, that the regulator is charged with ensuring compliance and enforcement measures for water legislation. In addition to transparency, the regulator will also have independence from government. The new regulator will comprise a board independent of ministerial direction in all operational compliance matters. These aspects of the bill will ensure that the regulator can act with independence and transparency to increase public confidence in the management of our water resources.

The regulator will also be supported by Crown Lands and Water within the Department of Industry. The department will work with WaterNSW on a dedicated reporting line for the public to report instances of non-compliance and, where possible, the department will report back on action taken in response to these reports. The member for Kogarah intimated that widespread water rorting was taking place. That is a slight on the good farmers and irrigators in the north-west of New South Wales and further down as the Murray-Darling heads south.

Many of them do the right thing. It is an insult to infer that there is widespread rotting of the system by those good, honest, hardworking farmers.

As well as providing direct feedback to the public, the staff of the Department of Industry supporting the regulator will develop internal processes to ensure that reports are adequately dealt with in an appropriate and timely manner. Processes will be developed to ensure that reports of alleged non-compliance will be escalated to the appropriate level. Compliance and enforcement staff employed in the department to support the regulator can be confident that, when they escalate an issue, it will be dealt with in accordance with a transparent process. The New South Wales Government has already committed to consulting on a metering policy early next year, but its commitment to public consultation will not end once these measures are in place. Once the regulator is established, everyone, including staff, water users and the public, will know the activities of the regulator. As well as reporting on the activities of the regulator, this framework will also ensure transparency in the way our water is used.

Reporting on how our State's resources are used will help to support a culture of transparency. As Mr Matthews noted in his report, there is currently less transparency in water holdings than in real estate—even though water is a State resource and property is a private asset. To support the bill, the Government will also explore expanding the functionality of the current water access licence register to create a public register. It is proposed that the new public register will be open to the community to readily access water entitlement and pump details from a single source. An accessible public register is critical to increasing public confidence in the water management framework and promoting self-compliance. While this bill is focused on the establishment of the regulator, it will be supported by a departmental framework of transparency to contribute to the development of a broader culture of transparency in water management in New South Wales. I commend the bill to the House.

Mr DAVID HARRIS (Wyang) (17:15): I make a contribution to debate on the Natural Resources Access Regulator Bill 2017. I begin by acknowledging what was said by Opposition members in the other place in debate on this bill. I also support the contribution of the shadow Minister for Water, and member for Kogarah, in this Chamber. I have listened intently to this and I find it interesting that members of The Nationals are still in denial about this issue. If they do not believe after two independent reports then they should go the Minister for the memo. Why would the Minister be calling for these changes if nothing wrong is going on?

In fact, in his second reading speech the Minister acknowledged the Hon. Mick Veitch for his warning that these problems would happen if the regulator and the business entities were put side-by-side in the same room, so to speak. The Nationals members should understand that this is an issue. Indeed, they should be angry on behalf of those farmers who do the right thing because it is their water that is being ripped off. If The Nationals think this is isolated, they should be representing the majority of irrigators and making sure that those doing the wrong thing are weeded out.

The scandal that unfolded following the *Four Corners* program which brought into question the role of certain members of the bureaucracy and made allegations about senior members of The Nationals resulted in further scrutiny in both of the independent reports. I will not dwell on that because, as I have said, other Opposition members have gone through it in detail. However, as the shadow Minister for Aboriginal Affairs, I draw the attention of the House to the recommendation in the Matthew's report to have an Indigenous representative on the board of the Natural Resources Access Regulator. Water is sacred to Aboriginal people. The rivers, floodplains and land are central to traditional cultural beliefs and practices, and provide water, rich and abundant sources of food and shelter. There are almost 50 Aboriginal nations whose traditional lands are within the Murray-Darling Basin. Throughout the basin there are communities that maintain their traditional connections to the land and its rivers, or communities that are working to help reconnect their people to their heritage. When rivers run dry and Aboriginal communities lose water, it has a tremendous impact on them. Some Opposition members have been visiting towns such as Brewarrina and Bourke. Standing on the river and talking to those communities has helped them to appreciate the importance of healthy, sustainable rivers. Indeed, Ken Matthews recommended that it would be desirable for the board to have a member with knowledge of Indigenous interests in natural resources. The National Water Initiative in 2004 for the first time explicitly recognised Indigenous rights and interests in national water policy. Paragraph 25 (ix) states:

recognise indigenous needs in relation to water access and management.

It is amazing that, although the Government has the opportunity and the Matthews report has made the recommendation, it has ignored that point—even though it is clear that the interests of Aboriginal people are very much affected by what happens to the water in those rivers. As the shadow Minister said, the Government's advertising for the position makes no reference to an applicant having that knowledge. I ask the Minister for Lands and Forestry to explain in his reply why specifically that recommendation has been ignored, because there is an opportunity to do the right thing.

In recent months we have recognised the stolen generation, we have recognised the importance of Aboriginal languages and we are starting to have a discussion around moving towards a treaty with the First Peoples. Yet the Minister has the opportunity to appoint an Aboriginal person to this very important board on the back of that recommendation and has not done so. While Minister Blair mentioned steps to embed an Aboriginal voice and representation in the water planning process, no reason is given for not having an Aboriginal person on the decision-making board. It is all right to consult, but it seems that this Government cannot take that extra step and include Aboriginal people as part of the decision-making process. I question that decision and ask that the Minister reconsider and specify one of those places for an Aboriginal person.

Aboriginal groups are represented alongside diverse stakeholder interests on stakeholder advisory panels making up the framework for delivering 22 water resource plans by 2019 as part of the Government's commitment to the Murray-Darling Basin Plan. But, again, the Government will not take the extra step and appoint an Aboriginal person to a position where they can make decisions. This Government is all about talking and consulting, but it does not want to put Aboriginal people in a position where they can influence that final decision-making process. In this case there is a very strong argument to appoint an Aboriginal person with appropriate cultural knowledge. Labor moved amendments in the other place to secure an Indigenous voice on the board in keeping with the Matthews report, and it is disappointing the Government did not accept that important amendment. For that reason alone, as the shadow Minister for Aboriginal Affairs, I do not support the bill.

Mr AUSTIN EVANS (Murray) (17:22): I speak in support of the Natural Resources Access Regulator Bill 2017 as the member for Murray—an electorate that contains the three largest irrigation corporations in New South Wales and where 70 per cent of New South Wales water entitlement resides. My constituents are particularly interested in seeing accurate measurement and reporting of all water—irrigation, community and environmental. Over the past decade, they, and to a lesser extent the Government, have spent hundreds of millions of dollars to ensure they are metered accurately. This bill establishes the Natural Resources Access Regulator, which will be responsible for the regulation of access to water in New South Wales.

The bill represents the beginning of a period of reform and improvement for compliance and enforcement in the Regional Water portfolio, and a continuation of improvements in water management across the State. Importantly, the bill is the first step in a suite of reforms prompted by the Government's response to the Matthews investigation. It has already been stated and acknowledged but it is worth repeating here: The Matthews investigation has raised a number of serious issues and the New South Government is taking them very seriously. The management of our water resources and access to them in the future will depend on how we respond to those issues now. My constituents are eagerly awaiting the conclusion of all the investigations so they can know the truth behind the allegations. The New South Wales Government has accepted the recommendations of Ken Matthews in the interim report and is working to implement them. In addition to this bill, the Government has already enacted some of the Matthews recommendations.

To support the creation of the Natural Resource Access Regulator, the Department of Industry has been restructured to include the division of Crown Lands and Water. The new Crown Lands and Water Division will act on behalf of the people of New South Wales as a steward for some of the State's most valuable natural assets. The division will create orderly ways for multiple parties to access and use those assets for private and public purposes to generate economic, social and environmental benefits. The division ensures that the pattern of access is managed to sustain the underlying condition of the assets for the benefit of future generations, and that users return a fair price to taxpayers for the benefits they receive. Importantly, the new division will support the intent of the new approach to water management by separating it from the industry development function of the Department of Primary Industries and customer service focus of WaterNSW.

In addition to organisational changes in the department, we are ensuring that staff have the knowledge and capabilities required to operate a world-class regulator. We are also working to ensure that the culture of the organisation reflects the expectations of the community and the stakeholders it serves. The Government has committed that the department will increase its ethics training program, as recommended by Ken Matthews. The senior executive of the Department of Industry participated in a presentation by the Ethics Centre on ethics models and ethical decision-making in the public service. Additionally, the department will establish an externally hosted "speak up" service, where staff or others can lodge instances of observed apparent maladministration or unprofessional conduct. In addition to ensuring that we have a world-leading regulatory agency, we are going to consult early next year on a number of the key recommendations in the Matthews report. In the first half of 2018 the Government will continue this work and consult on a new metering policy, which will include metering for large users, subject to prescribed thresholds; adoption of modern technology for large commercial users, including telemetry and other measures as appropriate; and staged implementation to prioritise large water users. I know firsthand that this is no small undertaking.

Additionally, public consultation on a public register that enables the community to readily access water entitlement and pump details from a single source is proposed to support a suite of transparency measures that aim to provide public access to information. This is an ambitious program but the Government is committed to reforming and improving our systems. I commend the bill to the House.

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (17:27):

In reply: I thank all members who have contributed to the debate: the member for Kogarah, the member for Tamworth, the member for Wyong and the member for Murray. The Natural Resources Access Regulator Bill 2017 will establish the Natural Resources Access Regulator with an independent board, and will provide for the transfer of compliance staff from WaterNSW to enable the regulator to perform its functions and exercise enforcement powers. I remind the House that the regulator will be transparent and independent. The regulator's board will not be subject to the control of the Minister in relation to operational compliance matters. However, the Minister may issue a direction to the board with respect to its other functions if the Minister is satisfied that it is in the public interest to do so. The bill also establishes the Chief Regulatory Officer, who is to be employed as a public servant. The Chief Regulatory Officer will be responsible for the day-to-day management of the regulator and will report to the board.

The bill has been amended to include principal objectives of the regulator to ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation; and to maintain public confidence in the enforcement of the natural resources management legislation. To ensure that the regulator is transparent in its operations, the Government amended the original bill so that functions under the natural resources management legislation that are prescribed as functions of the regulator will be set out in a schedule to the bill. The schedule will include a comprehensive suite of enforcement functions of the Minister under the Water Management Act. In relation to the point raised by the member for Kogarah that the board will not have expertise in natural resources conservation, that will be unnecessary as "natural resources management" includes conservation but is broader. To change that would be to narrow the scope of the regulator. The member for Wyong said that the board should include knowledge of Indigenous interests in natural resources. Mr Matthews recommended that it would be desirable to include a person with Indigenous background, especially with knowledge of Indigenous interests in natural resources. The Government supports the notion that Aboriginal values and interests are fundamental to the water planning process. This is why the Government is taking steps to embed Aboriginal voices and representation in our water planning process. Aboriginal groups are represented, along with diverse stakeholder groups, on the stakeholder advisory panels convened as part of the commitment to deliver the Murray-Darling Basin Plan.

In relation to the member's comments about the Ombudsman's interim report tabled last week, it is an interim report. It noted that WaterNSW has increased compliance numbers this year. We need to wait to see the Ombudsman's final report, which is expected next year. The member also raised the transfer of compliance staff from WaterNSW to the regulator, stating that this was a backflip on the water transformation process completed in 2016. The transfer of compliance staff to the regulator is not a reversal of the previous move. Compliance staff are not returning to DPI Water or to the Department of Primary Industries. Mr Matthews' interim report recommended that compliance functions for non-metropolitan water activities be consolidated. Implementation of the Natural Resources Access Regulator Bill 2017 is the next step in our continued efforts to improve the management of water in New South Wales.

The introduction of the Water Management Act in 2000 laid a strong foundation for the management of water resources in New South Wales. Section 3 of the Water Management Act includes as a key objective the sustainable and integrated management of water across the State, including ensuring that water is available for the benefit of the environment. Water sharing plans are a critical tool in the planning and sharing of water resources. The New South Wales Government is now developing water resource plans that will work in conjunction with water sharing plans and be compliant with the basin plan. The basin plan is a key driver of future water planning and reform, and the New South Wales Government is committed to implementing it. We will continue to work with communities and water users to ensure that implementation of the basin plan results in economic, social and environmental benefits across the State.

While I firmly believe New South Wales leads the way in water management, it is clear that we could have done, and can still do, some things better. The establishment of the Natural Resources Access Regulator puts us firmly on the path towards a more transparent and effective compliance regime for water in New South Wales. I commend the bill to the House.

The ASSISTANT SPEAKER: The question is that this bill be now read a second time.

The House divided.

Ayes45

Noes33

Majority.....12

AYES

Anderson, Mr K
 Barilaro, Mr J
 Constance, Mr A
 Crouch, Mr A
 Donato, Mr P
 Evans, Mr L
 Goward, Ms P
 Hazzard, Mr B
 Johnsen, Mr M
 Marshall, Mr A
 Patterson, Mr C (teller)
 Piper, Mr G
 Sidoti, Mr J
 Taylor, Mr M
 Upton, Ms G

Aplin, Mr G
 Bromhead, Mr S (teller)
 Cooke, Ms S
 Davies, Mrs T
 Elliott, Mr D
 George, Mr T
 Griffin, Mr J
 Henskens, Mr A
 Lee, Dr G
 Notley-Smith, Mr B
 Pavey, Mrs M
 Provost, Mr G
 Speakman, Mr M
 Toole, Mr P
 Williams, Mrs L

Ayres, Mr S
 Conolly, Mr K
 Coure, Mr M
 Dominello, Mr V
 Evans, Mr A
 Gibbons, Ms M
 Gulaptis, Mr C
 Humphries, Mr K
 Maguire, Mr D
 O'Dea, Mr J
 Petinos, Ms E
 Roberts, Mr A
 Stokes, Mr R
 Tudehope, Mr D
 Wilson, Ms F

NOES

Aitchison, Ms J
 Catley, Ms Y
 Crakanthorp, Mr T
 Doyle, Ms T
 Harrison, Ms J
 Hornery, Ms S
 Leong, Ms J
 Mehan, Mr D
 Park, Mr R
 Smith, Ms T F
 Washington, Ms K

Atalla, Mr E
 Chanthivong, Mr A
 Daley, Mr M
 Finn, Ms J
 Haylen, Ms J
 Kamper, Mr S
 Lynch, Mr P
 Mihailuk, Ms T
 Parker, Mr J
 Tesch, Ms L
 Watson, Ms A (teller)

Barr, Mr C
 Cotsis, Ms S
 Dib, Mr J
 Harris, Mr D
 Hoenig, Mr R
 Lalich, Mr N (teller)
 McKay, Ms J
 Minns, Mr C
 Scully, Mr P
 Warren, Mr G
 Zangari, Mr G

PAIRS

Berejiklian, Ms G
 Perrottet, Mr D

Bali, Mr S
 Foley, Mr L

Motion agreed to.

Third Reading

Mr PAUL TOOLE: I move:

That this bill be now read a third time.

Motion agreed to.

STATE REVENUE LEGISLATION AMENDMENT (SURCHARGE) BILL 2017

Returned

The ASSISTANT SPEAKER: I report the receipt of a message from the Legislative Council returning the abovementioned bill without amendment.

LOCAL GOVERNMENT AMENDMENT (REGIONAL JOINT ORGANISATIONS) BILL 2017

Second Reading Speech

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (17:42): I move:

That this bill be now read a second time.

It gives me great pleasure to speak to the Local Government Amendment (Regional Joint Organisations) Bill 2017. Joint organisations [JOs] are a major part of the Government's plan to revitalise regional New South Wales and provide the governance structures and funding that will allow communities across the State to grow to their full potential. The Government has worked with councils and communities across regional New South Wales through the pilot JO period and listened to their feedback. The lessons learnt are reflected in this bill. Passage of the bill is a key plank of the reforms and investment to ensure that regional New South Wales continues to be a great place to live, work and invest, and delivers on the Government's vision of a strengthened model of collaboration for regional council JOs.

This reform is an Australian first that will benefit regional centres, towns and villages across New South Wales. Regional JOs will provide a forum for councils, State Government and other partners to work together on the issues that matter most to regional communities, boosting regional economies, providing more jobs and improving regional transport, community infrastructure and service. It is a once-in-a-generation investment and needs the right organisations in place to ensure effective delivery. The timely passage of this bill is crucial to ensure that flexible, innovative and regionally relevant governance structures are in place and councils have the opportunity, along with the Government and other stakeholders in regional development, to deliver effectively the services, infrastructure, strategies and investments that will support the people of regional New South Wales.

In November last year the Government delivered a new regional development framework to drive investment across the State. That framework sets out a new model of investment that will provide quality services and infrastructure, align efforts to support growing regional centres and activate local economies. The improved regional governance structures can provide, and will facilitate, the effective delivery of this framework. The Government is committed to improving local amenity, supporting growth in regional centres and unlocking potential across the State. The regional development framework, in delivering regional economic development strategies, calls for the right governance structures to be in place to ensure that a truly regional perspective is possible.

Regional joint organisations will deliver that for the people of New South Wales. A period of investment is currently underway in regional New South Wales through the \$1.3 billion Regional Growth Fund and long-term investment through Restart and Rebuilding NSW. The Government is in the unique position of simultaneously updating key strategic documents for planning and investment decisions, including regional plans under the Environmental Planning and Assessment Act, the State Infrastructure Strategy and the Future Transport Plan. All these strategies emphasise the importance of taking a regional approach and developing and delivering on the priorities of communities across this State. Councils have freedom to choose. There is no compulsion to join. The JO model proposed in the bill before the House gives councils the flexibility they need to design a JO that works for their region. The Government has listened to what councils have said about the different needs of their communities. Councils want the freedom to choose the membership of their JO and they want the certainty of a long-term commitment by State agencies to regional collaboration.

The Government will assist councils to achieve both outcomes. Councils that choose to take up this option will have a seat at the table in planning infrastructure and investment for their region as well as access to better ways to get things done in partnership with State agencies and other key regional stakeholders. It is about helping councils achieve the best possible value for their local ratepayers. It will be voluntary to join a JO and a matter for each council to determine in consultation with its neighbours. Once a council has become a member of a particular JO it will be bound to that decision so that other members of the JO are not disadvantaged. I am confident that all councils in regional New South Wales will see the great benefits of being involved in a joint organisation. To ensure that local and State governments can work together for the benefit of regional communities, it is the Government's intention that JOs be established only within State regional planning boundaries. Councils are already working within these boundaries and throughout three years of consultation councils have told the Government how important it is for State and local governments to work within a common set of regional boundaries. The Government has made clear its support for a long-term commitment to join organisations and has worked with councils for the past three years to establish the right model.

The Government is reinforcing that commitment with \$3.3 million in funding to establish JOs across rural and regional New South Wales. The proposed start date is 1 July 2018. To ensure the best chance of success, the Government will provide hands-on support to participating councils as JOs are established and begin working together. The bill before the House is the product of a long collaborative process of design and consultation with the local government sector. That process began in 2014 when an independent local government review panel advocated new options for local government structures, including regional joint organisations. In response, the Government established a pilot program that explored ways to strengthen regional planning and service delivery. The pilot program was conducted in 2015 across five regions and was an outstanding success. Successful outcomes from the JO pilot program have included the development and delivery of an economic investment

strategy focusing on new agricultural export markets in the Namoi region and a regional youth employment strategy in the Illawarra.

An independent evaluation of the JO pilot showed that: 84 per cent of participants across different levels of government believed there was better alignment of State, regional and local priorities through the pilot joint organisations and a stronger focus on outcomes; 82 per cent of participants agreed that the joint organisation pilots improved collaboration between councils and provided better working relationships with State agencies; and 76 per cent of participants agree that joint organisation pilots improve the council's ability as an effective regional leader. There was acknowledgement that the joint organisation pilot increased recognition of the role and value of local government in helping to drive better planning, stronger economies and quality services. We know that joint organisations will work. Councils have been strongly supportive of the concept and the Government has carefully considered their feedback in refining the model proposed in the bill and how it will be implemented. This model builds on the successes achieved by many voluntary regional organisations of councils. It will allow those groups that choose to boost their joint work program to do so and it will enable regions without a strong history of collaboration to gain the same benefits for their ratepayers.

The Canberra region has a fantastic example of a voluntary JO. Even though the Canberra Region Joint Organisation was not included in the Government's pilot program it has proactively formed its own JO made up of the Bega Valley, Eurobodalla, Hilltops, Goulburn Mulwaree, Queanbeyan-Palerang, Snowy Monaro, Upper Lachlan and Yass local government areas. Last month the Canberra Region Joint Organisation launched a website to leverage growing international interest in south-east New South Wales. The new website reflects and promotes four key tourism destinations within this large and diverse region—city, coast, alpine and tablelands. Promoting what each area within the region has to offer is part of a broader strategy to take advantage of the opportunities in freight and tourism. The joint organisations represent a fresh start that will require new relationships, new ways of working together and a real commitment from everyone involved to change.

I turn now to the details of the bill. The bill establishes a model that will give considerable flexibility to meet the differing needs of each region within a sensible governance framework that is based on the existing legislative provisions under which councils operate. Importantly, the bill ensures that JOs are only established when relevant councils agree to join a joint organisation. Proposed section 400P requires that when the Minister wishes to recommend the proclamation of a JO the Minister must certify the relevant council has passed a resolution approving inclusion of the council's area in the area of the joint organisation. Further, proposed section 400P also requires that the council resolution must have been passed at least 28 days before certification and must not have been rescinded at the time of certification.

The principal functions of a joint organisation are at the heart of the new legislative framework which can be found in proposed section 400R (1). These principal functions focus on effective strategic planning and project delivery across the regions. The bill provides that a joint organisation must not only identify what the region's strategic priorities are but also develop a plan for how to deliver them. The bill also recognises that a JO has an important leadership role. It will perform this role through talking to and consulting with communities in its region as well as other agencies and stakeholders about its priorities and plans. In proposed section 400R (1)(c), a joint organisation must also focus on opportunities available to it for collaborating with other agencies and taking up those opportunities. This proposed joint organisation model will make it easier to deliver important projects across council boundaries to achieve the things that communities need such as jobs, education, transport, secure water supplies, roads, bridges, and other vital services and infrastructure.

In this regard, joint organisations will bring the changes that councils, business and ratepayers across the State have been asking for. To support collaboration that works, the bill will establish links between strategic planning by local councils, joint organisations and State agencies. In proposed section 400R (2) the bill provides that a joint organisation's strategic regional priorities must be set by reference to the relevant strategic plans of member councils and the State Government. The bill does not require consistency between the three areas of strategic planning, but it does ensure that they will not exist in isolation from each other. Proposed section 400S extends the potential role of joint organisations beyond its core strategic planning and regional leadership functions.

With the agreement of member councils, it confers on joint organisations the ability to engage in service delivery to or on behalf of councils, including capacity building for councils. This gives joint organisations the option of providing councils with a more efficient mechanism for shared services where councils choose to assign those services to the joint organisations. This might capture services such as information technology, human resources management, waste services management, library services and community strategic planning. This creates exciting potential for better services as well as efficiencies that will have a positive impact on ratepayers. These are only examples and there will no doubt be other areas in which participating councils can decide to collaborate—including with State agencies—to improve the quality of services and infrastructure in regional

communities and to achieve cost savings for ratepayers. Schedule 1 [4] to [7] to the bill will allow a member and neighbouring councils to delegate functions to a joint organisation if agreed to by the joint organisation. This is necessary to facilitate more efficient service delivery and regulation across regions. The bill also provides structural mechanisms to support strong governance and good decision-making by joint organisations.

In proposed section 400T the bill provides that each joint organisation will be governed by a board. Based on extensive public and local government sector consultation, the Government believes that mayoral commitment to JOs is crucial for success. That is why the bill provides that mayors of member councils are all ex officio representatives on the board of their JO. For a joint organisation to be effective, the voting representatives on the board must have authority as local leaders in their communities. Their mayoral status will permit them to focus on the interests of the whole region while still being clear spokespersons for their communities. Proposed section 400T (1) (b) also provides that each joint organisation has the option to include a further councillor on the board from each member council who will each have an additional equal vote. It is not anticipated that this will be used by most JOs but it may be useful in some circumstances. Non-voting representatives of other organisations such as New South Wales and interstate agencies, neighbouring councils and non-government organisations may also be invited to be on the board of a joint organisation.

Each joint organisation will also have a nominee of the Secretary of the Department of Premier and Cabinet as a non-voting representative on the board under proposed section 400T (2) (a) to facilitate whole-of-government engagement with the joint organisation and to ensure there is a clear mechanism to support ongoing dialogue and collaboration between the joint organisation and the State Government. Proposed section 400U (3) requires each board of the joint organisations to develop and adopt a charter to guide the governance and operation of the organisation. This charter is intended to be the guiding document for the JO and the communities it serves. In the absence of any more stringent requirements adopted by the board in its charter, decisions of a joint organisation will be determined by a simple majority of voting representatives on the board. Each joint organisation will elect a chairperson under proposed section 400V who must be one of the mayoral voting representatives of the board. The chairperson will have an important role in facilitating the progress of the joint organisation and encouraging collaboration across the region. Importantly, however, the chairperson will not have a casting vote. This is consistent with the general principle underpinning JOs that all communities in the region should have equal representation.

Amendments made to the bill in the other place have clarified that where the position of chairperson of a joint organisation becomes vacant because the mayor of a council is no longer a mayor, and this is due to the council being placed under administration, a fresh election of a chairperson occurs. The new chairperson could be, but does not have to be, the administrator. Further, any replacement chairperson will serve the time remaining of the previous chair's two-year term. Once established by proclamation, joint organisations will be statutory corporations that do not represent the Crown. They will have all the usual powers of bodies corporate so they can operate flexibly and meet the service delivery and regulatory needs of local government in regional areas. To protect the public interest, the bill will generally require joint organisations to meet the standards of conduct and good governance, transparent reporting, accountability and oversight expected of councils, councillors and council staff.

In proposed subsections 400ZH (1) and (2), the bill provides that most provisions in the Local Government Act apply to joint organisations, their office holders and staff in the same way as they apply to local councils. So far as staff is concerned, the Government has made a clear commitment that joint organisations are intended to remain within the New South Wales industrial relations system. To that end, the Government will be seeking the necessary endorsement from the Commonwealth that joint organisations, once established by proclamation, are not national system employers under the Commonwealth Fair Work Act. To provide certainty around the Government's position, proposed section 400ZG prevents joint organisations from employing staff other than their executive officer unless the joint organisation is not a national system employer for the purposes of the Commonwealth Fair Work Act.

Where particular provisions of the Local Government Act that apply to councils are not appropriate to be applied to a joint organisation they are explicitly excluded by proposed section 400ZH (3). There is also a regulation-making power to prescribe further provisions of the Local Government Act as either applying or not applying to joint organisations. This allows for some flexibility if it becomes apparent that further or fewer provisions of the Act should apply, as joint organisations' governance and operations are further developed and become more complex over time. Joint organisations are also intended to operate with minimal cost and red tape. For that reason, there is a broad regulation-making power that will allow adjustments to be made to a range of standard governance requirements, including planning and reporting requirements that would apply to councils. This will help to make sure that joint organisations remain lean and effective. These regulations will be made in close consultation with council stakeholders.

Schedule 2 to the bill inserts references to joint organisations in a range of New South Wales legislation. These changes have been made where it was consequentially necessary to do so because there were existing references to councils and county councils. Schedule 2 is not intended to confer a broader role for, or powers on, joint organisations than is set out in proposed sections 400R and 400S of the bill or that might be acquired through delegations by councils. It makes necessary consequential amendments only, including to privacy, integrity, data management, land management and revenue laws, among others. The bill provides that a joint organisation is established by proclamation and will encompass all of the areas of its member councils. Once councils have advised the Government that they wish to participate in a joint organisation, the intention is to proceed to arrange for the establishment of those joint organisations, so they can be ready to operate from July 2018.

However, the Government's intent is there should be at least three councils wishing to participate in a JO, and they should all be within an existing regional planning area. The formation of a joint organisation should also not have boundaries that adversely impact other councils or potential joint organisations. At this stage, consultation around joint organisations has not included the Far West, however the option will remain open for those councils to participate. Over coming months the New South Wales Government will work closely with those councils on a model that best suits them. To support the roll-out of joint organisations, the Government will invest funding of \$3.3 million. Funding will be available to each region, whether or not they participated in the pilot process to develop the model set out in this bill.

The final allocation of funds to joint organisations will be dependent on the number of joint organisations to be formed and the extent of membership within those regions. The Government will ensure support is available to councils to facilitate these discussions and to support each region through the nomination process. The Government will support joint organisations as they are established. There are a number of State agencies who are ready to work with joint organisations and this will be facilitated through a State Agency Working Group and Regional Leadership Groups across New South Wales. These forums will help new joint organisations connect and collaborate with State agencies, bringing projects and funding opportunities directly to local government.

My thanks go to the many councils across the State that helped to develop this model through their feedback and, in particular, their participation in the pilot process. I also acknowledge those peak bodies and members of the community that provided extremely constructive feedback on the proposal and approach to implementing joint organisations, as well as those members in the other place including the Christian Democratic Party, who have shown strong support for this legislation and in strengthening regional New South Wales communities. The next step in this process is the development of regulations to support the operation of joint organisations and, importantly, the Government intends to continue to effectively engage with the sector in developing those regulations.

The Government is committed to the bright future of regional New South Wales and to a long-term, collaborative and mutually beneficial relationship with local councils through regional joint organisations. Joint organisations can, and will, make a positive difference for our regional communities. Now it is time to start making it happen. I commend the bill to the House.

Ms SOPHIE COTSIS (Canterbury) (18:03): On behalf of the New South Wales Labor Opposition I speak in debate on the Local Government Amendment (Regional Joint Organisations) Bill 2017. I thank our shadow Minister for Local Government, the Hon. Peter Primrose, who has done a phenomenal job in holding this Government to account on the dog's breakfast it has created in relation to the forced amalgamations process. As the former shadow Minister said, the Government at the time commissioned many reports and reviews and spent millions of dollars but three years later the Government has not implemented a number of the recommendations from the Sansom report. I note from the outset that the Opposition does not oppose this bill. It is evident that those opposite were eager to rush through this legislation and have managed to introduce this half-cocked legislation which is full of inconsistencies and fails to address the intent of the bill.

Despite the obvious issues with the bill, we trust those opposite will remedy its shortcomings prior to this bill being gazetted. The intent of the bill is to allow for the introduction of joint organisations, providing local governments with the ability to voluntarily create a network of regional joint organisations, which will provide a forum for councils, the State Government, and other partners to work together. Joint organisations were first announced by the Government in 2014 as part of its imprudent "Fit for the Future" agenda, which as we all know was a huge flop from the get-go.

Joint organisations were set to be established across regional New South Wales by September 2016. Instead they were trialled across five different regional areas at a total cost to the Government of approximately \$1.5 million. They were then re-announced for mid-2017, but the bungled forced council mergers policy overtook this proposal, as areas that were participating in the trial of joint organisations were scheduled for forced mergers. Now the latest iteration which is before us today is scheduled to be on its way for a mid-2018 introduction, however no regulations have yet been finalised. I heard the Deputy Premier say that it is all lovely and they will

have regulations and it will do this and that but unfortunately it has already been three years too late and by then it will be four years too late.

Councils are already jointly partnering. It is a disgrace that those councils that were participating in trials of joint organisations were forced to merge. That was proved at the last local council election and in the recent Cootamundra by-election where there was a 20 per cent swing against the Government in areas where there were forced amalgamations. The principal purpose of joint organisations between two or more councils is to establish strategic regional priorities, provide regional leadership and to identify and take up opportunities for inter-governmental cooperation on regional matters. In 2014 a terrible Federal budget was handed down by Tony Abbott which ripped out millions of dollars from the Federal assistance grants to local government that supported regional councils. Indexation was frozen—and only recently unfrozen—and millions of dollars were taken out of regional councils in New South Wales.

What did those opposite do? Absolutely nothing. Members opposite were silent and it took the Opposition, members of the crossbench, members of The Nationals who served on those councils, Independents and all those good people in the regions to call out this Government. I remember a rally that was held outside the Local Government Conference in Coffs Harbour three years ago where we stood together and called out this Government. This Government was silent and it is a disgrace that it did not hold the Federal Government to account. As a result we have lost three years of funding.

Mr Christopher Gulaptis: The amalgamations that Bob Carr thrust on us.

Ms SOPHIE COTSIS: I did not hear the member.

Mr Christopher Gulaptis: There was no money on the table. Absolutely zero.

TEMPORARY SPEAKER (Ms Anna Watson): Order! The member for Clarence will remain silent. He will direct his comments through the Chair.

Ms SOPHIE COTSIS: That is absolutely wrong. There was money. That is why he is no longer Prime Minister, because he stuffed up the budget in 2014.

TEMPORARY SPEAKER (Ms Anna Watson): Order! I call the member for Clarence to order for the first time.

Ms SOPHIE COTSIS: Furthermore, this system is not designed to be mandatory for all councils, with each participant required to opt in rather than being required to opt out. Despite the confusion in the other place surrounding the definition of two or more, the bill stipulates that at least two councils are required to opt in to form a joint organisation. This is something that those opposite should attempt to clarify prior to the bill's inception into law. I hope the Deputy Premier clarifies this point in his reply.

Members on this side of the House do not have any objection to councils being able to opt in to a system where they may collaborate and work with not only each other but also other Government departments, agencies and community groups. Indeed, this already happens. However, we have a big problem when the needs and concerns of councils and their constituencies are not listened to and they are forced into a merger. Given the Government's rush to push this bill through, it is not surprising that they have once again dropped the ball and got confused over small details like the criteria to form a joint organisation.

It is apparent that the Government intends to shift all ongoing costs for maintaining and managing such organisations onto councils and subsequently the ratepayers. I thank Local Government NSW and the United Services Union [USU] for their outstanding work in this area. Local Government NSW raised five concerns that the Government will need to address in the bill or through the subsequent regulations. Shadow Minister Peter Primrose will be holding this Government to account on these concerns. The first concern is that the Minister can remove any representative at any time without notice and for no stated reason. This gives too much power to the Minister, it is contrary to procedural fairness and it should be deleted.

Secondly, the bill as originally presented provided that if an administrator was appointed, they would take over as chair if the previous mayor held this position. Local Government NSW said that this was objectionable as administrators represent no-one except the State Government and that this provision should be deleted. I think that following the local government elections, the Government has realised it is imperative to do this because the people have spoken clearly. It should be a no-brainer. Our colleagues in the Legislative Council agreed, and the bill before us no longer includes that provision, which is good. However, the Legislative Council also passed an amendment to the bill that would allow an administrator to be voted in as the chair as opposed to being appointed as a replacement as set out in the original bill, and we continue to regard this as objectionable.

Thirdly, in accepting tenders for all services and functions, the delegation power is far too broad as it can largely be delegated to any person or body. It is a corruption risk and not in the best interest of the community. Fourthly, the Government should not have the ability to prescribe additional non-voting representatives on the board of a joint organisation by regulation. This should be determined by the joint organisation itself. Finally, the delegation power given to the Minister and the chief executive is too broad. Joint organisations should not exist simply to allow the Government to more readily cost-shift State responsibilities onto local council bodies. As such, we strongly urge all councils who wish to opt in to the formation of a joint organisation to closely examine the costs that they are likely to incur not only at formation, but ongoing. We anticipate a number of the issues with this bill will be amended in 2018 as the Government discovers its follies. However should the Government fail to do so, we will make the necessary amendments after Labor takes Government in the March 2019 election.

Despite not being specified in the bill, the second reading speech in the other place and the supporting explanatory materials provided by the Government specifically exclude councils in the Far West, the Central Coast and Greater Sydney from being eligible to form joint organisations. We have a few acute hunches as to why this is so: it is to do with those opposite and their never-ending scheme to forcibly amalgamate as many councils in these regions as possible. They continue to not learn. The Labor Opposition attempted to assist the Government with the issue of excluding the Far West, the Central Coast and metropolitan Sydney by introducing an amendment in the Legislative Council. It was not supported, so I foreshadow an amendment in this place that clarifies what the Government claims to be the case but does not make explicit in the bill—that the establishment of joint organisations throughout the State can be proposed where participating councils consider them appropriate.

We propose this amendment as there is already confusion about regions and it should be clarified. Given the Government voted down this amendment in the other place, it is clear it wants to continue refusing to proclaim joint organisations in certain areas and continue with its agenda of amalgamating as many councils as possible. The specific objectives of the bill have yet to be quantified or clearly defined. Correct me if I am wrong, but I heard the Deputy Premier mention that there would be \$3.3 million to support local joint organisations. There should not be cost-shifting. I understand there will be administrative costs, but I doubt that \$3.3 million would be more than a drop in the ocean. Members on both sides of the House are concerned that this is about cost-shifting. We know how important it is, particularly in regional New South Wales where there are vast road networks and many bridges, and we must ensure there is investment to increase economic development. I urge the Government not to cost-shift on councils, particularly in regional communities.

We must make sure that these objectives are specified and clearly defined. They remain vague as the operational aspects will be determined by regulations, which we have not yet seen. Despite the inconsistencies in this bill, we are truly getting tired of the ongoing failures and botched planning whenever those opposite try to do something about local government. Following the Minister's second reading speech and having read the supporting materials provided, the only thing that is abundantly clear is this Government's ability to be as vague and ambiguous as possible. There is a lack of substance. It is evident that those opposite will have a number of issues to rectify prior to this bill's assent, however we have resolved that these are problems of the Minister's making and it is the Government's duty to correct its mistakes. We do not oppose the bill, however as I said, I foreshadow that I will put forward an amendment.

Ms GABRIELLE UPTON (Vaucluse—Minister for the Environment, Minister for Local Government, and Minister for Heritage) (18:18): It gives me great pleasure to support the Deputy Premier in introducing the Local Government Amendment (Regional Joint Organisations) Bill 2017. This bill will change the way that councils and the Government work together to drive growth and opportunity in regional New South Wales. I am proud to have played a role in my time as Minister for Local Government in supporting and refining the final model for joint organisations that has come before the Houses of Parliament. The joint organisation pilots that we have seen across the State have shown clearly that these new organisations can deliver real, tangible change for those regions. Through this program, we have seen councils working in close quarters with one another to deliver a brighter future in tangible ways through increased jobs, education and opportunities for families in regional communities. I have sat and talked with a number of these joint organisations, who have made a clear case for establishing them more permanently and made clear to me the tangible benefits that have arisen and will continue to arise and be delivered into their communities. The joint organisations model takes local government to the next level in regional planning and service delivery. It strengthens accountability and the transparency of decision-making, and it connects local communities with the Government's regional priorities. For the first time, local leaders of participating councils will be guaranteed a seat at the table in developing and delivering programs, services and infrastructure that is going to build resilience and sustainability in their local communities.

As the Deputy Premier said in the House earlier, this is an Australian first. I am absolutely delighted that we have been given the opportunity through strong stakeholder support to deliver this significant reform for local government and, more importantly, for the regional communities that local government serves in the regions. The Government has listened to councils, as have I in the 10 months that I have been Minister for this portfolio, and

to local communities in designing the final model for joint organisations. The bill incorporates a number of important changes. The Deputy Premier outlined those. Most significantly, the joint organisations model presented today will be wholly voluntary for councils, with the flexibility they need to design organisations that work for their own regional needs and their own unique circumstances.

Joint organisations will be underpinned by a robust governance framework built on the solid foundations of the Local Government Act to ensure that decisions are made in a transparent and accountable manner, as they should be. Communities in the regions must have the highest confidence in these new organisations, and we as the Government expect them to operate with the highest levels of integrity. This is why the joint organisation board and any joint organisation employees will be subject to the Local Government Code of Conduct—a new version of which I was happy to introduce recently for discussion and consideration—and the same level of public scrutiny as their member councils.

Member councils will have equal voting rights on the joint organisation boards, recognising that they are equal partners in helping their regions to thrive and being committed to working together for common goals. Each council will be represented by its mayor on the joint organisation board. That means that these organisations will have the full support of their members and can therefore speak confidently on behalf of their communities. While each joint organisation will have an executive officer to help drive the organisation and implement decisions, red tape will be kept to a minimum, which will therefore ensure that the benefits of putting together these organisations as a whole will outweigh the operational costs that would otherwise be in place.

The Government will invest an additional \$3.3 million to ensure that joint organisations get off to a healthy start in 2018 and are ready to deliver real benefits for their communities. This is consistent with the money that was given to the five pilots across New South Wales which led to this legislation. This builds on the significant achievements that have already been delivered in local government in regional New South Wales, with the majority of councils now in a much stronger position and committed to long-term performance improvement and delivery of outcomes for their communities on the ground. Joint organisations will provide an opportunity for local councils to reduce their cost base and become even more sustainable for the future. That is a good thing to add to the reforms that have already taken place. Of course, lower costs and less red tape mean better services for the community and better services for the ratepayers.

It is clear that stronger strategic leadership and coordination of regional planning can only benefit the local government sector. The model of joint organisations proposed in this bill will provide local councils and their communities with a better, more effective, direct seat at the table in the allocation of available resources. Joint organisations will help councils take significant steps in supporting regional growth. This month I was surprised and excited to learn of the progress that the Namoi Joint Organisation of Councils pilot—now known as Namoi Unlimited—has achieved in advancing its bid for agricultural investment in the region. Working hand-in-hand with the Government, the Namoi group has prepared an investment prospectus, translated key documents into Mandarin and launched a direct delegation to China in search of investment in local agricultural enterprises. It is now working to establish a regional relationship with the Agricultural Ministry of Ningbo, which is one of the largest freight ports in China.

I congratulate Namoi Unlimited on pursuing that initiative and on the energy and strategic perspective it used to seek it out and bring it into what will be a strong regional relationship of benefit to its communities. This example highlights the role that regional leadership can play in delivering jobs, investment opportunity and growth for the regions of New South Wales. The Government knows that the regions have the leadership potential and innovative capacity to deliver these significant benefits to ensure that regional communities grow and become even stronger. The Namoi Unlimited project will result in local jobs and bring a brighter future for the people of the Namoi region. It demonstrates what our new joint organisations are all about: strong partnership, bringing councils, communities and the State Government together to deliver stronger communities for people who live in the regions of New South Wales.

Our goal in this bill is nothing less than improved leadership, service delivery, opportunities and outcomes for regional communities. It is time to empower local leaders to deliver the benefits we know they can deliver for their communities, and we are doing that through this bill. On that basis, I commend this bill to the House.

Mr NICK LALICH (Cabramatta) (18:25): I speak on the Local Government Amendment (Regional Joint Organisations) Bill No. 2 2017.

Mr Damien Tudehope: Didn't you write the original Act?

Mr NICK LALICH: I did; I am modifying it today. This bill goes some way in implementing a recommendation of the upper House inquiry on local government, which was held 2½ years ago. The

Government at the time was more concerned with the ill-conceived forced council amalgamations. The joint organisation model was the preferred option for strategic planning, but it was rejected by the Government at the time; however, after many court case losses and being hammered by the community, the Government finally came forward with a joint organisation model. We do not oppose the establishment of a joint organisation model on a voluntary basis, but we object to the Minister having the power to dismiss any member or mayor on the board. Why would the Minister require this draconian power if the formation of a joint organisation is voluntary? In May this year the Riverina Eastern Regional Organisation of Councils [REROC], which was one of five organisations selected by the Government to be part of the pilot and trial of the new joint organisation model, stated:

Our experience has reinforced our belief that the establishment of a Joint Organisation (JO) in the Riverina will not deliver outcomes that are substantially or significantly greater than the outcomes that are currently being achieved by our Regional Organisation of Councils.

Our board has reviewed the likely budget for a joint organisation [JO] and we believe it could cost up to twice as much to fund a joint organisation as what is currently expended on the operation of our regional organisation of councils. We are concerned that the return on investment for the joint organisation is not sufficient to justify the move from the incorporated regional organisation of council's structure; we currently have to the legislated joint organisation structure, particularly given that we already enjoy very positive and productive relationships with virtually all State Government agencies that operate in our region.

The Government must take notice of the concerns of the regional organisations of councils [ROCs] involved in the trials. I believe there is no difference between the two models in terms of being voluntary and wanting to achieve the best outcomes for their communities. The only difference I can see is that, in the joint organisations model, the Minister can dictate whom he would like to see on the board and has the ability to remove any board member he views as undesirable. The board of the joint organisations will comprise at least three mayors and some councillors if the local council so wishes, but new section 400X (4) states:

The Minister may remove a person from office as a voting representative on the board of a joint organisation at any time without notice and for no stated reason. Individual councils should be allowed to choose which model they form and belong to. Councils are already undertaking regional strategic planning and collaboration on a regional basis. They already recognise that the local council area is part of a wider network of communities of interest. I cannot understand the Government's logic or reason for excluding the councils in the far west of the State, the Central Coast, and the Greater Sydney area from forming joint organisations [JOs]. It is clear that JOs are not being allowed in Sydney because the Government has not given up on its agenda of forced council mergers in these areas.

Despite a promise of \$3.3 million for seed funding, there is no guarantee of ongoing funding. Indeed, the Government's explanatory material strongly suggests that there will be none. It is likely that the cost of JOs will be shifted onto local ratepayers. When most of these organisations start, the Government gives them seed funding. That funding continues for a year or two and then, as those of us who have been in local government know, cost-shifting is put onto ratepayers. Councils end up paying the rest of the time because the State Government will not allow councils to step out of these organisations or to remove service to the community.

Under this bill the Minister can also put any administrator he or she wishes into these organisations to take control. That is not democracy. How can it be called a voluntary system when the Minister can impose an administrator, and remove a mayor or the entire council if he or she sees fit? As I said earlier, this is a Mugabe-type of government. Mugabe has just been removed from power and I can see this Government being removed from office in 2019—maybe not in the same way as Mugabe. Perhaps they will be voluntarily removed? When I was in council I had no time for regional organisations of councils. I found them to be talkfests. I also found that the State Government took no notice of what the council wanted. ROCs were a place for people to get things off their chests so they could understand what other councils were doing. Why do we have these organisations if the Minister does nothing and the Government does not legislate to help councils get what they want?

I hope with these new joint regional organisations the Minister will take notice of councils and that councils will have some sort of autonomy. I also hope that councils will be able to come to the Minister and say, "We would like this done. We would like this type of development in our area. We would like our area to be the way we want, not what the Minister dictates." If that is to happen then I am in favour of this bill. The Opposition will not be opposing the bill but I foreshadow that it will moving amendments.

Mr KEVIN ANDERSON (Tamworth) (18:32): I support the Local Government Amendment (Regional Joint Organisations) Bill 2017. For the benefit of the member for Cabramatta—and member for Bedrock!—the world has moved on a little in the representation of regional organisations of councils [ROCs] and the support that the New South Wales Government now gives joint organisations [JOs] and ROCs. Joint organisations are a vital part of the Government's plan to strengthen councils and communities across this State. Local councils play an important role in providing infrastructure and services to support a thriving economy and

vibrant, sustainable cities, towns and villages. While communities across the State have differing needs and priorities, they all rely on their local councils to deliver the quality services and infrastructure they deserve.

Ratepayers across regional New South Wales, and in my electorate of Tamworth, are looking for better services, better infrastructure and better value for money. That is why the Namoi Councils Joint Organisation was selected as a pilot. Because of its success, it has been renamed Namoi Unlimited. It is doing great things at a regional level. Namoi Unlimited is encouraging other councils to look at how we can benefit at a regional level to improve the lives of those in our communities. That is also why the Government has undertaken comprehensive reform to ensure that councils are delivering maximum value and are best serving the interests of local residents and ratepayers. Investing in local government reform has delivered significant benefits for local communities. Reform has allowed the building of new infrastructure and helped councils take up opportunities to benefit communities. Legislative changes have given local government the tools needed to get the job done within a framework of clear roles, good governance, integrity and accountability.

This bill will help councils in regional New South Wales to think big and to focus on regional growth beyond their boundaries, knowing that it will directly benefit their local communities. By working strategically and collaboratively, local government can and will become a much stronger voice for their communities. I know that the current Namoi Unlimited chair and Liverpool Plains mayor Andrew Hope and chief executive officer Rebel Thomson are doing a fantastic job with a global view on how to get better outcomes when everyone works together. The Deputy Premier and the Minister for Local Government have been talking to councils and communities about making it happen in their regions. While some have said that their current regional collaboration group is meeting their needs, many others have acknowledged the limitations of ROCs and have strongly advocated for the formation of more robust JOs. The Government has listened to those views and has put forward this bill to enable those regions ready to take up the opportunity.

Proudly, the Namoi pilot JO in my electorate has gone from strength to strength. I take this opportunity to talk a little more about the fantastic achievements the Namoi JO, now known as Namoi Unlimited, has already put on record in agricultural investment in the region. Working together with the State Government, the Namoi group has prepared an investment prospectus, translated key documents into Mandarin and launched a direct delegation to China in search of investment in local agricultural enterprise. The plan focuses on establishing new global markets for primary producers in the region to support local job growth. The group is now working to establish a regional relationship with the Agricultural Ministry of Ningbo, which is one of the largest freight ports in China. Earlier, my good friend the member for Cabramatta talked about the old ROCs, but what I have just talked about is the new way forward—namely, what JOs can achieve when they have a strategic plan such as Namoi Unlimited.

The project, developed with support from Regional Development Australia—Northern Inland, has helped councils to gain a clear understanding of the main economic drivers and competitive strengths of their region and confirmed that their future lies in strengthening local agricultural enterprise. It has also identified potential investment markets for the region, and highlighted existing business strengths and opportunities in the supply chain for future investors. Namoi Unlimited is working in an environment that is so much more than roads, rates and rubbish, which some councils are still focused on. Those councils need to look outside the square and ask: "How do they grow their region? How do they get better connected to their communities? How do they get a better outcome when they work collectively with government?"

Studies funded through the JO pilot have concluded that taking a strategic approach to growing the local economy could result in a \$900 million boost for the Namoi region by 2030, on top of potential likely economic growth of approximately \$2 billion. Working with export advice from State agencies, including an international trade specialist, the JO is hoping to open further opportunities for trade and investment in the beef, lamb and grain sectors. And that is just in the New England North West in the Namoi Unlimited area, which includes Tamworth, Gunnedah, the Liverpool Plains, Narrabri and Walcha. These guys are doing a great job in saying, "How do we come together to get the best results?"

Joining the joint organisation pilot program right at the start helped the Namoi councils to bring the pieces of the puzzle together and to leverage the opportunities in their regional economy. Ultimately, when I meet with them, it helps me understand their strategies and how they leverage what I can access, from the State Government's perspective, to make this all turn into a reality. It is a fantastic collaborative approach that I relish and want to ensure continues. Joining the joint organisation pilot program put the Namoi councils on the map in relation to what they needed to achieve. It has provided them with direct access to the expertise they need to deliver this ambitious project and to ensure that both State and local efforts are strategically combined for maximum benefit. That is where local members, when they are aligned with their local JO, can achieve great outcomes—when they are sitting at the table and working together for the betterment of their communities. We know that one-size-fits-all solutions do not work for local government. The regions of this State are diverse.

An important part of the solution is to bring councils together in local areas to work with each other and with State agencies and other organisations to deliver real change for their communities. We are seeing that change on the ground through Namoi Unlimited. It is important to have the right people in the right positions to get things done and to make things happen. I congratulate those involved with Namoi Unlimited, particularly its executive officer, Rebel Thomson, who has a very sound and grant-based understanding of what is needed to grow our region and how to achieve that—what steps to take, what doors to knock on and how to pull people together. She does a magnificent job.

An important point to make is that the JO model respects the wishes of local councils by allowing a joint organisation to be established only where the affected local councils agree. A joint organisation cannot force a council to delegate any of its functions. Where a council chooses to delegate a function to a joint organisation, the joint organisation must agree to a delegation of a local council's function. This proposal is a truly voluntary and collaborative model: It is opt in, opt out. The Government is investing more than \$3.3 million in joint organisations to allow councils to work better with each other and more directly with State agencies, and to have a stronger voice in decisions about the future of their region.

While joint organisations will be voluntary, financial assistance and active support will ensure that each region that wants to have a joint organisation can have one and can get the most out of it, and that no region is left behind. We want to continue to turbocharge not only the Namoi Unlimited JO in our region but other JOs that choose to put their hand up, take a step forward and say that they want to be part of this, they want to improve the lives of their community and they want to put together a strategic plan which grows. To do that shows great vision, and I encourage others to get involved. I commend the bill to the House.

Mr DAVID HARRIS (Wyang) (18:42): It was interesting to hear the member for Tamworth say how great this legislation is. He spoke about all the opportunities it will create and how it is opt in or opt out. He said that that is how you grow your region and that local members will be able to become involved. That is great, but the legislation specifically excludes the Central Coast. This may be a great initiative the Government is putting forward, but it is great for everywhere in regional New South Wales except the Central Coast. As the shadow Minister for the Central Coast, I will support the Opposition's amendment that a joint organisation may be established in any part of the State, because if this is truly collaborative, if it is truly being done for the right reasons, why would areas that want to participate be excluded?

It is great to have in the Chamber tonight the member for Lake Macquarie, because the northern part of Central Coast Council and Lake Macquarie share a common boundary, and a very important part of that common boundary is the area that extends down from Wyee into the northern part of my electorate. That area will have thousands of new houses and will need better transport and more roads. Would it not make sense that Central Coast Council and Lake Macquarie Council join forces to plan together for that area? We have suburbs that are side by side, one serviced by Lake Macquarie and the other serviced by the old Wyong council—now Central Coast Council—and I know how hard the member for Lake Macquarie has worked trying to get things in place such as sewerage. It is significantly difficult because the area is across boundaries and, when it comes to ratepayers' money, those communities are often put on the end of the agenda.

I was quoted by our very good shadow Minister for Local Government in the other place, the Hon. Peter Primrose, when I said that regardless of whether Central Coast Council chooses to look into forming a joint organisation with neighbouring councils, the fundamental issue is that they do not get a choice. This decision has already been taken away, with no good reason other than that it does not conform with regional planning boundaries that can be changed at a moment's notice by the planning Minister if he decides to pop up a different set on the website.

As the shadow Minister, I spend time working on issues across the Central Coast region. It would make sense for Central Coast Council and neighbouring councils, such as Lake Macquarie, to work together on those issues, whether it is under the rubric of a joint organisation or another collaborative body. We simply ask the Government not to take away any opportunities for council to work together. The Government says how good this legislation is, how appropriate it is and how it is going to grow regions, but then it says that is excepting certain places such as the Central Coast, which cannot do it. That just does not make sense.

As I have said, our northern neighbour, Lake Macquarie Council, has a common boundary, and it may prove beneficial to have joint planning interests. To our south, Central Coast Council abuts the Hawkesbury River and there are extremely difficult processes happening down there in relation to supplying infrastructure, such as sewerage, in collaboration with Hornsby council. The Government is full of rhetoric, but when it comes to how it implements things it always seems to get it wrong. It may be that the councils decide that they do not want to form a joint organisation—as the Government said, it is voluntary—but to not even give the option beggars belief; it does not make any sense.

I agree with what all members on this side of the House have said in relation to the substantive part of this bill and to all of the issues around forced amalgamations, of which Central Coast is one, following the amalgamation of Wyong and Gosford councils. There is great consternation in my area about funding going south and being excluded from the north. In all of the funding that has been provided so far, 90 per cent of it is going to the southern end, the old Gosford council area, and not to the northern end, despite the fact that the northern end is the growth area. In my area there are 4,000 new housing blocks, roads are falling apart and there is no kerb and guttering. But even with all those issues, the money seems to be going into projects in the southern part of the council area.

This is not a difficult or controversial amendment. It is basically saying that, if the Government is true to its word, why would it not allow any council in the State to form a joint organisation? I would be interested to hear what compelling reasons—other than artificial boundaries set up under department of planning documents—the Government has for saying that should not be the case. Even with those planning boundaries, as I said, there are still planning issues that go across council areas, and it would make sense to jointly tackle those issues. I am not overly confident that the Government will listen to what I have said, because it is not a good listener—it does not like listening to the community and it does not like listening to alternative views. But, particularly given what the member for Tamworth said about how great this is, why would the Government exclude an area from wanting to form a joint organisation if it so wished? I will wait to hear the reason. We on this side will not oppose the legislation, but for my constituents it has no value whatsoever because the Government arbitrarily thinks that we do not need it.

Mr GREG PIPER (Lake Macquarie) (18:49): I commence my contribution to debate on the Local Government Amendment (Regional Joint Organisations) Bill 2017 by responding to some comments made by the member for Wyong. He mentioned the growing pains experienced by the Central Coast with which residents are struggling and which predated the amalgamation of local councils. I suggest that at the time the regional joint organisation was formed the amalgamation was problematic because of parochial issues and the politics of the area, but that has largely changed now. I agree that the amalgamation of Central Coast and Hunter councils could be beneficial, and I understand the concerns of the member for Wyong about the intense development around the northern part of Wyong. I am also concerned because the rapid development has a flow-on effect on southern Lake Macquarie. I thank the member for raising that matter.

I state from the outset that notwithstanding amendments that may be brought forward by the Opposition I support this bill. This bill allows for substantial and meaningful change to allow councils to join in ways that maximise their collective resources including expertise. I see this bill in the light of my experience with Hunter Councils, which I suggest has to be the one of the best examples of a joint organisation that could be found and, if not the inspiration for much of this bill, it could well have been. I am told that these councils were part of the modelling because they are a successful example of amalgamation. Local government had, and still does have, many pressures on it. Using the Hunter as an example I note that the ability for member councils to pool their resources to achieve greater economies of scale for the member councils made a lot of sense.

Hunter Councils was large enough and had the requisite expertise to be credible in the market so as to be able to assist other councils and at the same time bring income in to Hunter Councils for its operation and future expansion. Member councils are Lake Macquarie, Cessnock, Maitland, Dungog, Newcastle, Great Lakes, Muswellbrook, Singleton, Upper Hunter, Port Stephens and Gloucester incorporating a population equal to if not greater than the population of Tasmania. The ability of member councils to collaboratively work together has been of enormous benefit to the members and therefore their residents, even if they are not aware of it.

During my time as mayor of Lake Macquarie City Council a decision was taken by the mayors of constituent councils to seek a major restructure and modernisation of regional organisations of councils [ROC]. This required seeking the endorsement of each council to reform the ROC and change from a system with a large number of representatives drawn from constituent councils on a pro-rata basis against the local government area population. This led to the larger councils, notably Lake Macquarie and Newcastle, dominating middle-grouped councils such as Maitland, Cessnock, Singleton and Port Stephens and swamping smaller councils such as Gloucester, Dungog and Upper Hunter. There was no equity in this and it certainly was not a model conducive to the greater goal of wider cooperation in regionally beneficial strategic decision-making.

Some councillors were not happy with the model where the voting members were mayors only and other councillors were excluded from board meetings; however, I think over time the benefit became clear and was a model strongly supported by councillors generally. It should be noted that even before the streamlining of Hunter Councils our local ROC had been very advanced compared to similar organisations. Indeed, some years before the changes to which I referred, the collective councils saw the opportunity to build and operate a modern and competitive records repository. This business unit was a substantial investment but it immediately provided practical benefit to all member councils as well as to other private and government customers.

I do not know what the subscription costs are for councils now but I do know that Hunter Councils moved over time from one that required annual contributions by member councils to support it to one that could pay an annual dividend to ratepayers. Hunter Councils may have started with business units such as the Hunter Records Storage but it went on to manage Screen Hunter, to develop the Local Government Training Institute, to develop a division for regional procurement, to apply expertise collectively in developing a regional environmental strategy and, quite surprisingly to some, to establish a law firm, being Local Government Legal, which operates around the State.

Hunter Councils is a great example of what can be achieved by a well-structured joint regional organisation but there are no doubt many examples where other regional organisations have benefitted from collective resources. Many councils have not been able to find a benefit—and other contributors to this debate have given examples of such councils. Realistically, the bill on its own will achieve nothing if councils either choose not to or for whatever reason are not in a position to join or build a regional joint organisation as allowed for under the bill. I note that the process of establishing a regional joint organisation under this process seems unnecessarily unwieldy and I would suggest that the majority of the intention of this bill can or could be achieved without a legislated prescription. However, there may well be some protections afforded the organisation from provisions including the specific authority provided for the joint organisation to take on certain functions on behalf of councils and to exercise regulatory functions that may be delegated to them.

New section 400Q of part 7, Legal status of joint organisations, subsection (2) states that a joint organisation as so constituted has the legal capacity and powers of an individual, both in and outside the State. I believe that is a clear indication that this provision may give some support to joint organisations. However, I do have concerns with provisions such as those raised by other speakers from the Opposition that new subsection 400X (4) states that the Minister may remove a person from office as a voting representative on the board of a joint organisation at any time without notice and for no stated or any reason. It is extraordinary to include such a provision in a bill that the Government professes to have been designed to bring together people and organisations because it is heavy handed and paternalistic. I believe this provision should be amended, as suggested by the Opposition. While I hope this clause is never considered, is an overreach in regulating councils, or the regional joint organisations, numerous other tools could be used if indeed there is a need to take such drastic action.

Local government is all too often disrespected by State governments of all persuasions, and this was certainly the case during the recent amalgamation process; indeed, strengthening local government by empowering councils including by measures such as this bill would surely have been a better policy than widescale and highly unpopular amalgamations. However, overall I believe the plan for regional cooperation that this bill creates is worthy, and if councils seek to avail themselves of this model they could do no better than to look to the example of Hunter Councils.

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (18:57): My contribution to debate on the Local Government Amendment (Regional Joint Organisations) Bill 2017 will be brief, and obviously I speak in support of this bill having spent nearly nine years in local government. Since my time in local government I have looked forward to a bill such as this being brought before this Parliament. Regional joint organisations have played an important role in local government, particularly in rural and regional local government, for many years. This bill gives legal standing to these organisations, some of which were incorporated many years ago but many of which have not been able to incorporate, which has thrown up a number of difficulties and challenges for country councils wishing to employ or retain executive officers. It has also thrown up difficulties for a host of councils having to employ staff under the local government award and then domicile them, which is distinct from the person being an employee of the organisation.

More broadly, the bill and its provisions have been covered in great detail. I simply want to place on record my strong support for joint organisations. In my time as mayor of Gunnedah Shire Council and chair of the then Namoi Regional Organisation of Councils, the forerunner to the Namoi Joint Organisation to which the member for Tamworth spoke, I have seen firsthand the benefits of councils working together. They do so not only in a strategic, lobbying sense to provide a stronger voice for a particular region or communities of interest with local government areas coming together but also economically. Huge advantages can be secured economically from working together on things that most people would probably regard as usually common sense around tendering, procurement, contracting, sharing harmonised plant and equipment and scheduling roadworks jobs. This is particularly important at the boundaries of neighbouring shires to ensure that work crews from existing shires do not send work crews out to work on the same piece of road at opposite ends of each shire at separate times of the year but, rather, put them there at the same time to maximise efficiencies.

Simple things like that in country areas save millions of dollars. During my last year in local government at Gunnedah Shire Council I remember a joint tender that Gunnedah, Narrabri, Liverpool Plains and Tamworth Regional Council put out for sewer main relining. It was our first foray into joint tendering. We went out to market on our own and also we went in for the same project, pooling it with other councils doing similar projects of differing sizes. On that one contract alone we saved nearly \$300,000. We talk about millions and billions of dollars in this Chamber but for rural councils \$300,000 is a hell of a lot of money and that was just one contract.

Since then, the council and all the Namoi Joint Organisation members have collectively saved millions of dollars for their ratepayers that they are then able to use for further infrastructure or community-based projects. I am pleased that the New England Joint Organisation in the New England electorate is really looking forward to the bill passing through this Parliament so that it can be formalised, take advantage of the funding support and support the great collegiality being developed between Armidale, Uralla, Glen Innes, Inverell, Gwydir, Moree Plains and Tenterfield shire councils. I am pleased to see this bill come before the Parliament and I am proud to commend it to the House.

Mr RON HOENIG (Heffron) (19:02): I contribute to debate on the Local Government Amendment (Regional Joint Organisations) Bill 2017 and endorse and adopt the remarks of the Hon. Peter Primrose in the other place. Nothing I say should be seen to be either directly or by implication inconsistent with his remarks or those of the member for Canterbury. I always find it amusing when the Government talks about this novel approach for regional New South Wales as if this issue had not been discussed in the past 20 or 25 years by the regional organisations of councils [ROCs]. The bill, incompetently, I might say, addresses what local government has been seeking for more than two decades.

I have some knowledge of the matter because at various times I have been the president of the Southern Sydney Regional Organisation of Councils [SSROC]. The bill addresses one of the major problems with existing ROCs, that is, because they were statutory organisations or corporate bodies, problems were created when applying the Local Government Act. The member for Northern Tablelands said that joint tender arrangements were terrific but if councils embarked on a joint tender arrangement, the ROC did not have any power to accept tenders alone; every council had to adopt a resolution accepting the tender. For example, the Southern Sydney Regional Organisation of Councils required 16 council resolutions before a joint tender could be accepted. The member for Canterbury will move an amendment to the bill that is not political; it is—

Mr Stephen Kamper: Sensible.

Mr RON HOENIG: It is sensible because the Deputy Premier in his second reading speech did not say why the bill confines ROCs to only regional New South Wales. New section 400R refers to the principal functions of a joint organisation but members will see that they are the principal functions of the joint organisations that exist throughout the State, including the metropolitan area. The statutory authority that the bill seems to provide for joint organisations should also apply to the Southern Sydney Regional Organisation of Councils, the Western Sydney Regional Organisation of Councils [WSROC] or any other ROC.

The bill includes the problematic measure of requiring mayors of councils to be members of the governing body, which the bill refers to as a board. If the mayors are not members of the governing body the governing body will not be successful because it will not compel the involvement of individual councils as part of the operation. The ROC cannot exist in isolation; it requires input from council officers and input particularly from those responsible for procurement. Councils and their staff like to retain their own procurement provisions. Amalgamations in the bush are difficult because many towns and communities depend upon local procurement. People fear that amalgamation across a variety of areas will mean the benefit of local procurement will be lost.

That can happen also in metropolitan areas, say, with the merger of Rockdale City Council and Bayside City Council. Many local contractors in the former Botany Bay council area no longer obtain work from Bayside council; that council gives procurement work to people it feels comfortable working with on the Botany Bay side. It is also important to facilitate ROCs because they are the biggest bulwark against council amalgamations. When the Government says bigger is better and wants to force mergers upon councils, despite promising not to do so, money is not saved. The administrator reported that as at the end of the first year the cost of the merger for Bayside City Council was \$18 million. Far from this being a saving, it is an expenditure. If councils use their regional organisational ability for joint tender arrangements they can defeat the argument against amalgamations. The bill may address threats of amalgamations but the Government will lose its argument, even with its KPMG reports, because councils are able to effect savings because of size. The bill provides also for a statutory mechanism for joint tender arrangements. Every time the House intrudes into local government it is always about taking away its powers and responsibilities. The Deputy Premier said it is voluntary to become a member of a ROC. That may be so but once a council becomes a member that council cannot leave. New section 400X enables the Minister by his own motion to remove a person from the ROC. Why should the second tier of government have the right to remove somebody? That should be predicated upon a request of council; the Minister should not be allowed to do

so through his own motion. A councillor on a ROC may criticise the Minister for Local Government and the Minister may not like the person, so the Minister could use his or her power to remove that person and there is no necessity for a reason to be given. How dare the Government force this provision on regional organisations of councils:

- (a) an employee of the Public Service nominated by the Secretary of the Department of Premier and Cabinet,
- (b) any other person invited by the board to be a non-voting representative on the board,
- (c) any other person, or a member of a class of persons, prescribed by the regulations.

This is third tier government in Australia. How dare the Government put its bureaucrats on the board of regional organisations of councils. It may be provided for on the basis of invitation, but how dare it stick its nose into the business of joint organisations. Does the State not have enough power under the Local Government Act to conduct inspections and investigations? Councils are elected to run their own affairs and they have elected representatives, including mayors, on the board. The Government should leave them alone. It should take its grubby, sticky little fingers out of the affairs of councils. New section 400X (4) states:

- (4) The Minister may remove a person from office as a voting representative on the board of a joint organisation at any time without notice and for no stated or any reason.

That provision is outrageous. The purpose of this bill is to facilitate joint organisations, not for the Government to get its sticky fingers into the affairs of councils. Will the Government remove members of a joint organisation because it does not like their procurement decisions? Why does the State want to accept responsibility for decisions made by a democratically elected government? New section 400ZC (1) states:

- (1) The Governor may, by proclamation, amend or revoke a proclamation in force under this Part for the purpose of amending the constitution of, or of dissolving, a joint organisation.

They should be subject to requests by the joint organisation. The Government means well but I urge it to consider the Opposition's amendment. That stupid Local Government Association should also read the bill because if it had it done so in the first place we might have avoided this problem. Once the bill is fixed it should be applied throughout New South Wales to achieve a common objective. If the Government thinks it is going to put the secretary of the Premier's Department on the SSROC it will have a war at every meeting.

Ms STEPH COOKE (Cootamundra) (19:12): I support the Local Government Amendment (Regional Joint Organisations) Bill 2017. Joint organisations are a major part of the Government's commitment to strengthen local government and to revitalise our regional New South Wales communities. The joint organisation model proposed in the bill is the outcome of an extensive three-year process of collaborative design and consultation with local government from across regional New South Wales, including in my electorate of Cootamundra. That consultation process began in 2014 when the Independent Local Government Review Panel recommended that new options were needed to drive better collaboration between councils and State agencies to deliver infrastructure and services in regional areas.

Since then the Government has undertaken a highly successful pilot program that explored ways to strengthen regional planning and service delivery. Throughout 2015 and 2016 different models were piloted in five regions—central New South Wales, Hunter, Illawarra, Namoi and Riverina—to test and understand the different working relationships and priorities of each area. The successes of these joint organisation pilots show that they can work for regional communities and will deliver real benefits for regional New South Wales. These organisations have brought together councils with State agencies and other key players in each region to deliver real results. I speak in particular about the Riverina Joint Organisation pilot in my electorate, which was formed by members of the Riverina Eastern Regional Organisation of Councils [REROC]—a voluntary incorporated association. The Riverina pilot joint organisation was able to review and enhance a comprehensive, integrated freight transport solution—the Regional Freight Transport Plan. This is part of a coordinated strategy to better prioritise infrastructure investment to help deliver future economic growth across the Riverina.

In the past councils have been concerned with road and rail movements within their own boundaries, but this considered the bigger picture, identifying regional issues that impact on efficient and effective freight movements from within and through the region. The Regional Freight Transport Plan identifies major freight transport road and rail routes in the region, as well as modal points and obstacles that impact on efficient and effective freight transport. This plan covers those local government areas now represented by Bland, Coolamon, Cootamundra-Gundagai, Greater Hume, Junee, Lockhart, Snowy Valleys, Temora and Wagga Wagga councils.

The review undertaken during the joint organisation pilot process improved regional freight transport planning by ensuring it is backed by more and better data about grain, livestock and timber freight, and updating assessment methods. Interactive mapping features of the plan were also upgraded to improve their usefulness and were made available to local communities. Importantly, the joint organisation pilot brought together local

government from across the Riverina with key State agencies on this project for the benefit of local communities. State agencies contributed advice and data to assist the review process. This is exactly the kind of approach that joint organisations should be taking.

The outcomes of this planning have already helped to secure new infrastructure to improve freight transport routes in the region. Based on the priorities in the plan—refined during the joint organisation pilot process—REROC successfully applied for \$208,000 in New South Wales government funding under the Fixing Country Roads program. This funding ensured that 26 key bridges and culverts across five local government areas in the region have been assessed to determine whether they are fit for use by higher mass limit freight vehicles. For the 19 assessed as needing work to be declared fit for higher mass limit freight vehicle use, councils now understand the repairs required and can progress to the next stage of securing resources for these important upgrades.

This plan is also the starting point for mapping all industrial land available in the region. Together with key freight transport information, this will assist local councils, State agencies and business to more efficiently make evidence-based decisions about how and where to best invest, providing a competitive advantage to attract new investment. The Government thanks the pilot joint organisations for their hard work, expertise and commitment. In the Riverina, I make special mention of REROC chief executive officer Julie Briggs and the other participating members of this pilot. The work of the pilots has proved invaluable in informing the bill and our plans to allow councils to choose to take up this opportunity. Finally, to ensure no region is left behind, the Government is investing a further \$3.3 million to help get these new organisations off the ground as well as hands-on support to make sure they are a success. I commend the bill to the House.

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (19:19): In reply: I thank members from both sides of the House for their contributions to debate on the Local Government Amendment (Regional Joint Organisations) Bill 2017. I acknowledge the contribution of the member for Cootamundra. She has been strong in her support of local councils in the Cootamundra electorate. The member has a strong regional organisation in her region in the Riverina Eastern Regional Organisation of Councils, or REROC. That organisation has done wonderful work in bringing councils together in a collaborative manner. The bill delivers on the Government's commitment to revitalising regional New South Wales and making sure that no region is left behind. It provides an innovative model that will enable councils and State agencies to come together for the benefit of communities in each region. Each joint organisation [JO] will provide a basis for stronger regional coordination and help drive better planning, boost local economies and deliver the quality services that people in regional areas deserve.

The proposals for reform contained in the bill will benefit regional communities and give local government a stronger voice in setting regional priorities and taking up opportunities. Councils that choose to participate in a joint organisation will get a seat at the table in planning infrastructure and investment for their region, working more closely with the State Government than ever before. During the debate members of the Opposition and The Greens raised some issues with the bill, including in the other place. In response, I note the intention to have a minimum of three councils in a JO. The Opposition queried the requirement for a JO to be created from a minimum of two councils. It may be theoretically possible to create a joint organisation of two councils, as is appropriate to provide for in a bill such as this. However, in general, the Government considers that three councils is the minimum number of members that should work together to ensure an effective governance structure for a JO. A minimum of three member councils generally provides sufficient size, resources and strategic capacity to partner effectively with State and Commonwealth government agencies and others. We have consulted with a large number of councils on this point and almost all are in agreement that a minimum of three councils is appropriate to achieve an effective governance structure.

Members of the Opposition and The Greens challenged the timing of the introduction of the bill. Joint organisations as proposed in the bill are crucial to improving outcomes for communities in regional New South Wales. They will provide strategic coordination and give a region a unified voice to improve interaction with other levels of government. The bill is the product of extensive consultation and collaboration with a large number of local councils as well as peak sector representatives. It is also informed by feedback and developments from a pilot joint organisations program that the Government has conducted. The consultation undertaken has been genuine and extensive, and we are committed to not merely exhibiting proposals but also engaging meaningfully with those people who are best placed to inform their development. The extent of the consultation and refinement of the model has meant that the bill was unable to be brought before Parliament before the cut-off date prescribed in the sessional order.

The reform contained in the bill, the legal framework for establishing joint organisations, is one that the local government sector has been calling for and welcomes. It is a concept proposed in the Independent Local Government Review Panel's final report. The Government's intent is that, if the bill is passed, joint organisations

will be able to be established in early 2018 and become operational on 1 July 2018. This is crucial so that the joint organisations can take part in the upcoming State and Commonwealth budget cycle to advocate for improved infrastructure services in their local communities. A number of members questioned the relationship between regional organisations of councils and joint organisations. Joint organisations provide a clear and consistent pathway for local councils to work with other levels of government to get things done in their region. The bill proposes a standard model that will underpin regional collaboration moving forward but allow flexibility between regions. Joint organisations will build on the successes of the past, including the achievements of regional organisations of councils over many years.

While many voluntary regional organisations of councils have been effective in the past, they had varying functions, boundaries and membership, and lacked the legislative power to engage directly with State agencies. This can make achieving consistent progress on strategic regional priorities challenging. Through joint organisations, local councils will have a seat at the table in deciding regional priorities and programs by working more closely with the Department of Premier and Cabinet, regional directors and State agencies in each region. The pilot joint organisations have demonstrated that working together on shared priorities helps local councils to get a better price on contracts and to deliver high-quality services with better value for money. However, to get the best possible outcomes for collaboration there is a need for a new kind of separate organisation that brings them together. That is the option this bill delivers. The clear advantage of being a legal entity under the same legislation as councils is that joint organisations will be able to choose to manage directly grants and funding, employ staff under the Local Government State Award and manage assets. This will lead to the delivery of quality, shared services for the benefit of participating councils and communities across the region.

The Opposition has queried the impact of the bill on the Far West. Councils in far west New South Wales have been working with the Government to develop options to address their own unique circumstances. The Government has undertaken significant consultation with communities across the Far West to discuss these options. We are currently considering this feedback before deciding on the next steps. I assure members that the member for Barwon has been very active and quite vocal in working with Far West communities to find a solution, as has the new member for Murray in his part of the Far West. At this stage, consultation around joint organisations has not included the Far West. However, the option will remain open for those councils to participate. Over the coming months the New South Wales Government will work closely with those councils on a model that best suits them. In the meantime, councils in the Far West will be free to participate as non-voting members of neighbouring joint organisations if they are invited to do so.

Let me make this clear: The Government is committed to creating joint organisations across regional New South Wales that are aligned with or nest within regional planning boundaries. This is to support councils, State Government and others to plan and collaborate with each other on issues of regional strategic priority. Most councils have told us that they support this approach. Planning regionally will provide earlier intergovernmental engagement and help to identify imported services and infrastructure gaps and overlaps, align priorities and better coordinate effort to achieve better community outcomes. Alignment with regional planning boundaries will also provide member councils with a stronger platform from which to secure partnerships and funding to deliver their top priorities.

The Opposition went so far as to try to amend the bill because it mistakenly thought that it ruled out the creation of joint organisations in metropolitan Sydney. Clearly, this bill applies across the entire State. However, the Government considers that joint organisations are a key mechanism to strengthen councils in regional and rural New South Wales, particularly because the model for joint organisations was designed with councils in regional areas to meet their specific needs and circumstances. The Government has created the Greater Sydney Commission, which has consulted councils in developing its district plans for a productive, sustainable and liveable city. I note that Sydney councils may continue to participate in regional organisations of councils and other collaborative arrangements if they choose to do so.

With regard to the Central Coast, which is now represented by a single council, development of the Central Coast Regional Plan 2036 has been finalised in consultation with local councils and a wide range of stakeholders. A Central Coast Coordinator General has also been appointed to drive delivery of the plan and to oversee the implementation of a community consultative committee. As the Government has said previously, this appointment shows how serious the New South Wales Government is about promoting the Central Coast and turning it into an economic and tourism powerhouse. The Government continues to consider carefully how best to integrate the Central Coast region into new arrangements to support successful planning and service delivery. The Government is delivering joint organisations as part of its commitment to strengthen regional New South Wales. Despite assertions to the contrary by those opposite, the Government's position on mergers is clear. The Premier has made a clear commitment that there will be no further forced council mergers under this Government. Joint organisations will not replace existing local councils.

Ms Sophie Cotsis: We've heard that before.

Mr JOHN BARILARO: I ask the member for Canterbury to look at the Premier's actions and my actions as Deputy Premier this year in relation to local government. Those opposite are again trying to run a scare campaign on mergers when we have made it clear that there are no mergers, no amalgamations, planned for today or in the future under this Government. The reality is that those opposite cannot be trusted. I remember what happened in 2004 when, with the stroke of a pen, those opposite sent out a fax amalgamating a series of councils, without consultation, without resources and without funding. The difference between our process and theirs is that we undertook extensive consultation that provided New South Wales Government funding for the merged councils. Opposition members support the joint organisations bill and are now interjecting in relation to the local government sector. As the Minister for Regional New South Wales and Deputy Premier, I have taken the opportunity to lead in relation to joint organisations because they are important to regional New South Wales.

Mr Andrew Fraser: Point of order: My point of order is under Standing Order 52. The Minister is responding to interjections from those opposite. He should be heard in silence. I ask that you direct members to cease interjecting.

TEMPORARY SPEAKER (Mr Greg Aplin): Order! I remind the Minister not to respond to interjections, which are disorderly at all times.

Mr JOHN BARILARO: The member for Canterbury had a chance to speak to the bill and was not interrupted by interjections. I remind Mr Temporary Speaker that the member for Canterbury was called to order numerous times during question time and that those calls to order are still in effect. He may wish to consider removing the member from the Chamber. Joint organisations have an important role to play in delivering the core function of strategic regional leadership when councils choose to participate. Member councils will have the flexibility to choose to deliver services through their joint organisation when it makes sense to do so. This may include delivering shared services, capacity building for member councils and receiving better value for ratepayers through joint procurement of goods and services.

The member for Wyong had a chance to speak to the bill and did not. Now he is muttering under his breath. I expect the member is worried about the number of trips he has made to regional New South Wales. I saw the tweet; I believe I have touched a raw nerve. The bill allows local councils to delegate some functions to their joint organisation. A joint organisation cannot require a local council to delegate functions and the joint organisation must agree to accept a delegated function. This is a truly voluntary and collaborative model. The bill removes some of the traditional impediments to efficient and effective shared service delivery, such as the capacity for the regional body to manage contracts and undertake joint procurement activities. These existing issues are particularly burdensome and felt most acutely in the regions. The bill will assist smaller councils in regional New South Wales to gain better value for money and to use their limited resources more effectively.

Objections have been raised to the power of the Minister to dismiss a voting member. This power is an important safeguard against improper conduct or unforeseeable circumstances. The Minister's power is not unlimited. The Minister must publish a written statement advising the community of the removal. This notice subjects the decision to public scrutiny and oversight while providing clarity and certainty regarding the decision. The Minister's decision will not deprive local councils of a voice in their joint organisation; it will create a casual vacancy that the council will then fill. The Opposition has challenged the delegation powers of the bill as being too broad. However, the bill states a joint organisation can only delegate a function that can be delegated to it. A joint organisation, when it is delegated a function from a local council, can only exercise the function that the council could—its purview is not any broader.

The bill will not expand the functions that a local council can delegate to a joint organisation or anyone else. A local council can only delegate a function to a joint organisation with the agreement of that joint organisation. The Government is not considering reforms to local council powers of delegation. We look forward to working with the sector on phase two of the Government's reform agenda for local government. Comment has been made in this place and in the other place about the use of regulations in the bill. The regulation-making powers in the bill are essential to provide administrative flexibility on matters that may require ongoing refinement. The matters that can be prescribed by regulation are quite narrow. In the absence of the regulations dealing with a matter, in most cases a joint organisation will be able to deal with it through its charter. The regulations deal only with standard requirements concerning the charter, alternate voting members, financial matters and the application or repeal of the Act.

Parliament has oversight of regulations that will safeguard against excessive or inappropriate use of the power of prescription. The joint organisation model is fully formed in this bill and the regulations will support the implementation of that model. The next step is the development of regulations to support the operation of the joint organisations. I reiterate: The Government will continue to engage effectively with the sector to develop those

regulations. As I stated in the second reading speech, amendments were made in the other place relating to administrators. It is reasonable for an administrator to perform the functions of the chairperson of a joint organisation where the board of that JO elects the administrator as chairperson. The bill allows for this sensible arrangement where a joint organisation makes such a choice and only where that choice is made. Questions have also been raised as to why there is a regulation-making power for financial matters in the bill. I note that the bill requires member councils of each joint organisation to be responsible for choosing any additional functions to be performed by the joint organisation.

Therefore, it is reasonable that a joint organisation be responsible for managing its own financial affairs and determining how best to resource its ongoing operations, particularly for additional functions. Despite assertions to the contrary, nothing about JOs is about cost shifting. It is about strengthening relationships and increasing the capacity of councils. The level of resourcing and contributions required for each joint organisation is likely to differ between regions based on the number of member councils and the joint organisation functions. It is important to provide a safeguard to clarify appropriate arrangements as joint organisations develop and take on more functions, if and where they choose to do so. Therefore, it is appropriate for details of financial contributions, if required, to be prescribed by regulation. The Government is intent on the success of JOs. It will keep a close watch on the progress of joint organisations and support JOs to ensure their success. The power to prescribe classes of associate non-voting representatives by regulation is to allow, if required, consistency of additional representatives across joint organisations.

This power is facilitative; there is not currently any proposal to make a regulation at this time that would mandate the inclusion of any non-voting members on joint organisations. Joint organisations will retain the power that is included in the Act to invite non-voting members onto the board. The model proposed in the bill is a carefully and collaboratively crafted reform that provides a once-in-a-lifetime opportunity to create a new partnership between local and State governments, to work better together and to make a real difference in the lives of residents and ratepayers. I look forward to continuing to work with everyone involved to make this vital reform a success. I commend the bill to the House.

TEMPORARY SPEAKER (Mr Greg Aplin): The question is that this bill be now read a second time.

Motion agreed to.

Consideration in detail requested by Ms Sophie Cotsis.

Consideration in Detail

TEMPORARY SPEAKER (Mr Greg Aplin): By leave: I shall propose the bill in groups of clauses and schedules.

Clauses 1 and 2 agreed to.

TEMPORARY SPEAKER (Mr Greg Aplin): The question is that schedules 1 and 2 be agreed to.

Ms SOPHIE COTSIS (Canterbury) (19:37): I move Opposition amendment No. 1 on sheet C2017- 128A:

No. 1 State-wide range of joint organisations

Page 4, Schedule 1 [10], proposed section 4000. Insert after line 15:

(3) A joint organisation may be established in any part of the State.

The Government has stated that, while the bill allows joint organisations to be established throughout the State, it will be Government policy not to allow them to be proclaimed in three areas: the Far West, the Central Coast and metropolitan Sydney. The Opposition amendment clarifies what the Government claims to be the case but does not make explicit in the bill—namely, that joint organisations can be proposed to be established throughout the State where participating councils consider them appropriate. The Opposition has moved the amendment as there is confusion on this point and it should be clarified. The Government can continue to refuse to proclaim joint organisations in certain areas if it wishes. But it is Labor's policy that, if elected in March 2019, it will correct this restrictive Government policy.

Mr JOHN BARILARO (Monaro—Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business) (19:38): The Government does not support Opposition amendment No. 1. The amendment serves no purpose and therefore is not required. If members go back to my second reading speech and my speech in reply, they will see that there is clearly nothing in the bill to prevent a joint organisation from being constituted in any part of the State. So there is no requirement for such an amendment.

Mr RON HOENIG (Heffron) (19:39): I support the amendment moved by the member for Canterbury. I repeat what I said in my contribution to the second reading debate. The Local Government Amendment (Regional Joint Organisations) Bill 2017 is far from The Nationals providing a novel solution in the bush. The Government has been advocating for this for 25 years. The Government should not be belligerent about it. I am not suggesting it for any political purpose other than to inform the government of the day, which does not quite understand, that local government regional councils have a statutory problem in accepting joint tenders and things of that nature. When councils call for joint tenders each council has to accept the tender. There used to be 16 councils and now there are 11. If one council that initially entered into the joint tender decides at the end of the day it will not accept the tender, then the other 15 councils cannot enter into the same arrangement with the tenderer. It would say, "I will get less and therefore the price is not sustainable."

That is the reason that local government regional organisations of councils have been asking for the statutory corporation to which I refer. The amendment should not be dismissed as a political ploy. It has taken a quarter of a century for a government of the day to understand the concept. I congratulate the Deputy Premier on understanding the concept, but the concept applies throughout New South Wales not only to rural New South Wales.

TEMPORARY SPEAKER (Mr Greg Aplin): The question is that Opposition amendment No. 1 on sheet C2017-128A be agreed to.

The House divided.

Ayes35

Noes44

Majority.....9

AYES

Aitchison, Ms J
Car, Ms P
Cotsis, Ms S
Doyle, Ms T
Harris, Mr D
Hoenig, Mr R
Lalich, Mr N (teller)
McDermott, Dr H
Mihailuk, Ms T
Piper, Mr G
Tesch, Ms L
Watson, Ms A (teller)

Atalla, Mr E
Catley, Ms Y
Crakanthorp, Mr T
Finn, Ms J
Harrison, Ms J
Hornery, Ms S
Leong, Ms J
McKay, Ms J
Minns, Mr C
Scully, Mr P
Warren, Mr G
Zangari, Mr G

Barr, Mr C
Chanthivong, Mr A
Dib, Mr J
Foley, Mr L
Haylen, Ms J
Kamper, Mr S
Lynch, Mr P
Mehan, Mr D
Park, Mr R
Smith, Ms T F
Washington, Ms K

NOES

Anderson, Mr K
Berejiklian, Ms G
Constance, Mr A
Crouch, Mr A
Elliott, Mr D
Fraser, Mr A
Grant, Mr T
Hazzard, Mr B
Johnsen, Mr M
Marshall, Mr A
Patterson, Mr C (teller)
Petinos, Ms E
Speakman, Mr M
Tudehope, Mr D
Williams, Mrs L

Ayres, Mr S
Bromhead, Mr S (teller)
Cooke, Ms S
Davies, Mrs T
Evans, Mr A
Gibbons, Ms M
Griffin, Mr J
Henskens, Mr A
Kean, Mr M
Notley-Smith, Mr B
Pavey, Mrs M
Provest, Mr G
Taylor, Mr M
Upton, Ms G
Wilson, Ms F

Barilaro, Mr J
Conolly, Mr K
Coure, Mr M
Dominello, Mr V
Evans, Mr L
Goward, Ms P
Gulaptis, Mr C
Humphries, Mr K
Maguire, Mr D
O'Dea, Mr J
Perrottet, Mr D
Sidoti, Mr J
Toole, Mr P
Ward, Mr G

PAIRS

Daley, Mr M

Rowell, Mr J

Amendment negatived.**TEMPORARY SPEAKER (Mr Greg Aplin):** The question is that schedules 1 and 2 be agreed to.**Schedules 1 and 2 agreed to.****Third Reading****Mr JOHN BARILARO:** I move:

That this bill be now read a third time.

Motion agreed to.*Bills***TERRORISM (HIGH RISK OFFENDERS) BILL 2017****Returned****TEMPORARY SPEAKER (Mr Greg Aplin):** I report the receipt of a message from the Legislative Council returning the abovementioned bill without amendment.*Matter of Public Importance***WHITE RIBBON DAY**

Ms ELENi PETINOS (Miranda) (19:49): In Australia one in three women has experienced physical and/or sexual violence perpetrated by someone known to them and, sadly, over 12 months, on average, one woman is killed every week by a current or former partner. The International Day for the Elimination of Violence Against Women, also known as White Ribbon Day, occurs on 25 November. This year is all about creating awareness and speaking out against violence through the STOP Kit, which stands for "See, Talk, Offer Support and Prevent". Currently, 206,305 oaths to stop violence against women have been taken.

Unfortunately, my own community has been and continues to be affected by domestic violence. From 1 October 2016 to September 2017, police in the Sutherland shire responded to 2,344 incidents of domestic violence. These reported incidents include verbal arguments, assaults, breaches of apprehended violence orders [AVOs], intimidation, stalking and cybercrimes. Since 2014, there have also been three domestic violence homicides in the shire. Linda White in Sylvania was murdered by her son in May 2017; Tina Kontozis was murdered by her partner in April 2016; and Comrie Cullen was murdered by her ex-husband at Taren Point in 2014.

I am pleased to report that New South Wales continues to lead the nation in tackling domestic and family violence. Domestic and family violence is a crime. If we want to reduce and one day eradicate violence against women and children, we need to target the perpetrators of violence. For this reason, there are now four police high risk offender teams, located in central metropolitan, south-west metropolitan, western and northern regions in New South Wales aimed at targeting recidivist offenders and investigating domestic and family violence incidents.

Tackling domestic and family violence is a serious and complex issue that requires coordinated and careful consideration of service design and a robust change management process. Therefore, the Government continues to support the implementation of the Safer Pathway program. The Safer Pathway program operates as an integrated, multi-agency response to high-risk domestic violence victims. Because domestic and family violence includes behaviours that control or dominate a person, causing them to fear for their own or someone else's safety, the Safer Pathway program provides accessible and effective domestic violence support services to victims across areas of policing, justice, health, education, child protection and victim services across 34 sites throughout New South Wales.

If we want to continue our efforts to help victims rebuild their lives, we also need to see a cultural shift in the attitudes of communities towards domestic and family violence. This also needs to include raising awareness within communities that domestic violence remains a real and ever-present issue. It is not always easy to identify whether someone known to you is experiencing violence or is in an abusive relationship. Therefore, people need to understand that if they see abusive or disrespectful behaviour within their community, or know of someone who is having a difficult time, the right thing to do is speak up. I also draw the attention of the House to the effects of domestic and family violence on children, the often voiceless victims. Unfortunately, children are at particular

risk of experiencing domestic and family violence both during and after parental separation. The most common recorded incidents of abuse against children include neglect, and emotional, physical and sexual abuse.

I will briefly touch on a not-for-profit organisation operating within the Sutherland shire that is working to make a difference in the lives of the children affected by domestic and family violence. Care 4 Kids is a not-for-profit organisation that makes care packs for children affected by domestic violence who find themselves in their local police station or facing a traumatic situation. I am proud to say that Care 4 Kids was founded by one of my constituents, Danielle Lucas of Kirrawee. Danielle and other likeminded volunteers put together care packs for children and deliver them to Miranda and Sutherland Local Area Commands. These packs are full of items such as colouring books, pencils and stickers and are aimed at keeping the children comfortable and distracted during this traumatic time. In conclusion, I encourage everyone in this place to get involved in their local activities to celebrate White Ribbon Day this week and to do their bit to create awareness and stop domestic violence.

Ms JENNY AITCHISON (Maitland) (19:54): On 25 November each year, in communities across Australia, we recognise White Ribbon Day. Globally, it is known as the United Nations International Day for the Elimination of Violence Against Women. The day starts 16 days of activism against violence, and is the perfect time to reflect on how far we have come in the fight against domestic violence, and how much more we need to do to progress towards a world where everyone is free to live without violence. The theme for this year's United Nations campaign is "Leave no-one behind". It recognises that domestic violence occurs in all communities, and it knows no boundaries, and that we have an obligation to reduce rates of domestic violence everywhere.

White Ribbon Australia is an organisation dedicated to stopping violence against women and children. The White Ribbon oath calls on men to pledge to stand up, speak out and act to prevent domestic violence. We saw this today in the Parliament where that pledge was taken. We had the inspirational Clint Newton, who always makes such an impression as an ambassador for White Ribbon, address us. Ribbon rallies people together to take a stand against domestic violence, and it rightly keeps the onus on men. But as a community we must do more, to make sure everyone knows that violence against women is never okay.

We must teach our young men that it is never okay to disrespect women, and we must advocate for respectful relationships education in our schools. That is why Labor supports the introduction of respectful relationships education in primary school, as children first learn to interact with their peers. In Maitland, wonderful organisations like Carrie's Place and the Maitland Neighbourhood Centre, and elsewhere across the State, women's health centres, women's domestic violence court advocacy services, and many refuges and domestic violence specialist services, help provide support to victims of domestic violence when they need it most. However, their resources are always stretched so we need to do more to support them. Donate to them, volunteer, and lobby governments for more funding for victims and survivors.

Our Watch is the joint Commonwealth-State framework for ending violence against women and their children. Our State is the only state in this Commonwealth which has not yet joined Our Watch. We need to be part of the national discussion on how to prevent violence. The Government's own recent Domestic Violence Death Review Report recommended that New South Wales join Our Watch. Will the Minister take this White Ribbon Day as an opportunity to join every other State in the nation and join with the Opposition to sign up to Our Watch? It is past time we implemented respectful relationships in every school in this State, and I urge the Minister to seriously consider this again.

Recently, White Ribbon revamped and changed how it appoints representatives of its organisation. Women can now become White Ribbon advocates and, in December, men can become White Ribbon ambassadors. My advocate status was recognised recently. I encourage all members in this place to apply to become White Ribbon ambassadors or advocates when the renewed program opens in December. In New South Wales we have to follow the Victorian and Queensland governments, who have led the way for reform process. They have shown the way for so many of us. The Victorian Royal Commission into Family Violence and Queensland's Not Now, Not Ever report identified how to make it easier for victims of domestic violence to leave a violent partner.

This includes fully-resourced and staffed refuges, increased training for our police, and reshaping the way services deal with victims of domestic violence. At the moment in this State if police come in the middle of the night to help a woman and her children escape violence they often cannot be placed into a refuge. They are left with the secondary option of taking the family to a motel for a couple of days. No wonder women are not leaving. Often, when dealing with services, victims of domestic violence are not treated with care and can get frustrated at how difficult it is navigating bureaucracies at all levels. We need to ensure that all of our government departments are able to deal with domestic violence. Another essential aspect of our response to domestic violence is ensuring that every employee in this State has access to domestic violence leave. The barriers for women and children wishing to escape domestic violence are diverse and wide-ranging. As legislators, we must ensure that not only do we take part in community-led campaigns, but also that we have all the policy incentives in place to

make this transition to escaping violence as easy as possible. NSW Labor joins with the Government in committing to stand with White Ribbon and speak out against family violence, but we also want to do more.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Adam Crouch): I welcome the young ladies in the gallery from the girls high school in Muswellbrook who are here as part of a tour of Parliament as guests of the member for Upper Hunter in recognition of Graffiti Removal Day. Their escort this evening is Senior Constable Sheree Gray. Enjoy your evening in Parliament tonight.

Matter of Public Importance

WHITE RIBBON DAY

Mr JIHAD DIB (Lakemba) (20:00): I commend the member for Miranda for bringing forward this important matter of public importance for discussion. People will talk about a range of issues related to this matter but it is essential to make sure that we fight against any form of violence against women. We must remember that violence is not just physical; there are various forms of violence, whether psychological, emotional, or the simple act of controlling women or restricting them from having money.

I refer to an event in my electorate that I am proud of. This Friday we will have a White Ribbon march. I know the member for Canterbury, my good friend Sophie Cotsis, will be there. Starting at Haldon Street, thousands of people will walk through the streets of Lakemba. It is organised by the outstanding Kempsey Police Local Area Command, whose community engagement I cannot commend highly enough. What makes it special is it is genuine community work. The march starts at the top of Haldon Street and goes past the shops and then into the streets. That is important because it is what the march was originally about—reclaiming the streets and making sure that everyone feels safe and secure.

The special aspect of the White Ribbon march at Lakemba is the involvement of the community. There is no shortage of community groups that get involved, from all sorts of different backgrounds. My electorate and the electorate of Canterbury are two of the most culturally and linguistically diverse electorates, but the other special thing I love is that we see a lot of young people. Every school gets involved in one way or another. For anyone who wants to look at my Facebook page, I recently posted a video about what happens in our local community for White Ribbon Day. It is important because we come together to say that it does not matter which part of the world people came from or whether what they believe is right or wrong; the whole community stands together to say that we will not condone or accept any form of violence towards women.

We have young people, the schools and all of the community groups in what is a volunteer-led program. We walk through the streets and past the units at Lakemba where people come out to see what is going on. We end up making it a festive occasion as much as it is an important occasion. We finish at Parry Park, where people make speeches and there is a reaffirmation that we will not accept or tolerate violent behaviour towards women. The more we discuss this issue and deal with it, the better we will be as a society. I commend the member for Miranda for bringing this motion forward and I commend all the speakers. I know that nearly every member in this Chamber will at some time participate in an event that says we do not stand for violence against women.

Mr MICHAEL JOHNSEN (Upper Hunter) (20:03): By leave: It is with pleasure that I make a small contribution to this matter of public importance on White Ribbon Day which was brought to the House by the member for Miranda. We all know that domestic violence is unacceptable and abhorrent, and yet it continues. In my role as member for Upper Hunter, I have had contact with victims of domestic violence. In my electorate, we have a significant problem with domestic violence. In fact, we held a domestic violence forum with Minister Pru Goward that was very well attended.

One of the things that I am somewhat fearful of and yet optimistic about at the same time is that this is one of those societal problems we need to bring to the fore. As a society, we need to have the courage and strength to speak publicly about the problems, because unless we expose the problems and normalise the discussion—not the issue, but the discussion—we will not put an end to the closed-door nature of domestic violence. I see it too often. As a member and also on a personal level, I have experienced situations where someone close to me has been a victim of domestic violence, and it is a disgusting thing to occur.

Unfortunately the system allows some of the perpetrators to get away with it for far too long and probably—most likely—it is because the victims are too afraid to act. We need to be able to talk about this and give the victims of domestic violence the courage to be able to stand up, say enough is enough, and not necessarily have to leave their homes or be a continued victim of domestic violence and its associated effects. We need to get

rid of the perpetrators as much as we possibly can. I know we have improved the legislation around that, but as a society, a culture and a community we need the courage to stand up and talk about this on an ongoing basis.

Ms ELENi PETINOS (Miranda) (20:06): In reply: I acknowledge all the contributions made by my colleagues, including the members for the electorates of Maitland, Lakemba and Upper Hunter and thank them for their interest in this important bipartisan matter. I am delighted that we have young women watching this debate today. It is important that we debate this to ensure that all of them are protected in the future. As I mentioned earlier, White Ribbon Day is 25 November. It is the International Day for the Elimination of Violence Against Women. Domestic and family violence is an important issue, and unfortunately one that has greatly impacted my electorate of Miranda. It is exactly those tragic circumstances that have affected my community—which I mentioned earlier—that demonstrate how important White Ribbon Day is. This year, I will once again attend the annual Sutherland shire White Ribbon Walk, which has been organised by Detective Sergeant Donaghy of the Miranda Local Area Command. The walk will start at 10.00 a.m. this Friday 24 November. It will commence from Woollooware High School and conclude at Perryman Place, Cronulla.

I am pleased to say that I was a part of this fantastic day last year as well. It was great to see so many people from my local community get involved, including many of the local schools within the Sutherland shire. I am proud to inform the House that as many as 21 schools throughout the Sutherland shire have signed up for this year's walk, and will be participating this Friday. As the White Ribbon Day Walk will commence at Woollooware High School, I have been advised that the school has provided an open invitation to all the primary and secondary schools within our shire to attend. I encourage all schools in the local area to take time out of their regular school day to attend and participate in this important and worthwhile cause. The White Ribbon Day Walk stands as one of the most important community events within our shire as it raises awareness about the issue of domestic and family violence. I thank Detective Sergeant Donaghy for the wonderful work that she does to organise this event. I also thank the team at Sutherland Shire Council and all of our police for making this event possible each year. I finish by encouraging all of my colleagues and my constituents in the electorate of Miranda to participate in this year's White Ribbon Walk. As I mentioned earlier, we kick off this Friday at 10.00 a.m. from Woollooware High School.

TEMPORARY SPEAKER (Mr Adam Crouch): I commend the member for Miranda for raising this matter of public importance. White Ribbon Day is very important in my electorate of Terrigal on the Central Coast.

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

Ms SOPHIE COTSIS (Canterbury) (20:09): I raise a matter of public importance about the International Day of People with Disability. The annual observance of what is now the International Day of People with Disability was proclaimed in November 1992 by United Nations General Assembly Resolution 47/3. It aims to promote the rights and wellbeing of persons with disability in all spheres of society and development and to increase awareness of the situation of persons with disability in every aspect of political, social, and cultural life. This year we celebrate the twenty-fifth anniversary of the International Day of People with Disability. I acknowledge that the Federal Government has announced a commemorative coin and envelope to celebrate the anniversary. Dylan Alcott is the 2017 patron. I urge every member of this Parliament and of the community to celebrate the day and have conversations about ensuring that we include people with disability in society.

According to the United Nations Human Rights Office of the High Commissioner, persons with disability face discrimination and barriers that restrict them from participating in society on an equal footing with others on a daily basis. It is more difficult to be included in the school system and employment, to live independently in the community, to move freely, and to participate in sport and cultural activities. As the shadow Minister for Disability Services in New South Wales, I am adamant that I will continue to pursue this Government on its promise to deliver inclusion for people with disability and to properly implement and fund the Disability Inclusion Act that the Government introduced a few years ago.

The International Day of People with Disability is 3 December. I urge members to unite as one community regardless of partisan obligations. Let us all promote an understanding of disability issues and mobilise support for the dignity, rights and wellbeing of persons with disability. Let us increase awareness of the rights and the objectives to be derived from every aspect of the political, social, economic and cultural life of persons with disability. Let us reflect upon those persons closest to us, whose lifestyles and daily routines are affected in a negative way because of the lack of access. Those people are our friends, neighbours, colleagues and relatives and it is up to us to ensure that we implement those policies to do everything that we can so that people with disability can work, can have access to railway stations and can participate in school, TAFE, university and life.

I firmly understand that a sole day of international observance on 3 December is far from enough in meeting our obligations to the rights and needs of people with disability. The theme of the day for this year is the

promotion of "Transformation towards a sustainable and resilient society for all". Therefore let us all build upon a platform for inclusion and focus on issues related to people with disability in society. Let us hold forums, public discussions and information campaigns in support empowering persons of all abilities to develop and be fully included in their local communities. Let us organise performances to celebrate the contributions made by people with disability as stimulants of change in their communities, and create opportunities to help them realise their potential.

I call on all members to ensure that they attend events on 3 December, whether they have organised a forum or their local council has organised an event, and promote awareness through social media or regional media outlets. I urge all members to have discussions about the inclusion of people with disability. I would like to see an increase in the number of people with disabilities in employment. We need to be relentless in that pursuit.

Ms STEPH COOKE (Cootamundra) (20:14): I make a contribution on this matter of public importance, the International Day of People with Disability. The United Nations designated 3 December as a time to recognise and acknowledge the achievements, contributions and abilities of people with disability. Each year the UN announces a theme to observe for the International Day of People with Disability which provides an overarching focus on how society can strive for inclusivity through the removal of physical, technological and attitudinal barriers for people with disability. The theme for 2017 International Day of People with Disability is "Transformation towards sustainable and resilient society for all" and its overarching principle is to leave no-one behind and empower people with disability to be active contributors to society.

In New South Wales we proudly celebrate this occasion and recognise the achievements of people with disability. We have made significant gains in this State in the level of supports provided to enable people with disability to meet their goals and aspirations. In 2014 the Government introduced landmark legislation through the Disability Inclusion Act 2014, which mandated the development of a statewide Disability Inclusion Plan and disability inclusion action planning across New South Wales government. The Act provides inclusion as a right for all people with disability, especially with regard to their participation in social and economic life.

The NSW Disability Inclusion Plan was launched in February 2015 and has four focus areas: developing positive community attitudes and behaviours; creating livable communities; supporting meaningful access to employment; and improving access to mainstream services through better systems and processes. The disability inclusion planning is delivering many positive changes across government and represents an unprecedented alignment of disability planning priorities across State and local government in New South Wales, which is driving mobilisation around the needs of people with disability that is unique in Australia. In 2016-17 the New South Wales Government, through the Department of Family and Community Services [FACS], continued to fund the disability community partnership program with Sport NSW, ClubsNSW, the NSW Business Chamber and Settlement Services International. The partnership has been active in raising awareness of disability inclusion and planning, creating more jobs, growing social and sporting opportunities, building the business case for inclusive tourism and the promotion of inclusion programs.

In September this year in my electorate of Cootamundra, Minister for Disability Services Ray Williams announced that Cowra Information and Neighbourhood Centre [CINC] will receive \$15,000 to increase its support under the National Disability Insurance Scheme [NDIS] to meet the needs of the local community. This funding demonstrates the New South Wales Government's commitment to people with disability to ensure more choice and control around their supports as New South Wales transitions to the NDIS. CINC Chief Executive Officer Fran Stead said the funding will be used to conduct targeted consultation with the local community to identify opportunities to grow its disability services. In closing, I ask all members to support and celebrate this fantastic day.

Ms LIESL TESCH (Gosford) (20:18): Happy International Day of Persons with Disabilities, with all abilities, on December 3. What an honour it is to say that, as the first wheelchair user elected in the New South Wales Parliament. It is an honour to be here. It will be a great celebration next year when the easy access lifts to the Sydney Harbour Bridge are opened for the Invictus Games—yes! But that took a protest by us and a speech in Parliament. As my parliamentary colleagues comment, I have to say that I am still hanging out awkwardly at the side of the table to make my speeches. Fingers and toes crossed, this might be fixed over the summer, and not into a one-metre box. I want equal access like my parliamentary colleagues so I am able to manoeuvre around and celebrate my ability. Eight months into this job I am still quietly meeting with government architects about having equal access to be able to enter through the front and back doors of the Parliament.

I have made it very clear that people with disabilities do not want makeshift "it sort of works" solutions. We want to walk beside our friends—a teacher with their students, an employee with their colleagues. We want socially inclusive, equal access for all. Yet under the current Berejiklian Government the number of persons with disabilities employed in Family and Community Services has decreased from 3 per cent to 2 per cent—goodness knows what that translates to in the public sector as a whole—whilst the Commonwealth Bank is at 10 per cent.

Well done to the Commonwealth Bank. This is a disgrace for the Government, in an era when the National Disability Insurance Scheme [NDIS] is rolling out with a view to improving the social and economic position of people with disabilities in our society. The Minister for Disability Services should lead the way and speak to his Government about working to fully include people with disabilities in the built environment, the technological environment, the education space, the workplace and across society.

In celebration of the International Day of Persons with Disabilities, this Government is committed to withdrawing disability advocacy funding in July 2018. Last week people with disabilities and peak disability advocacy agencies met here in Parliament House, because we know that we cannot afford to lose these expert voices in our community. These people have years of knowledge-banked "clever" to support the new kid with cerebral palsy in the local school, the shy teenager who has finally agreed to do that course with a private education provider that is upstairs with a lavatory out the back that is down two steps, or the vision impaired university graduate who has a new job somewhere down the street. This is at the time when the NDIS is designed to allow people with disabilities to enter training and the workforce.

Do you want to know what concerns me the most? Our Aboriginal brothers and sisters with disabilities, who live in remote and regional communities, already live with disadvantage. When the Government cuts this advocacy funding, the relationships that have taken years to build with wonderful advocacy agents, who have travelled hundreds of kilometres a year to connect with families, generations of carers who have established trust will be gone. Today I wish all of the people in New South Wales a wonderfully happy International Day of Persons with Disabilities, and all abilities. At the same time, I commit to continue to work with my parliamentary colleagues on both sides of the House to ensure that people with and without disabilities across New South Wales exist in a fully inclusive society.

Ms SOPHIE COTSIS (Canterbury) (20:21): In reply: I acknowledge the fantastic speeches of the new member for Cootamundra, Ms Steph Cooke, and the amazing, brilliant, wonderful member for Gosford, Ms Liesl Tesch. The member for Cootamundra outlined the Government's Disability Inclusion Action Plan and also spoke about delivering and aligning planning priorities. I applaud her comments. Labor supported that bill wholeheartedly. However, we need an overseer to ensure that implementation is happening and that funding is going towards those important initiatives. The member for Cootamundra also raised the issue of inclusive tourism. In a couple of weeks from now I will be visiting a fantastic inclusive park on the South Coast. We need to look at having more of these inclusive tourism initiatives.

The contribution of the member for Gosford was not only from her heart but also from lived experiences. I take this opportunity to acknowledge that the member for Gosford was recently inducted into the Australian Sailing Hall of Fame as a Paralympian gold medallist representative of Australia. She is to be congratulated. The member for Gosford is calling on the Government to do a number of things, including restoring disability advocacy. People who live in regional and rural New South Wales, and in multicultural and Indigenous communities, need a voice. They need representatives to advocate on their behalf.

The member for Gosford is 100 per cent correct in saying that we need the funding restored, and I make a plea to the Premier. It is not about politics; it is about restoring funding to those advocates, particularly those who represent the people the member for Gosford was talking about. Next year the Invictus Games will be held in Sydney. Labor has been running a campaign, along with the member for Gosford, for easy access lifts to be installed at the Sydney Harbour Bridge—the Government had to be forced. This is long overdue. Now the Government needs to start that work. I acknowledge the International Day of People with Disability. There is more to do, but we will get there.

Private Members' Statements

IMMIGRANT WOMEN'S SPEAKOUT ASSOCIATION

Ms JULIA FINN (Granville) (20:25): I congratulate the Immigrant Women's Speakout Association on its thirty-fifth anniversary. For 35 years the association has provided incredibly important support and advocacy for migrant women, particularly in Western Sydney. It is an amazing history that has changed the lives of hundreds if not thousands of vulnerable women. The association has done amazing work in both advocacy and direct client support across the many aspects of life where women from culturally and linguistically diverse [CALD] communities sometimes face challenges. In light of White Ribbon Day and the focus on domestic and family violence, today I want to focus on the Immigrant Women's Speakout Association and its tremendous longstanding support for women from CALD communities facing domestic and family violence.

The Immigrant Women's Speakout Association was established in 1982 to provide information, referral and support services, and to represent the issues and ideas of women of CALD communities—in particular, those who were homeless or at risk of being homeless due to domestic and family violence. In 1990 the Domestic

Violence Non-English Speaking Background Women project commenced. It was funded by the Department of Family and Community Services under the Supported Accommodation Assistance Program. The project's focus was to advocate for clients' access to community services and build their independence by increasing their skills and knowledge in sustaining safety and getting employment. Later the project team began to coordinate and address apprehended violence orders, to provide interpreters and bilingual workers and to improve service provision, and was convened by the Coalition Against Violence Against Immigrant and Refugee Women. They provided training to service providers and community groups and strengthened networks with rural women.

Following the introduction of the Department of Social Security two-year waiting period, the Immigrant Women's Speakout Association organised a women with no income network to respond to the issues facing migrant and refugee women who could not access welfare payments while escaping domestic or family violence. Since then, its ongoing advocacy and support for women experiencing domestic and family violence has been tireless. In the past two years the Immigrant Women's Speakout Association has established a multicultural women's shelter to support women fleeing domestic violence, providing them with crisis accommodation and culturally sensitive advice and support, noting the additional language and cultural barriers facing some women from CALD communities in leaving a violent partner.

The association approached me about the critical need for a specialist shelter in our area. Shortly after, I met with Ray Younes of Greenrock Property, who said that they wanted to give back to the community through making one of their sites available to a critical community need and sought recommendations from me about groups in the area that would benefit. My first suggestion was providing support to CALD women fleeing domestic violence. I was delighted that the Younes family agreed. They can be truly proud of their contribution.

The shelter provides a glimpse of the very bright future ahead for migrant and refugee women escaping domestic and family violence. It has eight beds and an on-site team of specialist support workers who assist the residents and prevent them from falling into the trap of homelessness and abusive or violent relationships through individually designed support and assistance. The shelter was funded through the philanthropy of Greenrock Property, which donated \$15,000 in the form of discounted rent; a \$10,000 grant from Parramatta Leagues Club for furnishings and appliances; and the Australian Chinese Charity Foundation, with 50 per cent matching funding by the National Australia Bank, making a total donation of \$40,000.

In 2016-17 alone, the Immigrant Women's Speakout Association supported 204 women escaping domestic and family violence, helped 1,720 women with information and advice and trained 201 volunteers. These numbers show how critical such services are. However, the Immigrant Women's Speakout Association is seeking longer term support for the Multicultural Women's Shelter to continue. A funding proposal has been provided to the Minister for the Prevention of Domestic Violence and Sexual Assault. I call on the Minister to support this great and truly important initiative that is changing lives for the better. There is a specialised service, targeting women who come from cultural backgrounds who struggle with their decision to flee domestic violence by leaving a violent relationship, fearing stigma and isolation. Many on spouse visas also fear being deported. This service gives them hope and effective support.

The Immigrant Women's Speakout Association is a success story and has played a life-changing role in helping thousands of migrant and refugee women in equity and access. I put on the record my thanks to all the workers, volunteers, supporters and friends who have supported the Immigrant Women's Speakout Association over the past 35 years. I acknowledge the tireless work and advocacy of the association's executive officer, Jane Brock, and former chairperson, Vivi Germanos-Koutsounadis, in making the shelter a reality. I also put on the record the work done by all members of the management committee, including Aurelia Gallardo, Tabitha Ponnambalam, Lina Cabaero, Safa Rahimi, Bich Thuy Pham, Myra Hechanova and Rosalin Kuriype. I know they will continue working as successfully in the next 35 years and I trust that the New South Wales Government can provide the necessary support to make that happen.

MOREE DISTRICT CRIME STATISTICS

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (20:30): Many times in this place I have extolled the virtues of a wonderful community in the Northern Tablelands—that of Moree and the people of Moree Plains Shire. It is a district and a community that I am incredibly honoured to represent in this place. I certainly love the richness, the diversity and the tight-knit community that is Moree; it is, indeed, one of the jewels of the Northern Tablelands electorate. But it is with great sadness I speak about Moree tonight. I will share in this place some news that I can no longer remain silent about—news about some strife that, for my part, has taken the gloss off Moree in recent months, and it has to stop.

Tonight I inform the House of the actions over the past few months of a group of what I can only describe as brainless thugs—people who think they are above the law, who are menacing the good people of Moree and

committing offences: stealing cars, quad bikes and motor bikes, breaking into local businesses, smashing windows and shopfronts in the main street of Balo Street, smashing up to 18 vehicles in the car park of Moree District Hospital and, as we saw over the weekend, starting to assault the senior citizens of that community. Community leaders and members of the community are frustrated and have had a gutful, and so, as their local member, have I.

The situation reached boiling point over the weekend when I was in Moree. Residents in Moree woke to the news that a well-respected 79-year-old woman was attacked in her own home by a group of young people. Not only was her home broken into while she was there, but she was hit in the face with a brick by these gutless mongrels. She suffered severe injuries and it was a miracle that she was not killed. An amount of cash she had put aside to join her family on a holiday cruise was taken. I am sickened by this incident and I take this opportunity to extend my deep regret for what happened to her and send my sincere best wishes for her speedy recovery.

Enough is enough. The rule of law must apply everywhere in this State, including in the beautiful community of Moree. These gutless mongrels must be found and they must pay the penalty. In order that such a repulsive crime is not repeated and that those people are brought to justice, I have requested that police urgently review the resources that are available locally and that they implement the strongest possible response to tackle the recurring criminal offences in Moree. Yesterday I met with the Deputy Commissioner of the NSW Police Force, Gary Worboys, APM, a man who I know commands the respect of every member of this House. He is as disgusted as I am with the events that have been occurring and escalating in Moree. I met with him to request the putting together of a police strike force to supplement the efforts of the local police and to saturate that community for as long as is needed to root out these awful elements of the community—a very small minority who think they are above the law and have no regard for people's property, space or liberties.

I was very impressed with the deputy commissioner's depth of understanding and compassion for the issues confronting the community and I have the greatest confidence that he will take this request on board. I await an imminent response from him and from the NSW Police Force. He has my full support and I know he and the actions that he will implement in that community will have the absolute full support of that community, from the mayor, Katrina Humphries, who is a tireless worker for that community, right through to the people who have been victims of these wanton criminal offences. As a community, the good people of Moree cannot allow a small group of thugs—and that is exactly what they are—to take over our beautiful community. We must stand together. Some people out there know who these people are and they know what is going on. I implore them to contact the police with information. I also implore the Department of Family and Community Services to step up to the mark in Moree and support the work of the police to ensure that we see these offenders caught and the community returned to peace and civility.

Mr GARETH WARD (Kiama) (20:35): The member for Northern Tablelands represents a vast electorate and there are many things he could have spoken about tonight, but he chose to bring the case of a number of victims of crime to this Chamber to ensure that they had a voice in this Parliament. Not only has he eloquently articulated some of the egregious concerns that he rightly outlines in this Parliament but he has also implemented action as their local member to ensure that these atrocious acts are met with the strongest response from our police. I commend the member for Northern Tablelands for being a passionate advocate and for wanting to ensure that those victims—in many cases elderly victims—have a voice in this Parliament and that their stories are told and that authorities at the highest level know that action is expected so that the rule of law is returned and implemented in Moree. I commend him for being a strong local member, for being tough on crime and for ensuring that those who have been victims have a voice and an advocate, which they certainly do in the member for Northern Tablelands.

ULLADULLA BLESSING OF THE FLEET FESTIVAL

Ms SHELLEY HANCOCK (South Coast) (20:36): Since 1956, at the suggestion of Catholic Parish priest Father Weatherall, Ulladulla has celebrated the annual Blessing of the Fleet Festival. The event is an honoured tradition with a rich history that dates back much further than the 1950s. Fishing has always been a vital industry for the Ulladulla economy, which boomed in the 1930s and 1940s following the immigration of Italian families to the region. The blessing of the fleet is a tradition originating in Sicily and has been passed down from generation to generation. This centuries-old Italian rite calls on divine providence to safeguard ships and crews from the danger of the seas.

The traditional ceremony of blessing the fleet takes place on Easter Sunday from the harbour foreshore, under the watchful eye of St Peter, the patron saint of fishermen. Fishermen decorate their boats for the ceremony and family picnic day and present a life-size statue of St Peter. Nowadays in Ulladulla, the Blessing of the Fleet festival still takes place on Easter Sunday. However, the boats have become creatively decorated and imaginative floats, and the fishermen, local community members and schoolchildren in bright and colourful costumes adorn the streets of Ulladulla. It is sensational.

A few weeks before the Easter weekend, Ulladulla also hosts the Blessing of the Fleet Princess Ball, at which young community-minded and talented women are crowned as the fleet's princess. The ball and their participation in the ensuing festival are great opportunities for those young women to get involved with the local community, and to develop the confidence, self-esteem and skills they need to become young leaders in their community. Over the course of the Easter weekend myriad colourful floats will parade down the Princes Highway, carrying the Blessing of the Fleet princess, escorted by her prince and led by St Peter to the Ulladulla Harbour, for the traditional blessing ceremony, usually performed by a local priest. There is also a wide range of stalls, food, exhibitions, games and rides on offer, as well as a spectacular fireworks display in the evening.

The massive undertaking of organising the festival for the past 10 years has fallen to the members of the Milton Ulladulla Rotary Club, who spend hundreds of hours making the event possible. My family and I have been attending the Blessing of the Fleet ceremony for more than 40 years. I can attest to the outstanding event going from strength to strength each year thanks to the dedicated Lions volunteers, the Blessing of the Fleet committee, Apex, the NSW State Emergency Service, Marine Rescue NSW, the NSW Rural Fire Service and the local police.

Unfortunately, the annual festival is in danger of being cancelled in 2018 following the withdrawal of more and more major sponsors over the past three years. This is extremely sad and distressing news for the local economy. Community members have been very clear that they do not want this festival cancelled. The event is not only culturally and historically significant for the local community but also a major attraction for visitors to the area who come in their thousands. The festival provides a much-needed boost to the Ulladulla economy, local businesses and the South Coast as a whole, with the little village of Ulladulla inundated by thousands of people each Easter weekend.

The community banded together and began a crowdfunding campaign to raise funds for the festival. I congratulate the community on doing that and I congratulate the organising committee on its ongoing efforts to secure funding for the event. However, funds raised by the local community towards next year's events are still not enough to ensure the event's survival. It is time to start looking at what other revenue is available to save the Ulladulla Blessing of the Fleet Festival. We cannot let this iconic festival die. I am determined to fight on behalf of the Ulladulla community to secure the necessary funding to ensure its survival.

Today I am calling on the New South Wales Government and the Premier to support this most important event and to invest in the South Coast regional economy and tourism industry on which so many local jobs rely. Since 2011 the New South Wales Government has made record investment in South Coast tourism infrastructure and events but so much more can be done to guarantee that the industry continues to thrive. I strongly urge the New South Wales Government to consider the Ulladulla Blessing of the Fleet Festival as a priority for funding in order to secure the festival's future. The festival has been running for more than 50 years and there is no other festival like it in the State.

I will do everything possible to ensure the community will not be disappointed next year. At this stage we are almost assured of Shoalhaven City Council committing funds but nothing is certain; we are about \$30,000 short. Surely between the State Government, Shoalhaven City Council and the local community we can raise this money. If we do not the festival will come to an end. Many costs are involved in running events like this such as insurance, fleet, road and traffic management. It costs a lot of money and it is difficult for a local community to find those funds. I assure the people of the South Coast that I will be fighting hard to make sure that this Government provides support to our local community.

Mr GARETH WARD (Kiama) (20:41): No matter where one goes on the South Coast one can see the work that the member for South Coast has done as a councillor over many years and now in her incredible work as the member for South Coast. From highways to community services she has been a tremendous advocate. On behalf of the Government, we have heard the concerns that she has raised. I commend her for her comments relating to the community groups that are involved in the fantastic Ulladulla Blessing of the Fleet Festival, which is so important for the local community. I commend the member for South Coast for her advocacy and for her unwavering support for the Shoalhaven and particularly the southern Shoalhaven. I know she has a passion for the Ulladulla Blessing of the Fleet Festival, having attended it for such a long time. I have no doubt that the member for South Coast will continue to raise these issues to ensure a satisfactory resolution. There are many things she could have been talking about in her address tonight but she chose the Blessing of the Fleet Festival because she knows how important it is to the southern Shoalhaven. I thank her for raising it for consideration this evening.

TEMPORARY SPEAKER (Mr Adam Crouch): I add my congratulations to the member for South Coast on her advocacy for the Ulladulla Blessing of the Fleet Festival. I take this opportunity to welcome Denise Drysdale and Craig Bennett to the Legislative Assembly tonight. I hope that they enjoy their evening in the New South Wales Parliament.

MEDOWIE PUBLIC HIGH SCHOOL

Ms KATE WASHINGTON (Port Stephens) (20:44): Members in this place have heard me speak many times before about the need for a public high school in Medowie. I worked consistently towards this prior to being elected and, since being elected, I have taken every opportunity to raise the need for a public high school in Medowie with former and current education Ministers. It was a decade ago that I first sat in meetings with the education department about this issue. At the time I was nursing my youngest child and had my two other young children in tow. I was a member of a Department of Education working group looking into the provision of secondary education in west Port Stephens.

Around the table were school principals, parents and citizens representatives from each of the primary and public schools in Medowie and Raymond Terrace. The group was coordinated by the Department of Education. I naively thought at the time that the campaign and the process may lead to a public high school in Medowie that my children could attend. That time has now passed. Ten years later and my oldest child has left school. My youngest child is preparing to start high school and there is still no public high school in Medowie. Many in my community have been campaigning for more than a decade. Throughout those years there have been letters, articles and discussions, a great deal of media and even commitments from Government members. In 2010 the former member for Port Stephens, Craig Baumann, said in this place:

I speak today about one of the most important issues in my electorate: the need for a high school in Medowie.

In 2015 the incoming Minister for Education committed this Government to the planning and design of a public high school in Medowie. Since then we have had nothing but excuses and silence from the O'Farrell, Baird and Berejiklian governments. The Minister for Education does not respond to my requests for a meeting about a public high school in Medowie. I have sent letters requesting a meeting but I have received no response from the Minister for Education. We all know the Minister's heart is still in his previous Planning portfolio but the Minister should know that this is a planning issue. Port Stephens Council's 2016 Medowie Planning Strategy predicts that more than 7,000 new residents will call Medowie home by the mid-2030s. The Hunter Regional Plan lists Medowie as a growth area. It is all well and good to write the plan but now the Minister needs to deliver the services for those new families.

With the end of the school year quickly approaching, families in the Medowie area are once again making the difficult decision about where their year 6 children will attend high school next year. Will they join the hundreds of students who board a bus for an hour's journey into Newcastle, Raymond Terrace or Salamander Bay? A journey on buses without seatbelts that travel on roads with a 100-kilometre an hour speed limit. Is it any wonder that parents worry about the safety of their children on the buses? Is it any wonder that parents want to keep their children close to home for their secondary education and choose to send their child to a Catholic or independent high school? Due to the absence of a local public high school, Medowie has an above average rate of families choosing to send their children to independent schools.

This Government is happy to boast about choice and about how much money it has in its pocket but what is it doing to showcase the excellence of public education in our area and what is it doing to make sure there are real options for families? The Hunter tops the list for high schools at or exceeding capacity. Forty-one per cent of public high schools across the Hunter are bursting at the seams with classrooms full or exceeding capacity. The Department of Education estimates that 3,518 additional high school classrooms will be needed across New South Wales by 2031. At the Berejiklian Government's current rate of building it will take 45 years to construct the number of school places that New South Wales will need in just 15 years.

The Government does little to assist Medowie families whose children attend Irrawang High School. Irrawang High School has the largest maintenance backlog in my electorate and requires \$1.7 million worth of maintenance work. The Berejiklian Government allocated only \$100,000 in funding. At that rate it will take 17 years to complete the work. Not far away is the Hunter River High School with a \$1.6 million maintenance backlog. It also received less than \$100,000. I urge the Minister to meet with me to discuss my electorate's great need for public education facilities in Port Stephens.

TEMPORARY SPEAKER (Mr Adam Crouch): Before I call the Member for Port Macquarie, I acknowledge the generous donation by Ms Denise Drysdale, who was in the gallery a few minutes ago. Ms Drysdale heard the private member's statement by the member for the South Coast and made a donation of \$5,000 to the South Coast Ulladulla Blessing of the Fleet Festival. I thank Denise Drysdale for her generous donation.

LAKE CATHIE SKATE AND RECREATION PARK

Mrs LESLIE WILLIAMS (Port Macquarie) (20:50): In regional communities it is often passionate individuals and local organisations that advocate for new infrastructure and work diligently in a coordinated and

inclusive manner to ensure that the job gets done. The Lake Cathie Skate and Recreation Project group is just one of those. I remember clearly when the original group convened in 2007 to discuss the possibility of a skate park for the young people in our community. I recall it was Mick Fullbrook who led the charge at that time, gauging community interest in the first instance and then working closely with the council of the day and the Lake Cathie Progress Association to explore site options. I was pleased to be a part of those original discussions and continue to support the vision for an outdoor recreation space that includes a skate park.

The skate park proposal was reignited last year thanks to the foresight of the newly formed Lake Cathie Bonny Hills Lions Club. An initial public meeting in August 2016 again sought to gauge support for a skate and recreation park. The turnout of more than 100 people was a clear indication that community interest had not waned. In fact, the Lions club demonstrated its commitment to the project by announcing that it would be its major project for 2017 as it celebrated 100 years of Lions International. Earlier this year the committee successfully applied to the Port Macquarie-Hastings Council for a community grant for \$10,000. Having reached that milestone, the committee, in partnership with the Lions club, worked hard on a range of fundraising activities and was rewarded with a further \$9,000 to fund design concepts, ongoing community engagement and plans.

This week the Port Macquarie-Hastings Council released the draft Lake Cathie Foreshore Master Plan, which aims to develop a future vision for this very popular coastal area. The draft foreshore plan includes many new features including a fenced playground, new picnic areas, new cyclepaths and footpaths, additional parking facilities and, to the excitement of many, a family skate and recreation park. Significant upgrades to the foreshore are well underway, with new toilet facilities on the southern side of Aqua Crescent and a new accessible fishing platform soon to be completed. I thank the New South Wales Government for its support through a grant of \$140,000.

This Saturday a Family Fun Day hosted by the Port Macquarie-Hastings Council will include live music, face painting, kids games and family activities. It will be the first of many opportunities for the community to provide feedback and comment on the draft foreshore plan. I congratulate the council on this exciting vision for the foreshore and urge the community to come along to the fun day on Saturday to learn more about the proposed plans and to share their views. Alternatively, community members can visit the council's website to have their say using the "submission" tab, send an email or post a response to the general manager. The Draft Foreshore Master Plan is on exhibition for community feedback until 18 December, with the final master plan scheduled to be completed by the end of March next year.

I congratulate the members of the Lake Cathie Skate and Recreation Park Project Committee, and make particular mention of president Mick Fullbrook, secretary Hayley McCleary, treasurer Carolyn Morley, publicity officer Monica Robinson, and Clare Gray, who manages photography and media. I know very well that each of these community members has dedicated a significant amount of time to working on the vision of a skate and recreation park for Lake Cathie, and I wish them well in their endeavours. I make mention also of the many local businesses who have supported the committee through financial donations and raffle prizes as well as other forms of sponsorship. In particular, Sam Nelapati of the Lake Cathie Medical Centre is the platinum sponsor and has been so supportive of the project.

Other local sponsors are the Lake Cathie Bakery, the Lake Cathie Tavern, Bob March Naturopath, The Other Chef, Julie Fullbrook Real Estate, Bonny Hills Garden Centre, Red-e-Bins, Sharman Homes, Lakeside Fashions, Caramels @ Cathie, the Lake Cathie Bowling and Recreation Club—and the list goes on, including a number of businesses in Port Macquarie. Once the plans for the skate and recreation park are finalised I will work closely with the committee to source funding opportunities. This has been a long-term vision of the Lake Cathie community and I am confident that, with the hard work, determination and dedication of the committee and support from the Lions club and the council, it will become a reality.

BATTLE OF PASSCHENDAELE CENTENARY

Ms JENNY AITCHISON (Maitland) (20:54): This year marks the centenary of the Battle of Passchendaele. This battle has a special place in the history of Maitland, as many young men from our community fought as a part of the 34th Battalion. The 34th Battalion were colloquially known as "Maitland's Own." They were named as such as it was planned that the bulk of the battalion's recruits would be sourced from around the Maitland area. As it turned out, the first recruits for the battalion were from north-western New South Wales after they joined the recruiting march at Walgett. These men were known colloquially as the "Wallabies". Together with the recruits from Maitland, they made up the 34th Battalion.

In researching the origins of the 34th Battalion diggers I read the story of a highly educated Aboriginal man, Douglas Grant. He was raised by Scottish immigrant scientist Robert Grant. Robert Grant saved his life when his parents, and much of his Aboriginal community, were killed in what was believed to be a tribal fight. Grant settled with his foster father in Lithgow, went to Scots College in Sydney and trained as a mechanical

draughtsman. He was a very accomplished young man. According to the Australian War Memorial, when the First World War broke out, Grant enlisted with the 34th Battalion in January 1916. However, as he was about to leave Australia, the Aborigines Protection Board intervened, noting that regulations prevented Aborigines from leaving the country without Government approval. Undeterred, Grant enlisted again and this time successfully embarked in August with the 13th Battalion. The entry on the Australian War Memorial website states:

Grant was a well-educated, articulate man with a thick Scottish accent...To his comrades, however, he was cherished as a remarkable figure who proved to be both honest and quick-witted.

Upon repatriation to Australia, following two years as a prisoner of war, Grant went on to lobby for Aboriginal rights and became active in returned service person's affairs. This story shows how important it is to recognise the participation of every Anzac soldier. Due to discrimination at the time, Grant had to travel a longer route to serve his country. I note it is only in retrospect that we see the impact of discrimination and the loss we suffer as a community when not everyone is able to participate. I would have been proud to call Douglas Grant one of Maitland's Own.

The 34th Battalion departed for Europe in May 1916. They participated in their first major battle in June 1917, at the Battle of the Messines. After alternating between periods of rest and trench warfare for several months, Maitland's Own battalion entered the Battle of Passchendaele in October 1917—100 years ago. As was common to locations on the Western Front, the Battle of Passchendaele was fought in horrendous conditions, with heavy rain turning the ground into thick mud. The 34th Battalion suffered losses of up to 50 per cent in this battle. It claimed the lives of so many young men. I cannot fathom the grief that gripped our town in the wake of the battle. Losing so many of our finest young men in a single battle was a tragedy for both the community and the families of those who fell. The 34th Battalion participated in the battle of St Quentin Canal and breached the Hindenburg line in September 1918. This spelt the end for the German army and the central powers.

In May 1919 Maitland's Own battalion was disbanded. It is essential that we continue to preserve, record and share the history of service in our nation. The Maitland Regional Museum, the Maitland and District Historical Society, the Maitland Regional Art Gallery and other bodies in the community are doing fantastic work to educate young residents about the history of our area. At every Anzac Day and Remembrance Day service the participation of young people grows. I particularly recognise the hard work of many individuals in our community alongside the RSL, including Janece McDonald and Peter Bogan. These two historians have worked tirelessly to ensure that Maitland's Own were properly remembered in 2017.

The Maitland Regional Museum was successful in obtaining a grant from the Department of Veterans Affairs to present an exhibition commemorating Maitland's Own. The exhibition features memorabilia, stories from local soldiers and stories of the women and children who were left at home during the war. It is a wonderful exhibition and will be open until Sunday 26 November. I encourage everyone with an interest in history to attend the exhibition and witness the contribution that Maitland made to the Great War.

Mr DARYL MAGUIRE (Wagga Wagga) (20:59): As the Parliamentary Secretary for the Centenary of Anzac, I offer my warmest congratulations to the community of Maitland for recognising the efforts of those who served in the Great War, particularly the Aboriginal servicemen who gave their lives to defend this country. We owe a lot to all our service men and women. I am pleased that as we move towards 2018 communities are rediscovering through the Centenary of Anzac and 100 years of commemoration the enormous sacrifice and bravery of the men and women who served this great country and the connections that families have with World War I. I thank the member for Maitland for bringing to the attention of the House her community's involvement. I look forward to the culmination of the Centenary of Anzac, when communities across Australia will recognise the end of the Great War in an appropriate manner.

KU-RING-GAI ELECTORATE FEMALE ATHLETIC CHAMPIONS

Mr ALISTER HENSKENS (Ku-ring-gai) (21:00): Without question, 2017 has been a breakthrough year for Australian female athletes. For several decades our women tennis players, swimmers, track and field stars and golfers have shared the limelight with their male counterparts. Until recently female athletes in most team sports generally struggled to secure publicity and spectator support for their on-field exploits let alone a commensurate remuneration. This has now changed. Women athletes are now superstars in their own right. They are not only entertaining crowds and becoming positive role models for young girls but also earning great respect for their technical abilities in sports that were previously viewed as the domain of men.

I speak today about three Ku-ring-gai women who are excelling in their chosen sports. It is impossible to have a conversation about women's sport in Australia without including Ellyse Perry, who is undisputedly the best all-round female cricketer in the world. Ellyse is the product of a Ku-ring-gai family. She was born in 1990 at the San and educated at Pymble Ladies' College. Ellyse received unfailing support from her mother and father and also from our outstanding local community sporting clubs. Two weeks ago she scored 213 not out against

England at North Sydney Oval. Not only is it the highest score ever by an Australian female cricketer, but also one that virtually guaranteed that Australia would retain the Ashes—which it ultimately did. She also took three wickets opening the bowling in that match.

In Test matches Ellyse averages over 61 with the bat and has taken 30 wickets at the miserly average of 17.33, while her performances for the One Day International team have yielded 125 wickets at 25.42 and a batting average of just over 50. Few cricketers—men or women—in the history of the game have approached that standard of excellence, and perhaps her best is yet to come. Three weeks after her debut in the Australian cricket team, Ellyse was also remarkably selected for the Australian football team at the age of 16. She scored a memorable goal at the 2011 World Cup finals against Sweden and played 18 matches for the Matildas before cricket became her abiding focus. She is still the only woman to have played at both the cricket and football World Cups. Her growing legion of fans admire her relaxed media presence, the humble manner in which she accepts her success, and the way she enjoys the achievements of others as much as her own.

Turramurra's Amy Pejkoivic is only 24 but she has been performing as a high jumper on the world stage since 2009 when, representing Australia at the World Youth Championships in Athletics in Italy, she cleared 1.85 metres and placed second. She started high jumping in primary school at the age of 10 and continued through her years as a student at St Leo's Catholic College in Wahroonga. Sadly, the dream of competing at the London Olympic Games in 2012 vanished when Amy received the shocking news that she had a brain tumour, prompting an emergency operation and an extended period away from athletics. Thankfully, Amy enjoyed a full recovery and the Olympics are back on her agenda. Her goal is to compete in the Tokyo Olympic Games in 2020. Before that, an important stepping stone is the Commonwealth Games on the Gold Coast next year. Amy is not only a high jumper. She is the newly appointed Champion sportswear ambassador and Chic Management model. Sporting her signature smile, she has featured in campaigns with well-known brands such as Stella McCartney, Adidas, Paspaley Pearls and David Jones. She is as comfortable in front of the camera as she is approaching the bar. Amy is a firm believer in the philosophy that hard work pays off and that success is the result of a positive attitude.

Just a few days ago, Wahroonga boxer Kaye Scott qualified for her second Commonwealth Games and this time she is determined to win a gold medal. Kaye had been training as a boxer for only 3½ years when she travelled to Glasgow for the 2014 Commonwealth Games as captain of the Australian boxing team. She narrowly missed a medal, losing in the quarterfinals. Since then, she has become Australia's most successful amateur boxer at a World Championships, snaring the Light Heavyweight silver medal in Kazakhstan in 2016. Kaye has since dropped two weight divisions, winning the Welterweight gold medal at the 2017 XII Silesian Boxing Women's Championships and has remained unbeaten for three months. She is known for her fierce determination which—together with her powerful punching, quick feet and good strategic brain—makes her a formidable opponent.

More women now engage in combat sports, both as a cardio workout and to learn how to defend themselves. Kaye trains at the brand new state-of-the-art Police Citizens Youth Clubs in Waitara, which has excellent boxing facilities that will enable her to undertake the optimum preparation for the Games. I am looking forward to watching Kaye go for gold next April and enhance her reputation as one of Ku-ring-gai's sporting greats. Ku-ring-gai is immensely proud of these three magnificent women and inspiring standard-bearers for women's sport, and we have much to look forward to with trailblazers like these three women.

CENTENNIAL PARKLANDS

Mr RON HOENIG (Heffron) (21:05): Centennial Parklands in my electorate is not only a beautiful public park but also one of the great public squares and the jewel in the crown of Sydney's green spaces. It is the cradle of Australian Federation, a living tribute to our democracy and our post-European history. Yet residents in my electorate are anxious about the future of Centennial and Moore Park. Sadly, they are right to be so. The parklands face a variety of existential threats both within and without that must be resisted if the parklands are to remain—in the words of Sir Henry Parkes—"emphatically the people's park". On 23 September 2017 Fairfax columnist Elizabeth Farrelly published a piece entitled "Sydney's future: Concrete, asphalt and steel as greed overwhelms public benefit". I could not have written a more succinct analysis of the issues facing Centennial and Moore Park if I tried. The parklands are at the eye of the perfect storm of projects that are permanently changing the face of our city. Ms Farrelly identified the problem with precision. She wrote:

It has three parts. All of them alienate public land, destroy public beauty and funnel public funds for private benefit—and they focus on poor, hacked-about yet much-loved Moore Park. There's the huge Allianz Stadium redevelopment that keeps seeping out through leaky government denials. There's the Entertainment Quarter (the old Royal Agricultural Society showgrounds) redevelopment by a bunch of wealthy mates. And there's yet another massive new road being ramrodded through some of Sydney's most fragile fabric by the Sydney Motorways Corporation.

Of the cumulative effects of this project, Ms Farrelly wrote:

It's not breaking eggs to make an omelette. It's breaking eggs to funnel public assets permanently into private coffers, draining the city of its texture, lifeblood and sweetness.

That is the reason that the parklands are in mortal peril. It is the raw, insatiable ideology of those opposite who stormed to government and seem to wish to do little else but to serve up on a silver platter many of our public assets to gratify the rapacious appetites of private profiteers. One of my first fights over Centennial Park came shortly after the area was redistributed into my electorate. As the tail of the Sydney Cricket Ground [SCG] Trust wagged the State Government dog, the Coalition sought to take vast swathes of Kippax Lake to build a new stadium and turn the existing Allianz Stadium into a colossal car park. With the help and support of the Lord Mayor, the member for Sydney, the member for Newtown, then environment Minister the member for Cronulla, and ultimately the then Premier of New South Wales, we won that fight.

Earlier this year I was given a solemn and personal commitment by Mr Tony Shepherd, chairman of the SCG Trust, that any redevelopment of Allianz Stadium would be constrained to its existing site and no public space would be taken in the process. I will be watching to ensure that any redevelopment of that site is not simply a stalking horse for the commercialisation of surrounding sites. The heart and soul of Australia's television and film industry is located next door in the showground precinct in Moore Park, which is safeguarded by a State environmental planning policy that states it is to be used exclusively as an arts and culture hub for the preservation of the Australian film and television industry. Only yesterday I met with the Minister for Planning and sought an assurance from him that that State environmental planning policy will not be altered.

The Entertainment Quarter is next door. The success of the commercial precinct has never quite managed to materialise. Its new owners, John Singleton of Macquarie Radio, Gerry Harvey of Harvey Norman and venture capitalist Mark Carnegie, have said that the potential to redevelop the site is "endless". It will come as no surprise for those fluent in Sydney business-speak what that means. Put simply, there lies within a few minutes' walk—12 minutes actually—from Central Station, many square kilometres of land prime for a huge redevelopment. Those who would seek to turn over the parklands from the people and into their pockets are circling. The enemies of the parklands are like the multi-headed Hydra: You can slay one part of the beast at a time, each battle distinct, but the monster fights on, every fibre of its being striving towards its ultimate goal—the commercialisation and desecration of our great public parklands for private profit. And this beast will not rest. It is about the defence of an ideal: the public good. It is an idea alien to the government of the day, but it is one that is deeply Australian. To those who love the Centennial Parklands as much as I, let it be known that I will be its champion. They are too important to lose; the public good must prevail.

DYING WITH DIGNITY

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (21:10): Last Thursday the Voluntary Assisted Dying Bill 2017 was debated in the upper House, and defeated by 20 votes to 19. During the community consultation period I conducted a survey for the people of Ryde to have their say on this issue. I thank my community for their thoughtful and touching feedback during this process. Many people opened their hearts and provided important insight into the challenges faced during this debate. We received hundreds of responses, and in light of last week's decision I want to read some extracts on behalf of my community to highlight the variety of views represented throughout my consultation. The first comes from a member of the community whose experience with her father's death influenced her support of voluntary assisted dying. In her submission she stated:

I watched my elderly father die a slow and undignified death, which made him and all my family very sad. Over a period of 18 months he lost the ability to walk properly and to carry out normal everyday functions such as self-care and grooming. In the end he could no longer toilet or feed himself. He was not suffering dementia, and was very aware of his own decline; he was profoundly saddened by how "useless" (his words, not mine) he'd become. I never, ever want to go through this myself and don't see why anyone thinks they have the right to force other people to suffer.

Another constituent details their mother's painful passing, and her desire to have the choice to die with dignity. She stated:

Mum passed away in June 2016, she was 88 years old. She was living in a nursing home and very unhappy. She was blind, could not walk...so needed help with toileting and showering. She was unable to feed herself. Sadly her mind was good, which made her circumstances very difficult to endure. My mum said on many occasions, "Why is God not taking me home?" There was no quality of life by the end—she should have had a choice.

Another wrote of their battle with cancer, and how this led to their support of the Voluntary Assisted Dying Bill. My constituent stated:

I am suffering terminal cancer, and I am concerned about my end of life suffering and the toll it will take on me and my family as they watch me deteriorate. I am really quite scared as to what the very end of my life will be like. If my situation was totally unbearable, the knowledge that I had the option of Assisted Dying would be a great relief to me.

Whilst I received many submissions in support of the Voluntary Assisted Dying Bill 2017, I also received responses against it. I will share some of them. A doctor who lives in Ryde expressed concerns about the legal constraints of the bill, and stated:

As a medical specialist, I have met many patients with advanced cancer who are deemed unlikely to survive 12 months. With the advent of new medical treatments, many of these patients are now cancer free at 5 years. Patients also have vastly different pain thresholds, with psychological distress known to exacerbate the perception of pain. For all these reasons I am strongly against Voluntary Assisted Dying.

Another detailed how their experience with cancer resolved their objection to the bill, and stated:

Having had cancer myself, I understand how people may want to choose self-termination. But is it really our choice? That doesn't mean that we do not provide the utmost level of medical care, keep people as pain free as possible and surround them with love. Once we start making exceptions, we don't know where it will end.

What is clear from the debate, and the responses I have received, is that voluntary assisted dying is a deeply personal issue, where considerations such as life experience and religious belief play an important role in framing one's position. As we have seen from our counterparts in Victoria, the debate on voluntary assisted dying will not fade into obscurity. About two hours ago the Voluntary Assisted Dying Bill in Victoria passed its upper House and is now likely to become law in Victoria. This will therefore mean that Victoria will be the first State to allow voluntary assisted dying. This has significant implications as people now may travel to Victoria if they wish to seek a resolution to the end of their life through voluntary assisted dying. I take this opportunity to thank the people of Ryde for engaging so honestly and respectfully in this debate and for their incredible courage, openness and ability to share their personal stories.

HILLSBOROUGH ROAD SAFETY

Ms JODIE HARRISON (Charlestown) (21:15): When I was elected to represent the people of Charlestown in October 2014 a number of people contacted me with complaints about increased traffic congestion and safety issues on Hillsborough Road. Hillsborough Road, one of the Hunter's busiest roads, is a choke point for traffic and offers little access to safe pedestrian crossings. It has always been an accident waiting to happen—and, on 28 April 2016, that accident happened with the tragic loss of young Jade Frith. Jade passed away due to injuries sustained from being hit by a car while trying to cross this notoriously dangerous road. Over the past 20 years the road, which joins Charlestown with Warners Bay and the western side of Lake Macquarie, has become an increasingly busy thoroughfare. There are major shopping and entertainment destinations on both sides of the road that empty onto the equally busy King Street and Macquarie Road, through an often-congested roundabout. It is a stretch of suburban road that has struggled to keep pace with the area's growth, development and expansion.

On one side of the roundabout is Warners Bay High School and on the other side is a popular fast-food restaurant. Despite all the pedestrians and traffic, the only safe place to cross from one side of the road to the other is a set of pedestrian lights 400 metres back up the hill. Students from Warners Bay High risk their lives every day by darting across the road in front of traffic. In 2014, I was advised that the Hillsborough Road Traffic Study, which was to address safety, travel time reliability and incident management challenges between Charlestown and Warners Bay, would be released. It did not happen. In March 2015 the Government announced \$4 million for a corridor study for the section of Hillsborough Road west of the Newcastle Inner City Bypass. This study was meant to be completed and put on public exhibition before the end of 2015. The results were never released. Instead, Roads and Maritime Services extended the study to include all of Hillsborough Road and all State roads between Charlestown and Warners Bay. This study was scheduled to be finished in 2016. The former Minister for Roads, Maritime and Freight, Duncan Gay, wrote to me on 25 May 2016 and stated:

Road safety is a top priority for the NSW Government...

Lake Macquarie Traffic Study community consultation is expected to start in the coming months. We expect the draft Charlestown to Warners Bay corridor strategy will be displayed for community feedback later this year.

That year was 2016. So on 17 November last year I asked the Minister the following question on notice:

In the Hillsborough Road Safety debate on 23 June 2016, the Member for Tamworth said, "The draft Charlestown to Warners Bay corridor strategy is expected to be displayed for community feedback later this year." Is the Charlestown to Warners Bay traffic study and community feedback on the study still scheduled to happen this year?

I received the following written response to that question on 22 December 2016:

The Charlestown to Warners Bay Draft Corridor Strategy is currently being reviewed by the Government. It identifies short, medium and long-term road investment priorities to address safety, travel time and incident management challenges on the Charlestown to Warners Bay corridor. It is expected that the draft strategy will be displayed in early 2017 to ensure improvements within the strategy meet customer needs. It is now the end of 2017 and I am still waiting for this Government to release a study that has been four years in the making. I have asked the current roads Minister, "Why will you not release this report to the community? What do you have to hide?" I have written to Ministers, asked questions on notice, tabled two petitions—including

one with over 15,000 signatures—applied for access to information under the Government Information (Public Access) Act and I have even written to Minister Pavey, pleading for her to come to Charlestown to inspect Hillsborough Road so she can see first-hand the issues facing the thousands of commuters who travel on this road each day. My community has the right to know what is being investigated and studied and they want a solution before another life is taken. Denying the public access to information on how the Government plans to fix the Hillsborough Road problem again shows this Government's lack of transparency and is yet another example of this Government's arrogance towards the people of the Hunter.

HOLSWORTHY ELECTORATE INFRASTRUCTURE

Ms MELANIE GIBBONS (Holsworthy) (21:20): The end of the sitting year has given me a chance to look back over the past year, and whilst it may be a little indulgent, I have noticed that 2017 was a big and positive year for the Holsworthy electorate and indeed for New South Wales. It was a year of delivery and of providing the essential programs, local infrastructure and services that the electorate needs. The pressures relating to cost of living increases are important to many of the residents in the Holsworthy electorate and they are echoed across New South Wales.

The Liberal and Nationals Government recognises this and has implemented a strong program to assist with these pressures. We are reforming the compulsory third party [CTP] green slip scheme to provide newer, lower cost policies. New South Wales drivers will save up to \$172 a year from 1 December of this year. We are providing free car registration if motorists spend more than \$25 a week on average on tolls, saving the majority of eligible vehicle owners \$358 a year with potential savings of up to \$715 a year. We will introduce a \$100 Active Kids Rebate from January 2018 that will help families with registration and participation costs for sport and fitness activities for all children who are enrolled in school up to year 12. We will also increase all six New South Wales Government energy rebates by 20 per cent so that a typical pensioner can get \$395 off their combined electricity and gas bill—an increase of \$70 a year.

We have also been able to provide assistance to our younger residents and help them to start their futures through our first homebuyer's package. This package, announced as part of the New South Wales budget, removes stamp duty for first homebuyers for both new and existing homes and properties up to \$650,000 and reduces stamp duty for first homes between \$650,000 and \$800,000. This policy is already helping: since July, approximately 240 homes have been purchased in the Holsworthy electorate using the stamp duty exemptions or concessions. For many young people or young families, this means the end of renting or living with family and the beginning of a new, exciting chapter that many people in our local area dream of.

The Government has helped preserve Liverpool's local history this year. At the beginning of November, I had succeeded in obtaining State Heritage status for one of Liverpool's oldest buildings: the former Liverpool courthouse. During the last election campaign, I committed to working to get this site onto the State Heritage Register. With so much change happening in Liverpool, I am glad I have been able to play a part in protecting this important site. It will be protected for years to come. I was also able to secure a \$29,690 grant for the Moorebank Heritage Group to increase the knowledge, understanding, significance and awareness of the former Liverpool to Holdsworthy—as the suburb was formerly known—military railway and Holdsworthy Internment Camp.

This year we have been able to provide funding to deliver many different local infrastructure projects that are important to the many residents in my local area. Some of these projects include: providing additional classrooms at Prestons Public School, Liverpool West Public School and Marsden Road Public School; \$2.9 million towards the planning for the duplication of Heathcote Road between Infantry Parade and The Avenue; \$1 million to commence the construction of traffic improvements at New Illawarra Road and Heathcote Road; \$800,000 to complete construction of traffic improvements at Hill Road and at Flowerdale Road, and commencing design at Banks Road and Joadja Road; providing a much-needed right turn arrow from Walder Road onto Heathcote Road—a project that I have been working on and advocating for since I was first elected. We have also provided funds to plan for the provision of a school bus between Holsworthy and Menai, and I believe I will soon have a finalised document with the exact route and timing.

Education is important to the New South Wales Liberal and Nationals Government, and we have delivered in this key area to ensure that our students have the resources they need to excel in their studies. As I have already stated, I have been able to secure funding for additional classrooms at Prestons Public School, Liverpool West Public School and Marsden Road Public School, and was able to invest \$11,930,000 into our local schools through the resource allocation model—an increase of \$2,713,089 from 2016. We have also secured more than \$5 million for local public schools to address outstanding maintenance tasks, ensuring students and staff have the best facilities possible. This was part of the Government's \$390 million injection to bring down the \$1 billion education maintenance backlog that was left to us after Labor's mismanagement of the State's finances. All of the above could not have been achieved without the hard work and strong financial management of the New South Wales Liberal and Nationals Government. I am glad to serve in a Government that values our local communities and delivers for them.

ASHFIELD PEDESTRIAN CROSSINGS

Ms JODI McKAY (Strathfield) (21:25): I bring to the attention of the House a road safety issue that is of great concern to my community. This issue has lingered for too long and despite repeated requests and even an acknowledgment by the Government that safety needs improving, nothing has been done. This House should condemn the Government for its inability to improve safety at two pedestrian crossings on Frederick Street in Ashfield. Those crossings are at the intersections of Henry Street and John Street. Both intersections have been the site of numerous accidents and near misses over the last few years. Frederick Street is already one of the busiest roads in my electorate. It provides a connection to City West Link, Parramatta Road, Liverpool Road and Georges River Road, and traffic on this road will get worse when the M4 East stage of WestConnex is completed early in 2019.

I make it clear to the House that I would much prefer to work with the Government in a conciliatory and cooperative way to address this important local issue. However, the Government's continual refusal to act on this issue and to solve this problem has left me no choice other than to bring this issue to the Parliament. I genuinely and sincerely fear that there will be another serious accident at one of these crossings. The residents of my area who have raised this issue with me so many times over more than two years have also reached a point of utter frustration. I thank all those who have spoken to me about their concerns and who have made approach after approach to the Minister, to the Roads and Maritime Authority [RMS] and to the Inner West Council. I thank Inner West Council because they have also been lobbying on this issue but they, too, have run into a brick wall. I have seen emails from residents that date back more than two years. These email trails show confusion as promises have been made, funding has been allocated and then removed, and plans have apparently been completed but then in other emails have returned to draft form.

This year alone, I wrote to the Minister for Roads about this issue in May, in September and in early November. In the response to the May letter I was told that detailed design works were completed but in other conversations with RMS staff since that time I have been told the designs are still being finished. So which is it? Are the designs finished? Are they underway? When will this work start? The Minister has refused even to answer my last two letters which requested she publicly release a timetable for the project. Until we have it in writing and until the Minister gives us a commitment as to when this work will start, when it will be finished, and when safety will be improved at the John Street and Henry Street crossings on Frederick Street, we cannot believe a word that the Government says.

While this Government dithers and delays, the accidents keep happening. In May this year, a student at De La Salle College in Ashfield was hit by a car while using the John Street pedestrian crossing. This incident followed a number of other safety incidents over recent years. RMS figures show that 30 people were seriously injured in crashes on Frederick Street in 2015 and 2016. Many of those incidents occurred at intersections. The Henry Street and John Street crossings are used by local residents and also students and families from The Infants Home, Burwood Girls High School, Croydon Public School, De La Salle and Bethlehem colleges and Ashfield Public School. It is appalling that a \$17 billion motorway is being constructed 100 metres from one of those dangerous crossings on Henry Street. How can that \$17 billion motorway be constructed when the Government cannot find the funding for a crossing that is used daily by students and their families? The issue has become so significant that we local residents have been painting turning lines at the John Street crossing in a desperate attempt to do the job for the Roads and Maritime Services.

I thank local residents, whom I will not name in this place but who contact me regularly about the safety of Frederick Street. Those residents genuinely care about the safety of our community. I also acknowledge the work of Councillor Lucille McKenna and Action for a Safer Ashfield in their dedication and commitment to see a safer Ashfield for everyone. I urge the Government to stop dithering and to get on with delivering these vital upgrades to ensure the safety of pedestrians in our area. We simply cannot have another accident at one of those crossings.

TAREE COMMUNITY KITCHEN

Mr STEPHEN BROMHEAD (Myall Lakes) (21:30): Tonight I inform the House about the great work of the Taree Community Kitchen. Recently the Deputy Premier spent a couple of days in the Myall Lakes electorate to look at a number of issues. The last thing we saw, but probably the most important of all the sites we inspected, was the Taree Community Kitchen. Towards the end of 2015, when CatholicCare took over the operation, I had the pleasure of attending its opening, but when the Deputy Premier and I visited the kitchen it was to celebrate the service of 10,000 meals by CatholicCare. It was great to meet with Gary Chistensen, Director, CatholicCare Social Services Hunter-Manning. We also talked to volunteers like Shaun Higgins and his wife, Joy, who give of their time. Shaun works but every week he helps out at the kitchen. Many businesses in the Manning Valley support the kitchen, including Coles—SecondBite Community Connect, Woolworths, Mayo Private Hospital, MidCoast Council, Taree West Plaza Butchery, Lambert's Butchery, Eddie's Fresh Chicken, Bakers

Delight, McGrath Butchers, Car Park Deli, Mentges Master Meats, Manning Valley Pie Company, Centerpoint Fresh Chickens and Game Meats, Gourmet Meats and Chicken, Old Bar Beach Quality Meats and Solomon's Fruit and Vegetables.

Each day the volunteers receive food donations from businesses across the region. There is no set menu. They make the meals from whatever products are available to them, and they do a fantastic job. Meals are provided from Monday to Friday but they would love to also provide meals of a weekend. To do so, they need more volunteers. I challenge the people in the Manning Valley who have time on their hands to think about volunteering at the Taree Community Kitchen. Obviously, it is hoping that the business community will continue its generosity if the kitchen provides meals on weekends. I congratulate CatholicCare and all its volunteers at the Taree Community Kitchen. I met the Deputy Premier at Bulahdelah where we looked at the new Rural Fire Service roadside digital sign. Obviously the sign warns about fire danger but it can be digitally altered to show other community messages—for example, water over the road. We also went to Dorney's Mill where we talked about issues in the timber industry. From there we went to Cundletown where we looked at the proposed northern gateway and talked about how the regrowth funding would assist that project—it has been talked about for several years now. We then met with the Jets Soccer Club at Cundletown to talk about their needs for sporting facilities.

At Taree we looked at a proposal for the regional sport centre of excellence and the need for something like that in the Manning Valley. We went to a business breakfast and to 2RE Radio. We also inspected Manning Base Hospital. We spoke about some of the issues at Wingham Showground. We spoke with Donna Carrier, the principal of Bent on Food. We also drove over many roads and bridges. I spoke with the Deputy Premier about the need for the State Government to match the council's \$50 million loan for this infrastructure. As I said, we finished the two days at the Taree Community Kitchen. I thank the Deputy Premier for coming to the electorate of Myall Lakes. I call on the Government to provide \$2 million in funding to plan for the stage two and stage three redevelopment of the Manning Base Hospital and funding of \$50 million for the roads and bridges program.

ETTALONG CHANNEL DREDGING

Ms LIESL TESCH (Gosford) (21:36): Every morning as I walk the dog the beautiful Brisbane Water glistens. It is home to whale dreaming stories of the Guringai and Darkinjung people from many, many strong generations before now. Whales came into the Brisbane Water to give birth in Hardy's Bay. There is a community story of the whale that beached in Koolewong. Mobs travelled along the song lines from north and south, and from west of Mount Yengo, onto Darkinjung and Guringai land to connect, share stories, feast and celebrate together. Now the mouth of our beautiful Brisbane Water is too shallow and too dangerous to allow the passage of a great humpback, nor even accommodate our local ferry when the tide is low.

Our local fishers struggle to get their fishing boats through the Brisbane Water channel, and local boat owners are reluctant to take their boat out into the Hawkesbury or offshore as navigating the channel is too dangerous. When the ferry and the fishing boats cannot get through, our local yachties are scared. They are scared by the shallow depth and the state of the sea that plunges the keel of boats onto a too-shallow sand-bank—and that has happened to many of us—just days after one of two \$160,000-a-pop emergency dredgings was completed by the New South Wales Government. The state of the mouth of the Brisbane Water is so bad that members of Gosford Sailing Club have formed a committee to lobby the New South Wales Government to improve water access to the Brisbane Water.

In 2017, many Gosford Sailing Club races have been depleted—in one case, from 35 boats to eight boats—or cancelled altogether, as the yachts cannot get through the Ettalong Channel. Perhaps, more importantly, the Pittwater and Sydney yachts cannot get in to race against our local sailors or spend money in our local economy, which relies so heavily on visitor spending. This also impacts the constituents of the member for Pittwater. We cannot get to the Royal Prince Alfred Yacht Club or the Royal Motor Yacht Club, or share an after-race meal, followed by a night on the yacht in the beautiful Hawkesbury. Members are not using their yachts, and even the annual visit from the Akuna Bay Cruising Club dwindled to eight boats prepared to take the risk. At four to five people per boat eating and sleeping in our community, this results in a considerable loss of income for Gosford Sailing Club, which members do not want to continue over the 2017-18 summer.

This group has said that the more than \$300,000 so far spent by the New South Wales Government is a "piecemeal waste of taxpayers' money". They stand beside the Hardy's Bay Residents Group and members of the Woy Woy-Ettalong-Hardy's Bay RSL, in stating that the dredging of the Ettalong Channel is critical and a matter of extreme urgency. This is similar to the voice of local shop owners on both sides of the channel, as the ferry is not arriving and delivering the tourists who spend their money in Ettalong, Umina, Wagstaff and Hardy's Bay Village shops, the Mantra, Ettalong Diggers Club or Hardy's Bay Club. They are all missing out.

All of the people who work at our tourist promotion desk were more than happy to join the 500-plus signatories from the community, demanding an urgent, long-term dredging solution. Unless action is taken

quick-smart by the New South Wales Government, this summer will be economically grim for the local community that relies on the tourist dollar from Sydney and the northern beaches. In the next five weeks, our school kids and their parents will be disappointed yet again if the ferry has to divert during low tide or high seas. Our tradies, and all the other people who rely on the ferry as public transport to get to work will be inconvenienced—again.

Our ferry operators and their drivers are our heroes. Fantasea Ferries connect Ettalong and the peninsula and all of the Central Coast to the northern beaches every day. Ten times a day our locals and tourists can travel back and forth to the northern beaches. Every day the poor ferry operators must keep a close eye on the weather, the tides and the state of the sea, and make the disappointing decision to divert the ferry to Patonga because the temporary dredging completed by the New South Wales Government to date is not adequate!

I reiterate to the Berejiklian Government, the Minister for Primary Industries, the Parliamentary Secretary for the Hunter and Central Coast, and the member for Terrigal that our community is absolutely desperate. We need a long-term, satisfactory solution to the dredging issue at the mouth of the Brisbane Water. We did not want to see another \$160,000 of taxpayers' money spent uselessly on another "emergency dredging". All the locals knew the job was not done properly. That was confirmed when our ferry hit the bottom in a supposedly just-dredged area two days after the dredge had supposedly finished its job.

The emergency dredging does not make our channel safe for the tourism joy of summer. Even the local Marine Rescue confirmed that rescues are down for the past few months—local people are not using their boats. The New South Wales Government should stop passing the responsibility buck to our local council and should protect our lives and livelihoods before the Christmas season. The people of the Gosford and Terrigal electorates want to use their boats, as they love to do, and welcome visitors from across the Hawkesbury. Most importantly, the Government should dredge the Ettalong channel properly, before serious injury occurs.

BUSINESS WOMAN OF THE YEAR VIOLET ROUMELIOTIS

Ms SOPHIE COTSIS (Canterbury) (21:41): Congratulations Violet Roumeliotis, the chief executive officer [CEO] of Settlement Services International [SSI]. Last night, Violet was awarded the prestigious 2017 Telstra Australian Business Woman of the Year. I know that all members of this House, regardless of political persuasion, acknowledge the work of Violet Roumeliotis and the organisation that she leads. I congratulate her on this national recognition of her leadership and on her compassionate approach to business as the CEO of this amazing not-for-profit organisation.

There were 45 finalists and 4,000 entrants. We are very proud of Violet, a New South Welshwoman—one of ours from Western Sydney. It is fantastic that a daughter of immigrant parents who came to Australia with absolutely nothing but a desire for a better life for their children has succeeded on such a national platform. Today we see Violet's achievements on the national stage. Violet has been working in this sector for many years, breaking down barriers and working with refugees, asylum seekers and people from multicultural communities. In the past four years, under Violet's leadership, Settlement Services International has grown its revenue from \$9 million to \$110 million. That is an extraordinary achievement.

Moreover, I recognise Violet's work in giving a voice to vulnerable Australians. Violet has worked tirelessly in breaking down barriers for refugees, migrants and people seeking asylum, so that everyone—no matter the circumstances of their birth—can prosper with the same opportunities that Violet has had. I am very proud because people such as me looked up to Violet; she was a pioneer for people like me who come from non-English-speaking backgrounds. Being a pioneer, Violet laid the foundation for the next generation, and we are very proud.

I recognise Violet's work and accomplishments: a member of the Metropolis International Committee; a delegate to the Office of the United Nations High Commissioner for Refugees and the Annual Tripartite Committee on Refugees; a member of the Justice Multicultural Advisory Council; a member of the NSW Police Multicultural Advisory Council; a board member of the Sydney Alliance; an executive member of the Settlement Council of Australia; and a past chair of the South West Sydney Legal Centre. Through Violet's employment and enterprise efforts, 1,185 people have gained employment in the past 18 months, and I proudly acknowledge her contribution in ensuring that all those people were able to gain a job. Joe Pollard, the Group Executive Media and Chief Marketing Officer at Telstra told the media today:

It's just this phenomenal story. It's not only a worthy social enterprise but her business acumen is amazing.

Violet said that when growing a successful business "you can still have hearts and values". Her words inspire all of us to further uphold the values of this nation in giving back to the community which has given us so much. Furthermore, as the shadow Minister for Women and Multiculturalism, I recognise and congratulate Violet not only for advancing the status of people from multicultural communities but also for her innovative work and her

leadership in ensuring that women, particularly those from non-English-speaking backgrounds, are recognised for their contribution to advancing our nation. Congratulations Violet Roumeliotis.

CONTAINER DEPOSIT SCHEME

Ms JENNY AITCHISON (Maitland) (21:46): I also congratulate all the winners and finalists of the Telstra Business Awards. It is great to see a woman from a migrant background taking out the prestigious national award. Tonight I speak on an issue of concern to business people in my electorate: the Government's Container Deposit Scheme. Very serious concerns have been raised with us by a number of retailers and beverage manufacturers in our community. They have written letters to us about the serious effects particularly on small beverage companies, to the point where they believe a number of these businesses will have to close. Yesterday I met briefly with Elizabeth Etherington from Bevco Pty Ltd, a company that makes Orchy and Macquarie Valley juices. The company's real concern is around having to sign huge contracts. They have been told everything will be all right, everything is fine, but come 1 December these people will be in serious financial difficulties—in fact, so badly that the Government will have to bail them out. It is a sad indictment on members in this place that these business people are not receiving help. One has said:

For the past 2 years my husband and I have been speaking to our local National Party representatives to no avail. I write to you today to highlight a plight that is affecting all Regional family owned beverage manufacturers. This particular manufacturer has been employing local people in Mudgee since 1876. In fact, their factory's Australian Business Number is 000 000 797. They have successfully negotiated the ups and downs of the beverage industry for more than 140 years and they have employed community members over that time. However, they say that because of the legislation that the Government is bringing in and because of the Government's decision, they will be charged nearly \$500,000 a year to create this new recycling scheme. They are getting backlash from their retailers because the retailers are having to force the issue, and that affects small businesses in my electorate where we have a container deposit scheme that was supposed to deliver 500 container deposit machines before the implementation date. The Minister has now said it will be about 200, but we have only about 20. That is where I turn to people like Steve Smith from Yass, who has a number of IGA services. He has told me that the bottom line is that this scheme is poorly planned and is even more poorly executed.

It is the little guys that this scheme will hurt. They have found that obtaining a machine is nigh on impossible. They have emailed the contractors for collection but do not get a response. They have emailed the company that organises locations and are told that they are not authorised for a collection point. At the same time, they have to compete against the major retailers who are not putting up their prices because they are able to absorb the costs within their margins due to the fact that they receive special deals from manufacturers. These small retailers will have no outlet for people to return cans and other drink containers in order to claim their container deposit, which justifies the expense of buying from them.

The whole thing has been a debacle and will hurt small retailers. A major issue that has been raised concerns shops in border towns such as Albury and Mungindi and in the Tweed and Monaro areas where they will have to compete with retailers in other States which do not have to comply with similar legislation. Last week I attended a breakfast of the MGA Independent Retailers with the Chief Executive Officer [CEO] Jos de Bruin. He and his members were extremely concerned about the matter. I note that Federal Minister Craig Laundy, MP, was at the breakfast. There were no representatives from the New South Wales Government. The retailers feel that the Government has been ignoring them on this issue and refusing to engage on its poor policy implementation. We will be doing all we can to try to get the Government to make this scheme work. The last thing that small businesses in this State need is yet another flawed rollout and failed implementation of policy by this Minister.

NORTH SHORE ELECTORATE EVENTS

Ms FELICITY WILSON (North Shore) (21:51): I speak tonight about some of my local North Shore community sporting clubs and other engagements I have attended with our Ministers in recent months. We are so blessed to have such a vibrant and lively culture locally. In the past few months I have had the pleasure of welcoming several Ministers to my community to engage with people in my electorate and to speak about policies of importance and portfolio areas.

I recently had the pleasure of welcoming to the electorate the Minister for Sport, the Hon. Stuart Ayres, to announce the fantastic new \$4 million Local Sport Defibrillator Grant program, which will help fund more than 2,500 potentially lifesaving defibrillators for sporting clubs across the State. I was delighted to be joined by a number of local clubs for the announcement, including the Sydney Flying Squadron. This is one of the first clubs I visited when I was elected and I have attended one of its board meetings. I was joined by Mr Bill Loader of the Sydney Flying Squadron and Mr Justin Dethridge, representing the Mosman Swans Junior AFL Club. I have met Justin on a number of occasions to speak about support we can provide to Mosman Swans and I visited the club earlier this year to talk about funding that had been secured by the New South Wales Government for a new scoreboard.

Present at the announcement was Greg Scott from the Neutral Bay Club. I am a regular visitor to the club as it is around the corner from both my home and my office. This vibrant local club is well known for its tennis competition. I attended an Anzac Day service at the club, which is a great addition for our community. Also present was Tom Jeavons-Fellows from the Mosman Rugby Club, which is a local institution. I joined members earlier this year for a Ladies Day event which they host every year in support of the Sydney Breast Cancer Foundation. I thank them for their support of that important organisation. Also joining us was Marjorie Lehmann and Mary Gibson from the Mosman Croquet Club. Earlier this year I had the privilege of taking the Minister out to the Mosman Croquet Club. I am supporting the club's funding request for a new fence to improve safety on the site.

I thank Louise Walker from the Mosman Football Club who joined us for the announcement. A couple of weeks ago the club hosted a Pink Cup at George's Heights. They were joined by the Manly Warringah Football Association. The Pink Cup raised many thousands of dollars for the National Breast Cancer Foundation. I thank Louise Walker and congratulate the club on that initiative. I note also the presence of Jack Bury and Shannon Fraser from the Northern Suburbs Rugby Union. Many would know that not long ago this club were finalists in the Shute Shield at our very own North Sydney Oval. I was happy to go along and support them but less happy that they were unsuccessful in the Shute Shield grand final. It was won by the heart-string favourites on the evening, the Warringah Rats.

Luke Keller from the Mosman Lawn Tennis also joined us. I will be meeting with Luke next week to talk about the needs of this important local club. Also there were Karen Wiles and Nic Bannister from the Mosman Netball Club. I recently secured \$150,000 in funding for lighting for the netball courts at the Mosman Drill Hall. This is an important way for the Government to support women's sport in our local community. I joined club members last week for a committee meeting to support them and to talk about their future needs. I thank also Stephen Brown from the Mosman Tennis Club and Bernie Smith from the Mosman Cricket Club. Last week I participated in an ashes event that the club hosted and I am supporting a funding request from the club to install new cricket nets in Mosman. It was exciting to see the double header at Allan Border Oval but less exciting was the loss to the University of New South Wales [UNSW] team. However, they had a win over North Sydney, with Brett Lee playing for them in the afternoon. I do not think I should take sides between Mosman and North Sydney but it was good to see such an enthralling and thrilling match and cricketer Brett Lee on the weekend.

I also thank Christine Cannon from the Mosman Hockey Club, Bill Pettigrew from the Royal Sydney Yacht Squadron and Duncan Bendall from North Sydney Hockey Club whom I met with to speak about getting support through North Sydney Council for local hockey fields. I also thank Jacinta Paton from Warringah Bowls in Mosman and Luke Simmonds from the Norths Group who hosted us at the greens. Luke is a strong supporter of local sporting organisations. While the Minister was in town we visited the incredibly special Sailability, an organisation that enriches the lives of people of all abilities through the wonderful sport of sailing. This organisation is very important to my local community. I thank everyone involved in Sailability, particularly Sally O'Neill, Karen Urell, Mark Dowling, Graham Hand, Jay, who is one of the volunteers who came along, and Grant, who joined us as a disabled sailor. I particularly thank the Middle Harbour Yacht Club which hosts the activity and for welcoming us on the day.

WHITE RIBBON POLICE COMMUNITY WALK

Mr NICK LALICH (Cabramatta) (21:56): I call on all Australian men to take a stand against disrespectful behaviour and all acts of violence against women. This Friday, I will have the privilege of speaking and attending the White Ribbon Police Community Walk at Freedom Plaza, a vitally important event for fighting against domestic violence. It aims to raise public awareness of how police and support services can assist victims of domestic and family violence. White Ribbon Day is one of the most important community events each year, as it brings awareness of the plight of victims who have nowhere else to turn. It raises awareness of the effect of domestic and family violence on everyone—the victim, the extended family, the children and the community, both locally and afar.

As many members know, domestic violence is not just physical or sexual assault. It is also abuse through psychological, social and financial means and can also be carried out through intimidation or stalking. These behaviours are unacceptable. I encourage victims to share and report their stories so that other victims can know that help and support are readily available. My community is a proudly multicultural community. As such, we must support one another and ensure that we stand together with a shared mindset to fight against domestic violence, to break the silence and to take a stand against it. Cabramatta Police, in partnership with a number of local government and non-government agencies, primary schools, high schools and adult English colleges will be participating in the walk.

The White Ribbon Police Community Walk was officially launched at Cabra Vale Leisure Centre with artwork displays and performances from local schools, including Cabramatta Public School and Canley Vale

Public School. The Cabramatta community is invited to join the walk which begins at Cabra Vale Park at 9.30 a.m. I thank the people organising the event and acknowledge Detective Superintendent Peter Lennon, Fairfield Local Area Commander; Detective Chief Inspector Darren Newman, Cabramatta Local Area Command; Senior Sergeant Brett Grenfell, Cabramatta Local Area Command; and Canley Vale Public School and Cabramatta Public School students who will be performing. I also thank the Bonnyrigg Men's Shed, led by Mr Sid Hugen and his volunteers, who will be cooking up a storm on the barbecue. Special thanks also to all those who will be supporting and participating in the event.

I encourage all members of this Chamber and the other place to take part in White Ribbon activities to raise awareness or to wear the white ribbon and make a public pledge never to commit, condone or remain silent about violence against women. White Ribbon calls on governments and all institutions controlled by men to seriously address this issue. Let us take a stand against disrespectful behaviour and all acts of violence against women. I take the oath: I swear never to commit, excuse or remain silent about violence against women. I urge all men to take that oath.

**The House adjourned, pursuant to resolution, at 22:00 until
Thursday 23 November 2017 at 10:00.**