New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Wednesday, 17 October 2018

Authorised by the Parliament of New South Wales

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LEGISLATIVE ASSEMBLY

Wednesday, 17 October 2018

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

The Speaker read the prayer and acknowledgement of country.

Bills

WATER NSW AMENDMENT (WARRAGAMBA DAM) BILL 2018

First Reading

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

The SPEAKER: I order that the second reading of the bill stand as an order of the day for a later hour.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2018

Returned

The SPEAKER: I report receipt of a message from the Legislative Council returning the abovementioned bill with an amendment. I order that consideration of the Legislative Council's amendment be set down as an order of the day for a later hour.

Notices

PRESENTATION

[*During the giving of notices of motions*]

Mr Jonathan O'Dea: I make a slight objection regarding the length of notices of motions. With the greatest of respect to the member for Sydney, they are not intended to be a speech.

The SPEAKER: I have accepted notices of motions that have been much longer, and I have given warnings as to their length. Given that the member for Sydney rarely gives a notice of motion and because he shows respect to all other members I think it is appropriate that he, quite frankly, does whatever he likes.

Bills

CRIMES LEGISLATION AMENDMENT BILL 2018

CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT BILL 2018

MENTAL HEALTH (FORENSIC PROVISIONS) AMENDMENT (VICTIMS) BILL 2018

VICTIMS RIGHTS AND SUPPORT AMENDMENT (MOTOR VEHICLES) BILL 2018

First Reading

Bills introduced on motion by Mr Mark Speakman, read a first time and printed.

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General) (10:13): I move:

That these bills be now read a second time.

The Government is pleased to introduce the Crimes Legislation Amendment Bill 2018, the Victims Rights and Support Amendment (Motor Vehicles) Bill 2018, the Crimes (Domestic and Personal Violence) Amendment Bill 2018, and the Mental Health (Forensic Provisions) Amendment (Victims) Bill 2018. The Crimes Legislation Amendment Bill 2018 introduces a suite of reforms to improve protections for victims of crime by: creating a new, simpler offence of strangulation to capture domestic violence incidents; ensuring apprehended domestic violence orders (ADVOs) are made for an appropriate duration to protect victims; enabling police to provisionally vary ADVOs in urgent circumstances; extending access to the Victims Support Scheme to family members of victims of terrorist acts involving a motor vehicle; and clarifying that the Victims Support Scheme may accept documentary evidence provided by a non-government agency funded by the Commonwealth.

The Victims Rights and Support Amendment (Motor Vehicles) Bill 2018 will extend access to the Victims Support Scheme to family members of victims of vehicular homicide. This bill will be known colloquially as "Nick's Law", in tribute to Nicholas McEvoy, who was tragically murdered by a motor vehicle in February 2014. Several members of Nick's family have joined us in the Chamber today to mark this important occasion for families that face the unspeakable tragedy of losing a child as a result of vehicular homicide. Terry, Marie, Rachel, Karen—thank you for being here with us today. Thank you for your continued advocacy and support to help ensure that families like yours have access to the financial support they need following the tragic loss of a family member. Thank you also to Denise Day from the Homicide Victims Support Group, who also joins us today.

The Crimes (Domestic and Personal Violence) Amendment Bill 2018 will clarify beyond doubt that the offences of stalking and intimidation can be committed by using the internet or any other technologically assisted means "cyberbullying". This bill will be known colloquially as "Dolly's Law", in tribute to 14-year-old Amy "Dolly" Everett, who tragically took her own life in January this year following persistent bullying and abuse, including cyberbullying. We will be later joined in Parliament today by Dolly's parents, Tick and Kate. Since losing their beloved daughter, Tick and Kate have worked tirelessly, campaigning and raising awareness about the potentially devastating effects of bullying and cyberbullying. Tick and Kate—I want to thank you for your support for this reform, which will mark an important step in the fight against cyberbullying and online abuse in this State.

The Mental Health (Forensic Provisions) Amendment (Victims) Bill 2018 will make a suite of reforms to give victims a stronger voice in forensic mental health proceedings. I will now turn to the details of the four bills. First, the Crimes Legislation Amendment Bill 2018. Schedule 3[1] to the Crimes Legislation Amendment Bill 2018 amends section 37 of the Crimes Act 1900 to introduce a new, simpler strangulation offence—namely, intentionally choking, suffocating or strangling a person without consent. The maximum penalty for the offence will be five years imprisonment. Currently, section 37 of the Crimes Act criminalises intentionally choking, suffocating and/or strangling a person so as to render the person unconscious, insensible or incapable of resistance, if the perpetrator either: is reckless as to rendering the person unconscious, insensible or incapable or incapable of resistance; or does so with the intention of committing or assisting another person to commit another indictable offence.

However, a 2017 statutory report of the NSW Domestic Violence Death Review Team (DVDRT) suggested that, in the context of domestic violence, choking, suffocation and strangulation often occur without an intention to render the victim unconscious, insensible or incapable of resistance, or to commit another indictable offence. As a result, section 37 does not always capture domestic violence strangulation. This is problematic because research shows domestic violence strangulation is a red flag for future abuse and fatality. Research also finds that women are almost eight times more likely to be killed by an intimate partner if that person has previously strangled them. In over a quarter of intimate partner homicides the domestic violence abuser has strangled the domestic violence victim prior to the fatal assault. Where the intention currently required by section 37 offences is absent in the domestic violence context, offenders may instead be charged with lesser offences like common assault, the maximum penalty for which is two years. This indicates that existing sentences are ill suited to providing an appropriate criminal justice response to, and red flag for, domestic violence strangulation.

The new offence introduced by the Crimes Legislation Amendment Bill 2018 addresses this gap. It is specifically formulated to address choking, suffocation and strangulation without consent, including where committed by perpetrators of domestic violence in order to scare, coerce or control the victim. The existing offences of choking, suffocating or strangling in section 37 of the Crimes Act will continue to apply. The new offence will adopt the terms "chokes, suffocates or strangles" as used in the existing offences. These terms are not defined in the Crimes Act. However, applying their ordinary meaning, they are understood to capture a broad range of conduct including, for example, restricting breathing and/or blood flow into or out of the head, for example by placing manual pressure on or around a person's neck or throat, tying an object on or around a person's neck or pressing a person against another object that inhibits air or blood flow.

The Government expects that the amendment will facilitate the prosecution of more offences of choking, suffocation and strangulation, especially where it occurs in the context of domestic violence. The Government is committed to strengthening criminal justice responses to domestic violence. Domestic violence is a scourge of our society and we have to adopt a zero-tolerance approach if we are to make meaningful change. This important amendment will help hold perpetrators to account and keep victims safe.

The Crimes Legislation Amendment Bill 2018 also amends the Crimes (Domestic and Personal Violence) Act 2007 to reform the State's apprehended domestic violence order [ADVO] regime in six important ways. The reforms respond to recommendations made by the Domestic Violence Death Review Team in its 2017 report. These amendments aim to increase the protections for victims by ensuring that ADVOs are made for an appropriate duration. Where ADVO duration is contested, the amendments aim to ensure that the court tailors

ADVO duration to the circumstances of the parties. Research undertaken by the Bureau of Crime Statistics and Research and the Australian Institute of Criminology indicate that ADVOs are linked to improved protection of victims of domestic violence as well as a reduction in domestic violence even if, of course, they are not foolproof.

Schedule 1 [5] to the bill inserts a new section 79A into the Crimes (Domestic and Personal Violence) Act to increase the default duration of final ADVOs to two years for adult defendants, up from 12 months at present unless a different period is specified by the court. The default duration will be 12 months for defendants under 18 years of age. A court may still specify that a final ADVO remains in force for a different period if it determines that this would be appropriate to ensure the safety and protection of a protected person. The proposed section 79A outlines the range of factors that the court may consider in making that determination. These will include the nature and history of domestic violence, the seriousness and frequency of the offence, how likely it is that the time frame sought will have a positive impact on the victim's safety and the age of the defendant. These factors will further encourage ADVO duration to be tailored to a victim's specific circumstances.

Schedule 1 [2] to the bill inserts a new section 49AA into the Crimes (Domestic and Personal Violence) Act to provide clear legislative guidance on the duration of an ADVO that should be sought by an applicant. The section requires applicants to specify reasons if seeking a longer duration than the default period. This new provision will provide that an application for an ADVO is taken to be for the default period. However, an applicant may seek a different period in certain circumstances, including where there has been a conviction for a breach of an ADVO, a conviction for a domestic violence offence, allegations of a domestic violence offence, other conduct that, in the opinion of the applicant, warrants a longer duration for the defendant or the defendant will be serving or is serving a term of imprisonment for a domestic violence offence against the applicant.

Schedule 1 [5] inserts a new section 79B into the Crimes (Domestic and Personal Violence) Act to make it clear that a court may specify that a final order for adult defendants can be made for an indefinite period. To do so the court must be satisfied that there is a significant ongoing risk of serious harm, including potential death to the victim or their children, and that this risk cannot be mitigated by an order with a limited duration. Schedule 1 [5] inserts a new section 79C into the Crimes (Domestic and Personal Violence) Act to enable orders made against defendants who are serving a term of imprisonment for domestic violence against the protected person to operate for the duration of their sentence plus an additional two years. This will provide protections to victims as offenders transition back into the community and offer greater certainty for those victims who do not know when offenders are due to be released. The section will not apply to a defendant under the age of 18 years or, in the case of adult defendants, where the order has been made for an indefinite period.

Schedule 1 [3] inserts a new section 73A into the Crimes (Domestic and Personal Violence) Act to allow police to provisionally vary the conditions of an ADVO in circumstances requiring an urgent response in which the increased risk cannot be addressed under the existing ADVO provision and in which waiting for consideration by a court would not be appropriate. This amendment applies to provisional, interim and final ADVOs. Currently ADVOs, whether provisional, interim or final, cannot be varied except by a court on the next court date. If the circumstances of a victim rapidly change, police may address the risk by varying bail conditions, if they exist, or by making an application to vary an existing order which is not immediate.

Enabling the police to provisionally vary the conditions of an ADVO will help immediately address the increased risks to victims of domestic violence. This will better protect victims and further tailor ADVOs to meet specific needs and circumstances. Variation orders will need to be approved by a police officer with the ranking of sergeant or above and come before the court as soon as practicable. This amendment does not apply to persons under the age of 16. The ADVO reforms will be monitored by the Department of Justice to ensure they are meeting their intended policy objectives and to ensure that there are no adverse impacts on vulnerable groups. The amendments will commence on proclamation to ensure that all necessary system changes for courts and police have occurred and all necessary training has taken place.

Schedule 2 [1] of the Crimes Legislation Amendment Bill 2018 will amend section 25 (2) of the Victims Rights and Support Act 2013 to allow financial support under the Victims Support Scheme to be provided to victims of terrorist acts involving a motor vehicle. As all victims of accidents and crime involving motor vehicles were presumed to be eligible for support under the Motor Accidents Scheme, these victims are currently unable to seek support under the Victims Support Scheme. However, victims of terrorist acts are, in fact, ineligible for support under the Motor Accidents Scheme which leaves a gap where victims of a terrorist act involving a motor vehicle cannot seek support under either scheme. This amendment extends eligibility for victims support to terrorist acts involving a motor vehicle. This means that all victims of a terrorist act will be eligible for victim support regardless of whether the weapon was a motor vehicle, a gun or a knife. This amendment will close the identified gap that currently precludes victims of terrorist acts, committed using motor vehicles, from seeking support under existing schemes.

Schedule 2 [2] of the Crimes Legislation Amendment Bill 2018 amends a provision of the Victims Rights and Support Act which has not yet commenced but is to be introduced by the Victims Rights and Support Amendment (Statutory Review) Act 2018. Section 39 of the Victims Rights and Support Act 2013 requires an application for financial support under the Victims Support Scheme to be accompanied by documentary evidence such as a police or government agency report. The uncommenced amendment, made by the Victims Rights and Support Amendment (Statutory Review) Act 2018, extends section 39 to allow the documentary evidence to include a report provided by a non-government agency that provides support services to victims of crime. Schedule 2 [2] of the Crimes Legislation Amendment Bill 2018 introduces a further amendment to ensure that when the amending Act commences the agencies that can provide the relevant documentary evidence will include non-government agencies funded by the Commonwealth.

I turn now to Nick's law, the final title of which is the Victims Rights and Support Amendment (Motor Vehicles) Bill 2018, which also amends section 25 (2) of the Victims Rights and Support Act 2013 to extend eligibility for the Victims Support Scheme to family members of homicide victims who were deliberately killed by a motor vehicle, which I will call vehicular homicide. At present victims of acts of violence involving motor vehicles can seek support under the Motor Accidents Scheme. Damages can also be awarded to close family members of a person killed in a motor vehicle accident following a compensation to relatives claim, but only if the claimant family member was financially dependent on the deceased.

Non-financially dependent family members are currently ineligible for support from either the Victims Support Scheme or the Motor Accidents Scheme. Nick's law will extend eligibility for victim support to family members of victims of vehicular homicide where the offender is charged with murder. Non-financially dependent family members will be able to access support once a charge of murder is laid. Financially dependent members will also be eligible to supply for victims support but their applications will not be assessed until after their compensation to relatives' claims has been determined. Any damages awarded will then be deducted from the victims support available.

I again take this opportunity to thank the McEvoy family. It is thanks to their support and advocacy that these reforms have been made possible. In my previous life as Minister for the Environment people spoke about citizen science. I hope today is an example of citizen law—that if individual citizens lobby hard enough and speak to the politicians they can effect change. I hope in some small way this will restore some people's confidence in our democracy and the ability of citizens to effect change. I repeat, it is their support and advocacy that has made these reforms possible today. In cases where families face the terrible tragedy of having a family member murdered—whether by firearm, knife, motor vehicle or some other means—these reforms will make sure that those family members have access to financial support through the Victims Support Scheme. Thank you.

I turn now to Dolly's law, the formal title of which is the Crimes (Domestic and Personal Violence) Amendment Bill 2018, which amends the Crimes (Domestic and Personal Violence) Act 2007 to protect against and deter cyberbullying conduct by modernising the existing definitions of "stalking" and "intimidation". Schedule 1 [1] and [2] of Dolly's law amend the definition of "intimidation" in section 7 of the Crimes (Domestic and Personal Violence) Act to clarify beyond doubt that the offence captures cyberbullying conduct. A note in the legislation will explain that this expanded definition is designed to cover, for example, the bullying of a person by publication or transmission of offensive material on social media platforms like Facebook and Instagram, and in communications by way of mobile apps. The current definition of "stalking" under section 8 of the Crimes (Domestic and Personal Violence) Act is inclusive but what is specifically mentioned is directed at physical approaches to a person.

Schedule 1 [3] of Dolly's law will amend the definition in section 8 of the Act of "stalking" to specifically include reference to approaching a person by online means. This will cover, for example, approaches via online or telephone messaging applications or social media platforms. Overall these changes will make sure that the definitions of "stalking" and "intimidation" clearly capture conduct of this nature which takes place online or through the use of other technology. This will ensure that a person who stalks or intimidates another person by use of modern technology can be prosecuted for stalking or intimidation with the intention to cause fear of physical or mental harm under section 13 of the Crimes (Domestic and Personal Violence) Act 2007, an offence that is punishable by up to five years' imprisonment.

In this way these reforms build on existing legislation in New South Wales and they complement the Commonwealth offence of using a carriage service to harass, menace or otherwise offend a person that targets cyberbullying. The amendments also align with the approach in a number of States, including Victoria, South Australia and Tasmania. The amendments seek to ensure that apprehended domestic violence orders or apprehended personal violence orders can be put in place for the protection of cyberbullying victims and persons who are being stalked or intimidated by another person by any means, including any technological means.

In other words, the offences of stalking and intimidation, with these clarified definitions, can be the basis of seeking an apprehended domestic violence order or an apprehended personal violence order. We know that apprehended violence orders are important to protect cyberbullying victims. Online stalking and intimidation is a method commonly used by domestic violence perpetrators. It is estimated that more than 90 per cent of domestic violence perpetrators have used some form of online technique to intimidate their partners. This reform will provide greater protection against these modern and insidious forms of stalking and intimidation, which are enabled by modern technology.

I turn now to the Mental Health (Forensic Provisions) Amendments (Victims) Bill 2018, which brings a suite of reforms to give victims a stronger voice in forensic mental health proceedings. Earlier this year the Government accepted all recommendations made by former Court of Appeal judge the Honourable Anthony Whealy, QC, following his review of the Mental Health Tribunal. The Whealy review responded to community concerns about the transparency of the tribunal's decisions and consideration of victims and public safety. I am pleased to be able to introduce legislation today that gives effect to his findings.

In the course of his review, Mr Whealy met with forensic patients, their treating teams, victims and their families, as well as legal, academic and health staff. Mr Whealy found that the legislative test for forensic patient leave and release was appropriate. However, he also found that the test was weighted too heavily towards the interests of patients without due consideration for the safety and interests of victims. His review also highlighted the need for greater support and education for victims of forensic patients, and recommended establishing a specialist service for victims of forensic patients within the existing Victims Services.

The Mental Health (Forensic Provisions) Amendment (Victims) Bill 2018 is an important step for victims of forensic patients because it acknowledges harm done and makes meaningful change to the way the forensic mental health system interacts with victims. The bill will introduce a new object in the Mental Health (Forensic Provisions) Act to protect the safety of victims of offences committed by forensic patients, and to acknowledge the harm done to such victims. The bill will ensure the Charter of Victims Rights applies to victims of forensic patients. The bill will provide for the Mental Health Review Tribunal to order monitoring as a condition of leave or release for a forensic patient and the bill will allow victims to make submissions to the tribunal when it is considering leave or release decisions for forensic patients.

In addition, the bill will introduce amendments to allow victims to make victim impact statements to the court when an accused person is found unfit at a special hearing or not guilty by reason of mental illness. The bill will introduce amendments to establish a Victims Register to be kept by the Commissioner of Victims Rights and to provide for information sharing arrangements to facilitate the operation of the Victims Register. The bill will introduce amendments to implement some recommendations from the report of the Law Reform Commission of New South Wales on criminal responsibilities and consequences relating to people with cognitive and mental health impairment in the criminal justice system—Report 138. These amendments will clarify that a forensic patient's limiting term must be paused if they are unlawfully absent from custody, and provide for forensic materials to be retained if taken from a person found unfit at a special hearing or not guilty by reason of mental illness.

Schedule 1 to the bill makes various amendments to the Mental Health (Forensic Provisions) Act 1990. Schedule 1 item [4] inserts a new object relating to the protection of the safety of victims and an acknowledgement of harm done. Schedule 1 item [14] amends the Act to establish a victims' register to be maintained by the Commissioner of Victims Rights. It will replace the existing register managed by the Mental Health Review Tribunal. This register will contain the details of victims of forensic patients, who will be notified about hearings and decisions that impact them and their loved ones.

Schedule 3 to the bill amends part 28A of the Crimes (Sentencing Procedure) Act to give victims the right to make victim impact statements to the court when the person charged is found not guilty by reason of mental illness. Currently, if a defendant is convicted in normal criminal proceedings, the victim is entitled to make a victim impact statement to the court before sentencing. These are a powerful therapeutic tool that allow victims to participate in the criminal justice process. However, at the moment, if the defendant has been found not guilty by reason of mental illness or unfit but not acquitted, there is no scope for a victim to express the harm they have experienced to the court. By allowing victims of forensic patients to make these statements, all victims of serious personal violence offences will have the opportunity to be heard, regardless of the personal circumstances of the offender, which will provide consistency across the justice system. The bill will require the court to provide a copy of the Victim Impact Statement to the tribunal and provides a regulation-making power with respect to how the statement will be used in tribunal proceedings.

In addition, schedule 1 [8] to the bill amends the Mental Health (Forensic Provisions) Act 1990 to entitle victims to make submissions when the Mental Health Review Tribunal is considering leave or release for a forensic patient. The court and the tribunal must agree to requests from a victim not to disclose the contents of

a statement or submission to the forensic patient unless the non-disclosure would not be in the interests of justice. This reflects concerns shared by victims who feel confidentiality would help free and frank submissions without risks to their safety. The amendments made by schedule 1 [8] will also require the tribunal to have regard to the Charter of Victims Rights when conducting a review of a forensic patient.

Schedules 1 [2] and 1 [3] to the bill amend the Mental Health (Forensic Provisions) Act 1990 to enable the court to request and consider expert reports from forensic psychiatrists about a person's condition, as well as the likelihood of their seriously endangering the safety of themselves or a member of the public, when deciding what order to make in relation to the person. Schedule 1 [5] amends the Act to provide that any limiting term given to a forensic patient must be paused if the forensic patient is unlawfully absent from custody. This is a significant change supported by victims' advocates, who are concerned that the current situation could result in a limiting term expiring while a forensic patient is unlawfully at large. Schedule 1 [9] amends the Act to enable the tribunal to impose monitoring requirements, including electronic monitoring, as a condition of leave or release for a forensic patient.

Schedule 1 [11] amends the Act to extend existing authorisation for the Commissioner of Corrective Services, the Secretary of the Department of Justice, and the Secretary of the Ministry of Health to enter into arrangements to exchange information about forensic patients and corrective patients to the Secretary of the Department of Family and Community Services. Access to relevant information held by the Department of Family and Community Services about patients with cognitive impairment will allow agencies to adopt better approaches to patient management, while information about patient conduct will enable better risk assessments to be carried out. Information sharing arrangements involving Family and Community Services developed under this provision will be settled in consultation with relevant stakeholders, including the Privacy Commissioner, to ensure that they are appropriate.

Schedule 2 amends the Crimes (Forensic Procedures) Act 2000 to allow for forensic materials like DNA taken from people found unfit at a special hearing or not guilty by reason of mental illness to be retained in the same circumstances as if the person had been convicted of a crime. This reflects that although the person is not criminally responsible for the offending, they did, in fact, commit an unlawful act. The Mental Health (Forensic Provisions) Amendment (Victims) Bill 2018 is the result of significant stakeholder consultation and contributions from numerous parties. I give particular thanks to Mr Whealy for his work on the Mental Health Review Tribunal review, which recommended a substantial number of these reforms. I thank victims groups, who have helped shape the direction of the reforms. I thank the legal profession, which provided guidance and insight throughout the consultation and drafting stage, and I am grateful to all contributions to the bill that have achieved a balance.

I say one more thing: This bill is a significant but not the only stage in law reform in the area of forensic mental health. There are a number of significant other proposals that are out for consultation at the moment, which the Government is very keen to implement when it can, including the nomenclature for the verdict of not guilty by reason of mental illness. That is still the subject of extensive consultation. What constitutes mental illness and cognitive impairment for that purpose is the subject of extensive consultation. There is more to come. I commend the four bills to the House.

Debate adjourned.

SURVEILLANCE DEVICES AMENDMENT (STATUTORY REVIEW) BILL 2018

ROAD TRANSPORT AMENDMENT (NATIONAL FACIAL BIOMETRIC MATCHING CAPABILITY) BILL 2018

TERRORISM (POLICE POWERS) AMENDMENT (STATUTORY REVIEW) BILL 2018

First Reading

Bills introduced on motion by Mr Mark Speakman, read a first time and printed.

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General) (10:46): I move:

That these bills be now read a second time.

The Government is pleased to introduce the Surveillance Devices Amendment (Statutory Review) Bill 2018, the Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018 and the Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018. The Surveillance Devices Amendment (Statutory Review) Bill 2018 implements legislative recommendations arising from the Acting Ombudsman's Operation Prospect report with respect to the use of surveillance devices by officers of the NSW Police Force, the New South

Wales Crime Commission, and the former NSW Police Integrity Commission, between 1999 and 2002. It also implements recommendations arising from the statutory review of the Surveillance Devices Act 2007.

Surveillance devices are integral to effective law enforcement. Their availability and use can be critical to the covert collection of evidence in situations where other evidence collection methods might otherwise be untenable. They can play a vital role in facilitating the successful prosecution of people charged with serious offences, particularly in the context of organised crime. Drawing on the findings and recommendations of Operation Prospect and the statutory review of the Surveillance Devices Act 2007, the amendments set out in the Surveillance Devices Amendment (Statutory Review) Bill 2018 will enhance the safeguards and scrutiny around the use of surveillance devices in New South Wales. Operation Prospect commenced in October 2012. The four-year review examined allegations and complaints about the conduct of officers of the NSW Police Force, the New South Wales Crime Commission, and the former NSW Police Integrity Commission in relation to certain investigations conducted between 1999 and 2002, including police internal affairs investigations and the application for and use of listening devices.

The six-volume final report, completed and tabled in December 2016, spanned almost 900 pages and made 93 findings and 38 recommendations. Many of Operation Prospect's recommendations were directed at the NSW Police Force and the NSW Crime Commission issuing apologies to specified individuals. I understand that all of those apologies have been made. The remaining non-legislative recommendations relate to internal procedures and legislative amendments to address deficiencies in law and procedure as it applied from 1999 to 2002. I am pleased to report that many of the deficiencies identified by the Acting Ombudsman have already been addressed by the NSW Police Force and the NSW Crime Commission. In some cases, these changes were implemented well before the release of the Operation Prospect report.

The Surveillance Devices Amendment (Statutory Review) Bill 2018 seeks to make amendments to address the legislative recommendations arising from Operation Prospect. Following the commencement of Operation Prospect, the Surveillance Devices Act 2007 was subject to a statutory review that was completed this year. It considered whether the Act's objectives remain valid and its terms remain appropriate for securing those objectives. The finalisation of the review was delayed to avoid inconsistency with the recommendations of Operation Prospect. The review concluded that the Act's purpose and policy objectives remain valid, but that it would benefit from some minor amendments to ensure that it operates as effectively and efficiently as possible.

I will now outline the key aspects of the Surveillance Devices Amendment (Statutory Review) Bill 2018. Schedule 1 [1] to the bill will insert a new provision into the Surveillance Devices Act 2007. It will expressly state that its objects are to provide law enforcement agencies with a comprehensive framework for the use of surveillance devices in criminal investigations that will enable law enforcement agencies to covertly gather evidence for criminal prosecutions while ensuring that the privacy of individuals is not unnecessarily impinged upon. It will provide strict requirements around the installation, use and maintenance of surveillance devices.

Schedule 1 [5] to the bill amends section 17 of the Surveillance Devices Act 2007 to specify what information must be included in all warrant applications for use of surveillance devices. The application must include: the alleged offence for which the warrant is sought; the kind of surveillance device intended to be used; and information as to whether there is any other alternative means of obtaining the evidence or information sought. Schedule 1 [5] will replace section 17 (3) of the Surveillance Devices Act. An application will have to be accompanied by an affidavit that supports the application and sets out the grounds on which the warrant is sought. As far as reasonably practicable it will identifies persons who may be incidentally recorded by the surveillance device and includes any information known to the applicant that may be adverse to the warrant application or, if no adverse information is known, a statement to that effect.

These changes will help ensure that all warrant applications are clearly justified and that the applicant has considered whether an alternative measure might be possible or more appropriate. Schedule 1 [8] to the bill amends section 20 of the Surveillance Devices Act to clarify the particulars that will be required in a warrant. Schedule 1 [19] to the bill contains the bill's principal and most significant reform. It will amend the Surveillance Devices Act 2007 to insert two new provisions: first, to establish the new dedicated statutory office of the Surveillance Devices Commissioner, and second, to permit the Attorney General to delegate key scrutiny powers under the Act that are currently delegated to the Solicitor General to the Surveillance Devices Commissioner.

The Surveillance Devices Commissioner will, under delegation from the Attorney General: first, receive advance notice of applications for warrants and all information provided to the eligible judge or magistrate responsible for deciding the application; second, assess all Surveillance Devices Act 2007 warrant applications against the factors the eligible judge or magistrate must take into account to ensure that the application is procedurally compliant; third, work with law enforcement agencies to remedy deficiencies in applications before they are lodged with the eligible judge or magistrate; fourth, have the right to be heard by the eligible judge or

magistrate in relation to the granting of an application for a warrant; and fifth, receive the report about the use of a surveillance device warrant from the applicant under section 44 of the Surveillance Devices Act 2007.

The Surveillance Devices Commissioner will be required to prepare annual reports in the Department of Justice Annual Report outlining for each financial year matters including: the number of warrant applications that were made, withdrawn and refused, and the number of applications in which the commissioner, under delegation from the Attorney General, was heard by the eligible judicial officer. The Surveillance Devices Commissioner will be independent of the law enforcement agencies that make applications for warrants, and must be an experienced legal practitioner with at least seven years of legal practice experience and either be a current or former judge or judicial officer of a superior court of record, or eligible for appointment as a judge or judicial officer to a superior court of record.

The remaining amendments in the Surveillance Devices Amendment (Statutory Review) Bill 2018 will amend the Surveillance Devices Act 2007 to provide additional definitions, procedural directions and minor clarifications of existing provisions. This bill will promote transparency, compliance, efficiency and consistency in applications for surveillance device warrants, while also addressing the Ombudsman's recommendations.

I now turn to the Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018. Terrorism continues to present a serious and ongoing threat to the safety and security of New South Wales, Australia and the international community. Australia's national terrorism threat level remains "probable", which means that, "Credible intelligence, assessed by our security agencies, indicates that individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia." New South Wales has taken a lead role in ensuring Australia's counterterrorism framework remains responsive to this evolving threat.

The Terrorism (Police Powers) Act 2002 is a tool in that framework. It confers special powers on police officers to intervene when the risk of terrorism begins to crystallise and to investigate a terrorist act that has occurred, clarifies the conditions for use of force by police when responding to a terrorist act, and provides for the investigative detention of terrorism suspects, the preventative detention of terrorism suspects and covert search warrants.

The Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018 implements recommendations arising from the statutory review of Terrorism (Police Powers) Act 2002, tabled in Parliament in June 2018. The Terrorism (Police Powers) Act 2002 is subject to statutory review every three years to ensure its policy objectives remain valid and its terms remain appropriate for securing those objectives. The 2018 statutory review concluded that purpose and policy objectives of the Act remain valid, but made 13 recommendations to ensure its frameworks for governing special police powers, use of force, investigative and preventative detention, and covert search warrants are operating as effectively as possible.

The key amendments in the Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018 will implement the statutory review's recommendations through reforms that better align the powers that police can exercise under the Act with the police powers under the Law Enforcement (Powers and Responsibilities) Act 2002, ensure internal consistency across the Terrorism (Police Powers) Act 2002, add additional safeguards, particularly in relation to detention of minors and vulnerable people, facilitate review and oversight of the scheme governing the use of police powers, and extend the powers under part 2A of the Act relating to preventative detention orders, for another three years.

I now turn to the detail of the bill. Schedule 1 [1] and [2] to the Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018 will amend part 2 of the Act, relating to special powers, so that authorised police officers issuing directions, requirements or requests to a person under part 2 —including to disclose his or her identity, submit to searches and surrender things for seizure—need give only a single warning to that person. Currently, section 23 of the Terrorism (Police Powers) Act 2002 requires that two warnings be given: First, a warning that the person is required to comply with the Part 2 direction, requirement or request, and, secondly, if the person fails to comply with the direction requirement or request after receiving the initial warning, a second warning that failure to comply is an offence.

The current two-stage warning process is unnecessarily duplicative. It is inconsistent with the warning process under the Law Enforcement (Powers and Responsibilities) Act 2002, which was amended in 2014 to require a single warning only. The amendments in schedule 1 [1] and [2] will restore the consistency of the Terrorism (Police Powers) Act 2002 and the Law Enforcement (Powers and Responsibilities) Act 2002. They will simplify the warning process by requiring a single warning to the effect that a person is required by law to comply with a part 2 direction, requirement or request.

Schedule 1 [3] and [14] of the Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018 will amend sections 17 and 26V of the Terrorism (Police Powers) Act to align stripsearch powers and requirements

under the Terrorism (Police Powers) Act with those under the Law Enforcement (Powers and Responsibilities) Act 2002, and specifically enable a police officer to conduct a strip search at a police station or other place of detention if the officer suspects on reasonable grounds that the search is necessary, or at any other place if the officer suspects on reasonable grounds that the strip search is necessary for the purposes of a search, and that the seriousness and urgency of the circumstances make the search necessary and the officer suspects on reasonable grounds that the person is the target of an authorisation to exercise special powers to prevent terrorist acts as conferred under the Terrorism (Police Powers) Act.

The power to search a person under part 2 of the Terrorism (Police Powers) Act will be aligned with existing powers and safeguards in the Law Enforcement (Powers and Responsibilities) Act. However, in addition to those existing powers and safeguards, a police officer may only strip search a person under these sections if the police officer suspects on reasonable grounds that the person is the target of an authorisation within the meaning of part 2. A person who was searched or whose vehicle or premises were searched under part 2 of the Terrorism (Police Powers) Act will be able to request a written statement from the commissioner that states that the search was conducted in pursuance of that part.

Schedule 1 [4] to the bill amends section 23 of the Terrorism (Police Powers) Act consequentially to implement recommendation 7 of the statutory review to align the warning requirements under part 2 of the Act with section 203 of the Law Enforcement (Powers and Responsibilities) Act, noting that the duplicative safeguards in part 15 of the Law Enforcement (Powers and Responsibilities) Act will apply. Schedules 1, 5 and 6 to the bill amend the Terrorism (Police Powers) Act to insert new sections 24 and 25. Under new section 24, the police commissioner must prepare an annual report for provision to the Attorney General and police Minister and for tabling in Parliament, outlining the exercise of the part 2 special powers over the course of each financial year. The annual report must include the number of authorisations given in the relevant year and the powers that were exercised under those authorisations.

Under new section 25, the police commissioner must prepare an annual report for provision to the Attorney General and police Minister and for tabling in Parliament, outlining the number of declarations made under part 2AAA, "Police use of force—ongoing terrorist acts". Part 2AAA was introduced last year by way of the Terrorism Legislation Amendment (Police Powers and Parole) Act 2017. Part 2AAA allows the police commissioner to declare an incident to be a terrorist act in relation to which police officers are authorised to use force that is reasonably necessary to defend any person threatened by that terrorist act or prevent or terminate a person's unlawful deprivation of liberty, such as occurred in the Lindt Cafe siege. These amendments will enhance the existing oversight of the exercise of part 2AAA powers.

Schedule 1 [9] to the bill will amend the Terrorism (Police Powers) Act to insert a new section to modify the existing limitations on when a police officer can take identification material from a person who is subject to investigative detention under part 2AA, "Investigative detention powers". Currently the Act permits a police officer to take identification material from a person subject to investigative detention only if the person consents in writing or the officer believes on reasonable grounds that it is necessary to confirm the person's identity, contravention of which carries a penalty of up to two years imprisonment. In his 2017 review of part 2A "Preventative detention orders", the Acting Ombudsman noted that New South Wales police officers are extremely cautious to avoid taking identification material from detained persons contrary to the Act's requirements, which may have the unintended consequence of preventing or deterring officers from making proper records, including photographs of detainees that may ordinarily be taken as part of police custody procedures.

The amendments made by schedule 1 [9] will clarify that New South Wales police officers may use photographs or video recordings to record any illness or injury suffered by persons subject to an investigative or preventative detention order without fear of prosecution. Any such photograph or video recording may only be used for the purposes for which it was taken; any other use will attract a penalty of up to two years imprisonment. Those amendments will promote transparency, help protect the health and welfare of detainees, ensure police officers are accountable for any injury that occurs while a person is detained and protect officers from false accusations.

Schedule 1 [11] will amend part 2AA of the Terrorism (Police Powers) Act to insert a new division consisting of three provisions to increase the safeguards available to people subject to investigative detention under part 2AA. Although not used to date, that part enables a police officer to arrest a terrorism suspect who is 14 years of age or over without a warrant for the purposes of investigative detention if either a terrorist act has occurred within the past 28 days or the officer has reasonable grounds to suspect that a terrorist act could occur within 14 days, and the officer is satisfied that detaining the suspect will substantially assist in responding to or preventing the terrorist act. Part 2AA provides for an initial detention period of up to four days without a warrant, with a senior officer to review whether the detention should be continued every 12 hours. An eligible judge may

extend the detention period beyond the initial four days in increments of up to seven days, up to a maximum total period of detention of 14 days.

The amendments made by schedule 1 [11] will enhance existing safeguards for part 2AA detentions. They will require a police officer to inform a detainee of his or her right to complain to the Law Enforcement Conduct Commission [LECC] in accordance with the Law Enforcement Conduct Commission Act 2016; clarify that a detainee is entitled to and must be told of his or her entitlement to contact a lawyer; enable the Supreme Court to order the provision of legal aid to a detainee subject to a detention warrant or in relation to whom a detention warrant is sought; require detaining police officers to provide detainees reasonable assistance to contact the Legal Aid Commission to obtain that aid; and explicitly require that any person exercising authority or implementing or enforcing investigative detention treat detainees with humanity and respect for human dignity and ensure that they are not subjected to cruel, inhuman or degrading treatment, with failure to do so punishable by up to two years imprisonment.

Those new provisions will enhance the safeguards already in place to ensure procedural fairness to and the humane treatment of detainees. They will also ensure that there is internal consistency in the Act's safeguards for preventative detention detainees and investigative detention detainees. Schedule 1 [17] and [18] will amend section 26ZH of the Terrorism (Police Powers) Act to reinforce the Act's existing protections for detainees who are under the age of 18 or have impaired intellectual functioning. I am acutely aware of the importance of ensuring that there are appropriate protections and safeguards in place for the detention of vulnerable people and that terrorism measures are balanced, proportionate and crafted with regard to particular cohorts' vulnerabilities.

The amendments to section 26ZH will do the following: first, increase the time that minors and people with impaired intellectual functioning are allowed contact with a parent, guardian or other acceptable person from two hours to four hours per day; secondly, clarify that the custody manager is required to assist these detainees to exercise their right to have contact with a person they know, trust and accept; thirdly, require that, as applicable, a detainee be given reasons as to why their preferred contact person is not acceptable; and fourthly, in the event that no acceptable preferred contact person can be agreed, require that any contact person nominated by the officer have specialist expertise in working with children and young people and, if appropriate, with culturally and linguistically diverse communities.

Schedule 1 [10], [11] and [19] to the bill clarify that a detaining police officer is required to advise a detainee and any contact person, including a legal representative, that the contact will be monitored. Schedule 1 [22] and [25] will amend sections 26ZO and 27ZC of the Terrorism (Police Powers) Act to clarify that the Commissioner of Police must provide information required by the Law Enforcement Conduct Commission, subject to certain conditions to protect highly classified sensitive material relating to terrorist investigations and operations, namely that: first, the LECC officers reviewing the material are appropriately security cleared; secondly, the Commissioner of Police can identify matters of particular sensitivity that will only be seen by the LECC Commissioners; and third, the Commissioner of Police will be provided with a copy of any material the LECC proposed to be included in a public report to ensure that it does not unnecessarily reveal police methodology or ongoing operations or jeopardise information-sharing relationships.

The amended sections 26Z0 and 27ZC will provide that police are not required to provide material where the provision of information would contravene a law of the Commonwealth—for example, a statutory secrecy provision that restricts provision of that information—or which may identify informants or officers operating covertly. Any redactions made for those purposes must be clearly specified to facilitate the oversight function. This will facilitate better oversight of powers under the Act.

I now turn to the Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018. In October 2017 at the Special Meeting of the Council of Australian Governments on Counter-Terrorism, first Ministers entered into an Intergovernmental Agreement, or an IGA, committing to establish and participate in the National Facial Biometric Matching Capability, in short "the capability" and "the national agreement". The capability will help deter crime, prevent identity theft and provide law enforcement agencies with a powerful investigative tool to identify people who may be associated with criminal activities.

Under the IGA, governments agreed that authorised Commonwealth, State and Territory government agencies that hold facial images and associated personal information for use in or on official records—in short, data holding agencies—will contribute those images and associated personal information to be accessible by other authorised government agencies—in short, requesting agencies—via the capability. Requesting agencies will be able to use the capability's Facial Verification Service to verify a known person's identity, with his or her consent or as authorised by law, by comparing his or her image and personal information with images and personal information accessible via the capability. Requesting agencies that are authorised law enforcement agencies will be able to use the capability's Facial Verification Service to gain investigative leads to help identify unknown persons without their consent in limited circumstances relating to law enforcement, national security and

community safety—searching the suite of images for potential matches to help identify an unknown person. The capability will use sophisticated, secure facial recognition technology to streamline existing, resource-intensive manual processes for verifying known persons' identities and identifying unknown persons, speeding up provision of customer service and law enforcement investigations.

More specifically, it will allow members of the community to quickly and easily have their identifies verified when engaging with government, for example, when applying for new or renewed driver licences, by matching images of their faces with images on official records accessible via the capability; help prevent and detect the use of fake or stolen identities, which can be key enablers of fraud, organised crime and terrorist activity; and protect Australians by making it easier for law enforcement agencies to identify people who may be of interest in relation to criminal activities.

The bill will amend the Road Transport Act 2013 to allow Roads and Maritime Services to contribute New South Wales driver licence facial images and associated personal information for searching within the capability. The Road Transport Act 2013 provides strict conditions around how facial images and associated personal information are collected, stored, used and disclosed, to ensure the privacy of New South Wales drivers is protected. Provisions in the Road Transport Act 2013 were, however, introduced before work had been undertaken to establish the capability, which will itself be instrumental to the prompt and accurate verification of individuals' identities, and to protecting their privacy and identities from being compromised.

I will now turn to the details of the bill. Schedule 1[1] and [2] will amend sections 56 and 57 of the Road Transport Act 2013 to permit Roads and Maritime Services to keep, use and release stored photographs including driver licence images, in accordance with the strict conditions of the new section 271A of the Act. Schedule 1 [3] will insert a new section 271A into the Road Transport Act 2013, titled, "National Facial Biometric Matching Capability", comprising five subsections. The new section 271A (1) will introduce six new definitions for the purposes of the new section 271A.

"National agreement" is defined to mean the Intergovernmental Agreement on Identity Matching Services as entered into by first Ministers; "National Facial Biometric Matching Capability" is defined in accordance with the terminology of the national agreement; "associated personal information", which, in relation to a photograph, is defined to include the name, date of birth, gender and address of the individual featured in the photograph; "authorised government agency" is defined to mean the Roads and Maritime Services [RMS], or an agent of RMS, or any other New South Wales Government or public service agency that is authorised to participate in the capability in accordance with the national agreement.

To be "authorised", an agency must have a legislative basis upon which it can have access to the capability and must execute a participation agreement with the capability's host—currently the Commonwealth Department of Home Affairs. The participation agreement is a contract between the capability host and each other agency with access to the capability. The participation agreement sets out all agencies' roles, rights, responsibilities and obligations and provides strict conditions for use, including that every use of the capability must have a lawful basis, such as, in the case of RMS, verifying that a person seeking a driver licence is who he or she claims to be, or for law enforcement purposes, as well as what training, compliance, security and audit standards each agency must meet.

The participation agreement also provides the framework within which agencies must negotiate their data-sharing and access arrangements, and the conditions of access in accordance with required privacy and security safeguards. After executing a participation agreement, an agency must then execute participation access arrangements with each other government agency whose data the first agency wishes to access via the capability. For example, RMS would need to execute participation access arrangements with each other jurisdiction's road agencies. "Collect" from the capability is defined to include download from the capability and "release" to the capability is defined to include upload to the capability.

The new section 271 (2) will authorise Roads and Maritime Services and any other authorised government agencies to collect photographs and associated personal information from the capability. The new section 271A (3) and (4) will authorise Roads and Maritime Services and any other authorised governmental agency to keep and use photographs and associated personal information obtained from or disclosed to it via the capability for any lawful purposes in connection with the exercise of its functions, and specify that sections 9 and 10 of the Privacy and Personal Information Protection Act 1998 do not apply to such collection from the capability. Finally, the new section 271A (5) will authorise Roads and Maritime Services and any other authorised government agency to release photographs and associated personal information it holds to the capability.

I reiterate previous statements from the New South Wales and Commonwealth governments that the capability has been designed and built with robust privacy safeguards in mind, has been subject to detailed privacy impact assessments and data security assessments, will only be accessible by authorised agencies and by

individuals within those agencies who are also appropriately authorised and have undertaken required training, and will be subject to a robust compliance framework and independent oversight at both the New South Wales and national level. I commend the bills to the House.

Debate adjourned.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2018

First Reading

Bill introduced on motion by Mr Mark Speakman, read a first time and printed.

Second Reading Speech

Mr MARK SPEAKMAN (Cronulla—Attorney General) (11:18): I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No 2) 2018 continues the statute law revision program, which has been in place for more than 30 years. Bills of this kind have featured in most sessions of Parliament since 1984. They are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains amendments to effect policy changes that the Government believes are of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. It contains amendments to 21 Acts and related amendments to an instrument. I will give an outline of some of the amendments that are included in this schedule.

Schedule 1 amends various Acts in the portfolio of the Minister for Finance, Services and Property. An amendment to the Motor Accident Injuries Act 2017 will remove a limitation preventing the recovery of statutory benefits in respect of the death of, or injury to, a driver whose act or omission causes a motor accident. The amendment will make provisions of that Act relating to the recovery of statutory benefits for no-fault accidents consistent with other provisions of the Act establishing entitlements to statutory benefits.

An amendment to the Coal Mine Subsidence Compensation Act 2017 will remove a limitation that prevents the Chief Executive of Subsidence Advisory NSW from determining a claim for compensation for mine subsidence if the claim relates to a residential building altered or erected less than 15 years before the claim is made. Schedule 1 makes a number of amendments to the Children and Young Persons (Care and Protection) Act 1998. These include an amendment to extend provisions that prevent the disclosure of identifying information concerning authorised carers. The amendment will ensure that carers' mobile phone numbers are protected from disclosure in the same way as their landline numbers.

Schedule 1 will also amend the Community Housing Providers (Adoption of National Law) Act 2012 to authorise the delegation and sub-delegation of the functions of housing agencies under that Act. The amendment will continue the delegation powers that were formerly conferred on the NSW Land and Housing Corporation by the Housing Act 2001 in relation to community housing providers. Schedule 1 makes an amendment to the Cemeteries and Crematoria Act 2013 to extend the definition of funeral director to the operators of for-profit burial and cremation businesses and services. The amendment will ensure that those operators are regulated under the Act as members of the interment industry in the same way as operators of not-for-profit businesses and services.

Schedule 1 amends the Crown Land Management Act 2016 to limit the power of a non-council manager of dedicated or reserved Crown land to grant licences under that Act for a term of one year or less without Ministerial consent. The power will be limited so that it applies only to short-term licences that are granted under a provision of that Act that enables the Minister to grant those licences for the purposes prescribed by regulations. The amendment will make the power consistent with a provision of the repealed Crown Lands Act 1989. Other amendments to that Act will enable a Crown land manager to authorise a person to remove any other person from land managed by the Crown land manager where the person is contravening regulations under the Act or causing an inconvenience because of disorderly conduct. At present, this function may be exercised only by employees of the Crown land manager. This excludes Crown land managers that do not have employees, such as the Lands Administration Ministerial Corporation.

Schedule 1 will amend the Food Act 2003 to provide for the service of documents by email as an alternative to personal delivery or postal service. The new method of service will be authorised where the recipient of the document has specified an email address for service of documents of that kind. The last matter I will mention is the amendments to schedule 1 to the Liquor Act 2007. That Act currently includes provisions dealing with the regulation of responsible service of alcohol training courses. The amendments will extend those provisions so that they apply to training courses promoting responsible practices in any other activity on licensed premises.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in those schedules are corrections of cross-references, typographical errors and terminology, and amendments arising out of the enactment of other legislation. Schedule 3 continues the program of repealing Acts and instruments that are redundant or of no practical utility. Schedule 4 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the substituted provisions. The various amendments are explained in detail in explanatory notes set out at the beginning of the bill, beneath the amendments to each of the Acts and statutory instruments concerned or at the beginning of the schedule concerned.

I hope that members will appreciate the straightforward and non-controversial nature of the provisions contained in the bill. However, if any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for Government staff to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. Withdrawn proposals can also be dealt with in a second bill using the procedure for splitting bills in the Legislative Council, which can be dealt with in each of the Houses in the same way as an ordinary bill. I commend the bill to the House.

Debate adjourned.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2018

Second Reading Speech

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (11:25): On behalf of Mr Anthony Roberts: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on 19 September 2018 and is in the same form, the second reading speech appears at pages 63 to 68 in the proof *Hansard* for that day. I commend the bill to the House.

Second Reading Debate

Mr CLAYTON BARR (Cessnock) (11:26): I will start my contribution to debate on the Workers Compensation Legislation Amendment Bill 2018 by telling the story of person I will call Corey. That is not his real name. It is a startling and confrontational account that highlights the need for the workers compensation legislation that we handle in this place to be much better structured. Corey was a small business owner who engaged in heavy manual labour. During his time he suffered a number of injuries to his back, but as a small business owner with just one or two employees he simply could not take the time off work that he needed to recover. Consequently, he was always back at work well before he should have been.

Corey's back has led to him being unable to work. His total incapacity is judged at 18 per cent or 19 per cent, depending on which of the doctors you believe. Corey has now been removed from the workers compensation scheme because he has reached the five-year period prescribed in section 39. Corey has been forced to sell almost everything he owns other than the house in which he sleeps. Even his furniture has been sold and the inside of his house is almost bare. He has had someone turn some fence palings into seats to sit beside milk crates. He also has a piece of timber sitting on a couple of drums to create a table on the off chance he might get a visitor. Cory is unable to socialise, attend significant family events or even attend funerals of loved ones. Recently he was unable to get out of bed to attend the funeral of his mother-in-law.

On bad days when the pain is at its worst Corey is forced to urinate and defecate in his own bed and then lie in it because he cannot get to the toilet. The severity of his injury means Corey has to lie in his own filth until the pain subsides. Despite this, Cory's judgement of permanent impairment is below the threshold and he is being cut off from his workers compensation. As a result he has been forced to approach Centrelink to seek the disability pension and/or Newstart allowance, but, frankly, on most days he cannot even get to Centrelink to satisfy that criteria. This is the workers compensation legislation that covers several thousand individuals in New South Wales today. I have made various pleas, private members' statements and speeches in this House, and attended various forums and conferences along with the Ministers over the years that I have been the shadow Minister to talk about issues like Cory's.

I lead on behalf of the Labor Opposition on the Workers Compensation Legislation Amendment Bill 2018, and I note from the outset that the Opposition will not oppose the bill. A number of elements of the bill make improvements to the existing workers compensation legislation. However, Labor will move amendments that seek to improve the bill to make it what it could be and achieve what it could achieve. The amendments we will move in this place will be the same as the amendments that were moved and rejected in the other place. The

workers compensation scheme has been a thorn in the side of the Government, with terrifying stories in every corner of the State about individuals known to people in those communities and their journey as a result of their workplace injuries and the legislation that was passed by this Government in 2012.

Forgive my cynicism, but I fear that apart from a number of other factors, we are in this Chamber making these improvements to workers compensation because of the upcoming election. Yes, problems with the system have been highlighted; yes, there has been an upper House committee inquiry and report; and yes, the financial position of the scheme allows for some of these improvements—but here we are, six months before an election, making what is undoubtedly an improvement to the 2012 legislation. For six years the Labor Opposition, unions, medical practitioners, employers, and most importantly injured workers have been pleading for this type of improvement but getting nowhere.

A number of Ministers have been responsible for this portfolio over the past six years. To date, we have been unable to influence them in any significant way, although I acknowledge the 2015 changes that essentially split WorkCover into three different departments. Those changes were supported by the Labor Opposition for the purpose of having those roles and responsibilities more clearly defined. I recall that the previous Minister and now Treasurer, when pressed to make changes during his time as the Minister responsible for workers compensation, refused. He insisted that the Act, "puts injured workers at the centre" of the scheme. This was despite mounting evidence presented to him by injured workers, doctors, members of Parliament and others illustrating the damaging effects of the Act.

His successor, the member for Ryde, has introduced this bill, but I am concerned about some evidence given just a couple of months ago in budget estimates hearings. I refer to section 39 of the Workers Compensation Act, which mandates the five-year cut-off for workers compensation. A person who has been receiving workers compensation benefits for five years must leave the system. In budget estimates hearings the Minister was asked whether or not he was happy with the current system, and he said yes. He was asked whether there were any plans to make changes, and he said no. This essentially means that the five-year limit is not up for grabs. Despite that testimony, I will move amendments to that effect.

Government members will come into the Chamber during this debate to champion themselves as friends of injured workers, but the record does not lie. Since its introduction, there have been no significant changes to the 2012 legislation other than to separate WorkCover. In September last year 3,400 injured workers were considered seriously injured enough to receive workers compensation benefits. They had satisfied the insurers and all other medical practitioners that they were indeed seriously and genuinely injured and unable to return to work, yet because their incapacity was assessed at 20 per cent or less under section 39 of the Act they have been kicked out of the scheme. What does that mean in real terms? In the immediate term, it means that the money that had been coming in—albeit at only 80 per cent of their preinjury wage—would stop. These people, who are injured and unable to work, have effectively taken a 20 per cent pay cut.

A decision to include or remove section 39 is a decision for this House, and we can make that decision today. If there is one good thing to come from this bill, it will be that in some instances and in some way, the lived experience of injured workers in New South Wales will be just a little bit easier, but I suggest that these changes do not go far enough. For some of the more seriously injured there is still no light at the end of the tunnel and there is no prospect of them getting better and/or having financial security moving forward. The Government knows that we must overhaul the system, and that is indicated by this bill. This bill provided an opportunity, but sadly in many ways that opportunity has been lost.

Injured workers do not choose to go to work to be injured. They often have an injury as a result of an accident. Sometimes it is due to negligence, sometimes it could have been prevented, and sometimes it is just an accident, but injured workers do not rely on their workers compensation payments as an unemployment benefit. When this bill was debated in the other place, it was said that injured workers treat the scheme as something like an "unemployment benefits scheme". Sadly, this is getting back to some of the mantra about lifters and leaners, rorters and bludgers, that suggests injured workers are sometimes gaming the system. As I said earlier, injured workers, once they are deeply into their time off work, are paid at 80 per cent of their preinjury average weekly earnings—a 20 per cent pay cut. I do not know how many people of rational and sound mind would make a decision to take a 20 per cent pay cut.

Let us be frank: The changes introduced in 2012 were fundamentally based on a lie. The suggestion at the time, following the global financial crisis, was that the scheme was in a perilous financial position. PricewaterhouseCoopers was asked to produce a report on the scheme and it found that if, on the day the report was finalised, every person who was receiving workers compensation benefits made a claim against the scheme at a 100 per cent worst-case scenario the scheme would be $4 billion deficient. But PricewaterhouseCoopers also noted in the report that it was unthinkable that every matter would need to be considered and dealt with on a single day; it was also unthinkable that every case would ever be measured at a 100 per cent worst-case scenario; and,

importantly, over the coming five to seven years as the economies of the world recovered from the global financial crisis, as did investments, and without any adjustment to the scheme its financial condition would return to its normal pre-global financial crisis condition, which was that it was sound, satisfactory and able to meet all of its expected outgoings.

But those details were ignored when the 2012 bill was introduced. The 2012 bill focused entirely on the worst case scenario, the simply impossible scenario, that on that day every person would make a maximum claim against the scheme. That was never going to happen. No-one could come into this Chamber and say that was ever going to happen. No member of government, previous, current or future, of any political persuasion could say that was ever going to happen. That is why I call that financial declaration and justification in 2012 a lie. The reality is that the changes made in 2012 were more about ideology. Historically Labor and the Liberals have always taken a different view about the injured worker. The injured worker and workers compensation rights were fought for and won by the union movement.

Mr Brad Hazzard: The union movement lined up outside this Chamber in June 2001 and your Premier ran through the back entrance. You had unionists standing outside and Lynchie was probably one of them. Do you admit it? The unionists were outside waving flags against your Premier in 2001.

Mr CLAYTON BARR: Workers compensation was never given or gifted to the injured worker.

Mr Brad Hazzard: Rubbish.

Mr CLAYTON BARR: It was fought for and hard won. And ever since that time the two ideologies of these two major parties have been different and that is essentially what led to the changes in 2012. As the shadow Minister responsible for workers compensation I am contacted by people who have suffered and been tormented by the 2012 changes. Each week I hear of stories from injured workers who have been forced to fight with insurers to obtain what they are entitled to obtain under the scheme. Since 2012 they have been forced to take that fight without legal advice on many occasions. Despite the fact that the insurers know, construct, decide and interpret the rules and the laws so cleverly, the injured worker has no such support in most instances.

Many of the people who come to me are from constituencies of Liberal and Nationals members because they cannot get a meeting with or activity from their local member of Parliament because their local members endorse the 2012 changes. I have spoken to, met with, exchanged emails with and made representations on behalf of people from Tweed Heads, Broken Hill, Kiama and Ku-ring-gai—injured people everywhere. Indeed, 3,500 people kicked off the scheme. There are 90 members of this House and on average every electorate has 40 or 50 affected people, and I am talking specifically about those affected by section 39. Some electorates have fewer workers injured in the workplace because of the nature of the work, but in some electorates there are far more.

It is hard to think of a place that has more injured workers than Cessnock where workers are blue collar workers or do heavy labour—industrial work. One need not take my word for that. I will give a few examples. Rob worked hard for 40 years, struggling to pay his bills and taxes, and abiding by the laws of the land. Rob was then injured at work. He said, "After five years of income through the workers compensation scheme I am now left without an income." Rob had his last workers compensation payment in the week of Christmas 2017. According to Rob, he is no longer eligible for payments because he fails to meet the whole person threshold of more than 20 per cent. The simple fact is that Rob will never work again. His injury prevents him from doing any manual work, which is his history. He is unable to lift any object without experiencing excruciating pain through his abdomen. Imagine not being able to lift anything?

Rob cannot lift his grandkids or a basket of clothes, put washing on or take washing off the line, or even get groceries out of the car and take them inside. Members should think about that in terms of a human being's identity. Now he cannot work and provide an income for his household. Rob is affected by this legislation. He has been sent to Centrelink to try to get disability support or Newstart. Helen is in her 60s and has been thrown on the scrap heap because of an existing legislation. After suffering a workplace injury at her dream job, Helen's doctors told her that because of the seriousness of her injury she would never be able to return to work. For years she relied on the financial support of the workers compensation scheme to pay her mortgage and utility bills and to help care for her elderly mother. When I met with her she said:

> This has ruined my life. With no financial support, how am I supposed to pay my mortgage, my council rates, pay for my medical appointments and feed myself? It simply is not possible. My life has been destroyed and I think the only way to escape this pain is to end it all.

This is where we are at. I will relate a story about a schoolteacher from Ku-ring-gai in her early 20s whom I will call Mary. She was in the school playground supervising the kids when a fight broke out between two boys in, say, year 10 who were 15 or 16—big enough and strong enough. She managed to separate the boys with the assistance of some schoolkids, but the boys were quite aggravated. She stood between the two boys, who were

a couple of metres apart. She was then king-hit by one of the boys, knocked out and taken to hospital. She injured her shoulder as she fell and now has a significant emotional fear of men. She has been told she can never return to the classroom. A significant part of her impairment is psychological; by and large, her physical injuries have now healed. She loved teaching, but almost all workplaces employ men and this makes work impossible.

She has had to sell the house over which she had recently taken out a mortgage and move into the back garage her dad has refitted for her. He is in his 70s and fears for what will happen to his daughter when he is no longer of this earth—let's hope he lives to be 150. When I met her she said that under section 39 she was about to be cut off after the five years and thought her solution would be suicide. The treatment that Helen, Mary, Cory and Rob have experienced has led them, unfortunately, to consider suicide. Workers compensation is pushing people to that point.

We stand in this Chamber and do the right thing by farmers, which I agree with, support and have spoken about in the Chamber. We invested millions of dollars into providing mental support for our farmers who we thought were in jeopardy and at risk of suicide because of the incredible drought that we are experiencing. That was the right thing to do. Today in the media the Premier and the Minister for Mental Health have announced a $90 million fund to go towards supporting the mental health needs of young people so that they will not fall through the cracks, I think was the quote.

Mr Brad Hazzard: All people.

Mr CLAYTON BARR: All people, that is right. This is good. This is what we should do. I acknowledge the Minister for Health. I know he has done a lot of work in the mental health area. This is the right thing to do. We are concerned about people committing suicide. I will refer to something that is confrontational and difficult, and something we must be sensitive about, but it is also a fact: It is a fact that has come to light as a result of a Government Information (Public Access) Act [GIPA] request that I made and because of evidence given in the recent budget estimates hearings. Since the implementation of section 39 of the Act and as at two months ago six persons known to have been cut off from workers compensation benefits under section 39 have died. One of those persons had a heart attack and five died from circumstances that have not yet been determined and require a Coroner's report.

In at least two of those incidents the police had been asked by the insurer to do a welfare check because when the insurer had last corresponded or spoken to the injured worker the insurer was concerned about them. Sadly, when the police arrived they found them dead. I appreciate that we need to wait for a coroner's report to make a final determination. But if an injured worker identifies suicidal ideologies when talking to their insurer or tells the insurer they are thinking about taking their life to the point that the insurer needs to call the police to ask them to do a welfare check and the police finds that person dead, then I would say there is a fairly clear link. I fail to understand why we are doing so much for our farmers, and we should, and why we are doing so much for the poor and our young, and we should, yet we are legislating in the opposite direction for our injured workers. To what end are our injured workers being left hanging out there?

I can advise the House that premiums for workers compensation have gone down since the 2012 legislation. Although we might all pat ourselves on the back, they have gone down roughly, on average, from $1.50 per $100 of payroll to about $1.28 per $100 of payroll—22¢ in every $100. For the sake of 22¢ in $100—less than one cup of coffee a week for every employee who is earning $50,000—what do we get for that reduction in premiums? We have people who manifest suicidal tendencies and who commit suicide, loss of homes because they cannot pay their mortgages, homelessness because they cannot afford rent, marriage break-ups and loss of social identity network. We also have people lying in their own filth in bed because they cannot get up to go to the toilet because of pain. All that for the sake of 22¢ in every $100 of payroll—a packet of Tim Tams a week.

Today we are being asked to vote not only on the improvements in this bill but also on the amendments that I foreshadow I will move to go a bit further than this bill. One's first though might be that the amendments of the bloke from Cessnock are unaffordable. I remind the House that the financial condition of the scheme as at budget estimates was reported to be $2.4 billion in surplus and other reports indicate any number between $2 billion and $4 billion. It does not matter which report one reads and believes; the reality is that significant money is available to make improvements in the scheme, without asking employers to pay more, and the opportunity for improvements to the existing scheme are ample.

This scheme goes part way towards making some improvements, but it does not go far enough. That is why I will move the amendments. I have related the stories of Helen, Rob, Corey and Mary. No member could possibly think that the outcomes for any of those individuals have been fair, but they are all below this arbitrary percentage of 20 per cent. Their injuries are deemed serious and significant. They have satisfied all the criteria and stayed on the scheme for the full five years, which is difficult to do, yet they have all been kicked off the

scheme after five years. They have all talked about suicide; fortunately, they are all still with us. I hope they will be with us for much longer.

This bill makes some sensible adjustments to the scheme that lessens the burden on injured workers. As I have made clear, this bill only scratches the surface when it comes to the many issues that plague the Workers Compensation Scheme, issues that can be directly linked to those opposite who, sadly and unfortunately, consciously altered the lives of thousands of injured workers when they enacted the draconian changes of 2012. This bill is an attempt by the Government to address some of the findings of the Legislative Council Standing Committee on Law and Justice, which undertook an extensive review of the State Insurance and Care Governance Act 2015. The committee's report, which was tabled last year, contained 26 recommendations. One of the key findings of that review was the dispute resolution process within the scheme. By and large those disputes were created by the 2012 legislation. It was determined that the entire scheme was plagued with disputes and that the dispute resolution process was unsatisfactory.

Late last year the Government decided to respond to the committee's concerns by undertaking a consultation process, and I congratulate the Government on doing that. During this process the Government offered four possible models to achieve the committee's preference that a one stop shop approach to disputes be a new way forward. In many ways this bill has been introduced in response to the consultation process. Most significantly, this bill will restore the authority of the Workers Compensation Commission to determine work capacity disputes. It will re-empower the commission after it was disempowered when the Government initiated the changes in 2012. Under the 2012 changes the commission was excluded from hearing or deciding on disputes between insurers and injured workers. This bill will amend section 43 of the Workers Compensation Act 1987 to ensure that work capacity decisions made by insurers, decisions on an injured worker's preinjury weekly earnings, or whether an injured worker is able to return to work in suitable employment can be appealed.

Under the 2012 changes the Government removed the option for injured workers to appeal the work capacity decision made by insurers in any real or substantive way. Apart from referring their concerns to the State Insurance Regulatory Authority [SIRA] for a merit appeal or to the Workers Compensation Independent Review Office [WIRO] for a process appeal, the only other means by which injured workers could seek an appeal was to go back to the insurer for an internal review. The decision to re-empower the commission with responsibility over work capacity decisions will mean that SIRA will no longer perform merit reviews and WIRO's capacity to undertake procedural reviews have been removed. If there was one good thing to come out of the 2012 bill it was WIRO.

I acknowledge Kim Garling, who is in the Chamber. From day one he guided WIRO into the organisation it is today. WIRO does a tremendous job in supporting injured workers and also in holding to account a number of insurers and other players in the scheme. It also provides an incredible amount of data and statistical analysis of the scheme, which should be used to empower all of us to make better decisions going forward. The Labor Opposition supports the concept of the re-empowerment of the commission and believes that having the commission reintroduced as the ultimate authority to hear disputes and conduct reviews will further improve the experience of injured workers.

Another change in the bill that has been welcomed by the Labor Opposition is the decision to remove the requirements that injured workers must endure a mandatory internal review by their insurer before they can proceed to another authority to have their appeal considered. As I mentioned earlier, since 2012 injured workers who were unhappy with the work capacity decision made by their insurer were forced to go back to the insurer to ask the referee to reconsider the decision. Any of us who have played sport well know the folly of that journey. I have recounted many stories about injured workers thus far and I could recount a number of similarly serious stories, but I will not, about workers who have sought a reassessment by their insurer only to have their injury, their ability to work and their integrity again questioned by the insurer.

It was almost as though a decision was made to retest the entire appropriateness of that person to be off on workers compensation. That, historically, had been the first mandatory port of call in a person saying, "I haven't been dealt with fairly here; I want a review." Fortunately, this bill will amend that. A person will still have that option but will also have the option of avoiding that process and going directly to the commission. By amending the Workplace Injury Management and Workers Compensation Act 1998, these internal reviews by insurers will no longer be mandatory; rather, they will be optional. As a result of this bill, an injured worker can choose either to have their insurers conduct a review or proceed directly to the commission.

In this bill the Government has also responded to industry concerns about the complex and inflexible nature of pre-injury average weekly earnings [PIAWE]. Many disputes over the past six years have evolved as a result of the complicated method used to calculate an injured worker's weekly earnings before they were injured. The current methodology is so difficult to calculate that injured workers have been forced to go through prolonged

disputes with their insurers just to get a correct assessment of what their weekly earnings were before they were injured. That is a fight you simply should not need to have.

The Government had been well aware of the problem for quite some time. Even the Government's own agency responsible for regulating the scheme, the State Insurance Regulatory Authority [SIRA], recommended an overhaul of the process more than two years ago. However, here we are—again, forgive my cynicism—just six months out from the election, finally doing something about that. Appropriately, this bill will establish a new schedule that will outline a definition of earnings that better reflects the actual earnings of an injured worker over an accepted period of time, which, in most cases, is 52 weeks prior to the injury.

These updated definitions of PIAWE will be more fair and reasonable by incorporating all the payments and earnings a worker is entitled to, including overtime, shift and other allowances, which had previously been handled in a mysterious way by the current PIAWE scheme. This is the right step forward. This is what we should do. It should be clearer to, and more easy for, insurers, injured workers, doctors, lawyers and everyone else associated with the scheme to determine the appropriate payment to an injured worker. In essence, the reforms of the PIAWE foreshadowed in this bill will simplify the calculations. This is a good thing.

The bill also introduces improvements to how the indexation of fixed amounts is approved. Transferred into a process that has worked under the Motor Accidents Injuries Act 2017, SIRA will now be in a position to prescribe the latest index numbers to weekly payments, death benefits and lump sum payments by notification on the NSW Legislation website. This will be a significant improvement on the current process, which is lengthy, including the seeking approval of the Governor, Minister or SIRA before publishing the decision on the New South Wales Government Gazette. I welcome this change.

Another necessary amendment in this bill results from problems that have arisen as a result of the rollout of the Government's compulsory third party [CTP] insurance reforms recently. Currently, a worker injured in a vehicle crash during their work is entitled to receive workers compensation for lost pay and also to cover any necessary medical costs. If the worker is then successfully also recovering damages under the CTP scheme, they are currently forced to repay the compensation they have received under the workers compensation scheme, including anything they have received to cover necessary medical costs. This bill will clarify and limit the repayments that injured workers will be required to make to the workers compensation scheme if they also make a successful claim under the CTP scheme. Under the new bill, the injured worker will only be required to pay back the money equivalent to the payments made for lost earnings—as they should. It is anticipated that this amendment will provide a fairer outcome for injured workers involved in vehicle crashes during their work. However, only time will tell.

The bill also seeks to align the workers compensation scheme with the National Injury Insurance Scheme for the purpose of commutation and medical expenses for persons who are deemed in a "catastrophic injury" category. There are very few of these people and this is a welcome change for them. The Government should be recognised for its efforts in consulting a variety of stakeholders and other bodies in recent months, including Unions NSW, the NSW Business Chamber, the Law Society of New South Wales, Australian lawyers association, the Workers Compensation Independent Review Office [WIRO] and the New South Wales Bar Association. In many ways, this consultation process has strengthened the bill and ensured that it reflects more favourably on the needs of injured workers than the Government's approach has in the past. Despite the obvious exclusions that would make the scheme fairer and sustainable, which I will talk about by way of amendment, stakeholders have also raised their concerns with a significant number of allowances for regulation to, at a later date, make changes to the interpretation of the current legislation.

The bar association cleverly described these as "Henry VIII clauses". This making of law by regulation has been a recurring theme under this Government, which I have noted in this Chamber on a number of occasions. It is somewhat concerning that substantive issues will be dealt with by regulation rather than by legislation in this House. Regulation allows the stroke of a Minister's pen to change the interpretation and/or the enactment of legislation. We can, and should, do better. This Chamber is a place of transparency and scrutiny. Only legislation introduced into the Parliament can be properly and transparently scrutinised. Although the Opposition will not oppose this legislation, I again urge the Government to reconsider its use of so many regulations in the legislation it brings to this House. I will touch briefly on the amendments that I intend to move so that members can have some consideration time prior to their introduction a little later today.

I have clarified that the changes in this legislation are important. After years of advocacy from and campaigning by the Labor Party and others in the workers compensation industry, the Government has finally come to the table—in part. These changes give some hope to injured workers, but by no means do they go far enough. The Labor Opposition will move amendments to make further improvements to the scheme, improvements that will wind back more of the catastrophic and unfair changes that the Government enthusiastically introduced six years ago. The following amendments will strengthen the current scheme and

deliver enhanced care and services to injured workers. I will move six amendments. Four of them will be no surprise to anybody, because they were the foundation of a private member's bill that I moved late last year and was debated earlier this year.

Mr Damien Tudehope: And was rejected.

Mr CLAYTON BARR: And was rejected. But the rejection will not stop me from prosecuting the case. I offer the amendments a second time so that members opposite who might have had time to reflect and talk to constituents would realise the error of their ways in rejecting those amendments previously. In addition, I will move two additional amendments purely in the interests of making the changes and impact of this legislation crystal clear. Previously I moved four amendments and will do so again later today. The first is to redefine the term "suitable employment" to make it necessary that an alternative job exists and is within reasonable proximity to an injured worker's home. I will also move that we restore coverage for journey claims, that section 39 of the Workers Compensation Act—which is the five-year limit on weekly plans—be removed and that we rebalance the responsibility of the employer so as to not allow for termination of an injured worker after six months of workers compensation.

I will move two additional amendments that are in response to this bill. I will seek to move amendment so that the jurisdiction of the Workers Compensation Commission is crystal clear in the legislation, not simply implied. Under the changes in this bill, the jurisdiction of the Workers Compensation Commission is implied and has been implied in the second reading contributions. But by the simple introduction of an extra couple of words, it can be made explicit. I will seek to do that. I will also seek to extend the PIAWE reforms to all claims, not just claims going forward. The 2012 changes to this legislation made significant, life-changing retrospective changes. The amendment I will move is simply that for future claims we go to the new PIAWE system but that, at some expedient time we need to address the existing claims and have them reassessed so they can go onto the fairer PIAWE system. I will speak to that in more detail when I move the amendments.

In the past six years the Labor Opposition has made several attempts to make the workers compensation scheme fairer. Each attempt has been rejected by those opposite. Now we find this particular piece of legislation before the House and again, cynically, I worry that it is simply a political election fix. Given the amount of regulation allowed for in the legislation, my concern is: What happens after March 2019? It is not enshrined in legislation, so we will need to rely on the goodwill of the Government post election when, in all seriousness, in 2012 this Government showed anything but goodwill if you were an injured worker. Labor supports the Workers Compensation Legislation Amendment Bill 2018 but will move six amendments to improve the bill.

Mr DAMIEN TUDEHOPE (Epping) (12:10): Before I address the provisions of the Workers Compensation Legislation Amendment Bill 2018, I note that the shadow Minister supports the bill. However, he again wants to re-litigate a private member's bill he previously introduced into this Parliament. In relation to that, he relies on examples which are horrifying in nature. He articulates circumstances that none of us would find acceptable in isolation. The difficulty with the manner in which he presents those cases is that they are exactly that: isolated factual circumstances. No-one in this place has the opportunity to assess the exact circumstances relating to the claims which he says give rise to the problems with this bill and his demand for the extension of section 39 of the Act.

Absent that assessment, and without the opportunity of assessing the circumstances of the claims he articulates in his speech, it is difficult to know the circumstances which really precipitate the particular problems that those workers potentially have. Another matter raised in his speech was a connection between injured workers under the scheme introduced in 2012 and suicide rates. I have to say that it is beneath him to connect or suggest that the Act is in some way contributing towards suicide rates.

Mr Greg Warren: It is.

Mr DAMIEN TUDEHOPE: I have to say that the problem with those opposite is that their mind fix is such that they are ideologically adherent to these things that they cannot countenance another potential circumstance for someone to get into such a position. It is a common practice of the Labor Party to enter the House and reel out a series of what appear on the surface to be deplorable circumstances and say, "See, I told you that those circumstances are caused by this bill."

Mr Brad Hazzard: We do care about those people—

Mr DAMIEN TUDEHOPE: We do care about them.

TEMPORARY SPEAKER (Mr Lee Evans): Order!

Mr Brad Hazzard: —and we have not forgotten that Bob Carr stood at the front of this Chamber in June 2001 and put his finger up at all the union workers outside.

TEMPORARY SPEAKER (Mr Lee Evans): Order! I call the member for Wakehurst to order for the first time.

Mr DAMIEN TUDEHOPE: The Minister for Health is correct. I remember I was in practice at the time and a significant component of that practice was workers compensation claims. As a result of those Labor amendments a significant part of that practice went wayward.

TEMPORARY SPEAKER (Mr Lee Evans): Order!

Mr DAMIEN TUDEHOPE: I suggest to those opposite that there is a way of dealing with factual circumstances that we all agree are appalling, that we all agree should be looked at and that we all agree should be the subject of some sort of help, intervention or whatever is necessary. To link that, as the shadow Minister did, to this Act is a stretch which none of us in this place should accept. I stress that not once in his speech did the shadow Minister make reference to the number of workers who have returned to work since the introduction of that Act. Without its introduction they would probably still be on workers compensation benefits.

Due to the amendments made by this Government there has been a significant decrease in the number of claims, more workers are back to work, more workers are dignified by work than are off work on workers compensation benefits. That is the lasting legacy of this Government. We want people to return to work more quickly. We want people to have the dignity that returning to work more quickly allows. We have put in place a scheme which supports workers in terms of medical treatment and the fundamental things they require for the purpose of returning to work. I strongly support this bill. I note that the shadow Minister also supports the bill. He wants more; however, he does support this bill. This bill goes a long way to addressing some issues that have been raised with the administration of the bill, including reinvesting in the Workers Compensation Commission and its ability to assess claims. All members of this House should support the bill. One of the things I would address in the bill is the amount of support it does give to injured workers.

Mr Stephen Kamper: Injured workers become ideological.

Mr DAMIEN TUDEHOPE: Speaking of ideological, he just walked in. It is important that injured workers receive the support they need to navigate the workers compensation dispute resolution system. These amendments will give greater support to workers. Research commissioned by the Department of Finance, Services and Innovation found that workers find it difficult to understand the current dispute resolution system and how to access it. Overall, workers did not feel supported when accessing the system. Further, the study identified that being involved in a workers compensation claim or dispute can be stressful and isolating and that adoption of a proactive support service may be helpful for injured workers and increase the early resolution of disputes. That is the mantra of this Government.

The amendments remove work capacity dispute resolution functions undertaken by the Workers Compensation Independent Review Office. WIRO will continue to support injured workers by being the central point of contact for all inquiries and complaints from injured workers that are not resolved with their insurer in the first instance. The bill continues to support injured workers by introducing a simplified methodology by calculation of pre-injury average weekly earnings [PIAWE]. The process to calculate an injured worker's PIAWE will be easier, clearer and more flexible. The bill introduces a PIAWE schedule with a definition of earnings that closely aligns with the actual earnings of a worker. This simplified definition makes it easier to understand. Insurers will be able to provide workers with correct weekly benefits in a timely manner with the focus remaining on recovery, rehabilitation and return to work.

Further, the amendments provide for an improved workers compensation dispute resolution process that is easier to navigate for injured workers. The bill provides the Workers Compensation Commission with jurisdiction to determine disputes about insurer work capacity decisions. I welcome that amendment. The bill introduces section 289B, which provides that a work capacity decision of the insurer is stayed while the commission completes its review if the dispute is lodged before the expiry of the period of notice. That continues this important protection introduced by this Government in 2015. The stay ensures that the injured worker continues to receive their current weekly payments while a review is being undertaken.

The bill provides for the creation of a single notice for all insurer decisions. At the moment, insurers are required to notify injured workers about decisions that impact on entitlements in different ways, depending on whether the decision was a work capacity decision or a decision about liability. The changes will allow insurers to send a single notice to communicate all decisions that impact on entitlements. The notices will be clear and the reasons for the decision communicated simply.

Importantly, the bill seeks to address the unintended consequences arising from the implementation of the new compulsory third party [CTP] scheme and the interaction with the Workers Compensation Act 1987 where, as a result of injuries suffered in a motor vehicle accident, a person also has workers compensation

rights. At present, such a person injured in a motor accident on or after 1 December 2017 will receive both weekly payments and medical expenses from the workers compensation insurer. If the person later proceeds to recover damages under the CTP scheme, that person is required to pay back from their CTP damages all compensation paid by the workers compensation insurer. This includes compensation paid for medical expenses, but the person is prevented from claiming future motor accident statutory benefits for treatment and care expenses. [*Extension of time*]

The bill seeks to ensure that a worker's CTP settlement is protected by limiting the compensation the worker is required to pay back to the workers compensation insurer. I am sure everyone agrees with that provision. The bill clarifies that the worker will not have to pay back statutory benefits for treatment and care. It will clarify that, under the new CTP scheme, workers injured in motor accidents in the course of their employment will have an entitlement to claim ongoing treatment and care from the CTP insurer after they recover damages. The bill provides that a worker who has received permanent impairment compensation is only required to repay that compensation to the workers compensation insurer if damages are recovered under the Motor Accident Injuries Act 2017 for non-economic loss.

These amendments support a fair and equitable outcome and seek to provide workers injured in motor accidents with similar rights to CTP compensation under the Motor Accidents Injuries Act 2017 as other people injured in motor accidents. The amendments proposed in the Workers Compensation Legislation Amendment Bill 2018 will support injured workers in their recovery and return to work. The Minister ought be complimented for this bill; it certainly goes a long way toward fixing those anomalies that exist in the current Act.

Mr GREG WARREN (Campbelltown) (12:22): It is not a luxury for a worker to get home from work in the same condition in which they went to work; it is a right. I will refer to some of the commentary that the member for Epping contributed to the debate on the Workers Compensation Legislation Amendment Bill 2018—commentary that, frankly, I think is offensive to many families who no longer have their loved ones with them because they have tragically taken their own lives. When a loved one goes to work, their family expects that they will return home safely at the end of the day. But, sadly, for too many that simple wish is not fulfilled. In 2016 media reports referring to the 2012 changes outlined that New South Wales had the highest number of workplace deaths in the country, reporting 53 workplace fatalities—29 per cent of all workplace fatalities in Australia. That statistic represents the reality that 53 families lost a father, mother, husband, wife, son or daughter, friend, brother or sister.

Workplace deaths have wide-reaching impacts for colleagues, the community and the entire industry but the tragedy is most keenly felt by the families left behind to pick up the pieces without their loved ones. Quite frankly, the member for Epping displayed an element of naivety that I have not seen in my professional life to date. To suggest that workers have not taken their lives as a result of mental health problems and other associated health problems that come with being injured at work is nothing short of naive. If an example was ever needed of the contempt of those opposite and other conservative members in this place for the worker, that is it—read in *Hansard* what the member for Epping had to say.

As many members know, I was honoured to serve my country as a soldier for nearly a decade. When I left the army, I could drive a truck and shoot a rifle. I began my studies at university and my son was born; I was driving trucks anywhere and everywhere I could, carting coal, sand or what have you. One day I went to work and heard that a workmate who was working for another company at that time had fallen off his truck and injured his shoulder. He had to have a shoulder operation and was on workers compensation. The stress associated with that injury went well beyond the physical element. He suffered seriously from depression. His marriage had broken down; his family had broken down. He lived on his own and he attempted to take his life not once, not twice, but three times.

I ask the member for Epping to consider that, because it is a reality that affects many people. My own father was on workers compensation for a long time and I saw how he had to navigate his way through those challenges, which is why I contribute to debate on the Workers Compensation Legislation Amendment Bill 2018. I support the bill, but I echo comments made by the member for Cessnock that it does not go far enough and flag that Labor intends to move a number of amendments to the bill.

This bill is a step in the right direction as we try to rectify the grave mistakes made in the implementation of the Liberals' 2012 changes to workers compensation. The extensive consultation process that involved two separate reviews by the Standing Committee on Law and Justice and submissions from all sectors is evidence that this Government has identified many of the problems stemming from those changes. The bill addresses some but not all of them. Ultimately it is a concession by the Liberal Party to its ideological obsession with attacking the worker and changing workers compensation laws.

It is promising, for example, that the dangerous conflict of interest afforded to the State Insurance Regulatory Authority [SIRA] has been removed and the dispute resolution jurisdiction returned to the Workers Compensation Commission. Nearly every submission to the most recent review stressed its disapproval at the continued awarding of both regulation duties and dispute resolution to SIRA—including submissions from the Law Society of NSW and business chambers, which warned that giving SIRA dispute resolution powers would "far exceed its legislative remit and responsibilities and is fundamentally inconsistent with its role as a regulator". This was a much-needed reform.

Similarly, the reforms to pre-injury average weekly earnings to make them more transparent and clear are welcomed by members on this side of the House. Indexation of claims will be almost immediate and the calculations are much simpler, ensuring that the scheme is accessible and understandable to those receiving payments. Labor supports this reform and hopes that people who fall under the scheme will be able to better understand their rights and entitlements. While the bill is an appropriate start to redressing some of the disadvantages that injured workers currently face, it does not go anywhere near far enough.

A number of other changes that were legislated in 2012 remain part of the Act and an obstacle and ultimately a barrier to fair and equitable compensation for injuries sustained by workers in the workplace. I again refer to the contribution of the member for Epping who tried to move away from the importance of legislation, policy, regulation and their effects on society. I am of the certain and unequivocal view that policies and the Acts of this Parliament bind the fabric of society together. We put laws in place and make policies for the betterment of people. If that is not understood then, quite frankly, he should find another job because that is what this place is for.

As such, while we support the general terms of the bill we propose to move some amendments. First, section 39 of the Act still remains, which allows payments to arbitrarily cease being paid to workers injured at a degree of less than 20 per cent. It is a bizarre provision that does not treat all cases on their merits and instead assumes that all injuries that extend beyond five years no longer need to be compensated. It must be repealed to allow for a specific case-by-case analysis. Secondly, section 248 of the Act provides that an employer is able to terminate the employment of an injured worker after six months or as soon as their responsibility to provide accident pay lapses.

Employers have routinely exploited this provision to absolve themselves of any future responsibility, especially when the employee requires a change in position due to the work-related injuries they suffered. It provides a convenient get-out clause for businesses to wipe their hands clean of any responsibility, when there are no longer any legal ramifications for doing so. I want to be clear: the vast majority of our employers are wonderful but unfortunately some are not of good character and exploit the worker by any means they can in their pursuit to make a profit.

Thirdly, section 32A (b) of the Act stipulates that considerations of suitable employment need not have regard to whether the work or employment is available, whether the work or the employment is of a type or nature that is generally available in the employment market, the nature of the worker's pre-injury employment and the workers' place of residence. It is strange and nonsensical to exclude these criteria because they are extremely relevant when considering what suitable employment is. [Extension of time]

Fourthly, journey to work claims, which were removed from the Act, should be restored. Those claims are most often made by people with disabilities who suffer trips and falls when using public transport and other modes of transport to go to work. Removing this option robs them of a way to compensate for an accident that occurred through no fault of their own. Fifth, the repeal of section 43 (3) provides in implied terms that the Workers Compensation Commission is now empowered to examine a work capacity decision. It is our submission that to remove all doubt as to the jurisdiction of the commission, specific words should be inserted into the provisions. Express terms should provide that the Workers Compensation Commission is able to review and determine work capacity decisions. In May 1987 in his second reading speech on the Workers Compensation Bill the then Minister for Industrial Relations in the Wran and Unsworth governments, the Hon. Pat Hills, said:

Major reform of the system was made imperative because of its failure to provide fair and equitable benefits to injured workers at a cost the community could sustain.That commitment to fair and equitable benefits was done away with by the Coalition with its 2012 changes, which were ultimately based on a false belief that the scheme was in significant debt. We know that that is untrue, and I refer to the sound contribution of the member for Cessnock when he clearly highlighted that fact. It is time to right those wrongs, and although we support the reforms proposed in the bill, more must be done to ensure that justice is achieved and workers' compensation is able to achieve its purpose of compensating and rehabilitating those who suffer work-related injuries. I say to my colleagues on the other side of the House that this is their chance to right the wrongs of the past. They know they got it wrong in 2012 and I ask them to look beyond the boundaries of their ideological pursuit and support the amendments foreshadowed by the member for Cessnock, the shadow Minister.

Dr HUGH McDERMOTT (Prospect) (12:35): I speak to the Workers Compensation Legislation Amendment Bill 2018. As has been foreshadowed by the shadow Minister, the member for Cessnock, and other Labor members of Parliament, the Opposition supports the bill. However, I too seek to amend the bill in the Legislative Assembly and through my colleagues in the Legislative Council. The bill goes some way to fixing many of the problems that this Government put in place with its reforms in 2012 that significantly changed the Workers Compensation Act. Those changes were made under the false premise that the scheme was in significant debt, but it was not. The scheme was temporarily in a poorer position as a result of financial investments that were made at the time and, of course, the global financial crisis.

The impact of the reforms to the Workers Compensation Act in 2012 was devastating to many families in my electorate of Prospect and throughout New South Wales. Nearly every week when I doorknock in the electorate or talk to people in shopping centres and offices, at least one or two families say that the legislation had a devastating effect on them. In 2014-15 when I was the candidate for the electorate of Prospect, workers, wives, husbands and families told me horrific stories of the impact that a workplace injury had on their loved one and the absolute devastation they felt after being thrown on the scrap heap—as they described it—as a result of changes to the legislation.

For quite some time people who, in the past few years, were no longer covered by the workers compensation scheme have been talking to me about the bill. Their stories about the devastating effects of the 2012 reforms on their families continues to draw me in. A number of members from both sides of the House have contributed to this debate. But let there be no question about the impact of these reforms on workers and their families in Western Sydney. There is no question—we are not making up stories for political points—that the reforms have led to suicides, marriage breakdowns, poverty and dysfunction in families. I refer to Helen Hall from Greystanes.

The member for Epping said that the Opposition make up stories and name people, but I will give her name, address and phone number. I am happy to bring her into this Chamber. Her story is just one illustration of what has happened to many families. Ms Hall was a carer working in disability services. Her job was to care about people. Today, she has had suicidal thoughts and feels devastated. She is just one person living near my suburb. There are many more examples among the 50,000 to 60,000 people living elsewhere in my electorate. The Prospect electorate has the most industrial estates in the entire Southern Hemisphere. Tens of thousands of people work in all kinds of manufacturing, industrial and construction jobs, which means that many families in the area have been impacted by the workers compensation changes. I do not know if I have the highest percentage of affected workers in New South Wales but I must have an awful lot.

The bill we are discussing today makes some major changes. The 2015 changes essentially split the original scheme into the State Insurance Regulatory Authority, Insurance and Care NSW known as icare, and SafeWork NSW. Those changes had an impact. In 2016 we had another review and in 2017 there was a consultation process. The bill today is attempting to address the findings from the consultation period held as part of the upper House review. The essence of the bill is that the Workers Compensation Commission is to be re-empowered to deal with disputes. Time and again the Government and the people dealing with the scheme have found that the dispute process is not working, particularly with regard to work capacity decisions. At the moment work capacity decisions are within the domain of the insurer—the one making the money. That is like giving the fox the keys to the henhouse. That amazes me. However, it does not amaze me that every person who has been impacted by the reforms has raised with me that the insurer is deciding whether they can work and whether they are really injured.

The bill addresses weekly payments to injured workers and will make them much more transparent and easier to understand. The changes will allow for the simple inclusion of all earnings in the previous 12 months, including any overtime and additional shifts worked. Further changes will allow for indexation to occur without the need for approval by the Governor or by gazettal. The bill addresses various issues that arise between the compulsory third party scheme and the workers compensation scheme when a worker is injured while driving for the purposes of work. The bill also seeks to align the New South Wales compensation scheme with the National Injury Insurance Scheme for the purpose of medical expenses for persons in the catastrophic injury category. Those are needed reforms and I am pleased to support them, but we need more.

The shadow Minister has introduced several private member's bills, all of which the Government has voted down. Those bills contained amendments to remove the five-year cut-off date for weekly payments to injured workers in section 39. If I could pass just one of the amendments that would be the one. His bills also sought to redefine suitable employment in section 32A (b) to make it necessary that a job actually exists and is in reasonable proximity to where an employee lives, to rebalance the responsibility of the employer so as not to allow for termination of an injured worker after six months without offence in section 248, and to amend section 10 to restore coverage for journey claims.

The Opposition supports those amendments as well as others that have been recommended by major industry groups and employer bodies including the Australian Industry Group, Unions NSW, the Law Society of New South Wales, the NSW Bar Association and the Australian Lawyers Alliance. Those further amendments are to reword section 43 (3) of the Act to make explicit the ability of the workers compensation scheme to make a work capacity decision determination that is inconsistent with the insurer and to ensure that following the enactment of the bill, after allowing for a transition period, all workers fall into the new pre-injury average weekly earnings scheme rather than just the workers who are injured after enactment. I ask the Government to support those amendments. [*Extension of time*]

We have a bill that we support and we have amendments that workers in New South Wales desperately need. I will now tell the story of Helen Hall, who lives in the suburb of Greystanes in the electorate of Prospect and has been adversely affected by changes to the WorkCover scheme. She has spoken to me about facing financial ruin and no longer being able to afford a reasonable standard of living. Ms Hall was injured at work in 2002 and has been unable to work since that time. Her doctors agree that her injury means that she cannot work and they have assessed Ms Hall as being able to work zero hours. Her workplace injury has affected how she walks, leading to knee and hip problems and the need for replacements. She also has four bulging discs in her back that put her in constant excruciating pain and stop her from walking more than a minimal distance at a time.

Ms Hall cannot last an entire day without lying down and having a rest in the afternoon as a way to reduce some of the pain. Ms Hall's physical pain is made much worse by receiving an inadequate income. She basically lives in poverty. Since being removed from the WorkCover scheme she has used her superannuation to meet her costs of living and is now completely reliant on a Newstart Allowance. She has had to apply for a disability support pension because she has no hope of working again. Ms Hall is one of many victims of the unfair and inhumane cuts made to WorkCover in 2012. As Helen has pointed out, thousands of people are in a similar situation. They have all suffered workplace injuries and then suffered again from financial cuts.

Those people do not want a handout. All they want is the benefits they were promised when they started their working lives. They want a fair insurance payout for the injuries they have suffered. The denial of benefits is affecting the health and wellbeing of people like Ms Helen Hall. It is damaging their mental health. Ms Hall has spoken to me about how even small issues can cause her to panic. She recounted that when the oil light came on in her car she did not know what to do and she panicked. Her son was very concerned because Ms Hall had always been a calm individual. The stress of the changes to WorkCover and the removal of her income have made her condition even worse.

Changes need to be made to the legislation governing WorkCover. It is hurting not just Helen Hall but also thousands of individuals across New South Wales. Ms Hall has emailed the Minister's office about the issue and as her State member I have also sent official correspondence to the Minister. I ask the Minister to respond to Ms Hall and explain why he is denying benefits to her and all of the other people affected by this legislation. Alternatively, I ask that the Minister work with me, shadow Minister for Industrial Relations Adam Searle, shadow Minister for Finance, Services and Property Clayton Barr and the New South Wales Labor caucus to fix this legislation. We need to ensure that the residents of New South Wales, the workers on workers compensation, and those that have been injured in our workplaces are given the care and compassion they need and deserve after receiving their injuries.

Ms ANNA WATSON (Shellharbour) (12:49): Is it not telling today that as we debate this important legislation the Government benches are all but empty? That is how much Government members care about the working men and women of New South Wales. They are probably upstairs backslapping one another with their mates from the insurance companies this very minute. I support the amendments to the Workers Compensation Legislation Amendment Bill 2018 put forward by the member for Cessnock. I also commend the member for Cessnock for his tireless efforts in the fight to protect and secure the rights of all workers in our State.

As a proud trade unionist, over the past 15 years I have seen the real impact this sort of legislation can have on our State's workers. I have said this countless times before but I will say it again: I will always fight for our workers. The current workers compensation scheme introduced by this Government is clearly failing our State, our workers and their families. The bill being debated today takes steps to right those wrongs. It seeks to re-empower the Workers Compensation Commission to deal with disputes. We told the Government to do this in 2012. The bill re-empowers the Workers Compensation Commission to address the issue of weekly payments to injured workers and to address issues arising between the compulsory third party scheme and the workers compensation scheme.

Like my colleagues, I support the bill because I believe it will improve the lives of our workers, but I also firmly believe that the bill does not go anywhere near far enough. As such, I will support the amendments recommended by the member for Cessnock. I wholeheartedly believe the five-year cut-off date for weekly payments to injured workers should be removed immediately. Injuries do not have a cut-off date and neither

should our State's compensation scheme. When a worker with a permanent or lifelong injury wakes up the day after this cut-off date, they are not magically healed. If an individual has been forced to be off work for more than five years, they do not suddenly disappear the day after this cut-off date. They will be pushed onto taxpayer-funded Centrelink payments. If this cut-off date is not removed from this legislation, injured workers that pass this arbitrary date may feel helpless—they definitely will feel hopeless. Figures show that they could struggle and self-harm or contemplate suicide. I know this firsthand because many injured workers visit my office. We cannot desert our workers. Labor will never desert our workers.

There is no rhyme or reason for this arbitrary cut-off date of five years. The only reason it currently exists is so the Government can keep its mates from the big end of town happy and help them shirk their responsibility to their workforce. Like my colleagues, I also believe the loophole that currently allows for an employer to sack an injured worker after they have been off for six months or more should not be allowed to exist. Employers cannot be allowed to simply pass the buck when it comes to the responsibility they have to their workers, injured or otherwise. I also agree that the term "suitable employment" should be rationally, accurately and clearly defined as a role that exists and is nearby and accessible to the worker. Finally, journey to work claims need to be restored.

Make no mistake, the bill is a step in the right direction, but it is a step that did not need to be taken if those opposite had not destroyed our State's workers compensation scheme in 2012 against the advice of the experts. I will never forget that night in this place. It is a sad and disgraceful stain on the history of how we have treated workers in this State. The New South Wales workers compensation scheme is now somewhere between $2.4 billion and $4 billion in surplus. While those opposite might wear that figure as a badge of honour, it means thousands of workers across this State are missing out on the compensation payments that they are rightfully owed and their families depend upon.

This Government has the gall to call itself the party of the worker, but where is the Premier? I have not seen her or her front bench members in the Chamber. We are only six months out from the election so the Government is trying to make it look like it cares. Those opposite want a parade for doing the bare minimum by our workers. It is just not good enough. We on this side of the House, the real party of the workers, know that we cannot get away with doing the bare minimum. We need to do what is right. The amendments proposed by the member for Cessnock do what is right. I urge all members in this House to support the amendments proposed by the member for Cessnock. Stand with our workers and do what is right. This is an opportunity for each member to put their money where their mouth is. If they care, they should show the workers some respect.

Ms JODIE HARRISON (Charlestown) (12:55): I make a contribution to debate on the Workers Compensation Legislation Amendment Bill 2018. Workers compensation is an important issue not only in the workplace but also in a decent society. The first workers compensation legislation in this State was the Workmen's Compensation Act 1910, which applied to personal injury by accident arising out of and in the course of employment. It was limited to certain occupations that were deemed to be dangerous. The 1910 Act was replaced by the Workers' Compensation Act 1926, which introduced compulsory insurance for employers and the licensing and regulation of insurers. It also established the first specialised workers compensation tribunal in Australia—the Workers Compensation Commission. Workers compensation in New South Wales has been in place for considerable time and that is a good thing.

I cannot speak in debate on the bill without acknowledging that trade unions were instrumental in the introduction of workers compensation in New South Wales through the lobbying of parliamentarians and pressuring Labor governments. In her thesis entitled "Workers' benefit or employers' burden: a history of workers' compensation in New South Wales", Gina Cass stated that conservative opposition to formal legislation was weakened due to a split between employers who opposed the legislation—probably because it exposed them to strict liability rather than having wiggle room through common law—and insurance companies who supported it because they wanted to get in on the financial action.

The bill seeks to fix some of the difficulties created by changes that have been made to workers compensation since this Liberal-Nationals Government first came to office in 2011. In 2012 the O'Farrell Liberal-Nationals Government made changes to workers compensation legislation by removing workers compensation coverage for trips to and from work, reducing weekly payments to injured workers, stopping weekly payments for most injured workers after two and a half years, capping medical payments for injured workers, no longer covering heart attacks and strokes, stopping partners of those killed at work from claiming for nervous shock, and stopping lump sum payments for pain and suffering. The changes also lumped workers with the legal costs of pursuing a claim, but thankfully the Government backed down on this shortly after introducing the legislation.

In 2014 some small improvements were made to the workers compensation regulation which applied to anybody who made a claim before 1 October 2012. Those changes allowed for payment for crutches and artificial aids, defined whole person impairment as between 21 per cent and 30 per cent for the purpose of assigning

medical benefits, removed discrimination against those aged 64, continued weekly payments while a dispute work capacity decision was being resolved, and allowed secondary surgery where it is consequential of earlier surgery and was pre-approved within two years of the original surgery.

This bill is welcome in that it seeks to fix some of the heartache created back in 2012. The real experiences of people who come into my office with tales of woe as a result of those 2012 workers compensation changes are frequently harrowing. I have heard stories of people like Frank, who worked as labourer, cable joiner and foreman for 28 years and who injured his lower back and has been cut off from workers compensation payments. I will speak a little more about him later. I heard about Norman who worked at the State dockyards and was afflicted with work-related asbestosis and about Victor, an electrician who suffers chronic lower back pain due to a work injury. He was in my office as late as Monday.

These are real people with real workplace injuries whose experiences show that this legislation, while it is welcome, does not go far enough. This bill is basically an admission by the Liberal-Nationals Government that it got the 2012 workers compensation legislation wrong. It is an admission that it got it wrong on the dispute resolution system; it is an admission that it got it wrong on who makes a decision about the physical capacity of an injured worker; it is an admission that it got it wrong on how weekly payments are calculated; it is an admission that it got it wrong on indexation of workers compensation payments; and it is an admission that it got it wrong on limits in repayments to the workers compensation scheme when a compulsory third party claim has been made and approved.

For six long years since 2012—and six years is a very long time if one is injured—workers have suffered as a consequence of this Government's arrogance. The Liberal-Nationals Government has always been aware of these problems; a number of organisations such as Unions NSW, the Law Society of New South Wales, the New South Wales Bar Association, along with the Labor Opposition, raised concerns on numerous occasions yet the Government persevered and here we are. Why? As the shadow Minister and member for Cessnock, the member for Prospect and the member for Shellharbour have said, it is claimed that the workers compensation scheme at that time was in deficit but the reality is that the scheme was only temporarily in deficit eight years ago as a result of investments, the global financial crisis and the way that the deficit was calculated in relation to potential claims made at that time.

At that time experts anticipated that the scheme would naturally adjust back to surplus in the years that followed. Instead of listening to those experts, the Liberal-Nationals Government had a disastrous knee-jerk reaction at the cost of the injured worker. Just as everybody else's investments have recovered, the workers compensation scheme is now more than $2.4 billion in surplus. Earlier this year I spoke in this place about a Charlestown constituent who, like many others across the State, as a result of the 2012 changes had his workers compensation cut on 25 December 2017. Frank worked as a labourer, cable joiner and foreman for 28 years. He had the misfortune of injuring his lower back various times over those years and following assessment from doctors he was informed that his injuries were as a result of strain from work. Five years later Frank was told by QBE, which was his workers compensation insurer, that he had in fact received enough financial support, that his time was up and his payments were completely cut.

Frank's compensation was court determined in 2001 but that determination was null and void due to the 2012 legislation. Not only did Frank have to live with crippling pain, he was also unable to earn an income and this Government has done nothing to help him. Frank is not alone. I have many other constituents who, due to the five-year limit, have been kicked off the workers compensation scheme and are now really struggling financially, physically and often emotionally. Members on this side know of and have talked about many attempts at self-harm and suicide as a result of the dire place these injured workers find themselves in. The veracity of those claims has been questioned but it does not take much to actually find evidence, such as Rowan Kernebone from the Injured Workers Support Network and media reports about a homicide squad detective who was suffering post-traumatic stress disorder [PTSD] and was so badly treated by his workers compensation insurer that he took his own life. These are real stories.

It is for this reason that I will be supporting Labor's amendment to remove section 39 of the existing Act, thereby abolishing the five-year cut-off for injured workers. This is one of the several ways in which this bill falls short. I would like to see the Government remove the ability for an employer to sack injured workers if they have been away from work due to a work-related injury for over six months. While I welcome changes to the weekly payments to injured workers in the bill, again I believe it does not go far enough in that it limits these fairer calculations to new injured workers entering the scheme and does not reflect the pre-injury earnings of existing injured workers in the scheme.

I, like my Labor colleagues, have apprehensions also regarding the lack of definition for suitable employment. We believe that the job being offered must be a real one, that is, one which would actually be in the employment market, is reasonably close to where the injured worker lives and in fact actually exists. From what

I have seen, heard and read from my constituents in my time as the member for Charlestown, the part of the 2012 workers compensation reforms that has had a huge impact on injured workers is that workers who were injured on their way to or from work have lost their ability to make a claim. It is worth pointing out in this debate, though, that a disproportionately large number of these injuries are received by workers with disabilities who were injured through falls when travelling on public transport to get to or from work or when travelling on uneven ground when getting to or from that public transport.

The restoration of these rights is something that has been completely missed in this bill and I would welcome the Government's support for the amendment that fixes this. Without Government support for these amendments, it is clear that only a Labor government will adequately provide for injured workers in New South Wales. While I will not be opposing the bill, I would welcome support from the crossbenchers and indeed the Government for Labor's amendments because it is clear that these amendments will go further to restoring fairness for injured workers. It is the right thing to do.

Mr DAVID HARRIS (Wyong) (13:05): I make a contribution to debate on the Workers Compensation Legislation Amendment Bill 2018 and acknowledge, as have other speakers, that whilst Labor members do not feel that the bill goes far enough in meeting the needs of injured workers, we certainly support this as at least a small step forward. I, too, acknowledge the member for Cessnock and the work that he has done. He has met with quite a number of my constituents who have come to me with workers compensation issues. Part of the amendments proposed by the Labor Opposition are the result of conversations that he has had directly with injured workers. It is clear from the stories we have heard this morning that there is a real gap in workers compensation legislation in properly supporting long-term injured workers.

I welcome the bill in that it will allow a better dispute resolution process. The most complaints that I receive are about the unconscionable behaviour of insurance companies, which go to great lengths to avoid paying injured workers what they are due. The stories I have heard about insurance companies employing doctors to contradict other doctors in order to knock back claims are very disturbing. I heard the story of a worker who worked at the Woolworths Distribution Centre at Warnervale. The company would fly down a doctor from Brisbane to meet specially with injured workers and stipulate a percentage just below what all the other doctors had recommended to ensure that the injured worker remained under the 20 per cent disability level and did not receive the proper payment. It is really disturbing that many injured workers would go to one, two or three doctors to get an opinion only to have their claim knocked back by the insurance company's doctor. Other members would have heard similar stories.

In another case a former retained firefighter with post-traumatic stress disorder has been followed and had drone footage taken of him to try to prove that he does not have the purported injury. This places additional stress on the injured worker, causing secondary injury, which is often mental illness because the person believes he or she cannot go anywhere without being followed. Clearly that behaviour by insurance companies is not the right way to proceed and I hope the dispute resolution measures in the bill will address that in some way.

I also want to talk about the recognition of continued compensation for "secondary injury". A worker who may have had a back, knee, foot or shoulder injury often develops a secondary injury because they have to battle for so long to get compensation for the medical operations they require. Those secondary injuries are not linked back to the original injury so they have to go through the process of proving that the secondary injury was caused by the initial injury. That clearly places undue stress on families, and previous speakers have recounted such stories.

I have heard similar stories about people being suicidal, marriage breakups and financial pressures that have led to people losing their homes. I have also heard stories where family members have had to leave their employment to become carers and they have lost their income as well. That is not good enough. One worker said to me, "I am not a shirker. I have worked for 30 years. I did not choose to get injured. Now I am being treated like a criminal." It breaks my heart to hear the stories. The member for Cessnock has been at meetings with me where people just break down in tears. They do not know how they are going to get themselves out of the cycle of having to constantly prove they have an injury and that they are no longer capable of working.

One of the proposed Opposition amendments concerns the concept of injured workers being offered a real job. From the stories I have heard, too often they are being offered a position that they clearly do not have the skills to do and they are then told they might forfeit their payments if they do not accept the job. This is a ploy by some insurance companies to try to negate their liability to make sure that injured workers are looked after and it is a great fault in the system. I am sure Government members have had people come to their offices to talk about the treatment they have received from insurance companies after being injured.

I consider the amendments proposed by the member for Cessnock to be reasonable. Indeed, they address some clear problems in the system—for example, the amendment relating to redefining suitable employment to

make it a requirement that a job actually exists. Surely that is not too unreasonable for the Government to agree with. The cut-off date of five years also requires serious consideration. Some people are being injured in their thirties or younger; their injuries do not go away. Lifelong injuries do not magically stop. Quite often these people require multiple surgeries and after five years they are cut off. If we are in such a bad financial position that we cannot support these people for more than five years then the Government is not telling us the truth about how well it thinks the economy is going.

We also need to have a serious look at restoring coverage for journey claims. On the Central Coast the majority of people travel to work, some great distances, and often they travel on the M1 to Sydney or Newcastle. The traffic data shows that there are accidents on the M1 all the time. Most people have to travel to work so it is very unreasonable to cut out journey claims. Once those journey claims were taken away there was no recognition of the fact that someone injured in a car accident, for example, has endured pain, operations et cetera and has lost their income and ability to work. That is a disgrace. The final two Opposition amendments were put forward by industry groups.

Business interrupted.

Community Recognition Statements

ST JOSEPH'S CATHOLIC PRIMARY SCHOOL, OATLEY, VINNIES SCHOOL SLEEPOUT

Mr MARK COURE (Oatley) (13:14): Today I recognise the generosity and community service demonstrated by students and staff at St Joseph's Catholic Primary School, Oatley—where I went to school. Last month students in year 3 to year 6 participated in the Vinnies School Sleepout. The aim of the sleepout was to give students a basic understanding of those who are homeless. Last term students held a market stall fundraiser for the St Vinnies Winter Appeal. The focus of the sleepout was to continue this initiative by raising awareness of the issue. Well done to the junior Joeys who baked, created and packaged baked goods to sell in the school playground. The generous donation in time and financial support of the St Joseph's school community raised $1,123. A thank you note from the St Vincent de Paul Society was issued following this remarkable achievement. Congratulations to all students for fundraising, participating in the sleepout and raising awareness of homelessness in our city.

WALLSEND VILLAGE SECURITY SUPERVISOR PHIL COLELOUGH

Ms SONIA HORNERY (Wallsend) (13:15): In an emergency situation there are only seconds to act and very little time to think and plan. That was precisely the situation on 29 September when Wallsend Village security supervisor Phil Colelough swung into action and saved a life. A lady had a heart attack in the centre and Phil courageously came to her aid. Without his quick thinking, cardiopulmonary resuscitation and the skilful use of a defibrillator the outcome might have been very different. First aid training is vitally important. On behalf of the Wallsend community I thank Phil for his excellent work. I am sure the heart attack victim and her family are very thankful. It is a relief to know that Wallsend Village has a resource like Phil Colelough.

TERTIARY EDUCATION ADVOCATE TASHA REYNOLDS

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:16): I congratulate Elizabeth Hills resident Tasha Reynolds who has proved that education is key to a successful life in spite of a difficult experience in the foster care system. Tasha and her two sisters were taken in by Family and Community Services after an unfortunate family breakdown. In her time in foster care Tasha diligently concentrated her efforts on her education in order to make a successful life for herself. This saw her receive many leadership opportunities as well as high school and university scholarships, which have helped her become an example for other children and young people going through similar circumstances. Tasha is now an advocate in promoting tertiary education and speaks at conferences and workshops to inspire foster children to follow their dreams. She tells of her experiences to demonstrate how one's past does not have to determine one's future and that through hard work and positive choices all individuals in the fostering system can achieve great things. Well done Tasha!

RESILIENT AUSTRALIA AWARDS (NSW) RECIPIENTS

Ms TRISH DOYLE (Blue Mountains) (13:17): I acknowledge that on this day in 2013 more than 200 homes were destroyed by bushfire in the Blue Mountains. Many animals died in those fires, many of them pets. Yesterday in the Resilient Australia Awards (NSW) I was proud to see some very humble people recognised for their efforts in preparedness for fire. Jenny, Mel, Warren and Mary-Lou won highly commended in the Community Award category for their animal-ready community project, which raises awareness of the need for companion animals, livestock and native wildlife to be included in local emergency preparedness planning and response. Warrimoo Public School won the Schools Award. It was great to see the school represented by its

leaders, principal and Pete and Dave from Warrimoo Bushfire Brigade. The fabulous Kellie Mar won the Photography Award for her image of Emily, the Rural Fire Service volunteer. Emily is a force to be reckoned with both on and off the fireground. Congratulations to the Blaxland Rural Fire Brigade and to all of the Blue Mountains award recipients.

KANDOS MUSEUM PRESIDENT BUZZ SANDERSON

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (13:18): I acknowledge the outstanding achievements of Buzz Sanderson and his undertakings on behalf of the Kandos Museum and Lithgow State Mine Railway. Buzz was instrumental in successfully lobbying to bring heritage rail tours to the Kandos-Rylstone district to boost the local economy. In September this year the largest operational steam train in the Southern Hemisphere was run, through Buzz's efforts. Affectionately known as the Garratt and weighing in at 255 tons, the 6029 drew a great crowd to see the train coming in for the first time on the Wallerawang-Gwabegar line.

The event, held in partnership with the Lithgow State Mine Railway and Transport Heritage NSW, saw enthusiastic passengers board the Garratt from Lithgow, enjoy shuttle rides from Kandos to Rylstone and return. There were many spectators along the route and around 2,000 people enjoyed the experience. It was an outstanding event for the region and particularly for the villages of Kandos and Rylstone. It was truly a sight to behold. I congratulate Buzz Sanderson on his commitment and dedication in making this event happen and on his ongoing work for the Kandos Museum.

GOLDEN HEART CHARITY FUNCTION

Mr NICK LALICH (Cabramatta) (13:19): On Saturday 13 October I had the great pleasure of attending the Golden Heart Charity Function in Cabramatta, where local residents, businesses and community leaders banded together to help raise much needed funds for Fairfield Hospital. I extend my sincerest appreciation and commend the various Vietnamese and Chinese community organisations that worked together to make the evening a great success, particularly my old friend Vinh Trang from the Lions Club of Western Sydney and Dr Vinh Binh Lieu, OAM, President of the Vietnamese-Australian Medical Association. I am incredibly proud that our local community is always willing to dig deep and support its members in times of need. This year the goal has been set at $106,000 to purchase an OrthoScan machine, which will greatly benefit Fairfield Hospital and, in turn, our local community. I thank everyone who contributed to making the evening a tremendous success and for working towards a better community for all of us.

WINGHAM RIFLE CLUB MEMBER CHRISTINE ADAMS

Mr STEPHEN BROMHEAD (Myall Lakes) (13:20): I congratulate Christine Adams of the Wingham Rifle Club, who set a new club record for 700 yards. Christine, who is the club treasurer, already held the range record in F Open for stage 1 at 700 yards at 59 and three centres. She broke her own record to record a blistering stage 1 score of 59 and seven centres. I congratulate Christine and her husband on their work for the Wingham Rifle Club.

JUVENILE DIABETES RESEARCH FOUNDATION YOUTH AMBASSADOR EMMA HOGAN

Ms PRUE CAR (Londonderry) (13:21): Today I recognise Emma Hogan, a formidable young lady who is doing work experience in my office in Parliament. In 2009 Emma was diagnosed with type 1 diabetes at the age of seven. Since then she has devoted her life to the advocacy through the Juvenile Diabetes Research Foundation, becoming a youth ambassador in December 2010 at just eight years old. Throughout her young life she has organised countless fundraisers and promoted awareness of type 1 diabetes, even representing Australia at the Juvenile Diabetes Research Foundation [JDRF] Children's Congress in Washington DC in 2015. On Sunday Emma is hosting the JDRF One Walk in Penrith at Jamison Park. Congratulations to Emma on smashing the stigma around type 1 diabetes. I cannot wait to see what the exciting future holds for this young woman.

SOUTH COOGEE PUBLIC SCHOOL PRINCIPAL TRISH FISHER

Mr BRUCE NOTLEY-SMITH (Coogee) (13:22): I congratulate Ms Trish Fisher, Principal of South Coogee Public School in my electorate, on her fantastic work in fostering a renewed culture of learning and success at the school. In 2015 Ms Fisher became principal of the school after many principals before her. Ms Fisher's innovative work to reinvent learning for children at the school has deservedly earned her the Secretary's Award for Outstanding School Initiative. I acknowledge all teachers in my electorate of Coogee and encourage all those who work in our great schools to continue to push the boundaries and develop new ways to support our children in our fantastic public education system.

BELAIR PUBLIC SCHOOL STUDENT CALLAN PETERSON

Ms JODIE HARRISON (Charlestown) (13:23): I congratulate year 4 Belair Public school student Callan Peterson on being named the best year 4 writer in New South Wales after receiving his category's highest score in the International Competitions and Assessments for Schools writing paper. Students were given 30 minutes to write a short narrative featuring a campsite, river, train or library as the setting and a bunch of flowers, a bicycle or jacket as an object. Callan's *One Thing* tells the story of a teenager named Dirk, who storms into a library looking for a video game and knocks over a vase of flowers, sending bookshelves toppling like dominoes throughout the room and one of Newton's physics books landing on top of him. On 2 November Callan will represent the Hunter at the Premier's Spelling Bee final. I wish him all the best. To Callan's parents and the hardworking teachers at Belair Public School, I say well done. It is a fantastic school.

GRAFTON ZOMBIE WALK

Mr CHRISTOPHER GULAPTIS (Clarence) (13:23): It is encouraging to see young people tackling important issues such as mental health in our communities. Last Saturday it was terrific to see young people in Grafton turn out for the Zombie Walk. This day is about raising awareness for youth mental health. Nearly 30 people overcame the rain to walk down the main street of Grafton dressed as the undead. Hanna Craig from Clarence Youth Action said while about 30 people braved the rain, 80 people came through the doors of Headspace for the event. The Zombie Walk is important as it helps open up possibilities for youth to talk about their journeys with mental health. There were many highlights: the free zombie workshop prior to the walk with Kate from Face Paint Shop Australia, all the amazing zombies participating in the walk and at Headspace, the live music from some of our great talent from within the Clarence Valley as well as all the other services that provide mental health support.

WAGGA WAGGA ELECTORATE RELAY FOR LIFE

Dr JOE McGIRR (Wagga Wagga) (13:25): Last weekend, on 13 October and 14 October, more than 1,000 people from Wagga Wagga and surrounding communities came together for the annual Relay For Life and raised more than $100,000 to support the vital work of Cancer Council NSW, providing funds for research and supporting cancer patients and their carers on their treatment journey. The significant event would simply not be possible without the support, dedication and contribution from the event's volunteer committee, which was led by chairperson Duncan Potts. In thanking all the committee, I note in particular long-serving members Narelle Potts, Linda Hoey, Greg Johnson, Alan Pottie—who is one of only 36 Global Heroes of Hope—Michael and Connie Gordon and Maddison Smith. I also pay tribute to the amazing efforts of all the teams, participants and volunteers and acknowledge all the sponsors, including major sponsors Wagga RSL and Commercial Club. It is this dedication on which our communities thrive.

CLEAN UP AUSTRALIA FOUNDER IAN KIERNAN

Ms FELICITY WILSON (North Shore) (13:25): I acknowledge with great sadness the loss of one of Australia's national treasures Ian Kiernan. A Kirribilli local, Ian was loved and respected in not only my community but also across Australia and the world. After discovering the impact of rubbish on our oceans as a well-known sailor, Ian came home to Sydney as an environmental activist with a mission to take action and inspire others to join in. He started a community event on Sunday January 8 1989 called Clean Up Sydney Harbour with more than 40,000 volunteers lending a hand. In 1990 Clean Up Australia Day took place, with hundreds of thousands volunteering. In 1991 he started Clean Up the World. Since then, more than 40 million people have participated from 120 countries. Today we mourn his loss but our best tribute to his legacy is refocusing our personal commitment and responsibility to try to change the world and our environment for the better by reducing single-use plastic items, increasing our recycling or picking up litter. As members in this place, we will always have a responsibility to preserve and protect our environment. There is much more to be done. Vale Ian Kiernan, AO.

NEWCASTLE ELECTORATE HIGHER SCHOOL CERTIFICATE STUDENTS

Mr TIM CRAKANTHORP (Newcastle) (13:26): I wish the best of luck to the year 12 students of Newcastle who start their Higher School Certificate [HSC] exams tomorrow. The HSC can be a stressful time for some and it is important to remember that while it is an important measure of academic achievement, the HSC is not the be-all and end-all. Students should keep in mind healthy eating, getting enough sleep and continuing to engage in regular exercise and other activities to help reduce stress. To those who may be planning to go to university and study, I wish every success in their future studies and career. Not all students will choose to go to university; instead, many will choose to pursue further training through TAFE or go into full-time employment. To those who choose employment or apprenticeships, I wish them all the very best.

GLEN INNES SHEIK OF SHEARING DANIEL MCINTYRE

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (13:27): I recognise the Glen Innes sheik of shearing, Daniel McIntyre, who has claimed the Australian shearing title for the fourth time. Daniel competed as part of the Australian team in the recent trans-Tasman test match in Perth against the New Zealanders, defeating them for the fifth year in a row. Next year Daniel will head to the world championships in France, the first time he will compete internationally since 2005. The national championship was his second in a row. I acknowledge Daniel's efforts in the competition and in coaching and supporting young shearers across the Glen Innes district. I know that he will be incredibly successful in France and will have a lot of practice in the Glen Innes district in the lead-up to next year's world championships.

EQUATORIA COMMUNITY AND WELFARE ASSOCIATION

Dr HUGH McDERMOTT (Prospect) (13:28): The Equatoria Community and Welfare Association is a fantastic organisation in the electorate of Prospect. On 29 September it held its Azande cultural dance. I had the privilege of attending this dance as a special guest of honour, an event that was co-hosted by the Azande Youth Union. It is always great to see young people getting involved in their local multicultural community and representing their culture with such distinction. I thank the Chairman of the Equatoria Community and Welfare Association NSW, Julious Clement, and vice-chairman, Patrick Dako, for inviting me to this wonderful event. In addition, I congratulate other members of the Equatoria Community and Welfare Association executive—Alice Achola, James Likambo, David Lokosang and Thomas Obale—for their ongoing work. I also thank all the organisers for their work in hosting this event. They show how multicultural our area is and how they make the Azande community and the whole Western Sydney community proud.

PORT MACQUARIE ELECTORATE CHARLES STURT UNIVERSITY SCHOLARSHIPS

Mrs LESLIE WILLIAMS (Port Macquarie) (13:29): I congratulate the winners of this year's Charles Sturt University Foundation Scholarship for 2018 Ms Jazelle Foxley-Stewart and Tahlia Rance from Port Macquarie. This year the Charles Sturt University scholarships were presented on 3 August at the newly renovated Sails Port Macquarie by Rydges resort. Over 30 scholarships were presented during the evening with Bachelor of Social Science student Jazelle Foxley-Stewart receiving the Hastings Co-op scholarship, and Bachelor of Paramedicine student Tahlia Rance claiming the Jacob Berry Memorial Scholarship award. Jazelle and Tahlia acknowledged that the scholarship would be a tremendous support in assisting them with costs associated with their studies while completing their placements and university degrees.

Our talented students attribute the awards as a driver and a motivation to inspire them to achieve their career aspirations. The Charles Sturt University Foundation annually awards 300 students who have demonstrated academic excellence and commendable achievements in their chosen area of study. About 200 people attended the event, featuring the presentation of the prestigious Dean's Awards. I commend the local organisations and small businesses in my electorate for generously donating to the Charles Sturt University Foundation each year to support the next generation of young and enthusiastic students as they strive to achieve their career goals.

ORANGE WOMEN'S SHED AND FIONA COOPER

Mr PHILIP DONATO (Orange) (13:30): I recognise Fiona Cooper of Orange, who has dedicated her time and skills to the women of my electorate by establishing the Orange Women's Shed, which started out as a concept of Fiona's in 2015, and now boasts an email list of over 90 women and a member list of approximately 60. There are approximately 30 weekly attendees. Fiona was motivated to start the women's shed as a way of keeping women—many of whom live alone—in their homes for longer by helping them to become independent and by providing a friendly social meeting place. By teaching basic trades-based skills like how to change tap washers, operate power tools and construct wooden toys and household items, Fiona has been able to empower many local women to feel safer and more comfortable around their homes and in their local communities. Special thanks should also go to Wangarang Industries, which donated the final touches to the magnificent shed to complete Fiona's vision. I also thank Orange City Council for its support. Women's sheds are important places for local women to gather, learn new skills, make new friends and feel supported. I thank Fiona for her dedication.

THE HILLS WOMEN IN LEADERSHIP EVENT

Mr MARK TAYLOR (Seven Hills) (13:31): On Monday afternoon it was my pleasure to jointly host the annual The Hills Women in Leadership event with the member for Baulkham Hills and the Hon. Natasha Maclaren-Jones, MLC, at the Muirfield Golf Club. The annual get-together acknowledges the dedication and hard work of women in our communities. The Hon. Natasha Maclaren-Jones spoke about building community, encouraging young women and learning from mentors, both female and male. I thank all of those in attendance for making Seven Hills an even better place. Of the many who attended I acknowledge Janice McKinnon from

the Country Women's Association; Belinda Schuster of Model Farms High and Winston Hills Public schools P&Cs; Joan Van den Burg and Cherelyn Suzuki from the local Rotary Club; Fiona Nadaya, Megan Ridge and Vanessa Wegener of Toongabbie Public School P&C; and Nicole Gupta and Nicole Jeremy of Toongabbie Anglican Church. It was a great afternoon.

NICOLA XANTHOPOULOS EDUCATION SERVICE AWARD

Ms ANNA WATSON (Shellharbour) (13:32): I recognise the inspirational and remarkable work of Miss Nicola Xanthopoulos, who recently won the Education Service category award for her business Nicola's Tutoring at the Illawarra and South Coast Local Business Awards. Nicola first started tutoring students in Shellharbour after she finished her Higher School Certificate, and continues to do so while she is completing her Masters in High School Teaching. Throughout all of this, Nicola has remained passionate about raising awareness of bullying because of her own experiences of being bullied in her early teens. Nicola said, "We really need to stand together and make sure that people who are being bullied know they have support. Adults can make that support happen." Nicola is a very inspiring, dedicated and determined young woman who should be incredibly proud of what she has achieved. On behalf of my community, I congratulate her on her achievements and thank her for inspiring so many in our community. I wish her all the best in her very bright future. Congratulations, Nicola.

MABEL MACKENZIE BROOCH RECIPIENT MARY THISTLETON

SAMARITAN'S PURSE VOLUNTEERS

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (13:33): I acknowledge the very special work done by the Samaritan's Purse Volunteers under the leadership of district co-ordinator Val Morris. This initiative is part of Operation Christmas Child, and some 276 special boxes were packed in Lithgow for distribution to those in need in Third World countries. With Christmas just around the corner, now is the time to recognise that many families are in need and will not be counting how many sleeps, but how they will survive and give their children a gift. Each box is packed with six "somethings"—something for school, something to play with, something special and something to love—providing a treasured gift to a child. I congratulate those involved with this initiative and commend them for their initiative of caring for others. This is the true spirit of Christmas.

I also acknowledge the outstanding achievements of Bathurst Golfer Mary Thistleton who was awarded the Mabel Mackenzie Brooch, which is presented each year to a lady golfer. Mary Thistleton is a very young 96 year-old who won the inaugural Super Vets Championship in April at Bathurst Golf Club. It was this performance that helped her claim the converted brooch. Mary is an inspiration to all and through her sport remains very active in the community. I congratulate Mary on this outstanding achievement.

JASMIN PYNE FUNDRAISER

Mr DAVID HARRIS (Wyong) (13:34): Jasmin Pyne, a 9-year-old girl in my community, suffers from cerebral palsy and quadriplegia. The Pyne family are known to many, and the parents are known as kind and loving locals. However, they need a vehicle that can cater to Jasmine's needs. The Pyne family require a car that has wheelchair access to enable them to transport Jasmin. As you can imagine, the cost is astronomical among all her other medical expenses. Charmhaven Lions Club together with Wiseberry Gorokan held a charity trivia night to help raise much needed funds for this Central Coast family to get Jasmin moving. I was delighted to be involved in this fun night with good company for such a great cause. All the money raised will go towards a car for the Pyne family to meet Jasmin's needs. This event was a great example of what the community can achieve when we come together for a common goal. We will be excited to see the Pyne family get the car they need, and thank Wiseberry Gorokan and the Charmhaven Lions club for their work to help this great family.

HORNSBY NORTH PUBLIC SCHOOL TEACHER KATE JONES

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (13:35): I pay tribute to an awesome classroom teacher from Hornsby North Public School who has raised over $11,000 for charity. Kate Jones, who teaches kindergarten at Hornsby North, put together a team of 38 staff, parents and family from Hornsby North Public School to run or walk the Sydney Harbours Real Insurance five-kilometre and 10-kilometre events. Kate and her team—BraVe Spirit—were motivated by the desire to live a life without cancer, and the heart break and devastation it brings. Kate hoped they could make a difference and combat cancer with joy. As well as the walk they also held Crazy Sock Day at Hornsby North Public School, which raised a phenomenal $11,829, which will be donated to the Love Your Sister Charity. The team could not have gone ahead without the support of the amazing Hornsby North Principal Maree Sumpton, a one-of-a-kind lady who is not only a wonderful principal but also someone I call a dear friend. Kate, congratulations on an amazing achievement. Hornsby North is lucky to have such wonderful teachers as you.

BLACKTOWN RUGBY UNION FOOTBALL CLUB FORTIETH ANNIVERSARY

Mr STEPHEN BALI (Blacktown) (13:36): I commend to the House the Blacktown Rugby Union Football Club and extend our congratulations on its fortieth anniversary. Club founding president Jack Murray and inaugural coach Alwyn Lilly and others had the vision to establish a senior grade team in the metropolitan rugby union competition. For 40 years there have been many volunteers, committee members, players, sponsors, and supporters, plus a few changes in home ground location, but the core principle of building a family friendly environment to provide the opportunity for everyone to compete at their best still remains strong today. This year also saw the introduction of the first female rugby union team in the club—they had a great year. I offer my congratulations to president Alex Cope and the committee on their successful club presentation night last Saturday and wish them many more exciting years into the future.

MORIAH COLLEGE PRINCIPAL JOHN HAMEY

Mr BRUCE NOTLEY-SMITH (Coogee) (13:37): Mr John Hamey, who has served as Principal at Moriah College in my electorate, has announced his retirement from the role at the end of this year. Moriah College is a well-known and prestigious institution of Jewish education from years K to 12, and a lot of its success is owed to Mr Hamey. School President Stephen Jankelowitz described Mr Hamey as having "exemplary educational vision" as head of the school. I congratulate John on his fantastic work as principal of the school, moulding young students into professional and intelligent young adults throughout their school careers. Mr Hamey, I thank you for your dedication and wish you all the best for your future.

PENNIE KEARNEY RETIREMENT

Ms JENNY AITCHISON (Maitland) (13:38): I recognise and thank Ms Pennie Kearney for service to her community. She recently announced her retirement as Chief Executive Officer of Mai-Wel LabourForce Solutions. As chief executive officer and as 2017 Local Woman of the Year, Pennie has been an advocate for change and a fantastic role model for aspiring leaders within our community. She has worked tirelessly for the unemployed and underemployed. She was involved with the Mai-Wel Group for over 20 years and many in our community will tell you of her fantastic work in this space.

Pennie has an amazing work ethic and over a very long career has imparted those qualities to all the jobseekers in our community. She is a fierce advocate for people with disabilities. I have seen for myself the blooming of many people with disabilities in our community when they have been faced with the enduring force of Pennie's positivity and enthusiasm for providing them with job opportunities. Pennie has provided them with so much. I thank her for her ongoing positive entrepreneurship, care and love for our community.

GRAFTON CORRECTIONAL CENTRE

Mr CHRISTOPHER GULAPTIS (Clarence) (13:39): I recently had the pleasure of attending the 125th year celebrations of the Grafton Correctional Centre. It was a great day, with Minister for Corrections David Elliott and Corrective Services Commissioner Peter Severin in attendance as well as a host of other special guests. The centre put on a community day to showcase the heritage listed facility and to provide an opportunity for the people of Grafton to see the jail up close. Grafton has been a "jail town" for much of its existence and is very proud of the centre. One thing I can say for certain is that we love our gaol in Grafton. I congratulate Governor Michelle Paynter and her staff not only on this event but also on the work they do in helping inmates through a range of programs to reduce reoffending.

SURF LIFE SAVING NEW SOUTH WALES YOUNG VOLUNTEER OF THE YEAR TEGAN ROBERTSON

Mr PAUL SCULLY (Wollongong) (13:40): I congratulate the inaugural NSW Surf Life Saving Young Volunteer of the Year, Tegan Robertson. I have known Tegan for the past couple of years as a fellow member of the Bellambi Surf Life Saving Club and can attest to her passion and commitment to surf lifesaving. Tegan started in surf lifesaving at the age of six, joining her parents, who were already involved. Last year she led surf awareness sessions in conjunction with Bulli PCYC and Wollongong Northern District Aboriginal Community Incorporated to engage disadvantaged Aboriginal and Torres Strait Islander youth. She serves on the Bellambi Surf Life Saving Club executive and is a committed patrolling member who clocked up 146 hours on the beach last season alone on the back of around 160 the year before. Tegan is known to step up whenever someone is needed. She has never lost anyone on her watch. Bellambi is thrilled to have her as part of its club. Tegan is well supported by her mum, Tara, dad, Neil, and brother, Brody, all of whom are surf lifesavers. I congratulate Tegan.

MIDDLE HARBOUR AMATEUR SAILING CLUB

Ms FELICITY WILSON (North Shore) (13:41): Middle Harbour Amateur Sailing Club is a wonderful community sporting organisation in my electorate of North Shore, run by the voluntary efforts of its

members. I recently secured a $10,000 grant from the Government to support the construction of a new ramp for the club. Life member Frank Walsh led the members to construct the ramp, which is sure to serve the club and community well for many years to come. I joined members recently on a rainy weekend out on the harbour to launch the boat ramp and cut the ribbon. I thank them for welcoming me, particularly commodore Chris Kelleway, vice-commodore Graham Jennings, Jonathan Brown, Diane Sissingh, Rob Lowndes, Sean Atherton-Feeney and Warwick Foy. They completed most of the work on their boat ramp themselves using locally sourced and imported materials. It was a wonderful opportunity to officially open the new ramp. I again thank Middle Harbour Amateur Sailing Club.

FAIRFIELD ELECTORATE POLICE OFFICER OF THE YEAR AWARDS

Mr GUY ZANGARI (Fairfield) (13:42): On Monday 15 October I had the great honour of attending the Police Officer of the Year Awards presentation hosted by the Cabramatta and Wetherill Park Rotary clubs at Club Marconi. Hardworking and dedicated police officers across the State are all too often taken for granted and they in turn receive no acknowledgement or signs of gratitude for their invaluable work in keeping our communities safe. On behalf of our local community we are so incredibly thankful for our local Rotary clubs, which do an outstanding job ensuring our local police officers receive the recognition they deserve. I extend special thanks to Shane Burette, David Butterfield and Tony Zappia, the Chief Operating Officer of Club Marconi, the major sponsor of the event. I commend and congratulate the winners and nominees of the evening. I also extend our community's sincerest thanks to Fairfield City Police Area Commander, Superintendent Peter Lennon, APM, and every outstanding officer under his stewardship for their tireless dedication and support that make our community a better place to live.

JAN SHARMAN, OAM

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (13:43): I recognise and congratulate one of the Northern Tablelands' most passionate and dedicated octogenarians, Mrs Jan Sharman, OAM, of Glen Innes. Jan has had a longstanding involvement with the Glen Innes community over many decades, first coming to Glen Innes some 60 years ago for what she thought would be only a year to work as a nurse in the Glen Innes district hospital, moving on to having decades of involvement in the hospital auxiliary at Glen Innes, from which she stepped down as president last year and has now taken on the role of patron. For many years she has also been heavily involved in the Holy Trinity Anglican Church, for which she is still a keen organiser of the annual fete, which is coming up next weekend. Next week Jan will be honoured with life membership of the United Hospital Auxiliaries of NSW. I cannot think of someone more deserving of that honour than Jan Sharman, OAM—well done.

TEMPORARY SPEAKER (Mr Adam Crouch): Congratulations indeed, Jan.

ASIAN BUSINESS EXCELLENCE AWARDS

Dr HUGH McDERMOTT (Prospect) (13:44): On 3 October 2018 I had the honour of attending the NSW Asian Business Excellence Awards gala dinner, an event that recognises the fantastic Asian businesses in New South Wales. The dinner highlights the incredibly valuable contribution of the Asian community, showing just how important this community is, not only to our shared culture but to all parts of the New South Wales economy. The NSW Asian Business Excellence Awards dinner highlighted businesses from a variety of sectors including food and beverage, the service industry, trade and wholesale, and manufacturing and agriculture, as well as the overall Asian Business of the Year.

The dinner also recognised the innovation of these businesses through the Innovation Award, as well as the work of young entrepreneurs, through the Young Asian Entrepreneur Award. I congratulate all of the nominees and winners and recognise the invaluable contribution they have made to not only the Asian community but also the whole of New South Wales. I also congratulate Dr Frank Alafaci, the President of the Asian Australia Business Council, and everyone involved in organising the dinner and hosting this great evening.

WHAT MATTERS? WRITING COMPETITION

Mrs LESLIE WILLIAMS (Port Macquarie) (13:45): I recognise the insightful perspective of Hastings Secondary College Port Macquarie Campus year 8 student Patrick Rudd for driving the agenda on equality and human rights through his entry into the 2018 What Matters? Writing Competition. The 2018 competition encouraged students in years 5 to 12 to tap into their creative writing skills through the opening of dialogue on what matters most to them for a fairer and more inclusive society. Patrick's essay focused on the need for ongoing advocacy on social justice issues, highlighting the vulnerability of those who are the most marginalised minority in modern day Australia. Patrick's submission covered a broad scope of topics that underscore what is important to him and what inspires him, including Indigenous rights, gender equality and youth suicide in the gay, lesbian, bisexual and transgender community. As Patrick says:

> My future should not be influenced by my race, gender, sexuality or the wealth of my parents, but by who I am. Only by who I am. We can't achieve true social justice and equality until we first recognise its absence.

The overall and category winners were announced on Tuesday 4 September at the Whitlam Institute in Sydney. Whilst Patrick was not a winner his entry was shortlisted in the year 7/8 category, which is an outstanding achievement and one of which he should be enormously proud.

Visitors

VISITORS

TEMPORARY SPEAKER (Mr Adam Crouch): I welcome the students, teachers and carers to the gallery of the New South Wales Legislative Assembly this afternoon. I hope you enjoy your visit to the New South Wales Parliament. I am sure it will be a great learning experience spending time in the oldest Parliament in Australia.

I shall now leave the chair. The House will resume at 2.15 p.m.

Visitors

VISITORS

The SPEAKER: I welcome our guests to question time today. I extend a warm welcome to the students and their teachers from North Ryde Catholic Primary School and Marsden High School. Guests of the Minister for Finance, Services and Property, and member for Ryde. I also welcome Adrian Zammit, the Chief Executive Officer of Landcare NSW who is here with Stephanie Cameron, the Deputy Chair of Landcare NSW and Chair of the New England North West Landcare Network Chairs, and Leigh McLaughlin from Policy and Partnerships Landcare NSW, guests of the Parliamentary Secretary for Regional Roads, Maritime and Transport, and member for Tamworth. Welcome to His Excellency the Honourable Anote Tong, President of the Republic of Kiribati from 2003-2016, who is here with representatives from the Edmund Rice Centre and the Pacific Calling Partnership, guests of the member for Summer Hill.

I welcome Billy Dib, former world champion boxer, brother and guest of the member for Lakemba. I also acknowledge Emma Hogan from the Juvenile Diabetes Research Foundation, guest of the member for Londonderry. I welcome members of the Port Stephens University of the Third Age, guests of the member for Port Stephens. I also recognise and welcome the members of the African Women's Group and members of the visiting delegation from Kenya, guests of the member for Granville. We welcome everybody to the Chamber.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Mr ANTHONY ROBERTS: On behalf of Ms Gladys Berejiklian: I advise the House that today the Minister for Lands and Forestry and Minister for Racing will answer questions in the absence of the Deputy Premier. The Attorney General will answer questions in the absence of the Minister for Police and the Minister for Emergency Services, both of whom are in attendance to their Royal Highnesses, the Duke and Duchess of Sussex.

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

Notices

PRESENTATION

[*During the giving of notices of motions*]

The SPEAKER: Government members will come to order or be placed on calls to order.

Later,

The SPEAKER: The member for Keira has done his bit. He will resume his seat and come to order. The member for Fairfield will come to order.

Later,

The SPEAKER: I call the member for Strathfield to order for the first time. I call the member for Strathfield to order for the second time. I call the member for Prospect to order for the first time. I will not warn members. I call the member for Keira to order for the first time.

Question Time

GO NSW EQUITY FUND

Mr LUKE FOLEY (Auburn) (14:28): My question is directed to the Premier. The chair of the NSW Farmers Oyster Committee, Caroline Henry—herself the owner of a Wonboyn Lake oyster farm—has said:

> How can the government make informed decisions in an unbiased manner with a company that they actually have part ownership in?

Given she said that, to end this perceived conflict of interest will the Government reverse its $3.3 million funding decision and divest ownership of Australia's Oyster Coast?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:28): I want to say on the record how hard we have worked to bring the New South Wales economy back from the brink. I also want to say how hard we have worked to ensure that regional New South Wales has the fastest-growing jobs growth in all of regional Australia. I think it is important to place both those facts on the record because if you want to talk about managing the economy and supporting small business or business of any size in regional New South Wales, you will not look be looking over there for the answers. You will not be looking over there.

The SPEAKER: I call the member for Prospect to order for the second time.

Ms GLADYS BEREJIKLIAN: First and foremost, I extend my appreciation for all those hardworking businesses in regional New South Wales, whether they are coastal or inland, for contributing to the strength of our regional economies, contributing to jobs growth—

The SPEAKER: I remind the member for Port Stephens that she was on three calls to order yesterday.

Ms GLADYS BEREJIKLIAN: —and ensuring that our businesses are able to, in a sustainable way, employ people not just now but also for many years into the future. The Government obviously has set up Jobs for NSW, an organisation whose obligation is to ensure we create jobs throughout the State. It has experts providing it advice; it has experts providing Ministers advice with where those funds should go. But of course those conversations would be academic if those opposite were ever in government, because they would not have any money to support businesses. They would not have any money to support regional economies. They would not have any money to support all those things that our regional communities rely on.

So I say to the people of New South Wales that all the advice we receive is always based on expert advice. We will continue to base decisions on expert advice. I also say to our regional communities—and some of those communities are doing it tough as we speak—the New South Wales Government will continue to support the infrastructure they need to get ahead. We will continue to support the services they need to get ahead. We will also support businesses in those communities to get ahead.

Ms Kate Washington: Point of order—

Ms GLADYS BEREJIKLIAN: I have finished my answer.

The SPEAKER: Yesterday I neglected to welcome back to the Chamber the member for Cabramatta. I was pleased to see him back.

SUICIDE PREVENTION

Mr GEOFF PROVEST (Tweed) (14:31): My question is addressed to the Premier.

The SPEAKER: Order! I cannot hear the member because of the level of conversation. Members will come to order.

Mr GEOFF PROVEST: How is the New South Wales Government delivering mental health support and suicide prevention initiatives for the community in order to provide a stronger and better future?

The SPEAKER: Is the member for Cessnock going to interject?

Mr Clayton Barr: Yes.

The SPEAKER: I call the member for Cessnock to order for the first time.

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:32): I find it interesting that any member would interject on an issue like this. In any event, I thank the member for Tweed for his question because all of us know, in representing our communities, that supporting those with mental health needs in the community is a big issue. It is shocking to realise that every day in our State, two or three people take their lives. That statistic is horrific and needs to go down. It does not include the number of people who attempt to take their lives; this is people who actually die by their own hands, two or three a day.

We know the road toll is higher than we would like and we have a Towards Zero program for reducing the road toll. About one person a day dies on our roads. I commend the Minister and everybody who works in that space to reduce the road toll. But until this point in time, our State did not have a comprehensive suicide prevention strategy to bring down that number from two or three a day. We want that number to move towards zero as well. This builds on the important work we have done in the area of mental health. I commend the Minister for Mental Health, Tanya Davies, and her team, led ably by the Mental Health Commissioner of New South Wales, Ms Lourey. I also commend the Minister for Health, Brad Hazzard, because we know that those most at risk of attempting suicide are those who have just left an acute facility.

Until this point, because the data and research had not been where it is now, we did not have a concentrated whole-of-government program to deal with it. This has never before happened in the history of our State. It builds upon the work we are already doing. In the last budget, in June, we were pleased to announce our record $2.1 billion in mental health services and infrastructure across New South Wales. But it is not just the dollars that make a difference. The dollars need to go into programs that target specifically a whole-of-government comprehensive approach to reducing that horrible statistic that I outlined at the outset.

That is why I am extremely pleased with today's funding boost of $90 million. It is not just the dollars, but the targeted way we are allocating those funds by specifically targeting those challenged at the most vulnerable time. I do not think a single person in the community does not know somebody—a loved one or someone in their family—struggling with mental health issues. It is up to us as elected representatives to talk more publicly about these matters and to ensure people know that they can get help without feeling any level of stigma whatsoever. Today's announcement is part of that strategy, with ongoing work to allow those with what we call the lived experience—and so many brave and courageous people talked about their lived experience this morning—to share that lived experience. It will inspire thousands of others across the State to know they are not alone.

I want to stress that today's announcement focuses on regional communities. We know rural and regional communities have specific needs to deal with suicide prevention and those initiatives have to be undertaken in a particular way. Today's announcement has a five-pronged approach which is on top of what we are already doing. In after-care services we want to ensure that all people who have been admitted to hospital following an attempted suicide have access to follow-up care and support. Care and support should not end when the discharge notice is signed but needs to be ongoing. Vigilance needs to be maintained. The wrap-around services need to be there to support those most vulnerable.

We need to make sure that we provide a more suitable alternative for people in crisis, such as designated areas to avoid, where possible, emergency rooms. If we know people are in distress, in crisis, we need a better way to manage them when they come to an acute mental health facility. We also need to aim towards zero suicides in care. We need to strengthen practices within the mental health system to eliminate suicide attempts by people who are in care. Unfortunately, we know of too many examples in the past when that has not been the case. We also need to expand community mental health outreach teams to increase capacity to respond to calls to the New South Wales mental health hotline. We also need to provide support services for people bereaved by suicide, as often unfortunately those bereaving suicide become susceptible to it.

I commend all the non-government organisations who, through their efforts, have provided government with strong advice on how we should proceed in this matter. They have kept us honest in developing this comprehensive strategy. In rural and regional areas especially we need to build resilience within our local communities and engage communities to participate in suicide prevention with a particular focus on isolated communities. With this additional funding we are looking to enhance the Rural Adversity Mental Health Program. [*Extension of time*]

Part of today's strategy also involves providing additional counsellors for our communities in rural and regional New South Wales. I know the New South Wales Mental Health Commission and the Department of Health undertook a number of forums outside major cities into those regional communities to get direct feedback on what they need to improve in their approach to the prevention of suicide. It is important to improve the use of our data to make sure we have updated information on what can be done further to reduce this number. I do not think anybody believes a number as high as two or three a day is acceptable. It is not. Today New South Wales has drawn a line in the sand. We want to go towards zero when it comes to people suffering the fate of suicide. We know suicide has a huge impact on individuals, families and communities.

I know this issue unites all members. It is an issue above and beyond politics. I also want the community to know that we always leave the door open. If we need to do more, we will. But the first step for us is to put together this very comprehensive suicide prevention strategy. In the past we have had many strategies but they did not incorporate whole of government, whole of non-government, government sector and whole of service provision. This is the first time everything has been pulled together, which is similar to processes we have done in other areas which needed social change because if we continue to do things the same, the statistics do not

change. We need to do things differently to bring down the statistics. I thank everybody involved in this strategy. The community should rest assured that we will continue to do all we can to address this serious issue because there is not one family or a community that has not been, or will not be impacted, by the devastating impact of mental health challenges.

GO NSW EQUITY FUND

Mr MICHAEL DALEY (Maroubra) (14:39): I direct my question to the Minister for Transport and Infrastructure. Andy Baker from Pambula Rock Oysters told the ABC on the South Coast that the Government's $3.3 million investment in the Australia's Oyster Coast company is unfair. He said:

> It appears to me that they are either giving this money to their mates or that they decided to pick a winner.

Before the Minister for Transport and Infrastructure jumped up with the Deputy Premier to welcome the investment, did the Minister at any time express concern to him that this investment would indeed pick a single winner, put all other local producers at an unfair advantage and compete with the Government?

Mr Gareth Ward: It is out of order. It is not his portfolio.

The SPEAKER: It is not out of order. It is a matter in the public interest and that is quite acceptable. Please let me do my job.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:40): I thank the member for Maroubra for responding to this issue. The Leader of the Opposition took time out of his busy schedule to visit the electorate of Bega three weeks ago. Guess how many oyster farmers he met with? Zero. He met with zero oyster farmers. Every time he comes to Bega my vote goes up, so keep coming. The Leader of the Opposition came to Bega and did not meet one oyster farmer, so that is how interested he is in the oyster industry. The oyster industry, under those opposite, went through enormous challenges. Why? Because they did not care about the industry, they do not care about the regions, and they do not care what they stand for. With the formation of Australia's Oyster Coast—

The SPEAKER: If the member for Londonderry is an expert on the oyster industry now is not the time to voice those expressions. You might embarrass yourself. The Minister has the call. Cease the interjections.

Mr ANDREW CONSTANCE: I am about to shuck the Leader of the Opposition.

The SPEAKER: Does the member for Campbelltown also have a huge oyster industry?

Mr Greg Warren: No, I just like them.

The SPEAKER: I do, so I would like to hear the answer.

Mr ANDREW CONSTANCE: Those opposite cry crocodile tears. The Premier said we actually care about regional New South Wales. This Government is getting in and backing rural and regional industries for a reason.

Mr Michael Daley: Point of order—

Mr ANDREW CONSTANCE: We have generated close to 100,000 jobs in regional New South Wales because we are willing to back industry.

Mr Michael Daley: It is Standing Order 129. I know the Minister is very sensitive about this but my question was: Did the Minister at any time express concerns to the Deputy Premier about the distortionary effect of this grant?

The SPEAKER: Up to now the Minister has been relevant to the question you asked. The member for Maroubra should sit down and stop arguing.

Mr ANDREW CONSTANCE: You would not know an oyster farmer if you fell over one.

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

Mr ANDREW CONSTANCE: Speak to oyster farmers in places like Batemans Bay—Jim Yiannaros and David Maidment. They are the people who set up Australia's Oyster Coast to grow the sector and grow jobs. I have news for the Opposition: First State Super invested in Australia's Oyster Coast, and guess who is on the board? Mark Lennon.

The SPEAKER: I call the member for Port Stephens to order for the first time.

Mr ANDREW CONSTANCE: The Labor Party is tied to this. Before they cry crocodile tears in this Chamber about equity investment in industry they should look at what their own people are doing.

The SPEAKER: I call the member for Port Stephens to order for the second time.

Mr ANDREW CONSTANCE: Mark Lennon agreed to invest in Australia's Oyster Coast. He is no mate of ours. He is certainly a mate of those opposite. Quite frankly, they do not know anything about what they are talking about. I say to those farmers who are not involved in Australia's Oyster Coast that there are things that this Government is going to do to support them, including Caroline Henry and Andy Baker.

The SPEAKER: I call the member for Strathfield to order for the third time.

Mr ANDREW CONSTANCE: NSW Farmers met with Niall Blair, myself and John Barilaro to talk about it and we will continue to support the entire industry because it is a good industry.

The SPEAKER: Labor Opposition members will cease their unruly behaviour. I call the member for Port Stephens to order for the third time.

Mr ANDREW CONSTANCE: It is a good industry. It is exporting to Asia. It does not need to be run down as part of petty politics by those opposite.

SYDNEY METRO

Ms MELANIE GIBBONS (Holsworthy) (14:43): My question is addressed to the Minister for Transport and Infrastructure. Will the Minister update the House on how the Sydney Metro project is delivering a stronger and better future for New South Wales?

The SPEAKER: Order! The behaviour of Opposition members is unacceptable, uncouth, rude and ill mannered. It will not continue. Every member who is on a call to order is now deemed to be on three calls to order. That means that five Opposition members will be removed from the Chamber for the rest of the day if they interject one more time.

Mr Clayton Barr: Point of order—

The SPEAKER: Are you going to argue with me?

Mr Clayton Barr: No, I am taking a point of order about the integrity of the question. Under Standing Order 128 (3) a Minister cannot be asked for an opinion. Surely a question about risk is inquiring as to the opinion of the Minister.

The SPEAKER: Order! The question is in order. The Minister has the call.

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (14:45): Is it any wonder that the member for Cessnock does not belong to a faction? No faction will have you, and after that performance I know why. You come up and take silly points of order because you are silly. No faction is silly enough to have you. Not left and not right—you are left right out.

Mr Guy Zangari: Point of order: My first point of order is that the Minister must direct his comments through the Chair. My second point of order is taken under Standing Order 129. The Minister is being totally irrelevant to the question he was asked. My third point of order is taken under Standing Order 73. The Minister is seeking to impugn the reputation of the member for Cessnock.

The SPEAKER: Order! The Minister will address his comments through the Chair.

Mr ANDREW CONSTANCE: I was just making the observation that the member for Cessnock does not belong to the left faction or the right faction. He is in the left right out faction. That is the problem.

Mr Guy Zangari: Point of order—

The SPEAKER: Order! The member for Fairfield will resume his seat. The Minister will return to the leave of the question. The Minister has the call.

Mr ANDREW CONSTANCE: I thank the member for Holsworthy for her question because it is about the Sydney Metro, about delivering incredible world-class public transport and about any risk to that. I will come back to that last point in a minute. It was an incredible day for the State when the Premier and I were joined by our private sector partners to start up the tunnel boring machine at Marrickville to build 31 kilometres of tunnels between Sydenham and Chatswood. For the first time in 50 years there will be a new train tunnel under Sydney and for the first time ever there will be a train tunnel under the harbour. We will be able to connect the Sydney Metro Northwest, which will be delivered in the second quarter of 2019, with this project that will go on to Bankstown and deliver 31 accessible stations for mums and dads with prams, our seniors community and people with a disability.

The great thing about the metro is that it will complement the existing Sydney train network, which everyone knows is a double-decker network. We are talking about delivering a single-deck train similar to the Tube in London, the Paris Metro and systems throughout Asia in places such as Singapore and Hong Kong. We will put in place a train network that will deliver some 200 trains into the city centre in the morning peak in a way that is complementary to the current train network. It is pleasing that we have been able to advance the project through our good financial management. We have been able to get on and get the tunnel boring machines back in the ground early. In the next few months five machines will be operating, including a specialised machine that will bore the tunnel under Sydney Harbour.

It is also pleasing that some 30,000 men and women are working on the project. For many of them it will be their first job and they will be learning skills while building this vital project. The Premier and I met a number of the team this morning. We are building 31 stations as part of the project. I do not understand why members opposite want to cancel the Sydney Metro City and Southwest. I do not get it. It is particularly telling that at stations such as Punchbowl, Wiley Park, Canterbury, Hurlstone Park and Dulwich Hill the Leader of the Opposition wants to cancel lifts and accessibility provisions.

The SPEAKER: Order! Opposition members will cease interjecting. The member for Maroubra is on his last warning.

Mr ANDREW CONSTANCE: By cancelling the Sydney Metro City and Southwest the Opposition would also leave Sydenham junction—which currently has six train lines in from the south and four lines out to the city—as a bottleneck on the network. That is why members Opposite should back in the metro. It will deliver greater capacity and better travel times from the Illawarra and the Sutherland and St George areas. Why on earth would they not support the metro in that regard?

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

Mr ANDREW CONSTANCE: Labor wants to cancel accessible stations, but it gets better.

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

Mr ANDREW CONSTANCE: I have picked up a press release written by the Leader of the Opposition about funding accessibility upgrades to train stations. He is talking about delivering 14 stations over the next four years for $1 billion. [*Extension of time*]

The Leader of the Opposition has announced 14 stations for $1 billion over the next four years.

The SPEAKER: Order! The member for Strathfield will come order. I remind her that she is already on three calls to order.

Mr ANDREW CONSTANCE: We have delivered 14 stations in the past 18 months.

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

Mr ANDREW CONSTANCE: We are delivering 6½ stations per year. Opposition members are only planning on delivering 3½ stations per year and spending more money doing it. That is the Labor way. The Labor way shows very clearly that it is not fit to govern.

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

Mr ANDREW CONSTANCE: I am sure the shadow Treasurer is involved, because Unanderra station is nowhere on their station upgrade list. It is also telling—

The SPEAKER: Order! The member for Wollongong will not shout and be aggressive.

Mr ANDREW CONSTANCE: I have got pages and pages from the member for Wollongong because the Leader of the Opposition is not willing to commit funding to Unanderra station. He has been down there saying, "Oh, well, we are not going to commit any money to it."

The SPEAKER: Order! The member for Strathfield and the member for Port Stephens are on their last warning. I call the member for Wollongong to order for the first time.

Mr ANDREW CONSTANCE: I am sure that the shadow Treasurer must have a view on that. Is it any wonder that the member for Wollongong is writing to me so much? The Leader of the Opposition is not willing to commit a cent to Unanderra station.

Mr Paul Scully: He has already done it.

Mr ANDREW CONSTANCE: Then where is the money coming from?

The SPEAKER: Order! I remind the member for Wollongong that this is not a debate. The member for Bankstown is on her last warning.

Mr ANDREW CONSTANCE: The Opposition has announced it will spend $1 billion. I hate to tell members opposite, but guess what? We have spent $2 billion because we have managed the economy well and we have run the State's finances well. We have delivered 51 stations since coming to government. Guess how many stations members opposite delivered when they were in government. Was it six, 10 or 15 a year? No, it was two a year. They cannot be trusted. They are not ready to govern. It is very clear that the Leader of the Opposition has no idea when it comes to the delivery of transport in New South Wales.

ROC PARTNERS

Ms JENNY AITCHISON (Maitland) (14:53): My question is directed to the Premier. There are more than 700,000 small businesses in New South Wales, so why was it appropriate for New South Wales taxpayers to accept ROC Partners advice to invest in two companies—one owned by ROC Partners itself and another chaired by the notorious David Trebeck, a long-time Liberal Party operative?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:53): I remind the member for Maitland that this question was asked in different forms during budget estimates committee hearings.

Mr Michael Daley: No, it wasn't.

Ms GLADYS BEREJIKLIAN: It was. Who said it wasn't?

The SPEAKER: The member for Maroubra said that.

Ms GLADYS BEREJIKLIAN: The member for Maroubra clearly has not done his homework. He is supposed to be the Deputy Leader. Can I have *Hansard* record that the member for Maroubra said this has not been raised in estimates? He is either wrong or he is being dishonest.

The SPEAKER: Order! I direct the Deputy Serjeant-at-Arms to remove the member for Bankstown from the Chamber under Standing Order 249.

[*The member for Bankstown left the Chamber at 14:55 accompanied by the Deputy Serjeant-at-Arms*.]

Ms Jenny Aitchison: Point of order—

The SPEAKER: Order! I remind members that a number of members have been called to order three times and, if any are called to order again, they will be out for the rest of the day. Members should not ask me if they can come back in because they have to attend a special function. The member for Maitland seeks to make a point of order. The Premier has been relevant. Is there something else?

Ms Jenny Aitchison: That was my point of order.

The SPEAKER: The Premier is being relevant. The member for Maitland will resume her seat.

Ms GLADYS BEREJIKLIAN: The member for Maroubra's interjection demonstrates that the Labor Party is either being dishonest or negligent on this issue. It has been canvassed at length during the estimates process. We have had a number of questions asked about this matter in Parliament. I refer the member to previous responses, and I say to her and every other person in this place that the Government has a firm and sound belief in supporting our regional communities and in supporting our regional businesses. I ask anybody who feels aggrieved about their circumstances to come forward, because the Government is always happy to hear those issues.

FUELCHECK

Mr CHRIS PATTERSON (Camden) (14:55): My question is addressed to the Minister for Finance, Services and Property. How is the New South Wales Government helping motorists with the cost of living pressures, and is this work under threat?

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (14:55): I will start by giving a shout-out to my visitors in the public gallery from my old school, Holy Spirit. It is a great school. I was there only a couple of years ago as a student. When I was there it was called Spiritus Sanctus.

[*Interruption*]

The SPEAKER: Order! Members should not interrupt what the Minister is saying to his school. That is rude.

Mr VICTOR DOMINELLO: It is rude. Holy Spirit is a great school. Marsden High School is going to be relocated to the Meadowbank Education Precinct. We are making a $300 million investment there. I thank the Minister for Education and the Premier for that. I also thank the member for Camden for his question. I do not say this lightly, but he is the best member for Camden ever. It is in *Hansard*. Apart from how he works incredibly hard in his electorate, the member for Camden also understands cost of living pressures and that petrol prices in particular are going north. He knows that if anyone wants to save money at the bowser they should download FuelCheck.

I have just gone onto FuelCheck, and I can tell the member for Camden what the cheapest petrol prices are in his area today. E10 is available at The Independent in Camden for 159.9 cents. I sound like a newsreader. Unleaded 91 is available at The Independent in Camden for 151.9 cents, unleaded 98 is available at The Independent Camden for 179.9 cents and diesel is on sale at BP Smeaton Grange for 160.9 cents. If the member for Camden was to travel tonight from Parliament House to his home, the cheapest place to find petrol on the way would be Speedway at Revesby at 141.5 cents. The most expensive would be Coles at Narellan at 169.9 cents.

The SPEAKER: Order! If the member for Blue Mountains does not understand this, she can leave.

Mr VICTOR DOMINELLO: This goes to cost of living and I would have thought that everyone would be interested in cost of living. That is an 18.5-cent differential. If the member has a 50-litre petrol tank, it would save him $10, or 20 per cent. No wonder NRMA has said that by using FuelCheck people can save up to $500 a year. A saving of $10 a week means $500 a year. That is a serious amount of money for people, particularly as petrol prices are going north because of international factors which mean that the factors are being driven higher—artificially so, in my view.

Prices are rising to about $1.70 and we are seeing more and more people download the FuelCheck app. We have already had 340,000 people download the app. We have had 6.7 million website views and last month alone 35,000 people downloaded the app. I want to give an example of customer feedback, because I love citizen feedback. In the App Store, FuelCheck has 4.7 stars out of five. That is with 12,900 ratings and an average rating of 94 per cent. The app and the website have had feedback from 19,000 people of either a thumbs up or thumbs down. The feedback is 93.8 per cent positive—around 94 per cent again. When we think about all the moving parts around FuelCheck and the kinds of things people talk about when they give us feedback, they may be upset about petrol prices going up. That has nothing to do with the app, but people may be upset about petrol prices. People may be upset about petrol stations not putting their prices into the app correctly. That has nothing to do with the app, but we are still getting feedback. To get 94 per cent positive feedback for an app that has been designed and built by government for the people is just extraordinary.

It is beyond a high distinction and the Government and I are very proud of it because we led the way. We built it, and now other States and Territories are following suit. Labor governments in Western Australia, the Northern Territory and even in Queensland are coming on board and saying, "We need to do what New South Wales has done and provide real-time petrol prices for its citizens so that we can empower the citizens to make informed choices on a critical cost of living measure." But it is not just the NRMA that has backed the Government in; the Australian Competition and Consumer Commission has as well. The ACCC said that using FuelCheck is critical to competition and that, if people want to tackle big oil companies, they should go and use FuelCheck. [*Extension of time*]

If people use FuelCheck, they provide more competition and more transparency in the marketplace, and that puts pressure on big oil to reduce its prices. FuelCheck is a good thing that this Government has created. It is not the only cost of living measure that the Government is rolling out. There is the compulsory third party premium reduction, CTP refunds, the Active Kids vouchers, toll relief, the new cost of living service—which I will be saying a lot more about in the not too distant future—the Creative Kids vouchers, which I know all the students in the public gallery will partake in, and as a bit of an entree we have a new energy switching service. This will be super exciting. Wait until you see what we are rolling out there. This is going to be brilliant.

Mr Luke Foley: They don't look excited.

Mr VICTOR DOMINELLO: They will be excited. Those opposite will not like it because this will save not $10, not $50, but hundreds and hundreds of dollars.

The SPEAKER: Order! I cannot hear the Minister.

Mr VICTOR DOMINELLO: Because FuelCheck is one of my babies and I love it, I pay particular attention to what the member for Swansea says about FuelCheck. I do not know why, but she does not like FuelCheck. I am prepared to read the tea leaves and say that those opposite will scrap the app. That would not be a good thing. This Government backs in FuelCheck, motorists and cheaper petrol prices.

LIGHT RAIL CONFIDENTIALITY PROVISIONS

Mr RYAN PARK (Keira) (15:03): My question is directed to the Premier. Will the Premier move the confidentiality provisions in the light rail contract so that those companies working on this debacle of a project can tell the truth to the community?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:03): When this project is completed, and it will be completed, we hope, by the end of next year—

[*Interruption*]

The SPEAKER: Order! Some members are close to being removed from the Chamber. They have already been called to order three times.

Ms GLADYS BEREJIKLIAN: I note those interjections, but did those opposite build one single project when they were in Government? They should tell us about the central business district [CBD] to Rozelle metro. That was half a billion dollars into a black hole with nothing to show for it. Why do they not tell us about the Tcard? That was a great one, was it not? Do they remember that one? Members would remember that was going to be ready for the Olympics in the year 2000. We came to government in 2011 and introduced the Opal card.

Ms Kate Washington: Point of order: My point of order is Standing Order 129. The Premier was asked specifically whether a gag clause would be lifted off contract workers. There has not been anything in her answer about that.

The SPEAKER: The member for Port Stephens will resume her seat. The Premier remains relevant. There is no point of order.

Ms GLADYS BEREJIKLIAN: I am very pleased to announce that since we have been in government we have completed more than 400 infrastructure projects. I will give a few examples—the south west rail line. Labor promised it for decades but never delivered it. Labor talked about the inner west light rail extension for years and years and it took a Liberal-Nationals Government to deliver the inner west light rail extension.

The SPEAKER: Is the member for Keira taking a point of order? I remind members that, if they want to take a point of order, they should get my attention by saying "Madam Speaker". The member often saunters around the Chamber and I do not know whether he wants to take a point of order, have a drink of water or a chat.

Mr Ryan Park: Point of order—I will refrain from sauntering.

The SPEAKER: The member for Keira will be careful.

Mr Ryan Park: My point of order is Standing Order 129. I know this is a difficult project for the Premier to talk about—

The SPEAKER: The member for Keira will resume his seat. There is no point of order. The member is trying to make comments at the microphone rather than taking a valid point of order.

Ms GLADYS BEREJIKLIAN: Whether it is this project or any other project, we know that if Labor members were in government nothing would be delivered. I say this about the light rail project: They have had a number of inquiries in the upper House and the Labor Party has asked a number of questions. We welcome that; we welcome that accountability because we believe that if in your call you know you are doing something for the improvement of the overwhelming majority of citizens of this State, you should have the guts to do it. Labor members do not have the guts to do anything. They do not have the guts to strengthen the economy, and they shirk every single difficult position there is. Their attitude is, "It's too hard. Let's do nothing."

Ms Jodi McKay: Point of order: My point of order is Standing Order 129.

The SPEAKER: I have already ruled on relevance.

Ms Jodi McKay: It is in regard to a confidentiality clause—

The SPEAKER: The member for Strathfield will resume her seat. The member either has a point of order or she does not—and she does not. I remind the member for Strathfield that she is on three calls to order. I warn her that next time she will be removed from the Chamber.

Ms GLADYS BEREJIKLIAN: I remember when we finished the Inner West light rail extension the Labor Party said, "You have to build light rail". That is what we are doing. The member for Maroubra said he wanted it extended into his electorate—that is how much he loved the project. If the Labor Party has changed its position on light rail in the CBD, that means its preference would have been 200 buses sitting in a car park while

people try to move around the CBD. That is their option. Their vision for New South Wales is do nothing, cancel projects, create deficit and debt.

The SPEAKER: Interjections will cease.

Ms GLADYS BEREJIKLIAN: There is a clear difference when it comes to infrastructure and the future of New South Wales. The people of New South Wales saw what Labor did for 16 years and that was nothing, absolutely nothing. We are getting on with the job, taking on those difficult projects no matter where they are, whether they are in the regions or Sydney, whether they are schools or hospitals, roads or rail, because that is what we do. When the light rail project is completed everybody will be lauding how good it is, except for a few Labor members who will be hanging their heads in shame.

SYDNEY HARBOUR BRIDGE ACCESS

Ms FELICITY WILSON (North Shore) (15:08): My question is addressed to the Minister for Roads, Maritime and Freight. How is the New South Wales Government providing better pedestrian access to the Sydney Harbour Bridge?

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (15:08): I thank the member for North Shore for her question. We have had a brilliant day today and it is just getting better. I look up into the press gallery and a very big friend of this Parliament is back at work, working for 2WS FM six years and three children later. It is great to have Heidi Tiltins back. This is a day when one of the world's most recognisable landmarks, the Sydney Harbour Bridge, came of age, a day when this Government delivered yet another vital piece of infrastructure in New South Wales—

[*Interruption*]

The SPEAKER: Order! Members will be removed from the Chamber if they continue to interject.

Mrs MELINDA PAVEY: —a project the bridge deserved and desperately needed. From now on the Sydney Harbour Bridge will be accessible for everyone no matter their age or their mobility. Young, old, parents with prams and those in a wheelchair can now rise to the pedestrian platform from The Rocks or from Kirribilli without having to climb 60 steps. I note that those opposite, who promised this for many, many years but never delivered it, were there to celebrate it today. Despite the huge marquee and workers in high-vis, the two Labor members, without Jodi McKay, went to the other part of the bridge, not to where we were doing the opening. Is it any wonder they did not have Jodi there with her history around lifts? But these lifts are a $15 million investment and they have been 18 months in the planning.

There are a couple of people in the Chamber today I would like to recognise for their work and advocacy—Minister for Disability Services Ray Williams and, in particular, Minister for the Environment Gabrielle Upton. If it were not for her leadership within her agency I am sure we would be still planning the project. I thank them very much for their support in getting this job done. We started construction in March, and 400 workers have been on the job. We had a big deadline to meet. The Minister for Disability Services wanted us to meet the deadline, as did the Minister for Veterans Affairs—we wanted to meet the deadline of the Invictus Games. We were hopeful that we would get the two done; we were not so sure but we did get the two done. We salute and thank the workers and John Hardwick of Roads and Maritime Services for getting the job done.

Today with the cutting of the ribbon we crossed the finishing line. That is what this Government does: We get the jobs done. Three thousand pedestrians cross that bridge every day. Now so many more people can enjoy that experience and we should celebrate that. Today I was joined by some very special Australians, including someone who is known to many us, Paul Nunnari, a former Paralympic athlete and a very proud public servant for the people of New South Wales; Serena Ovens, Chief Executive Officer of the Physical Disability Council of New South Wales; and the Chair of that organisation, Chris Sparks, from the Bega electorate; the member for North Shore; Natalie Ward from the Legislative Council; and the very beautiful Billie Boele. She is a gorgeous young girl who has been very supportive. It would be remiss of me not to also mention—

[*Interruption*]

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

Mrs MELINDA PAVEY: While they interrupt, I am trying to acknowledge the shadow Minister for Disability Services, Sophie Cotsis, the member for Canterbury. She has also played a significant role in her advocacy for this project.

Ms Jodi McKay: She called you out because you weren't doing anything.

The SPEAKER: I give the member for Strathfield a last warning.

Mrs MELINDA PAVEY: She played a positive and supportive role. Young Billie was there today as a schoolgirl. She and her community will enjoy that accessibility to the bridge. We had Daphne there today, who first walked the bridge in 1932 on the day it was opened.

Mr Anthony Roberts: I remember that.

Mrs MELINDA PAVEY: I will not acknowledge the interjection of the Leader of the House; I don't think you are that old. It was significant to have Daphne there, who, at the age of 12, was there on the day of the opening. She has not been able to reach the pedestrian platform or be put in her wheelchair and supported across that pedestrian platform for decades. To take her in the lift up to that pedestrian platform, avoiding the 60 steps, was something that I think took all our breaths away. [*Extension of time*]

It was incredibly special to hear the memories she shared with everyone there today, as well as all the people who have advocated so positively for this. That is what these lifts are about. They are about opening the door and giving opportunities to everyone, no matter their circumstance. Those opposite had 16 years to deliver those lifts. They could not, would not and did not deliver them. Yet again this Government has delivered on behalf of the people of New South Wales.

We are delivering the Sydney Gateway, F6 stage 1, Western Harbour Tunnel, duplication of the Pacific Highway, Coffs Harbour bypass, Sydney Metro, WestConnex and NorthConnex. They are all once-in-a-generation projects and we are doing it. Sixteen years of commentary over construction. Those opposite are shovel shy. They have no ideas, no plans. They do not know how to do anything. Guess what? They now have the hide to celebrate our work and our victories as their own today. They are shameless and shameful. God help the people of New South Wales if those opposite ever come anywhere near the Treasury benches again.

WAGGA WAGGA BY-ELECTION

Dr JOE McGIRR (Wagga Wagga) (15:15): My question is directed to the Premier. When will the Government provide a time line for the delivery of the commitments made to the people at the recent Wagga Wagga by-election, including the Tumut Hospital, the intermodal freight hub, the Wagga Wagga Base Hospital car park, and the work on the Gobbagombalin and Marshall bridges?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:16): I thank the member for Wagga Wagga for his question and note this is the first question he has asked me. As the good member would know, both during and after the Wagga Wagga by-election I commented ad nauseam that we would adhere to all of our election commitments. As the member for Wagga Wagga and his community would know, this is in stark contrast to what those opposite did in Wagga Wagga when they were in government. Stages 1 and 2 of Wagga Wagga Base Hospital were promised by four different Labor Premiers and five or so different Labor health Ministers but it never happened. It was not until we came to government that the infrastructure and services the community of Wagga Wagga needs started being delivered.

Wagga Wagga boasts, and rightly so, its status as the largest inland city in New South Wales. It is a critical part of the future of our State. The good people of Wagga Wagga know that it is only a Liberal-Nationals Government that will deliver those commitments on the ground. They have lived through Labor governments and they got nothing. In contrast, we have made a number of infrastructure improvements and it will continue. This Government keeps its word.

HEALTH SERVICES

Mrs LESLIE WILLIAMS (Port Macquarie) (15:17): My question is addressed to the Minister for Health, and Minister for Medical Research. How is the New South Wales Government delivering a stronger, better future for our health system?

Mr BRAD HAZZARD (Wakehurst—Minister for Health, and Minister for Medical Research) (15:17): I thank the member for Port Macquarie for her question. She is not only a fantastic local member but also someone who understands the health system. The member for Port Macquarie not only works with me as the Parliamentary Secretary for Regional and Rural Health but also is a nurse. That expertise and understanding is of great value to the Coalition. Back in 2011 New South Wales was done like a dinner after 16 years of a Labor Government. We were bottom of the economic pile of all the States and Territories.

The SPEAKER: Order! I warn members that they will be removed from the Chamber for the rest of the day if they continue to interject.

Mr BRAD HAZZARD: Since 2011 the New South Wales Government has worked very hard to improve our economy and as a result we have been able to build infrastructure all across the State. Let us take a moment to think about that. We had a Labor Government for 16 years: When it came to infrastructure and jobs

it was all doom and gloom. Now it is a case of no matter where you look it is a jobs and infrastructure boom—in fact, no matter where one looks, the whole State is booming with boom, boom, boom. No more doom and gloom, just boom, boom, boom!

The SPEAKER: Order! Government members will cease assisting the Minister. There are too many audible conversations in the Chamber. I remind members that they will be removed from the Chamber if they continue to interject. I call the member for Macquarie Fields to order for the first time.

Mr BRAD HAZZARD: When Labor was trying to govern the State, many public servants were put out of work as a result of Labor not being able to run the economy. It did not matter what part of the economy one looked at: Jobs were being lost and people were being sacked. Let us pick one area as an example. What about the North Coast Area Service? That is a very interesting area with the challenge of a growing community. The *Northern Star* reported on 19 May 2009—

Ms Jodi McKay: 2009?

Mr BRAD HAZZARD: The member may not care about people's jobs—

Ms Jodi McKay: Point of order—

The SPEAKER: The member for Strathfield should not interject unless she wants that kind of comment directed to her. Does the member have a point of order, because the Minister is being entirely relevant? I warned the member earlier about coming to the table to make a comment at the microphone.

Ms Jodi McKay: Madam Speaker, I am very happy for the Minister to say whatever he wants to me but through the Chair.

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

Ms Jodi McKay: The Minister should do so through the Chair, not directly across the table at me.

The SPEAKER: The member will resume her seat.

Ms Jodi McKay: It is very rude.

The SPEAKER: Then do not interject. If the member wants the Minister to obey the rules then she should adhere to the standing orders. That is my final warning. The Minister has the call.

Mr BRAD HAZZARD: The acting member, the temporary member for Strathfield would remember that she lost her job as a result of Labor in Newcastle. She would remember that she was knifed by her colleagues.

Ms Kate Washington: Point of order: My point of order is Standing Order 73. If the Minister wants to make personal reflections or to cast aspirations on the member for Strathfield—

The SPEAKER: Then members should learn not to interject.

Ms Kate Washington: —he must do so by way of a substantive motion.

The SPEAKER: The member will resume her seat.

Ms Kate Washington: So can Ministers do as they like?

The SPEAKER: The member for Port Stephens is the master of interjections and when it suits her she does not adhere to the standing orders.

Mr BRAD HAZZARD: There is nothing more important to communities than their hospitals, nurses, doctors and allied health staff. In 2010 the *Northern Star* reported, "In total 400 positions will be slashed from the 6,000-strong North Coast health service." What a pitiful outcome—400 jobs gone. Since coming into power this Liberal-Nationals Government has added 16,000 jobs to the broad health area. What have we done in building hospitals? It does not matter where one goes across this State—Parkes, Forbes, Dubbo, Tamworth, Bega, you name it—we are busy trying to build hospitals. [*Extension of time*]

As I was saying, no matter where one goes across this great State, the New South Wales Liberal-Nationals Government has been building new hospitals, new infrastructure and new ambulance stations and we have been providing work for many, many people. Let us take a minute to think about 400 jobs gone in just one local health district in 2010. What has the Liberal-Nationals Government done for jobs in health across this State? Do you reckon we have provided 10,000 jobs?

Government members: No.

Mr BRAD HAZZARD: Twenty thousand jobs?

Government members: No.

Mr BRAD HAZZARD: Thirty thousand jobs?

Government members: No.

Mr BRAD HAZZARD: Forty thousand jobs?

Government members: No.

Mr BRAD HAZZARD: Fifty thousand jobs?

Government members: No.

Mr BRAD HAZZARD: Sixty thousand jobs?

Government members: Yes!

Mr BRAD HAZZARD: While Labor spent 16 years destroying jobs and not building economies, we have been building jobs all across this State. Every time we build a new hospital, we put jobs in the local community.

[*Interruption*]

The SPEAKER: I warn the member for Strathfield to be careful.

Mr BRAD HAZZARD: We provide add-on jobs and we also bring—

The SPEAKER: Order! I direct the Deputy Serjeant-at-Arms to remove the member for Strathfield from the Chamber under Standing Order 249 for the remainder of the day.

[*The member for Strathfield left the Chamber at 15:24 accompanied by the Deputy Serjeant-at-Arms.*]

Mr BRAD HAZZARD: In addition to the jobs and economic benefits, we bring a social conscience to New South Wales. In each of our hospitals, we have guaranteed places for Aboriginal apprentices and tradesmen. During its 16 years in government, Labor destroyed New South Wales. It destroyed infrastructure. This Government has built infrastructure, will continue to build it and will continue to provide thousands of more jobs—boom, boom, boom!

Documents

UNPROCLAIMED LEGISLATION

The DEPUTY SPEAKER: In accordance with Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 17 October 2018.

Petitions

PETITIONS RECEIVED

The DEPUTY SPEAKER: I announce that the following petitions signed by more than 10,000 persons were lodged for presentation:

Marine Parks

Petition calling on the Government to stop the creation of marine parks that ban recreational fishing and reverse the declaration of existing New South Wales marine parks to allow recreational fishing, received from **Mr Philip Donato**.

Yarra Bay Cruise Ship Terminal

Petition calling on the Government to abandon its plans for a cruise ship terminal at Yarra Bay, received from **Mr Michael Daley**.

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

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

Sydney Metro Pitt Street Over-station Developments

Petition rejecting the current proposed Sydney Metro Pitt Street over-station developments, received from **Mr Alex Greenwich**.

The Star Casino

Petition opposing construction of a proposed residential and hotel tower on The Star casino site, received from **Mr Alex Greenwich**.

Affordable Housing

Petition requesting that 15 per cent of all new residential developments be set aside for affordable housing, that councils be permitted to levy developers for affordable housing, that inner-city housing stock sales be halted and that the wholesale conversion of residential homes into short-term holiday lets be banned without zoning changes, received from **Mr Alex Greenwich**.

Sydney Football Stadium

Petition requesting that the Government upgrade rather than rebuild the Sydney Football Stadium and invest the money saved into health, education and community sports facilities, received from **Mr Alex Greenwich**.

Short-term Holiday Letting

Petition calling on the Government to ban the conversion of entire homes into short-term holiday lets and to introduce appropriate controls including a short-term letting registration system, received from **Mr Alex Greenwich**.

RESPONSES TO PETITIONS

The CLERK: I announce that the following Ministers have lodged responses to petitions signed by more than 500 persons:

The Hon. Don Harwin—Wyong Special Protection Legislation—lodged 19 September 2018 (Mr David Harris)

Business of the House

INVICTUS GAMES

Reordering

Mr JAMES GRIFFIN (Manly) (15:28): I move:

> That the general business notice of motion (general notice) given by me this day [Invictus Games] have precedence on Thursday 18 October 2018.

This week Sydney has welcomed more than 500 athletes from 18 nations and more than 1,000 of their supporters in the form of family and friends. They are all here for the Invictus Games. The Invictus Games, and what they stand for, transcends politics. The games embody in many different ways the themes of resilience, courage and community. While the Invictus Games shine a light on the contribution of our returned service men and women, they also deliver an important message for everyone in our communities. They speak directly to the triumph of mental resilience, the relationship between exercise and rehabilitation and the value of community support for those in need. The games challenge perceptions and send a positive message about life beyond disability to a local and international audience. The genesis of the Invictus Games is outlined by its founder, the Duke of Sussex, Prince Harry. He explains that when arriving home from his second tour of duty in Afghanistan he:

> … began to look for ways in which to support the veterans who returned with injuries who in previous years simply would have been unsurvivable.

Sport and physical exercise, at all levels, have an unparalleled ability to bring people together. For those recovering from injury, they have the ability to refocus the mind, to bring a sense of purpose and boost self-confidence. The Invictus Games remind us of the amazing contribution that service men and women and veterans make. For the next 10 days, we, in Sydney, are the custodians of the Invictus spirit. From local RSLs in towns as tiny as Whitton in Griffith with only 496 people, to community groups and schools in metropolitan Sydney, over the past number of months people across New South Wales and Australia have raised flags, held barbecues, started conversations and generally shown their enthusiasm for this fantastic event that this Government is proud to support.

The Invictus Games have been embraced because of the message they deliver to us all. It is a message that anyone can relate to and a message we can celebrate in all of our communities. They tell us that in even the darkest of moments, the human spirit can rebound and rebuild, and a person's future does not need to be defined by their injuries, visible or not. The games help us reframe our own situation and provide context for the challenges that we all face in light of those who still choose to succeed with life-changing injuries. The Invictus Games show

us all that it is possible to overcome adversity and that the impossible is possible if we have the will. I encourage every member to watch the games and see the embodiment of mind over matter. I commend the motion to the House.

Mr RYAN PARK (Keira) (15:31): The past 24 hours have been interesting. Yesterday the Premier of New South Wales—the woman who says she is in touch with Western Sydney—made a comment. My problem is that it was an unusual comment, and I am sure the member for Parramatta will find it unusual. She said that Parramatta does not have a Parramatta Stadium. I rang up my father and said, "Dad, in 1986 you promised me when we went to the opening game of Parramatta versus St George—Peter Wynn and Peter Sterling, the champions—we were at Parramatta Stadium." My dad lives 90 kilometres away in the Illawarra.

Mr Brad Hazzard: Point of order—

The DEPUTY SPEAKER: Order! The Clerk will stop the clock. This is a reordering motion; it is not the matter accorded priority. That is why members cannot take points of order. Does the Minister wish to take a point of order?

Mr Brad Hazzard: The member for Keira has asserted words to the Premier. If he wishes to do so, he should produce the evidence and table the documents. He has to source his material.

Mr RYAN PARK: Check *Hansard*; it was in question time yesterday.

The DEPUTY SPEAKER: Order! There is no point of order. The member for Keira was quoting a statement that the Premier made yesterday.

Mr RYAN PARK: She said Parramatta did not have a stadium. It is unusual because that is where we were in 1986, but forget that. A few hours ago we had a situation where the chief executive officer of the Parramatta Eels—the team that will allegedly play at Parramatta Stadium, allegedly in Parramatta—said, "Sorry, we cannot play here. It is too expensive." It is not just the mums and dads of Western Sydney who are struggling with the costs of living under this Government but also the Parramatta Eels. We now have a situation in New South Wales—wait for it—where we are building a stadium no-one wants. We are building a stadium at which the Parramatta Eels will not play. We are building a stadium in Parramatta to replace the stadium in Parramatta, but the member in touch with Parramatta said there was no stadium in Parramatta. As a result of the cost of living hitting the Parramatta Eels as hard as it is hitting Western Sydney families, those Western Sydney families wanting to watch the Parramatta Eels play at Parramatta Stadium, in Parramatta, will have to pay an enormous amount to have a Parramatta pie, a Parramatta can of coke, or a Parramatta sausage roll. Get rid of your stadiums.

The DEPUTY SPEAKER: The question is that the notice of motion of the member for Manly have precedence on Thursday 18 October 2018.

The House divided.

Ayes 48
Noes 28
Majority.....20

AYES

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

NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Crakanthorp, Mr T	Daley, Mr M	Dib, Mr J
Doyle, Ms T	Finn, Ms J	Foley, Mr L
Harris, Mr D	Harrison, Ms J	Hoenig, Mr R
Hornery, Ms S	Kamper, Mr S	Lalich, Mr N (teller)
Lynch, Mr P	Mehan, Mr D	Minns, Mr C
Park, Mr R	Parker, Mr J	Scully, Mr P
Smith, Ms T.F.	Washington, Ms K	Watson, Ms A (teller)
Zangari, Mr G		

PAIRS

Barilaro, Mr J	Bali, Mr S
Berejiklian, Ms G	Cotsis, Ms S
Brookes, Mr G	Haylen, Ms J
Dominello, Mr V	Tesch, Ms L

Motion agreed to.

Motions Accorded Priority

HEALTH SERVICES UNION CONFERENCE

Consideration

Dr GEOFF LEE (Parramatta) (15:42): This motion deserves priority because it is important to highlight the differences between the Liberal-Nationals Government and the Labor Party. Under the great leadership of our Premier Gladys Berejiklian and the sensational Minister for Health Brad Hazzard, we on this side of the House have delivered a record investment in infrastructure and a record number of nurses and allied health professionals to the system. If we compare that to those opposite it is clear they have no strategy, plans or ideas. This motion deserves priority. It is not only Government members who are talking about this Government's record investment in New South Wales but also others in the media and industry. It is important to reflect upon the disappointment expressed about the Opposition leader Luke Foley. On 3 October in a front-page article in *The Australian* journalist and associate editor Brad Norington stated, "... the NSW branch of the ALP has declared a loss of faith in the State Labor leader Luke Foley ... "

It is sad that even their own are calling out Luke Foley. It goes on to say that Health Services Union [HSU] leader Gerard Hayes launched a tirade at Mr Foley while addressing a union branch council meeting in Sydney at the weekend. This is a full attack on Luke Foley and his competency as leader. It raises doubt about Luke Foley's ability to lead. Mr Hayes then withdrew his invitation for Mr Foley to address a HSU gathering. It gives me no great pleasure to say that the HSU secretary also took a swipe at the Hon. Walt Secord, saying that Labor has not met with the HSU in 18 months. It is increasingly sad to hear about the Labor Party's lack of ability to represent the people that it purports to care about when members on this side of the House are creating thousands of jobs and investing record billions of dollars in health infrastructure as well as a range of other infrastructure across the State. My motion deserves priority because we owe it to the people of New South Wales to continue with this great investment.

GO NSW EQUITY FUND

Consideration

Mr DAVID HARRIS (Wyong) (15:45): This sorry saga represents an unedifying web of conflicts and looking after mates at the expense of small mum-and-dad businesses in this State. The Government purports to be a supporter of small business but it is investing in taking out other small businesses. More than that, surf-and-turf-gate underlines this Government's cosy relationship with the big end of town. This unedifying web is disgraceful. Let us describe it. A group called Roc Partners is advising the Government on how to invest a $150 million fund. This group scours the whole State looking for businesses and finds two. The first is operated by an ex-Liberal Party federal operative. Regarding the second business, the group asking the Government to invest in that company had bought shares in it 10 months previously. Those opposite say, "Nothing to see here."

This is outrageous. The Treasurer should call in the Deputy Premier for a stern conversation about propriety when making these investments.

The member for Bega should ask for an apology because his oyster farmers are being ripped off by this deal. One only has to ask those oyster farmers what they think. One man, Ray Wilcox, initially supported the project but withdrew his support because it changed. The company in which this Government invested had loss after loss. It did not even meet the criteria for investment. Yet those opposite are saying, "Nothing to see, nothing to see." It is absolutely outrageous. Ray Wilcox says this company was supposed to be focused on international investment. That was not working because it was losing money, so where did it invest? In attacking other local oyster farmers. The member for Bega was saying, "What a good deal." The oyster farmers down there do not think that the Government buying equity in a company that is in competition with them is such a great deal. As the investments of those small farmers go down, this bigger entity buys them up. It is an absolute disgrace. The Deputy Premier should resign. [*Time expired.*]

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

The House divided.

Ayes 44
Noes 34
Majority.....10

AYES

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

NOES

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

PAIRS

Berejiklian, Ms G	Bali, Mr S
Dominello, Mr V	Cotsis, Ms S
Grant, Mr T	Haylen, Ms J

Motion agreed to.

HEALTH SERVICES UNION CONFERENCE

Priority

Dr GEOFF LEE (Parramatta) (15:55): I move:

That this House notes that:

(1) Health Services Union [HSU] General Secretary Gerard Hayes withdrew an invitation for the Leader of the Opposition to speak at the HSU conference on 1 October 2018.

(2) Mr Hayes said of Mr Foley, "The 55 per cent who aren't doctors and nurses—who do the diagnostics, the pathology, do the cleaning, do the cooking, do the admin, actually keep the whole bloody place running—you don't care about them."

(3) The unions don't trust the Opposition to govern and improve outcomes for New South Wales workers, so the Government will get on with delivering more jobs, higher pay\s and better conditions for all New South Wales residents.

I am glad that sense was restored in this House when the division proved that this motion is important and that the majority of members agreed with its sentiments. In arguing why this matter should have been accorded priority we have established a lack of support for the Leader of the Opposition by the Health Services Union [HSU] General Secretary. It is sad that he criticised the Leader of the Opposition's lieutenant in the Legislative Council, Walt Secord, and his inability to consult with the HSU and its colleagues. It is important to highlight the Government's significant investment in hospitals and the health sector in the past seven years.

Mr Mark Coure: Hear, hear! A long list.

Dr GEOFF LEE: The member for Oatley is always very vocal in support of his hospital, St George, which is wonderful. I will briefly refer to a mix of completed projects and projects underway in Western Sydney. The Government has invested more than $900 million in Westmead Hospital and the Children's Hospital at Westmead, which borders on my electorate. We have completed a new car park with 2,000 odd car parking spaces in the area, which addresses the most complained about issue. We have a separate adult and paediatric emergency department. We are building new medical imaging facilities and a new helipad. We have upgraded the New South Wales Infections Diseases Unit. At Nepean Hospital there is more good news. The good Minister for Western Sydney and member for Penrith has secured $1 billion in funding for a new emergency department, 12 new operating theatres, a neonatal intensive care unit and 18 new birthing suites, which is an increase of 10.

At Liverpool Hospital, which is another important precinct in the south-west, we have a thriving health and academic precinct, an expanded emergency department and a dedicated cancer centre. The Government has provided a $766 million upgrade of Campbelltown Hospital with a new clinical services building, a bigger emergency department, a modern mental health unit and new operating theatres. The good news does not stop there. Closer to home in Blacktown and Mount Druitt the Government is investing more than $700 million in the new emergency department, a new intensive care unit with more beds at Blacktown, eight new operating theatres at Blacktown and a community dialysis centre at Mount Druitt. We are leading a record investment in health infrastructure not just across Westmead and Western Sydney but right across this State.

The news keeps getting better. The Government is investing in ambulance superstations with an impressive $150 million in the Sydney Ambulance Metropolitan Infrastructure Strategy [SAMIS] program. When announced in the 2014-15 budget there were 47 stations across Sydney and by 2020 there will be 55 stations. Superstations are under construction or are already operational in Liverpool, Bankstown, Auburn, Kellyville, Blacktown, Quakers Hill, Penrith, Leppington, Northmead, Roselands, Condell Park and Bonnyrigg. I have received positive feedback from the new superstation at Northmead. It is a modern facility where many different workers collaborate and operate from a state-of-the-art facility. I commend all those ambos who are working so hard for the whole community. This motion should be supported for those reasons. It is all about this Government supporting health and health sector workers, improving the life of all of New South Wales. I commend this motion to the House.

Mr GREG WARREN (Campbelltown) (16:01): I like the member for Parramatta, I do not think he is a bad bloke, but clearly his own do not agree. He is obviously about as popular as Treasurer Dom Perrottet at a Castle Hill Liberal Party branch meeting. But the member for Parramatta could have said no. Those opposite have stitched him up again. He is in a marginal electorate and he will soon be the former member for Parramatta, yet they have thrown this motion to him. It is not bad enough that they keep overlooking him, but they have put him right in it. It is a good opportunity for me to again highlight the greatest enemy the workers in this State have ever seen, and that is the New South Wales Liberal Party.

This morning when we debated the workers compensation legislation those opposite showed ignorance and disregard for workers. The contempt displayed in their contributions was nothing short of disgraceful. But when I thought I had seen it all, those opposite again delivered a self-indulgent motion that is so out of touch with reality that it is simply astounding. The diabolical and shameful changes to workers compensation made by those opposite in 2012 in one of their first major legislative acts as a Government has had dire consequences for the worker. Now they have the hide to pat themselves on the back as the best party to improve outcomes for workers in New South Wales. Give me a break.

The member for Parramatta wants to talk about the Leader of the Opposition and Gerard Hayes, but he clearly did not see them outside the Prince of Wales Hospital. It raised a bit of an eyebrow—a bit of a bromance is going on there. I do not know what was going on, but I will have to ask the boss about it. But it is in stark contrast to the division and hatred that those opposite have for each other. It is entrenched. I can see on their faces that they cannot wait to get out there. Whether it is the member for Hawkesbury or the member for Castle Hill, wherever they go they are out for each other.

If they have that kind disloyalty to each other, imagine the contempt they have for the people of New South Wales. Those opposite display it every chance they get in policy terms. A draconian cap of 2.5 per cent was put on salary increases of all public service workers. I draw the attention of the House to what those opposite call an "efficiency dividend" that they announced in June, post-budget. The 2 per cent to 3 per cent dividend applies to all government departments and will equate to nearly 12,000 job cuts.' Newsflash: They are workers as well.

Government members want to talk about Labor leader Luke Foley—the next Premier of New South Wales—and a good man Gerard Hayes, the Secretary of the wonderful Health Services Union that stands up and fights the Government for better outcomes for its workers, who are some of the most important workers in our State and care for our sick. Ancillary workers such as maintenance workers, catering staff and cleaners are very important and our paramedics are also highly valued. The Opposition has made announcements about employing security guards to keep patients and staff safe.

Things do not stop there. We have a transport Minister who regularly blames our hardworking train guards and drivers for delays and cancelled services on the rail network, rather than just fessing up that the Government could not run a chook raffle on a Friday afternoon at the local pub. As I have said many times, I would not trust Government members to run my bath. They cannot run the State or even take care of themselves, but they have the audacity to try to congratulate themselves and play a little petulant game talking about Leader of the Opposition Luke Foley, that wonderful man Gerard Hayes and the great Health Services Union. Why do they do that? Because they have nothing else. They cannot run a project and they cannot manage the State. Come March next year they will all be on the Centrelink line—although their mob in Canberra will probably sack all of them too. Government members are in an absolute mess and this motion is further evidence that they are no longer fit to govern. Come 24 March next year they will be thrust onto the Opposition benches, which is their rightful place.

Mr GARETH WARD (Kiama) (16:05): So bad have things got for Labor members that the General Secretary of the Health Services Union [HSU] has said they cannot be trusted on health. So bad is their lack of commitment to the health system and so atrocious is their addressing of core issues for cooks, cleaners and frontline health workers that the general secretary has said their commitments are unacceptable. So appalled was he by the lack of response from the Opposition that he would not allow the leader to address the union's conference. That is how bad things have become for the Opposition in relation to health. But are we surprised?

Members on this side of the House remember how bad things were during the 16 years of the former Labor Government. I note we have made a $251 million commitment to Shellharbour Hospital, as opposed to the member for Shellharbour, who is in the Chamber and who made a $30 million commitment. For the benefit of the member, that is 12 per cent of the commitment that I have made for Shellharbour Hospital. I say a prayer every day, "Lord, if you give me enemies make them stupid." Thank you, Lord. Recently, the Labor candidate for South Coast—

Ms Anna Watson: There it is. He always has to get into the gutter and make the personal attacks.

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

Mr GARETH WARD: We can talk about a former staff member of hers and personal attacks. I remind the House that the Labor candidate for South Coast said it was pork-barrelling for the member for South Coast and me to announce an upgrade of the paediatric unit at Shoalhaven hospital. Labor's campaign on health is so appalling that candidates are referring to upgrades to a paediatric unit as pork barrelling. I am proud of the things that the member for South Coast and I have secured for Shoalhaven hospital, including improvements to its cancer

and aged care services, and the emergency department. Those important upgrades have made a real difference to people's lives.

The head of the HSU is so appalled that he has said he does not want anything to do with Opposition members. He represents thousands of people and recently stood side by side with the Minister for Health, Brad Hazzard, and the Premier when they announced funding for 700 more paramedics. I say to Opposition members that they should stop playing politics with health care and start supporting the investments we are making, including our upgrades to Bulli, Shellharbour and Shoalhaven hospitals. They should also support our investment in key services such as through the building of two new ambulance stations in my electorate. Those things were never supported by members opposite and members opposite are now not supported by the union. So appalled and disgusted is he that the union secretary has walked away from them, and so should the rest of the people of this great State.

Ms ANNA WATSON (Shellharbour) (16:09): Sometimes there are just no words after listening to the member for Kiama.

Mr Gareth Ward: You've got nothing to say because I've won. White flag.

Ms ANNA WATSON: In his own mind he has won, but that is okay. There is no group of New South Wales public sector workers that Government members have not touched. They are like a razor gang. We saw it when they completely axed the police death and disability scheme. They said, "We don't want to look after our police anymore. They don't need to be looked after."

Mr Gareth Ward: Point of order: My point of order relates to relevance under Standing Order 76. We are talking about health workers, not police.

Ms ANNA WATSON: This is about New South Wales public sector workers. The fireies surrounded this place and campaigned out the front with their hoses on.

Mr Gareth Ward: Point of order—

The DEPUTY SPEAKER: The motion is definitely about health. I uphold the point of order on relevance. The member for Shellharbour will return to the leave of the motion.

Ms ANNA WATSON: There have been $3 billion worth of cuts to our health system. Across New South Wales wards are being closed and staff are not being replaced. This Government has continued to cut services and reduce funding to our public health system, and the member for Kiama has backed that up. In fact, in 2013 in an article in the *Kiama Independent* he said —

Mr Gareth Ward: Point of order: The member knows full well that attacks on members must be made by way of substantive motion. The member is moving well and truly away from the leave of the motion and is continuing her obsession with me.

Ms ANNA WATSON: I am talking about health.

The DEPUTY SPEAKER: Order! The member for Shellharbour will direct her comments through the Chair.

Ms ANNA WATSON: In 2013 the member for Kiama said in the *Kiama Independent* in relation to cuts—

Mr Gareth Ward: Point of order—

The DEPUTY SPEAKER: The member for Kiama will resume his seat.

Ms ANNA WATSON: The member for Kiama said that the Government made no apologies for removing non-frontline employees from the health service.

Mr Gareth Ward: I did not say that. Point of order—

Ms ANNA WATSON: It is in the *Kiama Independent* and I am happy to table it.

Mr Gareth Ward: Table the document and name the source.

Ms ANNA WATSON: I will. I will get it and I will table it this afternoon.

The DEPUTY SPEAKER: Order! The Clerk will stop the clock. What was is the Parliamentary Secretary's point of order?

Mr Gareth Ward: I am asking you to ask the member to provide the details of the source she is citing in accordance with the standing orders, including the journal, the date and the page.

Ms ANNA WATSON: It was the *Kiama Independent* in 2013. I am happy to get you the article.

Mr Gareth Ward: Could you table the document?

Ms ANNA WATSON: I will table it later in the day.

Mr Gareth Ward: You need to table it now.

Ms ANNA WATSON: Sit down.

The DEPUTY SPEAKER: Order! The Parliamentary Secretary will resume his seat. You have asked the member to table the document. It will be tabled later, will it not, member for Shellharbour?

Ms ANNA WATSON: Yes.

The DEPUTY SPEAKER: I accept that. The Clerk will restart the clock.

Ms ANNA WATSON: Only Labor has the wellbeing of health workers in New South Wales at heart. In fact, Labor recently pledged to employ more security guards to protect staff and patients. Members opposite could not care less. Only Labor members care about workers in New South Wales. The member for Campbelltown said that the dividends will mean that 12,000 jobs will be gone in the next four years. This Government has capped the wages of public servants at 2.5 per cent and it has not removed that cap. This Government says that nurses—[*Time expired*.]

Dr GEOFF LEE (Parramatta) (16:13): In reply: I thank the member for Campbelltown, the member for Kiama and the member for Shellharbour for their contributions to the debate. It is important to remind the member for Campbelltown and the member for Shellharbour that just because they say something it does not mean it is true. In fact, the member for Kiama spoke words of wisdom when he outlined how the Health Services Union General Secretary has withdrawn his support for the Leader of the Opposition. The reality is that this Government has made record investments in infrastructure and operational funding and in providing new frontline staff including thousands of nurses and allied health professionals. It is something we have worked very hard on. This is the result of a strong focus on fiscal discipline.

We have heard from the member for Campbelltown and the member for Shellharbour that this has exposed a raw nerve, that one of their largest union backers cannot support the Opposition Leader. I am sure the Opposition Leader is a good bloke, but his leadership is somewhat disappointing. Luke Foley's lack of leadership is exemplified by his unwillingness to support the move of the Museum of Applied Arts and Sciences to Parramatta. While those opposite say they support the people of Western Sydney, they really do not. Luke Foley has turned his back on the great staff in the health sector and now he is turning his back on Western Sydney. I ask Luke Foley to stand up to his eastern suburbs mates and say that Western Sydney deserves its fair share of the arts and culture budget.

On this side of the House we stand up for the community, for the people of Western Sydney and for the workers. We are proud of our more than $4 billion increase in health infrastructure over the next four years in Western Sydney. We are proud of the $900 million upgrade in Westmead alone. And we are proud of the new superstation for the ambulances in Northmead as well as at many other locations throughout New South Wales. This is clearly a difference. The Berejiklian-Barilaro Government is delivering for the people of New South Wales and the workers of New South Wales, and it is able to deliver the infrastructure, job security, economic reform, and increase in services that people demand to deliver a world-class health system. I commend the motion to the House.[*Time expired.*]

The DEPUTY SPEAKER: The question is that the motion be agreed to.

The House divided.

Ayes 45
Noes 31
Majority.....14

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Conolly, Mr K	Constance, Mr A
Cooke, Ms S	Coure, Mr M	Crouch, Mr A
Davies, Mrs T	Dominello, Mr V	Elliott, Mr D
Evans, Mr A.W.	Evans, Mr L.J.	Fraser, Mr A
Gibbons, Ms M	Goward, Ms P	Griffin, Mr J
Gulaptis, Mr C	Hazzard, Mr B	Henskens, Mr A

AYES

Humphries, Mr K	Johnsen, Mr M	Kean, Mr M
Lee, Dr G	Marshall, Mr A	Notley-Smith, Mr B
O'Dea, Mr J	Patterson, Mr C (teller)	Pavey, Mrs M
Perrottet, Mr D	Petinos, Ms E	Provest, Mr G
Rowell, Mr J	Sidoti, Mr J	Speakman, Mr M
Stokes, Mr R	Taylor, Mr M	Toole, Mr P
Tudehope, Mr D	Upton, Ms G	Ward, Mr G
Williams, Mr R	Williams, Mrs L	Wilson, Ms F

NOES

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

PAIRS

Barilaro, Mr J	Bali, Mr S
Berejiklian, Ms G	Cotsis, Ms S
Roberts, Mr A	Haylen, Ms J

Motion agreed to.

Bills

BETTING TAX AMENDMENT (POINT OF CONSUMPTION) BILL 2018

First Reading

Bill introduced on motion by Mr Dominic Perrottet, read a first time and printed.

Second Reading Speech

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (16:24): I move:

That this bill be now read a second time.

This bill fulfils the New South Wales Government's commitment to introduce a 10 per cent point of consumption tax on wagering in New South Wales, effective from 1 January 2019. Historically, wagering in New South Wales has taken the form of in-person transactions in a retail outlet such as a TAB or at an on-course bookmaker. The existing taxation regime in New South Wales was designed around this historical in-person model of wagering. However, considerable growth in online wagering in recent years has displaced the need for wagers to be placed in person. As a result, online wagering is not captured by the current wagering tax framework—that is, in the case of online wagering, there is now a disconnect between the location of wagering activity, the jurisdiction where the profits are being earned and taxation revenue.

The current wagering tax regime in New South Wales only captures betting operators that are licensed in New South Wales, yet many online betting operators that offer bets in New South Wales are located elsewhere. In particular, a number of betting operators are currently located in the Northern Territory to take advantage of the favourable gambling tax regime there. The growth of online wagering has therefore resulted in a significant gap in the taxation framework. This bill operates to update and modernise our tax system to reflect today's environment. It will ensure that the approximately $1.8 billion New South Wales residents spend each year on

wagering and betting—on cricket, football, basketball, horse and greyhound racing and other events—is subject to a tax regime that does not favour or penalise operators based on their location.

It will also ensure that all wagering and betting entities pay their fair share of gambling taxes in New South Wales and contribute to the infrastructure and services the people of New South Wales depend on. The change to the wagering tax regime in New South Wales is in line with similar changes being made in other jurisdictions. South Australia was the first Australian State to implement a point of consumption tax, with Queensland recently also implementing. I understand Victoria and the Australian Capital Territory recently passed legislation to a similar effect and that a bill to establish a point of consumption tax in Western Australia has also recently been introduced to that State's Parliament. The development of a point of consumption tax in New South Wales followed a public consultation process conducted by NSW Treasury in March this year.

Treasury received and considered over 40 submissions from industry stakeholders, including betting operators, professional gamblers, the racing industry controlling bodies and industry peak bodies. This consultation was critical in assisting the Government to design a wagering tax framework that reflects the changing nature of wagering in New South Wales. I now turn to the detail of the bill. Under the bill, a point of consumption tax will apply to each betting operator's net wagering revenue derived from bets made by customers located in New South Wales. The tax base—a betting operator's net wagering revenue—is the sum of the following: commission earned from New South Wales totalisator bets, commission and fees earned from New South Wales betting exchange bets and New South Wales bookmaker bets less any winnings and refunds paid out.

Each betting operator will be subject to an annual tax-free threshold of $1 million. For the 2018-19 financial year, the tax-free threshold will be $500,000 to account for the point of consumption tax starting halfway through the financial year on 1 January. This is in line with the tax-free threshold established in Victoria. The threshold will help ensure the viability of smaller operators, particularly on-course bookmakers that tend to be smaller, family-run businesses. These businesses currently do not pay wagering tax in New South Wales and we recognise they are an integral part of the race day experience. Under the point of consumption tax, free bets, also known as bonus bets, will be included in the tax base—that is, when a customer places a free bet, it will be included in the betting operator's calculation of net wagering revenue, and winnings paid out in connection with that bet can be claimed as a deduction.

Treating free bets in this way, instead of exempting them from the point of consumption tax, reduces any tax benefits of free bets compared to regular bets. It mitigates the risk of potential tax avoidance schemes, is simpler to administer and is consistent with the approach taken in Victoria, Western Australia and the Australian Capital Territory. The point of consumption tax will run alongside the current betting tax regime and industry funding arrangements. Under the current arrangements, TAB Limited, the totalisator licensee, is liable to pay betting tax to the Government, as well as "tax parity payments" to the racing industry. In recognition of these ongoing arrangements, this bill allows TAB Limited to offset its betting tax and tax parity payments against any point of consumption tax liability to avoid double taxation on New South Wales bets.

The retention of the current betting tax regime in New South Wales and the introduction of point of consumption taxes in other Australian jurisdictions also mean that there is an overlap of the New South Wales and interstate tax bases—that is, the component of TAB Limited's net wagering revenue that is generated from interstate bets would be subject to the New South Wales betting tax, as well as any point of consumption taxes imposed in the jurisdiction in which the bet was made. To address this issue, and consistent with nationwide changes to the way wagering tax regimes are structured, this bill allows TAB Limited to offset its betting tax liability by an amount equal to betting tax and tax parity payments made on its interstate net wagering revenue. Additionally, this bill allows TAB Limited to offset its fixed odds headline tax rate of 10.91 per cent by 0.91 per cent.

This offset provides TAB Limited with not only an effective tax rate for fixed odds bets that is consistent with the 10 per cent point of consumption tax rate faced by other wagering operators but also provides more of a level playing field in the market. The New South Wales Government recognises the economic and cultural significance of the racing industry in New South Wales. According to a 2014 report commissioned by the Government, this is a $3.3 billion industry that supports around 28,000 full-time jobs and has more than 90,000 people directly participating in the industry as employees, participants or volunteers. The Government is committed to ensuring that the racing industry is not negatively affected by the introduction of the point of consumption tax.

That is why the Government undertook extensive consultation with the three peak bodies representing the NSW Racing Industry—Racing NSW, Harness Racing New South Wales and Greyhound Racing NSW—in developing the point of consumption tax. This bill provides that the Government will support the racing industry with additional funding equal to 2 per cent of total taxable net wagering revenue in New South Wales. This

additional source of funding will provide the racing industry with approximately $40 million in additional funding per year. The funds will be distributed, on a quarterly basis, across the three racing controlling bodies—Racing NSW, Harness Racing New South Wales and Greyhound Racing NSW—according to the proportions used in the Racing Inter-Code Deed.

The Government will continue to work with the New South Wales racing industry to monitor any potential impacts of the tax on the industry. Additional funding will also be directed to the Responsible Gambling Fund for the provision of new services to address online gambling addiction. The Responsible Gambling Fund is ordinarily funded via a levy on The Star casino and currently supports a range of initiatives to support responsible gambling and mitigate gambling harm. These activities include research, community education and counselling services. I note that in 2018-19 the Responsible Gambling Fund is forecast to invest $25 million into these important initiatives. To support programs and activities that specifically seek to minimise the risk of harm associated with online wagering, the Government will invest an additional $5 million per year into the fund from the proceeds of the point of consumption tax.

This will include an additional $2.5 million for the 2018-19 financial year, reflecting the commencement of the tax on 1 January 2019, and to ensure that this important work can be funded without delay. The Government will also use part of the additional revenue from the point of consumption tax to increase funding for the Greyhound Wagering and Integrity Commission. The commission is the independent regulator of the industry in New South Wales. It was established following a recommendation from the Greyhound Industry Reform Panel and is working not only to promote and protect the welfare of greyhounds but also to safeguard integrity and public confidence in the industry.

The Government will provide $4 million per year from the proceeds of the new tax to the operational costs of the commission, including $2 million for the 2018-19 financial year, with the ongoing funding needs of the commission to be reviewed at the end of 2021-22. The New South Wales point of consumption tax is expected to generate $131 million net in additional revenue over the next four years. This takes into account the measures I have described above and is consistent with the gross figures published in the 2018-19 Budget. The point of consumption tax will be a taxation law under the Taxation Administration Act 1996, which makes general provisions for the administration and enforcement of the tax.

This bill makes further provisions for the administration of the point of consumption tax, including providing for Revenue NSW to collect the point of consumption tax and providing Liquor and Gaming NSW with additional tax powers to effectively conduct compliance audits. Betting operators that become liable to pay the point of consumption tax must be registered with Revenue NSW. Registered betting operators must lodge monthly returns with Revenue NSW and pay their point of consumption tax liability within 21 days after the end of each month. Betting operators that fail to pay their tax liability will be charged interest and penalty tax on the amount of unpaid tax under the Taxation Administration Act 1996.

Administrative arrangements for the existing betting tax, which will continue to operate alongside the point of consumption tax, will remain the same. As part of the effort to ensure the point of consumption tax is administered effectively and efficiently, the Government will conduct a review of all aspects of the point of consumption tax after 18 months of operation to ensure it is achieving its purpose. This new tax will bring New South Wales in line with other Australian jurisdictions by closing a tax loophole in the wagering tax regime and capturing online bets placed in New South Wales. It will ensure that betting operators that generate revenue from New South Wales customers contribute their fair share to New South Wales. I commend the bill to the House.

Debate adjourned.

Personal Explanation

MEMBER FOR KIAMA

Mr GARETH WARD (Kiama) (16:35): By leave: In an earlier debate today the member for Shellharbour attributed comments to me in the *Kiama Independent* of 9 September 2013. She said that I was quoted in the article; no such quote exists.

The DEPUTY SPEAKER: The member for Shellharbour did say that she would table the article and she has not done so.

Mr David Harris: Point of order: I was listening to that debate and I checked the standing orders. The standing orders do not require members to table documents, only Ministers.

The DEPUTY SPEAKER: The member for Shellharbour was not told to table it. She was asked to table it and she said she would.

Mr David Harris: She is not required to do so unless in response to a motion.

Bills

BUILDING AND DEVELOPMENT CERTIFIERS BILL 2018

First Reading

Bill introduced on motion by Mr Matt Kean, read a first time and printed.

Second Reading Speech

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (16:37): I move:

That this bill be now read a second time.

I am proud to introduce the Building and Development Certifiers Bill 2018. This bill will ensure that the people of New South Wales can continue to have faith in the work of certifiers. Certifiers have a unique role in the building industry. They are responsible for inspecting construction and subdivision work at critical stages and making sure the work is up to scratch and fit for use by the public. Unlike builders and other building practitioners, certifiers need to act in the public interest when undertaking their work. Certifiers are a critical part of the building industry, which is key to the New South Wales economy.

The building industry represents approximately 250,000 jobs. Put another way, that is nearly 10 per cent of the labour force as a whole. In addition, in this State alone nearly $53.5 billion worth of construction work has been completed in the past year. That is up 9 per cent compared to the same period last year and demonstrates the New South Wales Government's commitment to infrastructure and being the leading State economy. The bill makes it clear that the Government will take action against certifiers that do not perform to the high standards expected of them.

I turn now to the measures that will be introduced by the Building and Development Certifiers Bill 2018. This forms part of the New South Wales Government's response to the independent review of the Building Professionals Act 2005, which committed to rewriting and developing new legislation to improve the administration of certifiers. Part 1 of the bill defines a series of key terms that are used throughout the legislation to make it consistent with other occupational licensing frameworks managed by NSW Fair Trading. Certifiers will no longer be referred to as "accredited". Instead, certifiers and body corporates who wish to undertake certification work will need to be "registered" by the secretary of the department. This change will help to differentiate between government-issued registration for people who carry out "certification work", and certificates of accreditation issued by approved non-government bodies who carry out "regulated work" under the newly introduced scheme of co-regulatory accreditation set out in parts 5 and 6 of the bill.

One of the recommendations of the independent review was to improve the administration of licences by increasing the duration of accreditation renewals from a yearly renewal period, to a period of up to five years. Clause 11 adopts this recommendation and introduces the ability for the secretary to issue a registration for the duration of one, three or five years to reward low-risk certifiers with less frequent renewals. Certifiers are recognised as having a highly important role in the building construction sector.

To ensure that applicants can be thoroughly vetted, clause 9 confers on the secretary the power to request and obtain information from third parties who are close associates of the applicant. This clause will assist the secretary in more closely scrutinising applicants and makes it clear that only individuals who are fit to undertake the role will be able to do so. Under clause 19 the secretary will also be able to impose conditions on the suspension or cancellation of a registration, in addition to conditions that can be issued on a registration which is in force. This new compliance tool will encourage certifiers to comply with the prescribed conditions to return to working as a certifier and provides another form of oversight for the secretary.

Clause 20 makes it clear that any individual who fails to comply with any condition imposed on a registration will be subject to a maximum penalty of $33,000. The bill provides that any person who is aggrieved by a decision of the secretary under part 2 of the bill can apply to the tribunal under clause 24 to seek an administrative review of that decision. This provision is key to ensuring that certifiers have procedural rights and can review decisions made about their registration under the standard procedures outlined in the Administrative Decisions Review Act 1997. One of the major deficiencies highlighted by the independent review was the lack of clarity around the functions and responsibilities of certifiers.

Clause 14 establishes a head of power to issue any standards or methodologies such as a practice guide, which would need to be adhered to as a condition of the certifier's registration. This is intended to provide certifiers with interpretative material that would help to explain the practical application of the legislation to which certifiers are accountable. Supporting these provisions, clause 32 will place a greater emphasis on the importance of the

code of conduct by prescribing it in the regulations rather than by ministerial order. The code of conduct will work alongside the practice guide in the bill to set out expectations on behaviours and standards such as acting in the public interest. Clause 32 (3) also introduces the ability for penalties to be issued for breaches of the code to ensure that certifiers make it a priority to meet expected standards and behaviour.

There has been public feedback to suggest that many consumers are not aware of their right to pick a certifier of their choice and have a poor understanding of the role of the certifier. This bill seeks to resolve these issues by consequential amendments to the Home Building Act 1989 with the addition of new division 1A. In new section 11B in schedule 2 [1], part 2, division 1A to the Act before entering into a contract the holder of a contractor licence will be required to give the consumer information that explains the role of the certifier to ensure that consumers are aware of the types of functions that certifiers are required to perform and the things that can be expected of them. To support these powers, new section 11C in division 1A provides that contractor licence holders be strictly prohibited from unduly influencing or attempting to influence the appointment of a certifier. This provision is intended to support consumers in choosing their own certifier. Large penalties may apply, being $110,000 in the case of a corporation and $33,000 in any other case.

Certifiers are defined as public officials and public authorities under section 3 of the Independent Commission Against Corruption Act 1988 and section 5 of the Ombudsman Act 1974 respectively. The community therefore has a right to expect that certifiers will provide services with impartiality and that the decisions they make are robust, as the actions of certifiers can have serious outcomes for building owners and occupants. To improve independence, clause 28 is broadened to cover all rather than some types of work undertaken by certifiers, and includes the carrying out of any inspection, issuing any certificate other than a compliance certificate not issued by a principal certifier under the Environmental Planning and Assessment Act 1979, and any certification other work prescribed by the regulations. To help clarify what constitutes a conflict, clause 29 introduces the concept of a "private interest" which can be used as a benchmark for when a conflict of interest may arise.

Clause 29 prescribes a range of examples to assist certifiers in understanding what constitutes a private interest, such as where the person is obtaining the benefit of certification work. This will help ensure that certifiers are aware of any private interests and make sure that private interests do not conflict with their duties. The bill will also be able to authorise the making of regulations to prescribe circumstances where a conflict is taken to exist under clause 29 (1) (b) and will be supported by clause 28 (4), which will enable exemptions to the conflict of interest provisions to be prescribed through the regulations.

The bill goes a step further and consequentially amends sections 6.6 and 6.12 of the Environmental Planning and Assessment Act 1979 to prescribe circumstances in which a principal certifier is to be appointed by the Secretary of Department of Finance, Services and Innovation. Circumstances where this may be appropriate include when it is in the public interest to do so, or when the principal certifier is not willing or is unable to make transfer arrangements. The consequential amendments also enable classes of development to be prescribed in which the principal certifier is appointed in a manner prescribed by the regulations, such as through a scheme. The alternative appointment process is a way of ensuring greater independence of certifiers and is intended to provide the Government with the ability to intervene in the appointment of certifiers in specific circumstances.

One of the key issues raised by the independent review was that the process for pursuing disciplinary proceedings was slow and ineffective. To address these concerns, part 4 of the bill abolishes the prescriptive two-stage disciplinary process under the Building Professionals Act 2005 and replaces it with a more modern and effective compliance framework. Clause 47 introduces a "show-cause" process where the secretary may serve a written notice on the certifier to show cause why disciplinary action should not be taken. However, under clause 47 (7), if the secretary issues a show-cause notice, he or she will be able to act immediately on a disciplinary matter if it is considered in the public interest to do so. This will ensure that the secretary can put the safety of the public first.

Clause 45 of the bill adopts clear grounds for disciplinary action rather than prescribing the tests for professional misconduct or unsatisfactory professional conduct, and introduces new grounds, such as where the certifier has not carried out work in the public interest, to more accurately account for the scope of work undertaken by certifiers. Rather than duplicate the process for review, the former submissions process will be replaced with the standardised internal review provisions found in the Administrative Decisions Review Act 1997, a process that applies to most licensing and registration decisions in New South Wales, by consequentially amending clauses 4 and 5 of the Administrative Decisions Review Regulation 2014.

This bill delivers on the Government's commitment to introduce co-regulatory industry accreditation schemes for certain building professionals. Part 5 of the bill establishes the formal regulatory mechanisms through which a body corporate can be an accreditation authority to accredit individuals to become accredited practitioners. Clause 52 introduces the concept of regulated work and prescribes the functions of competent fire

safety practitioners as regulated work under the bill. This key reform supports the fire safety amendments made to the Environmental Planning and Assessment Regulation 2000 and ensures that the framework under this regulation can become fully operational.

Given the importance of the functions performed by existing competent fire safety practitioners, clause 58 makes it an offence for regulated work to be carried out by individuals who have not been accredited to carry out the specific type of work. This will ensure that regulated work is carried out only by individuals with the appropriate skills, competencies and experience, and will be supported by a penalty of $110,000 in the case of a body corporate or $33,000 in any other case. Clause 57 makes it clear that accreditation authorities will be responsible for governing the actions of accredited practitioners by investigating possible instances of noncompliance and taking the necessary disciplinary action to ensure that practitioners comply with the law.

Of course, to ensure that non-government organisations know what is expected of them, the secretary will be required to publish guidelines under clause 61 that outline the process of approving an accreditation authority and the requirements that a body corporate would need to meet to be approved. As with most other licensing and registration schemes, an accreditation scheme will be required to set out the procedures that an accreditation authority will follow. This is outlined in clause 79 and includes procedures such as receiving, assessing and granting or refusing applications, and establishing a clear process through which an aggrieved person can seek a review of the authority's decision. These processes are considered important, given that accredited practitioners will be responsible for key fire safety functions and will provide advice to other practitioners, including certifiers, to enable them to do their job properly.

The secretary will be able to suspend or cancel an accreditation authority's approval, subject to certain grounds, such as if the accreditation authority is no longer a suitable person to be approved to exercise the functions of an authority. Although these requirements may appear stringent, they are considered necessary to ensure that an accreditation authority is a fit and proper person to accredit fire safety practitioners who are tasked with an important role and support the work of certifiers. The bill also introduces strengthened compliance and enforcement powers by providing the secretary with a broader set of powers to ensure that certifiers are compliant with the law. The ability to conduct proactive investigations is clarified through clause 106, which provides that the secretary can investigate a former or current certifier or accreditation authority, regardless of whether a complaint is received. This power makes it clear that the secretary can investigate and target the conduct of certifiers who are doing the wrong thing.

In support of this new power, the secretary will be provided with a suite of complementary powers in clauses 103, 104 and 105, which outline the ability to issue a warning notice about particular risks of dealing with a certifier or accreditation authority, accept a written undertaking from a certifier, or apply for an injunction at the Land and Environment Court. Under clause 104, undertakings provide an opportunity for a certifier to rectify a breach of the law that could otherwise lead to a harsh financial penalty. Similarly, warning notices issued under clause 103 will be a key tool to help consumers be on the lookout for risky certifiers, and assist the public with making the right decisions about choosing a certifier.

To ensure that clause 103 is only used where there are genuine concerns, the secretary will be required to conduct an investigation into the certifier or accreditation authority before publishing the notice. The certifier or accreditation authority will also have at least two business days to make representations to the secretary if there is no immediate risk to the public. The bill makes it clear that the Government is taking a robust approach to the safety of building and development. Clause 42 strictly prohibits a certifier to seek or accept, or offer or agree to accept, a benefit of any kind on the understanding that the certifier would act otherwise than impartially when carrying out certification work.

To support this power, clause 44 prohibits a certifier from issuing false or misleading complying development, strata or swimming pool certificates. These offences attract a significant maximum penalty of $1.1 million or two years imprisonment, or both. While the penalty is large, the potential for serious injury calls for penalties that are proportionate to the nature of the risks involved. Increased compliance powers are necessary to drive a message home that poor conduct and dodgy certification work will not be tolerated by this Government. Under part 7 of the bill, authorised officers will be granted a suite of powers to be able to do their job more effectively.

A number of the functions previously administered by the Building Professionals Board have been integrated into Fair Trading's regulatory operations to reflect the disbandment of the board. Under clauses 91, 92 and 93, authorised officers will be able to require information and records, require answers and record evidence. To support these investigatory powers, clause 94 allows an authorised officer enter any premises at which business is in progress. However, under clause 95, an authorised officer will only be able to enter a residential premises with permission of the occupier or with the authority of a search warrant.

Any person who obstructs, hinders or interferes with the exercise of an authorised officer's functions under clause 100, or fails to comply with a direction issued by an officer under clause 101, will be subject to large fines of $110,000 in the case of a body corporate or $22,000 in any other case. I thank the invaluable work of the Department of Finance, Services and Innovation, which has spent a lot of time on getting the reforms in this bill right. I look forward to the benefits delivered to the public from an enhanced building regulation and certification system. I commend the bill to the House.

Debate adjourned.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2018

Second Reading Debate

Debate resumed from an earlier hour.

Mr DAVID HARRIS (Wyong) (16:54): I commend the shadow Minister for his great work. The shadow Minister met with many of my constituents who were experiencing terrible problems. I will share a story with the House to illustrate how bad the insurance companies are. [*Extension of time*]

My constituent was only assisted through the Minister and the shadow Minister interceding on her behalf. It goes to the earlier point that insurance companies have not done the right thing by people with injuries. We met with Jean, but in this letter she states:

> Dear David,
>
> I really need your assistance with my Workcover matter.
>
> I injured myself at work back in 2014 whilst working for Forsythes Recruitment.
>
> My injuries included bursitis and then they found a cyst in my shoulder then when I had to have surgery they discovered I had a Slap Lesion Tear. It was apparently due to the tear that the cyst had developed.
>
> So since 2014-15 I have had nothing but problems trying to get satisfaction from Allianz Insurance.
>
> Allianz has now to add to all my other problems only paying me $1.00 a week and won't fund any ongoing treatment. Because I had to cease all treatment due to being diagnosed with Breast Cancer in February 2017.

Because she had to stop treatment for her injury due to breast cancer they had reduced her weekly funding to $1 a week. She has a family and breast cancer and the insurance company does this. She further states:

> This is so unfair. I didn't plan to get Breast Cancer, and my treatment for this continued for 12 months.
>
> I am wondering if all the stress of the previous years did not cause the cancer as it is not hereditary.
>
> I have 4 children 3 still living at home. My husband is also stressed with what is happening not only to me but to our financial situation. We had to bankrupt ourselves due to my loss of earnings.
>
> We are currently renting, and other expenses I really need this to be sorted. I need my payments to be reimbursed.
>
> My health is important to me and I certainly do not need all this added stress on top of everything else.
>
> Please I need for Allianz to reinstate my payments.

It is outrageous to do that to someone with breast cancer. It took the intercession of the Minister's office to get Allianz to do the right thing. All members would agree that this bill is important in solving those disputes because we cannot trust the insurance companies to do the right thing. I commend the bill. but ask the Government to seriously consider the amendments put forward by the member for Cessnock. Those amendments have come from his involvement with people such as Jean. It is important that we do not let a bad injury progress to ruin people's lives. It is that serious. After meeting these people I cannot help thinking, "Oh, my God, what if this ever happened to me?" As politicians we have a duty to ensure that the vulnerable people and productive members in our community who are injured through no fault of their own are not treated in this way. Surely we are better than that. I commend the bill and I commend the amendments. If the Government cannot agree to all of the amendments, there are a few key amendments that are important to consider.

Ms JENNY AITCHISON (Maitland) (16:58): I speak in debate on the Workers Compensation Legislation Amendment Bill 2018. While the bill is vital for reinstating some protections for workers in New South Wales, six years on there are still glaring failings that need to be amended before this bill is passed. The New South Wales Government under a Coalition leadership has a history of failing injured workers. In 2012 Labor fought to protect workers by opposing the amendments which have now left untold numbers of people suffering throughout this State.

Those changes to the scheme were unfair, cruel and did not achieve their stated aims. Like many members, I have had meetings with many constituents who have shared their concerns with me about how badly this has affected their lives. The fears so eloquently voiced by my Labor colleagues in the last term of Parliament

have been proven correct time and again. Thankfully, we have an opportunity to rectify this travesty of workers' rights and I urge all members in this place to act to protect, rehabilitate and support injured workers properly in our State. This backwards step for injured workers has been the hallmark and indictment of this Government. It is a terrible shame.

While we support aspects of the bill that restore a semblance of equity into the system, I have unique experience and perspective as a former small business owner in the transport industry. Working in a family business that was high risk, when a worker was injured it was someone I cared about; like a member of my own family. They were my work family, which was just as important to me. That is why as a coach tour operator I participated in numerous initiatives in my industry to implement safety management systems. They were legislated by the former Labor Government in order to save lives. I ensured that critical incident management manuals were properly updated. Again, it was to save lives.

I know that many small business owners live in hope that an accident will never happen in their work place. They think that common sense is enough to stop workplace injuries. This is just not the case. Common sense is no substitute for a proper workplace health and safety policy, just as what this Government has delivered for the past six years is a poor excuse for a workers compensation scheme. It has not delivered vital and necessary support for injured workers. It does not help them return to work or, in the worst case, return to their normal lives. I hope that small business owners who have their heads in the sand on this issue never have to face the inevitable situation where a risk they had no control over causes injury to a member of their staff, their team or their family. It could mean significant harm, or even death.

Unfortunately, we cannot guarantee this will not happen. It is much better to be the employer who has worked to identify risk, introduces a culture of workplace safety and puts in place policies and procedures that protects workers than the one who relies on luck. As a good employer and as good humans, we all desire a safe workplace for those we work with. There is no greater asset to a small business owner than those on whom they rely to sell their products or deliver their services. Their staff, their employees, their teams are the lifeblood of their businesses. But beyond that, the close and personal nature of that relationship means we need proper workers compensation schemes for when things go wrong.

How does the employer who does nothing to protect an employee and leaves them defenceless from injury then look them in the face, or worse, face their family after a workplace death? Health and safety of workers is about everyone in the workplace acting to stop risk and ensuring that there is a fair system to help injured workers and the families of workers who die at work. They should be treated fairly in terms of compensation. This Government has failed to do that on every level. The bill revisits this debacle to reinstate a fair workers compensation scheme for those who have paid the terrible sacrifice of being injured or even killed at work.

There is no dignity for a worker who has to visit our parliamentary offices to argue for greater recognition of their injury so that they can receive proper compensation. It is an arbitrary number that means the difference between support or no support. It is an arbitrary number that means the difference between a life of dignity and agency or one that is endured in poverty, spiralling ill health and perhaps death. I have seen those members of the community in my office and had conversations with them. I am disgusted that this Government has burdened injured workers in this State with a lack of dignity and desperation. I have seen lives ruined because an injury does not meet a number, which means no support is available. A worker's physical and mental welfare is paramount to assist their recovery. We need a system that recognises from the get-go that someone is deserving of assistance and is able to be rehabilitated so that they can live a meaningful life.

Often it is the approach of those who first deal with injured workers that determines what help they will next seek from others. When they are met with respect and care and concern for an injury that is not their fault, they will more likely thrive and return to work. When they are met with disdain, disrespect, annoyance and criticism they are less likely to recover and return to being able to make a contribution. One of the hardest aspects of being the member for Maitland is meeting with the many people who are suffering at the hands of insurance companies which have been over-empowered by this Government. They are now free to act in a manner that would be considered to be bullying and intimidation in any other industry.

This callous behaviour was made all too clear to me after a recent communication from a constituent whom I shall call John because he has requested anonymity. John was irreparably injured in a workplace incident in April 2015. His injury has left him without a coccyx and was sustained as a consequence of his employer's long-term neglect of safety protocols. John's insurer is constantly trying to avoid paying his claims or paying for devices. His ongoing fights with the insurer mean he has been unable to commence rehabilitation more than three years after sustaining severe lower spinal injuries which have been complicated by infections. Intolerable delays have prevented resolving the ongoing hold-ups with the insurance company and icare NSW. Even his doctor stated:

> … ongoing request for more and more information could be construed as stalling techniques to deprive this man of the quality of life he deserves after sustaining an injury through no fault of his own.

I raised John's case with the Minister's office two months ago and I am still waiting for a response. It is disgraceful. They just do not care. John can no longer travel more than 30 minutes in a car and has extended an invitation to the Minister to visit him at his home in Maitland to see the mountain of correspondence and reports he has amassed regarding his injury and his struggles to commence rehabilitation. While the proposed legislation seeks to amend the injustices of the past and would try to prevent this happening to someone like John, more can still be achieved. John is a prime example of someone who will likely never return to work.

The extent of his injuries and the delay in receiving adequate care at the hands of the greedy, government-supported insurance company have almost guaranteed that. John's case and others like it are the reason that amendments must be made to this legislation. We must add protections such as allowing the Workers Compensation Commission to conduct a review and make a determination that is not in line with the insurer. It is not enough that this will be implied in the new legislation. People like John deserve more certainty. We must be explicit in our wording so that people like him will be protected. While this aspect is an important consideration, probably the greatest need for change falls under section 39 of the current Act, "Cessation of weekly payments after five years". This section notes:

> For workers with more than 20% permanent impairment, entitlement to compensation may continue after 260 weeks but entitlement after 260 weeks is still subject to Section 38.

However, this is still grossly unfair and we have witnessed that it may not even be adhered to. Last year nearly 2,000 people reached the five-year cut-off date between September and December and were unceremoniously dumped from receiving compensation before Christmas as a result of this Government's actions. It is a disgrace. [*Extension of time*]

Amendments are imperative because it has been acknowledged that as a consequence of section 39 there have been six deaths and at least 13 incidents of self-harm. We need to save lives. Most disturbingly, section 39 requires a pre-prepared statement from the State Insurance Regulatory Authority be sent to families who are grieving the loss of a loved one who has committed suicide. We need to provide a form of words in this legislation that deals with the death of people. I am astounded and cannot believe the cruelty and heartlessness of this Government. It is my objective to protect people like John in my electorate and the rest of the State. This process of reform of workers compensation, as it was called by the New South Wales Liberal-Nationals Government, has been fundamentally flawed from the start. The Government comes to this legislation as it comes to all matters that impact on small business—with the clear interests of big multinational firms at heart.

Time and again it places the interests of ordinary men and women who own small businesses and those who work for them at the bottom. We want to ensure that small businesses can work with their employees and that they are properly compensated when injuries occur. The changes were founded on the false premise that the scheme was in significant debt, based on 100 per cent of claimants making a 100 per cent maximum claim for money in the immediate weeks. The reality is that the scheme was only temporarily in a poorer position as a result of the global financial crisis. It was based on flawed assumptions. What is the legacy of this process? Workers have been left on the scrap heap without any assistance from this Government, and the monies—high premiums, in fact—that small businesses have paid have not been paid out to their workers. That is theft. I owned a business and our workers compensation premiums were in the tens of thousands of dollars every year. It was terrible for me to learn that an employee had a car accident in the rain on the way home from work.

When I received the phone call I felt absolute relief because I learned that she had not been injured. It flashed through my mind: What would I do if one of my employees had left the workplace and been injured in a car accident? She would not have been covered under the changes made by this Government. Journey claims must be restored. People in my area work extremely long hours. We need to include journey claims to ensure that employers are properly mitigating the risk. This Government has the chance, just once, to do the decent thing. It can reverse some of the disastrous changes that have destroyed the innocent lives of workers across this State. The Government must take on board Labor's amendments and restore some sense of justice to this scheme.

Ms YASMIN CATLEY (Swansea) (17:11): I speak in debate on the Workers Compensation Legislation Amendment Bill 2018. For the past six years the people of the region that I represent, the Hunter and the Central Coast, have held grave concerns about the effects of the changes that were made in 2012 to the Workers Compensation Act. Those changes have had devastating effects on workers in my community. They essentially took everything off the table for injured workers in New South Wales. Overnight, thousands of workers who were previously eligible for assistance to look after themselves and their families following a catastrophic workplace injury were hung out to dry by the current Government.

It has always been my view that every worker is entitled to expect that they will go to work and come home in one piece. In the event of an accident, that worker should be duly compensated for an injury sustained in the course of their employment. At the end of the day, we as elected representatives and legislators have an obligation to the people of New South Wales. We have an obligation to ensure that our actions and the actions of the Government do not impose undue hardship on the lives of those who are most vulnerable. The injured workers who are feeling the brunt of the 2012 workers compensation reforms are incredibly vulnerable. We have an obligation to ensure that there is a lever of government that we can pull to rectify wrongs.

In 1910, the first incarnation of our current workers compensation scheme was introduced in the New South Wales Parliament by then Premier Charles Wade of the Liberal Reform Party. While reading speeches from more than 100 years ago I could not help but be struck by the similarities between then and now. Advocates of fairness and justice on both sides of the political divide supported the Workmen's Compensation Bill 1910 because the existing common law doctrines had become "productive of hardship". Government and Opposition were able to put politics aside and focus on what was right for the workers of this State. In 1910, New South Wales was well behind comparable jurisdictions such as Queensland, the United Kingdom and New Zealand. Sadly, such is the case today that we now have the most draconian workers compensation laws in the country. More than a century later, we are again in this place talking about the same issues.

The bean counters opposite may look at the figures of the Workers Compensation Scheme and think they have done a great job, but they have failed miserably when it comes to calculating the human cost associated with these draconian laws. They are not saving anyone money. They are simply pushing people off workers compensation and on to welfare. In some instances, they are casting injured workers into abject poverty, purely to make their bottom line look better. What is even worse is that the Government's data is advising it that some 375 workers who have been forced off this scheme are known to the Government to be at risk of high harm. That is one in 10 workers who have been forced off the scheme and had their benefits removed are at risk of high harm. Alarmingly, 13 have reported self-harm and are being observed by the insurer. This is shocking. We also know from budget estimates that six are now deceased. In 1910, Premier Wade noted:

> We will not pay, in my judgement, one single cent more than we are paying now. We pay it all now just the same. Do not think for a moment we are not paying it. We are paying it in the hospitals, in the poorhouses, in the degradation, in the pulling down of all these people where they are swept under and become the submerged tenth, simply because we are not doing justice to them.

I stress that the workers compensation scheme in its current form is not delivering justice to the workers of New South Wales. In 2015 the New South Wales Government made structural changes to the scheme, essentially splitting it into three parts—State Insurance Regulatory Authority, Insurance and Care NSW and SafeWork NSW. This was done under the State Insurance and Care Governance Act 2015. The new structure was required to be reviewed within two years of operation. Hence, in November 2016 the Legislative Council Standing Committee on Law and Justice commenced its first review. The report from this committee was tabled in March 2017, with 26 recommendations.

One of the key findings of that committee was with regard to disputes. In essence, it was determined that the entire scheme was plagued with disputes and that there was an unsatisfactorily clear means by which disputes could be resolved. In November 2017 the Government announced a consultation process to address the issue of disputes and dispute resolutions. This was extended to March 2018. In the consultation process the Government offered four possible models to achieve the Law and Justice Committee's preference that a one-stop shop becomes the new way forward. The bill is an admission that the Government got it wrong in 2012 and a further admission that in 2015 they had the opportunity to fix those wrongs but chose not to. Now this bill is trying to mop up the disaster that was created, but it does not go far enough.

The bill reinstates the Workers Compensation Commission [WCC], which was largely dis-empowered by the 2012 changes. The WCC had historically been the primary body to deal with disputes, and this is particularly relevant for work capacity decisions. At the moment work capacity decisions are within the decision-making domain of the insurer, and it is a failure. This has been a particularly devastating component of the current legislation. For instance, Yvette lives in the Swansea electorate. She worked at BI-LO until 2000, when she suffered a spinal injury. Still living with the ramifications of her injury, Yvette is unable to work. She cannot stand or sit for long periods of time and she is often in pain. Yvette has been assessed as having whole person impairment of 12 per cent, though some doctors have suggested it is higher than 20 per cent. Yvette's workers compensation payments ceased last Christmas, just like the many others we have heard about from members in this place today. Her husband, Mark, told me they would have to sell their house because they could not manage the repayments on his wage alone.

Then there is Susan who, in 1995, injured her back, neck, and shoulders and her left shoulder joint whilst at work. Between 2012 and 2015, Susan underwent four work capacity decisions, four internal reviews, two merit reviews and two procedural reviews. She described the effect her injury has had on her life. She cannot lift her

arms above chest height, which means she cannot do simple tasks such as brushing her hair. She cannot do many household chores. Her work capacity is currently assessed as up to two hours per day, four days per week, but this takes a significant toll on her health and she spends weeks recovering. Susan tells me she lives in constant pain. She was assessed as having 7 per cent whole person impairment by the insurer. Her own doctor and other specialists assessed her as having 17 per cent whole person impairment. Dispute resolution is critical, particularly when we see the devastating affects the current legislation is having on the lives of workers. [*Extension of time*]

The bill also addresses the issue of weekly payments to injured workers through the formula known as pre-injury average weekly earnings. This reform will make weekly payments more transparent and easier to understand, which under the current scheme is incredibly complex and often leaves workers much worse off. The changes will allow for the simple inclusions of all earnings in the previous 12 months, including any overtime and other additional shifts worked. This is a sensible improvement that is fair and reasonable. The Government must consider other measures to restore fairness in the Workers Compensation Scheme.

The member for Cessnock and shadow Minister have foreshadowed that Labor proposes to move amendments. They are modest at best and make just a few small, affordable changes to the scheme that go some way towards restoring fairness for workers such as removing the five-year cut-off period for weekly payments of compensation to injured workers; redefining "suitable employment" to reflect the reality of an injured worker's situation, including their skills and their place of residence; rebalance the responsibility of the employer so as to not allow for termination of an injured worker after six months without offence; and restoring the entitlement to make a claim for an injury incurred on the journey to and from work. These are sensible amendments that will make a small but fair difference to those workers who have been kicked off the scheme.

We cannot afford the devastating effects this legislation is having on workers in this State. In question time Government members, in particular the Premier, gloat that they are the party of the workers. No, they are not. They cannot look after injured workers. They know it, and we are disgusted by it. We cannot sit and watch workers self-harm. Who does that? We need to take a good hard look at ourselves if we think that is okay. We definitely cannot sit here while they are taking their lives. That is bad government. More than one century ago both sides of politics recognised that this was a gross injustice that required a remedy. Let us stop going backwards and do the right thing by workers in this State. Today the Government has the opportunity to do that by supporting Labor's amendments.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (17:24): In reply: On behaf of Mr Anthony Roberts: I am pleased to speak in reply on the Workers Compensation Legislation Amendment Bill 2018. As members have heard, the bill will support the Government's commitment to improving the workers compensation system. The bill responds to the findings and recommendations of the law and justice committee's first review of the workers compensation scheme. It will simplify the workers compensation dispute resolution process and establish the Workers Compensation Commission as the central dispute resolution body in the scheme. It will improve and clarify key legislative provisions to reduce and prevent disputes. It will introduce measures to modernise the operation of the workers compensation legislation and allow the State Insurance Regulatory Authority [SIRA] as the scheme regulator to more effectively undertake its regulatory and oversight functions.

I thank members representing the electorates of Cessnock, Epping, Charlestown, Campbelltown, Prospect, Shellharbour, Wyong, Maitland and Swansea for their contributions to the debate. I thank members of the law and justice committee for their contributions to these reforms, in particular past committee Chair Shayne Mallard and current Chair Natalie Ward. Further, I thank staff in the Department of Finance, Services and Innovation Central Policy Office [CPO] for conducting the comprehensive review that led to the bill. In particular, I acknowledge the work of Laura Christie, who is currently on maternity leave, Tom Kearney, who is now working for the Department of Premier and Cabinet, Michelle Cannane, Nicholas Cobb, Lucie Kinsela and Su Leong together with other members of the CPO team.

The dispute resolution review was supported by the leaders of icare, the Workers Compensation Commission, the Workers Compensation Independent Review Office [WIRO] and SIRA in addition to the more than 35 interested stakeholders, organisations and system participants. I thank them all for their participation, their insights and their feedback that has shaped this bill. In particular I thank former icare Chief Executive Officer Vivek Bhatia and his successor, John Nagle. I also thank Greg Keating and Rod Parsons from the Workers Compensation Commission, Kim Garling, who I note is in the gallery, and Roshana May from WIRO. I thank Carmel Donnelly, Rhys Bollen, Petrina Casey and Gavin Robertson from SIRA together with the SIRA board and the secretary of my department, Martin Hoffman.

I acknowledge the contribution of the following industry representatives: Mark Morey, Natasha Flores, Emma Maiden and Sheri Haywood from Unions NSW; Elizabeth Greenwood and Luke Aitken from the NSW Business Chamber; Mark Goodsell and Tracey Browne from the Australian Industry Group; Tim

Concannon, Shane Butcher, Jonas Lipsius, Doug Humphreys and Michael Tidball from the Law Society; Andrew Stone, SC, from the Australian Lawyers Alliance; and Elizabeth Pearson, Elizabeth Welsh, Ross Stanton, Alastair McConnachie and Arthur Moses from the NSW Bar Association. Finally, I acknowledge the contribution of my dedicated and hardworking staff Matt Dawson, Jane Standish and Tom Green as well as SIRA department liaison officers Dora Shipley, Lattana Souly and Emily Wooden.

The bill establishes a new framework for workers compensation dispute resolution. The framework and the complementary functional reforms covering inquiries and complaints will reduce the number of formal disputes, provide efficiencies in the current dispute process and simplify the dispute process for all participants in the system. Following the passage of the bill, SIRA will consult on the development of supporting regulations and insurance guidelines. Consultation will occur with a view to the new dispute resolution system as soon as possible. Once again, I emphasise the importance of this bill that addresses concerns and complexity in the workers compensation dispute resolution system.

Before I conclude I will share with the House some insight into the broader direction for reform of dispute resolution across the two personal injury insurance schemes. We have an opportunity to establish a single tribunal that will be responsible for managing disputes for claims in both the workers compensation and compulsory third party insurance schemes. There are also other opportunities for standardising claims handling practices, medical guidelines and return to work practices. I previously introduced a bill containing reforms to compulsory third party insurance.

During the course of consultation on that bill I remember stakeholders said to me that I needed to hurry up and fix the dispute resolution process in the workers compensation scheme. I gave them my commitment that it would be the next cab off the rank. Today that promise has been realised. This bill will significantly streamline the dispute resolution process in the workers compensation scheme. I particularly thank crossbench and Opposition members in the upper House for supporting the reforms that we have put forward. I would like to say that I was the sole architect of the reforms, but in truth they came about following significant consultation and by bringing everyone into the tent to get as much consensus as we could. I think that is why we are able to put some good dispute resolution reforms in place.

In the same way that I made a commitment during consultation on the compulsory third party reforms, I now give a commitment in relation to these reforms. That is, the next cab off the rank must be how we put the injured person—whether are injured at work or in a motor vehicle accident—at the centre of the process. Whether a person is injured on the road or at work, that person has suffered an injury and the process that person must go through should be as efficient and seamless as possible. I give a shout-out to WIRO, which has digital systems that are super smart. When it comes to engagement with the digital age its staff are very smart and their knowledge of data is second to none. That is what we need.

Quite frankly, whether a person is injured at work or on the road that person will need to see a doctor and a lawyer, et cetera. People can have the same injury, albeit from a different cause. There must be a way of streamlining our processes in the same way as we did for Service NSW, which is an exemplar. Rather than tell citizens that they must come to us and go through myriad government agencies, fill out various forms and call various telephone numbers we come to them in a streamlined way. If we can enhance the user experience it will take a lot of friction out of what is a traumatic process for people who are injured on the road or at work.

If we can reduce process trauma by measuring and identifying the problems as we did when establishing Service NSW it would be a tectonic shift in the way in which we look after injured people. It is hoped we will be able to give them not only the compensation they deserve but also the rehabilitation they need. The most important thing we can do for injured people is get them back to their pre-injury condition as far as humanly possible for work and recreation purposes. That has to be the ultimate goal.

Compensation to do that is a big step, but if we can take the process friction, process drag and process pain out, we will be leading the way not only here in Australia, but also across the world. I give my commitment that I will champion that cause as the next cab off the rank, because I can see the huge utility and benefit in that reform. But that awaits us. Today we debate this bill, which tidies up process in relation to dispute resolution. Those opposite will move some amendments to section 39 and related provisions, and we will debate those in due course. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Mr Clayton Barr.

Consideration in Detail

The ASSISTANT SPEAKER: By leave: I will deal with the bill in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

Clauses 1 and 2 agreed to.

The ASSISTANT SPEAKER: The question is that schedules 1 to 8 be agreed to.

Mr CLAYTON BARR (Cessnock) (17:36): I move Opposition amendment No. 1 on sheet C2018-127:

No. 1 **Jurisdiction of Workers Compensation Commission**

Page 7, Schedule 1.2 [8], line 9. Omit all words on that line. Insert instead:

Omit the note to section 105 (1). Insert instead:

Note. For example, the Commission has the jurisdiction to determine disputes about work capacity decisions of insurers.

This is just a technical tidy-up that might seek to explicitly give power to the commission as opposed to implying the powers of the commission. I will specifically and quickly make reference to the bill, which seeks to remove the following note from the current Workplace Injury Management and Workers Compensation Act. The note, which is under section 105 (1), reads:

> The Commission does not have jurisdiction to determine any dispute about a work capacity decision of an insurer and is not to make a decision in respect of a dispute before the Commission that is inconsistent with a work capacity decision of an insurer. See section 43 of the 1987 Act.

The bill seeks to remove those words, so we would go from a space where the commission is explicitly told what it cannot do to a space where the commission is not told what it can or cannot do. I propose to omit those words but also insert the following in place of that note:

> For example, the Commission has the jurisdiction to determine disputes about work capacity decisions of insurers.

Why is that important? I have the good fortune to have had information sent to me from people who work in this space 24/7, it would seem. I will take their word for it. I will read from an email that was sent to me and the explanation as to why this amendment is so important. Some of my more learned friends in this House will understand what I am about to read better than I do:

> If an insurer's unchallenged WCD has the status of an administrative decision affecting a person's rights, then if it is to be reviewed and changed it can only be altered by prerogative writs issued by a judicial officer holding a royal commission, i.e. a Supreme Court Justice. An order for *certiorari* quashing the decision might be made, a *prohibition* on implementing the incorrect decision or remaking the same incorrect decision issued, with a *declaration* of what the appropriate orders would be with a remitter to the insurer to make in accordance therewith. The WCC has no such prerogative powers.

That is why I suggest that we insert those 16 words. That is a pretty serious legal argument that has been put by a pretty serious legal person. If we insert those 16 words we go from saying what the commission cannot do and instead of occupying a space where we do not make a commitment one way or the other, we shift across to the other side to say what the commission can explicitly do. That is why I move this amendment.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (17:39): I speak in response to Opposition amendment No. 1 on the Workers Compensation Legislation Amendment Bill 2018. The Government does not support amendment No. 1 to amend the note to section 105 (1) to make specific reference to the jurisdiction of the commission to determine disputes about work capacity decisions of insurers. Such an amendment is not necessary. The bill removes the provision that expressly prohibits the jurisdiction of the commission for work capacity decisions. This means the commission has exclusive jurisdiction to resolve all disputes. The bill also removes section 43 (3) of the 1987 Act, which specifically excludes the jurisdiction of the commission to reserve work capacity decisions, and restores the full effect of section 105. Nothing else is needed. To make it absolutely clear, the bill removes the note under section 105 (1), which limits the jurisdiction of the commission with respect to work capacity decisions. Any other amendment is not necessary, and therefore the amendment is not supported.

The ASSISTANT SPEAKER: The question is that Opposition amendment No. 1 on sheet C2018-127 be agreed to.

The House divided.

Ayes 34
Noes 45
Majority.....11

AYES

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

NOES

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

PAIRS

Bali, Mr S	Barilaro, Mr J
Cotsis, Ms S	Berejiklian, Ms G
Foley, Mr L	Brookes, Mr G
Haylen, Ms J	Grant, Mr T
Kamper, Mr S	Perrottet, Mr D

Amendment negatived.

The ASSISTANT SPEAKER: The member for Cessnock has indicated that the other amendments will not take a great deal of time. If members would like to stay and listen to the debate, hopefully we will proceed without having to take four minutes every time a division is called.

Mr CLAYTON BARR (Cessnock) (17:46): I move Opposition amendment No. 2 on sheet C2018-127.

No. 2 **Suitable employment**

Page 12, Schedule 3.1. Insert after line 8:

[2] Section 32A, definition of "suitable employment"

Omit the definition. Insert instead:

***suitable employment*,** in relation to a worker, means employment in work for which the worker is currently suited having regard to the following:

(a) the nature of the worker's incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker under section 44B,

(b) the worker's age, education, skills and work experience,

(c) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act,

(d) any occupational rehabilitation services that are being, or have been, provided to or for the worker,

(e) whether the work or the employment is available,

(f) whether the work or the employment is of a type or nature that is generally available in the employment market,

(g) the nature of the worker's pre-injury employment,

(h) the worker's place of residence,

(i) such other matters as the Workers Compensation Guidelines may specify.

This amendment deals with the definition of suitable employment. So members understand the amendment and what they will be voting on, when an injured worker is being considered for suitable employment, the legislation currently states:

Suitable employment, in relation to a worker, means employment in work for which the worker is currently suited …

(b) regardless of:

(i) whether the work or the employment is available, and

(ii) whether the work or the employment is … on the employment market; and

(iii) the nature of the worker's pre-injury employment; and

(iv) the worker's place of residence.

In assessing a worker for suitable employment an insurer need not consider whether the job exists, where it exists, whether it is actually available in the market and the nature of the worker's pre-injury employment. It is a little like an injured worker in Ryde being told that he or she is suitable for making wine up in the Hunter Valley. People are based in places with their families, partners in work, children in school and social networks, and they might be deemed to have the capacity to work five, 10 or 15 hours a week. However, regardless of whether the work exists in the market or is within 1,000 kilometres of the worker's home, the insurer can deem the worker suitable for that employment and the workers compensation payments can be deducted accordingly. I seek to change the definition to ensure that those factors are considered by the insurer and are not ignored. That is all I am asking with this amendment.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (17:48): The Government does not support Opposition amendment No. 2, changing the definition of suitable employment. The definition of suitable employment requires the insurer to consider the worker's injury, related medical evidence, age, education and experience, together with any return to work or rehabilitation services that have been provided to the worker. These are all fair considerations for a workers compensation scheme. The definition excludes some considerations from the application of suitable employment. These relate to the wider economy and are outside the control of an employer or insurer.

Changing the definition of suitable employment seeks to change workers compensation from providing weekly benefits to support an injured worker to return to work to just providing weekly benefits, which is just like unemployment benefits. New South Wales employers should not be required to fund the costs for an unemployment benefits scheme. The Government does not support this. However, the Government is serious about helping injured workers return to work, not just changing a definition. The Government has put in place a system that achieves a balance, a balance between helping an injured worker return to work, providing ongoing support to workers with high needs and ensuring that the system is financially sustainable, allowing New South Wales employers to receive competitively priced premiums and therefore employ more people. The amendment is not supported.

The ASSISTANT SPEAKER: The question is that Opposition amendment No. 2 on sheet C2018-127 be agreed to.

The House divided.

Ayes 34
Noes 44
Majority.....10

AYES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C

AYES

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

NOES

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

PAIRS

Bali, Mr S	Barilaro, Mr J
Cotsis, Ms S	Berejiklian, Ms G
Foley, Mr L	Brookes, Mr G
Haylen, Ms J	Grant, Mr T
Kamper, Mr S	Perrottet, Mr D

Amendment negatived.

Mr CLAYTON BARR (Cessnock) (17:52): I move Opposition amendment No. 3 on sheet C2018-127:

No. 3 **Journey claims**

Page 25, Schedule 7.2. Insert after line 5:

[1] Section 10 Journey claims

Omit section 10 (3A).

This amendment relates to journey claims. The point has been made during debate about who is most impacted by journey claims. I put this to members: If a journey claim does not have anything to do with the workplace, what is happening out at Hawkesbury? It is pretty clear that the journey claim is an important part of the working day; it consumes time away from family. There is a risk and opportunity for workers to be injured travelling to or from work, particularly for people with disabilities who are more likely to catch public transport and be pedestrians. The journey claim question was put to the Government two years ago and the Treasurer, then finance Minister, suggested that it would come at a cost of $258 million per year.

The journey claim has been put in this debate and the other place, and the current finance Minister says it would come at a cost of $100 million per year. That is a pretty big range. One hundred million dollars per year for journey claims coverage would be about 3 per cent of the entire intake, which would work out to be about 6¢

per $100 of payroll. So we are talking about a miniscule amount of money. It equates to 60¢ for a worker who earns $1,000 a week or $50,000 per year. If one had 10 of them, they might be able to buy a packet of chips and a packet of Tim Tams for a Friday. I repeat, this is a miniscule amount of money to cover some of our must vulnerable. I urge members to support Opposition amendment No. 3.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (17:55): The Government does not support Opposition amendment No. 3, which proposes to amend the provisions with respect to journey claims. Some people are of the understanding that workers compensation coverage for journey claims is not available in New South Wales. That is simply not the case. The current provisions regarding journey claims provide coverage for all workers in journeys to and from their home and place of work where there is a "real and substantial connection" between their employment and the accident. This amendment proposes to remove section 10 (3A) of the Workers Compensation Act 1987.

It will add more than $100 million to the workers compensation premium bill of employers in New South Wales. That is $100 million in increased premiums to provide coverage for accidents and injuries that do not have a "real and substantial connection" to employment; and $100 million in extra cost for New South Wales businesses to provide for coverage for activities of their employees that employers have no control over, cannot prevent and should not be liable for. What is required is stable management of benefit and policy settings to ensure the workers compensation system can continue to deliver affordable premiums for employers and fair, effective and sustainable support for workers. This Government is committed to a sustainable workers compensation system that provides support to injured workers who need it. Opposition amendment No. 3 is not supported.

The ASSISTANT SPEAKER: The question is that Opposition amendment No. 3 on sheet C2018-127 be agreed to.

The House divided.

Ayes 34
Noes 44
Majority.....10

AYES

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

NOES

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

NOES

Williams, Mrs L	Wilson, Ms F

PAIRS

Bali, Mr S	Barilaro, Mr J
Cotsis, Ms S	Berejiklian, Ms G
Foley, Mr L	Brookes, Mr G
Haylen, Ms J	Grant, Mr T
Kamper, Mr S	Perrottet, Mr D

Amendment negatived.

The ASSISTANT SPEAKER: I remind members that there will be at least two more divisions and by agreement with the Whips we will not be taking the mandatory four minutes.

Mr CLAYTON BARR (Cessnock) (16:59): I move Opposition amendment No. 4 on sheet C2019-127:

No. 4 **5-year limit on weekly payments**

Page 25, Schedule 7.2. Insert before line 6:

[2] Section 39 Cessation of weekly payments after 5 years

Omit the section.

This amendment proposes that section 39, concerning cessation of weekly payments after five years, be removed for those who have been seriously injured. We are talking about people with a serious injury of up to but no more than 20 per cent. These are people who have satisfied a myriad of criteria during their five-year journey and who have proven that their injuries are genuine and serious and they cannot return to work. This has been proven by medical practitioners and accepted by insurers. In fact, it has been accepted by the entire workers compensation fraternity that these people do not have the capacity to go back to work. After an arbitrary five-year period those workers are simply cut off the scheme as it stands presently under section 39. I remind members that during this period these workers are unable to secure or accumulate superannuation—that is a gap in their superannuation fund that can never be recovered. This is the period when these people feel so desperately disempowered that they go down the dark spiral of mental health despair.

Earlier today the Premier and the Minister for Mental Health were out on the streets, and the Premier repeated it in question time, declaring that we need to work towards zero suicide. Since July last year the responsible Minister acutely aware of the possibility for self-harm has been asking for monthly updates on the number of people deemed to be at high risk, the number of people who have actually self-harmed and if any deaths have occurred following people being removed from the Workers Compensation Scheme under section 39. I will update members on those numbers. Out of the 3,500 people removed under section 39, some 370 were deemed as being at high risk—10 per cent, 13 of them have inflicted self-harm and we have had six deaths. I acknowledge one of those deaths was from a heart attack and the other five are uncertain, although in a couple of instances the insurer was concerned about the welfare of the person and they asked police to do a welfare check.

Every member who has met with injured workers affected by this scheme has had people sitting with them in meeting rooms in tears talking about the possibility of suicide. I applaud any steps to address mental health. I applaud the money that has been made available for mental health in regional New South Wales because farmers are at risk. Young people and poor people are also at risk and I applaud the money being put into then. But another cohort is at risk. We know they are at risk. We measure the risk. The Minister gets a report on the risk and looking after them is entirely fundable within the scheme—not taxpayers' dollars but the money that already sits in the scheme. As I said earlier, the Premier stood in this place today and said we need to work towards zero suicide, which I support, applaud and endorse, but this amendment deals with that exact issue. We want to make sure that we do not kick people off this scheme and send them down the dark spiral to where the black dog lives.

Regional members know as well as I do that access to services is incredibly limited and for those who live in a remote area services are basically zero. Work options in regional communities are also incredibly limited. This amendment is about saving lives. It is about saving people from mental health despair and giving people a future instead of a dead end. People commit suicide when they feel like they have no alternative. Here are some statistics for you. Of the people deposed under section 39 only 8 per cent or 10 per cent have managed to get disability Centrelink payments, only 30 per cent have managed to get registered on Centrelink and close to another 60 per cent have gone off the edge of the scheme. Where? How are they making their payments? How are they

paying their mortgage? How are they putting food on the table? None of us in this room can answer that. They have just gone.

I cannot implore members enough. There is no more important amendment being dealt with tonight than the removal of section 39. We have the opportunity to do the right thing. For members who say they are not bound on a vote—those who criticise Labor for binding votes—this is their opportunity. If Government members do not care about Opposition amendments, if they do not care about the workers in their area, then the members should back themselves. An election is coming up. The members should back self-interest. Every member has 50 or 60 constituents who are affected by this bill. They all have family and friends. They will vote on this issue because it is the only sense of empowerment they feel. It is coming to them in March next year. Everything else in their life is completely out of their control.

This is affordable under the existing fund. No-one has to pay more money. It is in this scheme— $2.4 billion in surplus. We are talking about the pointy end of the spectrum. We are talking about 1,000 workers per year out of 100,000 who claim workers compensation. That is 1 per cent of the injured workers. We are not talking about mass numbers; we are talking about the most serious, complex issues for people. I urge members to not leave them hanging and support this amendment.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:06): The Government does not support the Opposition's proposed amendment No. 4 to make specific provision for the repeal of section 39 of the Workers Compensation Act 1987. The amendment would immediately return the system to the financial difficulties it was in prior to this Government's reforms in 2012. The simple fact is that in 2012, the New South Wales Workers Compensation Scheme was in debt to the tune of $4.1 billion—a $4.1 billion deficit. The system was broken on any objective measure. It did not provide support for those injured workers who needed it the most. It was financially unsustainable.

Removing the provision that limits an injured worker's entitlement to 260 weeks of weekly payments, unless the worker is assessed with a permanent impairment of more than 20 per cent, will immediately impact the scheme in the order of $5 billion. In addition, there will be a future cost of about $700 million per year in additional employer premiums. This Government has put in place a system that achieves a balance between helping an injured worker return to work, providing ongoing support to workers with high needs and ensuring that the system is financially sustainable, allowing New South Wales employers to receive competitively-priced premiums.

The ASSISTANT SPEAKER: The question is that the Opposition amendment No. 4 on sheet C2018-127 be agreed to.

The House divided.

Ayes 32
Noes 44
Majority.....12

AYES

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

NOES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Conolly, Mr K	Constance, Mr A
Cooke, Ms S	Coure, Mr M	Crouch, Mr A
Davies, Mrs T	Dominello, Mr V	Elliott, Mr D
Evans, Mr A.W.	Evans, Mr L.J.	George, Mr T
Gibbons, Ms M	Goward, Ms P	Griffin, Mr J

NOES

Gulaptis, Mr C	Hazzard, Mr B	Henskens, Mr A
Johnsen, Mr M	Kean, Mr M	Lee, Dr G
Marshall, Mr A	Notley-Smith, Mr B	O'Dea, Mr J
Patterson, Mr C (teller)	Pavey, Mrs M	Petinos, Ms E
Provest, Mr G	Roberts, Mr A	Rowell, Mr J
Sidoti, Mr J	Speakman, Mr M	Stokes, Mr R
Taylor, Mr M	Toole, Mr P	Tudehope, Mr D
Upton, Ms G	Ward, Mr G	Williams, Mr R
Williams, Mrs L	Wilson, Ms F	

PAIRS

Bali, Mr S	Barilaro, Mr J
Cotsis, Ms S	Berejiklian, Ms G
Foley, Mr L	Brookes, Mr G
Haylen, Ms J	Grant, Mr T
Kamper, Mr S	Perrottet, Mr D

Amendment negatived.

Mr CLAYTON BARR (Cessnock) (18:09): I move Opposition amendment No. 5 on sheet C2018-127:

No. 5 **Dismissal after injury**

Page 25, Schedule 7.2. Insert after line 17:

[4] Section 248 Dismissal after injury an offence

Omit section 248 (1) and (2). Insert instead:

(1) An employer of an injured worker who dismisses the worker is guilty of an offence if the worker is dismissed because the worker is not fit for employment as a result of the injury.

Maximum penalty: 100 penalty units.

Amendment No. 5 simply deals with the concept that an employer is unable to sack an injured worker in the first six months of their injury. If they continue to be injured beyond six months, there is no protection for workers. I offer to you that while 99 per cent of employers out there are wonderful and would never do this to their workers, some of the biggest employers in the State and the country are the people who are most commonly the offenders of this gap in the legislation. They are some of the big supermarket chains, who, once an injured worker gets to the six-month mark, simply say that there are no suitable duties and remove them from work. That is not the spirit of the existing Act and I do not think it is the current intention of the Government—maybe it is. It seems to me more an error in the drafting of legislation than anything else. I seek to close that gap by saying that an employer cannot dismiss an injured worker. I commend the amendment to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:10): Whilst I agree with the sentiments of the member for Cessnock, the reality is that the amendment is not necessary and that is why the Government is not supporting it. The protections that the member seeks are already contained within the framework of legislation. I will walk members through that. The current provisions in the workers compensation legislation provide protections for injured workers. This includes making it an offence for a worker to be dismissed within six months of a work injury because the worker is not fit for employment as a result of the injury. This period is greater if subject to a suitable industrial agreement. After that time, an employee has a right to apply to their employer for reinstatement and the Industrial Relations Commission may order reinstatement for up to two years after the worker is dismissed; in special circumstances, after that time.

Depending on their circumstances, a worker may also be protected from dismissal by State and Federal law as well as under any enterprise agreement or contract that may apply to them. Those provisions have been in the Workers Compensation Act since 2006. Prior to this, similar provisions existed in the Industrial Relations Act—I remember practising that myself—under part 7 concerning protection of injured employees. Any amendment to section 248 is not necessary. Making it an offence to dismiss an injured worker at any point in time adds a layer of bureaucracy and restriction on New South Wales businesses. Stable management of benefit and policy settings are required to ensure the workers compensation system can continue to deliver affordable

premiums. The proposed amendment is not supported. Again, we agree with the sentiment, but there is already legislative protection in place.

The ASSISTANT SPEAKER: The question is that the Opposition amendment No. 5 on sheet C2018-127 be agreed to.

Ayes 33
Noes 42
Majority.....9

AYES

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

NOES

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

PAIRS

Bali, Mr S	Barilaro, Mr J
Cotsis, Ms S	Berejiklian, Ms G
Haylen, Ms J	Brookes, Mr G
Kamper, Mr S	Perrottet, Mr D

Amendment negatived.

Mr CLAYTON BARR (Cessnock) (18:13): I move Opposition amendment No. 6 on sheet C2018-127.

No. 6 **Pre-injury average weekly earnings**

Page 29, Schedule 8.2 [2], lines 32-42. Omit all words on those lines.

I seek to tidy up the current bill. For members who do not understand, a system called pre-injury average weekly earnings [PIAWE] determines how much an injured worker will get while they are off work. There will be some changes to the PIAWE. The changes proposed in the current bill are improvements and I commend them. They are good improvements. But if we do not support this amendment, which seeks to get everybody on the same playing field, we will end up with a system with anyone who is injured at work from tomorrow will get the good PIAWE system, and anyone who is already an injured worker on the scheme will be on the old, bad system.

The fact that the Government has introduced the bill tells everyone it believes the system needs to change. The Opposition agrees with you. This Act needs to change for those people who are injured in the future. But we still need to do something about transferring those currently off work to the fairer system that the Government proposes. If the Government does not vote for this amendment it will leave itself with a foot in each camp, supporting both the old scheme and the new scheme. That will leave everyone scratching their heads. I thank every member for their indulgence this evening. Each member has been elected to this place to make legislation that is fair for the people of New South Wales and voting is the way we do that. I commend amendment No. 6 to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (18:15): The proposed amendment to apply the changes retrospectively will mean that PIAWE, as defined by the member for Cessnock, which has already been laboriously calculated for every worker, will need to be recalculated. The amendment would require insurers to recalculate the PIAWE for every claim made for the past six years. That is almost 270,000 claims. It is estimated this would take more than 10 hours per claim at an estimated $50 per hour. If you do the maths, the amendment will require the system to spend more than $100 million on an administration nightmare for no real benefit for the injured workers. The amendment would impact on the focus of insurers and the system that should be returning injured workers to health and work. For the vast majority of workers there would be very little benefit in having their PIAWE recalculated years after their date of injury. They are likely to have recovered and returned to work. Accordingly, the amendment is not supported.

The ASSISTANT SPEAKER: The question is that amendment No. 6 on sheet C2018-127 as moved by the member for Cessnock be agreed to.

Amendment negatived.

The ASSISTANT SPEAKER: The question is that schedules 1 to 8 be agreed to.

Schedules 1 to 8 agreed to.

Third Reading

Mr VICTOR DOMINELLO: On behalf of Mr Anthony Roberts: I move:

That this bill be now read a third time.

Motion agreed to.

COMMUNITY GAMING BILL 2018

Second Reading Speech

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:17): On behalf of Mr Paul Toole: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 19 September 2018. The second reading speech is in the same form and appears on pages 66 to 70 in the proof *Hansard* for that day. I commend the bill to the House.

Second Reading Debate

Ms YASMIN CATLEY (Swansea) (18:18): I make a contribution to debate on the Community Gaming Bill 2018 on behalf of the Opposition. The Community Gaming Bill 2018 replaces the Lotteries and Art Unions Act 1901, which is starting to show its age. The bill implements the recommendations of the 2017 statutory review. The Lotteries and Art Unions Act has regulated gaming activities that charities and not-for-profit organisations have conducted for charitable purposes for over 100 years. The bill largely updates terminologies and removes unnecessarily prescriptive clauses within the old Act.

Fundraising is a constant challenge for a range of community groups, including mine. The role of Government should be to assist them to raise funds yet ensure the checks and balances are there for any breaches. We need to get the balance right and the Opposition believes that the bill largely does so. The administrative responsibility of the Lotteries and Art Unions Act 1901 was transferred to the Minister for Innovation and Better Regulation on 1 January this year. Prior to that it was the responsibility of the Minister for Racing.

In 2016-17 Liquor and Gaming NSW undertook a review of the Act. During consultation stakeholders raised concerns about the complex and out-of-date requirements that were no longer necessary or relevant. Charities, not-for-profit organisations and businesses sometimes find it difficult to navigate the different requirements for the different types of games and trade promotions. The review found that the Act is overly

prescriptive, has several inconsistencies and is difficult to navigate. Fair Trading New South Wales has undertaken targeted consultation with key industry stakeholders.

I will now turn to the mechanics of the bill. Part 1 provides definition in moving to the new Act. Clause 4 of the bill provides the definition for the Act, including the definition of permitted gaming activities, prizes and permits issued by Fair Trading. One change is that a "permit" is now called an "authority". This streamlines terminology used in the Charitable Fundraising Act 1991. The bill updates legislation to cover games run online, as well as removes the need for authority if the organisation raises less than $30,000. This is a sensible reform that should ensure minor fundraising by schools and P&Cs does not get tied up in red tape. Clauses 5 and 6 of the bill define in detail what a "gaming activity" means, what constitutes a participant in a gaming activity and what it means to conduct a gaming activity. Part 2 provides for the regulation of gaming activities, including general prohibitions and permitted gaming activities.

Clauses 8 and 9 retain the current prohibitions on gaming activities and advertisements. Clause 10 explains that the regulations may set out permitted gaming activities and the regulatory framework recognises that certain prizes are inappropriate for these types of community and charitable games. Clause 11 provides the secretary with the authority to grant, impose conditions, refuse, suspend and cancel permits for permitted gaming activities. Clause 12 of the bill retains the existing prohibitions on giving certain prizes. This includes tobacco in any form and firearms, as well as other prescribed products or services. Part 3 deals with investigation powers, enforcement powers and enforceable undertaking provisions regarding contravention or alleged contraventions. The bill has an enhanced compliance and enforcement framework which introduces more flexible remedies for breaches of the Act and regulation.

There is one point of clarification that I would like to seek from the Minister in respect to clause 22 about the powers of entry. The Opposition is concerned with the breadth of these powers to enter non-residential premises without consent. This seems excessive and I seek the Minister's advice as to why such powers are required. The Opposition supports our charities and our not-for-profits. We support any effort to make their job and roles easier. Notwithstanding the clarification around the need for inspector powers, as outlined in clause 22 of this bill, Labor supports the bill and I commend the bill to the House.

Mr NICK LALICH (Cabramatta) (18:23): I will make a contribution to debate on the Community Gambling Bill 2018, which will replace the Lotteries and Art Unions Act 1901. In 2016-17 Liquor and Gaming NSW undertook a review of the 1901 Act. Community consultation found that stakeholders were concerned with the complexity and archaic requirements that are no longer necessary or relevant today. The aim of the bill is to assist charities, not-for-profit organisations and businesses to navigate the legislation that is relevant to them. Although the bill is specifically more to do with lotteries, raffles and other games of a chance, I take this opportunity to speak holistically on the dangers of problem gambling.

The disastrous effects of problem gambling are well known. It can affect individuals, families and loved ones. Financial problems, self-esteem issues, embarrassment, social isolation and family issues are some examples of the effects that problem gambling has on people. At the same time we have to acknowledge that people like to gamble, which, if uncontrolled, can lead to ruin. That is why I take this opportunity to talk about the good work that is being done to combat problem gambling in my electorate of Cabramatta. Although this bill is more to do with the regulatory processes of raffles and lotteries, I feel that problem gambling is such a danger to families that we need to take any opportunity to talk about it.

Mounties, one of the biggest licensed clubs in my local area, takes responsible gaming very seriously. Mounties Group provides the most comprehensive self-exclusion scheme in the State of New South Wales. Additionally, Mounties is one of the few clubs that operates a multiple-venue self-exclusion scheme, removing the need for a patron to visit multiple places to be self-excluded. Since 2001, Mounties has assisted 1,472 people to exclude themselves from problem gambling. For those who need it, counselling is provided through the BetSafe problem gambling counselling service. The key characteristics of the program are 24-hour telephone counselling; business hours and evening and weekend face-to-face appointments; experienced counsellors, some with more than 20 years under their belts; an unlimited number of sessions to get help; support for culturally and linguistically diverse clients; flexible treatment models; and support for family members of problem gamblers.

Another big licensed club in my area is Cabra-Vale Diggers, which also does more than its fair share to assist the community. Cabra-Vale Diggers provides assistance to problem gamblers via its partnership with CatholicCare, providing a free counselling service to problem gamblers and their families. On top of this, the club supports 81 local organisations via donations and has recently introduced the Cabra-Diggers Cares initiative, demonstrating its commitment to the local community. One of its current partnerships is with Future Leaders, which is running a generational leadership program for young women 15 to 22 years old to become influential future community leaders and to spark entrepreneurial thinking in addressing real challenges for women in the

local community. The two largest clubs in my electorate are leading by example in making sure money from gambling is converted into positive outcomes for the community.

The use of raffles by charities and other not-for-profit organisations is probably the most popular and simplest method of fundraising. It makes no sense for a raffle draw, where the proceeds are for a good cause that benefits the community or some other charitable need, to be forced to navigate archaic legislation that has been in place for over 100 years. This bill aims to simplify those processes and if the result is more opportunity for raffles for charities and community groups, then this legislation has proved itself worthy of its purpose. The Opposition does not oppose the bill.

Mr JAMES GRIFFIN (Manly) (18:27): I speak in support of the Community Gaming Bill 2018. I commend the hardworking Minister for Innovation and Better Regulation for bringing the bill to the House and implementing these important reforms. The reform continues to deliver on the New South Wales Government's commitment to reduce unnecessary red tape for businesses and maintain protections for consumers. Community games are an important part of the fabric of our communities, especially those communities doing it tough but with heads held high. They are often played in clubs and hotels and, certainly in the Manly electorate, in almost every surf club up and down the beaches. They are a great way of bringing communities together for a good cause, such as our farmers and graziers facing drought and difficult times. The people of New South Wales have good hearts and enjoy a good game.

Community games allow people to donate to good causes, have fun with their community and take a chance to win a prize. I have been lucky enough to see—but never lucky enough to win—raffles, sweeps or housie bringing people together, breaking down the barriers of social isolation in our most vulnerable communities and lifting the spirits of those facing hard times. Community games provide critical and vital income for many New South Wales charities. While the total income of New South Wales charities comes from a variety of sources—whether government grants, payment for services and the like—the sector still relies heavily rely on the generosity of the public to fund their programs through community gaming and donations.

Organisations such as the Surf Life Saving Foundation rely on the income from six prize home art unions each year to help provide funds for the 160,000 volunteers from 313 surf lifesaving clubs across Australia. It was a privilege to raise the flags for the season at North Steyne in the Manly electorate only a couple of weeks ago. I understand and appreciate the importance of that funding so the foundation can continue to keep our beaches safe for our community. Likewise, the Westpac Rescue Helicopter Service sustainably raises more than $600,000 per year from running housie sessions in Newcastle, Hunter Valley, Manning, Mid North Coast, Central Coast, Mudgee and New England-North West, with sessions attended by more than 1,600 people every week.

This bill helps to provide certainty that the money raised will be used appropriately and, by doing so, will help to maintain the well deserved confidence placed in the charity sector by New South Wales consumers. There is a clear need for the Government to take action, and the bill is part of a larger agenda of the New South Wales Government to make it easier to do business and improve the quality of regulation by reducing unnecessary regulatory burdens faced by organisations conducting community gaming.

These reforms will allow NSW Fair Trading to regulate new and emerging forms of community gaming. As members have already heard, the reforms will modernise and futureproof the Act to deal with new and emerging technologies. I understand that NSW Fair Trading will continue to consult with industry on the provisions in the new regulations and provide educational material for industry ahead of these reforms being implemented. I am confident that the outcome will be positive for industry and consumers. This bill continues to deliver on the commitment of the New South Wales Government to boost productivity by reducing regulatory burden, as well as making it easier to understand current legislative requirements. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) (18:31): I speak in support of the Community Gaming Bill 2018. Though appropriate for its time, the Lotteries and Art Unions Act 1901 No 34 is now in need of an overhaul. Clause 50 of the Community Gaming Bill 2018 repeals the Lotteries and Art Unions Act 1901 No 34 and the Lotteries and Art Unions Regulation 2014. The Act and regulation will be replaced by a modern, streamlined framework with a special focus on trade promotion and community gaming activities. Essentially, it gives effect to recommendations proposed in the final report of the September 2017 review of the Lotteries and Art Unions Act 1901.

This timely reform will bring consistency and a fit-for-purpose administrative and enforcement approach to the regulation of community gaming and trade promotions in New South Wales. Charities and not-for-profits rely on those games to provide them with much-needed funds to carry out their good work. The Government is determined to support this vital work. For example, since 1998 the Kids with Cancer Foundation has run continuous art unions through shopping centres in New South Wales. It is currently in its sixty-seventh art union. Sales of the foundation's $2 art union tickets account for 90 per cent of what it provides back to the community.

Without the art unions, the Kids with Cancer Foundation would not be able to raise those funds for children with cancer and support their families. That is $24 million that would otherwise be a black hole in cancer services throughout Australia.

Over the past 20 years, the Kids with Cancer Foundation has provided $16.5 million to the Sydney Children's Hospital and the Westmead Children's Hospital, using funds raised through art unions. The foundation has assisted more than 2,000 struggling families of children with cancer, including providing approximately $35,000 per month to those families for everything from mortgage payments to gift vouchers so that they can buy groceries and have food on the table. New South Wales citizens know the value of rallying around a good cause, extending a helping hand and contributing their hard-earned dollars to enter community games.

The spirit of mateship has helped make Australia a generous and compassionate nation. We know the value of looking after those who are doing it tough. This bill provides the necessary regulatory framework to ensure those games are run fairly and funds are distributed as promised. The revised framework protects participants and consumers from rogue operators who may try to take advantage of being permitted to operate these games. The bill achieves this by restricting who may conduct and benefit from gaming activities, regulating permitted gaming activities according to the level of risk and ensuring proceeds and profits of permitted gaming activities are applied to the purposes for which the activities are claimed to be conducted.

Mr Jamie Parker: That's very important.

Mr JONATHAN O'DEA: It is important.

Mr Jamie Parker: It is—I support that. It's good.

Mr JONATHAN O'DEA: I am glad to have The Greens' support. The integrity and fairness of permitted community gaming activities are maintained under this bill, as well as the ongoing viability of organisations conducting gaming activities that contribute positively to the community. I applaud the Minister for the work that he has championed—

Mr Jamie Parker: Slow clap.

Mr JONATHAN O'DEA: I acknowledge the applause from The Greens member. It is something I am sure the Minister also appreciates. The deep respect and admiration shown by the Minister and this Government for New South Wales charities and not-for-profit organisations is exemplified by the rigorous consultation undertaken to make sure this bill achieves the goals it sets out to achieve. I understand that relevant stakeholders are very supportive of the approach that this bill takes, especially as it ensures the integrity of the community gaming activity is maintained and New South Wales citizens can continue to trust that operators of games are doing the right thing.

This bill brings the regulation of community gaming into this century. The regulatory framework established by the bill provides the flexibility to adapt to changes in the way games operate or use new technologies. The Minister has committed to develop the regulations collaboratively with the sector by undertaking a comprehensive regulatory impact assessment process that actively listens to the expertise and experience of sector participants. Developing the regulations within the Better Regulation framework will make sure that they remain fit-for-purpose, workable and strike the right balance for New South Wales organisations that conduct the games and New South Wales citizens who generously give their support.

I am pleased that, as part of the development of the regulation, the Minister will consult even more widely with other States and Territories to share knowledge and insights about regulatory requirements that work well and that can be harmonised, where reasonably possible, across the nation. I urge the Minister to deliver more regarding that interjurisdictional consistency. I addressed this area in my inaugural speech in this place using trade promotions as a subject matter example where greater cooperation was warranted between various State and Territory jurisdictions. Clause 7 of the bill somewhat addresses the complexities of having different legislative frameworks across States and Territories. Clause 7 provides scope for interstate recognition of permitted gaming activities, although it remains to be seen which States and Territories laws will be deemed as corresponding to New South Wales legislation and regulations.

Currently States and Territories take various approaches to structuring and applying the legislation using factors such as limits of gross proceeds, types of games, who can conduct games and total value of prizes. I hope the Minister continues to engage in constructive dialogue with his counterparts towards greater uniformity or mutual recognition of relevant laws. The indications are that this will occur. Would it not be better for Australia to have a harmonised regulatory approach rather than five different approaches with some overlap? While it might be difficult to adopt a totally standardised approach, should it not at least be possible for a charity, not-for-profit organisation business to be able to obtain and authority in one jurisdiction that is recognised in all others?

This could be similar to the situation for some professional licences—for example, electricians working in New South Wales who hold certain licence classes under Queensland, Victoria or the Australian Capital Territory laws are automatically mutually recognised for work in New South Wales. With the wide consultation that has occurred, the further consultation that will occur and indeed the finalisation of the new regulation, the sector will be provided with educational and informative material about the new requirements. Adequate time will be provided to the sector to adjust to the new requirements before they commence.

In conclusion, while there may be more scope to harmonise community gaming laws across Australia, I congratulate the Minister and his team on their hard work and diligence in bringing this important reform initiative to life. These efforts will support New South Wales charities and not-for-profits to continue to operate games to raise funds for their worthy causes. The reform will also enable businesses to continue to use trade promotions to grow their business. Accordingly, I commend the bill, and the Minister, to this House.

Mr JAMIE PARKER (Balmain) (18:40): I speak on the Community Gaming Bill 2018. From the outset I acknowledge the contributions of other members and, in particular, the member for Davidson who advocates for the very important issue of harmonisation, mutually recognised standards and so on in this place, because our Federation is a wonderful thing but it also provides many difficulties. Opportunities to improve harmonisation, as difficult as they are through the Council of Australian Governments, are very important for this Government to pursue. I acknowledge the Minister and the staff in the Minister's office who have been working on this issue. I think everyone will recognise that the Minister's office and the department have introduced a lot of bills: A lot of reform has to happen.

I look forward to this legislation addressing the rorters and scammers who populate the private certifier industry, which is a disgrace. Having served 12 years as a mayor on a council, I know that the outrageous nature of private certification desperately needs to be addressed. I mention that because, although this issue might be seen as relatively minor by some, it is important. The Greens support this bill. Members of Parliament who visit their local primary schools or church raffles know that a lot of this type of activity, quite frankly, flies under the radar. Most local fundraising is done through raffles and chocolate wheels, which people would not consider as gaming, and I think the lightest possible touch in that environment is good. This bill makes a positive contribution to that and will make sure that much of the fundraising in the community will continue to work irrespective of the regulatory environment. It is important to foster that approach in our local communities, churches and schools.

The Greens support reducing the number of activities that require a permit, particularly with low-risk activities, but recognise that there is an important need to support enforcement provisions, which is addressed in the bill. Enforcement is important because the community needs to be protected from unscrupulous people who will be unscrupulous irrespective of licensing arrangements. The Greens believe that amendments should be supported for this bill to prohibit trade promotions related to the sale of alcohol or gambling or where prizes from trade promotions allow alcohol to be the prize. The Government and Labor do not support that, but The Greens believe that the trade promotions in terms of alcohol and gambling are something that we need to get a handle on and something that should be prohibited. In relation to this bill, it is important to recognise there has been a lot of discussion around consultation—which The Greens are big on, because we think it is important—but one of the great challenges is not actually knowing what will happen on a range of matters because they will be deferred for regulation.

We do not know exactly what will be in the regulations. We have a broad idea, but as a matter of principle my colleagues and I always say that we prefer that as much detail as possible is provided to the Parliament. Provisions that allow for the making of regulations provide flexibility for Ministers and the Government, but they also mean that as lawmakers we do not know what we are approving when we read bills because many of the mechanisms are included by regulation. We have the ability to disallow regulations, but it is very difficult. The Greens think that regulations should be used for minute detail. We do not think that basic broad parameters should be left to regulation. We would like more detail so we can make an informed determination and so the public can know what is happening.

I acknowledge the work of the Minister, his staff and the department. We should all care about this ministry for the purpose of community protection and innovation. This bill is a step in the right direction. Of course, we would like the Government to go further. I encourage the Government and the Minister to recognise the damage that gambling does in our community. In particular, we need to look at restricting rather than promoting alcohol.

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (18:45): In reply: On behalf of Mr Paul Toole: As members have heard, the purpose of the Community Gaming Bill 2018 is to replace the Lotteries and Art Unions Act 1901 and modernise the framework for the regulation of community gaming activities. The bill strikes the right balance between reducing the regulatory burden on organisations conducting games and ensuring fairness and integrity of gaming activities, as the community rightly expects.

The bill will modernise and streamline the regulation of community gaming activities; maintain the current level of consumer protection while making it easier for business and the community to understand and meet their regulatory responsibilities; allow the regulator to maintain oversight of gaming activities to continue to minimise the risk of harm to the community; and provide a new compliance and enforcement framework that introduces more flexible remedies for breaches of the Act and regulation. The modern framework will include compliance notices, penalty infringement notices, enforceable undertakings and court orders so Fair Trading will not always rely on taking court action for non-compliance. The bill will also provide for regulations that are sufficiently flexible to address growth and innovation in the community gaming sector.

These reforms come out of wide public consultation undertaken in 2016 and 2017. Additional targeted stakeholder consultation has also been undertaken to further understand the needs of the community gaming sector. Stakeholder consultation on the proposed reforms has been positive and well received by industry. The reforms implement the key feedback from the consultations, and we will continue to listen to our important stakeholders to develop the regulations. The full reform package includes the delivery of new regulations to set out key integrity and other requirements that apply to permitted gaming activities. The regulation is being dealt with separately to this bill. Information and education tools will guide the community through the changes and make them aware of their obligations and rights.

The bill is one component of the Government's agenda to regulate smarter and make it easier to do business and interact with government regulation. The bill demonstrates this Government's continued commitment to removing unnecessary red tape by reducing the number and types of low-risk community gaming activities that will require a permit. The Government is committed to reducing and removing red tape, costs and complexity and making regulatory obligations easier to understand and implement while maintaining appropriate consumer protections. The bill is one component of that agenda and works together with other initiatives like the programs run by Service NSW to make New South Wales the easiest State in which to do business that are already providing significant benefits.

The bill and the reform package is about regulating smarter in order to provide benefits to business, the economy and the community. From debate on this bill, it is clear that these measures have strong bipartisan support. I thank the shadow Minister for her work. I have said before that the shadow Minister cares about getting good legislation. It is a pleasure working with her to achieve good policy outcomes. I also thank the member for Manly, the member for Davidson and the member for Balmain for their contributions to the debate.

The member for Balmain raised concerns about why a trade promotion is not defined in the bill. Clause 5 provides that gaming activities are games of chance or games partly of skill and partly of chance. A trade promotion is a free entry lottery to promote goods or services supplied by a business. It is sometimes called a sweepstake, competition, contest or giveaway. Accordingly, if a trade promotion lottery has an element of chance to determine the winner the requirements in the bill must be met. Unless qualified or expert judges are used and the winner is decided against set criteria, a competition is not based on skill, it is based on chance. The bill therefore clearly captures all trade promotion lotteries that have an element of chance.

While it is possible that a trade promotion could be solely based on skill as defined, NSW Fair Trading is unaware of any that are. Accordingly, trade promotions would be caught by the requirements of the bill regardless of whether a permit is required. The Act does not contain a definition for a trade promotion. It only states that a permit must be issued and states as grounds for varying or revoking it that conditions are to be complied with, that no prize is prohibited and that the regulations are complied with. The bill does all of that under the general umbrella of games of chance, which trade promotions fall under. The only thing that the bill does not specify is that the game must be free to enter or that housie cannot be played as a trade promotion.

Providing the same requirements for all games under the legislation rather than having those same requirements repeated for each game is much clearer and removes any chance of inconsistency across the requirements of the games. That is a much better approach to drafting, and one that is supported by stakeholders. Having all of the rules for the various games in regulation ensures that stakeholders only need to go to one place to know what they need to comply with. Currently, those requirements are in different parts of the Act for different games. Each game has some requirements in the Act and others in the regulations and some more in the conditions for permits. That is unnecessarily confusing, particularly when an organisation is trying to comply with the requirements and do the right thing. It is for that reason that the only matters concerning trade promotions that are in the current Act are not in the bill.

The terms and conditions of entry and what games can be played, as for all games of chance under the bill, will be contained in the regulations. That is the most appropriate place for the provision of details that could change depending on how those games of chance are conducted in the future. The way New South Wales businesses promote their products and services is continuously changing. The regulations will allow the regulatory

framework to keep up with the fast pace of technological change. This will enable businesses to be able to continue to promote their products and services into the future.

The member for Balmain also had concerns as to why the details of the games are not in the bill. The key elements of the regulatory scheme are contained in the bill. The prohibitions, behavioural offences including fraud and other prohibitions such as not awarding a prize and what prizes are prohibited are all contained in the bill. The bill also provides all necessary powers for the authorisation scheme. Importantly, the bill contains the compliance and enforcement provisions, disciplinary actions and the key offences.

Unusually, when compared with modern statutes, the rules and requirements for permitted games are spread across the Lotteries and Art Unions Act 1901 and the Lotteries and Art Unions Regulation 2014. That creates confusion and the potential for inconsistency—for example, section 6 of the Lotteries and Art Unions Act 1901 sets out the permit requirements for art unions and section 7 of the Act provides the regulations with powers to provide for permit requirements for all other types of games. The Lotteries and Art Unions Regulation 2014 has additional permit requirements for art unions and also set outs the permit requirements for each game separately. Modern drafting principles enable the Act to set out the overarching legislative framework and provide powers for the regulations to prescribe the details. That means that the detail of how the games are carried out are all in one place rather than across both the Act and the regulations.

Stakeholders only need to go to the one place to find out how to run their games, which will make it much easier to comply. They can spend less time finding out what they must do, which will reduce red tape and allow them to spend more time on their charitable and community good works. It also allows the regulatory requirements to keep pace with fast-changing technologies and innovation as the regulations can be more responsive to change. The details about the rules of game requirements will be developed together with stakeholders in the coming months. The outcomes of those consultations will drive the content of the regulation. A draft regulation will be released for public consultation along with a regulatory impact statement. Stakeholders have committed to working with Fair Trading to develop the new requirements in a collaborative manner.

The member for Swansea expressed concern about how the powers of entry have been determined. The inspection powers in clause 22 of the bill mirror the powers of entry in other legislation in the Innovation and Better Regulation portfolio. The provision enables Fair Trading officers to enter premises for the purposes of investigating complaints or checking compliance with requirements of the legislation. Without those powers of entry, the regulator would be unable to gather the necessary evidence to enforce the requirements of the bill. Where the premises are residential, a search warrant is required if the occupier does not give consent for entry.

The powers of entry and other investigation powers in the bill mirror the powers of entry in other similar Fair Trading legislation. For example, they mirror the powers in section 19 of the Fair Trading Act 1987, section 28 of the Charitable Fundraising Act 1991, and section 86 of the Associations Incorporation Act 2009. The current drafting approach is to mirror the powers of entry and investigation provisions in each piece of legislation. However, it should be noted that Fair Trading inspectors can use the powers in section 19 of the Fair Trading Act 1987 for the purposes of any legislation administered by the Minister. To ensure fairness in the use of those powers, clause 23 requires that Fair Trading inspectors give occupants of premises reasonable notice before entry. In addition, the bill requires that inspections are undertaken only at reasonable times.

I thank all stakeholders that provided valuable feedback during the consultations on the reforms. These charitable and not-for-profit organisations do so much good for our community to improve the lives of the vulnerable and needy. I look forward to working with them in the development of the accompanying regulations to this bill over the remainder of the year. Once in force, this bill and accompanying regulations will make it much easier for them to concentrate on this good work rather than on unnecessary paperwork and regulatory burden. But at the same time it will help to maintain the confidence of the community to participate in these games because of the improved, modern and more flexible compliance and enforcement mechanisms.

Bills do not just happen. They come into existence because of a lot of hard work that is done by a lot of good people. I am greatly indebted to the amazing team I have in the Department of Fair Trading. I take this opportunity to acknowledge the efforts of Rana Baleh, Katerina Pavlidis, Lachlan Malloch, Richard Kerr, Kate Higgins, Rebecca King, all of whom have been ably led by Gabrielle Mangos. They do a fantastic job and really do represent the best of the public service. I also thank my team, who serve this Parliament and our community with absolute distinction. Present in the foyer and accompanying me tonight are my chief of staff, Ben Coles, my senior policy adviser, Julia Stuart, and of course the benchmark and best parliamentary liaison officer in the Government, Richard Hodge. I thank all my team, including those who have not been able to be here tonight. This bill brings the regulation of community gaming into this century and futureproofs it for years to come. I commend this bill to the House.

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

Motion agreed to.

Third Reading

Mr MATT KEAN: On behalf of Mr Paul Toole: I move:

That this bill be now read a third time.

Motion agreed to.

WATER NSW AMENDMENT (WARRAGAMBA DAM) BILL 2018

Second Reading Speech

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (18:57): On behalf of Mr Paul Toole: I move:

That this bill be now read a second time.

The Water NSW Amendment (Warragamba Dam) Bill 2018 is an amendment to the Water NSW Act 2014 and will insert a new part 5A that contains special provisions relating to the Warragamba Dam raising proposal. The amendment will apply only to this project. The new part will allow the temporary inundation of land upstream where a raised Warragamba Dam wall is operated for flood mitigation purposes. It will allow the temporary inundation by removing the need for a lease, licence, easement or right of way otherwise required under the National Parks and Wildlife Act 1974.

It is important to repeat that the bill is not an approval for the Warragamba Dam wall raising proposal. No temporary inundation of land is authorised by this part unless approval is given under the Environmental Planning and Assessment Act 1979 for the Warragamba Dam raising proposal. The proposal will be subject to public exhibition of an environmental impact statement [EIS], State and Australian government planning approvals and a final government investment decision expected in 2020. The bill is being brought to Parliament ahead of the exhibition of the EIS, which is due in the middle of next year, to ensure that there are no delays to the investment decision and the delivery of the project and hence the flood mitigation benefit. It will also allow the consultation during the EIS to focus on the merits of the proposal.

The bill includes built-in environmental safeguards by requiring an environmental management plan. The bill specifies that the plan must address the matters specified by the Minister administering the National Parks and Wildlife Act 1974. The plan would need to be approved by the Minister administering the National Parks and Wildlife Act in concurrence with the Minister administering the Water NSW Act 2014. The removal of the need for a lease, licence, easement or right of way for temporary inundation under the new part will not have effect unless an approved environmental management plan is in force. The land will continue to be national parks land and its environmental and conservation values will continue to be protected, monitored and managed in accordance with the environmental management plan contemplated in the bill.

The new part also includes provisions for the Minister administering the National Parks and Wildlife Act 1974, in concurrence with the Minister administering the Water NSW Act 2014, to make directions to review or amend the plan. The direction could be made, for example, if issues are identified after a flood has occurred, or to ensure that monitoring or rehabilitation works are completed. The bill also makes provision for notice to be provided to the environmental agency head or their nominee by WaterNSW, as the dam operator, when a flood event is expected. This is to allow for the necessary arrangements and preparations to be made.

In June 2016, the Government announced its strategy to reduce the very significant flood risk in the Hawkesbury-Nepean Valley. The Hawkesbury-Nepean Valley has a long history of dangerous and damaging floods. Five major and 20 other serious floods have occurred since Warragamba Dam was completed in 1960. The valley's unique geography means it can flood widely, deeply and quickly with catastrophic impacts on flood plain communities downstream of the Warragamba Dam, including the communities of Penrith, Windsor and Richmond. The high risk is because of the valley's bathtub-like geography. It has five main taps, the main tributaries, and the largest by far of those is the Warragamba River. But there is only one plughole through which the floodwaters can drain out: the long narrow choke point starting at Sackville Gorge.

Floodwaters rise rapidly causing significant flooding both in terms of area and depth. If a flood similar to the 2011 Brisbane flood occurred today in the Hawkesbury-Nepean Valley approximately 64,000 people would need to evacuate. Even if only 3 per cent of those people did not evacuate, approximately 2,000 of them would be at significant risk. A recent survey of flood plain residents confirmed that 3 per cent of the people who live on the flood plain today would refuse to leave when told to evacuate. This number could be much higher in larger floods. The Flood Strategy aims to reduce this risk to lives and reduce the risk to homes and commerce in the area.

The Flood Strategy is currently in phase one of the implementation among a range of actions designed to reduce flood risk in the valley now. The actions span the emergency management spectrum of improving flood risk prevention, preparedness, response and recovery. The actions include improvements to emergency management, including flood evacuation and recovery, evacuation signage as a result of the Government making a $1.8 million investment in an extensively tested evacuation route signage system that will be installed later this year, and flood forecasting in which the Government is investing more than $2 million to improve the Bureau of Meteorology's flood forecasting and warning service.

A recent survey found that flood awareness is very low in the valley, with only 18 per cent of residents indicating that they were aware that they live in a high flood risk area. New flood mapping, along with updated information on how to prepare for floods, will be made available to the valley community as part of a flood risk awareness campaign planned for early 2019. Other initiatives underway include a new school resource for the year 9 geography curriculum using flooding in the Hawkesbury-Nepean Valley as a case study and increasing flood preparedness for vulnerable communities, such as older people, people with a disability, and families with young children.

This bill is not about development. The Warragamba Dam raising is designed to reduce flood risk for the current and future population. Most of the flood risk comes from existing development in the flood plain. As the dam raising will not eliminate that risk entirely, land use will still need to be carefully managed. The area subject to current flood-related development controls, based on the one-in-100 chance per year flood level, would still be subject to those controls to ensure the benefits from the dam raising are maintained over time. In other words, the current planning level would not be lowered.

The Department of Planning and Environment is leading development of a Regional Land Use Planning Framework for the Hawkesbury-Nepean Valley to better reflect a balance between continuing development and flood resilient land use planning. The aim is to ensure flood risk to life and property is not increased in future by confining growth to those areas from which people can be safely evacuated in a severe flood. This regional framework will consider new region-wide flood and evacuation modelling and a new Regional Evacuation Road Masterplan. The framework is being developed in consultation with local government and the community.

The flood strategy is not about facilitating additional development in the valley, it is about protecting human life. The dam proposal is about reducing the significant risk that exists now. For example, if a flood similar to the valley's worst since European settlement happened again, hundreds of lives would be in danger. Around 90,000 people would need to be evacuated and around 12,000 homes would be affected. This existing risk needs to be addressed and raising Warragamba Dam to provide flood mitigation is the most effective infrastructure option to achieve that. As the proposed dam raising would not eliminate the flood risk entirely, land use will still need to be carefully managed. Areas within the Hawkesbury-Nepean Valley that are currently subject to flood-related development controls would remain subject to these controls in the future.

Let me be clear, the flood planning level, currently based on the one-in-100 chance per year flood level, will not be lowered. This will ensure the benefits of the dam raising are maintained over time. The Regional Land Use Planning Framework and Regional Road Evacuation Masterplan will ensure the cumulative impacts of development on flood risk are considered in land use and road planning so that development only occurs where evacuation capacity is available. Recent land use planning decisions have already and are currently considering flood risk. In the past five years the Department of Planning and Environment has refused proposals for rezoning because of the flood risk.

The flood strategy is based on four years of thorough investigations by experts. This included the work of the 2013 Hawkesbury-Nepean Valley Flood Risk Management Review and the Hawkesbury-Nepean Valley Flood Management Taskforce, which operated between 2014 and 2016. All potential infrastructure and non-infrastructure options to reduce the existing flood risk in the valley were assessed. This work informed the integrated mix of actions included in the flood strategy. Another important point to note is that the flood strategy states that the population at risk was forecast to double in the next 30 years. This forecast was based on information provided by the Department of Planning and Environment and local councils on potential future development under current land use arrangements.

This number is not a target, nor is it dependent on the proposed dam raising. It was a forecast that was used to understand the current and future risk environment without any risk treatment. It was absolutely necessary to consider the forecast possible growth to assess how well options performed to reduce flood risk now and in the future. All the assessments were based on best practice. This included an agent-based evacuation model developed by the CSIRO that estimated the number of vehicles that were able or unable to evacuate under many different flood scenarios. More than 13,000 model runs were analysed to understand how well the dam raising or road infrastructure options reduced risk to life. This model was scientifically peer reviewed.

The detailed assessments I have described show that options which mitigate floods between the one-in-50 to one-in-1,000 chance per year are the most effective. Raising the dam wall by 14 metres would provide a significant and cost-effective risk reduction in this critical flood range whilst balancing upstream impacts. The Warragamba Dam raising proposal is to increase the height of the dam to create new airspace above its full water supply storage level for flood mitigation. This airspace will only be used when and if it floods. The 14-metre raising would reduce flood damages to homes and business by 75 per cent on average and reduce flood levels by up to five metres in this critical range. This is the same method used by all flood plain risk managers and the insurance companies to set premiums.

While the dam cannot prevent all floods, the dam raising will both reduce the height of floods and delay floods. This will mean less inundation of homes and businesses, fewer evacuations and more time for evacuations when they are required. With a 14-metre dam raising, 83 per cent of the modelled flood events that currently reach the one-in-100 chance per year flood planning level would no longer reach that level. The raising would also provide additional time for evacuation for the remaining events that would reach or exceed that level, with most delayed by at least 10 hours. A flood mitigation function at Warragamba Dam is the only infrastructure that provides these benefits.

We have also considered other options. Lowering the full water storage level of Warragamba Dam by 12 metres provides moderate flood mitigation, reducing flood damages by 60 per cent on average. However, this would involve the construction of alternative sources of water supply at costs in excess of $1 billion, in addition to the operation of the existing Sydney desalination plant at its maximum effective capacity. It would also have its own water quality and environmental impacts. Another option is larger road upgrades. Roads, while vital for evacuation, do not reduce the number of people directly exposed to flood. As part of the development of the flood strategy, large-scale upgrades to increase evacuation capacity of roads leading away from the floodplain were investigated—not roads for day-to-day growth. Billions of dollars would need to be spent on roads to make a material difference to evacuation rates. No package of road upgrades investigated was found to be as cost effective as the proposed Warragamba Dam raising for flood mitigation. However, it was recognised that ensuring the valley's roads are as flood resilient as possible is vital.

Under the flood strategy, Roads and Maritime Services is developing a Regional Road Masterplan to ensure future road upgrades consider flood resilience and evacuation capacity, where cost effective. All the infrastructure options considered in developing the flood strategy were informed by a preliminary environmental, socioeconomic and cultural heritage assessment. A full assessment is being carried out as part of the environmental impact statement [EIS] for the Warragamba Dam raising proposal. We are undertaking a thorough process with robust public consultation. Surveys and assessments for the EIS are ongoing. The EIS will be exhibited mid next year. We have committed to taking the time and completing assessments required to understand the full environmental and Aboriginal cultural heritage impacts. The benefits and impacts, any possible mitigation and offsets for the proposal will be presented to the public for full consultation.

The area upstream of the dam, including the national park and world heritage areas, would be temporarily inundated in a flood now. The Warragamba Dam raising proposal would mean that the area and the duration would incrementally increase when the dam is operated to mitigate floods. In a one-in-100 chance per year flood this would be an additional six hundredths of 1 per cent, or 0.06 per cent, of the world heritage area for a maximum of two weeks in a major flood. It is important to note that the EIS will be for a flood mitigation dam only. The proposal does not include permanent increases to water supply. This will not be permitted under the bill we are debating today and is not included in the EIS process. The flood mitigation zone created by the raised dam would only be used to temporarily store floodwaters during floods. I commend the bill to the House.

Mr CHRIS MINNS (Kogarah) (19:14): The Water NSW Warragamba Dam Bill 2018 is important and it should be debated carefully. The Government has been saying over the past three weeks that the Opposition and others who are concerned about the proposal to raise the dam wall are endangering people. It is almost like a reverse Noah refusing to build a raft. It is important to note that according to the WaterNSW website the Warragamba Dam is 66 per cent full. Throughout the nearly 7½ years that the Minister and his colleagues have been sitting on the Government benches the dam has been at or near capacity. This time last year it was at 87 per cent, and some would say that at that level it would have been at imminent risk of overflowing. However, until this bill was introduced today the Government has done nothing. Ministers were swanning around sporting events and talking about the importance of this legislation and the proposal but nothing was forthcoming. I will speak later about the damage and neglect of evacuation routes in particular.

To put it into perspective, it is 3,044 days since the election of the member for Penrith and he has done nothing about flood preparedness or evacuation. Let us look at the Government's wilful ignoring of reports. It had to ignore the State Emergency Service's "Achieving a Hawkesbury-Nepean floodplain management strategy", which was prepared by the Hawkesbury-Nepean Flood Management Advisory Committee; a 2015 report prepared

by the State Emergency Service entitled "New South Wales State flood Plan: A Sub Plan of the State Emergency Management Plan", which demanded urgent action by the Government; and a Department of Planning and Environment report prepared by Molino Stewart, an engineering company, which stated:

> There is insufficient road capacity for much of Windsor to evacuate and Richmond and Bligh Park evacuation traffic may block traffic evacuation from Penrith onto the Northern Road.

A report prepared by Infrastructure NSW, again commissioned by the Government, states:

> Currently, there is not enough road capacity to safely evacuate the whole population on time, with multiple communities relying on common, constrained and congested road links as their means of evacuation.

That is not a statement from the Opposition, independent academics or third parties; it is a statement from the Government's own report on the urgent need for flood preparedness. This Government has wilfully ignored that advice for 7½ years. In other words, a lack of infrastructure development by this Government in the Minister's own seat is responsible for risk to lives and property, and official report after official report confirms that. Why, after refusing to lift a finger for nearly eight years when the dam was close to capacity, is the Government now demanding that this bill be passed? The answer—as it is with everything this Government does—is that developers rule the day. The Minister is desperate to allow development on land designated as having a one-in-100 year flood risk when the accepted threshold in much of the world is one in 500 years. That is increasingly the case in the United States.

This legislation is nothing but an attempt by the Minister to suggest that it is safe to build on flood-prone land when it is not, even if the wall is built. It is a dangerous proposal. By the Government's own admission, this wall will not eliminate the risk of catastrophic flooding in the valley. However, it continues to support development on an unprecedented scale. I have seen developments in my own community and railed against them on social media at every opportunity. However, I have never seen this scale of development proposed in any electorate in the Sydney basin. We have official reports to quote to bolster our case. Infrastructure NSW states:

> The Hawkesbury-Nepean Valley is changing from a semi-rural landscape to an urbanised floodplain, and includes parts of Greater Sydney's rapidly growing North West Growth sector. Up to 134,000 people live and work on the floodplain ... this number is forecast to double over the next 30 years.

That quote is from "Resilient Valley, Resilient Communities", dated January 2017, and prepared by Infrastructure NSW. The Minister acknowledges that the catastrophic flood risk cannot be eliminated by this wall. Unfortunately, because of planning policies in the north-west sector, lives and property will continue to be put in harm's way. I have a few examples to illustrate my point. There is a new proposed development at Riverstone with 1,660 new homes that have been approved on flood-prone land, and two new developments near Dean Park, with 6,000 new homes also approved on flood-prone land. What we regard as the infamous Penrith Lakes Development Corporation proposal involves 4,600 new homes. Video evidence I have seen includes a personal endorsement by the Minister for Western Sydney. I should thank the Government for introducing this legislation because the Opposition had no idea of the scale of proposed developments it is supporting.

Mr Kevin Conolly: You zoned most of that.

Mr CHRIS MINNS: We did not; we had no idea.

Mr Kevin Conolly: It was zoned in 2010.

Mr CHRIS MINNS: It is interesting that the member for Riverstone said—

Mr Kevin Conolly: The Riverstone precinct was zoned in 2010.

Mr CHRIS MINNS: I have a press released from the member for Riverstone issued on 12 September under the heading "Kevin Conolly urges residents to have a say about two new release areas". It states:

> The member for Riverstone Kevin Conolly is urging residents to have their say in shaping the future of the "West Schofields" and "Marsden Park North" precincts.

It refers to 4,400 new dwellings. What if the residents say they do not want it? How will he respond?

Mr Kevin Conolly: I am just urging them to have a say.

Mr CHRIS MINNS: The member wants 4,400 new dwellings smack bang in the middle of his electorate. He has been pinged by this media release. This is the evidence we need of overdevelopment on flood-prone land. The member is struck mute. We need nothing more.

TEMPORARY SPEAKER (Ms Anna Watson): Order! The member for Riverstone will come to order.

Mr CHRIS MINNS: What kind of government admits that its proposal to raise a dam wall will not stop a flood and in many cases will simply slow it down and at the same time approves tens of thousands of lots in the same risky area? This proposal was rejected by Labor governments and previous Liberal governments. A former Liberal Minister for the Environment came to this Chamber and said that the dam wall proposal would be pursued over his dead body. There is nothing much except a meek shrug from the current Minister for the Environment. She sits there almost struck mute. I have not heard her respond to any of the official documentation provided by the Government.

This proposal is being approved without an environmental impact statement. We do not even know whether it will work. I am keen to hear the Minister's explanation. Suggestions coming from within the Government indicate that the dam wall project will exacerbate the duration of flooding in the Nepean Valley. The inundation occurs, it stays in the basin and it must be released. If the wall is higher, it will prolong the duration of the inundation. That could affect economic activity and it will certainly affect people who want to return to their homes. I would like to hear the Minister address that issue in his reply. As I said, this project is being approved without an environmental impact statement. We are being subjected to nonsense from this Government.

Minister Ayres said in Parliament two weeks ago that flooding in the upper catchment would occur in one in every 1,000 years—in other words, twice since Jesus. That is garbage. The Government's own internal documents suggest that it will happen every five years. Those who know Warragamba Dam know that the overflow has been triggered about 20 times. I do not know exactly, but it is certainly more than 10 times in its life. Why would we know differently? The whole point about the Labor Party's opposition to this proposal is that the environmental impact statement has not been completed. The Minister does not even know the extent of damage the wall could do to those living in the Nepean Valley and to our world heritage protected national park. One of our biggest concerns about this proposal arose during the Legislative Council State Development Committee inquiry into this bill.

It was after the Government provided Government witnesses to the committee to be questioned. The Government witnesses were Andrew George of Water NSW; Colin Langford of Roads and Maritime Services [RMS]; Brett Whitworth of the Department of Planning and Environment; Jim Betts, chief executive of Infrastructure NSW; and Peter Cinque, business support services manager for the NSW State Emergency Services [SES] metropolitan zone. I thought the process of the upper House inquiry was quite useful. During questioning, Mr Betts was asked whether the bill was required for the environmental impact statement [EIS] to proceed. Mr Betts replied:

> No, the bill is not strictly required for an EIS to proceed.

Then Ms Abood said:

> The EIS can proceed but this is about being very clear about the mechanism of how we would deal with that.

The Hon. Penny Sharpe then presses the point and said:

> If it is not necessary, why now? Have you always planned on this timeframe in relation to this bill?

Mr Betts replied:

> The decision around the timing of the bill is a decision for the Government.

I put to Government and Opposition members that this legislation is immensely difficult to deal with because it involves the inundation of a national park protected by World Heritage. Competing proposals about flood mitigation are peer-reviewed by university academics from three major Sydney universities. Members are being asked to vote on legislation that would give effect to the raising of Warragamba Dam wall without information being provided. We asked whether the bill is required for the EIS to proceed—that would make sense. If the EIS could not proceed and we could not establish the damage to the World Heritage-protected national park, we could not work out whether the business case makes sense and we could not establish the potential economic damage to the valley over a prolonged period of time, then this legislation would need to be passed for the EIS to proceed.

That was my initial suspicion when the legislation was introduced. But that is not the case. The Government has confirmed that. The EIS can take place. Instead, we have what I regard as a reasonably weak reply from the Government, which provides a certainty in the event that the Government proceeds with this legislation to raise the dam wall. If the Government was fair dinkum about releasing all information about the necessity to raise the dam wall and the need not to fund evacuation routes in the valley, we would assume that the EIS would be provided and we would wait for it to be provided. I put to the Government that if it is so convinced that the economic and environmental case for this stacks up and that the risk to the Blue Mountains National Park is mitigated and is not a serious concern, then we would see the EIS today. Alternatively, the bill would be delayed until the EIS was completed. In the upper House inquiry the Hon. Penny Sharpe asked this question about documents being released:

> More broadly I am interested in all of your reporting. We know that people have tried to get the sources. A lot of it is unsourced. We have asked for the information of the sources so that people could look at the assumptions made in your modelling and that has been refused. We are interested within this work how much of it has been peer reviewed.

That is a truncated quote. Mr Betts replied:

> You will have full transparency through the environmental impact statement ...

The Hon. Penny Sharpe said, "The key documents are not there." She is referring to the Resilient Valley, Resilient Communities 49-page report on the Government's decision to raise the Warragamba Dam wall. Most of the paperwork in Resilient Valley, Resilient Communities is footnoted. Source documents are within the booklet and members can independently assess whether it makes sense. However, there is a key section that is not footnoted. That section has to do with alternative proposals, the cost-benefit ratio in the EIS, and the proposed business case that the Government is pursuing for the Warragamba Dam wall. The source documents that led to the decision by Infrastructure NSW have not been provided to parliamentarians. We can hurl insults at each other about why we think this legislation has been introduced and the motivations of members who are opposed to it, but ultimately the information needs to be provided to lawmakers on both sides. That is the only way that parliamentarians can make an informed decision about whether this bill should be passed. The Hon. Mick Veitch asked Mr Betts this question:

> To be clear, there has been no decision taken to raise the wall of the Warragamba Dam by 14 metres?

Mr Betts replied:

> We cannot take an investment decision until we have a planning approval in place.

That is Infrastructure NSW saying that the decision has not been made about the Warragamba Dam wall. I am sure the Government would like to make a decision before the 2019 election but it cannot do that before the EIS is completed. Again, the question is: Why has the EIS not been completed? This legislation is not required for it to be completed. The information would be made available to Opposition members and Government members on the backbench, as well as third-party environmental groups and people who are concerned about evacuation routes in the Nepean Valley. We need that information and it has not been provided. Lastly, and perhaps most scandalously, the Hon. John Graham asked this question of the SES representative:

> This is a question to the SES first: How comfortable are you with 134,000 more people moving into this area ...

Mr Cinque replied:

> It would be our preference as far as possible not to evacuate people, because it is a huge disruption to the community ...

The Hon. John Graham went on to ask:

> Do you support moving more people on to this flood plain? Other jurisdictions are doing the opposite. Do you support moving 134,000 people on to this flood plain?

Mr Cinque replied:

> I think it would be fair to say that we would rather see not more people exposed to risk.

That is the crux of this issue. Exposing people to risk due to massive development proposals on flood-prone land is risky and dangerous. Increasing the Warragamba Dam wall by 14 metres will not eliminate that risk. We have to start there. Next, we have to fund evacuation routes. Then the information that has predicated the Government's decision must be released to parliamentarians and it must be released before the 2019 election. It will not be released before this debate is over so we cannot read that information before we cast our votes. However, it can be released before the New South Wales State election in March next year.

In his second reading speech Minister Ayres suggested that the information will be released midway through 2019—after the election; that is convenient. If the business case is solid, if the damage to the World Heritage-protected national park is minimal, if this is not about development in the Nepean Valley then the Government should be able to prove it with documents. It is that simple. It is laziness on the part of the Government to refuse to prepared for floods. More than that, it is dangerous to support mass development on flood-prone land and to accompany that support with misinformation about the frequency of flooding. The worst sin is the lack of infrastructure that the community in this area needs. At the end of the day, the Government wants to build on flood-prone land and it is dishonestly saying that it is safe to do so—it is not.

Mr KEVIN CONOLLY (Riverstone) (19:33): I make a contribution to debate on the Water NSW Amendment (Warragamba Dam) Bill 2018. I have been passionate about this issue for many years. It is probably one of the main reasons that I am in this place. I have been campaigning since the late 1990s for better protection for my community. I live in Bligh Park, which is no longer in my electorate because of a boundary change. I was a resident of Riverstone when I was elected. Those residents, whether in Riverstone, Londonderry or other electorates are exposed to a risk that is quite different from anywhere else in Australia.

That is not to say that other people in Australia do not have risks of bushfires, tsunami, earthquakes or whatever it might be. We live with risks but this is a predictable one and the heights of potential floods in the Hawkesbury-Nepean are much greater than occur in other valleys throughout Australia because of its bathtub-like nature. I come to this debate with significant background over many years and an interest in the issue. The Opposition's view is disappointing. Realistically, it is probably linked to the political context, namely, The Greens preferences and to satisfy that side of the political spectrum.

I ask Opposition members, particularly those from Western Sydney, to take note of the needs of their local populations. I agree that it is broadly a flood plain but some parts are clearly more flood-prone than others. Much of the development we are talking about prospectively will occur above what is called the PMF, the probable maximum flood level. That means that some of the land is in fact flood-free and some of those thousands that the member for Kogarah quoted will be located on land above the PMF level, as we hope would be the case. Those two precincts that have recently gone on exhibition, West Schofields and Marsden Park North, have a cap on the number of dwellings that will be permitted between the one-in-100 and the PMF levels. The number has been derived to relate to the evacuation capacity of the road network.

Therefore, some of the things that the member for Kogarah thought were not being addressed are, in prospective terms, in future facing development. However, there is a huge problem of the past. Thousands of homes, not hundreds, are below the current one-in-100 level. That is because the level has shifted over the decades with greater knowledge; the level has been raised probably half a dozen times in the Hawkesbury over the years. In fact, some homes are so old they predate any planning schemes. They were built without that sort of knowledge. Right across Western Sydney we have thousands of homes below the current one-in-100 level and we have to do something to take account of the risk those people face. We have to acknowledge that the huge disparity in heights in the Hawkesbury-Nepean Valley compared to other valleys means that even for land above the one-in-100 level there is a significant property risk if a flood is slightly bigger than one-in-100. If it is one-in-150 or one-in-200, the height difference is great and can mean enormous extra damage.

There are two issues. There is risk to life that cannot be compromised—it is fundamental that we ensure we can evacuate everybody—and there is risk to property, which exists in all contexts, whether it is from storms, floods or bushfires. One has to make a calculated, sensible assessment about what is the acceptable level of risk. This proposal to raise the Warragamba Dam wall is the one proposal that stacks up best in addressing those risks. The critical element of extra time before the flood peak arrives gained from having the airspace behind the dam wall means more people can be evacuated. In a really big flood with a severe risk that will put the road system to the test, those extra hours will be precious to protect lives.

As the Minister stated, it does not matter how much education and warnings are given to people with official messages, some people do not comply in emergency situations; they will not be told. If they will not leave when they should, the evacuation task is made that much more difficult as the emergency stares them in the face when they finally realise, "Actually, I do need to get out of here", so we need that extra time. That extra time is not the only element but we have heard it can reduce the peak in some floods that are modelled by up to five metres. An average house has about two metres from floor to ceiling and even to the peak of the roof is about five metres. That is how much difference a five-metre drop in the peak can make. It can make the difference between a house being wiped out or not being wet at all.

A five-metre drop in the peak could make an immense difference. When that is multiplied by thousands of homes, it is an enormous difference. However, it applies not only to homes but also schools, hospitals, police stations, railway lines, major roads and bridges, sewage treatment plans and all sorts of public infrastructure on that flood plain—the broad term—that costs enormous amounts of money. Reducing the flood peak in a major flood event will save the public purse enormous sums and reduce significantly the dislocation and disadvantage caused by the loss of infrastructure. It has an immense benefit to the public to be able to reduce that peak. Therefore, on both fronts the raising of Warragamba Dam wall is by far the best option to mitigate flood effects.

The bill does not propose to raise Warragamba Dam wall at the moment. It is a preparatory step to removing impediments in the Act that will allow the Government to move in that direction but the actual decision and commitment of funds, as the member for Kogarah has said, are some time off yet. It is important to be absolutely transparent with the public that this is where we intend to go. This is the direction the Government has decided on. If the studies come into alignment and prove what Infrastructure NSW believes, then we will be in a position some time next year to go those extra steps and make those decisions and commitments, but we are not hiding from the direction. This is the intent and I can only say as a campaigner who wants to protect vulnerable residents in my community: Hallelujah that we are going in that direction. I have been hoping we would do this for years and years. I have been frustrated by the time it has taken, and some people in Infrastructure NSW know that. It is an important priority. People's lives, homes and futures are on the line.

Ms Trish Doyle: Bugger the environment.

Mr KEVIN CONOLLY: I will come to that interjection from the member for Blue Mountains. In a flood, water can spill over the floodgates and rise higher than the full storage level. If the inflow to the dam from the catchment area is greater than the capacity of the outflow, the level behind the dam rises, so it is possible today that the national park can be flooded to an extent. That extent is relatively limited before the auxiliary spillway would kick in as the final release valve but if that auxiliary spillway ever kicks in, say goodbye to thousands of people on the lower levels because that would send an immediate surge of water down the river system. We do not want to see that spillway ever operate. I can say that that would be an absolute unmitigated disaster for those living downstream.

We know we can have floods in the national park now. The proposal to raise the dam wall will increase that possibility by some metres; we do not shy away from that, but given we are talking about floods bigger than one in 50 years—and I think the Minister said between one in 50 and one in 1,000 is where this has effect—we are talking about twice a century for up to two weeks that extra water can be behind the dam wall in the national park as against causing an enormous risk to people's lives, property and futures downstream. That is what we are balancing. Raising the dam wall will not make it rain any more or any less. It will not add to the risk of flood. It will relocate some of the impact and delay some of the impact downstream and that will be enormously beneficial not only for the people I represent but also for the people that all members in Western Sydney represent.

Ms JULIA FINN (Granville) (19:43): I make a contribution to debate on the Water NSW Amendment (Warragamba Dam) Bill 2018. This bill is a disgrace. The bill is before the House in order to pre-empt an environmental impact statement and the outcome of the March election to ensure that property developers can build homes for another 134,000 people on a flood plain. That is unacceptable. Time and again this Government has introduced legislation to undermine the National Parks and Wildlife Act. If they could, I imagine they would get rid of the entire Act. The Government saying that the National Parks and Wildlife Service will still be in charge of the land does little to change the fact that currently the National Parks and Wildlife Act is a barrier to what it wants to achieve. Under the National Parks and Wildlife Act the Minister for the Environment cannot grant any lease or easement on any national park land to enable the impoundment of water. It is that simple. The Government needs legislation to set aside the Act for this part of a World Heritage listed national park. This park has significant wilderness areas and the ultimate beneficiaries—like pretty much everything this Government does—will be property developers. That is a disgrace.

The Government has looked at the polls and knows it has only a 50-50 chance of being able to pass this legislation. It could wait until the middle of next year when the environmental impact statement will be completed but it would rather start the ball rolling now and pre-empt everybody. The little consultation undertaken by the Government so far has been an insult to the community at large. Indeed, that was evident in the Standing Committee on State Development's very brief inquiry into this proposal. The Government was supposed to talk with the traditional owners at length about it. Instead, it notified them about what it was doing. According to Aunty Sharyn they were given a presentation and pretty much told this is what was going to happen. At the inquiry Taylor Clarke, one of the Gundungurra people and traditional owners, said:

The valley is home to the only intact painting of a waratah connected to the Dreaming. There are many burial sites, including non-Indigenous, and paintings, meeting places, the Jooriland homestead and more that I would draw your attention to, but, to be frank, this is very personal for me. We are talking about losing some of the places that are my only connection to my ancestors. If this amendment to the Act goes ahead it will be like they were never there. That is very difficult for us as Aboriginal people to fathom, as we believe our ancestors walk this sacred land beside us. If this proposal goes ahead, so much more of our history will be lost to time and the next generation of Gundungurra people will never even know what is gone.

Once this wall is built inundation will happen quite regularly—up to every five years—and it will do huge damage to the flora, fauna and significant Indigenous history in this national park, all for the benefit of property developers. Infrastructure NSW has said that over the next 30 years the population of 134,000 people who live and work on this flood plain will double. A lot of that has been prevented because the land is flood prone. However, this legislation will enable it to be developed. For the last few months the Government has been presenting doomsday scenarios such as people are going to drown and anyone who objects to this proposal will have blood on their hands. This Government has been sitting on its hands for the past 7½ years. If something so dangerous and catastrophic was going to kill people then this should have been the first item of business once this Government was elected. The Government has sought reports and every report from the various experts has said this is the wrong thing to do.

Mr Kevin Conolly: No, they didn't. Try Infrastructure NSW.

Ms JULIA FINN: Except Infrastructure NSW, which is keen to see the population double. Everybody else has said this is the wrong way to deal with this and it will not cover flooding of the majority of the area. The construction of this dam wall will mitigate flooding for about 40 per cent to 45 per cent of the area; the rest of the

area is affected by flooding from other streams not captured by this impoundment. The Government is merely trying to get this through before the next State election. As I said, if tens of thousands of people were likely to be killed then it should have been the first item of business when this Government to office. If those opposite are telling the truth about this then they are a disgrace. They have either been sitting in this place for the past 7½ years leaving people waiting to die or they are vastly exaggerating the danger from the maximum probable flood. I think it is the latter. If they think it is the first then why did they sit on it for so long? They are worried that if this legislation is not passed as soon as possible they will not be able to pay their developer mates back by allowing them to build another 130,000 homes.

Over-development is rampant across Sydney. It is rampant where I live. The Government has promised to build a new Westmead Public School because it is the biggest school in the State but it has not put any money behind it. It has approved many units around the area and called it a priority precinct—no-one knows what that means except more units. I often wonder why those opposite are doing these things. The answer is usually because someone is going to make money out of the land. The environment movement is very concerned about what this will mean for the National Parks and Wildlife Act. At the upper House inquiry Keith Muir from the Colong Foundation for Wilderness said:

> The legislation effectively removes National Parks protection and the parks would then be in name only.

That is what the Government wants. The answer continues:

> I do observe that report which you refer to says also that there will be another 134,000 people on the flood plain in 30 years, yet apparently this is not about development. That seems to me a lot of development. It also seems that if this is to occur then you are in consequence putting more people at risk, perhaps not in the same frequency as we have now, but more people at risk and you end up with a nil sum gain by raising the dam and allowing the urban development to go on the flood plain. I do not think this is an appropriate approach.

Surprisingly, some government experts from the Department of Planning have questioned some of the aspects of this proposal. At the inquiry they explained what is happening with the Penrith Lakes development. At the moment development has been capped in that area. Brett Whitworth, Acting Deputy Secretary, Department of Planning and Environment, said:

> We have ruled out with Penrith Lakes Development Corporation their proposal for 4,900 [dwellings] … [They] are still seeking development, trying to bring it down to numbers …We have said to them that our modelling does not support that. Our modelling that Mr Langford has just described only supports a handful more dwellings of a similar nature to what has already been approved under that SEPP on that site.

The Penrith Lakes Development Corporation and lots of developers across the entire flood plain—not only at Penrith Lakes—are trying to build on flood-prone land. All of a sudden the Government, which has sat around on its hands doing nothing for 7½ years, is introducing legislation and saying that people are going to drown and we will have blood on our hands. The level of the dam has come down because of the drought but nothing else has changed in the past 7½ years. This is all about the Government being likely to lose the next election. Frankly, if those opposite support this then they deserve to lose their electorates.

Mr RAY WILLIAMS (Castle Hill—Minister for Multiculturalism, and Minister for Disability Services) (19:53): It is with much pleasure that I support the Water NSW Warragamba Dam Bill 2018. This is the first part of the process that will ultimately see the Warragamba Dam wall raised by 14 metres. Tonight I will place on record some factual aspects of history not only regarding the area of the Hawkesbury-Nepean but also on behalf of my family because my family date back to the First Fleet. A person by the name of Joseph Wright arrived here in 1788 amongst the first 700 convicts, and upon receiving his ticket of leave he was given a land grant on the Hawkesbury River in an area that is known today as Mulgrave. It is quite ironic that years later my parents would own land in that vicinity and suffer the ramifications of the kind of floods that Joseph Wright actually suffered.

Joseph Wright would go on to marry a woman named Eleanor Gott who arrived on the Second Fleet. Charles Whalan, who arrived here on the Third Fleet, would serve as a senior orderly to Governor Lachlan Macquarie, and travel the length and breadth of the Hawkesbury Nepean area under Macquarie's reign. He, too, was afforded land grants in this particular area of the Hawkesbury. My family has lived in the Hawkesbury River area and in The Hills area since European settlement. Sadly, we have suffered the effects of the many hundreds of floods that have devastated that area. Flood records commenced in the late 1700s and as the record will show, in 1867 the worst flood in recorded history—at some 19.2 metres—following European settlement was absolutely catastrophic. Thompson Square, an area that is synonymous with the Hawkesbury, is named after a person known as Andrew Thomson. He was a settler in that area and saved many lives during one of the many floods in the Hawkesbury area. Hence, Macquarie named Thompson Square after that person.

Floods in that area can be devastating when they rise above a level of 11 metres. Even floods up to that level can be quite devastating, but above 11 metres they can be absolutely tragic. It is interesting to note that after

flood records commenced in the 1700s, there were many recorded incidents of floods above 11 metres, rising up to, as I said, 19 metres in the 1867 flood. Many floods at 13 metres and at 14 metres have been quite devastating. Interestingly, between 1904 and 1952, a period of almost 50 years, there was not one recorded flood above 11 metres. It was close, but there were very few floods. One could be fooled into a false sense of security, given that there was not a flood above 11 metres in that period, that there would not be a flood again. Indeed, half a century is a long time. Following 1952, floods recommenced and they have been absolutely catastrophic in every decade following the 1950s right up to the last recorded flood at 13.3 metres in 1990.

I remember that flood very clearly because it put a metre of water through my family's home. We carried Nana Grace out of the bottom floor of the home and we moved to higher ground. My mother was quite pragmatic. She always wanted to live by the water. My father was less enthusiastic. As a matter of fact, you could say that he was somewhat aggrieved because he had spent the majority of his life struggling to retain water for our farm and now he had more than enough at our doorstep, inundating our home. We were not the only ones; many hundreds of homes were inundated by that flood. The consequences of that 1990 flood were such that the government of the day was provoked into making a very serious decision. I speak of none other than the former Coalition Government. In 1993 the Fahey and Greiner government made the very important decision to raise the Warragamba Dam wall to preclude another catastrophic flood occurring in the Hawkesbury Nepean area.

It was done for good reason. Many studies had been undertaken and it was decided that even if one of those floods at 13 metres was to again occur in that area, the potential for the loss of life and hundreds, if not thousands, of head of livestock; the loss of farmland and agriculture; the closing down of sewerage systems; and the shutting down of electricity and gas supplies would have imposed a cost of billions of dollars on the government of that day. So when the decision was made to raise the Warragamba Dam wall, no-one was happier than my family and I, who had watched every flood in that area since European settlement and the catastrophic consequences of those floods. The flood plain in the Hawkesbury Nepean is the most flood-affected area in this country. The results of another flood today of only 13 metres would be absolutely catastrophic for the many hundreds of thousands of people who now live within those areas.

But I digress for a moment and go back in time to 1960 when the Warragamba Dam was actually completed. It was commenced in 1946 and it was completed after 14 years of construction. Many years ago a website stated that at the opening of Warragamba Dam in 1960 a senior hydrologist stood on the wall and said that while this dam was not built as a flood mitigation dam—it was built as a water storage dam—by virtue of the size and capacity of the dam "this would potentially preclude another flood ever occurring in the Hawkesbury Nepean area". That was said in 1960 when the Warragamba Dam was just completed.

In 1961, 18 months later, the records show that the second worst flood since European settlement happened in the Hawkesbury Nepean area, reaching a height of 15.1 metres. This was 18 months after the Warragamba Dam was completed, 18 months after a senior hydrologist suggested that it would preclude a flood ever occurring again. As I said earlier, this is the worst flood-affected area within this country and the consequences of a flood of that size would be absolutely catastrophic and the cost to Government in repairing infrastructure that would be lost would be absolutely unbelievable, running into and exceeding, I believe, many billions of dollars. The point that I make and the point that should be made is that in 1993 that opportunity was lost. A Coalition government was in place, a sound, good and responsible Liberal-Nationals government that made a decision that would have saved lives.

That decision was overturned in 1995 by the irresponsible Labor Party led by an irresponsible Premier called Bob Car, because he did not want to see water rising into the Blue Mountains National Park even given the very short time when there are floods in that area, as was pointed out by my learned colleague the member for Riverstone. He did not want to see that, so he overruled the decision and instead put in place an $80 million spillway, which luckily to this date has not had to be used. It has been close, as has been pointed out in tonight's debate. It has been very close. It has been at 100 per cent capacity in just the past few years and yet there has not been a flood. But as the records show, it requires only 380 millimetres of continuous rain to fall in that catchment area from Goulburn heading back to Warragamba Dam over a three-day period and there will be a flood in the Hawkesbury Nepean area. [*Extension of time*]

During the time our family has lived there, we have watched the devastation. I have seen hundreds of head of horses, foals and yearlings washed away and lost. No-one could understand how quickly the river can rise and the inability of people to deal with flood levels rising as quickly as they do in the Hawkesbury Nepean area and watching it exceeding and breaching the sides of Warragamba Dam.

It happens overnight. I have seen families in tears. It brought my family to tears when we had to carry my grandmother out of our home when it was inundated with one metre of water. It sends the message home. We were the lucky ones. We did not lose lives or property and we were able to move back into the home. We carried on as most people do in that area. Since that time more people have moved into the area and a flood would be

devastating. We can protect the people, infrastructure and agriculture that is in place now by taking on board this positive aspect of raising Warragamba Dam wall by 14 metres. In 1995, disgusted by the actions of an irresponsible Labor Government led by an irresponsible Premier, I joined the Liberal Party of Australia.

I joined the Liberal Party to advocate within the party, if ever there was the opportunity, to raise the Warragamba Dam wall to protect life, property and infrastructure in the Hawkesbury Nepean area. I am proud. In 1995 I did not think that I would have the opportunity to be in this House or a part of this debate. I state for the record that this is one of the most important debates that will ever occur in this place. The protection of life and property exceeds the impact of inundation of the Blue Mountains National Park for a short time. We understand the impact on the environment, but that concern is outweighed when balanced against the loss of life and property in a catastrophic flood. It has been an absolute pleasure to take part in this debate. I commend the bill to the House.

Ms TRISH DOYLE (Blue Mountains) (20:06): I contribute to debate on the Water NSW Amendment (Warragamba Dam) Bill 2018. I want any interjections by Government members of Parliament, who sit opposite carping and moaning during Opposition speeches, to occur early. This is a bad bill introduced by a crooked Government on behalf of vested interests and Liberal Party donors in the property development industry. Nothing more, nothing less. This is the same criminal Government that was responsible for water theft along the Murray River. The impacts of the proposal to raise the dam wall are very well established. We will see hundreds of square kilometres of pristine world heritage area national park flooded in my electorate. We will see sacred Aboriginal sites inundated and destroyed.

We will see huge cost imposts placed on taxpayers. And we will see rampant property development take hold on areas that were until now deemed too dangerous to build upon. But, do not take my word for it. Do not take the word of the Blue Mountains member who self-identifies as an environmentalist and conservationist. Let us go to the testimony of that Western Sydney traitor, the Minister for toll roads and the member for Penrith, Stuart Ayres. On *9 News* he was pictured standing in an empty field in front of a flood level marker that maxed out at four metres high and he cast his arm out wide and said:

> As far as the eye can see, to that tree line, all the way around, that's the urban development land.

"As far as the eye can see." Well, Stuart, you are blind and cannot see past the self-interest of your political donors, and your party's greed and ideological obsession with destroying the environment for profit. This is a dumb idea and you demean yourself and the positions you hold in this Parliament and this Government by running this agenda on behalf of the developer lobby instead of demanding sane public policy and better outcomes for the people you represent. We know that the development agenda of this Government is driving this legislative change. A January 2017 Infrastructure NSW report commissioned by the Government states:

> The Hawkesbury-Nepean Valley is changing from a semi-rural landscape to an urbanised flood plain. Up to 134,000 people live and work on the flood plain and could require evacuation. This number is forecast to double over the next 30 years.

There you have it. That is what this is all about. This bill is brought before the House to allow the Government to ride roughshod over environmental protections that exist within the National Parks and Wildlife Act to prevent the flooding and destruction of wild rivers in the Blue Mountains National Park. By doing so, the Government will effectively levy $270 per Sydney household to raise the dam wall, and increase the size and scale of development in the Hawkesbury-Nepean Valley. This is reckless in the extreme. The proposed planning controls would therefore allow for large scale development on land that is near the one-in-100-year flood level. By comparison, the United States generally prohibits development on land within a one-in-500-year flood level, while the Netherlands limit is on land with a one-in-1,250-year flood level. This puts the Government at the extreme end of flood risk worldwide.

For that reason I am unswayed by the emotive nonsense spouted by the failed member for Hawkesbury. He has regularly sought to criticise me, my Labor colleagues and Federal Labor member Susan Templeman for our opposition to their dam wall proposal. He claims that opponents to the dam wall raising proposal will have blood on their hands. But it is he and his crooked Government that is egging on property developers to build bad housing on high risk flood plain areas. He is not just disingenuous, he is outright hypocritical and he is telling lies. He is being disingenuous because Water NSW, the Minister for Regional Water, Niall Blair, ANU Associate Professor Jamie Pittock and many others acknowledge that raising the dam wall will not eliminate the risk of flooding in the region because more than 45 per cent of flooding in the Hawkesbury-Nepean Valley occurs on river systems that do not feed into the Warragamba Dam reservoir.

We saw evidence of this fact this week. On 14 October *7 News* carried vision on its Facebook page and reported road closures in Richmond due to flooding from torrential rain. Meanwhile, dam levels at Warragamba have reportedly fallen to 62 per cent. That is not far off the point where water restrictions kick in. I do not buy the line that raising the dam wall will mitigate flood risk in real terms for people living in the Hawkesbury region right now. All that it will do is justify a huge amount of new property development on land that should be left well

enough alone. There are alternatives to dam wall raising, which this Government has refused to consider implementing. In the first place, Government could reduce the maximum allowable limit in Warragamba to provide overflow capacity during times of sustained rainfall and inflows to the Warragamba catchment area. This would require the supplementation of that lost water with the mothballed desalination plant that this Government has allowed to fall into disrepair.

That would mirror a similar solution pursued in Brisbane at the Wivenhoe Dam following the floods in 2010. This Government has taken no interest in alternatives. It has pressed ahead with this issue and uses the fig leaf of flood risk as a justification to let property developers rip. The environmental impact statement is yet to be released. The administration approval process has a long way to run. I acknowledge the environmental record of Labor on this issue, both in government and in opposition. In 1995, under the Bob Carr Labor Government, a similar proposal was rejected to protect the World Heritage status of the Blue Mountains National Park.

Both Bob Carr and Bob Debus, the then Minister for the Environment and Minister for Emergency Services and member for Blue Mountains, are steadfastly opposed to this proposal. I would take their expertise and their environmental record any day over the breathlessly eager lobbyists for the property development industry sitting opposite. I also acknowledge my colleagues Chris Minns, Labor's shadow Minister for Water, and the Hon. Penny Sharpe in the other place, Labor's shadow Minister for the Environment and Heritage. They have been staunch supporters of the environment in this place and have refused to be swayed by the lies and misrepresentations of Government Ministers who seek to fatten the wallets of their political donors.

I also acknowledge that the member for Londonderry, Prue Car; Labor's candidate for Penrith, Karen McKeown; and Labor's candidate for Hawkesbury, Pete Reynolds—all of whom represent communities in Penrith and the Hawkesbury area that would be impacted by the rampant development agenda of the Liberals—are all against this proposal. I thank and acknowledge the incredible and solid research work, campaigning and awareness-raising undertaken by Harry Burkitt, Keith Muir and the Colong Foundation for Wilderness team.

I thank our Indigenous peoples, especially Aunty Sharyn Halls, Kazan Brown and Taylor Clarke for demonstrating strength against adversity in seeking to have their voices and cultural heritage heard in this debate. The Gundungurra people are fighting for Indigenous heritage protections for what is left of the Burragorang Valley so they can continue to tell and share their stories for generations to come. The Katoomba-based Gundungurra Aboriginal Heritage Association has lodged an application to have the valley declared a New South Wales Aboriginal Place in a bid to save hundreds of Indigenous sacred sites at risk of being flooded if the Warragamba Dam wall is raised.

Also worthy of commendation for its work over many years is our Blue Mountains Conservation Society [Con Soc]. Con Soc members are more than deserving of mention and thanks as staunch conservationists and true protectors of our environment. I am a proud member and greatly value their advice, guidance and academic research within and for our community. I value the friendships that have been forged over many years of working, talking and walking together. I share their concerns and have committed to working in this place in the name of conservation. I appreciate beyond words the incredible World Heritage-listed area we live in, our Blue Mountains National Park. We are entrusted with a unique environment and heritage. If this proposal proceeds, it would be an international environmental disgrace for Australia. Thousands of hectares of declared World Heritage area would be submerged, buried in mud and destroyed forever. Let us protect our wild rivers. I do not support this bill.

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (20:16): I support the Water NSW Amendment (Warragamba Dam) Bill 2018. The purpose of the bill is to amend the Water NSW Act 2014 to address a prohibition on the Minister for national parks and wildlife consenting to the operation of a raised Warragamba Dam to mitigate flood risk in the Hawkesbury-Nepean Valley. The Insurance Council of Australia considers the Hawkesbury-Nepean Valley to be the most flood-exposed area in New South Wales, if not Australia. A major flood now would risk many lives and cause billions of dollars in damages, let alone the mental health and emotional damage of such a flood. The valley includes areas of Penrith, my electorate of Mulgoa, Windsor and Richmond. Most of the flood risk comes from existing development on the flood plain.

The unique geography of the Hawkesbury-Nepean Valley can be likened to a bathtub with five main taps being the main tributaries—the largest coming from Warragamba—but only one plug hole, which is the narrow Sackville Gorge. Therefore the valley fills quickly and more deeply than any other flood plain in New South Wales. In response to this significant flood risk, in 2017 the New South Wales Government announced the Hawkesbury-Nepean Valley Flood Risk Management Strategy. The flood strategy builds on a comprehensive assessment process, with a review completed in 2013 of all possible mitigation options. There has been a considerable amount of work undertaken for many years while we have been in government. Based on the recommendations of the 2013 review, a task force was established to develop the flood strategy.

The raising of Warragamba Dam by 14 metres for flood mitigation was found to be the most cost-effective infrastructure option, with significant benefits for the entire valley. It is a key element of the flood strategy and would save lives by providing more time for people to evacuate. It would also significantly reduce property damage by approximately 75 per cent on average. The proposed dam raising would increase the height of the dam to create and maintain an airspace above the dam's full water supply storage level. During a flood, the airspace would temporarily hold back floodwater from the large Warragamba catchment before it is released downstream in a controlled way. The airspace would not be used to hold water permanently and it would not change the current full storage level of the dam. The bill makes clear that the exemption it provides applies only to this specific case to allow for managed temporary inundation during flood mitigation at Warragamba Dam.

This bill is not an approval of the project. Consultation on the environmental impact statement in the middle of next year and all the normal merit-based assessments and consultations will be carried out for the required State and Australian Government planning approvals. As the Government is committed to and the community expects a proper assessment process that focuses on the proposal, this amendment must be made now. The flood strategy also contains a range of actions to address the ongoing risk that can be implemented in the near future. These include continuing community engagement, updating regional flood mapping, evacuation route signage and road upgrades to improve access to major evacuation routes. A couple of months ago, I was in Penrith with the local member and Minister for Western Sydney as we highlighted to local media what the evacuation signage would look like and gave some indication of where in our local communities it would be established.

Labor's scaremongering and erroneous claims about this project are putting at risk lives and property across Western Sydney. The proposal to raise Warragamba Dam wall is not about opening up more land for development in the flood plain. Raising the dam wall will not allow one single additional dwelling to be built on the flood plain than is already allowed. Labor's opposition to this plan is putting lives and livelihoods at risk. It would prefer to save leaves than save lives, which is something I cannot stand by and not participate in fighting against. Labor's plan would reduce water storage in Warragamba Dam by around 40 per cent or 1½ year's supply to Sydney, increase household water bills and rely on the spillway to protect the dam wall but not the residents of Western Sydney.

Labor cannot be trusted to put the interests of people first. It is siding with Greens voters in the inner west at the expense of the families and businesses in Western Sydney. If there was any evidence that Labor has abandoned Western Sydney, this opposition to our plan to protect the lives of Western Sydney residents makes its abandonment of Western Sydney clear for everyone to see. Labor cannot be trusted to put the needs of the people of this State first. Only the New South Wales Liberals and Nationals will continue to work hard to ensure the people of New South Wales remain our focus in delivering first-class services, necessary infrastructure, and safe and liveable communities. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) (20:22): On behalf of The Greens, I speak in debate on the Water NSW Warragamba Dam Bill 2018. It should come as no surprise, considering the debate in the other place, that The Greens oppose the bill. Passage of the bill will remove the only legislative hurdle to the Government's proposal to raise the Warragamba Dam wall by 14 metres. This proposal would see the flooding of up to 4,700 hectares of the World Heritage Blue Mountains National Park and the destruction of an unknown number of Aboriginal cultural sites. We have heard members' speeches going back in history, talking about how people's families received land grants. In fact, it is stolen land. The land was never given; sovereignty was never ceded. Today Aboriginal cultural sites are still being imposed upon.

This legislation is being introduced unnecessarily. As we saw in the Legislative Council committee process, the Government acknowledged in the inquiry that there is no legal need to pass this legislation now. This is a problem that we have seen in my electorate when it comes to Government development proposals: The Government announces, "We will proceed and then we will do an environmental impact statement." The environmental impact statement is basically irrelevant; the Government has already made a commitment to the project. We are seeing that now with the Western Harbour Tunnel & Beaches Link: The Government has said it wants to build the tunnel and the environmental impact statement seems to be an irrelevance.

The Greens believe that environmental impact statements should be taken seriously and that before commitments are made, an environmental impact statement should be undertaken in a clear and independent way so that we can determine the merits of the case by looking at all the evidence. Instead, the Government says, "We want to build this. How do we squeeze everything in to try to make it successful?" To us, that is a process-driven concern around this bill. We think independent environmental impact statements should be developed and from there, decisions made about whether the project proceeds or should not proceed. We all know what happens in departments: People twist and turn to try to make an environmental impact statement [EIS] fit the Government's objectives, and that is not the way it should be.

The Greens do not believe the Government has made the case for raising the Warragamba Dam wall for flood mitigation. We believe the bill should not proceed at least until the environmental assessment is completed so we can have an informed debate in the Parliament and in the public about the risks to the national park and Aboriginal culture and heritage and about the best flood management and water security options for Sydney. In the very brief time the Legislative Council addressed this matter, a range of evidence supporting different options became apparent. We think that deserves further scrutiny through a rigorous EIS process.

Raising the Warragamba Dam wall by 14 metres will result in the flooding of more than 4,700 hectares of the Blue Mountains World Heritage-listed area, including pristine wild rivers such as the Kowmung. Endangered species, like the regent honeyeater bird, live in this area, and many recognised Aboriginal cultural sites would be lost if this proposal goes ahead. We know what happens in floods. This is not just some water inundating but there will be associated mud and silt, and damage from being submerged, which would catastrophically affect this World Heritage area. There is evidence of alternatives to protecting lives and homes from flood events, but there are no alternatives for the wild rivers and wilderness of the Blue Mountains World Heritage area.

Raising the Warragamba Dam wall will not stop flooding in the Hawkesbury-Nepean Valley—the Government's own reports acknowledge that. We have also recognised that a significant amount of flooding can occur without that water moving into the Warragamba Dam, therefore not solving the significant issues in that community. The Government's case is that a temporary inundation of the national park is justified because it will reduce the flood risk and the cost of floods on the Penrith and Richmond Windsor flood plains. But at the same time the Government has recognised that no dam increase will stop the worst floods. It may give a little more evacuation time, but that ultimately depends on where the catchment water falls. Approximately half the waters reaching the Hawkesbury-Nepean during a flood event come from sources outside the Warragamba Dam catchment, and that will not be changed by this process.

In the upper House inquiry into this bill, water experts provided clear alternatives such as lowering the full supply level of the dam and other logical alternatives that should be explored in more detail. The Government's plan fails to address the fact that the areas it intends to develop are flood-risk areas, and that will not change. Much of the concern around this bill is being driven by the fact that this will allow for the opening up of tens of thousands of new homes on land which, quite frankly, should not be subject to the type of development proposed by the Government. It is the view of The Greens that promoting urban expansion in these areas only serves to increase the number of people and the value of property exposed to flood risk. We should be doing all we can to minimise the amount of value of property and people exposed to flood risk, and this is not the best way to do that.

Importantly, more work needs to be done to protect property and people already living on the flood plain while avoiding putting more homes in harm's way and at the same time maintaining the protection of the World Heritage listed Blue Mountains National Park. We believe the Government should be seriously investigating a range of alternatives that can genuinely reduce the flood risk, including more urgent investment in emergency evacuation routes, flood mapping, monitoring and warning systems, better planning rules and community flood protection plans similar to those in place across the State in bushfire-prone areas.

The Government should listen to the advice of water experts and consider lowering the full supply level of the dam, as we have heard before. For this reason, my colleague Mr Justin Field, MLC, called in the other Chamber for an extended public inquiry into the project. This will allow the Government to consider all the options and ensure a transparent process in considering reductions of flood risk. The evidence demonstrates there are alternatives but there is no replacing of the World Heritage listed Blue Mountains National Park, which will be damaged by any period of inundation. The Greens want to protect our most precious ecological areas, such as the World Heritage listed Blue Mountains National Park, at the same time as mitigating flood risk and helping communities to respond to floods. The Greens will not support this legislation. We believe it condemns the Blue Mountains World Heritage area to flooding. It is against expert advice and any responsibility that we have for our environment. We oppose this bill.

Ms JENNY AITCHISON (Maitland) (20:29): I refer to the Water NSW Amendment (Warragamba Dam) Bill 2018. Broadly speaking, this bill will amend the Water NSW Act 2014 to allow the temporary inundation of national park land resulting from the proposed raising of the wall of Warragamba Dam. Under the current National Parks and Wildlife Act the Government is prohibited from raising the Warragamba Dam wall. This proposal will cost up to $1 billion for a dam which is currently at two-thirds capacity. Yet again the Government has put the cart before the horse with no environmental impact statement [EIS] yet. This is an extraordinary request by the Government when we put it into the context of the location that is involved.

This bill is asking for two exemptions: that a lease, licence, easement or right of way under the National Parks and Wildlife Act 1974 is not required for or in respect of the temporary inundation of national park land resulting from the Warragamba Dam project; and that the temporary inundation of national park land resulting

from the Warragamba Dam project is not subject to any plan of management under the National Parks and Wildlife Act. The mere suggestion of these measures has sparked a reaction in my electorate in Maitland, with a number of constituents contacting my office asking me to oppose this bill and the eventual raising of the Warragamba Dam wall.

As people who live on a flood plain, some of whom have suffered from being stuck on a flooded island for more than a week in the April 2015 Hunter super storms and again in January 2016, they are appalled that this Government would put future communities at risk by even countenancing the potential of a catastrophic flood risk with minimal capacity for evacuations. The shadow Minister, the member for Kogarah, has gone through a number of development processes which have been afoot in this area. I was, frankly, shocked by the scale of development proposed in an area which requires this kind of work. I also pay tribute to the Hon. Penny Sharpe in the Legislative Council, who has had a lot of input into this bill.

This Government has sat on its hands while the Warragamba Dam has been at or near capacity for 7½ years. In 2015 the State Emergency Services [SES] commissioned a report into the importance of finding evacuation routes in the event of a 100-year flooding event and said its recommendations needed to be implemented because they were vital in saving lives. This Government has ignored many of the recommendations of that report. The SES was born out of the 1955 floods in a town in my community. The Government has ignored the advice of the SES at its own peril, and it is risking lives to do so. My community knows firsthand over many years the risks posed by overdevelopment and by a lack of clear evacuation routes on flood plains. Together with many people in this State, my community and the people who live in those areas do not support the overdevelopment of land by greedy developers at the expense and risk of lives. This is a life-and-death matter.

It is one thing to ask the vast majority of landholders to meet strict guidelines with development applications, especially in relation to environmental protection. That is fair and real, but it is quite another matter when the New South Wales Berejiklian Government seeks an exemption from its own rules to allow developers to run riot on a flood plain. Two other aspects of the potential impacts of this bill also disturb me greatly. One is that this Government would think it acceptable in 2018 to allow flooding from the dam to impact on Aboriginal cultural heritage contained within the Burragorang Valley's national park reserve.

As a former tour operator I am concerned when the Government pays scant regard to the many sites around this State that have cultural and heritage significance to our community, our First Nations people and everyone in our community. This brings to mind the attitude of the Government to land in our community. My community has seen a lot of Crown land sold off. Recently I realised a piece of land it has been trying to get back to Crown land so it can sell it off went into Aboriginal hands under the Native Title Act. I realised what this is really about for this Government: It is a race to sell, sell, sell, privatise and develop. The Government will take any Crown land or land that is sacred to our First Nations people if there might be a buck to be made. That is a total disgrace. It makes me so angry that even in 2018 this Government has a colonialist attitude to land. It is disgusting.

In its submission to the Standing Committee on State Development, the National Parks Association of NSW said that the area proposed to be inundated contains crucial artwork, eucalypt scar trees, creation story waterholes and other significant cultural sites that are part of the cultural heritage of the First Nations people from that area. Traditional owner Taylor Clarke said that a temporary inundation of national park land would significantly impact Aboriginal sites and rock art. Anyone who has been to the less accessible areas of our nation where rock art is found would be ashamed of what the Government is trying to do. The artists placed those works there tens of thousands of years ago to record moments in time. For this Government to decide to get rid of them by the stroke of a pen during its eight-year term is a disgrace. Taylor Clarke added that it only takes a small amount of moisture to start to dissolve what is holding those already very fragile artworks on the wall. This Government's rip, rip attitude means it does not care.

The Gundungurra Aboriginal Heritage Association Incorporated advised the inquiry that its people have an Indigenous land use agreement over the area proposed to be inundated by the raising of the dam wall. The association witnesses advised that the bill will go against the intent of the Indigenous land use agreement given the likely inundation of their country and damage to their cultural heritage if the dam wall is raised. Yet in 2018 this Government is again showing complete disregard for First Nations people and is continuing with colonialist practices. Surely any culturally aware person would hear those concerns and think to themselves that deliberately allowing floodwater to enter such significant areas is just plain wrong.

The second aspect of this proposal that greatly disturbs me is that anyone would willingly put at risk the environmental attributes of the World Heritage listed Greater Blue Mountains area. The Government may not care about the critically endangered regent honeyeater but my community has made representations to me about that. The bird is currently listed as having a population of fewer than 400 and the proposed inundation area is a known breeding habitat. Members opposite need to realise that the Government is only the legal custodian of the land.

There is broad concern from all people in our State about retention of our land and there is the wider environmental concern that the World Heritage listed Greater Blue Mountains area is being put at risk. I cannot believe that I have to put some of these things on record because this Government cannot understand them for itself. Ecologist Mr Roger Lembit told the upper House inquiry:

> This project would result in inundation within the World Heritage Area of temperate eucalypt forest and rainforest, habitat for a range of threatened flora and fauna, including at least two eucalypt species and significant cultural heritage sites. The period of inundation would extend for periods of long enough to impact on plant species and other organisms existing within the temporary inundation area.

This vandalising Government has no regard for that. That fact was not disputed by the Government as it conceded to the inquiry that based on a preliminary assessment of the Warragamba Dam wall raising proposal in a one-in-100-year flood up to an 0.06 per cent of World Heritage area would be temporarily inundated above the area that would be flooded now. That does not sound like a lot but it makes a huge difference. The Government stated that an increase in the time of inundation over and above what would happen now would range from hours, to a number of days and up to around two weeks. [*Extension of time*]

The impact on Aboriginal cultural heritage and the possibility of managed inundation of the Greater Blue Mountains World Heritage area should be reason enough for the Government to go back to the drawing board. This is not as simple as allowing floodwater from an enlarged Warragamba Dam to flow into national park and the Government being freed of its environmental management possibilities. This is a vastly complex proposition and the Government has got the order wrong. There is no environmental impact assessment happening yet. The Government has to ensure that it is looking at all concerns.

Finally, I repeat the point that no matter how long members opposite think they will be in control of the numbers and able to ram things through for donors, developers and other people they think they owe favours to, the land of this State and nation will remain as something that impacts us all. It affects all of our lives and we all have a very vested interest in it. The short-sightedness of a government that would bring this bill to the table is beyond comprehension for students of history or of First Nations people, colonialism or the environment or anyone who has any type of educated or caring view of the world. Government members should hang their heads in shame. I urge them to oppose the bill.

Ms PRUE CAR (Londonderry) (20:41): I will make a brief contribution to debate on the Water NSW Amendment (Warragamba Dam) Bill 2018. I acknowledge the work of my Opposition colleagues in this place and the other place in consulting with the community and a range of stakeholders on this important and impactful issue. In particular, I acknowledge the member for Kogarah for his work as shadow Minister and for consulting with the communities of Western Sydney who will be most affected by the bill. I also acknowledge the Hon. Penny Sharpe in the other place for making many of the environmental impacts widely known.

My contribution to this important debate will focus on what the community that I am proud to represent in this place is saying to me about this issue. In their contributions many members have talked about the scary potential that this rather greedy Government will use this as an excuse to overdevelop parts of the flood plain. That is close to my heart because my electorate is situated on that flood plain. Sadly, so is the electorate of the Minister who is advocating for this proposal. People in my community are saying to me loud and clear that we cannot cope with the pressure on infrastructure in Western Sydney as it is. They are trying to say that to this Government that does not get it, but they will get their chance to send that message in March next year.

The Minister for Western Sydney is also the member for Penrith, which is next door to the electorate of Londonderry. He should know that local infrastructure is not coping with the population explosion. I will not go through all of the pressures on local roads. The fact is we cannot get the Government to build schools on time, and almost every school in both of our electorates is well over capacity. When the communities of Western Sydney see Government documents saying this may be an excuse to put upwards of 130,000 homes on a flood plain it is no wonder that they are sceptical of the Government suddenly making out that raising the dam wall is the most pressing political issue in New South Wales. I forgive them for being sceptical about that, because they can see it for what it is. This is a greedy Government that is obsessed with development. It will use this as an excuse to overdevelop Western Sydney. There is no way that as the member for Londonderry I cannot oppose that.

It is not just the Opposition that is saying this. When this bill went to the committee in the other place, there was much questioning on this particular issue. The head of the State Emergency Service in our region was asked whether he would be comfortable with 130,000 new residents moving into the Hawkesbury-Nepean Valley. Was Peter Cinque comfortable with that? Everyone will be shocked to hear that of course he was not comfortable with that. We know that we cannot cope even from an emergency services point of view, let alone with the pressure on local infrastructure, the pressure on Nepean Hospital—which this Government and this Minister likes to get up and cry about at every opportunity—the pressure on roads and the pressure on local public schools that are buckling under the pressure of the growth in Western Sydney. We want to see Western Sydney grow, but we want

to see it grow responsibly. Sorry for the parlance, but we sure as hell cannot support a plan that will let 100,000 new people come into a flood plain.

The argument about flood mitigation is fraught in itself. We know that about 45 per cent of the flooding in the Hawkesbury-Nepean Valley is from other river systems and that raising the dam wall is not a cure-all for flood mitigation in the event of that one-in-100 probability maximum flood. We also know that, while this Government likes to talk about how this will be the magic wand for flood mitigation in the Hawkesbury-Nepean Valley, it has had 7½ years to do something about flood evacuation. But what has the Government done about flood mitigation in that time?

Maybe if the Government had not completely screwed up the exhibition of the corridor between Bells Line of Road and Castlereagh Connection, which had had a corridor since 1951, by exhibiting something that would knock down hundreds of thousands of homes and had instead exhibited a corridor that everyone could agree with, a corridor or road that it had a plan to build, then we would be more advanced in talking about flood evacuation. The Government has invested nothing in flood evacuation, and suddenly the community of Western Sydney is supposed to accept that the way to fix this and to make sure that residents will not be drowned in their homes—and I will get to the scare campaign on that in a second—is to raise the Warragamba dam wall, which will have many other environmental impacts.

What the Government is doing to strike fear into the hearts of people in Western Sydney is a disgrace—especially when the Minister and member for Penrith thinks he can go on talkback radio and say that I am putting the lives of my constituents at risk on this issue. That is ridiculous. I like to attack the Government, but I doubt that I would ever accuse the Government of wanting to kill residents. If the Minister wants to be taken seriously, he should use a more nuanced argument. Nobody in Western Sydney is buying it; they know the pressure on infrastructure is killing communities and making life hard for us. Any member in Western Sydney who listens to their community would know that. Put it together with the cost of living and that is what the Berejiklian Government is doing for the people in Western Sydney and on the outskirts who live on this flood plain.

I also note that there was an article in the *Sunday Telegraph* reporting that the Premier had intervened to ensure there were no more high-rises in her electorate of Willoughby. That is a good message to send the people of Western Sydney! Obviously there is one rule for us and one rule for them, and we must shoulder the burden of Sydney's population growth. As I said, we all want to see Sydney grow, but we want to see responsible growth. I cannot support a plan that may be an excuse to put hundreds of thousands more residents on a flood plain just because this Government is greedy. That is the word that people in my electorate use with me. The Government is being greedy so that it can hand its developer mates more goodies in Western Sydney to make money by putting pressure on our local infrastructure. I will not stand for it.

I am proud of the work the Labor Opposition is doing in this space. I am proud of my community for seeing through the Government's rhetoric and its scaremongering about floods, when raising the Warragamba Dam wall will not fix that. The Government has had 7½ years to invest in flood mitigation and flood evacuation. I commend Labor's arguments to the Chamber. We will continue to make these arguments in the community because standing up for the people of Western Sydney is the most sensible thing to do.

Mr ALEX GREENWICH (Sydney) (20:50): I oppose the Water NSW Amendment (Warragamba Dam) Bill 2018. The bill will override existing prohibitions on flooding the Blue Mountains National Park and the Greater Blue Mountains World Heritage Area to facilitate the Warragamba Dam project. The Blue Mountains is a stunning expanse of mountainous ranges and native bush that supports rare flora and fauna right on Sydney's doorstep. The Blue Mountains includes some of the most environmentally protected areas in the country with State, Federal and international significance, including areas of outstanding universal value. It is a region much loved and cherished by people across Sydney, including in my electorate, across the country and across the world.

Raising the Warragamba Dam wall by 14 metres will have environmentally disastrous consequences on this important region. Muddy dam water will inundate 4,700 hectares of national park and 65 kilometres of wilderness streams, drowning 50 different types of threatened plant and animal species. The largest wild population of the nationally threatened Camden White Gum will be wiped out and the tree will be upgraded to critically endangered status. A breeding site for the critically endangered regent honeyeater will be destroyed and the bird will wind up on the brink of extinction. The last wild population of emus in Sydney is at risk. Important rare and unique Aboriginal cultural heritage sites of the Gundungurra people will be destroyed after much was lost when the dam was first built in 1960. I understand Gundungurra people do not feel they have been meaningfully consulted with about this project.

The environmental devastation is unnecessary as there are other ways to improve flood mitigation in the Hawkesbury-Nepean Valley. Raising dam walls is not world's best practice for reducing flood risks. Water experts have presented the Government with a number of more reliable alternatives to reduce flood risks, including flood

levees, diversion structures and lowering the dam's storage level to provide space for floods, but these alternatives have been dismissed. Only half of past major floods have originated from areas above the dam and, of these, they can still be of an intensity that would not be prevented by 14 metres of additional wall height. The only guaranteed way to protect life from flooding in the region is to increase investment in evacuation infrastructure.

The Government has said that we should support this bill because it does not legislate the raising of the dam but merely removes the obstacles that require a lease, licence, easement or right of way for the flooding of the Blue Mountains National Park that will occur only if the project gets planning approval. But the bill removes important environmental protections to facilitate this project within a process that the community has little faith in. Because Water NSW is a government agency, no matter how many objections are made to the environmental impact statement to raise the dam wall, the Independent Planning Commission cannot oversee assessment and determination or hold a public hearing, leaving the application subject to less scrutiny than other development proposals.

Disappointingly, the Federal Government has absolved itself of its environmental assessment responsibilities on World Heritage and national heritage areas, listed migratory bird species and threatened species and communities, delegating them to Water NSW—the proponent, further reducing oversight. More than 1,000 plant and animal species in this State are at risk of extinction, 59 per cent of our animals are listed as threatened and we have lost more than a third of our native vegetation. Little is being done to reverse this disastrous process. Indeed, over the past eight years I have opposed many laws and policies that will see more biodiversity lost, including laws to facilitate land clearing and logging and laws introducing horse riding and grazing in national parks. The creation of new national parks has stalled. Now the raising of the Warragamba Dam wall will destroy some of the most protected areas in the State. I understand the reason for this expensive and environmentally destructive project is to open new land for housing development on the Hawkesbury-Nepean flood plain and this is a disgrace. I cannot support the bill.

Mr DAVID HARRIS (Wyong) (20:54): I speak in debate on the Water NSW Amendment (Warragamba Dam) Bill 2018 in my capacity as shadow Minister for Aboriginal Affairs. I was contacted by young Taylor Clarke and her mother, Kazan Brown, about this issue, along with Harry Burkitt from the Colong Foundation. They raised significant concerns about the impact of additional flooding on significant Aboriginal sites. It is true that when Warragamba Dam was originally built about 80 per cent of Aboriginal sites were destroyed, but they believe raising the wall now will result in the remaining sites being lost.

A major concern is that not enough time and effort have been put into identifying these significant sites. I was alerted to this after Taylor contacted me, and following research and reading a newspaper article, that archaeologist Wayne Brennan had described the effort so far as "quick and nasty" and about 25 days worth of work. General opinion is that 12 months would be required to identify sites that could be impacted, six months of that involving field study. I understand that Lake Burragorang has a foreshore of 354 kilometres and that it would take more than 25 days to study that in detail. The significance of Aboriginal sites is not only about their physical aspects but also the stories that surround them. Those living in the area who are opposed to this proposal quite rightly criticise the Government for trying to rush through this legislation without undertaking the appropriate studies.

Many of those Aboriginal sites are at risk, given their age. Indeed, in many cases they are not properly protected and if they are not given appropriate significance, then those sites and this Aboriginal heritage will be lost forever. I support the stance taken by the New South Wales Labor Opposition. I will not comment on the Government's motivations in creating more development land, but as I come from an area that is heavily under development, I concede that probably is a big part of its motivation. As the shadow Minister for Aboriginal Affairs it would be remiss of me not to raise these issues with the Minister and ask for guarantees that if significant sites are identified and are to be lost permanently, that this project be strongly reconsidered. This is their heritage; the longest, continuous history of our first people—60,000 years. People have described some of the sites. I have not been there personally, although I have met with some who have, and things like kangaroo traps and canoe trees will be lost. It is important for Aboriginal people to keep their connection with the land. In the past we have not given those sites the proper protection and significance that is required. This should influence any decision-making.

Sufficient time should be given to enable those studies to be undertaken properly. As with many projects, bringing in outside consultants, people who have no connection with the land, and asking them to give their opinion is not the right way to do it. The local Aboriginal community should be very much involved, have the opportunity to give their family history and knowledge of the area and ensure that the studies are properly done. I remember that 20,000 artefacts were found at the site of the light rail terminal near the Randwick Racecourse. The elders were not consulted and outside consultants were engaged. They took their money, wrote the requisite report and unfortunately many of the artefacts were lost.

This is another project that will have a significant impact on a World Heritage area where the history of the Aboriginal community must be protected. As demonstrated throughout history, we must not just bulldoze over the top, pretending artefacts are not there. I have seen this happen. I was the principal of Kariong Public School. There are significant Aboriginal carvings across the whole area. I was horrified to hear that underneath the concrete of the school playground many of the rock carvings had been hidden forever. Only one artefact had been left—ironically or maybe sarcastically—in the shape of Australia; the rest were totally wiped out. We have a strong responsibility not to do that but to respect the oldest continuous culture in the world. We have a responsibility to ensure that appropriate studies are undertaken and if the impact is deemed to be great for those artefacts and sacred sites, then we should reconsider the whole project.

Mr STEPHEN KAMPER (Rockdale) (21:01): I speak against the Water NSW Amendment (Warragamba Dam) Bill 2018 and urge the House to join the New South Wales Labor Opposition in voting down this awful bill. The bill will allow the wholesale destruction of thousands of hectares of World Heritage-listed wilderness and 65 kilometres of river systems, and for what? To ram through an overdevelopment proposal that would make Donald Trump blush. While the Government would like us to believe that this $1 billion project is about flood mitigation, we all know that this is really about doubling the population in the Hawkesbury-Nepean flood plain to more than 250,000 people over the next 30 years.

In January 2017 Infrastructure NSW identified the Government's plans to change the Hawkesbury-Nepean from a semirural landscape to an urbanised flood plain. Only a government as foolish, short-sighted and beholden to special interests as this one could read the words "urbanised flood plain" without doing a double-take. It does not take an expert in urban planning to realise that concentrating development on a flood plain lies somewhere between incompetent and reckless, or maybe even criminal. I just cannot understand what idiocy or malice underpins the idea that if thousands of people are already at risk of a significant flood, one would engineer a situation where hundreds of thousands more people would be placed at a catastrophic risk of flooding in the future. One can tell this Government is on its last legs because its solution to a problem is to create more problems and hope that it can limp over the line for another election before anybody realises what is going on. The Minister is running around like an anxious real estate agent trying to rush through this legislation.

In other developed countries it is accepted practice that building on flood plains is ridiculous. In the United States the common standard is not to build on a one-in-500-year flood plain, in the Netherlands it is one-in-1,250 years. Now the Liberals and The Nationals want to allow thousands and thousands more homes to be built on a one-in-100-year flood plain. The Donald Trump worshippers opposite should take note that even under their hero's leadership, standards are significantly higher than what this Government wants to force down our throats in the Hawkesbury-Nepean. They should take a lesson from the real estate mogul—this is just a bad deal. Those opposite used to know it was a bad deal.

For 7½ years while this Government has been in power it has done nothing on this issue—no flood mitigation plans, no evacuation measures. Sadly, it has come as no surprise that as soon as Mike Baird jumped ship and the lobbyists took over in January last year that these sort of half-baked proposals for poorly planned development opportunities would start picking up steam. It is well known that the member for Penrith is the most ardent supporter of development in the flood plain. We also know how excited he is about dumping thousands more unsuspecting residents into dangerous locations to suit the agenda of developers and special interest groups. I have seen the video and he was excited. One has to ask what sort of Minister with any credibility would appear in a video spruiking questionable housing developments in a highly flood-prone area that will be affected by legislation such as this? It should be remembered that this is the same Minister who is overseeing the stadium fiasco and the WestConnex. But, unfortunately, this is just business as usual.

Perhaps the member for Penrith has given up on retaining his electorate and is preparing for his future career. Recently there have been issues with the National Rugby League and racing is looking a bit too hot right now. Perhaps a job in real estate is starting to look good. However, this sort of frantic behaviour is likely to hurt the member for Penrith's future business prospects. I would advise him to seek some mentoring from a seasoned real estate agent like Minister Williams, who would be able to tell him to keep a cool head, particularly when he is on shaky ground. The scale of the cost of this project to the public is simply outrageous. While those opposite say it will cost $1 billion now, everybody knows this mob could not deliver a pizza on time or on budget. Perhaps the only saving grace for those the Government wants to place in harm's way as a result of this project is that by the time they are done with blowouts and delays they will be building a $20 billion dam wall that will not be completed until 2050.

Our schools and hospitals are desperately in need of upgrades and our transport system is plagued by constant delays and mismanagement, yet the Government wants to prioritise the destruction of the environment in support of its friends in the development and lobbyist sectors. The property sector is slowing down and the Government is suddenly becoming big on socialist State takeovers of business through the GO NSW Equity Fund,

but signing over $1 billion to underwrite the balance sheets of developers is totally unacceptable. Perhaps the most pathetic thing about this whole proposal is that despite its huge expense, and the scale of environmental vandalism that will take place, it will not even address the problem it is supposedly meant to fix. Water NSW and the Minister for Regional Water have admitted that raising the dam wall by 14 metres will not eliminate the risk of flooding and that half the risk is not caused by the Warragamba Dam system. Furthermore, when flooding does occur, and we know it will—

Mr Thomas George: What would you know about flooding?

Mr STEPHEN KAMPER: Not as much as you living in Lismore. The effects will be prolonged and residents will be stranded for weeks rather than days. Infrastructure NSW has acknowledged that as things stand there is no capacity to evacuate the residents who already live on the flood plain. I do not know what sort of madness would push this Government to respond to those concerns by building thousands more homes in a flood-prone area, but it is clear that those opposite are not fit to continue governing this State. If there was any doubt as to the motivations to rush this bill through, one only has to consider that the Government has been unwilling to wait for an environmental impact statement before introducing this legislation.

The people of New South Wales have a right to know just how much damage will be caused by this Government and its pro-lobbyist, pro-developer activities before those opposite destroy our shared World Heritage and put thousands upon thousands of new homes at risk. The fact that the Liberals and The Nationals would deny the citizens of our State even that short delay says everything about their character. At the very least, the Premier needs to guarantee that none of the major landholders whose development interests would be affected by the raising of the dam wall have made major donations to the Liberal Party, either at a State or Federal level. I encourage all members to oppose the bill.

Mr RON HOENIG (Heffron) (21:09): I contribute to debate on the Water NSW Amendment (Warragamba Dam) Bill 2018. I was not intending to make a contribution to this debate until I read the analysis of the member for Kogarah and listened intently to his contribution on the bill. The matters he has raised are of considerable substance. Under the current legislation the Minister for the Environment is prevented from granting any lease or easement on national park land that would enable the impoundment of water. Why was it that this Parliament and those in government previous to us ensured that the Minister for the Environment was prevented from granting any such lease? Why is it that the Government requires legislation in order to set aside an existing Act that has served the ecological interests of the Blue Mountains National Park so well? Was it that our forefathers really did not know what they were talking about or is there some other motive?

I suppose some could assert that with the increased population of Sydney there is necessarily a demand to increase the storage of water by raising the wall of the Warragamba Dam by 14 metres. However, if one looks at the storage capacity of Warragamba Dam over the past 10 years, for example, other than at a time of drought there has been no shortage of capacity. Even during the current drought the figure exceeds 65 per cent. I am concerned that there has been no proper analysis by the Government, no public analysis and no environmental impact statement. When Ministers in a conservative government bulldoze legislation like this through the House I always worry that they are being driven by increased development rather than by Sydney's water storage. A 14 metre height increase to the wall of the Warragamba Dam will result in a major increase in the size and scale of the Hawkesbury-Nepean development—$700 million to $1 billion, which is equivalent to $270 per Sydney household.

My attention has been drawn to a January 2017 Infrastructure NSW report entitled "Resilient Valley, Resilient Communities". The report says that the Hawkesbury-Nepean Valley is changing from a semirural landscape to an urbanised flood plain and includes part of the Greater Sydney's rapidly growing North West Growth Area. Up to 134,000 people live and work on the flood plain and could require evacuation. That number is forecast to double over a 30-year period. The Government's planning controls for this area allow for large-scale development based upon a one-in-100-year flood level. If that sounds acceptable, it should be compared to Donald Trump's United States of America where a one-in-500-year threshold is required, or the Netherlands where a one-in-1,250-year threshold is required. The most frightening part of, and risk with, the Government proposal is that its own reports have said that there are increasing population densities in an area that is subject to one-in-100-year flood levels and a massive, chronic shortage of infrastructure that will not allow evacuation in the event of flooding. The "Resilient Valley, Resilient Communities" January 2017 Infrastructure NSW report states:

> Currently there is not enough road capacity to safely evacuate the whole population on time, with multiple communities relying on common, constrained and congested road links as their means of evacuation.

How dare this Government override its existing legislation and protections that the Minister for the Environment not be permitted to grant a lease or licence on this area but subject 250,000 or 260,000 people to a flood risk of a standard well below comparable countries and, in the event of a catastrophe, not have the road system or

infrastructure for the evacuation of people, according to the Government's own analysis by Infrastructure NSW? Normally governments introduce legislation, even planning legislation, and make planning decisions, even if they are red-hot—over a long period of time this Government and plenty of its predecessors has made a lot of red-hot planning decisions—but they never create a situation where the public is at risk as a result of those planning decisions. That is a government's fundamental responsibility.

I may have missed it in the Minister's articulate second reading speech, but I do not know what personal responsibility the Minister, the member for Penrith, will take in the event of a catastrophe when he is responsible for enacting legislation and when Infrastructure NSW has advised him that it does not have the infrastructure to evacuate and protect people. It may well be that it will take so long to build the wall that when there is a catastrophic flood and the government cannot evacuate people, the member for Penrith may well and truly have retired into the ether. But the reality of the situation is that he accepts personal responsibility if the bill is enacted and there is a tragedy. It goes without saying that the impact on the proposed Blue Mountains National Park is severe. A total of 65 kilometres of World Heritage-listed wilderness and rivers will be submerged under the equivalent of two Sydney Harbours, I am told. There has been no environmental impact statement into the impact of flooding on the park. As much as I have criticised the veracity of environmental impact statements for decades, at least they are publicly available reports that people can examine.

Members should consider the disregard that this Government has to the available alternatives; this is not the only alternative. The Carr government examined a variety of alternatives. There are options to reduce the maximum allowable limit in the Warragamba Dam and to supplement the loss of water using the desalination plant. This is similar to the proposal pursued in Brisbane in the Wivenhoe Dam following the catastrophic flooding in 2010. There are other options. There is no excuse for the Minister to introduce legislation for development purposes that will place the public at risk. I urge the House not to do what it normally does and rubberstamp everything that comes from the Executive government.

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (21:19): In reply: On behalf of Mr Paul Toole: I thank the member for Kogarah, the member for Riverstone, the member for Granville, the member for Castle Hill, the member for Blue Mountains, the member for Mulgoa, the member for Balmain, the member for Maitland, the member for Londonderry, the member for Sydney, the member for Wyong, the member for Rockdale and the member for Heffron for their contributions to this debate. The Water NSW Amendment (Warragamba Dam) Bill is designed to address the prohibition on the Minister for national parks and wildlife consenting to the operation of a raised Warragamba Dam wall for flood mitigation. The bill does not affect or pre-empt the planning approvals required for the proposal to raise the Warragamba Dam wall to effectively mitigate the significant risks that currently exist to the community in the Hawkesbury-Nepean Valley and the impact of a major flood on the community. The exhibition of an environmental impact statement is proposed to take place next year and will be an opportunity to understand and address social, cultural and environmental concerns.

I address a number of points that members have raised tonight. I find it apt to look at the members who have spoken in the debate. The member for Riverstone, the member for Castle Hill, the member for Mulgoa, and me—the member for Penrith—have spoken in favour of the bill. The member for Kogarah, the member for Granville, the member for Blue Mountains, the member for Balmain, the member for Maitland, the member for Sydney, the member for Wyong, the member for Rockdale and the member for Heffron have spoken against it. It is not lost on me that all of those members who have supported the bill live in the community that is impacted by it and all members who have spoken against it, with the exception of the member for Londonderry, live nowhere near the areas that would be impacted by a flood. That says something very clearly about the intent of the members representing these communities and the need for them to make sure that they protect their communities from flood risk. It says a lot about the member for Londonderry. She clearly recognises the flood risk but chooses to deliberately avoid this as a mitigation option.

I address a number of things that members have raised, including a couple of the points that the shadow Minister responsible for this legislation on the other side of the House asked about. The first point was: What has the Government done to reduce flood risk since coming to power? The Government has continually repealed the development opportunities that were created by laws under the former government. No better example of that was the State Environmental Planning Policies for the growth centres in north-west Sydney, which was specifically raised by the member for Kogarah as the location that would be impacted.

The development consent and controls that allow development in that area were put in by the Australian Labor Party. Since we have formed government we have been implementing a clawback of those laws to ensure that those communities have planning controls that reflect the flood risk. We have been doing this since we started to review the Hawkesbury-Nepean flood risk areas in 2012 and 2013. The implementation of the Hawkesbury-Nepean flood strategy is a direct response to that. It is almost mind-boggling hypocrisy by members

opposite who argue that the bill somehow seeks to increase development when they are the very people who first approved this development that we are now trying to protect.

One other point that the member for Kogarah asked about was the specific impact of floodwater held by the dam and its release into the community. One of the key reasons why we want to hold more water behind the dam is to achieve the bathtub effect. That means more water is held in the valley. In my second reaching speech I said there are multiple entry points but only one exit, which is through the Sackville Gorge. If you do not hold more water in the dam you do not give enough time for that water to release. As you release it from behind the dam wall, over a period of time you can ensure that the only areas impacted by the release are the lower lying areas where there is no development or less development.

That will reduce risk to people who live on the flood plain. There are parts of the flood plain that will take longer for the water to dissipate but they are in the areas where no people live or fewer people live. It is prioritising flooding those areas as against locations where people actually live. That was a direct question by the member for Kogarah. One of the mitigations proposed by the Opposition has been to reduce the dam storage by 12 metres. This would reduce the Sydney drinking water supply by 40 per cent or 795 billion litres of water. Just contemplate that in a drought—as we are now. To maintain Sydney's drinking water supply at that level we would have to construct two desalination plants in addition to the one already built and they would have to operate at 100 per cent capacity.

The costing independently assessed by the University of Technology Sydney is in the order of $7 billion. The cost proposition of raising the dam wall is $1 billion. The Opposition rattled off the number of $290 per household. It would be seven times that based on Labor's proposal. The cost to people in Sydney would be seven times what is proposed by the Government. That is a mind-boggling concept when you are trying to make cost part of the argument. Another suggestion is that this is a dressed-up development bill. There is not one line in the bill that changes the development consent for the flood plain. There is no proposal to lower the appropriate development flood level below one in 100.

TEMPORARY SPEAKER (Mr Adam Crouch): I am trying to listen to the Minister. If the members for Rockdale and Kogarah wish to converse they should remove themselves from the Chamber.

Mr STUART AYRES: We continue to say that the purpose of doing this is to mitigate risk for those presently living on the flood plain. I have heard the idea to raise development consents to one in 500 or one in 1,200. Multiple members opposite have mentioned those figures, but there is no proposal to do so. I think they have an understanding of how disastrous it would be to all of Western Sydney if that proposal was brought forward. I will explain to those members who have spoken to the bill, but who do not live in the area, that the entire area west of the M7 is not blanketed in water like some flat level that rolls out. What those members do not understand is that the topography of this part of Sydney allows for areas that are below one in 100 and those that are above one in 100. Some would be above one in 200, 300, 400, 500 or one in a thousand.

Those people who live in areas that would be impacted by floods are protected. Those people who live in areas that may not be inundated by flood but impact the ability to evacuate for those who are is the primary focus. There is a consistent theme from the Opposition that there is a proposal to have 130,000 people or homes. That number is bounced around and changed from speaker to speaker as to whether it is homes or people. There is no proposal to raise the number of homes by 130,000. There is no proposal to increase the population and the development to facilitate 130,000 people. What any decent planner would do is forecast the population growth. It is natural population growth. You would account for that. You would create planning controls around where people should live, the impact of floods and the roads required. You would do that as a normal planning practice and that is what the Government has done.

They cling on to that number in an organised and overtly political manner like a mad person to politicise this bill and extract political benefit, and say that the Government will pour 130,000 people into this area. We have a plan for the growth that will take place in this community. We do not have to facilitate it, we have to plan for it. The idea of creating areas below one in 100 to be developed is simply false and should be rejected at every opportunity. Any person who suggests that it is otherwise is lying to the public. Another area that was raised during the course of debate was the specific location of Penrith Lakes in my electorate. They spoke of 5,000 or 4,900 homes. This is important and a good example of the things we have done since we formed Government.

A decent human being and former Labor Deputy Premier Ron Mulock, AO, KCSG, recognised that the Penrith Lakes could not stay as a gravel pit or a sand mine. He came up with the concept of re-utilising the lakes and creating urban developable land around them. It was a sound concept. A deed was signed in 1987 based on the things we knew in 1987. Over time we have learnt a lot about how the flood plain works, including from the work done since 2013. The Penrith Lakes Development Corporation may want to build 4,900, 1,800 or 800 homes—I do not care. In January 2017 this Government introduced a State Environmental Planning Policy

that allowed for the development of waterways, parklands, environmental areas, tourist accommodation, and employment zones. They are all things that can to be utilised in urban developable areas. However, on the Penrith Lakes the number of residential dwellings is restricted to 30.

Those opposite walk around espousing an argument that the Government wants to put 4,900 homes on the Penrith Lakes when the only time that was possible was under Labor's planning laws. The only reason that is not possible now is that we changed the planning priorities for that precinct. We created a State Environmental Planning Policy that reduced the residential numbers to 30. I would love to see people work there, play there and explore tourist opportunities. They are all uses of urban developable land. Labor has thrown around a video of me speaking about urban developable land. It happened to skip over the fact that there is tourist accommodation and employment areas, and went straight to the 4,900 homes. That was only permissible under Labor's planning laws. Another question asked time and time again is why the bill is being introduced now. That question is an attempt to turn this into a development discussion. The bill has nothing to do with development. It is about managing water behind the dam.

The Government has been clear. After years of research into how the most complicated flood plain in Australia functions, after assessing all of the options—increasing road capacity, reducing the amount of water in the dam, providing flood evacuation routes, improving awareness, providing community education and building resilience into communities—and developing a multilayered plan, the one infrastructure option that delivers the best result on flood mitigation is to raise the dam wall.

To do that, the Government has to conduct an environmental impact statement. It has to use the information in that environmental impact statement to develop a business case. It also needs to seek planning approvals. Only after doing those things would the Government be in a position to make an investment decision. The order is important: environmental impact statement, business case, planning approvals, investment decision. But to carry out an environmental impact statement that actually talks about the environmental impact, it is critical that the Government be honest with the public about those environmental impacts. There is no point in having an environmental impact statement if the Government is not honest with the public.

I do not sugar-coat the fact that in the event of a flood during which we had to utilise the 14 metres of wall space, it would hold more water behind the dam and that would impact on the area behind the dam. It would impact on that environment. I have listened to member after member talk about those environmental impacts on trees, Indigenous locations and animals at risk. Those issues are real and I do not underestimate how important they are. But if the water is not behind the dam wall, it is in front of it—where there are communities. We have to make a decision about where we want that water to be. Do we want it to be in people's homes? Do we want it to be in businesses? Do we want it to be in the streets of Penrith and Windsor and Richmond? Or do we want it to be behind the dam wall for a longer period so that people can evacuate?

Let us not underestimate the impact on the Aboriginal community. We have a dam that holds Sydney's drinking water supply behind it. To have that drinking water supply, we had to create a lasting impact on Aboriginal cultural sites. We will have to do that again for the areas that were not impacted when we first developed the dam. We should not do that lightly. We should take that decision very seriously. But when we are talking about hundreds of thousands of real people's lives and billions of dollars, we must be real about how we evaluate the balance on both sides of that discussion. It is important to know that, unlike the existing dam walls, water would be above the level that the lake can hold only in the event of a flood. There would be no impact on landscapes, trees and cultural sites unless we were protecting people in front of the dam.

The member for Kogarah made a point about me being in the Chamber, talking about a one-in-1,000-year event. He was a little bit vague about it so I will remind him of what I said. If we do not raise the dam wall and a significant flood event occurs that compromises the integrity of the dam wall, we have a very serious problem. To try to prevent that occurrence, a past government chose to build a spillway. The spillway automatically activates to stop the dam wall from breaking, to stop the water from overflowing the dam and protect the integrity of the dam wall. In this event, we take a one-in-1,000-year flood event or something near it—give or take a little bit—to protect against a one-in-2,000-year flood event.

If the Opposition's proposal is to leave everyone in Western Sydney with a choice between a one-in-1,000-year flood event or a one-in-2,000-year flood event, that is no choice at all. The financial, cultural and social cost is catastrophic. There is no price that we can put on the people who would lose their lives in such an event. We have an obligation and responsibility to make difficult decisions in which we weigh the balance of the issues on both sides. This bill allows us to do that.

For many people, this has been a very long journey. There is more to come: the environmental impact statement, the engagement with environmental and Aboriginal communities, the development of the business case, the required planning approvals, and then the actual construction. The people of Western Sydney need to

know that the Government prioritises their lives, businesses, properties and communities. We know clearly what is the best way to do that. Anything other than that would be abrogating the most basic responsibilities that lie with every member in this place. I commend the bill to the House.

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

The House divided.

Ayes 46
Noes 29
Majority.....17

AYES

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

NOES

Aitchison, Ms J	Atalla, Mr E	Barr, Mr C
Car, Ms P	Catley, Ms Y	Chanthivong, Mr A
Crakanthorp, Mr T	Daley, Mr M	Doyle, Ms T
Finn, Ms J	Greenwich, Mr A	Harris, Mr D
Harrison, Ms J	Hoenig, Mr R	Hornery, Ms S
Kamper, Mr S	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	Mehan, Mr D
Minns, Mr C	Parker, Mr J	Piper, Mr G
Scully, Mr P	Tesch, Ms L	Warren, Mr G
Watson, Ms A (teller)	Zangari, Mr G	

PAIRS

Barilaro, Mr J	Bali, Mr S
Berejiklian, Ms G	Cotsis, Ms S
Brookes, Mr G	Foley, Mr L
Grant, Mr T	Haylen, Ms J
Perrottet, Mr D	Washington, Ms K

Motion agreed to.

Third Reading

Mr STUART AYRES: On behalf of Mr Paul Toole: I move:

That this bill be now read a third time**.**

Motion agreed to.

NATIONAL PARK ESTATE (RESERVATIONS) BILL 2018

RESIDENTIAL TENANCIES AMENDMENT (REVIEW) BILL 2018

Returned

TEMPORARY SPEAKER (Mr Adam Crouch): I report receipt of messages from the Legislative Council returning the abovementioned bills without amendment.

Matter of Public Importance

INVICTUS GAMES 2018

Mr JAMES GRIFFIN (Manly) (21:49): I speak on a matter of public importance to both my electorate of Manly and across this great State, the Invictus Games, which begins this Saturday 20 October and runs until Saturday 27 October. Over the past few months, most members in this place would have heard me promote the Invictus Games, which is an international sporting event for wounded, injured and ill service men and women, both active duty and veterans. The Games uses the healing power of sport to inspire recovery, support rehabilitation, and generate a wider understanding and respect for those who serve their country.

This is the fourth Invictus Games. The inaugural event took place in London in September 2014 and attracted more than 400 competitors from 13 countries around the world. "Invictus" is the Latin word for unconquered, and it is an appropriate way to describe the incredible men and women and their families whom we will welcome to Sydney over the coming days. Members in this place would be right in thinking the Invictus Games is something easy and worthwhile to get behind. That is true. It is a wonderful story, a wonderful initiative and something we can all be proud of. I have thoroughly enjoyed working alongside a broad mix of people in my community to support and promote the Invictus Games.

Certainly, I have no doubt that Manly has been a wonderful example of how the rest of New South Wales has enthusiastically embraced the Games, and if that is the case then the legacy of the Games will be well understood and lasting. Over the course of nearly a year, it has been a real pleasure to support the Games in Manly. In March we held a mental health panel at the Manly Life Saving Club. The panel consisted of four speakers who focused on explaining the power of sport and social connection to help not only service men and women overcome the physical and mental challenges but also provide tools for everyday people.

It was wonderful to see people from across our community join together to hear such an important message and for many it was the first time they appreciated the Games were more than a well organised sporting event. The evening brought together members of local RSL sub-branches, Rotary Clubs, Lions Clubs, surf life saving clubs, charities and high school students. I am grateful to Adrian Talbot, a former Invictus athlete and Afghanistan veteran; Garth Callendar, an Iraq and Afghanistan veteran and author; Ben Webb, an Afghanistan veteran and manager of the Northern Beaches Veterans; as well as senior army psychologist Jacqueline Costello for giving up their time on the night.

The key takeaway message from the panel discussion was that sport and physical activity, even something as simple as a walk with a friend, have a powerful role in healing and bringing us together. In August, together with the Minister for Veterans Affairs, the Hon. David Elliott, we participated in the Invictus Games Walk and Talk along Manly beach. The Invictus Walk and Talk was designed to encourage people to get outside, and walk and talk with a friend, colleague or stranger. The 2.6 kilometre route stretched along Manly beachfront from Shelly Beach to Queenscliff, and was marked out by a series of dots and conversation starters for participants.

We also had a great time hosting an exhibition match at Brookvale Oval, with nearly 1,000 locals turning out to watch the Manly Marlins take on the Royal Australian Navy Rugby Union team. While the Marlins won the match, it was another successful day in support of the Games and brought the message of the Games to a new audience. It was also my privilege to host a breakfast at Parliament House alongside the team from the Invictus Games to help other members in this place, irrespective of their political party or leaning, to understand how the Games could be embraced in their community.

I will finish with the words of William Ernest Henley's poem Invictus. For generations people have drawn on this poem for strength during times of adversity. Henley was himself an amputee and the poem reflects his long battle with illness. The title means "unconquered "as in the Invictus Games and the 16 short lines of the poem encapsulate the human spirit, which is at the heart of the Invictus Games. The line "I am the master of my fate, I am the captain of my soul" has become a rallying cry for the wounded, injured and ill who are using the healing power of sport, veteran or not, to recover, rehabilitate and overcome all challenges.

Ms LIESL TESCH (Gosford) (21:53): Woohoo! It is an honour to have any conversation about the Invictus Games, especially here in the people's Parliament just up the road from where this Sunday we will see

athletes from 18 nations compete in sailing and cycling just down the hill at the Opera House and Mrs Macquarie's Chair for free, followed by competition in 10 other sports. Welcome, welcome, welcome to Sydney, to New South Wales and to Australia. We in the New South Wales Parliament could not be prouder to have them here. We welcome them, their families and their fans. We welcome the whole journey that is the magnificent Invictus Games to splendid Sydney.

What a journey it has been so far. At the fantastic launch in Sydney last year we saw returned service personnel—or should I say athletes—from all over Australia come to show off Invictus sports. The Invictus sailing was launched for the first time at Farm Cove thanks to the Royal Prince Alfred Yacht Club. We applauded our Aussie Invictus athletes in London, Orlando and Toronto. We are thrilled that Sydney is to become part of the legacy and we will have the opportunity to cheer for them on home turf. We have come such a long way since the Sydney 2000 Paralympic Games, including opening access to all on the Sydney Harbour Bridge, thanks to Minister Pavey. It is all ready for the guys who are hitting town. I am confident that Sydney is going to come out in full support.

I understand how important sport can be as part of rehabilitation. After a bike crash, wheelchair basketball gave me the thrill of possibility, adrenaline, competition, motivation, goal setting, inclusion and, most of all, being a part of a team. I had the honour of helping with the transition between wheelchair rugby and basketball at the launch in Sydney and have watched the guys train and play. They are tough competitors, and I know I cannot wait for them to compete. In schools across the Central Coast I have had the privilege of working with returned veterans to promote the Invictus Games. I thank James Irwin, James Edwards and Matt Page for volunteering their time to speak with young people and share their personal stories. I thank them for serving our nation and for the dignified education they provided to the students and to me at our local promotions. They made it very clear that the Invictus Games is not just about physical disability. They provided a clear voice about the reality of the impact of post-traumatic stress disorder and the challenges of returning to normal life after serving our nation in war or in peace.

I have amazing gratitude for all of them—especially our local Invictus hero from the Terrigal electorate, Luke Hill. When I called Luke to invite him to be involved he spoke humbly about himself and his training. He quietly said to me, "Liesl, you know I am able bodied." I said, "Absolutely," knowing full well that the legacy of Invictus is very important. Along with his gruelling training commitments for the games, Luke has spent the past month visiting schools with other young veterans. Speaking to all 25 students at Peats Ridge Public School, student leaders from Kariong Mountains High School and 200 eager years five and six students at Umina Beach Public School were all great opportunities to promote the 2018 Invictus Games and raise awareness about sport for all.

Luke shared his stories of training, being a paratrooper in East Timor and the post-traumatic stress he suffered when he returned home. In the Mental Health Month of October I am sure Luke will not mind me sharing with the Parliament the time he took to realise he needed help and sought it. He now lives in a cocoon of support, led carefully by his wife and three lovely kids. Luke has swum the English Channel to raise money for cancer— more than 11 hours in the water against the tide from England to France—and continues to coach swimming, including coaching his sister, who is about to set off on another long distance cold water swim. Students were mesmerised. Now young kids and families from across the coast will be travelling to Sydney to cheer Luke on as he competes in the swimming heats and—fingers and toes crossed—in the finals next Tuesday and Wednesday.

It was a great day in Gosford last Monday when Luke was joined by Invictus athlete from Toronto and games ambassador Adrian Talbot at our farewell and good luck morning tea at Gosford RSL. The event was attended by more than 100 people including students, veterans, staff and even members of the Women's Auxiliary who made some of the quilts and laundry bags for our Invictus Games athletes. These games are not about gold, silver and bronze; they are about the journey the athletes have travelled to be there. I want them to know that Sydney and New South Wales will be right beside them cheering them on. The Invictus Games is far above politics. Go, Luke and go, Invictus!

Ms MELANIE GIBBONS (Holsworthy) (21:58): I am pleased to make a contribution to this discussion of the Invictus Games as a matter of public importance. I thank the member for Manly for bringing this to the House. I also thank him for inspiring us all to get involved with the Invictus Games by hosting a breakfast in this place to help build excitement and let us know how we could encourage our communities to join in. It is because of him that I have the Invictus Games flag flying in the window of my office to show our pride for our returned services personnel.

The Holsworthy electorate is fortunate to have a strong connection with the defence forces and with veterans through the Holsworthy Army Barracks. In fact, close to 10 per cent of Holsworthy High School students have a family member who is serving or who has served in the forces. It is wonderful that local students and others

across the State will learn about the importance of resilience, service and inclusion as part of an initiative program that is helping to share the spirit of the Invictus Games known as the Invictus Games Sydney 2018 Education Project. It will not only allow students from our public schools to be involved in the games but also give teachers an opportunity to offer a unique learning experience as the State commemorates the Centenary of Anzac.

The initiative will promote the New South Wales syllabus outcomes and complement the curriculum in various areas of study including Personal Development, Health and Physical Education, English and history. It will include a new history resource aimed at deepening student appreciation of Australia's military service. Students from years five to 12 will explore and define military service, what it means and why people chose to serve their country. They will also look at what it is like to live with a disability. A new history resource will be launched as part of the project to give students a new appreciation and understanding of Australia's military service and veterans' health.

I am happy that the New South Wales Government is providing some of our local students with the opportunity to cheer on Invictus athletes this month. I know that Holsworthy High School students have been particularly inspired by Commando Damien Thomlinson, who was recently on *Survivor* and who spoke at the school. I am happy that those students have tickets to the games. I am also thrilled that students from Lucas Heights Community School, Hammondville Public School and Wattle Grove Public School in my electorate, as well as from James Busby High School and Miller Public School, just outside my electorate, have tickets. I believe the students will have an amazing time at the event. I am thrilled that we were able to secure tickets for the students at all schools in the Holsworthy electorate that applied for them.

I congratulate Liverpool City Archers on its efforts in supporting the Invictus Games. The Moorebank-based group is donating its time and equipment for the archery competition section of the games. Already it has built wooden frames and filled more than 100 sandbags to support them. They have also purchased new equipment including bows and arrows for use during the competition. I know that Jim Larven and all members of the club always go above and beyond for our sporting community. Supporting such a worthwhile and important event is another example of their efforts. I thank all members for supporting the Invictus Games. I cannot wait to cheer the athletes on.

Mr JAMES GRIFFIN (Manly) (22:01): In reply: I thank the member for Gosford and the member for Holsworthy for taking part in this discussion on the matter of public importance. I thank the member for Gosford for acknowledging the fine announcement by the Minister for Roads about the access upgrade to the Sydney Harbour Bridge in time for the games. I also thank the member for Gosford for her personal insights as a phenomenally successful wheelchair athlete. Wheelchair sports are a huge component of the Invictus Games.

I was very interested to hear about the pride of the member for Holsworthy in flying the Invictus Games flag in her office window. She said 10 per cent of local schoolkids in her electorate are army brats. I did not go to school in Holsworthy but I was certainly an army brat for many years. I particularly thank the Parliamentary Secretary for Veterans Affairs Mark Taylor, who is in the Chamber, for all of his work on the Invictus Games and in veterans affairs generally. Whether it is through the Invictus Games or the Veterans Employment Program, our Minister and the Government are very proud to support our veterans. We are incredibly excited for the Invictus Games that begin on Saturday.

TEMPORARY SPEAKER (Mr Adam Crouch): I congratulate the member for Manly on bringing this matter of public importance to the House. I also wish Luke Hill the best of luck in the swimming. He is one outstanding veteran among many who will be competing next week.

Private Members' Statements

HOLOCAUST REMEMBRANCE

Mr RON HOENIG (Heffron) (22:03): In my inaugural speech on 12 September 2012 I disclosed the following publicly for the first time: My mother was a Holocaust survivor. The Holocaust was never spoken about in our home, as was the case with many survivors. It was not until after her death—when I saw the video of her Shoah interview and did a search online of the Yad Vashem Holocaust museum in Jerusalem—that I gained some insight into her life. On 30 June 1942, at the age of 16, she was deported along with her mother, Ida, and father, Rudolph, by the most primitive and soul-destroying transport, a cattle wagon. It was train DA 404 to Theresienstadt, then to Rassika, Estonia, where her parents were, as she described, "shot naked into a trench" with thousands of others.

> My mother survived because she was a strong, young girl who was fit to work. When liberated from the concentration camp she discovered two generations of her extended family had been exterminated.

I had no other information of her history until I recently uncovered a letter dated 1957 by Anna Kraus, an Israeli who had been in a number of concentration camps with my mother. I uncovered an address of my mother's family

home, an address where she lived after the Nazis forced her out of that home and the general area in Estonia where the mass grave of Jews containing my grandparents was located. In July this year I headed to the Czech Republic and Estonia to follow the movements of my mother and my grandparents. I found my mother's family home at 1 K.H. Mächy in Šumperk. I found the apartment building where my mother and her family were required to live after they were detained by the Nazis. I found where my mother lived after she was liberated from Bergen-Belsen concentration camp, where she lived where she met my father and where they lived until the communist takeover of Czechoslovakia.

I headed to Tallinn, Estonia, with little idea of the location of the mass graves. All I knew was that it was in sand dunes in the middle of a forest 40 kilometres from Tallinn. The Jewish museum in Tallinn could not help me. I could only get a general location from an old man at the synagogue. My wife and I drove 40 kilometres east of Tallinn and found the sand dunes in the forest at the end of a track and two small unkempt memorials at the location where the Jews were required to undress. As I walked into the sand dunes in the middle of the forest, there was nothing to mark that I was standing on the mass graves of 3,500 Jews. It is the location that my mother's parents were removed to on 5 September 1942. It is the location where 1,003 Jews were taken from Raasiku railway station and where my mother arrived with her parents. She was removed with 200 others and taken to Jägala concentration camp.

I stood in awe in the middle of those sand dunes, knowing that thousands of Jewish souls were beneath my feet, as I read some ancient Jewish prayers and laid candles in memory of the dead. The sand dunes are located in the forest in the middle of nowhere. There are no people. There is no sign. There is nothing but silence. In those sand dunes, thousands of Jews were taken a short distance from Raasiku railway station, undressed, and then men, women and children were placed in trenches and shot naked into those trenches. The next lot of Jews were also required to lay naked on top of those dead Jews as they were shot naked into those trenches.

It was a very emotional experience to stand at that location. It was a very emotional time for me to go to Raasiku railway station where I found in the Jewish Museum a photograph of a water tower together with the Jews that were being removed from the train and sent to their execution. The water tower that was in place on 5 September 1942 was still in place in 2018. It really is a reminder to all of humanity of the horror that was occasioned to people. As I moved through synagogues in central Europe, I found that there were virtually no Jews left; six million of them were exterminated. It is a horror that the world should never forget.

TRESILLIAN SERVICES 100TH ANNIVERSARY

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (22:08): I acknowledge the incredibly privileged position members hold in that I can follow a speech like that of the member for Heffron—a speech that touched everyone in this Chamber in such an incredible way—and that we can reflect on his family's history, his family's pain, the pain of his religion and the pain of humanity. I also acknowledge that this week I have had the enormous privilege in my electorate of Oxley of achieving great outcomes to provide better services for families in my community. It is an historic occasion.

Tresillian has been in Australia for 100 years. This year, we celebrate the 100th anniversary of Tresillian helping mothers be better mothers, helping families be better families, and helping families cope with the arrival of new children. For 100 years Tresillian has provided an incredible support mechanism to families through travelling to Sydney so that they can teach families how to cope with the arrival of a new baby that may be unsettled or be sleeping. Tresillian and Karitane provide a service that teaches parents how to be good parents. They teach families about nutrition, about sleeping and how to listen to the cries of a child. It is my honour and privilege that for the first time in the 100 years of Tresillian Services, I stood beside the chief executive officer of Tresillian in my electorate, in the town of Macksville, where we announced this week that for the first time we will have full-time services to regional New South Wales with Tresillian.

I look proudly at the Deputy Speaker because he represents the electorate of Lismore. The member for Tweed is also in the Chamber. Many of our families have had to travel to Sydney and/or Brisbane from our part of the world to seek help, settle our babies, get them to sleep and get families into a routine where they can cope with becoming new parents. No longer do those families have to travel all the way to those capital cities, because of our Government's commitment and support. I say this as a proud National. I acknowledge the Hon. Bronnie Taylor from the upper House, who has created conversations and opportunities for our Government, supported by our wonderful leader John Barilaro, and ensured that we have funding for those Tresillian services to come to our communities.

There is no better location than Macksville. It is the midpoint between Sydney and Brisbane. It is close to Tamworth, Armidale and the inland. This incredible service will be installed at the new Macksville Hospital. It would be remiss of me not to mention my good friend Councillor Janine Reed, who is on the board of the Mid North Coast Local Health District. She has been pleading with me and reminding me for many years that our

region deserves a service like this. As well as having a full-time service located in the new $73 million Macksville Hospital and new maternity unit, we will also have a mobile van. That mobile van is already providing services in Wauchope, Kempsey and Bowraville, the home and birthplace of the member for Tweed. This incredible service will give struggling families the opportunity to learn how to parent.

It is no-one's fault that we sometimes do not know how to settle a child, how to create a connection or how to get them to sleep. Sleep is everything. That is where a child grows and develops. It is where a mother and father can rest and be a better parent. That is the heart and soul of what Tresillian does. As the member for Oxley, I could not remember a finer moment than to know that this service was coming to regional New South Wales. I acknowledge the Hon. Bronnie Taylor for the Nationals in the upper House, and I acknowledge my leader John Barilaro and Parliamentary Secretary for Health Leslie Williams. This is a significant achievement. I thank and congratulate them and Tresillian in New South Wales as it celebrates its 100th anniversary.

The DEPUTY SPEAKER: I thank the Minister and member for Oxley for raising this issue and welcoming Tresillian into the Oxley electorate. I am privileged to represent the seat of Lismore in which Tresillian has had a presence for some time. It has done a fantastic job. Recently one of the mothers, Elise Taylor, was very pleased to be selected to come to Sydney to be the guest speaker at the conference that was opened by the Premier. She has benefited from the services offered by Tresillian. She has no family in the Lismore area and she really appreciated what Tresillian has done for her. I thank the Minister and member for Oxley for bringing that matter to the attention of the House.

NSW GET READY COMMUNITY AWARD

Mr GEOFF PROVEST (Tweed) (22:14): I inform the House of a significant event that occurred yesterday with the acknowledgement of the 2018 Resilient Australia Awards and NSW Get Ready Community Award. I was pleased to be present with one of the communities in my area. Before I begin talking about the floods in 2017 I congratulate you, Mr Deputy Speaker, because it was an horrendous time for Lismore and the township of Murwillumbah. The flood came through with a ferocity never seen before. This was a one-in-150-year flood not a one-in-100-year flood. People lost their lives and businesses. Mr Deputy-Speaker, you were on the ground in Lismore and Murwillumbah and I was on the ground in both Chinderah and Tumbulgum, but it is really Tumbulgum that I wish to speak of tonight.

In 2017 Tumbulgum residents were aware of the flood risk. However, the speed and the height of the flood following Cyclone Debbie caused shock. Considerable damage occurred to property and the community's distress was compounded following the death of a local mother, Stephanie King, and her two children. Stephanie had worked for me when I managed clubs. It was an horrendous day. They drove off the road two days after the floodwaters had subsided. One of the children escaped but unfortunately two of the children and Stephanie passed away. There was obviously a great deal of grief within the local community, on top of the devastation caused by the flood.

I pay tribute to locals Jenny Kidd, her husband, David Kidd, and Sue and Brian Breckenridge for bringing together this tight-knit community. I am pleased that they were shared winners with Tathra Surf Life Saving Club near the Victorian border, with Tumbulgum Community Association as the Resilient Australia award winner. They appointed coordinators, established a resilience subcommittee and held community meetings, barbecues and forums. By involving the whole of the Tumbulgum community, their proactive response is not only improving their access to information but also forging stronger relationships with the local council. I commend Tweed Shire Council, the State Emergency Service, the Rural Fire Service, local police and government and support agencies that quickly set up a centre in Murwillumbah to assist during this time of great distress. I commend also His Excellency General the Hon. David Hurley, Governor of New South Wales, and his wife, Linda. They attend both Lismore and Tumbulgum twice. I remember Linda leading the whole group in the song:

You are my sunshine, my only sunshine,

You make me happy when skies are grey.

The Governor turned to me and said, "Geoffrey, if you don't sing, she won't let up, so please sing and we'll just get on with it."

The DEPUTY SPEAKER: Yes, but that was at that function, not here.

Mr GEOFF PROVEST: That was at the function. The flood was a terrible time. We lost lives and property. The Government response was quick and decisive. There was a lot of emotion at the time. I can remember the Deputy Speaker standing up to his knees in mud looking at people and businesses that had lost everything. However, with the Australian spirit we have clawed our way back through major initiatives and council providing additional land. I was pleased yesterday to see the Tumbulgum Community Association become joint winners of the Get Ready Community Award. It is pleasing that the community is helping itself and knitting

the community together. If there can be anything positive from a natural disaster it is that it brings out the best in people. It is pleasing to see the community bonding together. Undoubtedly floods will happen again but I am sure our local communities will have far better organisational skills. Once again, I am 100 per cent for the Tweed.

The DEPUTY SPEAKER: I support the member for Tweed in congratulating and thanking the community, especially the Tumbulgum community, which went through a difficult time during the flood. Lives were lost and the community was devastated. I congratulate the community of Tumbulgum on being joint winners of the Get Ready Community Award, and well done to the member for Tweed.

RECREATIONAL DRUGS

Mr BRUCE NOTLEY-SMITH (Coogee) (22:20): I am committed to protecting our children, young adults and adults from the dangers and potentially harmful effects of recreational drug use. Every death and every person hospitalised as a result of the use of ecstasy, 3,4-methylenedioxy-methamphetamine [MDMA], ice, speed, gamma hydroxybutyrate [GHB] or any other party drug is a failure to, not a failure of, so many in so many ways. It is a failure to the person themselves who consumed the drug in the first place. It is a failure to their friends, some of whom may have actually supplied them the drug, a failure to police and paramedics who work every day to protect the community from harm and a failure to the parents and teachers of particularly young people whom have been taught to never to take drugs. It is a failure to our whole community.

We have to acknowledge that there is a drug culture in New South Wales—from regional and remote communities to all the suburbs of our cities. Stronger laws and convictions strike at the heart of the supply chains of drug dealers profiting from the misery and dependence of addiction but we continue to face the same battle, with the same consequences. We need an open debate—a different approach to tackling Australia's use of recreational drugs and the potential harm they have on our citizens. Former Australian Federal Police Commissioner Mick Palmer has said that new approaches are needed to prevent the loss of life caused by the use of illicit drugs which are part of the culture of music festivals.

Zero tolerance has not worked: The war on drugs continues, yet we get no closer to reducing deaths from drug use. Mr Palmer, along with so many others, has advocated for a harm minimisation approach to become part of the debate in how we address this problem. There has been quite a bit said about pill testing at music festivals lately. Pill testing is not a silver bullet to prevent the tragedy of death from recreational drug use at music festivals, but it does offer means by which some deaths may be prevented. From its first publicised trial in Australia at the "Groovin the Moo" music festival in the Australian Capital Territory, arguably at least two lives were saved through pill testing by the detection of a cocktail of poisons found in pills that were to be consumed. Internationally, pill testing at music festivals has not been conclusively linked to increased drug activity—rather, most trials, including that in the Australian Capital Territory, saw an increased disposal of drugs detected as containing toxins.

The lessons taught in our classrooms and the advertising campaigns urging just say no to drugs have their place, but we have seen little behavioural change in those determined to use illicit recreational drugs. Pill testing allows the potential user of a contaminated pill to know what they will be consuming, to make the decision whether or not to take it and to dispose of it. There is still the risk and potential for harm that harm minimisation, pill testing and other strategies can never totally overcome.

Pill testing does not take the ultimate decision away from the user, and despite all warnings and advice there is still the potential that circumstances will conspire against them. But it is the lives of our citizens, in particular our young people, that we must keep central to this debate and focus on the outcome of a greater good—that is, to change mindsets towards drugs and encourage awareness of the consequences of the decisions we all make. By saving lives, one at a time, and encouraging a discourse between experts and drug users we can aim to bring down the toll that drugs take on society. I encourage this debate. I am not endorsing pill testing at music festivals because I do not know all the facts. We need to have that debate because we have not had a robust, truthful and sometimes difficult debate. We are elected to this place to represent and debate difficult decisions on behalf of our community. Let's get on and do that.

UNANDERRA TRAIN STATION UPGRADE

Mr PAUL SCULLY (Wollongong) (22:26): Earlier today in question time the Minister for Transport and Infrastructure once again disappointed the people of Unanderra and the Illawarra. He was attempting to ridicule Labor's commitment to Unanderra station lifts and in the process all but confirmed that under this Government—whether today or if re-elected in March—there is virtually no chance that access will be upgraded at Unanderra station. It is clear that under this Government no lifts will be built at Unanderra station. Every day parents with prams, people with their shopping, the elderly and the disabled have to struggle with 72 stairs to access the platform. The Minister mocked the fact that Labor has a fully funded commitment to build lifts at

Unanderra station. I make it absolutely clear to my constituents, to my friends and neighbours who use that station, that I will not stop. I will continue to raise the need for lifts not only at Unanderra station but also access improvements to train stations across the Illawarra and up and down the South Coast line. At this stage the election of a Labor Foley Government is the only way those lifts will be built.

On 9 September 2016, during the Wollongong by-election, we made a fully funded commitment to build these lifts, but the Government may have missed it because there was no Liberal candidate at that by-election. At that by-election they vacated the field and abandoned Wollongong, just as the Minister has effectively abandoned Unanderra commuters today. Once again the almost 30,000 people who live around that station will continue to wait for full access upgrades. Our commitment has been repeated ad nauseam, including in my inaugural speech in this place. This matter has a long history. Labor committed funds in the 2009 budget and construction started in 2010. That funding was then taken away by the then Minister for Transport and now Premier in 2011. Now almost eight years later it appears as if it has no chance of coming back. In February 2015 we saw a double amputee drag himself down, up and down the 72 stairs to the station. The then Minister for Transport and now Premier described those scenes as distressing but not a thing has been done about it since. That is not good enough.

On 28 July this year almost 200 people marched from the bridge that crosses the train lines at Unanderra station to the bridge opening at the Nan Tien Temple. Whilst they were waiting outside the temple to be escorted in by the reverend—the temple operators also want the lifts for their worshippers—the Premier drove past. She did not stop to check why they were there. Once again the needs of the Unanderra residents were ignored. As I said, Minister Constance has all but confirmed that he will not fund the lifts at Unanderra station. I do not know what he has got against the people of Unanderra, Berkeley, Farmborough Heights, Mount Kembla, Cordeaux Heights and Figtree who would love to use the nearest station to them if only they had lifts, but it seems he has no desire to correct this problem. I repeat, I will continue to fight for this because I am determined to see access for everyone.

In a Twitter exchange between the Minister and myself earlier today following on from question time the Minister went strangely silent when I asked him, "Does this mean you will not build the lifts?" Nothing. He had three choices in response to that—silence, confirming that he will not do it; yes, confirming that he will not do it; or no and matching Labor's commitment. He chose silence so all my community can conclude is that he will not be doing it. That is the longest exchange I have had with the Minister about this issue. He refuses to meet with me despite the fact that on at least 11 occasions this year alone I have written to him asking for a meeting. I am happy to quit the Twitter exchanges, to sit down with the Minister and have a calm and rational conversation about this. I want to outline why it is that people are being injured using these stairs and that it is simply not good enough for them to scale 72 stairs to access Unanderra station.

MIRANDA ELECTORATE COMMUNITY WELFARE ORGANISATIONS

Ms ELENI PETINOS (Miranda) (22:31): Today I acknowledge the wonderful work of some local organisations who are essential in providing social support services to those in need in our community. Gymea Community Aid was established in 1975 by a passionate group of local residents to offer person-centred services and support to local residents. Gymea Community Aid works to celebrate inclusiveness, independence and participation in community life through a range of social activities, special interest groups and group outings. They also offer multicultural and migrant settlement services to connect people from non-English-speaking backgrounds, as well as provide employment support, driving programs, immigration advice, English lessons and educational support. I take this opportunity to acknowledge their hardworking management committee: President Marcio Salgado, Vice-President Lisa Conyers, committee member Kaye Herald, General Manager Joanne Cracknell, Community Connections Manager Rita Napolitano, Settlement and Multicultural Services Manager Jenny Grey, and Corporate Services Managers Katrina Vavdinos and Mona Chui.

BeConnected Community Services is another great example of a community coming together to support those in need. Operating from Caringbah, Miranda, Jannali in the Miranda electorate, the organisation's primary aim is to enable and encourage older people to live as independently as possible and to remain socially active within our community. Today BeConnected provides a social network to more than 600 aged people in the shire, and offers a wide range of group and individual social support activities, one-on-one social outings and accompaniment on day-to-day tasks such as banking, shopping and appointments. I recognise the executive's persistent and steadfast commitment to our elderly community: General Manager Helen Ivory, Chairperson Dennis Robson, Treasurer Annette Tasker, and board members Irene Henderson and Kate Heath. I give special mention to Richard Ellis, who has been a strong supporter for 25 years and a loyal volunteer since 1993.

Earlier this year I was delighted to announce that Kingsway Community Care had received almost $40,000 for its Platform Nine project, which is now open in the shire. Kingsway Community Care is a church-based, not-for-profit organisation that helps to support and strengthen local families and community groups. The Platform Nine project provides crisis accommodation for up to 50 women and children experiencing domestic

violence and homelessness. The impacts of domestic violence, homelessness, addiction and family breakdown are driving people towards the margins of society. This project acts as a platform and a place of transition where people can stay for up to three months in preparation for a brighter future. I acknowledge the dedicated team who work tirelessly to ensure these services are available to our most vulnerable: board member Elissa Stewart, Chairperson Jennifer White, Manager Brook Stewart and Treasurer Sharon Naylor.

Another amazing group which is providing services that foster a sense of safety, security and wellbeing for families is Sutherland Shire Family Services, which brings together a range of dedicated professionals to help create brighter futures for children and their families. It aims to support and strengthen the capacity of families within the community, particularly those who have been impacted by disadvantage, violence and trauma. Some of its notable programs include the Southern Sydney Women's Domestic Violence Court Advocacy Service, the Building Resilience in Children Project, the Domestic Violence Proactive Support Services, the Sutherland-St George Aboriginal Family Worker Project and the Djanaba Occasional Child Care Service. I acknowledge the outstanding team who work endlessly to make it all happen—chief executive officer Diane Manns, president Larissa Rossen, secretary Julie West, treasurer Ben Wood, board members Ann Murphy and Marcus Zeltzer, and Lola Hearn.

Violence in our community affects us all and is the reason Enough is Enough Anti Violence Movement was borne. By way of background, Enough is Enough was established in 1994 after the murder of Michael Marslew, a university student who was gunned down at work while on shift at Pizza Hut, Jannali. His father, Ken Marslew, saw the need for a holistic approach for the victims of crime, violence, antisocial behaviour and trauma. Enough is Enough began as a home-based, one-man operation. Nowadays the organisation has grown to become a peak body in educational programmes, victim support services and cooperative justice strategies. I pay tribute to Ken Marslew for his commitment and dedication in helping alleviate others' pain and suffering that he experienced as a father. On behalf of the many lives that Ken and his team have assisted across the community, I thank him for his tenacity and devotion. It is incredibly comforting to know that with organisations such as Enough is Enough, and people like Ken, we are living and creating a safer Australia. I am honoured to acknowledge some of the many vital community organisations in the Miranda electorate and thank them for their invaluable contribution to our community.

MONOPOLY KU-RING-GAI EDITION

Mr JONATHAN O'DEA (Davidson) (22:36): Monopoly is a board game that takes many of us back to our childhoods when we spent hours playing with family and friends. Like many families, I can attest to tears shed and game boards flipped in frustration by a sibling who was perhaps temporarily too invested in the game. These days I still enjoy playing with my sons, although happily they are good sports and usually send me bankrupt. As of its eightieth anniversary in 2015, Hasbro's Monopoly had sold more than 275 million copies globally, with various editions available in 111 countries and 43 languages. You can now even play Monopoly online in single or multiplayer mode using mobile apps. I am pleased to note that Monopoly's long history has grown through the creation of a new Ku-ring-gai edition of Monopoly. An initiative of Bendigo Bank's Turramurra and Lindfield Community Bank branches, Monopoly Ku-ring-gai Edition features local landmarks, organisations and locations that are well loved by the community within the local Ku-ring-gai Council area, which I share State responsibility for, along with the member for Ku-ring-gai.

The Ku-ring-gai edition of Monopoly presents iconic locations as properties on the board, including the following features contained wholly or partly in my electorate of Davidson. Those are the Ku-ring-gai Wildflower Garden, St Ives Showground, Lane Cove National Park, Garigal National Park, Echo Point Park, Eryldene Historic House and Garden, Edenborough Park in Lindfield, Roseville Bridge and Swain Gardens. The Pacific Highway and Mona Vale Road are some of the main thoroughfares included. Earlier in the year Bendigo Bank held a photo competition for local youths to showcase selected photos in the board game. I congratulate the winner, Kieran Payne, on his excellent drone shot of Bobbin Head marina. Locals who purchase the limited edition game will not only own a source of great entertainment for family and friends but also contribute to the social fabric of our local community.

Ultimately, the best feature of Monopoly Ku-ring-gai Edition is that the project's profits will be entirely donated to local charities, including Hornsby Ku-ring-gai Women's Shelter, Lifeline Harbour to Hawkesbury, St Lucy's School and KYDS Youth Development Service. Hornsby Ku-ring-gai Women's Shelter works hard to care for women who are victims of domestic violence and homelessness. Lifeline Harbour to Hawkesbury and KYDS Youth Development Service aim to improve community health by providing counselling and psychology services and raising awareness of mental health issues. St Lucy's School delivers excellence in education for children with intellectual disabilities. Any additional funds raised over $60,000 in profit will be distributed to other local charitable organisations as part of Bendigo Bank's community chest fund.

Players can amass a Monopoly property empire in the comfort of knowing that the price of housing has not increased at the rate of actual house prices. In the Australian version of Monopoly, Sydney Harbour, the most expensive property on the board, will only set you back $400—not a bad investment. Also devoid of reality is the "Get Out of Jail Free" card, which Eddie Obeid and other former Labor Ministers would now realise from behind their bars. On 3 November the game will be officially launched at St Ives Shopping Village, where I will join other community leaders in unveiling the exciting initiative. I acknowledge the efforts of Sharon Franke, Community Development Manager at Bendigo Bank's Turramurra and Lindfield Community Bank branches, as well as staff, volunteers and sponsors who all helped to make the game a reality.

HOLROYD-PARRAMATTA BLACKTOWN AUSTRALIAN FOOTBALL CLUB

Dr HUGH McDERMOTT (Prospect) (22:41): With a great deal of pride I inform the House that the Holroyd-Parramatta Blacktown Australian Football Club Goannas women's seniors team has won the 2018 Division 2 Premiership in its first season of playing Australian Football League [AFL] in the Sydney competition. The women went through the final series undefeated, beating Camden in the second semifinal and cleaning up again in the grand final. This was no mean feat, considering that Camden was undefeated all season apart from the round 17 clash against the Goannas. The amazing thing is that at the beginning of the season only three of the women had ever played AFL before. The players' ages range from 16 to 37, with a mother and two daughters playing together. Most of the women come from other sporting backgrounds—touch football, soccer, netball, rugby league and rugby union—and some women had never played competition sport at all.

In February when the team came together there were only five players. Then word quickly spread through the Holroyd region and by May the club had 27 young women training two nights a week. They showed amazing dedication and wanted to improve each week. The players came together and bonded so well that friendships soon grew with people who had never met before coming to join the Goannas. This shows what sport can do for our community. The club is immensely proud of its achievements and this was seen on 13 October at the 2018 Goannas Gray Medal and Presentation Night held at the Merrylands RSL, which has been a major sponsor of the Goannas since 2004. It was a great night and I congratulate all the awardees. I particularly congratulate the coaching staff of the women's team, Miguel Limson, Tony Cocks and Pat Ockwell, as well as the Goannas captain, Ashley Gray, and vice-captains Lisa Hodge and Kimberley Jacob.

I also congratulate the extended team including those who contributed throughout this season to make the finals. They were Annaleise Barton, Jacqui Brown, Karley Stretton, Monique Cocks, Kaitlin McCaffery, Kelly Giuliano, Stephanie Pahuru, Brianna Keogh, Caitlin O'Hehir, Jessica Wright, Tahliya Kennedy, Danielle Taylor, Hayley Nolan, Hollie Turner, Tamara Shirley, Maddie Finch, Seanna Robson, Tamara Lewis, Kylie Williams, Matize Kennedy, Michala Ford, Tamara Kennedy, Gabrielle Hickson, Cherie Tamanalevu, Danielle Silvestro and Gabrielle Mansour. The Goannas women's team is planning to have a second team for 2019 season, with a team each in Division 1 and Division 2. I wish the Goannas well and look forward to seeing it dominate in the 2019 season, bringing home yet another flag.

HEALTH SERVICES AND INFRASTRUCTURE

Mr ADAM MARSHALL (Northern Tablelands—Minister for Tourism and Major Events, and Assistant Minister for Skills) (22:44): I have said it in this place before and I will say it again this evening, high quality health services are crucial for country communities to sustain their population and local economies. It ensures that we are in a strong position to continue to support the population as it grows. In that vein, I was pleased to be in Moree last week to officially kick-off my community campaign to secure $80 million from the New South Wales Government for a full redevelopment of the Moree District Hospital. I was thrilled to see that we had a crowd of 60 to 70 locals at the hospital to join me and mayor Katrina Humphries. The inimitable mayor was the first person to put her signature on the community petition. Never doubt that people power means something, particularly in the bush. If we want to get a project across the line or secure investment from the Government, we need to have the community come together to fight together. It is vital when I, as member for the Northern Tablelands, put a case to the health Minister for significant investment in health services in Moree that the community is able to show that it is not just a priority project for the local member, mayor or council. It must be a project and campaign supported by every resident of that community.

It was not that long ago that the Northern Tableland communities were celebrating in Armidale and Inverell with news of investments of $60 million each from this Government to secure full redevelopment of the Armidale Rural Referral Hospital and the Inverell District Hospital. The Armidale hospital redevelopment will be completed next month and the Inverell District Hospital full redevelopment, $60 million, commenced nearly six weeks ago. I want to make sure that the Northern Tablelands makes it three from three—Armidale, Inverell and Moree—as the next community to receive the full redevelopment. The facility in Moree is old. We have wonderful and terrific staff loved and respected in the community but they are working in facilities built last century while trying to provide twenty-first century medical care.

In the past few years some bandaids have been applied to the hospital. There was a $1.75 million upgrade to the operating theatres and presently $2 million will build a brand new renal dialysis unit that is much bigger than the existing one. That will open next month. It will be a proud day for the community and its support group. We need a new hospital. We need $80 million and I implore the community to support the campaign and to put their signatures on the petition so I, as their representative, can make as strong a case as possible to the Government and ensure that, just like Armidale and Inverell, Moree will get a brand-new hospital and health facilities.

It does not end there. On Monday this week I was in Glen Innes to launch a second campaign for a $20 million investment from this Government for a full refurbishment of the Glen Innes District Hospital. That money will be crucial to gutting and refurbishing most of the existing hospital building. The bare bones are in good condition. It will remove the disused and moulding old nurses' quarters that are now a haven for vandals in the community. That needs to be remediated and the hospital refurbished to provide support and services for staff and the community now and for decades to come.

I was delighted to be joined by the irrepressible Jan Sharman, OAM. She is a former nurse of the hospital and patron of the hospital auxiliary. Ms Sharman was the first to place her signature on the petition. The chair of the local health advisory committee, Steve Toms, mayor Carol Sparks and many councillors and members of the auxiliary, including president Edna Holder and support crews, were present. These two campaigns are absolutely critical. Without high-quality health services and facilities our communities struggle to attract and retain medical professionals and general practitioners. If we do not have those as the fundamental building blocks of the community it is a downward spiral. I encourage the communities to support the campaigns. If we come together and fight together, we will be successful.

DUNGOG FESTIVAL

Mr MICHAEL JOHNSEN (Upper Hunter) (22:49): I take this opportunity to inform the House that on the October long weekend the popular Dungog Festival took place in the Upper Hunter electorate. The festival lasted four days, starting on Friday 28 September and finishing on the Monday of the long weekend. The Dungog Festival, now in its fourth year, promotes a strong film program along with showcasing local food, craft beer, the visual arts, great music and a rural lifestyle. It drew an enthusiastic crowd from across Sydney, the Hunter, the Upper Hunter and surrounding districts. Under sunny skies Saturday saw the gala street parade roll down Dowling Street with plenty of vintage cars and tractors, a fun float from Dungog High School and stilt walkers entertaining the huge crowd that lined the streets.

Also on Saturday the annual country garden ramble, hosted by the Williams River Gardeners with sponsorship from Dungog Shire Council, drew large crowds through nine gardens within the Dungog Shire. Proceeds from the garden ramble event went to the Dungog Hospital. Congratulations to the hardworking committee of four—Ruth Dircks, Avrina Schiller, Daphne Gregory and Laurel Parish—who put together the garden ramble event. The Dungog Arts Society's annual exhibition in the Festival Lounge in Dowling Street was a major drawcard for lots of visitors. On the Friday night I had the pleasure of attending the gala opening of Sculpture on the Farm. The inaugural Sculpture on the Farm featured prize money of $10,000 attracting widespread interest from renowned sculptors whose works of art were dotted on the Fosterton property owned by John and Philipa Graham.

I note that Sculpture on Farm received a $20,000 grant through the New South Wales Government's Incubator Event Fund to help stage this remarkable event. Over the weekend busloads of visitors came to the Fosterton property to view the sculptures. It truly was a magnificent sight to see. Over at Wallarobba the annual Oktoberfest did not disappoint with boutique beers and dachshund races. I had the good fortune to sample some of the beers on offer. They were very nice indeed. Over the weekend lovers of musicals had a treasure trove of films available to choose from at the historic James Theatre. The Long Table dinner on Saturday evening saw close to 300 guests dining under the stars on one long table down Dowling Street. It was an outstanding success and enjoyed by all who attended. Diners were spoilt for choice with amazing dishes prepared by local chefs using local produce. Sunday saw a street party held on Dowling Street. The street was closed for the day and evening hosting non-stop music and entertainment for the whole family—plus market stalls. The grand finale to the festival is the long lazy lunch held at historic Cairnsmore on the Monday of the October long weekend.

As you can appreciate this was an action-packed weekend. Together with the many visitors who came to Dungog I thoroughly enjoyed the festival of arts, food, music, fresh air and fun. The festival attracted hundreds of overnight visitors injecting funds into the local economy. It was great news for local hotels, restaurants, cafes and shops. It has been reported that close to 5,000 people visited the Dungog area over the long weekend specifically to enjoy the festival. Dungog Festival is the flagship event of the Dungog Arts Foundation. The governance and financial control of the festival is held in the care of an honorary board of Dungog citizens. I thank and congratulate the board of directors—Matthew Coxhill, Michael Atkins, Nancy Knudson, Dr Brendan Chaston and Philipa Graham.

I congratulate the many volunteers who helped put this successful festival together. Festivals of this size succeed with the generosity of sponsors. The major sponsors were the Settlers Arms, RSL Life Care and Hunter Water. I thank all the sponsors who contributed to this wonderful event. I make specific mention of Dungog Shire Council Mayor Tracy Norman, who is recognised to have started the Dungog Festival four years ago. It is somewhat her baby and she puts a lot of time and passionate effort into being a good mayor for the Dungog Shire. She puts her money where her mouth is: she invests in the town, she volunteers and works in the town, and she does a great job. The success of this festival is a tribute to her.

FIXING COUNTRY RAIL

Ms STEPH COOKE (Cootamundra) (22:54): As members know, my electorate of Cootamundra is almost 35,000 square kilometres in area—the fourth largest in the State. As I move around it, one thing is crystal clear: the importance of roads. I drive on them an average of about 1,764 kilometres per week and I talk about them with our councils and constituents. I can safely say roads have been on the agenda every day since I have been in office—and so they should be. They connect our small villages and communities with each other and with wider opportunity. The importance of maintaining them, improving them and reconfiguring them to fit the demands of the future cannot be understated.

Through the Fixing Country Roads and Fixing Country Rail programs, 35 projects have been approved in Cootamundra since their inception in 2014. Of those 35 projects, 19 have been completed—eight of them worth over $5 million dollars. That is more than any other electorate across the entire State. I am proud of my local councils for stepping up and helping our region become a champion of progress. These upgrades are saving lives on the hairy bends that typify our country back roads, which snake around landscapes and railways.

Importantly, the upgrades are future focused. They recognise that the freight industry is changing and growing, and our roads and tracks need to keep up. Regional New South Wales produces 260 million tonnes of freight a year, and in this big country transport is expensive. These programs represent an incredible opportunity for change, which I am seeing happen on the ground. In Weddin, completed upgrades to 12.5 kilometres of the Greenethorpe Bumbaldry Road will better connect local and regional roads to State highways and key freight hubs. The Government committed $1.1 million for the widening and strengthening of the road to allow B-doubles between the Mid Western Highway and Greenethorpe grain silo. At the same time, causeways were strengthened, culverts extended and guard rails installed on parts of the stretch to boost safety.

The upgrades have reduced the travel distance for B-double freight by 52 kilometres, eliminating detours and connecting travellers directly to the Mid Western Highway. They also mean larger trucks with greater capacity can increase the overall freight volume while reducing the actual number of trucks on the road. We are a proud agricultural region. It is vital that our roads are able to support more efficient freight movements in and out of our patch. Our local councils know this more than anyone, and have embraced this program and supported it. Weddin Shire Council chipped in $1.1 million and managed those works, which were completed in December last year.

Recently I opened the $1.67 million Tara-Bectric Road bridge replacement in the Temora Shire Council region. The new bridge will mean better access to GrainCorp and Preston Grain sites for heavy vehicles, and provide a direct route to regional and State road networks. We expect it will open the door for regional businesses to expand, as well as stimulate growth for the local economy. I thank the Temora Shire Council, which also contributed $220,000 and managed the delivery of the project.

They are just two of many fantastic projects. But when talking about freight and the long-term sustainability of our roads, we also need to talk about rail. In regional New South Wales, 53 per cent of all freight is moved by rail and one average container train removes 40 trucks from our roads. We have seen $60 million committed under Fixing Country Rail Round 1 for the Griffith to Junee line upgrade, $600,000 towards an upgrade of the Junee North triangle, and more than $935,000 for an extension to the railway siding at Barellan through Fixing Country Rail, which was completed in early August.

Road and rail need to work hand in hand and these programs, with $1 billion in reserved funding over multiple rounds, are nothing short of a game changer. I am proud that my electorate of Cootamundra is championing Fixing Country Roads and Fixing Country Rail, and undertaking the work needed to truly make a difference. I am proud to be a part of a Government that is taking our regional roads seriously, on top of the great work done by Roads and Maritime Services, and delivering.

RAWSON ROAD RAILWAY CROSSING WOY WOY

Ms LIESL TESCH (Gosford) (22:59): As the name implies, the Woy Woy peninsula is out on a limb—where the Liberals left it. Despite six years of talk and promises at two elections, the Liberal State Government is still refusing to replace the Rawson Road rail crossing. We have seen serious breaches of rail passenger, driver and pedestrian safety at the Rawson Road level crossing in Woy Woy. We have urged the Government to come

back to the table and provide the funds necessary to replace the level crossing. The Berejiklian Government is ignoring local residents and continues to allow accidents to occur and train services to be delayed because of the crossing.

On the night of 31 January 2018 there was chaos at the Rawson Road level crossing as boom gates and hazard lights malfunctioned, causing hours of mayhem and delays. Beginning just before 9.00 p.m. the chaos saw one barrier stuck down, red lights continue to flash without oncoming trains, and cars driving around barriers on the opposite side of the road to get through. It was just the latest terrifying incident in the Rawson Road saga and we are lucky that there was no loss of life. Members of the community told me there was disarray for four hours with traffic banking up and drivers stopping in the middle of the crossing, backing up and doing U-turns across traffic just to get out of the situation. Particularly concerning are reports from locals who contacted Transport for NSW about the incident and were told that as a safety precaution trains were ordered simply to slow down to avoid vehicles and pedestrians on the tracks.

It is Government policy that level crossings—especially urban level crossings—be closed whenever possible due to associated safety risks. Governments around the country are investing the money needed to get rid of dangerous level crossings. Rawson Road is particularly dangerous, with a heavy volume of traffic passing through at all hours of the day and night. This chaos occurred only a year after an elderly man died due to being struck by a train after becoming trapped between the gates at the crossing. In May last year train services were stopped when a car became stuck on the railway tracks.

I have written multiple times to the roads Minister. I have written to the transport Minister. I have asked questions in this place. In my first notice of motion in this House, I addressed these concerns. I have put questions on notice to the Berejiklian Government, asking for answers about its failure to deliver. But again and again, the Government refuses to act. Local residents and residents from over the Rip Bridge, who drive through the Gosford electorate from the Terrigal electorate every day on their way to and from work, do not deserve to be put at risk because the Liberal Government does not get its way at an election. No money in the budget; no will at all to replace this deathly crossing. Rawson Road level crossing sees thousands of vehicle movements every day and is a constant source of concern for drivers, rail passengers, emergency services and railway workers.

The Federal Liberal Government has just announced a $20 million prospectus in an attempt to speed up trains between Sydney and Newcastle. The obvious first step is to remove level crossings, and the one at Rawson Road is the deadliest of all and causes the most delays. Removal of the Rawson Road rail crossing has been promised by this Government since 2011. Seven years later, I call on the Government to deliver that promise. There is little more to show than the expensive and under-utilised pedestrian tunnel, built as an edifice to the last time the Liberals held the electorate. Unfortunately, probability tells us there will be more accidents and incidents putting lives at risk. Every day that passes puts more lives at risk.

The people of the peninsula and those who drive to Sydney every day from the Terrigal electorate should not have to suffer this unfinished disaster. It is time the Government delivered the project it promised. I will continue to fight for the underpass to ensure that community safety is put ahead of Liberal cost-cutting. I guess my question today is why, oh, why and when, oh, when will we at Woy Woy see the end of this tunnel with no light?

ENDOMETRIOSIS

Ms JENNY AITCHISON (Maitland) (23:03): I speak about a debilitating, chronic and incurable disease that affects at least one in 10 girls and women in my electorate, and indeed across this State and Australia. Unfortunately, endometriosis, or "endo" as it is commonly referred to, like many other chronic diseases of this nature, traditionally has been considered a women's issue and historically attributed to hysteria or in more modern times as sign of women's supposed inherent weakness. As someone who suffered terribly from this debilitating condition until I was diagnosed at 21 and could get some assistance, I thank my mother, sisters and family friends, including Jenny Fergus, who was the first one to suggest that this might be a health issue I needed to investigate. A willingness to talk about health issues in a non-judgemental and supportive way was crucial to me in seeking appropriate medical care, as it is for so many other women.

Today I encourage everyone to stop and try to understand how damaging such a disease could be. Try to put yourself in the position of a 14-year-old girl who is already struggling to come to terms with the changes in her body and being struck down by a pain so severe she cannot stand that wakes her up in the middle of the night and she empties her stomach in response to the pain that is hijacking her body. Worried, her parents take her to the doctor where multiple exams show she is healthy They are all told there is no reason for the pain and it, too, shall pass. She just needs to "put up with it". Imagine receiving this message for what is, on average for most women diagnosed with this disease, some seven to 12 years until finally one day she attends a doctor who, through her tears and defeated spirit, speaks the words, "I think I know what's wrong." Excitement fills her as the little

voice in the back of her mind is silenced, along with all of the doctors, friends and family who told her that nothing was wrong with her and she should just toughen up.

But this is only part of this girl's story. Imagine being that girl or her family, knowing that the cause of your pain has been found, but being told that we do not know enough about this disease to offer any cure and that you will have to try a cocktail of treatments, surgeries and drugs until you find something that eases the pain and other symptoms. Thankfully, there are organisations like Endometriosis Australia, which was founded in 2013 by Jodie Dunne and Donna Ciccia who both suffer from the disease. I met Donna a few weeks ago and was very impressed by her commitment and knowledge of the disease.

Endometriosis Australia aims to engage in a strong awareness campaign, to provide educational programs on endo, to give sufferers a voice and to work to find a solution for this insidious condition through research. In fact, this year Endometriosis Australia awarded its first research grant of $30,000. The recipients were from the University of Melbourne and have identified a gene called vezatin that may be implicated. Despite this, I was deeply saddened and angered by the New South Wales Government's lack of action, not just on endo but on all women's health matters during Women's Health Week. In a time when women are following on from their forebears and fighting for equal consideration in business, society and health this neglect highlights how out of touch the coalition is with women. How can we solve a problem if we are too afraid to discuss it?

Unfortunately, periods remain a taboo topic and consequently endo and other insidious chronic diseases such as polycystic ovarian syndrome [PCOS] and endo's nasty twin adenomyosis continue to live behind a veil of secrecy. Women do not talk about these issues, despite the fact that some 25 per cent of women suffer from undue heavy periods, many of the causes of which can be addressed with simple procedures. On average, endo costs Australia $7.7 billion per year in medical costs, absenteeism, and missed social and economic opportunities. This undoubtedly contributes to the gender pay gap. I am perplexed as to why such a mammoth contributory factor to this gap is missing from the strategy to achieve higher economic empowerment and participation for women.

I implore everyone to encourage conversations on this issue, like our Federal counterparts. I particularly commend the work of Gai Brodtmann, the Federal member for Canberra, and her colleagues to initiate the National Action Plan for Endometriosis. I welcome the $4.5 million commitment by the Federal Government and hope that it will be invested well so that an end to the suffering of so many women can be achieved. The efforts of those like Ms Brodtmann together with organisations like Endometriosis Australia are vital in the physical and emotional support for sufferers. The best way to thank their efforts is to continue the conversation. Our silence is expensive and it is beyond time to find our voice.

DEATH OF DR HENRY KEI SHING NGAI, OAM

Mr NICK LALICH (Cabramatta) (23:09): I take this opportunity to advise the House of the sad passing of Mr Henry Ngai, OAM, Managing Director of ABC Tissues Products Pty Ltd of Wetherill Park. Henry passed away on 4 August 2018 after a short Illness. He was 73 years old. Henry Kei Shing Ngai was born in China and spent his younger days in Cambodia, before migrating to Australia with his family from Hong Kong in 1985. In 1986 he started ABC Tissue Products Pty Ltd, which has grown from the garage in his backyard into one of Australia's largest tissue manufacturers, a multimillion dollar company employing 700 people. He and his wife, Jenny, of 54 years have donated over $40 million to philanthropic causes at home and abroad, earning him widespread admiration and respect.

Some 10 years ago Henry restructured and focused ABC tissues towards more charitable causes—his generosity know no bounds. I have been with him to China where he would stop to give money to the beggars on the street. He would say to me, "The good Lord has been generous to you; he expects you to be generous to the less fortunate in our society." This philosophy and his religion guided him through his life. In 2010 he formed ABC Tissues Vision Xpress, which has funded 90,000 cataract surgeries in China, Vietnam and Cambodia. In 2012 ABC Hearing Express was formed to assist people with impaired hearing in China, Vietnam, Cambodia, Samoa and Fiji. ABC Hearing Express has donated 712,000 hearing aids.

Henry worked closely with Professor W.P.R. Gibson of the Sydney Cochlear Implant Centre, who went with him to China and assisted in fitting and distributing hearing aids to children and the elderly hearing impaired. Henry has donated $2.4 million worth of winter jackets—100,000 winter jackets to Syrian refugees in Germany and 100,000 winter jackets to the poor and needy in China. Both here and overseas his generosity knew no bounds. He has donated 12,00 wheelchairs, 650 tonnes of rice, 325,000 pairs of reading glasses and 6,000 sleeping bags. Henry donated thousands of dollars to the Australian flood and bushfire appeals, and other natural disasters throughout the world.

Henry was awarded the Medal of the Order of Australia in the 2018 Queen's Birthday Honours List for his service to business and to the community. Henry was named Champion of Champions at the twenty-fifth

Annual Ethnic Business Awards in 2013, and the Ernst & Young Entrepreneur of the Year in 2017. He has been widely recognised by embassies, consulates and other countless organisations that he has supported over the years. Millions of people have benefited from Henry's generosity. Henry's life is a classic Australian success story. He was a man who was generous beyond belief. He was also my dear friend. No matter how successful he was, he, Jenny and I would walk through Cabramatta chatting about normal things in life and having a coffee

As former Mayor of Fairfield and State member for Cabramatta I had the pleasure on many occasions of witnessing firsthand his great generosity at fundraising dinners and donation presentations. As a friend I had the pleasure of seeing the warmth and love he gave Jenny, his wife of 54 years, his son, Sunny Ngai, his two daughters and his eight grandchildren. ABC tissues will continue to grow under the leadership of Sunny, who will continue his father's great legacy of serving and helping others in need. I pay my final respects to my good friend Dr Henry Kei Shing Ngai, OAM. May he rest in peace. I will miss you my old friend.

SEVEN HILLS ELECTORATE EMERGENCY SERVICE WORKERS

Mr MARK TAYLOR (Seven Hills) (23:13): I acknowledge the everyday frontline emergency service workers in my electorate of Seven Hills. These incredible people risk their lives each day. Whether they are police, firefighters or paramedics they put on their uniforms to perform their duties and to keep our communities safe. As a former police officer who spent 25 years in the force, I know the dedication that our police have to ensuring the safety of all community members. A few weeks ago I had the honour of laying a wreath on behalf of the New South Wales Government at the New South Wales Police Force Wall of Remembrance at the Domain for National Police Remembrance Day**.** It was a sombre occasion to recognise the more than 200 police officers who have given their lives in the line of duty.

The local police area commands that service and provide protection for my constituents in Seven Hills are made up of professional, dedicated, diligent and caring officers. Parramatta Police Area Command [PAC], led by Julie Boon, provides the majority of coverage in my electorate and serves the people of Constitution Hill, Northmead, Old Toongabbie, Toongabbie, Wentworthville, Westmead and Winston Hills. The Hills PAC, led by Commander Rob Critchlow, helps to serve Baulkham Hills and Northmead. Blacktown PAC, led by Commander Trent King, serves Seven Hills and Blacktown. I thank Inspector Sharon Blacklock for her help with police matters in our area.

Cumberland PAC is led by Commander Darryl Jobson and serves the people of Pendle Hill. My electorate has one police station based in Wentworthville next to the railway station. I acknowledge the hard work of those officers in helping to keep the local community safe. Sometimes policing in my area can be a tough job, but I receive no complaints from constituents about our men and women in blue. I only hear praise for the work that police officers do within my community, which is a testament to the character of the members of the NSW Police Force in the Seven Hills electorate.

Paramedics have been vital in saving the lives of many Seven Hills residents. Every scene that our brave paramedics attend is different, and they are well trained and prepared to provide a variety of support and responses to those who need urgent medical assistance. Local paramedics will soon have new facilities. I thank the Minister for Health, the Hon. Brad Hazzard, for the paramedic superstation at Northmead that will soon be officially opened and will be located adjacent to the Westmead medical precinct. The Minister recently opened a new paramedic and ambulance superstation at Blacktown, which is a great facility with operational rooms, training rooms and rest areas for staff. The people of my electorate are serviced by Westmead, Blacktown and Auburn hospitals within the Western Sydney Local Health District. I hear of the utmost respect that the staff of those hospitals have for our local paramedics who deliver patients to them.

I acknowledge the important work of paramedics across the electorate. Fire and Rescue NSW firefighters are there for us in our darkest moments. My electorate is serviced by fire stations at Blacktown, Baulkham Hills and Wentworthville. We also have a fire station within my electorate at Leabons Road at Seven Hills, which was established in 1995. On 4 May, which is St Florian's Day—otherwise known as International Firefighters Day—I had the opportunity to visit some of the stations for their open days. Many constituents also attended and passed on their regards for the great work that our firies do.

Frontline service workers deserve to be as safe as possible at incidents they attend. The New South Wales Government has acknowledged that and recently introduced a 40-kilometre-per-hour speed limit when commuters see emergency service vehicles attending a scene to provide additional protection for officers on the roadside. I can remember being a young Western Sydney police officer and attending early morning collisions. I fully understand the need for the new law and commend it to the community. No day is normal for frontline service workers. I commend them all for their work to keep us safe. I know that the people of Seven Hills are very grateful for their service to our community.

MENTAL HEALTH SERVICES

Mr CLAYTON BARR (Cessnock) (23:18): I had a different speech planned for tonight. I will not take up my whole five minutes because I know that everyone wants to get out of here, but I will make a brief contribution about an email I received this afternoon. One of my constituents watched the webcast of today's proceedings. She was a psychologist employed by the Hunter New England Local Health District who worked in mental health outreach. In 2014 she lost her job because of the efficiency dividend cuts to health services across the State. The Hunter New England Local Health District made the decision that it would get out of the business of mental health services outreach because it thought Medicare Local could provide them. Of course, six months later Medicare Local has its budget slashed by the Federal Government. Ultimately, it turned out there was a perfect storm in the withdrawal of mental health services in the area.

That constituent was watching today as amendments to the workers compensation legislation bill were put forward. She sent me quite an angry email because, as she said, I had the audacity to thank the Premier and the Minister for Mental Health and congratulate them on their announcement earlier today regarding $90 million in funding for mental health services. I said that I supported that funding because it is what we should be doing. The young lady who lost her job a few years ago used a creative line to sum up her angst about what has happened to mental health services in New South Wales. She said words to the effect of, "Clayton, you have just congratulated the Premier and the Minister but I don't know why. It's like they stole our car, brought the tyres back and asked us to say thank you."

I put that on record because in 2014 I did quite a bit of work with that lady and her team. At the time they all had to remain anonymous when I made speeches in Parliament that were similar to the speech I am making now. I said that mental health services are very difficult to deliver in regional areas. The psychologist told me about one person she had to visit who lived quite far up in the Hunter Valley near Kandos and Rylstone. It took her three hours to drive there to see the patient and three hours to drive back. On her way back she would try to pick up another patient at Quirindi, Scone, Muswellbrook or Aberdeen so that she would at least see two patients on those days.

People might think having a highly paid professional deliver only two services in a day is surely a waste of public money. But for people living in regional communities where those services are not available, the investment of taxpayer dollars to provide outreach services is incredibly important. That is a conversation we need to have about mental health in regional communities. I apologise to my constituent if I caused her any offence today. I take on board her email and thank her for the feedback she has given me. I particularly like her analogy that it is like they have stolen our car, given us our wheels back and asked us to say thank you. I will make sure that we remind the public of that as we head towards the next election.

The House adjourned, pursuant to standing and sessional orders, at 23:23 until Thursday 18 October 2018 at 10:00.