New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Sixth Parliament
First Session

Tuesday, 13 November 2018

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LEGISLATIVE ASSEMBLY

Tuesday, 13 November 2018

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12:00.

The Speaker read the prayer and acknowledgement of country.

Visitors

VISITORS

The SPEAKER: I welcome students and their teachers from Australia, Japan and the United States of America who are part of the Youth Leadership and International Friendship Program and are collaborating on the Second World War research project "War and Peace in the Pacific".

[*Notices of motions given*.]

Private Members' Statements

MARSDENS LAW GROUP FIFTIETH ANNIVERSARY

Mr CHRIS PATTERSON (Camden) (12:10): Recently the Marsdens Law Group celebrated its fiftieth anniversary. On Friday night we attended a wonderful function to celebrate 50 years of the firm. Minister Ayres, who is in the Chamber today, was there with his wonderful partner, foreign Minister Marise Payne. My very good friend Jim Marsden told us he resisted offers from his elder brother, John Marsden, to join the firm but eventually gave in and has never regretted that decision. John Marsden started the firm in 1968 as a one-man band. He later got a couple of good young lawyers working for him—one being John Fahey, former New South Wales Premier and former Federal Minister for Finance.

Those who knew John would remember his outspoken forthrightness and passion for everything he believed in. John became the voice for gay rights and in the later part of his life was proud to be known as a gay solicitor. I am sure he would be delighted that gay marriage has been legalised this year; through his advocacy over many years he was instrumental in ensuring we got to this point. John was relentless in his belief that anyone was entitled to have a defence and he fought for civic equality in Australia. He was awarded the Medal of the Order of Australia in 1994 for his service to the Law Society of New South Wales and the community. John was always proud of his hometown, Campbelltown.

As a devout Catholic he once famously said, "There are two great cities in the world: Rome and Campbelltown. And on balance, Campbelltown is number one." John was a passionate, outspoken fighter and even though he passed away in 2006, his legacy continues. The Marsdens Law Group has continued to maintain John's firm beliefs. With nearly 180 personnel in offices in Sydney, Liverpool, Camden, Oran Park and the head office in Campbelltown, the name Marsden has become synonymous within the legal fraternity and within my Macarthur community and much further afield. Jim was met with some resistance from the partners of the firm when he suggested the establishment of an office in the newly established residential development at Oran Park. At the time, Oran Park was small in comparison to the more than 5,000 people who now reside in the area. With more than 8,000 homes to be built at Oran Park, clearly Jim was right in that decision. Jim is supported in the firm by 13 partners, about 60 lawyers and 115 support staff.

The Marsden children were always raised to have basic values of good service and community involvement and to this day, those values are carried throughout the Marsdens Law Group. Jim is to be commended for his vision and continued growth of the firm. The Marsdens Law Group has had a long partnership with Western Sydney University, supporting students through the John Marsden Memorial Awards. It is believed having lawyers who are sourced from the local area is a benefit to the local area and to the firm. Like his brother, in 2013 Jim was deservedly recognised with a Medal of the Order of Australia for his community work. Congratulations, Jim. I am sure John would be proud of how far he has taken the firm while always maintaining John's vision and insistence on customer service, integrity and always putting the client first.

The fiftieth anniversary dinner held on Friday night was a wonderful evening. I thank Jim and Marion for hosting us. It was a privilege to sit with them on such an auspicious occasion. With nearly 300 people celebrating the evening, our Premier was guest speaker. Foreign Minister Marise Payne and Minister Ayres, as I have mentioned, were also in attendance. There were many former and current politicians, mayors and local

government representatives, representatives from many community groups, schools and sporting groups that Marsdens has supported over 50 years.

Jim and Marsdens have given so much to our local community, which is so much better for having Marsdens as a part of it. I thank Jim for his support, mentorship and, most importantly, friendship. I sincerely say that true friends can be counted on one hand. Jim is definitely a true friend. I thank him for everything he has done for me and that he continues to do. Although he and I will not be there to see Marsdens' 100th anniversary, I wish them all the best over the next 50 years.

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:15): I echo the comments of the member for Camden. There is little doubt that the Marsdens law firm is a proud Western Sydney and south-western Sydney institution. It is an organisation that has grown from one person, John Marsden, to now employ more than 180 people. Jim, his family and all of the workers are proud of their Western Sydney roots. They are for Western Sydney, by Western Sydney and of Western Sydney and they are immensely proud of it. The member for Camden knows full well the community focus and community commitment of this organisation in south-western Sydney so it is only right that he speaks about its contribution in the Chamber today. Over the past 50 years John, Jim and anyone who has been involved in the creation of the Marsdens law firm have left an indelible mark on south-western Sydney. I have little doubt that they will continue to do so for the next 50 years.

LUNG CANCER

Mr CHRIS MINNS (Kogarah) (12:16): There is always a "but" that comes after the words "I have lung cancer." That is what Carolyn Riordan, a friend of mine, told the *Sydney Morning Herald* on 24 October 2018. The quote continues: "... but I've never smoked". That is her shield against the stigma of this diagnosis. It was the first thing that Carolyn Riordan said to her respiratory physician when she was diagnosed with stage 4 lung cancer in May. Her right lung had partially collapsed and the cancer had spread to her bones and to her brain. Her four daughters defend their mother with the same caveat, "But Mum doesn't smoke." They should not have to. Carolyn says:

> As soon as you tell people you have lung cancer they give you a look and physically step back and ask 'are you a smoker?'
>
> …
>
> My sister smoked in the 1980s ... does she deserve lung cancer?

She told the *Sydney Morning Herald*:

> Stigma affects the decisions about what conditions get funding consciously or subconsciously.

Until everyone realises that we can all get lung cancer nothing will change. The fact that Carolyn was a non-smoker likely contributed to her late diagnosis—more than a year after she first sought treatment for a dry cough. It is worth explaining that she had a dry cough. She saw her physician, her doctor and her general practitioner [GP]. Her GP asked whether she was a smoker; she said that she was not and she was sent away. By the time it was diagnosed, it was stage 4. Mrs Riordan was put on a targeted therapy, which shrank her tumour by 80 per cent to 90 per cent but the drug works for an average of only 10 months. After that there is nothing. Carolyn says: My 16-year-old daughter asked me if I would be alive when she graduates from university. How do you answer that? I say "I will try to be. I'm doing my best." I have to do something to change the way people think about lung cancer because I want to live. The Lung Foundation Australia has made an important contribution to this debate. It is called "Making Lung Cancer A Fair Fight: A Blueprint for Reform". The words in this blueprint, which are important for all politicians, are as follows:

> Lung cancer is the leading cause of cancer death in the country. It has the lowest five-year relative survival rate (17 per cent) when compared to the other top five most commonly diagnosed cancers, which have survival rates between 69 and 95 per cent. Further, it is the fifth most commonly diagnosed cancer in Australia and it is estimated that there will be approximately 12,740 people newly diagnosed in 2018. This number is projected to reach almost 160,000 new diagnoses over the next 10 years to 2028.

Lung Foundation Australia is calling for equity of access to diagnostics and care and for a physician's diagnosis. The reasons for that are outlined in Carolyn Riordan's story. Some doctors assume that because the person who presents with a dry cough is not a smoker he or she does not have a lung disease, but in many cases they do. The organisation also states that patients experience stigma after a diagnosis. In many cases they are told their life expectancy is radically reduced. Patients believe they are immediately stigmatised by the sense that the person they are talking to believes they have brought it on themselves. There is also a need for psychosocial support, which is self-evident. It is important to report that whilst smoking is a prominent risk factor, approximately one-fifth or 21 per cent of people living with lung cancer are lifelong non-smokers. Any suggestion that they have brought it on themselves and are responsible for their condition is false. To put it another way: 2,675 of the 12,741 people diagnosed with lung cancer in 2018 were lifelong non-smokers. I will end my contribution with the words of Dr Emily Stone from St Vincent's Hospital, who said:

There is clearly unfairness in the way people with lung cancer are regarded and treated. No-one deserves this disease.

MURRAY ELECTORATE TOURISM

Mr AUSTIN EVANS (Murray) (12:21): Tourism is an important industry in the Murray electorate that brings many economic and social benefits. It provides a significant injection to the economy and in tough times, such as during the current drought, it becomes more important than ever. In the Murray electorate each overnight visitor spends an average of $149 per night and each day tripper spends $126 per trip, making a valuable contribution to the local economy. Events are an important part of the tourism industry. The New South Wales Government recognises and supports that through its funding programs.

One event is the iconic Deni Ute Muster, which this year celebrated its twentieth anniversary. I had the pleasure of attending this year's muster, along with my family and about 20,000 other people. Interestingly, the event was first held as a means of bringing the community together while they faced a serious drought. Unfortunately, this year the same circumstance exists because drought has again reared its ugly head. The great Aussie ute, and more than a touch of larrikinism, are still features of the muster; however, the event has now evolved into an all-round family friendly weekend, loaded with fun events and activities such as whip cracking, lawn mower racing, bull riding and paintball. This year it was an honour for the muster to be on the front page of the international edition of the *New York Times*. It put a positive spin on the event and the way it helps out those in rural and remote Australia, which is something Australian papers could take note of.

Music continues to be an important part of the occasion with international star Carrie Underwood headlining this year's muster, along with Kasey Chambers and Thirsty Merc. It has just been announced that country superstar Tim McGraw will headline next year. It was an outstanding weekend. I congratulate Chair Russell Tait and the committee on organising a wonderful weekend. I also congratulate Terry Murphy, who has volunteered untold hours to the muster and was formally recognised for his service. Each and every event requires an enormous amount of volunteer support. More than 1,000 volunteers make the ute muster happen. It is a credit to the Deniliquin community that so many people are willing to put their hands up. These events simply could not be run without community support.

Another outstanding event is Griffith Spring Fest, which this year featured more than 60 large sculptures crafted from oranges, lemons and grapefruits. It is the only event of its kind in Australia. The weather usually puts on a good show, and this year was no exception. My family and I attended many events over the weekend, including helping to put oranges on the sculptures. The open gardens and multicultural festival also form part of the Spring Fest. Last year the Spring Fest attracted more than 11,500 visitors to the citrus sculptures and more than 7,000 to the open gardens, including 70 per cent from outside the local region. More than 30 per cent of those visitors stayed three nights. They all gained a better insight into life in the country and the diversity of industries, cultures and opportunities that are present.

While Griffith is also famous for its salami festival, at the other end of my electorate, at Euston, the inaugural Great Murray River Salami Festival was held this year. By all accounts it was an overwhelming success. Another highly popular event, which has also received funding from the New South Wales Government, is the Riverboats Music Festival in Moama and neighbouring Echuca. It is a thoroughly enjoyable music festival held along the banks of Murray River. I had the pleasure of attending this year's event and was impressed with the music, food and atmosphere. Events such as these are important to local service providers. I understand that during the last festival the expenditure on accommodation for the performers and the event crew alone was $20,000. Next year's festival will be held from 15 to 17 February. The Waifs will be the headline act and other terrific artists will also be there, so I urge everyone to make the trip.

The Perricoota Pop and Pour Festival is also held in Moama. The relatively new event is described as a progressive food, drink and tunes festival in the Perricoota wine region of Moama and Echuca and is held annually on the last Saturday in November. Earlier this year the festival received New South Wales Government funding, and the organisers were absolutely thrilled when I gave them the news. Likewise, the Formula 1.0 Gliding Grand Prix in Leeton also received funding. The organisers brought the new event to Leeton due to the superb gliding conditions in the area. Comprising a series of gliding races, the grand prix will be held from 29 December through to 6 January. Also in Leeton is the biennial SunRice Festival, which celebrates the integral role that rice plays in the culture of the region. Packed with events such as the hot air balloon glow, twilight markets, long lunches and a colourful street parade, it is not to be missed.

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (12:26): I echo the words of the member for Murray. Is there anything you cannot do in the electorate to support regional communities?

Mr Austin Evans: Not much.

Mr STUART AYRES: The scheduled events are something to behold—ranging from the salami festival to food and wine shows and the gliding festival at Leeton. They culminate with the Deni Ute Muster, which everyone should go to. Everyone should put it on their bucket list and not finish their life without attending the muster at least once. It is truly a sight to behold. In 2019 when Tim McGraw comes along there can be no excuses. More than 20,000 people will be attending. It is one of the great Australiana festivals and everyone should get down there and support that local community. During the drought over the past few years some communities in the Murray electorate have been doing it tough. There is no better way to support them than by getting in the car or on a bus with your mates and going to enjoy some fantastic events. That is simply the best possible way to support people in those communities—and have a bucketload of fun as well.

ST CHARLES CATHOLIC PRIMARY SCHOOL

Mr ANTHONY ROBERTS (Lane Cove—Minister for Planning, Minister for Housing, and Special Minister of State) (12:27): I am thankful for the opportunity to speak about a wondrous institution within my electorate of Lane Cove. A privilege of being a member of State Parliament is having the opportunity to visit local schools. My recent visit to St Charles Catholic Primary School—or, to give it its formal title, St Charles Borromeo Catholic Church and St Charles Catholic Primary School—was a wonderful, exhilarating experience. St Charles Catholic Primary School has reached a formidable milestone of 160 years as a parish school. The occasion was marked by a eucharistic celebration followed by a morning tea and then a tour of the school. We can be so proud of the parish schooling in New South Wales and the way in which our education system nurtures a well-rounded learning experience with a focus on Christian values. Christian values—let us say amen to that.

The celebration commenced with a smoking ceremony led by Indigenous community members, followed by a touching mass conducted by Father Greg Morgan. Principal Peter Watkins and his incredible staff are true examples of what education should always be. They are professionals dedicated to teaching coupled with a devotion to real Christian values. The fruits of their labours can be seen in the results and attitude of their student body. On the day there was also positive input from fathers Alfredo, Daniele, John and Dan. It was a privilege to be among past principals, as well as past and present school leaders and staff who spoke highly of their time at St Charles school. I also thank the staff members involved with the 160th anniversary committee for their innovative planning and execution of a terrific day. I left the school with a little more wisdom. More specifically, I took this reading from the *Book of Wisdom*:

> Wisdom is radiant and unfading, and she is easily discerned by those who love her, and is found by those who seek her.

I just love those words. They are words of wisdom that are not lost in a Chamber such as this.

From an historic perspective, the first St Charles church at Ryde was solemnly blessed and opened in December 1857. The parish priest, Father Roach, lost no time in opening a school, which commenced at the end of 1858. The total cost of the weatherboard schoolhouse, with teacher accommodation, was £250, of which the government contributed a little less than half. For many years it was a one-teacher school. The first teacher was John Sturgeon with a class of 44 students. In 1880 the Marist Fathers were able to secure the services of the Sisters of St Joseph of the Sacred Heart—founded by St Mary Mackillop, who walked the lands around that parish and church. The Sisters of St Joseph of the Sacred Heart walked each day to and from St Charles and their convent at Hunters Hill.

In 1891 the religious sisters were withdrawn and four nursing sisters of the Little Company of Mary arrived in Ryde to begin Mount St Margaret's Hospital. From 1892 to 1898 the nursing sisters conducted school from a cottage in the hospital grounds. Today, St Charles Borromeo Catholic Church and St Charles Catholic Primary School occupy a site on Victoria Road, Ryde. The past 160 years have seen a massive turnover in staff and students that will—God willing—continue well into the future. On behalf of the House, I congratulate all those who have contributed to the school's success on their commitment to generations of students' education. We look forward to another 160 years' service to the parish and the people of New South Wales.

CAMPBELLTOWN ELECTORATE RAIL SERVICES

Mr GREG WARREN (Campbelltown) (12:31): The frustration of rail commuters of Campbelltown and the Macarthur region is at boiling point—a temperature close to that of some of the trains used by commuters during the summer months. To be blunt, the commuters' patience has run out. First, I will correct the record and note some of the history of this issue. In 1972 non-air-conditioned S set trains were introduced by the then Liberal Government. In 1981 air-conditioned K set trains were introduced by the then Labor Government. In 1986 C set trains were introduced by the then Labor Government. In 1988 Barrie Unsworth—my good friend— introduced the Tangara trains.

In 2002 the Millennium trains were introduced by the then Labor Government. In 2011 the Waratah trains were introduced by the then Labor Government. All trains except the S sets were ordered by Labor. Liberal

ordered S set trains still haunt commuters to this day. I say that not to politicise the issue but to correct the record, because members opposite—and particularly the Minister—continue with this rhetoric, which is a misrepresentation of fact. In a media release dated 3 June 2014, the then transport Minister, the Hon. Gladys Berejiklian, said:

> For too long customers have complained about travelling in trains without air-conditioning. It was one of the biggest gripes our customers had and now I'm pleased the days of sitting in a hot train in summer or a cold train in winter are over. A year later, in March 2015, the then transport Minister said there would be 450 extra commuter car park spaces at Campbelltown—but they have now been cancelled. On 26 November 2017 a train timetable change delivered 13 fewer morning peak hour services from Campbelltown and Macarthur, and direct services from Campbelltown to Parramatta were scrapped. On 29 November 2017, in an article in the *Advertiser* noting commuter feedback following the timetable change, Emily, who departs from Ingleburn and who was pregnant at the time, was quoted as saying: Due to the infrequency of the trains, it now means they are packed and it is impossible to get a seat. The elderly and pregnant are forced to stand—sometimes in stairwells—which is incredibly dangerous.

Cathy, who departs from Campbelltown, wrote:

> The train I have been catching is much more crowded. I go to the airport and people can't even get off the train.

These messages were written after the recent timetable changes. Daniel Simon, who departs at Campbelltown, wrote:

> The first train I caught was late by 20 minutes. They are also old trains with no air-con.

On 4 December 2017 the *Sydney Morning Herald* reported on the increased use of S sets during peak hours on the South, Airport, East Hills, Inner West and Bankstown lines. This was confirmed by the Government via the appropriate process. In August this year the Minister for Transport and Infrastructure, Andrew Constance, also confirmed that the much-needed commuter car park at Campbelltown had been axed. The State Government has refused to build a multistorey complex on State Government-owned land on Langdon Avenue, which is currently occupied by a car park. It has now reneged on its promise to the people of Campbelltown and Macarthur. The State Government has insisted that Campbelltown City Council allow for car parking spaces to be built on prime real estate on Farrow Road, which is owned by Campbelltown ratepayers—land that Campbelltown Council is appointed to prudently manage. I believe that is what the council has done. A single-level car park at that site would have cost ratepayers tens of millions of dollars.

The people of Campbelltown expect nothing more than the same treatment as all other people in the Sydney metropolitan area and the network. They also expect that, when the then transport Minister and now Premier makes a promise, it is fulfilled. Clearly the Government was not in a position to make that promise at the time, which is why we are in a position where it has not been fulfilled. Lastly, and most importantly, the Government must treat Campbelltown and its rail commuters with the same regard as it treats everyone else in Sydney. We are one of Sydney's outermost suburbs and yet, as we come into summer, we are still waiting to see the non-air-conditioned trains removed.

OXLEY ELECTORATE EVENTS

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (12:36): The Oxley electorate is a broad and diverse region with four valleys and many distinct communities, as I was again reminded on my travels across it in the past four days. Interestingly, in reflecting on how easy travel is—especially now with the dual carriageway of the Pacific Highway—the Hastings community has recently acknowledged and celebrated the enormous feat of endurance, navigation and bushcraft that was New South Wales Surveyor-General John Oxley's expedition across the New England Range, down the Hastings River Valley and down the coast to Sydney 200 years ago. It took him many weeks to do what we can now do in a few hours.

I thank the people of the Comboyne Plateau and Byabarra for meeting with me at the Comboyne Community Centre last Thursday. They raised the issue of telecommunications, especially their difficulties in getting adequate phone and internet service. They also raised the issue of roads and the importance to farmers and businesspeople of upgrading gravel roads to bitumen for the safe and efficient movement of people and farm freight. The Comboyne plateau is home to wonderful produce—magnificent milk and delicious avocados—that needs to get to market. At Long Flat in the Upper Hastings, and across the awesome Kindee Bridge to Hollisdale Hall in the Pappinbarra Valley, topics of discussion ranged from the Rural Fire Service and the wonderful work its volunteers are doing to the importance of timber supplies and careful harvesting and management of our forest estate.

I had a number of interesting exchanges with people who believe that the timber industry should not exist in its current form on the North Coast. But the point we all agree on, whether green or not, is that Australia is a net importer of timber, which is a shameful policy outcome. From that point of agreement, we can work towards better communication. I will continue to stand by the timber industry. While at Hollisdale, I announced a $16,000 grant to help the Hollisdale Rural Fire Service extend its fire shed, which will house a specialised

emergency vehicle. I also had a great day on Friday, catching up with locals in the Upper Macleay at Willawarrin and Bellbrook. On Tuesday I watched the race that stops the nation with scores of people at the Crescent Head Country Club on the coast. I now make a few specific shout-outs. I thank all the kids at Willawarrin preschool— you were the perfect hosts. I congratulate and thank the team for the bus that goes up to Bellbrook to pick up the kids and makes sure they get to preschool. If we get that fundamental learning right at the early stages, we can transform our communities and ensure that our children have that special respect and thirst for knowledge and education.

I offer my thanks to the great team at the Bellbrook General Store and to local cattleman David Duff, who took time out to spend the morning with us, and to the relatively new publicans of the Bellbrook Hotel, Shirley and Daryl, who have moved to Bellbrook from Broome and who are doing an amazing job getting visitors back to Bellbrook. They raised with me the electricity prices they have to deal with and the challenge of not being able to install solar power because it will affect the heritage look of the Bellbrook community. As the parliamentary representative for the area and a member of Cabinet, I am happy to work alongside them to surmount the challenges they face.

Last Saturday night, led by Liz Campbell and her team at the Kempsey Show Society, approximately 180 people dug deep for the Kempsey Showgirl Ball and Charity Auction at the Slim Dusty Centre. It was an amazing auction that was supported very generously by some of the best businesspeople in Kempsey, who include representatives from O'Donnell and Hanlon, Kempsey Stock & Land and Macleay Valley Auctions. They all had tables and $18,000 was raised through raffles and auctions, with money going towards the Country Women's Association drought relief fund. That comes on top of the great work that Josh Ball has done in getting the hayrides organised from the inland to the coast. The ball was a very exciting night mostly because of the hostesses, the girls and the community spirit.

I give a final big shout-out to Alex Robinson of the South West Rocks RSL Sub-Branch and to the leaders of naval cadets on the Training Ship *Culgoa* for the work that they contributed to commemorating the 100th anniversary of the Armistice. However, the commemorations were not confined to South West Rocks. I know that similar amazing services were held in Dorrigo, Nambucca and other centres throughout the entire Oxley electorate. It was fantastic to know that at 11 o'clock last Sunday communities came together to pay respect to that significant moment. Last Saturday afternoon I dropped in to see the sixty-fifth Macksville Gift, which was an incredible event. I give a big shout-out to Owen and Helen Rushton and Joyce Ward and their families as well as to everybody involved. Well done on the sixty-fifth Macksville Gift.

MR JEREMY BUCKINGHAM SEXUAL HARASSMENT ALLEGATIONS

Ms JENNY LEONG (Newtown) (12:41): People in the electorate of Newtown elected me to speak up and speak out in this place, and that is what I will do today. Up-front, let me apologise for not saying any of this until now: I cannot stay silent anymore. The Greens are respected by many people as a party of principle—a party that holds its members to high ethical standards—so it is cause for much disappointment that our response to recent allegations about one of our own members of Parliament has to date been completely unsatisfactory. It is for this reason that I am calling today in this place for Mr Jeremy Buckingham, MLC, to resign from his position as a member of Parliament and take himself off the ticket for the 2019 State election.

If he does not do this, then I am urging the party to act so that he is no longer a representative or member of The Greens because we cannot advance our agenda for a more just, more sustainable or more equitable world when so much energy, effort, time, resources and pain have been exhausted trying to manage one man and his unacceptable behaviour. There is a need for decisive action to bring this to an end, which is why New South Wales Greens Senator Mehreen Faruqi and I have now issued a joint statement calling for Jeremy Buckingham to step aside and to not contest the next election. This morning we informed our parliamentary colleagues of our intentions and urged them to support our call for Jeremy to step aside. I hope they do that and I hope he does that.

To Ella Buckland, who has shown strength by speaking out publicly about Jeremy's act of sexual violence towards her and the subsequent disgusting behaviour she endured, let me say on the record that I believe you. Let me acknowledge that while I know there have been some good people trying to work in good faith with the best intentions to resolve this matter, it is also true that we need to do better and that our party has failed you. I also wish to apologise for my silence and inaction until now. This has been my first opportunity to speak out with the protection of parliamentary privilege. I wish to acknowledge that I do have that privilege.

The fact I felt compelled to wait is a clear indication of the urgent need for defamation law reform in this State and country, which I support. While we must continue to respect the presumption of innocence, this cannot be used as a shield to protect male violence against women. Despite the risks, brave women are standing up and speaking out. But brave women are also hurting—hurting because we know that almost always, and right now in

this situation, no matter how it plays out, we are the ones who are further vilified, further harassed, further intimidated and further criticised by our actions or our inactions.

I have known Jeremy Buckingham for close to two decades: first, as friend of a friend, later as a fellow traveller in The Greens, then as a member of Parliament when I was employed for the 2013 Federal election campaign and, most recently, as a colleague upon my election. I know what he is like. I used to consider him a friend. Jeremy's actions and behaviour—some widely reported and documented, and some still held in confidence, which must be respected—have had real and lasting consequences for individual women and members and former members of our party, as well as active volunteers in our party. I do not wish to go into the details of the experiences of others here, but let me say this: Beyond what has been articulated by Ella Buckland about how Jeremy behaved towards her, I know there have been active volunteers who have stepped aside or resigned as members as a result of Jeremy's behaviour.

As recently as a couple of weeks ago, some constituents raised with me the fact that they had seen Jeremy behaving badly, in a manner that they did not consider to be acceptable, at a Greens' event. The seriousness of the nature of these events is unclear to me but they obviously certainly crossed a line, which meant that these active volunteers and members chose to disengage from the party. I know how they feel. On two occasions earlier this year Jeremy behaved in an aggressive and intimidating manner towards me—once in a public place and once in the corridors of this place. I have spent many days in this bearpit and I know that politics can be intense but, as too many women know, you can feel the difference—you can feel the difference when a man is in control and when he is not. Let me be very clear: I am in no way comparing my experiences or the experiences of other volunteers and members to that experienced and articulated by Ella; I am sharing this information because I think it goes to character.

For a male Greens member of Parliament to behave in an aggressive and intimidating manner towards a female Greens member of Parliament in the heart of her electorate while people are passing by is clearly a sign of someone not able to control their behaviour. Jeremy, you have had countless opportunities to take responsibility for this, to apologise to those impacted and to seek to address them. Instead, you have followed with further aggressive tactics. I know you feel like you are the victim of internal party attacks, but you must acknowledge your role in this and stand aside before more damage is done. As I said on the day Luke Foley's actions were exposed, women need to be free to participate in politics, in the media, in their workplaces and in society without fear of harassment or intimidation. We cannot do that if those who behave badly are allowed to get away with it.

Jeremy Buckingham must step aside because we will not be able to resolve these or other issues in our party, to address problematic behaviours or to rebuild trust while the perpetrator of serious harms continues to remain in our party—and, believe me, there are other issues that we need to resolve internally. While I might be fearful of the reactions and repercussions of doing what I am doing right now, it is nothing compared with the feelings of those who are survivors. Let me be clear: This is not a Greens problem. This is not a Labor problem. It is not a Liberal or a Nationals problem. It is not even a problem just for this Parliament or for politics. It is a societal problem. I acknowledge that I am in a position of power and influence, and can do more to speak out and make it stop. Today I give my commitment that I will do so. I am no longer going to be part of a system that runs a protection racket for badly behaved men in this place or in society. It has to stop.

HENTY INFRASTRUCTURE

Mr GREG APLIN (Albury) (12:47): Henty is one of those great regional towns that reaches out into the wider world. Last Friday I was at Henty, representing the Minster for Emergency Services, to open the new $1 million Henty Fire Station. The New South Wales Government has developed a state-of-the-art base for firefighters, who are some of the most important people in any country region. The station has a double engine bay for fire trucks and the space necessary to host a modern firefighting and rescue service, including a watch room, mess area and online training facilities, as well as a drill yard and training hydrant, equipment-cleaning area, fitness room and separate private amenities. This is all about better delivery of services in a challenging and changing rural environment. We want to help our firefighters by providing the home base they need for training, organisation and for engagement in life-saving and property-protection actions.

Adjacent to the fire station is the restored Henty and District Lifestyle Centre—an historic hall saved by local community action and repurposed into a multipurpose facility, including a gym, which is used by the neighbouring fire brigade officers, among many others. In September other government funding was provided to the Henty Early Childhood Centre as part of a drought relief package. The aim is that children of rural and farming families do not miss out on preschool because of financial and other pressures deriving from drought conditions.

Over at Henty Bowling Club there is good news too. On 30 November I will be there to open works constructed with funding support from the 2017 Community Building Partnership program. Funding of $20,000 was provided to construct an all-purpose weather shelter for bowlers and for associated electrical items

for night use. When we are outdoors participating in sport, particularly if for many hours at a time, shelter becomes not so much a luxury as a necessity. It is the club's hope that the outdoor undercover area will set it up to hold more functions and activities where all sections of the community can come together.

Also opened on 9 November was the Henty streetscape project, the culmination of many years of work and planning by the council, which has invested more than $1 million into the re-imagining of the town centre. If you head to Henty now you will see heritage-style street lighting but not the power wires, which have gone underground. Stormwater drainage has also been moved below, while kerbs and channels have been replaced. There are new verandahs shading footpaths—a task carried out in conjunction with the owners of commercial premises—street furniture items, signage, garden beds and street trees. It is a new look for the main street and a whole new direction for the town.

Finally, I draw attention to the proposal from the Greater Hume Council to address a difficult transport safety issue and to take advantage of a strong economic growth opportunity by taking action to improve and redesign the infrastructure for a railroad crossing. First, the project will deliver safer roads and railway crossings in Henty and Williams Crossing. Secondly, the project will deliver route efficiency for grain producers by providing large trucks with a direct and safe route to access the GrainCorp facility. GrainCorp is planning to invest a further $4.3 million into rail infrastructure at the Henty facility should funding for the project emerge. This investment by GrainCorp, along with the council's planned works, will result in greater efficiencies in delivering freight to customers and for export.

The council's detailed report identifies a projected increase in regional economic activity from 108,854 tonnes to 141,740 tonnes per year from year two of the project. Given the ferocity of the drought afflicting so much of regional New South Wales, the Government has an opportunity here to support farmers and the State's primary production output across a prominent grain growing area. I have supported Greater Hume Council in this matter, chasing government funding for the project for many months, in many forms and under many schemes. The project involved too much "road" to qualify for Fixing Country Rail, but had too much "rail" to make it across the line under Fixing Country Roads. It missed out also on Growing Local Economies grants. Now the project is under consideration for the Regional Communities Development Fund.

It is a remarkable curriculum vitae for a project that ticks too many boxes for any one grants program. It is totally worthy of government support—fourth time lucky, perhaps? This is a matter of community safety, community opportunity and community development. At a time when the council is putting money into improving the streetscape of the main road through the town, would it not be sensible and appropriate to move the grain trucks off this central road at the same time? I am hoping for a positive outcome to the latest grant application in early December. That would be a Christmas present welcomed mightily by Greater Hume Council, the residents and businesses of the great town of Henty and, of course, GrainCorp, which will benefit from a more direct route into and out of its facility. Henty deserves this opportunity.

SOUTH WEST COMMUNITY TRANSPORT

Mr ANOULACK CHANTHIVONG (Macquarie Fields) (12:52): There is a great Australian song, *From Little Things Big Things Grow*, the title of which certainly applies to South West Community Transport. In 1988 the service comprised two vehicles, three volunteer drivers and a part-time office staff member housed in a shared office space. Fast forward to today, 30 years later, and the service comprises 32 vehicles, 70 volunteers, 118 team members and an amazing 8,200 clients. By any measure and by any standard that is phenomenal growth. Equally phenomenal is the range of services offered. From doctors and physio appointments to visits to shopping centres and social outings, South West Community Transport has all bases and all of Sydney covered. Success of that magnitude does not happen by accident. Careful planning, a large vision, wise stewardship and good old sweat have no doubt all played their part over the years. Of course, such success is also due to all the wonderful volunteers who have served the organisation from the early days to today. Volunteerism is very much about serving and putting others first. It is a selfless act and one we excel at in south-west Sydney.

It goes without saying—and I am certain Executive Officer Lyn Bright and her management team and board would concur—that the service today would simply not be possible without the efforts of the volunteers, be they bus drivers, car drivers or the administration helpers. They really are the backbone of the service. I also acknowledge the work of the board of South West Community Transport, and the many organisations and businesses that have played a vital role in the organisation's ongoing growth and success. Of course, South West Community Transport meets an important and growing need in our community. It exists only because of the people it seeks to serve every day.

Unfortunately—and it is a fact of life—we cannot always be as mobile as we would like and sometimes the distances are just too far for family, neighbours or friends, or perhaps a person's personal circumstances prevent them from helping out on a particular day. In those times we need a helping hand, and that is where South

West Community Transport plays an important role in providing accessible, safe and secure transport. I congratulate everyone involved with South West Community Transport on their success to date and on doing what they do best—serving their community and clients with excellence.

South West Community Transport's vision is "Leading the Way in Accessible Transport". On its thirtieth birthday, the organisation is more than fulfilling its mission. As our community continues to grow and age, I can think of few organisations better equipped or better positioned to meet these challenges. Congratulations once again to the volunteers, board, partners, clients and staff of South West Community Transport on 30 fabulous years. I trust that the organisation continues to lead the way for many more years to come and I look forward to celebrating its future successes.

COWRA DISTRICT HOSPITAL

Ms STEPH COOKE (Cootamundra) (12:56): Today I will present a petition to this House. On the petition are 3,706 signatures humbly asking the Legislative Assembly to consider the future of the Cowra District Hospital and to deliver the twenty-first century health facility we deserve. It is my pleasure and honour to represent the 3,706 individuals who returned envelopes to my offices or actively went out of their way to find a copy of this paper and sign their name on it. Today I deliver their request to the members of the Legislative Assembly, my colleagues on either side of this House, and I ask that they pause to hear it.

Built in 1958, this old exposed-brick giant has been the site of much pain, joy, gain and loss for the Cowra community over the past 60 years. In sickness and ill health Cowra's 10,063 residents have come into contact with this place undoubtedly at some point. That is not to mention those from surrounding Koorawatha, Gooloogong, Canowindra and Grenfell. In the hospital's walls are memories, dark and light, of lives born, saved and lost. But both our population and the way we deliver health services have changed over the past 60 years. The time has come for a modern hospital that we can all be proud of.

Our wonderful nurses, doctors, paramedics and allied health professionals work tirelessly for us every day. It is time to stand together and support them with a facility fit for new models of care. The people of Cowra have spoken. Now it is up to this Government to deliver. As well as signatures, the process of going to the community to justify and substantiate this request has also garnered a lot of touching stories. Ian Brothers' mother passed away in Cowra hospital. Ian wrote:

> In her 100th year, my mother was helped out of this life by a caring staff who made that transition for her and family a positive experience, for which I will be forever grateful.

Lorraine Bamblett, from Cowra, also wrote to me. Mrs Bamblett had her children in Cowra hospital in the seventies, and has been both in bed and by the bedside of family and friends in the facility many times. She said:

> I am human, I get sick. I had to go to Orange to have a stent in my kidney, where I should have had it here, in my home town, where I feel safe.

She concluded:

> I'm sure the people of Cowra all agree we need a new hospital. She's an old girl now. Mrs Bamblett's words speak to the signatures of thousands. We are all human, and we all get sick. The people of Cowra have watched the $766 million Campbelltown Hospital open and they have heard the by-election pledge of $50 million for a new Tumut hospital, due to begin next year. They have seen this Government's commitment to rural and regional health services firsthand in their own backyard, with a site secured and a development application recently approved for a brand-new ambulance station. For this they are extremely grateful.

The people of Cowra are intelligent people, with a variety of opinions about the best way forward for their old hospital. Where we stand together is in the reasonable request that their future and the future health needs of their children and grandchildren be put firmly on the Government's agenda. It is my commitment to make this happen, and to keep it there until we see planning funds delivered. The Cowra District Hospital upgrade sits at the top of the list of infrastructure priorities of Western Local Health District. As the local member it is my top priority. We need to start planning for this now.

Each of the 3,706 undersigned have stories just like Mrs Bamblett's. My deepest thanks go to Bill West, mayor of Cowra Shire Council, and the council for tirelessly fighting for their community and for their support throughout this process. I take this opportunity to once again thank my colleagues the Hon. Leslie Williams and the Hon. Bronnie Taylor for visiting the hospital earlier this year. Vitally, they heard the stories of our exceptional staff and how they believe the hospital could better serve their needs. I thank the House and all members present in the Chamber today for hearing the people of Cowra. They can be certain of my resolve to not stop until recognition becomes action.

HEATHCOTE ELECTORATE

Mr LEE EVANS (Heathcote) (13:00): As 2018 draws to a close and we reach the end of the sitting year, it is appropriate that we look back on the events that shaped 2018. We had a hot start in 2018 in the Heathcote

electorate with the Royal National Park firestorm. This has been one of the biggest concerns of mine since being elected. The presence of massive amounts of dry fuel, low humidity, hot weather and strong wind was the perfect combination for any ignition to quickly transform into a super firestorm and that was exactly what happened. More than 2,300 hectares of national park were decimated but luckily no volunteers or people were injured during the fire emergency in January. I thank all the volunteers involved in the Royal National Park fire emergency. Without them the situation could have been a lot worse.

On the subject of fires, we experienced unseasonably hot, dry and windy conditions in April. A suspected firebug lit a fire at Holsworthy Barracks. The fire quickly built into a fuelled firestorm that the Rural Fire Service described as a once-in-a-generation firestorm. If one were to write a prescription for Mother Nature's worst mix of elements, this was it. Extraordinarily, fire front temperatures of 1,600 degrees fed by strong winds, dry fuel and low humidity swept the fire east towards Menai, Bangor, Lucas Heights and Alfords Point. Again I stand in this place to thank my community and the volunteers who mobilised to save life and property, with no reports of any loss. All I can say again is: Thank you.

The South Pinch Points Program is in full swing and the impact of the construction is currently the subject of a lot of conversation. However, the light at the end of the tunnel is that with the completion of these projects soon, we will be enjoying the time saved. Earlier this year a pedestrian bridge was proposed across the new Illawarra Road at Menai. I intervened in this planned project due to the impact on local residents. Happily common sense prevailed and the project was canned. However, that project had scoping moneys. I approached Roads and Maritime Services [RMS] to use those scoping moneys to see what we could do about the morning grind on the Woronora Bridge, with one simple brief for this piece of road to not be constantly mentioned on morning radio at 7.15. The team at RMS took that brief and to my great pleasure a road solution has been proposed that will save my constituents up to 15 minutes of travel time in the morning peak. It is a win for common sense.

A major announcement for my electorate was the long-awaited upgrade of the Heathcote Road Bridge over the Woronora River within the announcement of the upgrade of Heathcote Road stage one. This bridge has been the scene of horrific motor vehicle accidents and the announcement was very welcome. This greatly improved road will make it safer and faster for people to commute and return home safely. I feel this piece of infrastructure, out of all the projects in New South Wales, will have a huge impact on saving lives.

Another fantastic announcement by the Coalition is the commencement after 70 years of the F6 Extension stage one. It has confirmed that the F6 extension will not go anywhere near the Royal National Park. That is a comfort to all those who revere the Royal National Park as the second oldest national park in the world. The Opposition confirmed that it would not build the F6 extension and has cancelled many other road projects. It is the Opposition's modus operandi to not build infrastructure. It cannot successfully run the economy. The T4 Eastern Suburbs and Illawarra line will be the first to upgrade to digital signalling. In the near future it will increase the capacity of trains and allow closer intervals between trains.

This Government has focused on school maintenance in an effort to reduce the massive black hole left by the former Labor Government. This Government has reduced the volume of projects and created a maintenance program that allows for better budgeting and flexibility. Due to the aging stock of classrooms Heathcote schools have received an increase in scheduled maintenance. I am pleased to say that we are getting on top of those major upgrades for electrical works, roofs, painting and carpeting. The Opposition constantly speaks about the backlog, but people understand maintenance is ongoing due to the age of assets and projects being added to the list. The backlog will be progressively reduced across New South Wales.

Sutherland Hospital has had a $66 million upgrade. I have visited the new facilities due to the unfortunate circumstance of the death of a loved one. Sutherland Hospital has also opened an ambulance superstation. The Community Building Partnership program grants for community infrastructure projects have benefited grassroots Heathcote community-based sporting clubs, associations and organisations. All in all 2018 has been a great year and I look forward to many, many more.

WALLSEND ELECTORATE INFRASTRUCTURE

Ms SONIA HORNERY (Wallsend) (13:06): As the member for Wallsend I am often asked about improving the services and infrastructure of the western suburbs and the Hunter region. Wallsend residents express the view that the State Government acts as though the Hunter region is exclusively Newcastle. Unfortunately, they have ample evidence for holding that view. The Government has focused on infrastructure in the Newcastle central business district to the detriment of the western suburbs. My constituents are continually reminded about the revitalisation of Newcastle and wonder what it means for them. They see the vast sums of money being spent on inner city infrastructure and ask why this Government is stalled on its promise to their electorate to build the new police station in Glendale.

My constituents ask why their petitions to build a police station at Wallsend are continually ignored despite overwhelming public support. My constituents ask why a perfectly good local police station at Beresfield sits unoccupied 6½ days out of seven. My constituents ask why the Government has cut bus services and increased travel times all around the electorate. Trips that once took 50 minutes now take 90 minutes. My constituents ask whether the Government has ever considered the urgent need for more public transport services in the western suburbs of the Hunter. They are angry. They want better bus routes and timetables for the western suburbs of the Hunter. It urgently needs to be overhauled. My constituents ask when the Glendale transport interchange, which is identified by 11 Hunter mayors as the Hunter region's number one infrastructure priority, will be seriously considered, resolved and decided upon by this Government.

Constituents in the suburbs of Beresfield and Tarro ask why the most direct transport link to the inner city of Newcastle has been cancelled. All of the infrastructure and transport issues fly in the face of the fact that the major institutions that service the Hunter, of which this Government should be proud, are located in Newcastle's western suburbs in Wallsend: the University of Newcastle, the John Hunter Hospital, the Mater Hospital and the Hunter Medical Research Institute. The western suburbs of the Hunter are the engine room that drives the Hunter region and undoubtedly is the largest employer in the region. I hope that I am clarifying for the Government the missing links. Transport and infrastructure are urgently required from this Government to support the Hunter region to work more effectively.

Health services have received inexplicable cuts. For example, the Hunter New England Local Health District has had drastic cuts to its counselling service, the Wallsend After Hours Medical Service has been closed without explanation, and the John Hunter Hospital shuttle bus has lost its funding without explanation. My constituents ask whether stage five of the Newcastle Inner City Bypass will ever be built, with the start of works on this vital infrastructure being pushed out further and further.

I do not want to paint a grim picture of living in the western suburbs of Newcastle. Thanks to the efforts of volunteer activists and Labor councillors, we enjoy some fine amenities, parklands, sportsgrounds and wonderful swimming pools—which I enjoy swimming in—and thriving commercial activity. Thanks to wise investments by Labor governments at all levels, we have a strong base from which to drive our economic development in the twenty-first century. However, my constituents cannot see a record of achievement by this Government in the western suburbs of the Hunter. This Government has made cuts that have hurt their families and has taken away many vital services. I call on the Government to consider all the matters of neglected governance that I have raised in this private member's statement and to address them urgently.

RYDE ELECTORATE OVERDEVELOPMENT

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (13:11): The number one issue in my electorate without a doubt is overdevelopment. My electorate is at the epicentre, for a number of reasons. I refer to developments in Meadowbank, which were approved under the former Labor Government's part 3A, and priority precincts in Macquarie Park, where the City of Ryde council asked to be part of the process. In addition, my electorate is flanked with high density. Lachlan's Line, in the electorate of Lane Cove, borders my electorate in Macquarie Park, and to the west is the massive putt putt development that is promulgated through the City of Parramatta council but nevertheless impacts on my community in Melrose Park.

One can understand why the community in my electorate is up in arms, with two priority precincts in Meadowbank, which were approved under Labor's part 3A, and significant areas of development on the borders. Over the past 10 years, I have been fighting many campaigns on behalf of and with my community to reduce, restrict and stop development. As they say, the goals you save are as important as the goals you score. We have saved Tennis World, Blenheim Park and Smalls Road from development, and the list goes on.

A flagship overdevelopment that is galvanising attention in the community is the Meriton proposal to build a 63-storey tower in Macquarie Park. The reason it is the flagship for overdevelopment is, first, its dimensions—at 63 storeys, it will be the largest residential tower in Sydney—and, second, its sheer scale. The zoning in Macquarie Park is for 30 storeys, yet the developer is proposing 63 storeys. In November last year the developer approached the council, as is his lawful right—and no doubt there have been a number of discussions previously—with a deal. He stated that although the development was restricted to 30 storeys, if the council agreed to 63 storeys he would provide $8 million towards a park, additional provisions for affordable housing, and bits and pieces here and there. As I said, the developer is entirely within his rights to do so.

On 28 November 2017 the council voted to support the 63-storey proposal through to gateway. "Gateway" means exactly what it suggests: the proposal goes to the Department of Planning and Environment for consideration. In November last year the council had the opportunity to keep the gate shut; instead, it voted to support the proposal and opened the gate. After the proposal went to the planning department, the department

wrote to council stating that it needed to consult on the proposal. On 11 April 2018, an article in the *Northern District Times* stated:

> A 60-storey unit building, flanked by three others, is proposed for Macquarie Park and Ryde Council is defending backing it.

At an urgent meeting to be held tonight, council will be asked to extend the community consultation period. Currently, council has allowed the statutory minimum of 28 days. In my view, given the extraordinary extent of the proposal, council should allow 90 days rather than the bare minimum of 28 days for community consultation. I hope that council concedes to the request of the community to extend the consultation period. Given the angst and concern in the community, more community consultation is warranted.

Community Recognition Statements

STEVE HORNERY AWARD RECIPIENT GORGIA MALIUKAETAU

Ms SONIA HORNERY (Wallsend) (13:16): Last week I was honoured to attend an award ceremony at the Wagga Wagga TAFE campus where Gorgia Maliukaetau was the well-deserving recipient of the 2018 Steve Hornery Award. Introduced in 2012, the Steve Hornery Award recognises excellence in skills and in representing what Steve believed in, that is, helping your mates, hard work, quiet achievements and strong leadership—attributes that rely on the foundation of public education, which my brother revered. Gorgia recently won the gold award at the WorldSkills Australia beauty competition. Before he died, Steve was the manager of WorldSkills New South Wales region. Thanks to her employer, Nicole, Gorgia was permitted and encouraged to train after hours at TAFE. I thank also Lily Campbell, a former gold medallist, for the support and encouragement she has given to Gorgia. I wish Gorgia all the best in her training so that she joins the Australian Skillaroos team to compete at the 2019 WorldSkills competition in Russia.

BOOGIE WOOGIE BEACH HOUSE

Mr STEPHEN BROMHEAD (Myall Lakes) (13:17): I congratulate Stephen Doessel and David Craig of the Boogie Woogie Beach House in Old Bar, which was recently awarded the Best Music Hotel on the Planet by Uproxx. The building, which is more than 100 years old, has an amazing history and ambience and has seen many reincarnations. Today the Boogie Woogie Beach House is more than a music-themed hotel; it is music everything. Every shower is tiled with a mosaic of a legend's face, from Louis Armstrong to Blondie; the halls are lined with records; and there is a record player in every room. To all musos in the House, may I suggest you plan your next weekend away in Old Bar at the Boogie Woogie Beach House.

EURELLA VOLUNTEER SHIRLEY JAMES

Ms JODI McKAY (Strathfield) (13:18): I bring to the attention of the House the work of Shirley James, an extraordinary person from my electorate who has committed her life to continually serving others. For more than 50 years, Shirley has devoted her time and energy to volunteering for Eurella Community Services, a local organisation that provides services and support to children and adults with disabilities. During this time Shirley has served as secretary of the Eurella ladies auxiliary and as a member of the management committee, where she has continually advocated for funding to enable Eurella to upgrade facilities and to purchase much-needed equipment. Shirley has tirelessly organised community fete events and raffles to fundraise. At the age of 93, she continues to run the bake sale stall once a month, even providing her homemade jam to sell. In 1995 Shirley received the Order of Australia medal and in 2011 she was awarded citizen of the year by Burwood Council. The most appropriate honour bestowed on Shirley is the name of Eurella's group home in Abbotsford, the Shirley James Group Home. On behalf of the Parliament of New South Wales, I thank Shirley for her decades of service to the community.

MULGOA ELECTORATE SCHOOLS

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:19): I draw the attention of the House to two brilliant school achievements in my electorate. I congratulate Regentville Public School on its 150th anniversary celebration and commend this wonderful school. The school was opened in 1868 and has grown from 12 students to 685 students, all of whom have played a role in making the school what it is today. The surrounding community has been blessed to see the changes and the growth that Regentville Public School has delivered over the years. I look forward to many prosperous years ahead for this magnificent school. Congratulations Regentville Public School.

I also congratulate Thomas Hassall Anglican College on the opening of its Rawdon Middleton VC Sports Complex. This facility was named in honour of the great Rawdon Hume Middleton, who during the Second World War became a captain and fought for his country and the lives of his crew. He died a hero's death in 1942 and was the first member of the Royal Australian Air Force to be awarded a Victoria Cross during the Second World War. Rawdon Middleton was a relative of Thomas Hassall and is of great significance to the history of this fantastic

school. I congratulate Thomas Hassall Anglican College on its investment in this facility and in the lives of its students.

LANSVALE FOOTBALL TEAM

Mr GUY ZANGARI (Fairfield) (13:20): I commend and congratulate Lansvale United's Under-17s team on a tremendous showing at the recent Football NSW's Champion of Champions finals at Valentine Sports Park. Lansvale United played tremendously well on the day, when 19 games were played, and it made it all the way to the end. The team surprised everybody in attendance. The team consists of mostly mates from the local area and the local school who make up an incredibly diverse line-up of players from all corners of the globe. It includes boys from South Africa, Vietnam, Lebanon, Australia, Afghanistan and more. The team is truly indicative of our multicultural community. To put some perspective on how well the boys did in the competition, its striker Jamie Bazevski scored 55 goals, which was 16 goals more than the total scored by the runner-up team. What a truly remarkable effort. Well done to all the boys in the Lansvale United Under-17s team. They gave their all and won the hearts of their local community. I wish them all the very best in the next season.

NORTHMEAD PUBLIC SCHOOL

Mr MARK TAYLOR (Seven Hills) (13:21): I take this opportunity to acknowledge the incredible science, technology, engineering and maths [STEM] team at Northmead Public School in my electorate of Seven Hills. The STEM team is currently made up of year 5 and year 6 students including: Sophie Assaad, Matej Groombridge, Sophie Horvath, Theodore Robinson, Erin Anikin, Imandi Rupasinghe and Isabella Henderson. Northmead Public School students claimed the primary school STEM championship in the Tournament of the Minds International Finals for 2018. What a terrific achievement for Northmead locals on the international stage.

Tournament of the Minds offers students opportunities to work and to build on team skills such as cohesive collaboration to help solve open-ended challenges and to foster the creative and innovative thinking of primary and high school students. The tournament runs challenges in various categories such as arts, language literature, social sciences and STEM, and is run in countries across the Asia-Pacific region and Africa. I also acknowledge the team's two very dedicated teachers—Mr Andrew Maher and Miss Jodie Ward—for all their hard work and preparation with the students of this terrific program. Congratulations Northmead Public School STEM team.

NSW AUSTRALIAN OF THE YEAR KURT FEARNLEY

Ms LIESL TESCH (Gosford) (13:22): Kurt Fearnley is our hero! We have watched and admired him from the beginning of his career when he was fully included on the cricket pitch and rugby fields of Carcoar in regional New South Wales; when he crawled the Kokoda Track for men's health; when he won three gold, seven silver, three bronze medals at the Paralympics in front of the world crowd, and when he was our team captain in Rio; when he won two gold and two silver medals at the super-inclusive Commonwealth Games; and when he chalked up 11 Oz Day 10K Wheelchair Road Race wins. We have loved cheering him on at every event. Kurt is still zooming around the world adding to his 44 wins from 76 career marathons.

Kurt represents all of us on the board of the Australian Paralympic Committee and the Athletes Council for the International Paralympic Committee. He truly is superhuman and he pushes me to be the best I can be every day. I speak on behalf of many people with and without disabilities across New South Wales when I say that his is a role model to which we all aspire. I look forward to continuing to work with Kurt on improving the lives and, in particular, the employment prospects of people with a disability in New South Wales, Australia and around the world. Congratulations!

NEWCASTLE JETS

Mrs LESLIE WILLIAMS (Port Macquarie) (13:23): I acknowledge the sensational sporting ability of Angus Thurgate from Port Macquarie in rising to new heights in his football career to be named in the Australian side for the Young Socceroos. An inspirational young man to so many other aspiring football players in my electorate, Angus was just 15 years old when he first moved from Port Macquarie to Newcastle in pursuit of his dream to play A-grade football. Now 18 years old, his dream has become a reality with the former Port Macquarie junior making his Hyundai A-League debut in round 16 against the Brisbane Roar for the Newcastle Jets in January.

Angus's natural football talents have seen him selected to play for the Young Socceroos in his opening international debut at the Asian Football Confederation Under-19 Championships in Indonesia against the Korean Republic team. During the championships, Angus was able to score his first international goal against Vietnam before the junior Australian squad was knocked out by Saudi Arabia in a three to one epic battle. In just a short time, Angus has remarkably made seven appearances off the bench in the Jets' run to the grand final, representing

his team in international tournaments at the Weifang Cup and Hong Kong Sevens. The dream continued with his first full professional contract being signed at the commencement of the 2018-19 season. Port Macquarie locals are proud to see our young football star rise to fame and we wish him all the success for the future.

PORT STEPHENS EXAMINER ANNUAL BUSINESS AWARDS

Ms KATE WASHINGTON (Port Stephens) (13:24): The *Port Stephens Examiner* Annual Business Awards are a terrific opportunity to showcase the many hardworking small business owners who help make Port Stephens such a special place to live, work and play. I congratulate all the award recipients and nominees on their success in 2018 and wish them a prosperous 2019. With 40 award categories as well as an overall Business of the Year award, I do not have time to recognise everyone but I will mention a few.

In the Boating, Fishing or Camping category, I congratulate Robert and Meg Bailey and their team at Cove Marine on their outstanding business. I also congratulate Leisa Murrill and the staff at Tilli Tadpoles Early Learning Centre in Tanilba Bay, which took home the Children's Services award. The Tourist Attraction award went to the amazing team at the Hunter Region Botanic Gardens; I congratulate Kevin Stokes and his team. The Overall Business of the Year award went to Yin Yang Consultancy; I congratulate Kathy and Josh Rimmer on taking out this prestigious award.

ALBURY ELECTORATE EVENTS

Mr GREG APLIN (Albury) (13:25): I congratulate St John Ambulance volunteers Helen Chant, Harry Apitz and Madison Doughty, who each received the prestigious Save a Life Award from the New South Wales Governor, the Hon. David Hurley, for their quick action while on duty in administering aid to a woman suffering a heart attack. Their first aid skills were crucial in assisting the woman prior to an ambulance arriving on the scene. The Scots School Albury achieved an excellent result at the 2018 World Solo Drumming Championships held in Glasgow, Scotland. Indyana Bridgman, a year 10 student, was crowned World Champion Tenor Drummer.

In fourth place was year 6 student Damon Wright, with year 9 student Lachy Coe coming seventh in his age group. Well done; what wonderful achievements. The 2018 Excellence in Brick & Blocklaying Awards presented by Masonry Contractors were recently held in Sydney. I congratulate Callum George of Albury who won the TAFE NSW Murray Region Apprentice of the Year. Callum's dedication in studying Certificate III at TAFE Albury has culminated in the achievement of this award. We wish him well in the future.

HUNTER LOCAL BUSINESS AWARDS

Ms JODIE HARRISON (Charlestown) (13:26): The Charlestown electorate has always been a mecca for outstanding local businesses. On 10 October a number of these excellent businesses were formally recognised at the prestigious Hunter Local Business Awards Gala Presentation Evening. I congratulate the following award winners from the electorate: Best Pet Care Business, Dogoverboard in Adamstown; Best Beauty Services, Beauty By Blush in Kahibah; Best Bakery and Cake Shop, Designer Delights in Charlestown; Best Cafe, Table 1 Espresso in Warners Bay; Best Fitness Service, Fitness Shed in Warners Bay; Best Florist, Warners Bay Florist; Best Jeweller, Matthews Jewellers in Kotara; Best Professional Services, Fox Stevens Conveyancing at Kotara; Best Sole Trader, SugarPOP Parties; and last but not least the Best Specialised Retail Business Award went to My Supplement Store in Charlestown. The Charlestown electorate was very well represented, taking out 10 of the 27 awards on the night—a credit to the high standards of local business owners and staff in our community.

GERRINGONG REMEMBRANCE DAY SERVICE

Mr GARETH WARD (Kiama) (13:27): I acknowledge Kathy and Steve Law from my electorate, who are in the gallery this afternoon. On Sunday 11 November I attended the Gerringong Remembrance Day service marking 100 years since the signing of the Armistice Treaty that brought an end to World War I, when the guns fell silent and battle lines dissolved. This was an incredibly touching event held by the Gerringong Returned and Services League [RSL] and hosted by my friend and president of the Gerringong RSL, Major Glenn Kolomeitz. The service included a wonderful Remembrance Day poem written and recited by Emily Cornish of Gerringong Public School, as well as the commemorative address of Afghanistan veteran Daniel Carolan and a performance of *Waltzing Matilda* by Gerringong Public School students and the band. I think it is essential that all members participate in commemorating all of those who have given their service to our country. I thank the Gerringong RSL sub-branch for a truly wonderful Remembrance Day and a memorable event. I also acknowledge all of the hard work invested by members of the sub-branch in the memorial walk, which opened on the same day.

BANKSTOWN DISTRICT UNITING CHURCH FIFTIETH ANNIVERSARY

Ms TANIA MIHAILUK (Bankstown) (13:28): It was a pleasure to pop into the amazing international lunch as part of the fiftieth anniversary celebration of the Bankstown District Uniting Church. I acknowledge Councillor Alex Kuskoff, who represented me at the service for the occasion. I also acknowledge my dear friend

Reverend Gaby Kobrossi, who is adored by his congregation and the broader community. The Uniting Church regularly brings together thousands of members of my community. It supports and draws the support of a large and vibrant community and it is wonderful to see the church going from strength to strength. I thank all of the organisations and community members who were there on this occasion and I thank Reverend Gaby Kobrossi for a wonderful invitation.

DAVIDSON ELECTORATE JUSTICES OF THE PEACE

Mr JONATHAN O'DEA (Davidson) (13:29): Justices of the peace, or JPs, provide a significant and important service to communities across New South Wales. Today I attended a ceremony held in the New South Wales Parliament to honour some of our longest serving JPs. The Attorney General congratulated them on 50 years of service and presented them with commemorative certificates. From my electorate, Mr Noel Brown of Belrose and Mr John Randall of East Killara have served their communities as JPs for an impressive half a century. I thank them for their faithful service and wish them all the best. I am pleased that from early next year members of the public will find it easier to locate JPs online. I understand that the New South Wales online register is undergoing improvement works such as enabling JPs to specify their availability and the languages they speak.

PARRAMATTA HOLROYD FAMILY SUPPORT

Dr HUGH McDERMOTT (Prospect) (13:30): On 29 October 2018 I had the pleasure of attending the Parramatta Holroyd Family Support annual general meeting and listening to the wonderful service that it provides to the Western Sydney community. Parramatta Holroyd Family Support provides preventative support services for family violence and social isolation for families all over Western Sydney. It also provides services to improve family wellbeing by strengthening parent-child relationships and addressing issues such as child development and parenting strategies. I commend Parramatta Holroyd Family Support and its staff for their fantastic work to assist families within our community and thank them for organising a great meeting.

OATLEY LIONS CLUB PINK QUILT COMPETITION

Mr MARK COURE (Oatley) (13:30): Last month Oatley Cottage and Oatley Lions Club held a Pink Quilt Competition and exhibition at Oatley Uniting Church. The aim of the competition was to raise much-needed money for the McGrath Foundation to place specialist McGrath Breast Care Nurses wherever they are needed and to make understanding breast health a priority. On the day a total of $7,700 was raised, with additional funding going to the foundation after all quilts had been sold. The gracious winner of the competition, who was rewarded with a sewing machine package valued at $1,000, decided to donate it back to Oatley Cottage to sell, contributing an additional $1,000 to the total amount. I congratulate all participants in the Pink Quilt Competition who committed their time, money and resources to contribute to a great exhibition. I also recognise all of the volunteers who were actively involved in making the event such a success. The partnership between Oatley Cottage and Oatley Lions Club is commendable and I am thrilled that so much awareness and money was raised for such a worthy cause.

PRINCIPAL RUTH TURNELL RETIREMENT

Ms JO HAYLEN (Summer Hill) (13:31): I gratefully acknowledge Ms Ruth Turnell, who has served as the principal of Ferncourt Public School in Marrickville for 13 years, and who is about to embark on her well-earned retirement. Since 1976 Ruth has been working in New South Wales education. During her time at Ferncourt she focused on ensuring that all students and parents, no matter their backgrounds or circumstances, felt supported. She introduced children's wellbeing programs and initiatives to better support mental health and wellbeing. She implemented flexible classrooms to promote collaboration and group learning. Ruth has been a strong advocate for sustainability and has supported parents and teachers in making Ferncourt an environmentally friendly school. The staff at Ferncourt note that Ruth is a principal who is approachable and available to all. She will be greatly missed. Ferncourt Public School has been fortunate to have Ruth leading its school community. On behalf of the parents, carers and the generations of students that Ruth has taught, I wish her all the best in her retirement.

CASTLE HILL GRANDPARENT OF THE YEAR SUSAN CLIFF

Mr RAY WILLIAMS (Castle Hill—Minister for Multiculturalism, and Minister for Disability Services) (13:32): Grandparents often go unrecognised in our electorates. Grandparents play an integral role in families and it is important that we take the time to thank them for their invaluable contributions. I congratulate well-known local champion Susan Cliff on being awarded my Castle Hill 2018 Grandparent of the Year. Susan is a mother of three and grandmother to seven grandchildren. Whilst managing the award-winning Robert Cliff Master Jewellers with her husband in Castle Hill, Susan helps care for her grandchildren on a regular basis. Her commitment to helping others and supporting local charities is certainly something to admire. Her family is always ready to put their hand up to lend a hand to the needy, supporting not only their local community but also people

across our State and our country more broadly. I congratulate Susan. She is an inspiration to all of us, especially her well-loved family.

MERRYLANDS RSL REMEMBRANCE DAY CEREMONY

Ms JULIA FINN (Granville) (13:33): On Sunday I was delighted to join the Merrylands RSL Sub-Branch to commemorate Remembrance Day on the centenary of Armistice Day and to deliver the address. The ceremony was held at the memorial in Merrylands West, where the Cooee March recruited locals during the First World War and, more recently, where the march was re-enacted and soil was collected for the Hyde Park memorial. At the start of World War I, the then Prospect and Sherwood Council had a population of 6,200 people, of which 200 enlisted officially—although local records indicate it was as high as 900, or one in seven people.

That is an enormous contribution for which our local community remains proud. The Merrylands RSL Sub-Branch is incredibly active and works closely with our local schools throughout the year. It is commendable that so many schools participated in Remembrance Day this year, despite it falling on a Sunday. They include Merrylands High School, Guildford Public School, Hilltop Road Public School, Merrylands East Public School, Greystanes Public School, Guildford West Public School and Beresford Road Public School. I congratulate them on a wonderful ceremony to mark Remembrance Day.

BIG LITTLE WARRIOR COMPETITOR INDIANA COOPER

Ms STEPH COOKE (Cootamundra) (13:34): At the Invictus Games 13-year-old Indiana Cooper, all the way from Gundagai, took to the track before an audience of fans and exceptional veteran athletes. Indi, who holds the Pacific School Games record for 800 metres for athletes in the T38 division, ran in the 100 metres relay as part of the Big Little Warrior event on 26 October. She was joined by teammates from the Cerebral Palsy Alliance, whose strength and speed was projected onto the big screen to a standing ovation. Indi is an aspiring Paralympian and was recently awarded a scholarship to the Southern Sports Academy. I congratulate Indi on her phenomenal achievement and on embodying the spirit of the Invictus Games so well.

NEWCASTLE PERMANENT VOLUNTEER OF THE MONTH DIANNE SPURWAY

Mr TIM CRAKANTHORP (Newcastle) (13:35): I acknowledge Dianne Spurway for her volunteer efforts in the Newcastle community. Di is the longstanding secretary of the Cooks Hill United Football Club and in April last year she was recognised as the Newcastle Permanent Volunteer of the Month. During Di's time at the club the number of registered players grew from 100 in 2006 to more than 1,000 in 2018. Last year Di was recognised at the Northern NSW Football Awards, where she received the Bill Turner Award for her achievements. Since the junior and senior Cooks Hill clubs merged in 2014, Di has been shouldering a heavy load but she has put her all into keeping the club running. I thank Di and everyone involved in the Cooks Hill United Football Club for their tireless work. Di has made a sterling effort.

FEATHERDALE WILDLIFE PARK

Dr HUGH McDERMOTT (Prospect) (13:36): On 2 November 2018 it was my pleasure to visit Featherdale Wildlife Park at Doonside, where I was given a tour of the sanctuary, met its animal specialists and was briefed on future plans for the park's growth. Featherdale Wildlife Park was recognised as the Business of the Year at the twenty-eighth annual Western Sydney Awards for Business Excellence and it also received awards for excellence in export and in marketing. The sanctuary currently cares for more than 1,700 animals from 260 native species. I congratulate Featherdale Wildlife Park and its staff on their commitment to the conservation of Australia's rich and diverse array of wildlife. I thank General Manager Tony Chiefari and zookeeper Chad for arranging such a wonderful visit.

LORETO KIRRIBILLI FUTURE PROBLEM SOLVERS

Ms FELICITY WILSON (North Shore) (13:37): I congratulate the 10 girls from three year groups at Loreto Kirribilli who travelled to Melbourne last week to participate in the 2018 Future Problem Solving national finals. They made their way to Monash University for the opening ceremony. Caitlin and Georgia received medals for their achievements in the off-site scenario writing competition, in which Caitlin placed second and Georgia placed fourth. The ceremony was an introduction to the national finals program to be held the next couple of days and it gave them the opportunity to participate in the Future Problem Solving programs. Our two global issues problem-solving teams worked intensely throughout the day to solve the problem by producing an action plan and then developing a creative presentation. The year 8 and year 9 team of Sophia Robinson, Rosie Paton, Grace Poon and Eliane Champ also did a fantastic job and just missed the finals for their presentation. I congratulate all of the girls from Loreto Kirribilli on participating in this event.

LAKEMBA ELECTORATE SPORTS ASSOCIATIONS

Mr JIHAD DIB (Lakemba) (13:38): Recently I had the pleasure of attending the 2018 Canterbury District Soccer Football Association [CDSFA] annual volunteer recognition dinner to celebrate the efforts of individuals who have dedicated themselves and their time to volunteering for the CDSFA. I am very familiar with the great work the CDSFA does and can attest to its significant contribution to our community in the field of sport. Organisations like it and many others would not exist without the consistent commitment and efforts of volunteers—the true foundation of any great community group. Week in and week out they sacrifice their time of a night or on the weekend for the benefit of others. This decision to put the interests of others before oneself is what it means to be an Australian, and I am proud to have been a part of an event that highlighted such contributions.

I also congratulate one of my local clubs, Lakemba Sports, better known as the Lakembaroos, for receiving the Club of the Year award. Well done to Chief Executive Ian Holmes and his team for their efforts throughout the year and especially for organising this great event. It is important to recognise the efforts of those around us who play a key role in our success. They do not do it for the recognition, but they deserve that recognition every single day.

INTERNATIONAL PERFORMING ARTS COMPETITION WINNERS

Ms TANYA DAVIES (Mulgoa—Minister for Mental Health, Minister for Women, and Minister for Ageing) (13:39): I acknowledge two outstanding young women from my electorate of Mulgoa. I congratulate Elizabeth Hills resident Violeta Bozanic on her achievements in the vocalist category of an international performing arts competition. After winning five gold medals and three silver medals at the World Championships of Performing Arts held in Los Angeles this year, Violeta's talents have provided her with the opportunity to work with recording company Prime Music. Violeta is not unfamiliar with being in the spotlight after appearing on *Australia's Got Talent* in 2011, but she will return to America in the New Year to record her first CD with high-profile producer Jeffrey Weber. Violeta wishes to pursue her career and write more original songs in order to share her views of the world. Well done, Violeta.

I commend St Clair resident Sylvana Saloum for the launch of her online hair and beauty store, Strawberry Curls. After devoting herself to raising her two children who have autism, hairdresser Sylvana pursued her passion and broadened her business to an online audience. To commemorate this amazing achievement, Sylvana hosted a Ladies' Night that included food, entertainment and a live auction. The funds raised went to Footy Kidz, a Rugby League program for kids with various disabilities. Congratulations, Sylvana.

BRISBANE WATER OYSTER FESTIVAL

Ms LIESL TESCH (Gosford) (13:40): I congratulate the Peninsula Chamber of Commerce and everyone involved in the Brisbane Water Oyster Festival on Sunday. Thanks to Mother Nature for the perfect day for those attending Remembrance Day and the oyster festival at Ettalong. Crowds turned out from near and far to enjoy the beauty of our local area, and it was great to welcome locals and visitors alike.

The Ettalong markets were a great backdrop for music, dancing, shopping, great wine, tasty food and delicious oysters. Pearls from the Broken Bay area were displayed in pieces crafted by talented local jewellers. Despite the absence of our local operating ferry and concerns about the date clash with Remembrance Day, the new location appeared to be a major success. I thank everyone who came together to make this happen. I send special thanks to the president of the local Chamber of Commerce, Matt Wales. I look forward to celebrating the 2019 Brisbane Water Oyster Festival next year. Yum!

ENROLLED NURSE CHRISTINE WALSH

Mrs LESLIE WILLIAMS (Port Macquarie) (13:41): I recognise the outstanding work of enrolled nurse Christine Walsh, who has contributed more than 40 years of work to the aged care industry. Christine was recently recognised by St Agnes Parish for her dedicated work in supporting elderly residents with high-care needs. Christine commented on her passion and commitment to nursing and acknowledged the amazing people she had cared for along the way. She emphasised the importance of showing compassion and understanding for each individual's needs. She recognised that, in treating an individual, a nurse is not just looking after one person but actually looking after their whole family.

Her career commenced at Lourdes Nursing Home in 1978. This was followed by a move to Emmaus Nursing Home as a house leader at Paul's House, when stage 2 of the new development had been completed. Paul's House is where she works to this very day. Christine recognises that a multifaceted skill set is required to meet the needs of each person in an aged care facility and that nurses have to look after all aspects of people— their

physical, emotional, mental, social and spiritual needs. I congratulate Christine on reaching this remarkable milestone in aged care. I thank her for her ongoing passion for supporting elderly people in their advanced years.

VINCENT GIRLS HIGH SCHOOL DINNER DANCE

Dr HUGH McDERMOTT (Prospect) (13:42): It was wonderful to attend the 2018 Vincent Girls High School Past Students' Dinner Dance on 10 November 2018—a great event showcasing the Sri Lankan Tamil community's invaluable contribution to communities all over Australia. I was honoured to attend the event and experience the fantastic dance, drama and song performances. Vincent Girls High School was founded in 1820 by Methodist missionaries in the Tamil regional centre of Batticaloa. Its students have travelled across Australia starting their own organisations, where those of the Tamil diaspora have settled. I congratulate the President of Vincent Girls High School Anjana David, Reverend Dr John Jegasothy and the organising committee for organising this great event.

RURAL FIRE SERVICE STALWART JEFF CREE

Mr JONATHAN O'DEA (Davidson) (13:43): Jeff Cree joined the Berowra Brigade of the Rural Fire Service [RFS] in January 1968. After being a deputy captain for four years he transferred his membership to the Belrose Brigade and then the Davidson Brigade in 1976. Jeff has held the positions of deputy captain and senior deputy captain and was brigade captain for a period of eight years. He has also held various district positions, and played an important role in the improved training of volunteers. Jeff has been involved in numerous incidents in the Northern Beaches district, around the State and interstate. His tireless, dedicated and exemplary service to the RFS was recognised in 2013 with the award of the Australian Fire Service Medal. This month at a ceremony on the Northern Beaches Jeff Cree was a worthy recipient of the Long Service Medal 4th Clasp for 50 years' service to the RFS. Thanks, Jeff.

COOTAMUNDRA ELECTORATE STATE EMERGENCY SERVICE MEDAL WINNERS

Ms STEPH COOKE (Cootamundra) (13:44): Congratulations to Ken Pearsall, Joan Rawlins and State Emergency Service Controller Ros Bickford, who received SES medals for their decades of service to the community. Ken was acknowledged for an awe-inspiring 40 years on the front line, Joan received a National Medal and Long Service Medal for 15 years' service and Ros received a Long Service Medal for 10 years' service. Joan is a stalwart worker behind the scenes of the incredible Harden unit, supporting those in the field by preparing food and providing assistance at the unit's Driver Reviver facility. Volunteers such as Ken, Joan and Ros are the backbone of the Harden-Murrumburrah community, keeping our constituents safe from danger and responding when duty calls. I express my congratulations and sincere thanks for your selfless service.

TEMPORARY SPEAKER (Ms Anna Watson): I will now leave the chair. The House will resume at 2.15 p.m.

Commemorations

CENTENARY OF FIRST WORLD WAR STATEMENTS

The SPEAKER: Before I deliver today's Centenary of First World War statement, I will speak about the centenary statements. Most members will know that, beginning in 2014, former President of the Legislative Council the Hon. Don Harwin, President of the Legislative Council John Ajaka and I have delivered a centenary statement on the first Tuesday of every sitting week. We have made 77 statements in total, each marking significant events from 100 years ago and the impact of those events upon the Parliament and the people of New South Wales. I sincerely thank all members for their respect and reverence while I have delivered those statements.

I also acknowledge the researchers and authors of the centenary statements, Mr Chris Puplick and Dr Brian Lindsay. I thank them for their dedication to this task, which is appreciated by all members in this place. These statements have been a fitting and important means for the Houses to remember and commemorate events of 100 years ago. Today's statement will bring the commemorations to a close. To honour the close of this project, once I have read today's statement I will invite members and officers to stand, a bugler will sound the *Last Post*, a minute's silence will follow and at the end of the minute's silence the bugler will play the *Rouse* bugle call. As a final tribute by the Parliament, today also marks the launch of the exhibition The Anzac Legacy in NSW: Then and Now. President Ajaka and I will have the honour of opening the exhibition this evening. I encourage all members to attend the exhibition as it is brilliant.

CENTENARY OF FIRST WORLD WAR

The SPEAKER (14:17): In the days following the declaration of the armistice with Germany, the Legislative Assembly and Legislative Council met to adopt a formal message to the King and to express their joy at the end of the war. Premier Holman called it:

> ... an occasion beyond all words—an occasion so transcendent in importance and so entirely stupefying to the imagination that nothing that any orator on earth could say could possibly be worthy of it or could possibly do justice to the emotions it excites.

Members spoke of their pride in the Anzac troops and acknowledged the anguish suffered by so many over those who would never return. At the special adjournment of the House, *Hansard* records that the members of the Legislative Assembly sang, first, *La Marseillaise*, then the *Star Spangled Banner*, then *Advance Australia Fair* and finally *Rule, Britannia!* They then gave three cheers for the boys at the front and three cheers for Australia. In rejoicing at the war's end, great pride was expressed at the military victories the Anzac troops achieved. With the passage of time, however, Charles Bean, the official historian of Australia's involvement in the war, eloquently argued that the greatest achievement of the Australian Imperial Force was "to furnish other nations with the measure of a then almost unknown democracy" and, more importantly, "to furnish that measure to itself and to its own nation". During the four years of the war, Bean argued:

> The people in Australia looked on from afar at three hundred thousand of their own nation struggling amongst millions. … In the first straight rush up the Anzac hills in the dark … in things seen daily from that first morning until the struggle ended … the Australian nation came to know itself.

The cost, he conceded, was enormous. The First World War remains the deadliest in our nation's experience. With the repatriation of the Australian Imperial Force finally completed in 1921, Bean observed:

> The Old Force passes down the road to history. The dust of its march settled. The sound of its arms died. Upon a hundred battlefields the broken trees stretched their lean arms over 60,000 of its graves.

Lest we forget.

A bugler played the Last Post.

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

A bugler played the Rouse.

Visitors

VISITORS

The SPEAKER: I extend a warm welcome to Jeffery and Amanda Choat from the South Coast electorate, guests of the Speaker, and member for South Coast. I welcome Barry Lumby, Clement Scheef and Ann-Marie Sanson, who attended the 50 years of service as justices of the peace event today. They are guests of the Minister for Innovation and Better Regulation, and member for Hornsby. I also welcome students and teachers from Parramatta Marist High School, Our Lady of Mercy College Parramatta and Macarthur Girls High School. They are guests of the Parliamentary Secretary to the Premier, Western Sydney and Multiculturalism, and member for Parramatta. I also welcome Steve and Cathy Law from the *Bugle* newsletter of Kiama, guests of the Parliamentary Secretary for Education and the Illawarra and South Coast, and member for Kiama. I also welcome members of the Yvonne Crestani Scholarships in Radiotherapy Volunteer Group Central Coast, guests of the member for Terrigal.

I welcome Professor Anthony Fielding and Mrs Margaret Fielding, who are celebrating their sixtieth wedding anniversary and are parents of Professor Kerin Fielding, the wife of the member for Wagga Wagga. They are joined in the gallery by her sisters, Mrs Vikki Cook and Mrs Gail Waizer, and Mrs Waizer's husband, Mr Anthony Waizer. I also welcome the grandparents of Lara McGirr. They are all guests of the newly elected member for Wagga Wagga. I welcome Mr Callum Bain and Ms Kathryn Conroy, guests of the member for Wollongong. I welcome Marg Applebee, who is coordinator for Central West Landcare and guest of the member for Orange. I welcome Annemarie Burt, Kirra Vanzetti, Sarah Cox and Liam Moran, parliamentary officers from Victoria. I also welcome students from Kororo Public School, guests of the member for Coffs Harbour.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Mr ANTHONY ROBERTS: On behalf of Ms Gladys Berejiklian: I inform the House that the Minister for Lands and Forestry, and Minister for Racing will answer questions in the absence of the Deputy Premier, Minister for Regional New South Wales, Minister for Skills, and Minister for Small Business.

Announcements

DEATH OF EDWARD CARRINGTON MACK, FORMER MEMBER FOR NORTH SHORE

The SPEAKER: It is with regret that I inform the House of the death on 6 November 2018 of Edward Carrington Mack, a former member of the Legislative Assembly, who served as the member for North Shore from 19 September 1981 to 16 September 1988. On behalf of the House, I extend to his family the deepest sympathy of the Legislative Assembly in the loss sustained. This will be the subject of a motion of sympathy on a future day.

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

Members

DEPUTY LEADER OF THE GOVERNMENT

Mr MICHAEL DALEY: Before I make my announcement, on behalf of all members of the Opposition may I say that we are thinking of the Deputy Premier today and wish him a very speedy recovery.

Announcements

LEADER AND DEPUTY LEADER OF THE OPPOSITION

Mr MICHAEL DALEY: I inform the House of the resignation on 8 November 2018 of Luke Aquinas Foley as Leader of the Opposition. I further inform the House of my election on 10 November 2018 as Leader of the Opposition and the election of the Hon. Penelope Gail Sharpe, MLC, as Deputy Leader of the Opposition.

Bills

CIVIL LIABILITY AMENDMENT (ORGANISATIONAL CHILD ABUSE LIABILITY) BILL 2018

NATIONAL PARK ESTATE (RESERVATIONS) BILL 2018

RESIDENTIAL TENANCIES AMENDMENT (REVIEW) BILL 2018

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2018

COMMUNITY GAMING BILL 2018

WATER NSW AMENDMENT (WARRAGAMBA DAM) BILL 2018

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2018

BUILDING AND DEVELOPMENT CERTIFIERS BILL 2018

CHARITABLE FUNDRAISING AMENDMENT BILL 2018

FAIR TRADING LEGISLATION AMENDMENT (REFORM) BILL 2018

PLANNING LEGISLATION AMENDMENT (GREATER SYDNEY COMMISSION) BILL 2018

GOVERNMENT TELECOMMUNICATIONS BILL 2018

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

BETTING TAX AMENDMENT (POINT OF CONSUMPTION) BILL 2018

Assent

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

Governor

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report receipt of the following message from the Administrator of the State of New South Wales:

Government House
Sydney, 4 November 2018

MJ BEAZLEY
Administrator

The Honourable Justice Margaret Joan Beazley, AO, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General The Honourable David

Hurley, AC, DSC (Ret'd), being absent from the State, and the Lieutenant-Governor also being absent from the State, she has assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report receipt of the following message from His Excellency the Governor:

Government House
Sydney, 5 November 2018

DAVID HURLEY
Governor
General David Hurley, AC, DSC (Ret'd), Governor of New South Wales, has the honour to inform the Legislative Assembly that he has re-assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report receipt of the following message from the Administrator of the State of New South Wales:

Government House
Sydney, 7 November 2018

MJ BEAZLEY
Administrator
The Honourable Justice Margaret Joan Beazley, AO, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, His Excellency General The Honourable David Hurley, AC, DSC (Ret'd), being unavailable to exercise his powers, she has assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT

The SPEAKER: I report receipt of the following message from His Excellency the Governor:

Government House
Sydney, 7 November 2018

DAVID HURLEY
Governor
General David Hurley, AC, DSC (Ret'd), Governor of New South Wales, has the honour to inform the Legislative Assembly that he has re-assumed the administration of the Government of the State.

Question Time

PARLIAMENTARY CONDUCT

Mr MICHAEL DALEY (Maroubra) (14:29): I direct my question to the Premier. I refer to my letter to the Premier dated 11 November 2018. In that letter I requested the bipartisan support of the Premier to improve the conduct of this House and the Parliament. Will the Premier join me in establishing a multi-party working committee to improve the standards of this Parliament?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:29): On Sunday I extended my congratulations to the new Leader of the Opposition; I reiterate that in this House today. In relation to the correspondence issued to me yesterday, that was the first letter I have received from the Leader of the Opposition since I became the Premier. Other people also received the letter at the same time as I did, which shows the integrity of the letter that was sent. All members in this place should adhere to the standards of this Parliament at all times. As the Leader of the Opposition well knows, given that he has managed Opposition business in this place for years and years, we have a Legislative Assembly Standing Orders and Procedure Committee. In fact, he is a member of that committee. At any stage he or any other member of that committee is able to make recommendations if they feel there is anything—

Mr Michael Daley: Point of order: My point of order relates to Standing Order 129. As the Leader of the House well knows, I did and I kept getting knocked back.

The SPEAKER: Order! Members will come to order. The Premier has the call.

Ms GLADYS BEREJIKLIAN: As I said, since I became the Premier I had never received a letter from the Leader of the Opposition, on this or any other matter, until very late yesterday afternoon. I am also very proud to have my record in this place measured against that of the Leader of the Opposition on any day of the week. It is regrettable that since 2011 the Leader of the Opposition has chosen to flout the standing orders of this House on 33 occasions, when he was asked to leave the Chamber.

The SPEAKER: Order! Government members will come to order. Opposition members are not interjecting—strangely.

Ms GLADYS BEREJIKLIAN: Just to clarify, that means he was thrown out of the Chamber 33 times.

Ms Kate Washington: Point of order—

The SPEAKER: The member for Port Stephens is trying to break the record. What is the member's point of order?

Ms Kate Washington: My point of order relates to Standing Order 129. The question was about drawing a line in the sand.

The SPEAKER: The question was about parliamentary standards. The Premier is being absolutely relevant to the question. The member for Port Stephens will resume her seat.

Ms Kate Washington: The Premier well knows that no-one from that side of the House gets kicked out but members on this side get kicked out all the time.

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

Ms GLADYS BEREJIKLIAN: In fairness, I am happy to put on record that since 2015 he has been thrown out of this Chamber 18 times. It is one thing to supposedly suggest that we raise the standards, but I suggest that—

The SPEAKER: Order! I remind the member for Rockdale that he is also at the top of the list.

Ms Jodi McKay: Point of order—

The SPEAKER: I warn the member for Strathfield to be careful. The Premier is being relevant to the question, which was about parliamentary standards. What is the member's point of order?

Ms Jodi McKay: My point of order relates to Standing Order 129. It is worth putting on record that members on this side have been ejected from the Chamber 250 times.

The SPEAKER: Order! The member for Strathfield will resume her seat.

Ms Jodi McKay: And none from the other side.

The SPEAKER: That is because I adhere to the standing orders.

Mr Michael Daley: I don't think so.

The SPEAKER: Here we go. We are resetting the button; the Leader of the Opposition is abusing the Speaker already. He has done that a few times before. The Premier has the call.

Ms Jenny Aitchison: Point of order—

The SPEAKER: The Premier is being relevant to the question. What is the member's point of order? This is getting tiresome.

Ms Jenny Aitchison: My point of order relates to Standing Order 74 (2). The Premier is talking about members on this side of the House being kicked out. That has happened 250 times to those on this side of the House and not once to those opposite. This is not an issue about House standards—

The SPEAKER: There is no point of order. The record of the member for Maitland is deplorable. If I were her, I would not even get to my feet to seek the call. The Premier has the call.

Ms Yasmin Catley: Point of order—

The SPEAKER: The Clerk will stop the clock. Is the member for Swansea going to go on about how many times she has been thrown out of the Chamber? She is at the top of the list as well.

Ms Yasmin Catley: I wanted to remind you that today is—

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

Ms Yasmin Catley: I wanted to remind you that today is—

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

Ms Yasmin Catley: I wanted to remind you that today—

The SPEAKER: There is no a point of order.

Ms Yasmin Catley: —is international kindness day.

The SPEAKER: Order! The member for Swansea will resume her seat. She will know all about that. The reset button is going really well. The Premier has the call.

Ms GLADYS BEREJIKLIAN: As I was saying, I gave that figure since 2011, and since 2015 the Leader of the Opposition has been thrown out of the Chamber 18 times. There are standing orders in place to be respected. There are standing orders in place that all of us need to adhere to. I ask all members of this place to do just that. I say to the Leader of the Opposition: Actions speak louder than words.

COUNTERTERRORISM

Mr GARETH WARD (Kiama) (14:35): My question is addressed to the Premier. How is the New South Wales Government protecting our community from terrorists?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:35): I thank the member for Kiama—

[*Interruption from the gallery*]

The SPEAKER: Order! In accordance with Standing Order 260 the attendants will remove the objectors from the gallery. Please remove yourself from the gallery, and do not come back. Members will come to order. The Premier has the call.

Ms GLADYS BEREJIKLIAN: I thank the member for Kiama for his important question. Community safety is important to all of us in this place. First, I acknowledge and express my sympathies to all those who were affected by the terrifying incident in Melbourne on Friday. I know I speak on behalf of all members of this place and all citizens of New South Wales in expressing our condolences to those directly affected by that terrible terrorist incident. These horrific events are a sobering reminder that lone wolf style terrorist attacks remain a potential threat for us all. The National Terrorism Threat Level remains at "Probable" and we need to be conscious of that. Sadly, Sydney and New South Wales have been deeply affected by terrorism in the recent past, which we are all aware of. Thankfully, the NSW Police Force, in conjunction with other State and Federal agencies, is working around the clock to keep us all safe, and it is doing an outstanding job.

There is nothing more important than community safety. All governments must be focused on this at all times. I am proud to say that the Liberal-Nationals Government has introduced the strongest counterterrorism laws in the country and will continue to strengthen these laws at every opportunity. The Government has already acted quickly to provide the resources and powers required to respond to the changing threat. The Government has ensured a stronger Police Force with stronger police powers. There are tougher bail and parole laws. New South Wales has the stronger post-sentence detention laws, as well as measures to protect our crowded places. These measures represent a strong and comprehensive counterterrorism framework that ensures we have the capacity to prevent, disrupt and respond to threats of terrorism.

As the threat from terrorism changes over time, we continue to be vigilant to ensure that we are preventing, disrupting and responding to those unfortunately new and emerging threats. I am pleased to remind the House that in this year's budget the Government included more than $89 million across four years to implement the New South Wales post-sentence detention scheme, which allows for the ongoing supervision or detention of offenders who pose an unacceptable risk of committing a future terrorist offence at the end of their sentence. The Government will also invest more than $52 million across the next four years to implement the National Facial Biometric Matching Capability, which will increase our ability to identify suspects and victims of terrorism or other criminal activity. We have invested tens of millions of dollars for practical, on-the-ground measures that protect our key locations and infrastructure.

The NSW Police Force has additional powers needed to tackle terrorism. An extra 1,000 police officers have been provided since we have been in government, with more to come. We have also provided certainty for police who are required to use lethal force against terrorists. The Government knows that it needs to go further and today is introducing new laws into this Parliament that will further protect the community from terrorists and other dangerous offenders. At the outset, I thank the Attorney General, the Minister for Counter Terrorism and the Minister for Police for their work in this area. These new laws will enable law enforcement officials to use surveillance devices in inmates' cells to gather evidence to keep offenders behind bars, or under heavy supervision, if they pose an unacceptable risk of committing a terrorist offence at the end of their sentence. Surveillance of inmates will be increased to ensure that we have the best chance to keep potential terrorists behind bars or under heavy supervision.

These new laws will empower the State to apply to the Supreme Court to protect intelligence provided by intelligence agencies by limiting the access of offenders who may pose a terrorist risk, and their legal representatives, to that intelligence. This will be in accordance with strict security and confidentiality requirements. These new laws also streamline the interactions between terrorism, parole and high-risk sex and high-risk violent offender laws to better protect the community. Consistent with the other powers in our counterterror framework, these are powerful measures that will be exercised only where necessary to keep the community safe. [*Extension of time*]

As such, appropriate safeguards will be in place, including a period of review after three years, given how stringent these new requirements are. The New South Wales Government will not take a backwards step in protecting the community. We have introduced the strongest counterterrorism laws in the nation and will continue to update our approach as the threat from terrorism evolves. Today I pay special tribute to the NSW Police Force and all of our State and Federal agencies that work alongside each other, often in difficult circumstances, to reduce, minimise and obliterate the threat of terror. Our police and other agencies do an amazing job, and we are proud to be able to give them the powers and the tools they need to ensure that the community is kept safe at all times.

STATE INFRASTRUCTURE

Mr MICHAEL DALEY (Maroubra) (14:41): My question is directed to the Premier. Given that the WestConnex has doubled in cost and still does not go to Port Botany, given that the Auditor-General has pointed out the litany of failures on her light rail, given the community concern around health and education, and the fact that she cannot even deliver on the simple matter of getting the member for Epping into the Legislative Council—

The SPEAKER: Ask a question that is relevant. The Leader of the Opposition should try to learn the standing orders.

Mr MICHAEL DALEY: —how can the voters have any confidence in her ability to manage anything?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:42): I am not sure if that was a question—

[*Interruption*]

The SPEAKER: I am sure you would, Leader of the Opposition. But I will interrupt you if I think it is appropriate. The Premier has the call.

Ms GLADYS BEREJIKLIAN: I am not sure whether that was a question or a ramble, but I will attempt to answer it. I am incredibly proud of this Government's achievements since 2011. Where Labor failed, we are delivering. As the Leader of the Opposition well knows—he was the then Minister for Finance—those opposite left our State in an economic shambles. There was debt as far as the eye could see; deficits as far as the eye could see. Why was he not able to manage the State—

The SPEAKER: Order! I am sure the member for Rockdale does not want to be the first member to be thrown out today under the new standards—if there are any. The Premier has the call.

Ms GLADYS BEREJIKLIAN: When the Leader of the Opposition was the Minister for Finance why did he not manage the State's finances? Instead, those opposite left us with the worst economic position in the nation, and we have turned that around. We are number one in the nation now. Not only are we the number one State in the nation when it comes to our budget and our economy, but also we are using that strong economic position to deliver on the ground for our communities. We have delivered more than 800 projects, but in terms of major projects we have delivered hundreds of projects for the community. Whilst the Labor Government closed hospital beds, we have opened or upgraded 78 hospitals across the State—48 in rural and regional communities. When was the last time the Leader of the Opposition was in a rural or regional community? That is just our record in health. What about education? Labor closed down schools.

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

Ms GLADYS BEREJIKLIAN: Labor closed down more than 90 schools. When the Leader of the Opposition was the finance Minister he accepted a consultant's report that recommended closing down a further 1,000-odd classrooms across the State. Because the budget was in such a weak position Labor was going to close down schools and reduce services across the board, and we already know Labor's horrible record in cancelling and axing projects. The WestConnex project never would have seen the light of day under a Labor government. Remember Carl Scully's book in which he talked about all the roads funding that he was denied? We know that there is not a project that those opposite will not axe or ruin because they are the Labor Party. They may have changed leaders, but it is the same old Labor Party. The list goes on and on.

Given the Leader of the Opposition asked me quite a long, rambling question on delivering and policy and whatever else—and I know the Minister for Transport may have some comments to make about this— I believe the people of New South Wales deserve to know that yesterday when the Leader of the Opposition made an announcement about extending opportunities for school students to access free travel, he was either misleading the public or he was showing his incompetence, because the Government currently spends in excess of $500 million a year to provide free transport for students who live a certain distance away from their schools and the Government provides concessions for all students who need to use public transport. All Labor put out in

its policy announcement yesterday was the actual fare box revenue component of a policy. But if the Government is providing more public transport for students we need more buses and more bus drivers. Labor forgot about that.

The SPEAKER: I remind the member for Swansea that I do not need interjections. It is World Kindness Day, as she pointed out.

Ms GLADYS BEREJIKLIAN: The policy Labor announced yesterday would cost, in total, in excess of $1 billion, not $44 million. That is why Labor cannot run a budget, that is why it cannot run the economy and that is why it cannot build anything.

STATE ECONOMY

Mr JAMES GRIFFIN (Manly) (14:47): My question is addressed to the Treasurer, and Minister for Industrial Relations. How has the Government shown leadership on the New South Wales economy to deliver a stronger and better future, and are there any alternative strategies?

Mr Greg Warren: Point of order—

The SPEAKER: It is a question.

Mr Greg Warren: My point of order relates to Standing Orders 128 (2) (b) and (g). That last piece of the question from the member is clearly directed to incite debate and argument in this House, and I ask you to have him reword the question.

The SPEAKER: You have been doing your research, reading those standing orders.

Mr Greg Warren: Always, Madam Speaker.

The SPEAKER: You have all been given your homework, to read those standing orders. There is no point of order. The member will resume his seat. It is a question. But it is good that you are following instructions. Well done.

Mr DOMINIC PERROTTET (Hawkesbury—Treasurer, and Minister for Industrial Relations) (14:48): I thank the member for Manly for his question—a man who has achieved so much for his electorate in such a short space of time, and he can do that because of our strong financial management under the Berejiklian-Barilaro Government. New South Wales has the lowest unemployment rate in the country, a strong budget surplus with negative net debt, a triple-A credit rating and record infrastructure right across the State. Those are the facts and they are undisputed.

Our record is of strong financial management so that we can invest in the things that matter most. That is in stark contrast to what we inherited in 2011—a State with the worst economy in the nation, an unemployment rate higher than the national average, budget deficits then and into the future, and billions of dollars of infrastructure that had not yet been built. That was the sad and sorry legacy of those opposite. They turned the premier State into a basket case. It was so bad that the last Labor Premier had to apologise tearfully to the people of our great State. Importantly, who was the chief—

Mr Greg Warren: Point of order—

The SPEAKER: The Clerk will stop the clock. If the member for Campbelltown is going to try this on I will not have much tolerance for it.

Mr Greg Warren: I am not trying anything on. My point of order relates to Standing Order 73. If the Treasurer wants to debate the budgetary policies of former governments he should do so by substantive motion, and we can stay here all night and argue about matters of that nature.

The SPEAKER: The member will resume his seat. There is no point of order.

Mr DOMINIC PERROTTET: Who was the chief economic architect of the last Labor government? None other than the failed former finance Minister and now Leader of the Opposition, Michael John Daley—the worst finance Minister in the history of the State, a man with the reverse Midas touch: He turned surpluses into deficits, he turned jobs into unemployment, he brought the workers compensation scheme in this State to its knees, he turned the best economy into the worst economy and he left the State with a $30 billion infrastructure backlog. That was the real Daley grind—millions of people stuck in a State going nowhere.

Ms Jodi McKay: Point of order: My point of order is taken under Standing Orders 129 and 73. It is to do with relevance but also, under Standing Order 73, what the Treasurer is saying should be by way of substantive motion.

The SPEAKER: That is ridiculous in relation to this question. That is just a fabrication. I do not know where you got those instructions from, but they are wrong.

Ms Jodi McKay: No-one has given me instructions, Madam Speaker.

The SPEAKER: The Treasurer was asked a question, which he is answering relevantly.

Ms Jodi McKay: It was a question about the strength of the economy.

The SPEAKER: There is no point of order. The member will resume her seat.

Ms Jodi McKay: And if he wants to attack the Leader of the Opposition it should be by way of substantive motion.

The SPEAKER: I call the member for Strathfield to order for the first time for ignoring my instructions to sit down. The Clerk will start the clock.

Mr DOMINIC PERROTTET: Michael Daley represents everything that is wrong with the New South Wales Labor Party.

Ms Kate Washington: Point of order—

The SPEAKER: If you keep doing this I will keep stopping the clock and we will be here all afternoon. Is your point of order to do with a substantive motion? Is that the instruction for you too?

Ms Kate Washington: No, Madam Speaker, none of us is under instructions. My request only is that you direct the Minister to refer to the Leader of the Opposition by his correct title, which is a standing order.

The SPEAKER: I uphold the point of order.

Mr DOMINIC PERROTTET: It is pretty clear why they could not find a deputy in the lower House.

Ms Jodi McKay: Point of order—

The SPEAKER: The Clerk will stop the clock.

Ms Jodi McKay: Madam Speaker, if you are to apply a firm and fair hand to this House—

The SPEAKER: Are you suggesting that I am not?

Ms Jodi McKay: —I draw your attention—

The SPEAKER: I call the member for Strathfield to order for the second time. The member will resume her seat.

Ms Jodi McKay: —to the comments made by the Treasurer.

The SPEAKER: The member for Strathfield will resume her seat. Let us see some improved behaviour from the member for Strathfield—that would be good.

Mr DOMINIC PERROTTET: The sad thing is that those opposite had a chance for generational change and they blew it. They did not hit the reset button, they hit the rewind button. In their defence, they started to drain the swamp—

Mr Ryan Park: Point of order—

The SPEAKER: Is this a point of order relating to a substantive motion? What is the member's point of order?

Mr Ryan Park: It is under Standing Order 129.

The SPEAKER: The Treasurer is being completely relevant. The member will resume his seat.

Mr Ryan Park: This was a question about the economy.

The SPEAKER: And this is an answer that has been entirely relevant up to this point. I will continue to listen to the Treasurer.

Mr DOMINIC PERROTTET: In their defence, they started to drain the swamp by going with Luke Foley, but they have returned to the swamp with Michael Daley. The man who got rid of Ian Macdonald—

Ms Kate Washington: Point of order—

The SPEAKER: The Clerk will stop the clock.

Ms Kate Washington: To suggest that this is a response to a question about the economy—

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

Ms Kate Washington: This is a personal attack on the Leader of the Opposition. It is Standing Order 73. If the Treasurer wants to make personal reflections on anyone he must do it by way of substantive motion.

The SPEAKER: The member will resume her seat. I caution the Treasurer about some of the comments he has been making about the Leader of the Opposition.

Mr DOMINIC PERROTTET: The man who got rid of Ian Macdonald has been replaced with the man who sat in Cabinet with Eddie Obeid, Joe Tripodi—

Ms Kate Washington: Point of order—

The SPEAKER: The member for Port Stephens will resume her seat. I am continuing to listen to the Treasurer. I do not need her advice or her poor behaviour. I call the member for Port Stephens to order for the third time.

Mr DOMINIC PERROTTET: This is a man whose biggest political attribute is to hear no evil and see no evil.

The SPEAKER: I caution the Treasurer about the comments he is making.

Mr DOMINIC PERROTTET: It is a coincidence that on the day that the member for Maroubra was due to become the Leader of the Opposition members on this side of the House received an urgent notice from Eddie Obeid. What was Eddie so worried about? Everyone knows that Michael Daley and Eddie Obeid were thick as thieves.

Ms Jodi McKay: Point of order—

The SPEAKER: The Clerk will stop the clock. The Treasurer will resume his seat.

Ms Jodi McKay: I draw your attention to the fact that the Treasurer is flaunting, flouting and ignoring your ruling.

The SPEAKER: The Treasurer is flaunting?

Mr DOMINIC PERROTTET: We know who he thanked in his inaugural speech. It is the beauty of *Hansard*, it is always on the record. The problem with their approach is that a leadership change is meant to be an upgrade. For the first time they have gone for a downgrade—downgrade Daley. Look what you could have done. The man who rocks up to a press conference running for leadership as a joke and laughs all the way through it. He ran for leadership for a bit of a lark. What do those opposite say about the member for Kogarah? [*Extension of time*]

Ms Jodi McKay: Point of order—

The SPEAKER: The member for Strathfield will resume her seat.

Mr DOMINIC PERROTTET: A member opposite—unnamed—says, "The member for Kogarah will be deeply humiliated when he discovers that all of his supporters could fit in the front seat of a Suzuki Swift." Who said that?

Ms Jodi McKay: Point of order—

The SPEAKER: I direct the Clerk to stop the clock each time there is an interjection.

Ms Jodi McKay: Madam Speaker, your earlier ruling cautioned the Treasurer but he is persisting with the line of commentary.

The SPEAKER: I accept the member's point of order. I caution the Treasurer about his comments.

Mr DOMINIC PERROTTET: Who said that? How wrong Ryan was. He got 12 votes. Enough to fit into a minivan.

The SPEAKER: I again caution the Treasurer.

Ms Anna Watson: Point of order—

The SPEAKER: The member for Shellharbour will resume her seat. I caution the Treasurer. I will judge him accordingly.

Mr DOMINIC PERROTTET: I want to know who were the 12 Apostles when the Messiah's time had not yet come. I will tell you who it was not: It was not "Jodas" of Strathfield.

The SPEAKER: I caution the Treasurer. He is now straying from the question, which was about the economy. I ask the Treasurer to return to the leave of the question or I will sit him down.

Mr DOMINIC PERROTTET: He is no Messiah, he is just a naughty little water boy sitting in the corner.

The SPEAKER: I will sit the Treasurer down if he does not return to the leave of the question.

Mr DOMINIC PERROTTET: I will move on. I was concerned over the past couple of weeks about who the new leader would be. We knew there was somebody on that side of the House who potentially would wipe us all out of office.

Mr David Mehan: Point of order—

The SPEAKER: I am listening to the Treasurer. Does the member have a different point of order?

Mr David Mehan: My point of order is Standing Order 129, the Treasurer has strayed right away from the question.

The SPEAKER: I know that. If the Treasurer does not change tack I will sit him down.

Mr DOMINIC PERROTTET: What a relief it was to read the *Campbelltown-Macarthur Advertiser*, "Campbelltown MP Greg Warren won't seek leadership following Luke Foley's resignation".

The SPEAKER: The Treasurer will resume his seat.

Mr DOMINIC PERROTTET: What a relief and thank you Greg for answering the question that no-one was asking.

The SPEAKER: The Treasurer will resume his seat. That is the end of that question.

LIBERAL PARTY PRESELECTION

Mr MICHAEL DALEY (Maroubra) (14:58): My question is directed to the Premier. On 24 September the media reported that the Premier had struck a deal for the member for Epping to be appointed to the Legislative Council. Will the Premier inform the House if it is true that three of her Ministers—the member for Castle Hill, the member for Baulkham Hills and the member for Goulburn, and their supporters—combined to defeat the arrangement?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (14:58): In terms of standards, the Leader of the Opposition can talk about those issues. I will talk about health, education, roads, transport and those issues that matter to the people of New South Wales. Every one of our constituents expects us to come into this place to speak about the issues that matter most to them. We know that the issues that matter the most are not those raised by the Leader of the Opposition. This is an appalling example of his lack of understanding as to what the people of New South Wales want from their leaders. I assure the people of New South Wales that every day each and every one of my colleagues wakes up and works their guts out to make New South Wales a better place. We work our guts out to build a strong budget, to reduce the cost of living pressures, to build the schools, hospitals and roads, and provide the public transport that is needed. They are the issues that matter to us and they are the issues that matter to the community, and they are the issues that I will continue to champion every day.

TRANSPORT INFRASTRUCTURE

Ms MELANIE GIBBONS (Holsworthy) (14:59): I address a question to the Minister for Transport and Infrastructure. Will the Minister inform the House how the Government is investing in transport for a stronger, better future and will the Minister outline any threats to this plan?

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (15:00): I thank the member for Holsworthy for her question. This is a transport and infrastructure Government, there is no doubt about that. It has delivered 30,000 additional transport services since it came to office. In terms of train services, 1,500 of the 2,500 were introduced to Western Sydney. Those opposite have said they will cancel those services. The frequency of trains is such that 90 per cent of commuters during the morning and afternoon peaks are now able to experience a turn up and go service at stations. We have seen the investment in Sydney trains increase from $300 million in 2013 to $400 million last month. That is a growth of 30 per cent in five years. That is what we contend with as we deliver a world-class transport system. We have delivered better services on the heavy rail and very soon, just around the corner, in the second quarter of 2019, the magic metro train will be delivered and will transform the State forever.

The metro train is separated from the heavy rail network. It will run from the north-west through to the city where we will be tunnelling under the city for the first time in 50 years. The rail tunnel under the harbour will be a first. It will then go on to Bankstown, revolutionising public transport in the city. One of the great elements of this is that it is a turn up and go service. It is fully automated. It is a single deck train. Every global city around the world deserves a metro system. There is no doubt about it. We would not have it if this Government did not have the guts to recycle capital, particularly out of the poles and wires assets, and invest in the new metro train. Metro City will receive $7 billion of that transaction. There is no doubt if you manage your finances well you can deliver outcomes for the people of this State.

The SPEAKER: The member for Gosford will cease interjecting.

Mr ANDREW CONSTANCE: Therein lies the point. In terms of buses the Government is delivering more turn up and go services. The B-line has been magic. There has been a massive increase in patronage on the B-line. The Bondi link has been introduced. The 333 bus service now leaves Bondi Beach to travel to Circular Quay. It is also a turn up and go service. Patronage has increased dramatically and in some cases over 80 per cent.

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

Mr ANDREW CONSTANCE: Another pleasing element of this Government is that over the past couple of years it has encouraged people out of their cars and onto public transport. There has been a reduction in the number of motor vehicles entering the city by 12 per cent between the hours of 6.00 a.m. and 10.00 a.m. That correlates with an increase in patronage of public transport services by 11.8 per cent. People are opting to use public transport. It is affordable and it is getting people to where they need to be.

The SPEAKER: The member for Newcastle will cease interjecting.

Mr ANDREW CONSTANCE: Innovation has delivered on demand transport. There are currently a number of trials occurring across the State, including in regional areas, where we provide a personalised service. You book a service from your door to a hub; be it retail, hospital or transport hubs. For the first time we have embedded that in a contract for the region 6 inner west franchise. Pleasingly, that is working well. I am glad that the on demand transport trial will be rolled out across the regions. This comes at a time when regional bus fares have been reduced by 30 per cent. The Government is encouraging people to utilise public transport across the board. In terms of the threats to all of this it is quite simple: You have to be able to manage your finances as a Government to deliver the outcomes the community wants to see.

Yesterday, with his first introduction to public policy as Leader of the Opposition, he was caught out. It sounds nice—let us provide free transport to everybody under the age of 16. Guess what? It will only cost $44 million. That sounds a little bit too good to be true if over half a million children are going to be somehow travelling on the transport network for free. I had a look at what has gone on here. That $44 million figure is the revenue received from Government that relates to the Opal children's concession. Those opposite did not include in their costing the revenue that is associated with the school student travel scheme. That is another $30 million. There is $74 million. [*Extension of time*]

The SPEAKER: I call the member for Gosford to order for the first time. For the fifth time, the member for Gosford will cease interjecting.

Mr ANDREW CONSTANCE: That is $74 million in foregone revenue, which is what they think it costs to deliver the transport services. That does not quite add up. We have $554 million in costs associated with providing half of the State's school students with free travel to school. They have done away with the radius requirements. That means another half a million students have to find public transport. That will not cost $74 million, or $44 million according to those opposite. It will cost in excess of $1 billion to deliver. I have that from Transport. There is $1 billion in concessions.

We also have from those opposite a tearing up of a contract in relation to the station link to the airport. There is another $1.5 billion. Then of course we have the cashback system. There is another $3 billion over 10 years. The budget is now in deficit and we are not anywhere near the election campaign, and guess who is in charge? It is the former Minister for Finance. It is nice that he wants to talk about standards, but if he makes announcements in the public policy space, for goodness sake, he should get his costings right. He has blown a deficit that this Government has worked damn hard to deliver so that we can build hospitals and schools, and deliver services, teachers, nurses and police.

The SPEAKER: I call the member for Gosford to order for the second time. The member for Shellharbour will come to order.

Mr ANDREW CONSTANCE: And Labor will write it off in three giveaways. This is further proof that Labor cannot manage money. I say to the people of this State: Do not risk an inexperienced team in Labor. They are not fit to govern.

REGIONAL NEW SOUTH WALES INFRASTRUCTURE

Mr MICHAEL DALEY (Maroubra) (15:07): My question is directed to the Premier. Weeks ago the New South Wales Auditor-General reported that regional New South Wales has missed out on almost half the infrastructure spending that it was promised from the sale of the electricity networks. What is the Premier's reaction to concerns in regional communities across New South Wales that this Government is spending on stadiums, toll roads and light rail in Sydney, which has done nothing to improve their lives?

Ms GLADYS BEREJIKLIAN (Willoughby—Premier) (15:07): It is curious that I get this question from the Leader of the Opposition. When he was the roads Minister, he did not provide any funding for the Pacific Highway or the Newell Highway. He ignored all those regional roads that required upgrades and major improvements. That is what the Labor Party does: It turns its back on rural and regional New South Wales. I am incredibly proud of our Government's record in rural and regional New South Wales.

The SPEAKER: I call the member for Gosford to order for the third time. The next time the member interjects she will be removed from the Chamber for the rest of the day.

Ms GLADYS BEREJIKLIAN: I am proud of the fact that 48 of the hospitals and medical centres we have built are in rural and regional New South Wales.

The SPEAKER: I call the member for Shellharbour to order for the first time. I call the member for Shellharbour to order for the second time. I call the member for Shellharbour to order for the third time.

Ms GLADYS BEREJIKLIAN: I am not sure why the member for Shellharbour is complaining; we are upgrading the Shoalhaven hospital, rebuilding it.

The SPEAKER: The Clerk will stop the clock. The member for Kiama and the member for Shellharbour will stop arguing about hospitals. The Premier has the call.

Ms Yasmin Catley: According to Parramatta, you can't quite get it right.

Ms GLADYS BEREJIKLIAN: I hope that interjection was recorded, Madam Speaker. So much for their standards.

The SPEAKER: So much for the reset button on the member for Swansea. I call the member for Swansea to order for the first time. The Premier has the call.

Ms GLADYS BEREJIKLIAN: They know they have asked a stupid question when they do not like the answer. In relation to infrastructure, we are incredibly proud that $1 in every $3 we spend goes to the bush. That equates to in excess of $26 billion alone from asset recycling. Remember, they opposed asset recycling. If it was up to them, there would be zero dollars going into the regions. They opposed the policy.

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

Ms GLADYS BEREJIKLIAN: That is why we are proud of the fact that we are investing in—

The SPEAKER: I call the member for Swansea to order for the third time, on kindness day and good behaviour day, as she pointed out. Does the member really want to go today—on good behaviour day and kindness day? I direct the Deputy Serjeant-at-Arms to remove the member for Swansea from the Chamber under Standing Order 249. The member may return tomorrow.

[*Interruption*]

I can make it two days, if the member for Swansea wishes. I warn her not to make a comment on the way out of the Chamber, or it will be three days. Who is next?

[*The member for Swansea left the Chamber at 15:11 accompanied by the Deputy Serjeant-at-Arms.*]

Ms GLADYS BEREJIKLIAN: I am very proud of the fact that alongside the Deputy Premier not only did we recently announce that every dollar of the proceeds from the Snowy Hydro 2.0 will go to rural and regional communities, but for the first time we have outlined a comprehensive growth strategy for the regions and more remote communities based on two themes. First, water security, which we know is critical. Secondly, connectivity. Connectivity in relation to better transport routes, better freight routes, digital connectivity—things that really matter to those in the bush. Every time I visit communities I love the frank feedback that I receive. Recently I was on the mid North Coast and I was pleased to visit constituents in the electorate of Clarence and speak about their

issues. It was compelling for me when I visited Maclean to see a great hospital and great frontline health workers, but the helipad that takes those serious patients to other hospitals needs upgrading. The member for Clarence and I proudly announced the Government's support for that upgrade.

Those types of initiatives make such a difference for the community. I give that as one example to demonstrate that we know that local infrastructure matters so much in rural and regional communities. Unless we talk to the local people and understand what they need, and ensure that a government has the resources to deliver, we cannot make a difference to people's lives. That is what I pride this Government with. We not only ensure that the voices of rural and regional communities are heard but when they are heard we also take action. That means that whether in the north, west or south of the State, we ensure those voices are heard. I am incredibly proud of this Government's record. Do we need to do more? Of course we do. Do we know the challenges in the rural and regional communities, especially because of the drought? Of course we do. That is why this Government is working hard to keep its budget strong, so it can invest in excess of $30 billion in its regional communities.

STATE INFRASTRUCTURE

Mr AUSTIN EVANS (Murray) (15:13): My question is directed to the Minister for Roads, Maritime and Freight. How is the Government delivering stronger, better infrastructure for our future? Are there any alternatives?

Mrs MELINDA PAVEY (Oxley—Minister for Roads, Maritime and Freight) (15:13): I thank the member for Murray for his question. What a day we had yesterday. Talking about the $2 billion of investment in the south-west of New South Wales, whether it is the Echuca-Moama Bridge, the investment in the Newell Highway or the work we are doing on the Barton Highway, they are all incredible projects—once-in-a-lifetime investments in our regions that we are fighting for at the forefront. That was the energy that was in the room yesterday. Local councils as well as private companies want to be part of that work, and provide jobs and opportunities to the people of south-west New South Wales, but this story is echoed across all of regional New South Wales. As we discussed yesterday, there is so much more to come.

The Government has doubled the Roads budget in New South Wales, and the city and the country are beneficiaries of this investment. I take this opportunity to talk about the risk to all of our good work, and I refer to it as a contest of ideas and policies. I went to the Australian Labor Party website to look at its policies, but there were no policies. Even the policy it released last Thursday, which cancels three projects across Sydney, was not on its website. I went back further in time to look at the record of Opposition leader Michael Daley, the member for Maroubra, and to reflect on his decisions as Minister. It is very important that I do so.

The member claims that he has the answers to easing traffic congestion. He said so at his first press conference as Leader of the Opposition. Under his watch in 2008 while he was roads Minister, what was his solution to easing congestion? Was it to build a new road or to invest in public transport? They would have been good ideas. No, he was scared to get behind the wheel of a bobcat. His solution to congestion was to increase the toll on the Sydney Harbour Bridge by 33 per cent to $4. The member for Maroubra said, "This is a major initiative to meet the challenge of congestion." I ask members to compare the record of those opposite to our delivery. The then Minister for Roads Michael Daley's answer to congestion was to increase tolls. Our Government's answer is to build roads and public transport: NorthConnex, WestConnex, Sydney Metro—

The SPEAKER: There is too much noise in the Chamber. The member for Londonderry will cease calling out.

Mrs MELINDA PAVEY: —Western Harbour Tunnel and Beaches Link, F6 Stage 1, Sydney Gateway and the duplication of the Pacific Highway. We are turning our attention to duplication of the Great Western Highway and the Princes Highway. That is what we want to do in this State. Those opposite put that all at risk, which we see when we look at the past delivery of projects under the Opposition leader. Under Labor, we get cancellations. They have already announced they will scrap the F6 Stage 1, the Western Harbour Tunnel and Beaches Link—

Ms Jodi McKay: Point of order—

The SPEAKER: The Clerk will stop the clock.

Ms Jodi McKay: The Minister should direct her comments through the Chair.

The SPEAKER: I uphold the point of order. The Minister will direct her comments through the Chair.

Mrs MELINDA PAVEY: They are once again putting a handbrake on Sydney, let alone on regional New South Wales. The Opposition should never lecture the Government on tolls and cost-of-living pressures. Despite today's news of letters from Long Bay jail asking us to make no connection, I know that prisoners across

New South Wales were cheering when the once young boy who paid homage to Obeid and Tripodi became a man as the Opposition leader. I tried to find out some details of the former roads Minister's history of delivery.

Mr Ryan Park: Point of order—

The SPEAKER: The Clerk will stop the clock.

Mr Ryan Park: I take two points of order: Standing Order 73, a substantive motion must be made; and Standing Order 129, the Minister's answer clearly has nothing to do with roads.

The SPEAKER: I uphold the point of order. The Minister will return to the leave of the question, which was about roads and other alternative policies. The Minister has been addressing those issues, but I ask that she return to the leave of the question.

Mrs MELINDA PAVEY: Regarding the Opposition leader's record on roads, it is important to highlight that he has had three speeding offences—and he lied about those—in the 1980s and 1990s.

Mr Guy Zangari: Point of order—

The SPEAKER: The Clerk will stop the clock.

Mr Guy Zangari: I take two points of order. The first relates to Standing Order 73 and the other relates to Standing Order 129. Two roads diverged into a yellow wood. The Minister is taking the low road.

The SPEAKER: Very good on the old Robert Frost, but the member got it wrong. If the member wants to quote poetry in my presence he should get it right.

Mrs MELINDA PAVEY: I am talking about policy. Michael Daley as roads Minister signed off on the law that allowed drivers' licences to be cancelled for three months if they were caught speeding 30 kilometres or more over the speed limit.

Ms Kate Washington: Point of order: I ask that the Minister again be directed to refer to the Leader of the Opposition by his correct title.

The SPEAKER: I uphold the point of order.

Mrs MELINDA PAVEY: The Opposition leader, when he was roads Minister, signed off on that law. When he was caught speeding in the tunnel, he said he did not know that the law existed.

Mr Ryan Park: Point of order—

Mrs MELINDA PAVEY: He signed off on the law.

The SPEAKER: The Clerk will stop the clock.

Mr Ryan Park: I refer to Standing Order 129. Yesterday there was an incident with a member—

The SPEAKER: The member has raised relevance. He should not then stray to an argument.

Mr Ryan Park: No, hang on a minute. There was an incident yesterday and the Leader of the Opposition clearly said—

The SPEAKER: The member will not tell me to hang on a minute. The member is being disrespectful to the Chair. The member will resume his seat.

Mrs MELINDA PAVEY: I make that point. I refer to the Opposition leader's media conference. I acknowledge and congratulate him on rising to the position.

The SPEAKER: The Leader of the Opposition will cease interjecting.

Mrs MELINDA PAVEY: I thought it was appropriate and decent of him—

Mr Guy Zangari: Point of order—

The SPEAKER: So much for good behaviour today. The Clerk will stop the clock. The Minister will resume her seat.

Mr Guy Zangari: The Minister should direct her comments through the Chair and not across the table.

The SPEAKER: The Minister will direct her comments through the Chair. The member will resume his seat.

Ms Jodie Harrison: Point of order—

The SPEAKER: The Minister has not uttered a word. The Clerk will stop the clock.

Ms Jodie Harrison: When a point of order is taken, it is appropriate for the Minister to be seated.

The SPEAKER: That is correct. The Minister will adhere to that procedure.

Mrs MELINDA PAVEY: I thought it was decent of him to acknowledge his family's history in the mighty Macleay Valley. [*Extension of time*]

The SPEAKER: Question time will go on all afternoon if the poor behaviour continues.

Mrs MELINDA PAVEY: I thought it was decent of him to acknowledge his grandfather, a proud dairy farmer in the Macleay Valley, around Kempsey. He also talked about jobs in regional New South Wales. The Government supports and delivers jobs in regional New South Wales. During the Opposition leader's media conference, Labor's policy to shut down our timber industry, putting hundreds of good workers and their families on the dole, was raised. That is disappointing. Labor should not say that it wants jobs in regional New South Wales and that it wants to close down the timber industry. That is a shame and a matter that should be pointed out to the communities across the mid North Coast. Labor cannot have its cake and eat it too. Those opposite cannot say they want more jobs and they want to shut down the timber industry, with the creation of the Great Koala National Park. That is an absurd proposition in terms of protecting the environment and jobs.

Ms Jodi McKay: Point of order—

The SPEAKER: The Minister will resume her seat. The Clerk will stop the clock.

Ms Jodi McKay: I refer to Standing Order 129. The question was about roads.

The SPEAKER: It was about roads and other alternative strategies or plans. The Minister will continue.

Mrs MELINDA PAVEY: In relation to maritime, the Opposition wants to shut down jobs in the timber industry and it wants to shut down jobs in the cruise industry. The Opposition leader, the member for Maroubra, who is walking out of the Chamber, does not want an extension of the cruise industry at Port Botany. He wants to shut down 12,000 jobs in this important and growing industry. He has no vision for the future growth of the cruise industry across New South Wales.

The SPEAKER: Opposition members will come to order.

Mrs MELINDA PAVEY: It is a not-in-my-backyard policy. If Daley has his way, the cruise industry will once again be left stranded at sea.

The SPEAKER: The member for Gosford is on her final warning.

Mrs MELINDA PAVEY: Daley's not-in-my-backyard policy will become a not-in-my-State policy and all those jobs and tourism dollars will go elsewhere.

Ms Jodi McKay: Point of order—

The SPEAKER: The Minister will resume her seat. The Clerk will stop the clock. This is a great time-wasting exercise.

Ms Jodi McKay: The Minister should refer to the Opposition leader by his correct title and not by his surname.

The SPEAKER: The Minister will refer to members by their proper titles.

Mrs MELINDA PAVEY: Let me break this down: cannot drive, cannot construct policy, cannot support jobs. Well done, you lot. [*Time expired.*]

The SPEAKER: The House will come to order.

MARDI GRAS AND NIGHT-TIME ECONOMY

Mr ALEX GREENWICH (Sydney) (15:23): My question is directed to the Minister for Lands and Forestry, and Minister for Racing.

The SPEAKER: The member for Rockdale will cease interjecting.

Mr ALEX GREENWICH: Given that people were able to enter Oxford Street venues after 1.30 a.m. during this year's Mardi Gras without any safety problems, will the Minister extend those conditions to safe and well-run venues in the week leading up to Mardi Gras next year, when tens of thousands from across the world will visit the area to celebrate one of Sydney's best and most important events?

The SPEAKER: The member for Rockdale will come to order.

Mr PAUL TOOLE (Bathurst—Minister for Lands and Forestry, and Minister for Racing) (15:24): I thank the member for Sydney for his continued interest in Sydney's night-time economy. His contributions to this issue are always very constructive and I thank him for his work in this area. Recently I was pleased to discuss with him in my office matters relating to the Sydney night-time economy. The member is aware that this year the New South Wales Government provided a one-off exemption in the Oxford Street area on the evening of the Mardi Gras parade. This meant that the usual requirements that are in operation in that area, the restriction on admitting patrons after 1.30 a.m. or 2.00 a.m., depending on the venue, did not apply. However, the venues were still required to cease serving alcohol at the usual times of 3.00 a.m. or 3.30 a.m., depending on the venue.

There is no doubt that the issue of liquor licensing in the Sydney central business district and the Kings Cross precinct brings forward very strong opinions on either side of the debate. It is important not to forget that the night-time economy is more than liquor licensing, so I welcome the renewed focus of the City of Sydney on this matter. It is about retail, restaurants and entertainment and it is so much more than the opening times of pubs and bars. I welcome the input of the member for Sydney and other sensible voices in this discussion. Recent media reports have reminded us of important voices in this discussion.

Recently Professor Gordian Fulde spoke about the liquor law changes of 2014. He said they came about to stop people spilling out onto the street where we would see much alcohol-fuelled violence. The Police Association of NSW, which is opposed to change, has said that the law has prevented thousands of assaults and injuries. I note the comments of the Leader of the Opposition yesterday when he spoke about ambulance officers and police. I too share his concern for the men and women on the front line on our streets. Of course, many people in the industry have been very outspoken about the need for change to the current situation. I welcome feedback from the industry, the community, law enforcement and health sectors, and I will continue to consider their input.

The liquor law changes, which were introduced in 2014 in response to concerns about alcohol-related violence, struck a balance between those concerns and the night-time economy. The result was a significant reduction in alcohol-related violence. Following a review in 2016, the liquor laws in the central business district and Kings Cross were adjusted. There are now more than 35 live entertainment venues taking advantage of later trading exemptions. In fact, I can report to the member for Sydney that three of the most recent additions are on Oxford Street: the Slide Lounge, the Oxford Hotel and Palms on Oxford. Additionally, Sydney's small bars continue to flourish following changes to licence conditions approved by the New South Wales Government in 2016.

These changes allow small bars to serve more patrons, to open later and to have more flexibility around what they can serve after midnight. The Sydney local government area has nearly 60 small bars, and that number continues to grow. Just as the Government has put in place arrangements for other major events such as the National Rugby League Grand Final, Vivid Sydney and the soccer World Cup, we will consider special arrangements for the 2019 Mardi Gras closer to the event. We will take into account advice from Liquor and Gaming NSW, the NSW Police Force and other relevant parties so that risks and potential mitigation can be appropriately addressed. Given that the member for Sydney is seeking an exemption for the whole week rather than a single night, it will require further consultation. The Government recognises the importance of the Mardi Gras as a major event for Sydney and New South Wales that contributes to both jobs and tourism. I look forward to working with the member for Sydney and other stakeholders in this matter.

FAIR TRADING

Ms STEPH COOKE (Cootamundra) (15:30): I address my question to the Minister for Innovation and Better Regulation. How is NSW Fair Trading lifting standards and building trust in the community to deliver a stronger and better future?

Mr MATT KEAN (Hornsby—Minister for Innovation and Better Regulation) (15:30): I thank the great member for Cootamundra for a great question . The member for Cootamundra is the best member that has ever represented the good people of Cootamundra. I am not misleading the House because it is a factual matter. It is great to be asked a question about trust from one of the most trustworthy members of this Parliament, and that is what one finds on this side of the House. This Government does what it says and says what it does, and that includes our departments such as the Department of Fair Trading. When I became the Minister for Fair Trading, I said that the Government would put consumers first and that it would stand up for the little guy in this State. How has the Government done that? Look at our reforms to gift cards. In the past, every year in New South Wales consumers lost $60 million of their hard-earned money because of early expiry dates on gift cards.

The SPEAKER: There is too much noise in the Chamber. Members will take their conversations outside the Chamber or they will be directed to leave the Chamber. I warn the member for Kiama that it will be for the rest of the day.

Mr MATT KEAN: The Government stood up to the big retailers and big businesses on behalf of the little guy in this State. We took them on and we won. Now in New South Wales we have a mandatory minimum three-year expiry date for gift cards. That means that people will get what they pay for. Every other State and Territory is following our lead. This type of measure builds trust in the community. Our measures in relation to ticket scalping mean that genuine fans now get access to concerts and events at a fair and reasonable price. We capped the amount at which a ticket can be resold at 10 per cent above the original price. Genuine fans now have a fair go at accessing tickets at a fair and reasonable price. That is how this Government is building trust. We do what we say and we say what we do. The Government is also lifting standards. It has cleaned up RSL NSW so that when people donate to charity they know it will go to the intended purpose.

The SPEAKER: There are too many conversations in the Chamber. Members will remain silent or they will be directed to leave the Chamber for three hours.

Mr MATT KEAN: The Government has cleaned up retirement villages in this State. Katherine Greiner was appointed to undertake a review of retirement villages in New South Wales and the Government's reforms will ensure that our senior citizens, residents of retirement villages in this State, will get a better and fairer go. This Government is about lifting standards. It is also lifting standards in short-term holiday lettings by introducing the toughest laws in the world to crack down on bad behaviour. Under our "two strikes and you're out" policy, if anyone has two strikes in two years, they will be off all platforms for five years.

I know the member for Strathfield is very excited about those reforms. This Government is building trust in the community by doing what it says and saying what it does. This Government is committed to raising standards. Recently I read with delight that it is not just the Government that is interested in raising standards in this place. I acknowledge the ambition of the Leader of the Opposition to raise standards in this Parliament. I congratulate the Leader of the Opposition on his ascension to the role. To lead his team onto the park is a tremendous honour and I know he will do a good job.

I read with interest the letter that the Leader of the Opposition sent to the Premier about raising standards in Parliament. He was very concerned that question time had become a farce and that the Speaker's rulings were being ignored. That is interesting because no-one has done more to degrade standards in the Parliament than has the Leader of the Opposition. In fact, he has been kicked out of the Parliament on no less than 33 occasions. The Leader of the Opposition has had more detentions for bad behaviour than Bart Simpson. [*Extension of time*]

Double Standards Daley has no shame; he will do and say whatever it takes to get ahead. The Leader of the Opposition wants to talk about raising standards. Let us talk about the standards that he set when he sat on the Expenditure Review Committee of the previous Government as Minister for Finance and slashed 7,500 teachers from New South Wales public schools. Let us talk about the standards that he set when he appointed his mate, fraudster Michael Williamson, to the board of Sydney Water the day before the previous Government went into caretaker mode. Let us talk about the standards that he set when as roads Minister he approved funding to upgrade and seal 1.5 kilometres of road out the front of the family property of Eddie Obeid, the man the member for Maroubra mentioned in his maiden speech.

The SPEAKER: There is too much noise in the Chamber.

Mr MATT KEAN: In his inaugural speech, the Leader of the Opposition thanked a lot of people. He thanked former Premier Bob Carr and former Prime Minister Paul Keating, which is appropriate. He thanked many Ministers and he thanked a backbencher—disgraced former member of the upper House Eddie Obeid. The only standard that Michael Daley set when he was in office was how far he was willing to go for his mates. Those opposite can change the face of the Labor Opposition leader but they cannot change its corrupt black heart.

Visitors

VISITORS

The SPEAKER: I welcome Paul Gray and his partner, Lorraine Hall, and Bob Cotton and his wife, Angie, to Parliament. They are guests of the Attorney General, and member for Cronulla.

Documents

OMBUDSMAN

Reports

The SPEAKER: In accordance with section 31AA of the Ombudsman Act 1974, I announce receipt of the report of the NSW Ombudsman entitled "Abuse and neglect of vulnerable adults in NSW—the need for action", dated 2 November 2018, received out of session on 2 November 2018. I order that the report be printed.

INSPECTOR OF THE LAW ENFORCEMENT CONDUCT COMMISSION

Reports

The SPEAKER: In accordance with section 24 of the Law Enforcement (Controlled Operations) Act 1997, I announce receipt of the report of the Inspector of the Law Enforcement Conduct Commission entitled "Annual Report 2017-2018 Law Enforcement (Controlled Operations) Act 1997", dated November 2018, received out of session on 2 November 2018. I order that the report be printed.

PARLIAMENTARY ETHICS ADVISER

Reports

The SPEAKER: I table the report of the Parliamentary Ethics Adviser for the year ended 30 June 2018. I order that the report be printed.

Committees

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reports

The CLERK: I announce receipt of report No. 4/56 of the Joint Standing Committee on Electoral Matters entitled "Inquiry into the impact of expenditure caps for local government election campaigns," dated October 2018, received out of session on 26 October 2018 and authorised to be printed.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Reports

The CLERK: In accordance with section 70A of the Health Care Complaints Act 1993, I announce receipt of report No. 3/56 of the Committee on the Health Care Complaints Commission entitled "Review of the Health Care Complaints Commission Annual Report 2016/17," dated October 2018, received out of session on 26 October 2018 and authorised to be printed.

Documents

AUDITOR-GENERAL

Reports

The CLERK: In accordance with section 63C of the Public Finance and Audit Act 1983, I announce receipt of the Auditor-General's Financial Audit Report entitled "Internal Controls and Governance 2018," dated 30 October 2018, received out of session on 30 October 2018 and authorised to be printed.

INSPECTOR OF CUSTODIAL SERVICES

Reports

The CLERK: In accordance with section 16 of the Inspector of Custodial Services Act 2012, I announce receipt of the report of the Inspector of Custodial Services for the year ended 30 June 2018, received out of session on 30 October 2018 and authorised to be printed.

Committees

PUBLIC ACCOUNTS COMMITTEE (PAC)

Reports

Mr BRUCE NOTLEY-SMITH: As Chair: I table report No. 9/56 of the Public Accounts Committee entitled "Examination of the Auditor-General's Performance Audit Reports October 2016-May 2017", dated November 2018.

I move:

That the report be printed.

Motion agreed to.

STAYSAFE (JOINT STANDING COMMITTEE ON ROAD SAFETY)

Reports

Mr GREG APLIN: As Chair: I table report No. 5/56 of the Joint Standing Committee on Road Safety entitled "Review of Road Safety Issues for Future Inquiry", dated November 2018.

I move:

That the report be printed.

Motion agreed to.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 64/56

Ms FELICITY WILSON: As Chair: I table the report of the Legislation Review Committee entitled "Legislation Review Digest No. 64/56", dated 13 November 2018.

I move:

That the digest be printed.

Motion agreed to.

Ms FELICITY WILSON: I also table the minutes of the committee meeting regarding Legislation Review digest No. 63/56.

PUBLIC ACCOUNTS COMMITTEE (PAC)

Deputy Chair

The SPEAKER: In accordance with Standing Order 282 (2), I advise the House that on 27 September 2018, Stephen Bruce Bromhead was elected Deputy Chair of the Public Accounts Committee.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Deputy Chair

The SPEAKER: In accordance with Standing Order 282 (2), I advise the House that on 25 October 2018, James Henry Griffin was elected Deputy Chair of the Committee on the Health Care Complaints Commission.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

Mr ANTHONY ROBERTS: I move:

That, for the remainder of the 2018 sittings, standing and sessional orders be suspended to provide:

(1) The tabling of papers by Ministers may be effected by an announcement in the House without handing up copies of such papers.

(2) Any papers tabled by announcement shall be lodged with the Table Office prior to their announcement in the House.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

Mr ANTHONY ROBERTS: I move:

That on Thursday 15 November 2018 and Thursday 22 November 2018 standing and sessional orders be suspended to permit the consideration of Orders of the Day—Committee Reports for a period of up to one hour.

Motion agreed to.

Petitions

PETITIONS RECEIVED

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

Pet Shops

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

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**.

Route 311 Bus Services

Petition requesting more reliable 311 bus services, received from **Mr Alex Greenwich**.

Oxford Street Light Rail

Petition calling on the Government to include Oxford Street as part of the inner Sydney integrated light rail network, received from **Mr Alex Greenwich**.

Tuggerah Railway Station

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

Save Lithgow's Deputy Mayor Website

Petition calling for a special commission of inquiry to examine the material published on the Save Lithgow's Deputy Mayor website, received from **Mr Gareth Ward**.

Low-cost Housing and Homelessness

Petition requesting increased funding for low-cost housing and homelessness services, received from **Mr Alex Greenwich**.

Social Housing Maintenance

Petition requesting that the Government retain and properly maintain inner-city social housing, received from **Mr Alex Greenwich**.

Inner-city Drug and Alcohol Services

Petition calling on the Government to increase funding for and expand the range of inner-city drug and alcohol services, received from **Mr Alex Greenwich**.

Lightweight Plastic Bags

Petition requesting the banning of lightweight plastic bags in New South Wales, 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**.

Harris Street Walkway

Petition requesting the reinstatement of the Harris Street walkway connection to the central business district and the upgrade of lighting on Darling Harbour walkways, received from **Mr Alex Greenwich**.

Short-term Letting

Petition calling on the Government to give owners corporations the authority to control short-term letting in strata buildings, received from **Mr Alex Greenwich**.

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

Winney Bay Reserve and Bulbararing Headland

Petition calling for further consultation with stakeholder groups prior to further development of Winney Bay Reserve and Bulbararing Headland, remediation of the habitat and preparation of an Indigenous survey, received from **Mr David Harris**.

Holsworthy Electorate Rezoning

Petition requesting a moratorium on further development applications for high-rise buildings under R4 zoning in Moorebank, Holsworthy, Hammondville and Wattle Grove until Liverpool council completes its zoning review and a full report is provided to the Minister for Planning, received from **Ms Melanie Gibbons**.

Central Coast Railway Stations

Petition calling on the Government to reconsider priority funding for Central Coast railway stations under the Transport Access Program, received from **Mr David Mehan**.

Leppington Railway Station Car Park

Petitions calling for the construction of a multi-level commuter car park at Leppington railway station and the provision of temporary car parking in the interim, received from **Mr Paul Lynch** and **Mr Chris Patterson**.

Leppington and Edmondson Park Railway Stations Car Parking

Petitions calling for more bus services to Macarthur line railway stations, the construction of multi-level commuter car parks at Leppington and Edmondson Park railway stations, and the provision of temporary car parking at Leppington railway station in the interim, received from **Mrs Tanya Davies** and **Ms Melanie Gibbons**.

Shoalhaven District Memorial Hospital

Petition requesting that the Government prioritise funding to upgrade Shoalhaven District Memorial Station, received from **Mr Gareth Ward**.

Plastic Bags

Petition requesting the banning of plastic bags in New South Wales, received from **Ms Jo Haylen**.

RESPONSES TO PETITIONS

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

The Hon. Andrew Constance—Campbelltown Railway Station Car Park—lodged 27 September 2018 (Mr Greg Warren)

The Hon. Paul Toole—Brisbane Water Channel—lodged 25 September 2018 (Ms Liesl Tesch)

The Hon. Melinda Pavey—Werris Creek Road Upgrade—lodged 27 September 2018 (Mr Philip Donato)

Business of the House

BUSINESS LAPSED

The DEPUTY SPEAKER: I advise the House that in accordance with Standing Order 105 (3) General Business Notices of Motions (General Notices) Nos 2989 to 3020 and 3022 to 3040 have lapsed.

Motions Accorded Priority

BOXING DAY RETAIL TRADING

Consideration

Dr GEOFF LEE (Parramatta) (15:44): My motion should be accorded priority because legislation and regulation should reflect the changing needs of our communities. The retail trading amendment Boxing Day legislation, which gives retailers, employees and consumers the freedom to trade, work and shop on Boxing Day across the State, includes very stringent protections to make sure that people are not compelled to work on that day. This is an issue dear to my heart because for more than 10 years I was a retailer. I had a garden centre at Parramatta. Prior to this, the legislation was very patchy. Retail trading was only allowed on Boxing Day in the Sydney central business district, parts of the eastern suburbs and in some other areas. People in places like Western Sydney were disadvantaged because they had to travel to the city to shop on Boxing Day. Community expectations have changed. We remember the dinosaur days—

The DEPUTY SPEAKER: The member for Tweed will come to order.

Dr GEOFF LEE: Speaking about dinosaur days, I would not have called the member for Tweed a dinosaur. Members will recall when retailers could only trade on Thursday nights and Saturday mornings, then expectations changed and we moved to seven-day trading. Mr Deputy Speaker is obviously too young to remember those days.

The DEPUTY SPEAKER: I clearly remember that. Others were not born.

Dr GEOFF LEE: Expectations have changed. We now live in a 24/7 retail trading environment with online shopping. People want to go shopping because it is a wonderful family activity.

Mr Stephen Kamper: People want to stay at home with their families on Boxing Day.

Dr GEOFF LEE: Those opposite will try to argue against this. We are not forcing people to go shopping. We are giving them the choice to shop on Boxing Day, if they wish to, as part of a family activity.

[*Interruption*]

I note that interjection. Those opposite can rest assured that in my life I have worked on Boxing Day many times. It is a wonderful day to shop for bargains and we want to give people the choice to do so, if they wish. My motion should be accorded priority because members on this side of the House appreciate that retailers may want to open, employees may want to work and consumers may want to shop on Boxing Day.

GOVERNMENT PERFORMANCE

Consideration

Mr MICHAEL DALEY (Maroubra) (15:47): Before the last election Mike Baird and Gladys Berejiklian made a very simple pitch to the people of New South Wales: "Let us sell your electricity assets and rivers of gold will flow into every community across this State." And sell they did. Electricity assets went, ports went, grand old buildings were flogged off to developers and even the revered Land Titles Office was sold; nothing was spared. They were right. The rivers of gold did arrive for the merchant bankers, consultants and lobbyists, lawyers, spivs and consultants that feed off and suck taxpayers dry. But in that time nothing has happened for the citizens of this State. The residents of Sydney feel squeezed and neglected, and the people in the regions are angry; taking their vengeance out in by-elections one after the other.

Then came the greatest betrayal of all—namely, members opposite spending billions of dollars to knock down perfectly good stadiums. Instead, they should be investing in schools and hospitals. A madness has descended upon this city and this State, and the great stadium betrayal is the maddest thing of all. Once there was a time when communities and families had great days watching sport practically in their own backyards—Kogarah Oval, Redfern Oval, Leichhardt Oval and, my favourite, the galloping greens at Coogee Oval. Now this Government wants everyone to believe that if spectators are not herded into gigantic concrete mausoleums, all will be lost. It is time to call this. I do not care—and nor do the people of New South Wales—what the self-appointed, self-interested experts say about these gigantic monuments to their own grandeur. The people of New South Wales know that this Government has let them down.

The Government has lost touch with communities and for four years now they have been ignored, forgotten about and insulted. But the biggest insult of all is the Government thinking it can hoodwink the people of New South Wales into swallowing this lie. Indeed, that is why this Government has a shelf life of 130 days. They may be able to fool some, but they cannot fool the people of New South Wales. They can keep publishing their dodgy business cases and going back to Treasury saying, "The numbers do not add up. Please give this a higher benefit-cost ratio." They can beg and get Tony Shepherd to come out as often as they want, but nothing can change the truth—namely, the truth about this great stadium hoodwink is that comprehensively across this State everyone knows it is a failure. No-one wants it, except those opposite. [*Time expired*.]

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

The House divided.

Ayes 46
Noes 34
Majority.....12

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Brookes, Mr G	Conolly, Mr K
Constance, Mr A	Cooke, Ms S	Coure, Mr M

AYES

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
Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
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		

NOES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Chanthivong, Mr A
Daley, Mr M	Dib, Mr J	Donato, Mr P
Finn, Ms J	Greenwich, Mr A	Harrison, Ms J
Haylen, Ms J	Hoenig, Mr R	Hornery, Ms S
Kamper, Mr S	Lalich, Mr N (teller)	Leong, Ms J
Lynch, Mr P	McDermott, Dr H	McGirr, Dr J
McKay, Ms J	Mehan, Mr D	Mihailuk, Ms T
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	Cotsis, Ms S
Berejiklian, Ms G	Crakanthorp, Mr T
Hancock, Mrs S	Doyle, Ms T
Hazzard, Mr B	Foley, Mr L
Perrottet, Mr D	Harris, Mr D

Motion agreed to.

BOXING DAY RETAIL TRADING

Priority

Dr GEOFF LEE (Parramatta) (15:38): I move:

That this House supports Boxing Day retail trading across the State.

In September 2017 the New South Wales Parliament passed legislation to permanently give retailers, employees and consumers the freedom to trade, work and shop on Boxing Day while at the same time ensuring that there were strict safeguards in place to protect workers and retailers. The Government's priority is always to reassure New South Wales citizens that people may only work on Boxing Day if they have volunteered to do so. Commencing in October and running through to December 2017, the Government undertook a widespread campaign across New South Wales to educate and advise retailers and workers about how they would be affected by the new Boxing Day trading law.

Boxing Day is an important trading day because it gives people choice. Members on this side of the House are all about choice. This is about choice for retailers and whether they choose to open on Boxing Day. It is about choice for employees and whether they want to work on Boxing Day. Some people want to work on Boxing Day because it gives them a desired added income. Most importantly, the changes give consumers and shoppers the choice to shop on Boxing Day. Some years ago people were in cars lined up around the block to

enter the car park at Westfield Parramatta, only to discover after waiting for hours that they could not shop there because it was prohibited. That drove the people of Western Sydney into the Sydney central business district to shop. Retailers in the CBD and eastern suburbs benefited from the economic boom, but retailers and consumers in Western Sydney suffered as a result. This is an equity issue in terms of the geographic distribution of available shopping opportunities across the State.

Some people love shopping. They use it as a form of relaxation and socialisation or to grab a bargain on Boxing Day. No-one is telling anyone that they have to shop or they have to work. It is their choice. The Government knows that the changes are keeping valuable dollars in our regions and creating a new tradition for consumers in the New South Wales retailing landscape. As previously stated, in the past retail trading was only allowed at most shops on Saturday mornings and Thursday nights. That was then changed to seven-day trading. We have made an important change to allow retailers to trade on Boxing Day. It has become a tradition that families can go out and spend time together shopping for leisure or shopping for bargains on Boxing Day.

The Minister for Innovation and Better Regulation, and member for Hornsby, has done wonderful work to give consumers up to three years to redeem gift certificates. Boxing Day is a good day to redeem those certificates. It is also a good day to exchange unwanted presents to things that are truly desired. I do not receive too many presents that are not required, but I get the odd set of steak knives on occasion. The experience at Parramatta has been very successful and positive for retailers. I see the member for Granville nodding in furious agreement. The member for Granville often goes shopping at Parramatta. She is to be commended for spending her money there and supporting Boxing Day retail trading. It is wonderful that the member is as passionate about Parramatta as she is about Granville. This is an important motion to support Boxing Day retail trading across the State. As a retailer for some 10 years, I can say wholeheartedly that retailers want to trade longer hours to generate valuable income in increasingly tough times. I commend the motion to the House.

Mr RYAN PARK (Keira) (16:03): Let me say from the outset that the Opposition will be opposing this motion. We will always stand up for the working men and women who dare to ask for the odd day off each year. Let us look at who we are talking about here. It is funny, but if you drive past this place on Boxing Day it is closed. If you drive past our electorate offices on Boxing Day they are closed. In fact, most government departments are closed on Boxing Day. But members on the other side of the House believe it is okay for workers who get very little income—who are some of the lowest paid—to have to work on Boxing Day.

What does working on Boxing Day mean for those people? I heard members opposite say that it means some extra income. But let us look at what else it means. Having to work on Boxing Day means that those men and women cannot travel any distance to attend family functions on Christmas Day. It means that those men and women also cannot get in their car and drive a few hours to visit friends, family or loved ones on what is traditionally a day of rest and celebration when we gather around to eat leftovers and enjoy being in the company of those we love the most.

I do not think we have a shortage of days to shop. In fact, in 2018 there have been more shopping opportunities than ever before. Coupled with that is the fact that people can get online and do their shopping 24/7 to their hearts' content. But this is not about that. We are opposed to Boxing Day trading based on fairness. If we can have a break at Christmas and spend some time with our family and loved ones, the Opposition believes the workers who stock the shelves in our local supermarket, man the cash registers or help us decide what clothes, goods or gifts to purchase, deserve a break on Boxing Day. They also have a right to spend some time with family, loved ones and friends.

We make no apologies for standing up for working men and women; in fact, that is what we do and it is what we will always do. It is a very easy decision for us to oppose Boxing Day trading and we will continue to oppose it because we believe that those men and women, regardless of where they work—whether it is for a big retailer, in a small corner shop, at a local surf shop in a busy arcade or somewhere in a regional area selling clothes and helping people to buy a new outfit—have worked hard enough to have a couple of days off at Christmas. These days, when there are multiple parents in blended family situations, Christmas is also a time when we should think of those people who have to visit mum and dad in separate locations, perhaps in separate parts of the State. I believe those people deserve time to do that just as much as people who live around the corner from their in-laws, parents, family or friends.

Labor opposes Boxing Day trading because Labor believes in fairness. Labor opposes Boxing Day trading because it believes that if it is good for the men and women of this House to have a break on Boxing Day it is also good for the men and women who stock shelves in supermarkets, who man cash registers and who help us get a gift for a family member, friend or loved one. That is why Labor members will always oppose Boxing Day trading and it is why we will change the legislation if elected in March next year.

Mr MARK COURE (Oatley) (16:08): What we have seen today is the big difference between this Government and members opposite. If a Labor government is elected, which will not happen, there would be a winding back of Boxing Day retail trading. Labor would wind back Boxing Day retail trading, and possibly also late-night shopping and Sunday trading. That would mean fewer jobs and less take-home pay and be a real attack on working families across this great State. For many years we have had Boxing Day retail trading in Sydney's central business district; it has worked and it has worked brilliantly. It is a win for shoppers, for shopkeepers and for the Christmas casual workers who just want to earn a little bit of pocket money on Boxing Day so that they can pay for their TAFE course or put money towards university or school. I was one of those Christmas casuals working at Myer some 20-odd years ago. On Boxing Day I was able to get a little bit of extra money to put towards school or university or—better still—board.

At the end of the day it is about freedom of choice—for shopkeepers and shoppers. It is a win for the regions and it is a win for our suburbs that have Boxing Day retail trading. New South Wales has had one of the lowest unemployment rates of any State for 40 straight months. The national rate of unemployment, including in New South Wales, is 5 per cent. New South Wales has added more than 558,000 jobs since 2011. That is a terrific result for our State—the lowest unemployment rate since March 2008. There is a jobs boom around the nation and it is starting here in New South Wales. The changes to retail trade have gone a long way to helping our economy. The biggest threat to our jobs and to our children's jobs is the economy-killing policies of NSW Labor. Since the election in 2015, employment in New South Wales has increased by 360,000—more than double the target of 150,000. We are rebuilding the economy.

Ms Anna Watson: This is supposed to be about Boxing Day.

Mr MARK COURE: You should have been here from the very beginning.

Ms Anna Watson: I was. I have been outside listening.

Mr MARK COURE: You were outside, missing in action, just like Labor's economic policies.

The DEPUTY SPEAKER: I remind the member for Shellharbour that she is on three calls to order.

Mr MARK COURE: We have rebuilt the economy following Labor's shambolic mismanagement.

Mr CLAYTON BARR (Cessnock) (16:11): I commend members opposite for standing up today and giving us their views in support of Boxing Day trading. While they were on their feet I thought I would take the opportunity to look at their websites for any profound statements of support for Boxing Day trading. I typed in the words "Geoff Lee, MP, Parramatta Boxing Day." There is not a single reference on the entire internet to his support for Boxing Day trading.

Mr Mark Coure: There will be after today. It's called *Hansard*.

Mr CLAYTON BARR: I'm coming to you, member for Oatley. Don't leave the House. I thought, "Wow, isn't that interesting?" The member who is moving this motion is very supportive of Boxing Day trading, but there is not a single mention on the internet about his support. I thought that maybe the member for Oatley had some profound statements on his website or Facebook or Twitter account about Boxing Day trading. I did a similar search for him and what did I come up with? He put out a media release saying, "I know things are tough after the Christmas and Boxing Day sale period and financially things might be a challenge", et cetera. The logic of the member for Oatley is to acknowledge that there is financial stress after the Christmas and New Year period, give people advice about finding support and at the same time say that the shops should open for Boxing Day trading so they can get themselves into more debt.

I then thought that maybe the Premier has something on her web page about supporting Boxing Day trading. I went to the Premier's website and there is not a single mention about her supporting Boxing Day trading. I listened intently to the member for Oatley a few moments ago. He spoke about the importance of the extra money that could be earned on Boxing Day, but what did he say about the reduction in penalty rates that the Federal Government introduced? He did not say that is a bad thing; he said that is a wonderful thing and we should do more of it.

The same member was just addressing the House and professing his support for Boxing Day trading and for the extra money that people can earn through the penalty rates applied on Boxing Day. It is a staggering lacuna of logic that Government members support Boxing Day trading while out in their electorates, on their web pages and in their local communities there is not a single mention of the issue. Hundreds of thousands of retail workers will be forced to work this year on Boxing Day. But is it not only Boxing Day; on Christmas Day they will be forced to go in and make preparations for the Boxing Day sale. They have completely lost their family time. There are two sides to the argument, but only Labor will remove the ridiculous compulsory Boxing Day trading. [*Time expired*.]

Dr GEOFF LEE (Parramatta) (16:15): In reply: I thank members representing the electorates of Cessnock, Keira and Oatley for their contributions to the debate—some good and some not so good. I will start with the not-so-good contributions. The premise of the argument advanced by the member for Keira is incorrect. The assertion he made is wrong for the simple reason that people have to volunteer to work on Boxing Day. Employees have a choice whether to work. If they choose to work, they will gain extra money. They may choose to make a productive contribution to the family household. If they choose not to work, they can spend time with their families. Members on this side of the House are fully aware of the need for work/life balance. It is about choice: People have the choice to earn extra income to add to the family household or they can choose to spend time with their family. The premise of the member's argument is wrong and therefore it does not carry much weight.

The member for Cessnock, who is good on Google, said that I had not previously mentioned Boxing Day trading. I will have to go back and check the *Hansard*. From my recollection, I spoke about the introduction of Boxing Day retail trading because Parramatta was one of the test sites when the trial was introduced in the last Parliament prior to September 2017. I am happy to get back to the member for Cessnock and identify the relevant speech in *Hansard*. In contrast to the member for Keira and the member for Cessnock, the member for Oatley understands the salient points in this motion and this debate. The member for Oatley summed it up with the expression: It is about choice.

It is a win for the retailers if they want to trade and generate economic revenue. It is a win for employees if they choose to work and increase their income. The member for Oatley was one of those workers who chose to work on Boxing Day to earn extra money. In my view, it is also a win for shoppers. It is demanded by shoppers. People in Western Sydney no longer have to go to the Sydney central business district to shop and the revenue stays in the Western Sydney region, where it belongs. Shoppers can take pleasure in shopping. I commend the motion to the House.

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

The House divided.

Ayes 46
Noes 32
Majority.....14

AYES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Brookes, Mr G	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
Grant, Mr T	Greenwich, Mr A	Griffin, Mr J
Gulaptis, Mr C	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	Upton, Ms G
Ward, Mr G	Williams, Mr R	Williams, Mrs L
Wilson, Ms F		

NOES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Chanthivong, Mr A
Daley, Mr M	Dib, Mr J	Donato, Mr P
Finn, Ms J	Harrison, Ms J	Haylen, Ms J
Hoenig, Mr R	Hornery, Ms S	Kamper, Mr S
Lalich, Mr N (teller)	Leong, Ms J	Lynch, Mr P
McDermott, Dr H	McGirr, Dr J	McKay, Ms J

NOES

Mehan, Mr D	Mihailuk, Ms T	Minns, Mr C
Park, Mr R	Piper, Mr G	Scully, Mr P
Tesch, Ms L	Warren, Mr G	Washington, Ms K
Watson, Ms A (teller)	Zangari, Mr G	

PAIRS

Barilaro, Mr J	Cotsis, Ms S
Berejiklian, Ms G	Crakanthorp, Mr T
Hazzard, Mr B	Doyle, Ms T
Perrottet, Mr D	Foley, Mr L
Tudehope, Mr D	Harris, Mr D

Motion agreed to.

Bills

HEALTH LEGISLATION AMENDMENT BILL (NO 3) 2018

First Reading

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

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

COMMUNITY PROTECTION LEGISLATION AMENDMENT BILL 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) (16:27): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Community Protection Legislation Amendment Bill 2018. The bill introduces a number of reforms aimed at keeping the community safe, including from the risk of terrorism and other high-risk offenders, bushfires, child abuse and the supply of drugs causing death. The bill, if passed, would also make amendments to allow for the release of information relating to applications for the exercise of the royal prerogative of mercy and petitions submitted under section 76 of the Crimes (Appeal and Review) Act 2001. Schedule 1 to the bill amends a number of Acts to facilitate the implementation of the Terrorism (High Risk Offenders) Act 2017, which protects the community from offenders who have reached the end of their prison sentence and pose an unacceptable risk of committing a future terrorism offence.

The events in Melbourne last week are a tragic reminder of the terrible impact caused when the threat of terror manifests itself. It is important to be vigilant and responsive, addressing new challenges as they arise, including in our counterterrorism network. The post-sentence supervision and attention scheme introduced in December last year is a key tool in that framework. Amendments introduced by schedule 1 to this bill will improve the scheme's operation. Schedule 2 to the bill will amend the Crimes Act to introduce a new offence of supply of drugs causing death, introduce a staggered penalty regime for the offences of concealing a serious indictable offence and concealing a child abuse offence, increase the maximum penalty for the dedicated bushfire offence, and include additional former offences into the list of offences in schedule 1A as relevant to various provisions that refer to and apply to historical child abuse offences. Schedule 3 to the bill will amend the Crimes (Appeal and Review) Act 2001 to allow for the release of information in relation to all petitions made for the exercise of the Government's powers relating to the royal prerogative of mercy.

I now turn to the detail of the bill. Schedule 1.1 [2] amends the Children (Detention Centres) Act 1987 to allow an offender subject to a continuing detention order or interim detention order under the Commonwealth high-risk terrorist offenders scheme to be housed and managed in a juvenile justice detention facility. Offenders subject to a Commonwealth continuing detention order can currently only be housed and managed in a Corrective Services NSW correctional centre, even if they are currently held in a Juvenile Justice detention centre. This

amendment will provide the court with a discretion if an offender is currently held in a Juvenile Justice detention centre because they are under the age of 21 and six months to place the offender in a Juvenile Justice detention facility.

Schedules 1.1 [3], 1.2 [1], 1.3 [3] and 1.7 [1] will amend the definitions of "convicted New South Wales terrorism activity offender" in the Terrorism (High Risk Offenders) Act and "terrorism related offender" in the Children (Detention Centres) Act, Children (Detention Centres) Regulation 2015 and the Crimes (Administration of Sentences) Act 1999 in order to ensure the definitions capture previous associations or affiliations an offender had with individuals, deceased or alive; clarify that an organisational group with which the person has an association or affiliation may be currently advocating, or may have previously advocated, support for terrorist acts or violent extremism; and apply the definitions to both plural and singular persons, organisations and acts.

Schedules 1.1 [4], 1.2 [2], 1.3 [4] and 1.7 [2] will clarify the meaning of "advocating support" and "association or affiliation" for the purposes of determining whether a person is a "convicted NSW terrorism activity offender" or "terrorism related offender". Clarification will be provided through inserting a non-limited list of examples of action that fall within the meaning of "advocating support for terrorist acts or violent extremism" and "an association or other affiliation with a person, group or persons or organisation". These amendments will clarify that advocating support for terrorism activity for violent extremism is distinct from the actual commission of a terrorism offence. Advocating support for terrorism activity or violent extremism is an indicator of the potential risk posed by the offender. A determination of actual risk is made by the Supreme Court. The court must still be satisfied to a high of degree of probability that the offender poses an unacceptable risk in order to make a post-sentence order under the Terrorism (High Risk Offenders) Act.

Schedule 1.7 [1] and 1.7 [2] will further amend the definition of "convicted NSW terrorism offender" under the Terrorism (High Risk Offenders) Act by including the term "violent extremism" to ensure consistency with the definitions under the Children (Detention Centres) Act and Crimes (Administration of Sentences) Act. Consistency of the definitions of "convicted NSW terrorism activity offender" and "terrorism related offender" across these Acts is important to ensure that the limitation on the release on parole of terrorism-related offenders in the Children (Detention Centres) Act and the Crimes (Administration of Sentences) Act can operate effectively.

In the context of the amendments to the Terrorism (High Risk Offenders) Act, these amendments will also address difficulties that have arisen in establishing that an offender falls within the eligibility of post-sentence orders. For example, an offender who had had associations with a now deceased individual who voiced support for terrorism may not fall within the current definition of "convicted NSW terrorism activity offender" because the individual is no longer alive. If an offender falls within the definition of "convicted NSW terrorism activity offender", the court must still be satisfied to a high degree of probability that the offender poses an unacceptable risk in order to make a post-sentence order under the Terrorism (High Risk Offenders) Act.

Schedules 1.1 [5] and 1.3 [1] amend the Children (Detention Centres) Act and Crimes (Administration of Sentences) Act to enable the State, through the Commissioner of Corrective Services NSW, to provide information to the State Parole Authority and the Children's Court in relation to a terrorism-related offender. The Commissioner of Corrective Services already has the ability to make submissions to the State Parole Authority under section 141A and section 160AA of the Crimes (Administration of Sentences) Act, but this does not currently extend to information obtained under the Terrorism (High Risk Offenders) Act.

Schedule 1.7 [20] inserts new section 71A into the Terrorism (High Risk Offenders) Act to authorise the use by the State of relevant information obtained under that Act in proceedings for parole under the Children (Detention Centres) Act and the Crimes (Administration of Sentences) Act. Relevant information includes offender information provided under part 5, information provided to a relevant agency of the State under a cooperative protocol under section 65, information provided under a terrorism information exchange agreement under section 67, and an expert report within the meaning of section 71 about an eligible offender. The State will be authorised to use relevant information in parole proceedings but only with the consent of the provider of the information under new section 71A (2).

Schedules 1.1 [6] and 1.3 [2] insert new provisions in the Children (Detention Centres) Act and Crimes (Administration of Sentences) Act to enable the State or prescribed intelligence authorities to withdraw the information provided under the authority given by section 71A of the Terrorism (High Risk Offenders) Act at any time before the proceedings are determined. Any offender information that is withdrawn from the consideration of the Children's Court must not be used in making submissions for the State in the proceedings or taken into consideration by the Children's Court in determining the proceedings. These amendments will ensure that information that is available for the purpose of determining whether to seek a post-sentence order is also available to parole authorities in determining whether an offender poses a terrorism risk.

The Government introduced amendments through the Terrorism Legislation Amendment (Police Powers and Parole) Act 2017, which created a presumption that parole will not be granted to offenders who have demonstrated support for or have links to terrorist activity. Division 3A of the Crimes (Administration and Sentences) Act and division 5 of part 4C of the Children (Detention Centres) Act also create a presumption against parole for these offenders. The effect of these provisions is that the State Parole Authority and the Children's Court must not make a parole order for a terrorism-related offender unless satisfied that the offender will not engage in or incite or assist others to engage in terrorist acts or violent extremism.

An application for a post-sentence order under the Terrorism (High Risk Offenders) Act is supported by information from a range of State and Commonwealth enforcement and intelligence agencies. This material is sensitive and sourced from agencies tasked with undertaking complex investigations to protect our community from harm. It has become clear during operationalisation of the post-sentence scheme that there is more information available for the purposes of determining whether to seek a post-sentence order than is available to parole authorities in determining whether an offender poses a terrorism risk. These amendments therefore address the risk that an offender who poses a terrorism risk would be released on parole due to parole authorities being unaware of the risk.

Schedules 1.4 [1] and 1.7 [3] insert new section 5AA into the Crimes (High Risk Offenders) Act 2006 and amend section 16 of the Terrorism (High Risk Offenders) Act to enable offenders subject to a substantive extended supervision order or continuing detention order under either Act to be eligible for an application for an order under the other Act at the completion of the original order. These amendments address the scenario where the primary risk posed by an offender on a post-sentence order shifts from sex or violence offending to terrorist offending or vice versa. The Supreme Court would still need to be satisfied to a high degree of probability that the offender poses an unacceptable risk under the relevant Act before making the order.

Schedules 1.4 [3] and 1.7 [6] and [9] insert new provisions under section 9 of the Crimes (High Risk Offenders) Act and sections 25 and 39 of the Terrorism (High Risk Offenders) Act to provide that an offender's intention to leave New South Wales is not a valid consideration for the court to take into account in determining whether to make a supervision order. An offender's intention to leave the jurisdiction, whether temporarily or permanently, should not be a reason to decline to make a supervision order. Schedules 1.4 [4] and [5] insert new subsections into sections 11 and 17 of the Crimes (High Risk Offenders) Act to impose a mandatory condition on each interim and extended supervision order that an offender is not to leave New South Wales except with the approval of the Commissioner of Corrective Services.

This will bring New South Wales legislation into line with the equivalent legislation in Victoria and Queensland, both of which require a court to impose certain conditions on an offender under a supervision order, including a condition not to leave the jurisdiction without approval. The court will retain its discretion to impose other conditions it considers appropriate but will be required to impose a condition not to leave the jurisdiction without approval. Schedules 1.4 [6] and 1.7 [12] insert new provisions into section 22 of the Crimes (High Risk Offenders) Act and section 53 of the Terrorism (High Risk Offenders) Act to clarify that if the Court of Appeal remits a matter to the Supreme Court for decision after an appeal is made, the Court of Appeal may make an interim order for a period not exceeding 28 days revoking or varying an extended supervision order, continuing detention order or emergency detention order the subject of the appeal, and to provide that the Court of Appeal may make more than one such interim order, which can be renewed provided that the period in which the interim order is in place does not exceed three months. This time limit of three months will be in addition to the periods of time under any interim order made by a single judge of the Supreme Court under section 27 of the Terrorism (High Risk Offenders) Act.

Schedule 1.4 [7] amends section 24AA of the Terrorism (High Risk Offenders) Act to clarify that the meaning of "relevant agency" includes any public sector agency of the Commonwealth, State or Territory that is prescribed by the regulations as a relevant agency. Each relevant agency is under a legislative duty to cooperate with other relevant agencies in the exercise of functions related to the risk assessment and management of high-risk offenders. This amendment will provide greater certainty to agencies when sharing information with local and interstate agencies. Schedule 1.4 [8] amends section 24AD of the Crimes (High Risk Offenders) Act to clarify that the High Risk Offenders Assessment Committee—responsible for reviewing risk assessments and making recommendations to the Commissioner of Corrective Services—may form sub-committees as constituted to exercise functions under the Terrorism (High Risk Offenders) Act to exercise those functions for the committee, and that a sub-committee may include persons who are not members of the High Risk Offenders Assessment Committee. This will clarify that the assessment committee, when exercising a function conferred by the Terrorism (High Risk Offenders) Act, can also create sub-committees to exercise that function.

Schedules 1.4 [9] and 1.7 [21] amend section 28A of the Crimes (High Risk Offenders) Act and section 73 of the Terrorism (High Risk Offenders) Act to enable the Commissioner of Corrective Services to issue

evidentiary certificates in relation to interim supervision orders, interim detention orders and emergency detention orders. Evidentiary certificates are authoritative documents setting out the revised end date of an order, typically used when the extended supervision is suspended due to time in custody. This amendment will expand the use of evidentiary certificates beyond extended supervision orders to other orders under the Terrorism (High Risk Offenders) Act. Schedule 1.6 [3] amends section 17 of the Surveillance Devices Act 2007 to insert a new ground on which a law enforcement officer may apply for a surveillance device warrant.

Under new section 17 (1A), a law enforcement officer or another person on his or her behalf may apply for the issue of a surveillance device warrant for the use of a surveillance device in a correctional centre if the law enforcement officer, on reasonable grounds, suspects or believes three things: first, an eligible offender within the Terrorism (High Risk Offenders) Act is an inmate of the correctional centre; secondly, an investigation into whether an application for a supervision or detention order under the Terrorism (High Risk Offenders) Act in respect of an offender is being, will be or is likely to be conducted on the basis that the offender is a terrorism-related offender; and, thirdly, the use of a surveillance device is necessary for the purpose of an investigation into whether an application for a supervision or detention order under the Terrorism (High Risk Offenders) Act should be made to enable evidence to be obtained that would likely support that application.

Schedule 1.6 [2] amends the Surveillance Devices Act to provide that material obtained through a surveillance device warrant may be used in a proceeding for the parole of a terrorism-related offender or in a proceeding under the Terrorism (High Risk Offenders) Act. Surveillance device material will be crucial in determining whether an application should be made in relation to an eligible offender under the Terrorism (High Risk Offenders) Act. A key part of investigations under the Terrorism (High Risk Offenders) Act is determining whether there is any evidence of ideology or support for terrorism generally or associations with people who support terrorism. Using surveillance device material rather than relying on information provided by an offender's cellmate will reduce safety risks for confidential informants. As with the existing grounds for an application for a surveillance device warrant, an eligible judge and the soon-to-be-established Surveillance Devices Commissioner will need to be satisfied that the application for the warrant is justified in the circumstances.

Schedules 1.5 [5] and [8] amend sections 24 and 38 of the Terrorism (High Risk Offenders) Act relating to pre-trial disclosure obligations for applications for extended supervision orders and continuing detention orders. These amendments will require the State to disclose to the offender and their legal representative an index of documents, reports and other information that is relevant to the proceedings on application. This will reduce the unnecessary administrative burden imposed on agencies by the current requirement that the State provide all of these documents, whether or not they are intended to be tendered in evidence, as soon as practicable after the application has been made. In urgent circumstances, the volume of information that is required to be reviewed, redacted and served can be significant. This amendment does not limit the State's disclosure obligations. Under new sections 24 (2A) (b) and 38 (2A) (b), an offender or their legal representative will be able to request and be given access to a document, report or other information included in the index or parts of those documents as are relevant to the proceedings.

Schedule 1.8 [7] amends section 29 of the Terrorism (High Risk Offenders) Act to insert standard conditions applying to supervision orders. These conditions must apply to each extended or interim supervision order unless the Supreme Court orders differently. These are standard conditions that are sought by the State and have generally been granted by the court under the Terrorism (High Risk Offenders) Act. The conditions to be inserted are: first, to submit to the supervision and guidance of any enforcement officers responsible for supervision of the offender for the time being and obey all reasonable directions of an enforcement officer, including in respect of providing a schedule of movements; secondly, to wear electronic monitoring equipment as directed and not tamper with or remove such equipment; thirdly, to live at an address approved by the offender's enforcement officer and notify an enforcement officer of any change in the offender's living arrangements prior to the change in accommodation; and, fourthly, not to leave New South Wales except with the approval of the Commissioner of Corrective Services or delegate.

Fifth, to submit to search of the offender's person and residence, and search and seizure of the offender's vehicle, computer, electronic and communication device or any storage facility, garage, locker or commercial facility under the offender's control. Sixth, to comply with rules or by-laws—or both—of any approved accommodation for the offender. Seventh, to not use prohibited drugs or obtain drugs unlawfully or abuse drugs lawfully obtained. Eighth, to submit to drug and alcohol testing. Ninth, to not possess or use various items including firearms and prohibited weapons. Tenth, to be available for interview at such times and places as an enforcement officer, or the officer's nominee, may from time to time direct. Eleventh, to undergo ongoing psychological and/or psychiatric assessment and/or counselling as directed by the enforcement officer. Twelfth, of their own initiative, not to start any job, volunteer work or educational course without the approval of an enforcement officer.

Thirteenth, to obey various directions by an enforcement officer. Fourteenth, to permit an enforcement officer to visit the offender at the offender's residential address at any time and, for that purpose, to enter the premises at that address. Fifteenth, to notify an enforcement officer of any intention to change the offender's employment if practicable before the change occurs or otherwise at his or her next interview with a responsible officer. Sixteenth, to not associate, including using third parties, with any person or persons specified by an enforcement officer. Seventeenth, to not change the offender's name or use any other name without notifying the enforcement officer. Eighteenth, to not frequent or visit any place or district designated by an enforcement officer.

Inserting mandatory conditions into the Terrorism (High Risk Offenders) Act will avoid protracted disputes about monitoring requirements that are essential to protect the community. The court will retain its discretion to remove one or more of the conditions, and will also have the ability to add additional conditions in line with the current non-exhaustive list of conditions under section 29 (1) 3. Schedule 1.8 [10] will amend section 45 (3) of the Terrorism (High Risk Offenders) Act to extend the disclosure exemptions applying to an emergency detention order application. The effect of this amendment is that the State will not be required to disclose to an offender or the Legal Aid Commission any document, report or other information, except in accordance with new Division 3 under Part 5, if: first, the State or a prescribed terrorism intelligence authority intends to make an application under that division for the document, report or other information to be dealt with as terrorism intelligence; or, secondly, the document, report or other information is the subject of a pending application under that division for it to be dealt with as terrorism intelligence; or, thirdly, the Supreme Court has granted an application under that division for the document, report or other information to be dealt with as terrorism intelligence.

This will mirror the existing provisions in sections 24 (3) and 38 (3), ensuring consistent protection of material over which the State intends to make, or has already made, a terrorism intelligence application. Schedule 1.8 [16] inserts new division 5.3 of the Terrorism (High Risk Offenders) Act to expand protections for terrorism intelligence. Terrorism intelligence information is information relating to actual or suspected terrorist activity which, if disclosed, would reasonably be expected to: first, adversely affect the capacity of agencies involved in the prevention of terrorist acts to prevent such acts or carry out their functions; secondly, prejudice criminal investigations or investigations by intelligence agencies; thirdly, identify the existence or identity of a source; or fourthly, endanger a person's life or physical safety.

Currently, terrorism intelligence is provided in full to an offender or their legal representative, with the possibility of the court denying any form of access to the offender, and the possibility of redactions if there is a successful claim of public interest immunity. The possibility of terrorism intelligence being provided to an offender in full can be a concern, including for other agencies or jurisdictions providing information under the Terrorism (High Risk Offenders) Act. Insufficient protections of terrorism intelligence under the Terrorism (High Risk Offenders) Act leaves open the risk that information may be withheld by other agencies or jurisdictions, meaning the Supreme Court would not be fully informed about all relevant matters in an application for a post-sentence order under the Terrorism (High Risk Offenders) Act.

Amendments introduced by the Justice Legislation Amendment Act (No 2) 2018 provided for more restricted access to terrorism intelligence by an unrepresented offender. Under section 60 (11) of the Terrorism (High Risk Offenders) Act the Supreme Court may allow one of the following forms of access: first, providing access to or a copy of the terrorism intelligence that has been redacted to prevent the disclosure of the intelligence; secondly, providing both access to and a copy of the redacted terrorism intelligence and a written summary of the nature of the redacted intelligence; and, thirdly, providing both access to and a copy of the redacted terrorism intelligence and a written statement of the facts the intelligence would be likely to establish.

These amendments addressed the situation where the court ordinarily would have only granted access to terrorism intelligence to an offender's legal representative, not the offender themselves. Schedule 1.8 [16] inserts new section 59A into the Terrorism (High Risk Offenders) Act to extend the ability of the court to grant that form of restricted access to all offenders, whether or not they are represented. This type of access could be requested by the State or a prescribed terrorism intelligence authority.

New section 59C (3) would also allow the State or a prescribed terrorism intelligence authority to request the material be restricted to the offender's counsel only, as is currently the case for a represented offender under section 60 (10). New section 59D also allows the applicant for the terrorism intelligence application or any prescribed terrorism intelligence authority that provided the information to withdraw the relevant material if the court is not satisfied that the information is terrorism intelligence, or the court did not order the type of release or the level of protection requested. The court would consider the material in full and retain the discretion to accord the material the weight that is appropriate for evidence that defence counsel did not have the opportunity to test. Any material that the State or the prescribed terrorism intelligence authority withdraws could not be considered by the court in determining whether to make an order. However, the Attorney General would be aware of the

information at the point in time when determining whether to make the application under the Terrorism (High Risk Offenders) Act.

New section 59B provides for safeguards in response to the greater level of protection of terrorism intelligence material. The first safeguard is that, upon the State or prescribed terrorism authority requesting the court to order most restricted level of protection and access, the court will be required to appoint an independent third party representative. This independent third party representative would have full access to the information or terrorism intelligence to test the material on the offender's behalf and could make submissions to the court on whether the information is terrorism intelligence, and the level of access to terrorism intelligence that should be given to the offender and/or their legal representative. This safeguard currently applies to unrepresented offenders during terrorism intelligence applications under current section 60 (5). It will now be applied to all offenders.

The second safeguard inserted by schedule 1.8 [16] is new section 59D (3), which will provide that the State or a prescribed terrorism intelligence authority is prevented from withdrawing any material to which a terrorism intelligence application relates if the court considers that its withdrawal would be manifestly unfair to the offender. This would mirror the existing restriction on the withdrawal of exculpatory material that is subject to a claim of public interest immunity under current section 60A (3). The court would be able to redact information as necessary to release only the sections of the material that are exculpatory. For example, one sentence or paragraph on a page of an intelligence report may be exculpatory, and the court could release the relevant sentence or paragraph, but redact the rest of the document.

I now turn to the detail of Schedule 2 to the bill. Schedule 2.1 amends the Crimes Act 1900 to insert a new offence, section 25C, of supply of drugs causing death. On 15 September two young adults lost their lives at the Defqon.1 music festival in Penrith. In addition to their deaths, seven people were admitted to hospital for drug-related illness. Three of the seven people were admitted to intensive care units. On 18 September the Premier established an expert panel to advise the Government on whether new offences or increased penalties are required to stop drug dealers endangering lives; how music festival promoters and operators can improve safety at their festivals; and whether improved drug education is required to address the increase in illegal drug use in our community.

The panel was asked to consider input from the community and key stakeholders, including music industry representatives and local government. The panel has now handed down its report entitled "Keeping People Safe at Music Festivals", and made seven recommendations. Recommendation 7 was for the New South Wales Government to investigate introducing a new offence for those who supply illegal drugs, for financial or material gain, to people who then self-administer the drugs and die as a result. In proposing a new offence for drug supply causing death, the panel highlighted its strong view that the intent of the offence should be to target drug supply for profit, rather than the "young friends" scenario, namely where one friend is tasked with obtaining or sourcing drugs for a group of friends and is reimbursed, rather than seeking profit. The panel further stated that in its view the harshest penalties should be reserved for drug dealers rather than drug supply between friends. The offence that is introduced by this amendment gives effect to recommendation 7 made by the panel and also the panel's views in relation to targeting drug dealers and drug supply for profit rather than targeting young people involved in sharing or supplying drugs amongst one another without a profit motive.

A person will be guilty of the new offence if: first, the person supplies a prohibited drug to another person for financial or material gain; secondly, the drug is self-administered by another person, whether or not the person to whom the drug was supplied; and thirdly, the self-administration of the drug causes or substantially causes the death of that other person. The maximum penalty for the offence will be 20 years imprisonment. "Prohibited drug" will have the same meaning that it currently has under the Drug Misuse and Trafficking Act 1985 and will not include a "prohibited plant" within the meaning of that Act. In order to establish that a person is guilty of the new offence, it will be necessary for the prosecution to prove beyond reasonable doubt that the accused knew or ought reasonably to have known that supplying the prohibited drug would expose another person, whether or not the person to whom the drug was supplied, to a significant risk of death as a result of the self-administration of the drug.

A person will not commit an offence under the new section for supplying a prohibited drug if the person was authorised to supply the drug under the Poisons and Therapeutic Goods Act 1966. A safeguard has been included in the offence provision that proceedings for the offence may be instituted only by or with the approval of the Director of Public Prosecutions. This will ensure that all relevant factors can be considered, in accordance with the prosecution guidelines of the Office of the Director of Public Prosecutions, before a prosecution is commenced under the new offence provision, including whether or not it can be said that there is no reasonable prospect of conviction by a reasonable jury or other tribunal of fact properly instructed as to the law and, if not, whether or not discretionary factors nevertheless dictate that the matter should not proceed in the public interest.

The "ought reasonably to have known" aspect of new section 25C (2) in the new offence imports a reasonable person test. For example, this test would not allow a finder of fact to consider an accused person's self-induced intoxication and transitory emotional states. The Department of Justice in particular and the New South Wales Government generally will keep the operation of the offence under close and regular review. The panel adverted to issues of necessary intent and causation involved in the offence, which raises interesting issues. The Government could keep the operation of those aspects of the offence in particular and the offence in general to make sure that the offence has the efficacy that the Government and the panel wish it to have. Finally, section 18 of the Crimes Act 1900, which defines murder and manslaughter, will not apply to this offence.

The Government has also committed to introducing a new liquor licence type to ensure that music festivals are subject to rigorous controls to keep people safe. The Government is considering introducing amendments to the Liquor Act 2007, which would be moved as an amendment to this bill to allow the Government to impose new conditions on festival organisers, including expanded obligations around safety management plans. This debate is timely, as we are moving into the summer festival period. The Government's actions in this space will help to ensure that people who attend music festivals can do so in an enjoyable and safe way.

It is important for community safety and in the interests of justice to ensure that offenders responsible for serious indictable offences and for child abuse offences are apprehended, prosecuted and convicted. It is similarly important that those who have information that is material to the apprehension, prosecution and conviction of those responsible for these serious offences have a strong incentive to report that information to the appropriate authorities, and face suitable penalties when they fail to do so. Currently, sections 316 and 316A of the Crimes Act provide for a maximum penalty of two years imprisonment for failure to report material information about any serious indictable offence or child abuse offence to the relevant authorities and five years' imprisonment if the person solicits, accepts or agrees to accept any benefit for himself or herself or any other person in consideration for concealing the serious indictable offence or child abuse offence.

The current maximum penalties apply irrespective of the seriousness of the offence that was concealed. This has the effect that concealing an offence that carries a penalty of up to five years imprisonment, such as possession of a motor vehicle licence plate unattached to a vehicle, carries the same maximum penalty as concealing an offence that carries penalty of up to 25 years or life imprisonment, such as murder or the new offence of persistent sexual abuse of a child, which will commence shortly. The Government considers that a staggered penalty regime, where the maximum penalty for concealing an offence increases with the respective severity of the offence concealed, is an appropriate and proportionate approach.

Schedule 2.2 [1] will amend section 316 (1) to provide that the maximum penalty for concealing a serious indictable offence is two years if the maximum penalty for the serious indictable offence is not more than 10 years imprisonment, three years if the maximum penalty for the serious indictable offence is more than 10 years imprisonment but not more than 20 years imprisonment and five years if the maximum penalty for the serious indictable offence is more than 20 years imprisonment. Schedule 2.2 [1] will also amend section 316 (2) to provide that the maximum penalty for a person who solicits, accepts or agrees to accept any benefit for himself or herself or any other person in consideration for concealing a serious indictable offence is five years if the maximum penalty for the serious indictable offence is not more than 10 years imprisonment, six years if the maximum penalty for the serious indictable offence is more than 10 years but not more than 20 years imprisonment or seven years if the maximum penalty for the serious indictable offence is more than 20 years imprisonment.

Finally, Schedule 2.2 [1] will also amend section 316 to clarify that it applies only to persons over the age of 18. At present section 316 applies to persons who conceal serious indictable offences, while section 316A applies to adults. The Government considers that consistency between the provisions as far as possible is preferable, and recognises that children and young people can be particularly vulnerable to being pressured into not reporting another person's offending and may not understand when they have information that might be of material assistance to authorities.

Schedule 2.2 [2] will amend section 316A to provide that the maximum penalty for concealing a child abuse offence is two years if the maximum penalty for the child abuse offence is less than five years imprisonment or five years if the maximum penalty for the child abuse offence is five years imprisonment or more. Schedule 2.2 [4] will amend section 316A (4) to provide that the maximum penalty for a person who solicits, accepts or agrees to accept any benefit for himself or herself or any other person in consideration for concealing a child abuse offence is five years if the maximum penalty for the child abuse offence is less than five years imprisonment or seven years if the maximum penalty for the child abuse offence is five years imprisonment or more.

This staggered penalty regime builds on the New South Wales Government's landmark criminal justice reform package, responding to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that were passed by both Houses of Parliament in June 2018. This package included the new section 316A offence of concealing a child abuse offence without a reasonable excuse. Since these reforms were

passed and implemented, the Government has been listening to the concerns of the community to ensure that the maximum penalties under section 316A reflect community expectations and the seriousness of concealing child abuse. We have listened to the voices of the more than 13,000 people who signed a petition calling for tougher maximum penalties for the concealment of child abuse offences.

The two men who were responsible for collecting these 13,000 signatures—Maitland Pastor Bob Cotton and child abuse survivor and advocate Mr Paul Gray—join us in the Chamber today. I acknowledge the extraordinary advocacy of these two men. For months, Bob and Paul have been pounding the pavement across Maitland and the Hunter more broadly, collecting signatures and speaking to the community about the pervasive culture of cover-up and concealment that was revealed by the royal commission and which enabled the horrific abuse of children to go on unchecked for far too long. The Government has listened, and today it is acting to protect children and fight back against this culture of concealment. I thank Bob and Paul for their courage, hard work and unwavering commitment to building a better future for survivors and children all across the State, both now and in generations to come. I was so pleased to be able to stand beside them both yesterday to announce these reforms and, together, take this important step in the fight against child abuse.

To Angie and Lorraine, who have also joined in the gallery today, it was a real joy to see how proud you were of Bob and Paul yesterday. I am so pleased you could join us here today. Without your endless support, we would not have collected 13,000 signatures from those 13,000 people, and we would not have had the catalyst to introduce these reforms. I also thank another survivor, Peter Gogarty, who was also kind enough to join us at the announcement yesterday, with his wife, Donna. Over many, many years, Peter has advocated on behalf of survivors of child abuse to ensure they have a clear path to justice and that children are protected in institutions, in their communities and in their homes. Without Peter's tireless work, we would not have had the catalyst to introduce these reforms today. I thank you all for what you have done, and for what you continue to do, to help make New South Wales a safer and more just place for children and survivors.

I now return to the amendments. Schedule 2.2 [3] amends section 316A (2) to include an additional, limited, reasonable excuse to the non-exhaustive list of reasonable excuses for failing to report to the NSW Police Force information that might be of material assistance in securing the apprehension, prosecution or conviction of a person responsible for a child abuse offence. The additional reasonable excuse will apply in very specific circumstances; namely where the person is a member of staff of a school; the child abuse offence is an "assault at school" for the purposes of section 60E of the Crimes Act 1900; the alleged offender and the alleged victim are both school students under the age of 18 years; the offence does not result in any injury other than minor bruising, cuts or grazing of the skin; and the person has taken reasonable steps to ensure that the incident has been brought to the attention of the incident reporting unit of the Department of Education or, in the case of a non-government school, the principal or governing body of that school.

By its reference to section 60E of the Crimes Act, section 316A may require schools' members of staff to report to the NSW Police Force minor altercations and bullying between children that, prior to the commencement of section 316A, would have been reported in accordance with the schools' or the Department of Education's reporting guidelines, and managed through internal disciplinary processes. While the policy intent of section 316A is to ensure assaults at school that constitute child abuse are reported to police, the current reference to section 60E as a whole has created a significant reporting burden for school staff; risks duplication of reports and investigations by schools and police; may result in police being inundated with reports of minor incidents between children that will never result in criminal charges; and may unnecessarily escalate minor incidents between children and young people that would be better addressed within the school community. The amendment in schedule 2.2 [3] recognises that assaults at school between school students should be reported but where a member of staff has made a genuine effort to report it, and has done so via established reporting practices, this may constitute a reasonable excuse for not reporting to the police.

Schedule 2.3 [2] amends schedule 1A to the Crimes Act 1900 to include some additional offences to the schedule's list of former sexual offences. Schedule 1A lists a number of former sexual offences that are cross-referenced in extant offences and provisions such as the offence of persistent sexual abuse of a child. While all efforts were made to ensure schedule 1A includes all relevant former sexual offences, certain offences relating to buggery and attempted buggery were inadvertently not included in the list. Before June 1984 sections 79 and 80 of the Crimes Act covered these offences, as well as acts of bestiality. From 8 June 1984 the provisions were amended to refer only to bestiality. Schedule 2.3 [2] will amend schedule 1A to include reference to both former versions of sections 79 and 80, to cover a situation where the alleged child sexual abuse may have occurred before 8 June 1984 and the appropriate charge is buggery or attempted buggery under former section 79 or 80.

Schedule 2.3 [1] amends section 203E of the Crimes Act to increase the maximum penalty for the offence of intentionally causing a fire and being reckless as to the spread of the fire to vegetation on any public land or land belonging to another person, from 14 years to 21 years imprisonment. Bushfires have the potential to cause

catastrophic damage to land and properties, loss of livestock, injury and death to members of the community, and substantial economic costs to individuals and the State. Recent data shows that the cost of bushfires to the State is steadily increasing. Audited eligible bushfire expenditure determinations made under the Natural Disaster Relief and Recovery Arrangements were approximately $23.1 million in 2016-17, and are expected to be approximately $54.7 million in 2017-18.

Environmental conditions for the 2018-19 summer season are expected to be increasingly conducive to bushfires. The current maximum penalty of 14 years imprisonment for a bushfire offence in New South Wales is lower than the penalties for comparable offences in all other States and Territories, except Queensland. The Government considers, in light of the significant risk and consequence of bushfires, that the schedule 2.3 [1] amendment to raise the maximum penalty to 21 years imprisonment is appropriate and proportionate. This will ensure that the New South Wales penalty is now the equal toughest in the country; will provide an enhanced deterrence for this behaviour in the face of growing risk; will better reflect the harm that bushfires can cause; and will better align with community expectations.

Schedule 3 to the bill will insert a new provision into the Crimes (Appeal and Review) Act 2001 to provide that the release or disclosure of information by or on behalf of the Attorney General in relation to petitions for mercy or review of convictions and sentences is not a contravention of the Criminal Records Act 1991, Health Records and Information Privacy Act 2002, Privacy and Personal Information Protection Act 1998 or any other Act. This will enable the New South Wales Government to release information relating to petitions for the Royal Prerogative of Mercy and petitions for review of conviction or sentence, as these Acts currently prohibit the release of this information. This will align the procedures around petitions for mercy and review of conviction and sentence with criminal justice processes and the principles of open justice. Except in special circumstances, people appealing convictions and sentences via the judicial process are publicly identified, and decisions and reasons for decisions published.

The amendment will allow for the release of information relating to petitions at the absolute discretion of the Attorney General. The exact content of any information that is released will depend on all the circumstances of the petitioner and the petition, and also whether the petition was granted or declined. For granted petitions, the release will commonly include the general nature of the underlying offence, the fact that the petition was granted, the petitioner's name, brief reasons for the decision and the date of the decision. For declined petitions, the release will commonly include the general nature of the underlying offence, the grounds raised by the petitioner, the fact that the petition was declined and the date of the decision. It is unnecessary to release the petitioner's name or reasons for decision for a declined petition. Declined petitions involve no interference by the executive in the decisions of independent judicial officers, and no alteration of the petitioner's legal rights.

The Attorney General will maintain an absolute discretion to refuse to release any and all information. This includes where the release of information may prejudice the safety of the petitioner. For example, the Governor may grant a petitioner a remission of sentence after the petitioner has provided significant post-sentencing assistance at his or her own peril. In such a circumstance, the release of any information would be highly inappropriate as it may jeopardise the petitioner's safety. Prior to the release of information, the petitioner will also be contacted and invited to make submissions on the proposed release of information. The Attorney General may take into account any comments made by the petitioner when deciding whether to release information. Where the Attorney General determines that information should be released despite the objections of the petitioner, the petitioner will be given an opportunity to withdraw his or her petition should he or she so choose.

Registered victims relevant to a petition may be contacted and invited to comment on a petition either by the Attorney General or the Department of Justice at the Attorney General's discretion. The policy of contacting registered victims will ensure recognition of victims, and also consistency with victims' rights legislation. Although victims' rights legislation does not directly apply to petitions, it generally includes victims' rights to remain informed of matters relating to relevant offenders. The policy will not involve contacting victims who are not listed on a victims' register, or victims who are registered but have indicated that they do not wish to be contacted. It is important that victims are not re-traumatised and only contacted where they have indicated that they wish to remain informed of matters relating to relevant offenders. Going beyond the register is inconsistent with a victim's decision to put the offender in his or her past.

The Attorney General will have an absolute discretion to contact or direct contact with a registered victim at any time during consideration of a petition. When a registered victim is contacted, he or she generally will be informed of the fact that a petition was made, the grounds on which the petitioner has sought mercy or review of conviction or sentence and the relief sought. Registered victims will also be provided with a fact sheet that explains the Royal Prerogative of Mercy and reviews of convictions and sentences. The carve-out introduced by schedule 3 to the bill does not extend to the Court Suppression and Non-publication Orders Act 2010. As a result,

any orders made under that Act 2010 will continue to restrict the release or disclosure of any information relating to mercy petitions.

Overall, these bills will improve the operation of courts, law enforcement agencies, and the civil and criminal justice system. The amendments to the Terrorism (High Risk Offenders) Act in particular demonstrate that the protection of the community from the ongoing threat of terrorism is of paramount importance to the Government. The Government will do whatever it reasonably can to ensure the State's intelligence and law enforcement agencies have effective powers at their disposal to keep the public safe, including continuing to monitor the terrorism-related legislation to ensure a strong focus on community protection. The schedule 2 amendments will ensure that the penalties applying to a number of serious offences provide a suitable deterrent; encourage the reporting of information material to the apprehension, prosecution and conviction of offenders responsible for serious indictable offences and child abuse offences; and reflect community expectations. The schedule 3 amendments will increase transparency and ensure public confidence in the administration of justice. I commend the bill to the House.

Debate adjourned.

COMBAT SPORTS AMENDMENT BILL 2018

Second Reading Speech

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (17:15): I move:

That this bill be now read a second time.

The Combat Sports Amendment Bill 2018 amends the Combat Sports Act 2013 to make improvements to the regulation of combat sports in New South Wales. The New South Wales Government is keen to support the important work of the Combat Sports Authority in promoting safe practice in the combat sports industry. These sports are growing in popularity and, while many people may not like the idea of the activities that occur in the ring or the cage, there is no intention to prevent these contests occurring. The Government is aware that certain criminal elements, such as outlaw motorcycle gangs, have shown an interest in the industry, which again is a strong justification for the Government's involvement. The NSW Police Force is represented on the Combat Sports Authority and has had the opportunity to provide useful input to the review of the Act and the drafting of the proposed amendments.

As with most New South Wales legislation, the Combat Sports Act 2013 includes a requirement for a five-year review. Accordingly, a number of the amendments proposed in the bill reflect consideration of issues arising during the operation of the legislation since it was first enacted. The amendments also follow the deputy coroner's inquiry into the tragic death of David Browne following an incident in a boxing contest. Some of the recommendations from the report of that inquiry are addressed in the amendments proposed in the bill. Others will be considered as part of the consultation process of phase two of the review.

The two-stage approach to developing the amendments was proposed by the Combat Sports Authority following the review of the Act and reflects a consultative approach involving a broad range of industry and government stakeholders. To inform its review, the authority released a consultation paper and undertook widespread public consultation across New South Wales. The authority also established a medical advisory committee, made up of medical practitioners and industry representatives, to provide advice on the deputy coroner's recommendations. The medical advisory committee advised the authority on a best practice medical response to the deputy coroner's recommendations. It is vital that the process of engaging with these important stakeholder groups continue during phase two.

A number of provisions in the bill will make significant improvements to the promotion of combatant health and safety. The bill introduces provisions to provide trainers and seconds with the power to direct a referee—who must follow that direction—to stop a contest if they have any concerns about the health and safety of the combatant. The bill also sets out that the referee, trainer or second before the contest may agree to the manner, including by way of signal, that a request to stop the contest may be made. This is important as it will provide the opportunity for all parties to understand and agree to how the trainers or seconds can tell the referee that a contest should be stopped. The Government also intends to make regulation changes that address and respond to a number of specific recommendations of the deputy State coroner.

Referees and medical practitioners will be required to attend a pre-contest briefing with the promoter of the contest and the combat sport inspector so that they understand the rules that apply to the contest and elements of the injured combatant evacuation plan submitted to the authority by the promoter. The injured combatant evacuation plan, which the promoter will need to submit to the authority not less than five days before the contest, is designed to ensure that there is a plan in case of a serious injury to a combatant. The Combat Sports Authority

will prescribe in its rules the minimum medical equipment that the promoter must ensure is present at each contest. These will be, at a minimum, airway support, an oxy-viva mask and oxygen.

The bill amends the Act to reduce red tape and administrative burden for industry and government and introduces changes that reflect current practice and procedures, many of which have been sought by industry and other key stakeholders. These include provisions around renewal of registration and removal of the 21-day cooling-off period for applicants seeking first-time registration in a professional combatant class. The removal of the cooling-off period will enable people to register closer to the date of a contest and allow promoters and match makers to put combatants immediately on a fight card.

The bill amends the definition of "professional combat sport contest" to clarify that a contest involving a combatant who has previously been registered as a professional in a style of combat sport but has subsequently been permitted to register as an amateur in that style is not a professional combat sports contest. This is because section 16 of the Act makes it clear that it is possible for a combatant who has competed in a professional combat sport contest to become registered as an amateur provided they can satisfy the authority they have never competed for a monetary or valuable reward. In such a case, any registration they currently hold as a professional will be cancelled. The authority has identified at least one person caught up in the interaction between section 5 (1) and section 16 of the Act. Therefore, item [3] of schedule 1 of the bill clarifies when a combat sports contest is a professional combat sports contest.

The bill improves the provisions around the powers of the authority, combat sport inspectors and police officers to give directions to promoters, industry participants, combatants and other persons regarding the holding of or participation in a combat sport contest. Currently under section 62 (1), the authority or a combat sport inspector can direct a person not to hold a combat sport contest at or after a weigh-in where, in their opinion, there is likely to be a contravention of the Act, regulation or rules if the contest is held. Similarly, section 62 (2) permits a police officer to direct a person not to hold a combat sport contest if the officer is satisfied that there is a risk to public health or safety or a risk of substantial damage to property if the contest is held.

Also under section 62 (3), a person who gives a direction under this section may also direct a person not to act as an industry participant in relation to the combat sport contest or participate as a combatant in the contest. This is problematic as a direction under section 62 (3) may only be given after issuing a direction under section 62 (1) or section 62 (2). There may be circumstances where the person to whom a direction not to hold a contest has been given, such as the promoter, may be difficult to locate. Item [21] of schedule 1 to the bill provides that a direction not to act as an industry participant in relation to a combat sport contest or not to participate as a combatant in a combat sport contest may be given to a person by the authority, a combat sport inspector or a police officer regardless of whether the authority, inspector or police officer also gives a direction not to hold a combat sports contest.

The bill provides a number of provisions that will assist the NSW Police Force with its involvement in the regulation of combat sports in New South Wales. Currently the legislation provides that the authority must refuse to grant a permit if the Commissioner of Police advises there is a risk to public health or safety or a risk of substantial damage to property if the contest were held.

The NSW Police Force has advised the authority that in its view there will always be some type of risk and, as a result, all applications should be refused. Schedule 1 [15] to the bill provides the NSW Police Force with greater flexibility by lifting the threshold from risk to serious risk. The bill also importantly provides better protection of criminal intelligence or other criminal information provided to the authority by the NSW Police Force about an applicant for registration as a combatant, an industry participant or promoter, or about a combatant, industry participant or promoter.

Looking to phase two, the New South Wales Government is committed to further investigation of possible reform of the regulation of combat sports in New South Wales. It is important that fundamental changes to the regulation of combat sports are done in a manner that is well considered and will be most effective in promoting the health and safety of combatants, which is the primary objective of the Act. Finally, I note the amendment in the Legislative Council that inserted the words "himself, herself or" before "themself". The amendment to the bill increases inclusivity, reflecting both traditional and contemporary forms of self-identification. I commend the bill to the House.

Second Reading Debate

Mr GUY ZANGARI (Fairfield) (17:25): I make a contribution to the debate on the Combat Sports Amendment Bill 2018 on behalf of the New South Wales Labor Opposition and on behalf of the Hon. Lynda Voltz from the other place. The aim of this bill is to make a number of improvements and regulatory changes to combat sports in New South Wales in response to the death of David "Davey" Browne in 2015 at Liverpool.

A coronial inquest found that Davey Browne died as a result of a large, right acute subdural haematoma sustained from the final blow in round 12 of a professional boxing contest held on 11 September 2015 at Liverpool. He died at Liverpool Hospital. The Coroner made a number of recommendations following Mr Browne's death, but many of those recommendations have been ignored by the Government.

Despite a comprehensive review of the Act by the Combat Sports Authority, many of the coronial recommendations have not been acted upon or enshrined in legislation. One of the primary objectives of the Combat Sports Amendment Bill 2018 is to permit a combatant's trainer or second to require a referee to stop a contest. This bill will now provide combatants' trainers and seconds with that power in law. Members of this House will recall that in November 2017, following the aforementioned coronial recommendations, the New South Wales Labor Opposition introduced a bill to resolve a number of important issues outlined in the coronial findings. Members opposite clearly did not support the introduction of such safeguards and, disappointingly, 18 months after the Coroner's report, the Coalition Government is now "ready to get things done" and has concluded it is time to introduce this bill.

The Opposition will not oppose the bill; however, we point out that, unfortunately, the Government has left out important coronial findings. This simple bill before the House today replicates the legislation Labor introduced in 2017 and contains a combat evacuation plan and, as recommended by the Coroner, a provision that the minimum medical requirements for any combat sports event are to include airway support, an Oxy-Viva mask and oxygen. The Coroner's medical recommendations comprise two parts. The Coroner recommended that there must be a predetermined means, whether by bell, hammer, prescribed hand signal or other method, by which the attending medical practitioner can indicate the need for or the desirability of a medical examination of a combatant during the contest. At the commencement of a combat sports contest a referee and attending medical practitioner should confer to agree on the means by which a referee will indicate that need.

The attending medical practitioner is required to examine a combatant during the combat sports contest on the occurrence of a prescribed trigger event, which includes a knockdown or suspicion of concussion or a direction to that effect by the combat sports inspector or referee. The examination must include a medical assessment to ascertain whether or not the combatant is suffering from a concussion having regard to the pocket concussion guide or another applicable guidance document. The attending medical practitioner may examine the combatant at any stage during a combat sports contest, including during a round and during the break between rounds, and may carry out a medical assessment to ascertain whether or not the combatant is suffering from a concussion, having regard to the pocket concussion guide. The round must be stopped to enable an examination to take place, as referred to in paragraphs (c) to (e) of recommendation 3 of the Coroner, and, if necessary, the time between rounds must be extended to enable such an examination to take place.

It is hugely disappointing that the Government has failed to include this essential part of the Coroner's recommendations in its legislation. Doctors have advised that their only power under the current Act is to stop the event. If they are suspicious that a combatant has a problem, such as not weaving as quickly as they were previously, but they do not consider that the combat needs to be stopped, they want to be able to reassure themselves that the combatant does not have concussion by being able to undertake a quick medical examination. Currently, such examinations are the duty of the referee. As members would have seen at a boxing exhibition, in a Muay Thai match, or a cage fight, referees are often witnessed checking combatants for concussion during a fight; however, the person who really should be doing those examinations is the medical practitioner. I have been advised that the Government's reasoning for not including this change in the legislation before us today is that it wants to deal with it in future legislation because it wants medical practitioners to be trained to recognise the signs of concussion.

Correct me if I am wrong, but if a medical practitioner does not know the signs that indicate a concussion has been sustained what on earth are they doing at a combat sports event? It is preposterous to think that a medical practitioner would not be qualified to administer a medical examination and treatment, and make subsequent recommendations based on the circumstances at play. I cannot imagine that any member in this place would disagree that a medical practitioner should be allowed to examine a boxer or a Muay Thai fighter who has just taken a hard hit or a kick to the head. Unfortunately, the legislation currently does not allow for this to take place, despite recommendations from the Coroner that the existing legislation be changed. It is three years since David Browne died and 18 months since the Coroner's recommendations, yet the Government has failed to deliver a single piece of legislation that requires that examination to happen. Therefore, the Labor Opposition will be moving an amendment to allow that to happen. It is simply not good enough to neglect to introduce such protections, especially since it has taken the Government so long to introduce this bill..

The legislation is about the health and safety of boxers and combatants; one only needs to look at the objects of the bill to see that this is the primary purpose of the legislation. This bill should have been introduced 12 months ago. If the Opposition was able to introduce legislation in November 2017 there is no reason the

Government could not have done the same. Unfortunately for boxers and combatants in New South Wales, the Minister for Sport has been so focused on knocking down and rebuilding stadiums that he has not had the time to implement the appropriate legislative protections as set out in the coronial inquest.

The bill will make a number of administrative changes, including the removal of a 21-day waiting period. The Labor Opposition agrees that this change makes sense, especially given the difficulties organisers and promoters may have to replace fighters who pull out of a tournament at the last minute. Further provisions have been included with regard to the powers of the combat sport inspectors and police officers to give directions to promoters, industry participants, combatants and other persons regarding the holding of or participation in combat sport contests. These provisions will help to clear up a number of problems that relate to the serious risk to public health or safety, or a serious risk of substantial damage to property when a contest is held. Additionally, amendments contained within this bill will assist the NSW Police Force in the regulation of the Combat Sports Act, particularly regarding information that can be provided to the Combat Sports Authority in upholding the Act.

The legislation should be about the health and safety of the boxer. However, it is clear that the Government intends to hold out on solving a number of issues raised in the Coroner's findings as it wishes to introduce additional legislation in the future regarding such issues. I cannot fathom why it should take almost three years to implement a number of sensible changes as recommended in the Coroner's report. However, the Government clearly has its own agenda, and the Opposition is pretty sure it relates to toll roads and stadia. The New South Wales Labor Opposition will be moving amendments that ensure that referees must temporarily stop a combat sport contest to allow an immediate medical examination of a combatant if the appropriate signal has been given by the medical practitioner. This is in line with the Victorian regulation, which states:

> The referee will call for a timeout if the contestant's ability to continue is in question as a result of apparent injuries. The medical practitioner will inspect the contestant and stop the match if the contestant is deemed unable to continue safely.

The Opposition believes the health and safety of the combatant should be the first and foremost consideration and will seek to introduce amendments in line with the coronial findings. As I mentioned previously, I do not oppose the bill.

Mr JOHN SIDOTI (Drummoyne) (17:35): I am pleased to speak in support of the Combat Sports Amendment Bill 2018, which proposes a number of amendments to the Combat Sports Act 2013. Combat sport has been regulated in New South Wales for many years, primarily in relation to boxing, but the legislation was changed in 2009 to cover the industry more broadly. Combat sports are regulated primarily because of the risk to combatants. The requirement for health checks before and after contests ensures the risk to combatants' health is reduced. All jurisdictions with statutory regulation maintain a regime of medical checks for all combatants.

The Government is keen to support the important work of the Combat Sports Authority in promoting safe practice in the combat sports industry. These sports are growing in popularity. While many people may not like the activities that occur in the ring or cage, there is no intention to prevent these contests taking place. The Government is aware that certain criminal elements, as mentioned by the Minister, have shown an interest in the industry. That is a strong indicator that government should be involved in regulating the sport. The NSW Police Force is represented in the Combat Sports Authority and has had the opportunity to provide useful input to the review of the Act and drafting of the proposed amendments.

As with most New South Wales legislation, the Combat Sports Act includes a requirement for a five-year review. Accordingly, a number of the amendments in the bill address issues that arose during the operation of the legislation since it was first enacted. The Deputy Coroner made recommendations following an inquiry into the death of Mr David Browne in a boxing contest. Some of the Deputy Coroner's recommendations from that inquiry are addressed in the amendments proposed in the bill and phase two of the review will consider other recommendations as part of the consultation process. The two-stage approach to developing the amendments was proposed by the Combat Sports Authority following a review of the Act and reflects a consultative approach involving a broad range of government and industry stakeholders. The authority also established a medical advisory committee made up of medical practitioners and industry representatives to provide advice on the Deputy Coroner's recommendations. The medical advisory committee advised the authority on a best practice medical response to the Deputy Coroner's recommendations.

It is vital the process continue with the engagement of these important stakeholders. The first phase allows for the introduction of amendments to the Act this year. That will have an immediate positive impact on the regulation of combat sports in New South Wales through three types of changes. First, there are changes to promote combatant health and safety; secondly, machinery changes that reflect current industry practices and processes; and, thirdly, measures aimed at reducing red tape for industry and government. The important measures relating to the health and safety of combatants form part of the response to The deputy Coroner's

recommendations. The promoter must ensure that referees and attending medical practitioners attend a pre-contest meeting with combat sport inspectors in order to confirm the rules that apply to the contest.

The promoter must submit to the authority an injured combatant evacuation plan, which must be communicated to referees, attending medical practitioners and combat sport inspectors prior to the contest. Finally, the promoter must ensure that as a minimum an airway support, Oxy-Viva mask and oxygen are available at each combat sport contest. The legislative change in phase one will include a requirement that the referee must stop a contest in any circumstance where the trainer or second indicates that they are concerned about their combatant's health and safety. These last provisions are amongst the most important responses to the Deputy Coroner's recommendations. It is impossible to say whether it will make a crucial difference in all circumstances but the change will assist in clarifying the roles of the parties concerned, especially the trainers and seconds. These are important changes in the interest of improving health and safety in a growing industry. It is vital that the work of the Combat Sports Authority be supported and the process of legislative reform continue. I congratulate the Minister and commend the bill to the House.

Mr JIHAD DIB (Lakemba) (17:41): I make a contribution to the debate on the Combat Sports Amendment Bill 2018. It is well known that my younger brother has recently retired from boxing. In a nearly 20-year career he fought hundreds of amateur fights and represented Australia in international championships. In 2005 he became professional. As a professional, he rose through the ranks to become a two-time world champion. He had 10 world title fights in a highly successful career that spanned many years. I acknowledge Minister Ayres who is present in the Chamber and thank him for taking the time to write a personal letter to my brother when he decided to call it a day. It meant a great deal to my brother and he asked me to thank the Minister. It is now recorded in *Hansard*.

Another of my brothers has decided to follow the same path and to box professionally on a sporadic basis. I decided to use my body for things other than boxing. Anyone who has seen me throw a punch would understand. I made the mistake of sparring with my brother for one round. Let me say that those three minutes could not have been over quickly enough. I have attended many fights over the years and I have seen the sport of boxing in all its forms, both in Australia and abroad. This has given me a deep insight into the world of combat sports and the need for clear regulations around the sport of boxing. The priority in any combat sport is to protect the combatants. It is the most important thing. Combatants are taught to protect themselves at all times. It is the first lesson they learn.

More often than not, people associate combat sports with boxing but there are other combat sports, such as the eight limbs Muay Thai. It is so named because the fighting style uses elbows and knees. Also, there is the recent phenomena of cage fighting, which is known as the ultimate fighting challenge. All three styles of combat sport have their nuances. Boxing is the sport that I am most across and certainly more inclined to watch. I have an understanding of why people take up boxing, what it does for them and the difference it makes to their lives. I will talk later in more detail about the proposed amendments referred to by my colleagues and the Minister, which I believe will introduce better regulation into the combat sports.

While I am supportive of the proposals, I agree with my colleagues more can be done in relation to the Deputy State Coroner's recommendations. The bill is in large part a response to the inquest, which has been referred to by previous speakers. I acknowledge the Minister's efforts in requesting a comprehensive review by the Combat Sports Authority. I take the opportunity to offer my condolences to David "Davey" Browne's family. They have had to go through an experience that no-one should have to suffer. The boxing world is a small community and the people involved in the sport either know each other or know of one another. I met Davey at a fight night in Campbelltown many years ago and I was saddened to hear of his passing. He left behind a wife and two young children. His professional record consisted of 22 wins, two losses and one draw. Sometimes in making legislation we talk about people but we do not necessarily talk about individuals. It is important that we talk about people's lives because it is the reason we are here.

I also put on record the death of Mark Fowler, who, at the age of 35, died in a Muay Thai contest. His death led to earlier changes to the legislation. The medical provisions proposed are reasonable, and including medical evacuation in the legislation is a good addition. A lot of discussion has taken place as to how that will occur. We must consider how government agencies can best assist in the implementation of the legislation. It is important to understand that a boxing match is never finalised until the day before, but an evacuation plan can be developed well before that time. It is a good idea to have a point of contact so that someone takes responsibility for ensuring that medical equipment is available and someone knows what will happen if there is a medical emergency.

Combat sports are high risk by their very nature and the gap between the amateur and professional ranks is expansive. I have seen the positive impact the sport can have on self-discipline. Combat sports participants are self-disciplined and understand that their fights are the work of science, which is to be admired. It is

a misunderstanding that participants are violent people outside of the ring. Indeed, few people who fight professionally or at amateur levels get involved in other fights. They are incredibly self-disciplined. More often than not, it is others who want to pick fights with them and they have to walk away. I know that I cannot be that self-disciplined when it comes to training, diet and lifestyle. In many cases, fight participants think their way through a contest. Their intent to win is what drives them. However, we must remember that not all matches are won on points.

Organisations such as Police Citizens Youth Clubs run $2 classes for boxing, karate and kickboxing. Those classes do much more than teach kids the skills of combat sports; they also ensure that kids who would otherwise be roaming the streets have somewhere to go. We must be careful when we talk about combat sports that we do not always do so in a negative way. In my former profession as a principal I witnessed ill-disciplined kids who took up a combat sport become focused and self-disciplined. It changed their outlook on life. We have all heard stories about how boxing has changed someone's life. It is fiction, but the story of Rocky Balboa will ring true for a lot of people. I will save my *Rocky* quotes for the Christmas party at the end of the year.

I will address the practicalities of promoting combat sports. Organising a fight is difficult and expensive. People talk about the big bucks in boxing, but the vast majority of participants do not make much money out of boxing and nor do the promoters. They not only have to find the combatants but also have to take on the registration process, incur the expense of ensuring that a doctor is present throughout the fight, pay the referees and organise ticketing, sponsorships and weigh-ins. I have seen firsthand how difficult it is to organise a fight. As I mentioned, it is a good idea to have an evacuation plan. I am in no way demeaning promoters; a lot of small-time events are put together by promoters doing their very best. We must ensure that the Combat Sports Authority works with them to undertake professional development so that they can learn to develop time lines when organising an event. If we can do it right it will make things easier down the track. I strongly support the medical recommendations. I will keep pushing for professional development.

New section 62 (1) talks about the sports inspectors being able to direct at a weigh-in that a contest is not conducted if there is likely to be a contravention of the Act. We are talking about 24 hours before the event. I would hope there are warning signs before that time. Some guidance is needed a few weeks before a fight to ensure that the regulations are followed and ticked off. If everything is left until the last minute, we are potentially putting fighters—some of whom travel from overseas—in a situation where they are out of pocket and left with nothing to do. To avoid those situations, I suggest that the Combat Sports Authority and other agencies work with promoters throughout the duration of organising an event. [*Extension of time*]

In relation to security it is worth considering that police are present. A user-pays system can be prohibitive for promoters. Most of them run pro-am events and are lucky to have 300 or 400 people paying $30 to $70 for a ticket. The boxers, doctors and venue hire costs still have to be paid and sometimes the user-pays system can be restrictive. Any assistance that can be provided to them would be appreciated. The Coroner suggested that doctors be present at fights. The Opposition will propose amendments so that doctors can stop the fight at any time to check on the participants. I can see why the Coroner has made that perfectly sensible suggestion. I am happy to hear that it is still being considered. I would like it to take place now, but I recognise why it needs to be done properly.

As I said, not every fight ends based on points and not every technical knockout takes place because of one punch. More often than not it is the result of a barrage of punches. In the worst-case scenario, a boxer might use a knockout to his or her advantage. That would not be in the spirit of the sport, but when people are playing to win they do dangerous things. By the same token, I have seen too many boxers who do not know when to give up. People do not want to show any weakness and sometimes it takes somebody else to say, "You cannot do it." Currently a doctor or a trainer can make that decision in between rounds. I support our important amendment. I will not oppose the bill, but if the Government decides it will not support the amendment it must look at the best ways to guarantee the safety of combatants.

Boxing, Muay Thai and cage fighting are not only about watching blood being spilled. There is a science to those sports and it is hoped that those watching get to see the science. Our ultimate responsibility is to protect the combatants as much as possible. I spoke to the Minister about that point. There are always two sides to a story. If the Government does not support the amendment, I hope that there is genuine progression of the legislation because the safety of everybody who participates in combat sports is a major concern. I have had a fair bit to do with combat sports. I am glad I do not have to observe the sport anymore because it is difficult to watch. However, it is interesting and I have great admiration for the participants. It will be good if the legislation is progressed to change things. If we remember at all times that the ultimate goal is not to provide entertainment but to protect the combatants, I know we will be on the right track.

Ms JODIE HARRISON (Charlestown) (17:54): I speak in debate on the Combat Sports Amendment Bill 2018. Combat sports have been around since time immemorial and have a chequered history. Combatants

face a considerable risk of injury every time they step into the ring. That evidence is not disputed, but unrestrained human combat still draws great interest in New South Wales and the sports are quite popular to compete in and to watch. As legislators we have a responsibility to ensure that combat sports are conducted with the safety of participants as a primary consideration. The preventable, tragic death of professional boxer David "Davey" Browne in 2015 at Liverpool has made us radically rethink the safety measures in place for participants of combat sports. I extend my condolences to Davey's family and friends. No doubt the loss of Davey has resulted in tremendous grief for his family and friends. Although we cannot alleviate the family's personal burden, we have the opportunity to create a legislative framework to ensure that a tragedy of that kind never happens again.

The bill responds to recommendations from the coronial inquest into Davey Browne's death. Sadly, the findings of the inquest, handed down in June 2017, revealed that Davey's death was preventable. The Deputy State Coroner, Magistrate Teresa O'Sullivan, determined that Davey showed clear signs of concussion at the end of the eleventh round of the boxing match on 11 September 2015 and that the referee failed to recognise the seriousness of his injury. She therefore recommended new rules to allow ringside doctors to stop a fight at any time to inspect a boxer's condition.

The review of the Combat Sports Legislative Scheme that followed resulted in 40 recommendations to the Government, of which 27 were supported for immediate action. The Deputy State Coroner also made recommendations that the Minister for Sport amend New South Wales combat sports legislation to provide "a comprehensive set of rules to govern the conduct of all boxing contests." She also recommended that the Office of Sport continue to develop training for registered industry participants regarding the rules of the sport, medical examination and the identification of concussion and to introduce an accreditation process to ensure that industry participants and ringside doctors complete annual training on those issues.

I turn now to the contents of the Combat Sports Amendment Bill. One object of the bill is to permit a combatant's trainer or seconder to require a referee to stop a contest. That could have been enshrined into law a year ago, when the Labor Opposition introduced the Combat Sports Amendment (Referee's Duty to Stop Contest) Bill 2017. The bill would have required a referee to stop a combat sport contest if directed to do so by the trainer of a combatant because the combatant was exhausted or injured to such an extent as to be unable to defend themselves or to continue the contest. Unfortunately, the Government voted down that bill in the upper House and has introduced its own bill 12 months later. If the Opposition was able to introduce legislation along these lines 12 months ago, then there is no reason that the Government could not have done the same. As with many other bills introduced in this and the other place, the Berejiklian Government is playing catch-up with Labor's position.

The bill proposes inserting into the objects of the Act the words "to promote the development of the combat sport industry". I echo the sentiments of my Labor colleagues and members of The Greens in disagreeing that promotion of the industry should be included as an object of the Act. I recognise the value of many elements of the combat sports industry—for instance, the health and fitness benefits for contestants and the commercial and entertainment value for industry participants. Certainly in my electorate of Charlestown a large number of people enjoy participating in and watching combat sports. But the Combat Sports Act should be focused on health, safety and harm minimisation for combatants, not promotion of the industry.

On that point, it is interesting that the Government has chosen to include promotion of the industry in the Act but not to include the remaining 11 supported recommendations from the Coroner. Under the current Act, the power of an attending medical practitioner is limited to stopping an event. Doctors are unable to undertake medical examination of a participant if they suspect there is a problem. That is currently the role of referees, who often check combatants for concussion during a fight. I believe the person who should be checking on the health of combatants is the medical practitioner. Medical practitioners are trained extensively in the signs of concussion. It is concerning that the Government will not allow a doctor to examine a combat fighter who may have taken a serious blow to the body, which is a recommendation of the Coroner. Aptly, when this bill was in the other place the Hon. Lynda Voltz moved an amendment to require that:

> The referee must temporarily stop a combat sport contest immediately if the attending medical practitioner signals that the practitioner wishes to conduct a medical examination of a combatant.

In addition, the amendment provided that the regulations may prescribe the manner in which the medical practitioner may give that signal. The amendment has at heart the protection of the lives of competitors. If a doctor at a fight suspects there may be something wrong with a combatant, that doctor should be allowed to carry out appropriate medical checks. That happens in other sports, so why not in a combat sports event—particularly when the aim of the sport is to inflict harm that renders an opponent unable to continue fighting and knocking them unconscious is the ultimate "stop"?

I support Labor's proposed amendment that the shadow Minister, and member for Fairfield, will put forward to ensure that medical practitioners can carry out medical examinations in the ring if they suspect a problem. I encourage members opposite to support that commonsense amendment that may well save lives and prevent serious injury. Even some members of the Liberal-Nationals Government have acknowledged conflict in the combat sports industry due to the financial incentive of continuing a fight despite health concerns for the combatant. On 23 October this year Mr Scot MacDonald said in the other place:

> There is conflict within the industry. The people are paid by the promoter, the trainer, the seconder, the combatant and the referee. Everybody in that room is getting a clip of the ticket on the way through. In many ways there is not a lot of incentive to pull the entertainment until you have to.

It stands to reason that the bill should go further and include the proposed amendment for the medical practitioner to conduct a medical examination of the combatant during the fight. Further, the Coroner made a recommendation that the combat sports rules be amended to ensure that there is a "clear predetermined means" by which the attending medical practitioner and referee can make an indication to each other—whether by bell, hammer, hand signal or other method—in the event that a medical check is required, as well as provide for mandatory examination of combatants in the instance of "trigger events" such as:

(i) knockdown caused by a blow to the head;

(ii) suspicion of concussion; or

(iii) a direction to that effect by the Combat Sports Inspector or referee.

For reasons I do not understand, the Government has indicated that this bill is a two-stage process, with further proposed legislation next year that will address the remaining 11 supported recommendations. Why do we have to wait until after an election to address the remaining recommendations? This has taken far too long already. The Coroner's recommendations were handed down 18 months ago and David Browne died three years ago. The recommendations need to be passed into law before we witness another preventable death in the combat sports industry. If the Minister for Sport can manage to make time to knock down and rebuild Sydney stadiums, then he should be able to get a holistic combat sports bill before the House. The Minister and the Berejiklian Government clearly have the wrong priorities.

I do not oppose the bill, because it responds to a number of important recommendations from the coronial inquest into the death of David Browne. But I believe the legislation falls short. It is three years since David Browne died and 18 months since the Coroner's recommendations; yet the Government cannot deliver a piece of legislation that embodies all the supported recommendations. Is the Government lazy or inept? I do not know, but I do know that it is wrong.

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (18:04): In reply: I thank members representing the electorates of Fairfield, Drummoyne, Lakemba and Charlestown for their contributions to the debate. I thank the member for Lakemba for his kind words about my correspondence with his brother, Billy Dib, a two-time world boxing champion who is a fantastic Australian who has demonstrated courage over a long time. I also put on *Hansard* my recognition of his skill, courage, determination and tenacity that made many Australians fall in love with him during his career. We wish him nothing but success in the future.

In response to the comments of the member for Charlestown about why the Government has taken this approach, I refer directly to the Deputy State Coroner who said that recommendations should be given consideration only after appropriate consultation with relevant sporting bodies and interest groups. It is fair to say that the Government put that recommendation at the forefront of its mind when it undertook the two-step process. The Deputy Coroner recognised that many of the things that she had proposed would be contentious in the combat sports community. Therefore, we wanted to create an opportunity for the alignment of the review of the Act by the Combat Sports Authority with the addressing of the recommendations of the Deputy Coroner as quickly as possible in an appropriate fashion. The two-step process reflects that and allows for the review of the Act to take place and for the implementation of the agreed recommendations from the Deputy Coroner. The Government has also recognised, in the same way as the Deputy Coroner, that to get the full value of the recommendations it would need to bring the combat sports industry with it. That is why the Combat Sports Authority has suggested a two-stage review of the Act, which is exactly what the Government is implementing.

Members in this House and in the other House raised objections about the changes to the objects of the Act. It is important to recognise the distinction picked up by the member for Lakemba but not by the member for Charlestown. The Government has not changed the Act to promote the combat sports industry but to promote the development of the combat sports industry. We recognise that not everyone will agree with combat sports but we fundamentally recognise that we need to develop the industry in a more professional way. The Act puts harm

minimisation at the forefront of its objectives. We want to make sure that we develop the quality of the entire combat sports industry, which the Act will help to do.

The development of the Combat Sports Act also entails the authority supporting the industry to take more responsibility for achieving the other objectives of the Act—in particular, the promotion of combatant health and safety. Once again, that will reinforce the health, safety and harm minimisation components, which are particularly difficult things to achieve in sports where the objective is to harm the opponent. The new objective sends a signal to the industry that it needs to improve its management of contests, its internal governance arrangements and its safety practices to promote the health and safety of combatants. Having that as an objective means that the Government will support that development.

Members also raised objections regarding suspension of a fight for a medical examination, which I mentioned in my second reading speech. The Opposition unsuccessfully moved an amendment relating to that in the Legislative Council and will move it again here. I am sure we will talk about that during the consideration in detail stage. I might defer to some of the concerns raised by the member for Lakemba, who alluded to the same concerns that the industry has. The industry is concerned about creating a mandatory requirement to suspend a contest for a medical examination because it might change the actual sport of boxing and other combat sports and result in New South Wales being out of step with other jurisdictions both here and around the world. It might result in title fights not being conducted in New South Wales, or result in combatants using the system to their advantage, which the member for Lakemba alluded to in his remarks. It may also result in more serious injuries because at the moment referees are more likely to end contests rather than allow contests to continue and place combatants at further risk. That is primarily why the Government has made that section part of the deep consultation with the industry in phase two—in the same way the Deputy Coroner suggested.

In relation to what has taken place since the death of David Browne, the Combat Sports Authority, the Office of Sport and the Coroner have been working closely together. That is evident from the authority and the Office of Sport providing significant support and information to the NSW Police Force investigation and to the Coronial inquiry into the death of David Browne, which was recognised by the Deputy Coroner in the final report. The authority has also implemented a number of changes following the death of David Browne. They include the creation of authority rules to: require a referee to stop a contest if it appears to be too one-sided; enable the referee to stop a contest at any stage and consult with an attending medical practitioner on whether the contest should be stopped; and, reinforce the established practice of enabling a combatant's trainer to throw in the towel and indicate to the referee that the contest should be stopped. All of those steps took place prior to the introduction of this bill.

An industry advisory committee was also established to review and amend pre- and post-contest medical examinations forms. The Office of Sport has developed and implemented enhanced combat sports inspector training, including concussion awareness training that was provided to all inspectors. Dr Adrien Cohen from HeadSafe and Dr Luke Inman, who is a member of the Combat Sports Authority, provided sessions and training days. All of the seven recommendations of the Deputy Coroner were considered by the Combat Sports Authority in its comprehensive review of the Combat Sports Act 2013 and have already been implemented, or supported by the Government for immediate implementation in this bill, or supported in principle for further consideration during stage two.

We have also spoken about why we have separated the process into two phases, which is an issue some members raised. In phase two the Combat Sports Authority will undertake further consolidation of the remaining 11 in-principle supported recommendations and the 21 future actions identified in the review of the Act. Some of those involve technical and medical matters, such as issues around industry training on concussion, head injury recognition and accreditation of medical practitioners, and will require extensive consultation with key industry and regulatory stakeholders.

Phase two consultation with industry and other stakeholders will also allow for a balanced approach to the development of options that consider a number of perspectives, including those of the industry, combatants, medical representatives and others. As we have heard in the debate, combat sports can be somewhat divisive in the community. We do not want to take combat sports out of the community but we want to use this Act to promote the development of the industry. A two-step process is therefore necessary as some of the recommendations could have a profound effect on combat sports in New South Wales. Some of the suggested amendments would also take additional time to develop and require training of the industry before they can be implemented. In summary, the two-step process is about ensuring that we develop the combat sports industry in a professional way. We will continue to enhance its ability to work with the Government and put combatant safety at the forefront of everything we do. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Mr Guy Zangari

Consideration in Detail

TEMPORARY SPEAKER (Mr Lee Evans): 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.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that schedule 1 be agreed to.

Mr GUY ZANGARI (Fairfield) (18:14): I move Opposition amendment No. 1 on sheet C2018-149:

No. 1 **Stopping combat sport contest**

Page 6, Schedule 1 [27]. Insert after line 15:

(1B) The referee must temporarily stop a combat sport contest immediately if the attending medical practitioner signals that the practitioner wishes to conduct a medical examination of a combatant.

(1C) The regulations may prescribe the manner in which a signal may be given for the purposes of subsection (1B).

I spoke to this amendment in my contribution to the second reading debate. I ask the Government to consider this sensible amendment, as proposed by the Labor Opposition and as moved by the Hon. Lynda Voltz in the other place.

Mr STUART AYRES (Penrith—Minister for Western Sydney, Minister for WestConnex, and Minister for Sport) (18:16): The Government does not support Opposition amendment No. 1. It did not support it in the upper House and it does not support it in the lower House. I commend the Combat Sports Authority for the work it has done in full, detailed consideration of the Coroner's recommendations, including the thorough consultation with the Medical Advisory Committee. The Medical Advisory Committee provided advice to the Combat Sports Authority that it supported the suspending of a contest but further work must be done to implement such a significant change in a manner that reflects best medical practice. So even the Medical Advisory Committee, which has made this recommendation, supports the process by which we are undertaking this change and putting it into the second phase.

It is also essential that the necessary appropriate training be provided to medical professional practitioners, referees and combat sports inspectors so they can easily identify when a medical examination could take place. I mentioned in my speech in reply that the member for Lakemba identified some of the concerns that exist inside the industry. The Government has taken those on board and will therefore consider them as part of phase two. I also draw the House's attention back to the recommendations of the Deputy State Coroner, who said that consideration should only be given after appropriate consultation with the relevant sporting bodies. Therefore, the Government supports the idea of a two-phase approach and does not support the Opposition's amendment.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that Opposition amendment No. 1 on sheet C2018-149 be agreed to.

The House divided.

Ayes 30
Noes 46
Majority.....16

AYES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Catley, Ms Y
Dib, Mr J	Finn, Ms J	Greenwich, Mr A
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Hornery, Ms S	Kamper, Mr S	Lalich, Mr N (teller)
Leong, Ms J	Lynch, Mr P	McDermott, Dr H
McGirr, Dr J	McKay, Ms J	Mehan, Mr D
Mihailuk, Ms T	Minns, Mr C	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)	Brookes, Mr G	Conolly, Mr K
Constance, Mr A	Cooke, Ms S	Coure, Mr M
Crouch, Mr A	Davies, Mrs T	Dominello, Mr V
Donato, Mr P	Elliott, Mr D	Evans, Mr A.W.
George, Mr T	Gibbons, Ms M	Goward, Ms P
Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
Hazzard, Mr B	Johnsen, Mr M	Kean, Mr M
Lee, Dr G	Marshall, Mr A	Notley-Smith, Mr B
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		

PAIRS

Cotsis, Ms S	Barilaro, Mr J
Crakanthorp, Mr T	Berejiklian, Ms G
Daley, Mr M	Fraser, Mr A
Doyle, Ms T	Hancock, Mrs S
Foley, Mr L	Henskens, Mr A
Harris, Mr D	Humphries, Mr K
Park, Mr R	O'Dea, Mr J

Amendment negatived.

TEMPORARY SPEAKER (Mr Lee Evans): The question is that schedule 1 be agreed to.

Schedule 1 agreed to.

Third Reading

Mr STUART AYRES: I move:

That this bill be now read a third time.

Motion agreed to.

CRIMES (ADMINISTRATION OF SENTENCES) LEGISLATION AMENDMENT BILL 2018

Second Reading Speech

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (18:25): On behalf of Mr Mark Speakman: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Administration of Sentences) Legislation Amendment Bill 2018. The bill amends the Crimes (Administration of Sentences) Act 1999 and the Children (Detention Centres) Act 1987 to improve security in correctional centres and juvenile justice centres by prohibiting drones from being flown above places of detention; prohibiting Corrective Services employees from engaging in sexual and intimate relationships with sentenced and unsentenced inmates and offenders; and providing clarity on when correctional officers may use reasonable force against visitors. In recent years, technological advancements have made remotely piloted aircraft increasingly affordable to everyday consumers. These aircraft—commonly referred to as "drones"—have already had significant impacts on modern life, making aerial photography attainable for amateur enthusiasts and being used for purposes such as search-and-rescue missions.

However, like so many advances in technology, drones have been embraced not just by individuals with artistic or altruistic motivations; the past five years have seen the use of drones create a new threat to the security of correctional facilities around the world. In England and Wales there have been media reports of organised crime

rings using drones to smuggle drugs, phones, weapons and SIM cards into numerous prisons. There have also been incidents in Australian prisons, including a drone captured on closed-circuit television at Lithgow Correctional Centre in October 2017, which may have been used to smuggle steroids into the prison, and four high-security prisons in Queensland went into lockdown in July 2018 after drones were spotted flying overhead. Victoria has introduced legislation to tackle the emerging problem of drones around correctional facilities. It is clear that drones represent a threat to the security of prisons.

This bill introduces new offences prohibiting the possession and operation of drones in and around prisons and juvenile detention centres. The bill also amends the Crimes (Administration of Sentences) Act 1999 to clarify the situations in which force may be used by correctional officers against visitors to a correctional centre, and the extent of the force that may be used. Part 13A of the Act contains a number of offences relating to places of detention that may be committed by both inmates and visitors, and the powers available to correctional officers to enforce those offences, including search-and-arrest powers. The bill does not seek to expand current powers, but to clarify how and when existing powers may be used.

Section 253L of the Act already permits the use of force against both inmates and visitors as is reasonably necessary for correctional officers to exercise their functions under part 13A. However, while the regulations under the Act provide additional guidance for staff on the use of force against inmates, no such guidance is provided in relation to visitors and that leaves ambiguity as to what is and is not permitted. For example, the circumstances in which restraints such as handcuffs may reasonably be used against visitors are unclear. By creating more certainty in these areas, the bill will provide safeguards for visitors and ensure that Corrective Services staff are able to exercise their powers with greater confidence.

The bill introduces an offence for Corrective Services employees and employees of privately managed prisons to engage in sexual conduct or an intimate relationship with an inmate or a person who is subject to a community-based order where the conduct or relationship causes a risk to the safety or security of a correctional facility or to good order and discipline within a correctional facility, or compromises the proper administration of a sentence or a community-based order. The vast majority of correctional officers and staff discharge their duties with integrity and diligence. I stand with those correctional officers and staff who are appalled by the recent reports of alleged inappropriate relationships with inmates, and express my gratitude for the work of our officers in one of the most challenging professions in New South Wales.

This offence demonstrates the Government's commitment to respond to community concerns about the small minority of staff within the correctional system who engage in inappropriate relationships with offenders and take action to deter and punish such behaviour. The offence will carry a maximum penalty of 20 penalty units or imprisonment for two years, or both. The term "correctional employee" will be defined to apply to all members of staff of Corrective Services NSW and to employees who work in privately operated prisons. The term "intimate relationship" will cover relationships between two or more persons involving sexual conduct or other physical expressions of affection or the exchange of written or other communications of a sexual or intimate nature, or both. This will include, but is not limited to, relationships between spouses and de facto partners. A correctional employee will not commit an offence under this provision if the employee did not know, while the employee engaged in sexual conduct or an intimate relationship with a person subject to a community-based order, that the other person was subject to the order.

In the other place there was some misunderstanding about the meaning of "intimate relationship" and the impact of the offence on sexual conduct by correctional employees in prisons. For the benefit of members and anyone who may be looking at this legislation in the future, I make it very clear that sexual conduct between a correctional employee and an inmate that occurs while an inmate is in custody would always—I repeat, always— be seen to result in a risk or a potential risk to the safety, security or good order and discipline of a correctional facility and as such would be covered under this bill. This offence increases opportunities for successful detection and prosecution because it is not limited to sexual conduct and includes intimate relationships.

An intimate relationship can be a precursor to sexual conduct as it can, for example, include physical expressions of affection or the exchange of written or other communications of a sexual or intimate nature. However, it can also be interpreted to extend to other intimate familial relationships, given it need not be sexual. In addition to the new offence targeting intimate relationships and sexual conduct between correctional employees and offenders, the Government has established Task Force Themis, led by Mark Murdoch, a retired Assistant Commissioner of the NSW Police Force, to assess and report on the circumstances of a number of inappropriate relationships between Corrective Services employees and offenders dating back to 2007. The task force will also review and report on the investigation and management of these relationships by Corrective Services NSW.

I now turn to the detail of the bill concerning remotely piloted aircraft. Schedule 1 [3] to the bill creates three new offences in the Crimes (Administration of Sentences) Act 1999 relating to the possession and operation of remotely piloted aircraft. First, under new section 253FA it will be an offence for someone in a correctional

centre or any residential facility or transitional centre prescribed by the regulations to have in their possession a remotely piloted aircraft. "Remotely piloted aircraft" is deliberately defined broadly and means any unmanned airborne craft, including a part of a remotely piloted aircraft and the remote control for a remotely piloted aircraft. Secondly, under new section 253FB (1) a person must not be in possession of a remotely piloted aircraft within prohibited airspace. "Prohibited airspace" is defined as the airspace above any detention premises, and above the land in the immediate vicinity of any detention premises, at or below 400 feet above ground level.

This definition is intended to extend to people who are in possession of a remotely piloted aircraft at ground level in the immediate vicinity of detention premises. It will be a defence to this offence if it can be established that the possession was not for the purpose of threatening the good order or security of detention premises. This will encompass recreational use by minors and children. Finally, under new section 253FB (3) it will be an offence to operate, without lawful excuse, a remotely piloted aircraft that is within the prohibited airspace in a manner that threatens or is likely to threaten the good order or security of detention premises. The maximum penalty for all three offences is 20 penalty units or two years imprisonment, or both.

Schedule 2 inserts equivalent provisions relating to remotely piloted aircraft into the Children (Detention Centres) Act 1987, ensuring that the security of juvenile detention centres will be similarly protected against risks arising from remotely piloted aircraft. I turn now to the detail of the bill concerning correctional officer powers to use force against visitors to correctional facilities. Schedule 1, item [7] inserts new sections 253MA and 253MB into the Crimes (Administration of Sentences) Act 1999. New section 253MA will clarify that a correctional officer may use force to deal with a visitor for the following purposes: to protect the correctional officer or another person from attack or harm or imminent attack or harm if there are no other immediate or apparent means to protect the correctional officer or other person; or to prevent damage to the place of detention or property within the place of detention; or to prevent an unlawful attempt to enter the place of detention by force or to free an inmate; or to remove the visitor from the place of detention if the officer is authorised to do so under the regulations for the purpose of exercising a power under part 13A.

The nature and extent of force that may be used is to be dictated by the circumstances, and must not exceed the force that is reasonably necessary for protection or to maintain the good order and security of a place of detention, having regard to the personal safety of correctional officers and others. A correctional officer will be permitted to use handcuffs or other equipment prescribed by the regulations for the purpose of restraining a visitor, but only if it is reasonably necessary in the circumstances. Under section 253I of the Act, correctional officers are granted powers to conduct searches for the purpose of enforcing the offences under part 13A. The bill amends the Act to remove the ability for searches to be conducted by a non-correctional member of staff, on advice from Corrective Services NSW that, in practice, the provision is never used. I put on record my appreciation particularly to the staff at Corrective Services NSW, the Department of Justice's Justice Strategy and Policy team—some of whom are here in the Speaker's gallery—and my own staff, who worked on these legislative amendments with great enthusiasm. I commend the bill to the House.

Second Reading Debate

Mr GUY ZANGARI (Fairfield) (18:38): I speak on behalf of the New South Wales Labor Opposition to the Crimes (Administration of Sentences) Legislation Amendment Bill 2018. Those of us on this side of the House are well aware of the numerous scandals and disasters that have plagued the Corrections portfolio in recent years. I will not go into detail on the recent allegations of misconduct and inappropriate relationships between a corrections officer and an inmate; however, it is alarming it has taken the corrections Minister this long to put forth legislation that aims to correct these issues. The Crimes (Administration of Sentences) Legislation Amendment Bill 2018 proposes to take steps towards rectifying issues with respect to inappropriate relationships between correctional centre employees and inmates and the illegal use of remotely piloted aircrafts—drones—in and around correctional centres. These are major issues that the Minister has been aware of for quite some time and it begs the question: Why has it taken him so long to finally take a stand on these issues?

The Crimes (Administration of Sentences) Legislation Amendment Bill 2018 seeks to introduce amendments to the Crimes (Administration of Sentences) Act 1999, the Children (Detention Centres) Act 1987 and, subsequently, the regulations made under those Acts. The bill will introduce a number of new protections to enhance security with the intent of clamping down on certain illegal and/or disruptive behaviour in and around New South Wales correctional centres. I now turn to the specifics of the bill. Schedule 1 to the bill will amend the Crimes (Administration of Sentences) Act 1999 to include new division 8, section 236Q, which will make it an offence for an employee of a correctional centre to have an intimate relationship of any sort with an inmate or other offender. In light of the recent issues, this provision makes a lot of sense to include. The provision will also extend to employees who engage in intimate relationships with individuals who they know are subject to a community-based order and the individual risks or threatens the safety and/or security of a correctional centre

and its operations, or the administration of a community-based order. The maximum penalty for committing such an offence has been set at 20 penalty units, approximately $2,200 or two years imprisonment, or both.

New section 253MA will provide corrections officers with the powers to use force in order to deal with visitors wherein the safety of another individual or the detention premises is at risk of imminent harm should a visitor be attempting to gain unlawful access to the premises or to free an inmate, or when there is a need to remove an individual from the premises due to the aforementioned issues. These powers will be in addition to the corrections officer's existing powers, which are already set out in new section 253I. Should a corrections officer be required to use force as set out in new section 253MA, it will be a requirement—as set out in new section 253MB—for the corrections officer to, as soon as reasonably possible, report any use of force to the Governor of the place of detention in writing. This report must contain specific information, including the visitor's details, correctional officer's details, the location, where the force was used and the nature of the force used, and the report must be signed off by the correctional officer who was involved in the matter.

The following new section deals with the use and possession of remotely piloted aircrafts—also known as RPAs and drones—which have been causing a stir within and around correctional centres in recent years. The dangers of RPAs for correctional centres has been noted and their ability to bypass facility security in order to perform contraband drops, which may include drugs, weapons, mobile phones and other paraphernalia. New section 253FA will now make it an offence for a person to own and/or operate an RPA in or around a correctional centre in New South Wales unless prior authorisation has been approved or it is for a purpose as set out in the regulations. The maximum penalty for committing this offence has been set at 20 penalty units or two years imprisonment, or both.

To cover individuals who were not intentionally doing anything wrong but were caught out by this legislation, new section 253FB has been included. It sets out the various conditions under which an individual may defend themselves from prosecution. This may include using a RPA while not threatening the good order or security of a detention premises or if approval had been previously received. This safeguard remains consistent with other jurisdictions that have similar legislation being enforced. Given the Minister has been well aware for years of the dangers that drones pose to the safety and security of correctional centres, I am truly bemused as to why it has taken so long for these provisions to be introduced in this place. Schedule 2 will make amendments to the Children (Detention Centres) Act 1987 to include new sections 37CA and 37CB, which will set out the same provisions relating to the use of RPAs around places of detention as set out in the aforementioned sections 253FA and 253FB of the Amendment of Crimes (Administration of Sentences) Act 1999.

Last, but not least, schedules 3 and 4 include a number of miscellaneous amendments to the Crimes (Administration of Sentences) Regulation 2014 and the Children (Detention Centres) Regulation 2015 in order to prescribe additional definitions and set out certain conditions that relate to the aforementioned amendments, which were detailed in schedules 1 and 2. For many years Labor Opposition members have been raising issues concerning the Corrections portfolio. Despite the plethora of issues plaguing the portfolio, the Minister for Corrections routinely has buried his head in the sand with little to no action being taken to rectify the issues. This bill, which is long overdue, seeks to address issues that have been making headlines for years. The Corrections portfolio remains in turmoil and the Minister continually fails to take responsibility for it. We can only hope that this is the first of many bills the Minister for Corrections intends to introduce before the end of this parliamentary session. The Minister does not have much time. In conclusion, I note that the New South Wales Labor Opposition will not oppose this bill.

Ms MELANIE GIBBONS (Holsworthy) (18:46): I join in debate on the Crimes (Administration of Sentences) Legislation Amendment Bill 2018. I will address parts of the bill in detail, beginning with the effect of the bill on innocent recreational users or people who have a legitimate reason to use remotely piloted aircraft. The vast majority of people who own remotely piloted aircraft are law-abiding recreational users, including children. In order to ensure that such users are not inadvertently captured by the new offences, those offences that can be committed by people outside detention premises incorporate considerations relating to the good order and security of the premises.

For the possession offence, it will be a defence to a prosecution that the possession of the remotely piloted aircraft was not for the purpose of threatening the good order or security of detention premises. For the offence of operating a remotely piloted aircraft in prohibited airspace, it is an element of the offence that the remotely piloted aircraft was operated in a manner that threatens or is likely to threaten the good order or security of detention premises. Users with a legitimate need to operate remotely piloted aircraft will be further protected. Under the proposed amendments, a person will not be committing any of the new offences if they possess or operate a remotely piloted aircraft for a purpose prescribed by the regulations, with the authorisation of a person prescribed by the regulations, or any other reason prescribed by the regulations.

When the proposed Act commences, the regulation will prescribe law enforcement, administering or enforcing the Crimes (Administration of Sentences) Act 1999 or the Children (Detention Centres) Act 1987, and dealing with fires or other emergencies as purposes for which remotely piloted aircraft may be possessed or operated in and around detention premises without being captured by the new offences. A person who is authorised in writing by the Commissioner of Corrective Services or the Governor of the correctional centre in question, or the Secretary of the Department of Justice or centre manager in the case of a detention centre, also will be exempt from the new offences.

Next I will address how the proposed amendments define the area in which remotely piloted aircraft are prohibited. The new offences will prohibit the possession of remotely piloted aircraft within detention premises, as well as their possession and operation in prohibited airspace. Prohibited airspace is defined in the bill as the airspace above any detention premises and above any land in the immediate vicinity of any detention premises, at or below 400 feet above ground level. The definition has been restricted to airspace at or below 400 feet to avoid conflicts with Commonwealth legislation. Remotely piloted aircraft operating at an altitude greater than 400 feet above prisons, or any other place, are captured by Commonwealth offences contained in the Civil Aviation Safety Regulations 1998.

Immediate vicinity is a subjective term, which might be interpreted differently by different judicial officers. While prescribing a specific distance in the legislation would provide greater certainty, the subjective term has been retained to avoid providing offenders with a possible technical defence to a prosecution. If a specific distance were specified in the legislation, offenders may attempt to sidestep the new offences by using remotely piloted aircraft just beyond the distance prescribed in legislation. In addition, the new offence will be inserted into part 13A of the Crimes (Administration of Sentences) Act 1999, which contains a number of offences relating to correctional centres. Under that part, correctional officers are provided with powers to assist them in enforcing the law. Enforcement includes the power to detain and search persons who are in the immediate vicinity of a place of detention, if the correctional officer suspects on reasonable grounds that the person has in their possession anything connected to the commission of an offence under the part. Using the term "immediate vicinity" in the new offences ensures that the offence is aligned with the enforcement powers available to correctional officers.

I turn now to address the use of force and amendments that clarify the powers of correctional officers. These amendments are not expanding the powers of correctional officers to use force against visitors. They are intended only to provide clarity on when and how existing powers to use reasonable force against visitors may be employed. Under section 253L of the Crimes (Administration of Sentences) Act 1999, correctional officers are permitted to use such force as is reasonably necessary to exercise a function under part 13A of that Act. This is a broad power that applies to both inmates and visitors. However, while the regulations provide greater detail on the use of reasonable force against inmates, no such guidance exists in relation to the use of force against visitors. These amendments seek to provide that guidance by expanding on the situations in which force may be used against visitors, and the nature and extent of the force that is permitted.

The amendments also include a number of safeguards. New section 253MA states that the nature and extent of the force that may be used in relation to a visitor must not exceed the force that is reasonably necessary for protection, or to maintain the good order and security of a place of detention, having regard to the personal safety of correctional officers and others. The infliction of injury on a visitor is to be avoided if at all possible, and if a visitor is restrained, no further force is to be used on the visitor other than the force that is reasonably necessary to maintain that restraint. Any correctional officer who uses force on a visitor must, as soon as reasonably practicable, provide a written report about the use of force to the Governor of the correctional centre, including the names of the visitor and the correctional officer, as well as the nature of the force used and the circumstances requiring its use.

All correctional officers are trained in use of force techniques and, as the use of reasonable force against visitors is already permitted, Corrections NSW has existing policies and procedures on the use of force against visitors. These policies and procedures are continuously refined and updated. Staff are provided with ongoing guidance about the circumstances in which force may be used appropriately. Correctional officers are also trained in and encouraged to employ de-escalation techniques, and are provided with guidance on alternatives to the use of force on visitors. Corrections NSW staff need more guidance on the use of force against visitors. As I stated earlier, section 253L of the Crimes (Administration of Sentences) Act 1999 permits correctional officers to use such force as is reasonably necessary to exercise a function under part 13A of that Act. This is a broad power that applies to both inmates and visitors.

Clause 131of the Regulation under that Act provides substantial guidance on how force is to be employed against inmates, such as the nature and extent of the force that may be employed, as well as the situations in which force may be used, including to search for and seize a dangerous or harmful article, to prevent an escape, and to prevent inmates from injuring themselves. However, as I said, no such guidance is currently provided on the use

of force against visitors. The amendments will allow correctional officers to exercise the powers they already have with greater confidence, and provide formal, legislative safeguards for visitors and staff.

In conclusion, I will deal with the offence of sexual and intimate relationships between Corrective Services NSW officers and offenders. The Government is rightly responding to significant community concerns about inappropriate relationships and behaviour between a small number of correctional employees and offenders. In late July 2018 there were a number of reports about sexual and other inappropriate relationships between Corrective Services NSW employees and offenders at the Mid North Coast, Long Bay, and Lithgow correctional centres, and at the Silverwater Correctional Complex.

This kind of misconduct has the potential to compromise the safety, security, good order and discipline of correctional facilities and result in the improper administration of sentences. Employees who engage in sexual or intimate relationships with offenders are vulnerable to blackmail by offenders and their associates or become compromised by an attachment to the offender to engage in criminal or corrupt conduct. Employees' sexual or intimate relationships with offenders can also cause significant distress to victims of offenders and undermine public confidence in the administration of justice. The Government is taking decisive action to address this issue. It established Taskforce Themis, led by retired Assistant Commissioner of the NSW Police Force, Mark Murdoch, to assess and report on the circumstances of a number of inappropriate relationships between Corrective Services employees and offenders dating back to 2007. The taskforce will also review and report on the investigation and management of these relationships by Corrective Services.

This bill is a further demonstration of the Government's determination to tackle inappropriate relationships between correctional employees and offenders and protect the integrity of the correctional system. The bill proposes to make it an offence for a Corrective Services employee or an employee of a private prison operator to engage in sexual conduct or an intimate relationship with an inmate in custody or an offender on a community-based order that causes a risk or potential risk to the safety or security of a correctional centre or correctional complex, or to good order and discipline within a correctional centre or correctional complex; or compromises the proper administration of a sentence or a community-based order. The offence will be punishable by up to two years imprisonment. It will deter and punish such behaviour and send a clear signal to employees and to the wider community that such behaviour will not be tolerated. These points outline why this bill is necessary. I thank the Minister and his staff for introducing it. I commend the bill to the House.

Mr RON HOENIG (Heffron) (18:56): I speak to the Crimes (Administration of Sentences) Legislation Amendment Bill 2018. I endorse the remarks made by the member for Fairfield. As he indicated, the Opposition does not oppose the bill. My remarks are confined to items [1] and [2] of schedule 1 to the bill. I take it that the provisions contained in those clauses arose from newspaper coverage earlier this year of the allegation that a female prison officer had an affair with a convicted cop killer. The Minister for Corrections, David Elliot, put his job on the line over the issue, vowing that he would change the laws. Minister Elliot said that the string of incidences were an insult to the victims of crime. He said:

> As far as I'm concerned, if I can't pull that off I've got no business being in Cabinet …If I have some smart lawyer or bureaucrat tell me otherwise, well, then there's going to be a stand down.

I am somewhat concerned about whether the wording of items [1] and [2] was a direct result of newspaper headlines, rather than an appropriate legislative intervention. It is clear that inappropriate relationships between Corrective Services employees and those in custody are an insult to victims of crime and are a serious potential risk to the safety and security of a correctional centre. However, if there is a problem involving the potential risk to the safety or security of a correctional centre, why did it take the Government so long to legislate in this area? Why does the Government propose to criminalise conduct such as this with a two-year jail penalty for not only Corrective Services officers but also a wide range of employees within the sector? I thought that codes of conduct would clearly spell out what relationships are and are not permitted in respect of employees not only in correctional centres but also in the Corrective Services area. I imagine that they relate specifically to what ought to be incorporated in items [1] and [2] of schedule 1 to this bill.

There are problems associated with criminalisation, bearing in mind the definitions within the bill. First, I refer to the criminalisation of inappropriate relationships of employees with inmate and other offenders. "Community-based orders" mean parole orders, community corrections orders, intensive corrections orders, conditional release orders, reintegration home detention orders and suspended sentence orders, for which clause 76 of schedule 2 to the Crimes (Sentencing Procedure) Act 1999 applies. The Government is dealing with not only the situation that was subject to adverse headlines; it has also expanded the issue to include a whole range of people, including correctional employees, members of staff of Corrective Services and persons who are employed or managed in a correctional centre to perform duties. It has been expanded to cover all government staff, who have probably already signed codes of conduct. If they do not have codes of conduct prohibiting grossly

inappropriate or any inappropriate behaviour or sexual conduct the question is: why not? The bill widens the definition of "intimate relationship" to:

> … a relationship between 2 or more persons involving sexual conduct or other physical expressions of affection, or the exchange of written or other communications of a sexual or intimate nature, or all or any of those things.

The Government has taken the definition well beyond sexual conduct; it now relates to even written or other communications of an intimate nature. The Government is criminalising the offence by proposing to lock people up for two years. New section 236Q, the misconduct offence, provides:

> (1) A correctional employee (other than an employee referred to in subsection (2)) is guilty of an offence if the correctional employee engages in sexual conduct or an intimate relationship with an inmate or a person who is subject to a community-based order and the conduct or relationship:
>
> (a) causes a risk or potential risk to the safety or security of a correctional centre or correctional complex or to good order and discipline within a correctional centre or correctional complex, or
>
> (b) compromises the proper administration of a sentence or a community-based order.

In the other place, Mr David Shoebridge was quite critical of that provision, but it is appropriate. Even though in his second reading speech the Minister said that under no circumstances could he envisage that any such conduct in this bill relates to or fits within new section 236Q, he should understand that what he thought was contained within the new section 236Q is not what he said in his second reading speech. Having said that, at least that provision is some brake on the power. Over the years, this Parliament, corrections Ministers and Attorneys General have always responded to human failings within their institutions with some bill that says they are going to be tough and lock someone up. However, we need to be cautious before we criminalise like that.

For example, the member for Holsworthy warned that these relationships can impact on good security and that prison officers can be subject to blackmail. But at the same time, if there is some human failing and a Corrective Services officer is subject to threats of blackmail, we are going to deter them from coming forward on the basis that they are admitting their own criminal behaviour. One needs to be cautious. The member for Holsworthy referred to examination and review, and I think that is appropriate. I note that debate on this matter in the other place was covered by the metropolitan media and it is unusual for the media to cover the other place, let alone this place.

However, I do urge caution because just criminalising the act will not be a deterrent for human failing. The bulk of Corrective Services officers do quite amazing jobs in the most underfunded, difficult and overcrowded situations, and I express appreciation to the Minister for authorising a visit of Long Bay gaol complex a little while ago and giving me free access to the prison. Even though I have had a lifetime in the criminal justice system, I was impressed during that visit with the quality of Corrective Services staff. However, I appreciate the difficulty and pressures under which they work on a daily basis.

Bearing in mind the nature of the job, unfortunately some make a variety of mistakes; they are human failings. However, we must reflect community views. It is outrageous for a prison officer to have sexual intercourse or sexual contact with a prisoner under his or her care. It impacts upon consent and it impacts upon the power relationship. I am concerned, though, that some of the wording of the definitions within schedule 1 are too open and I wonder whether or not simply criminalising this behaviour is a solution to simply avoid the embarrassing media criticism received by the Minister earlier this year.

Mr MARK TAYLOR (Seven Hills) (19:06): On behalf of Mr Mark Speakman: In reply: I thank honourable members for their contributions to the debate—the member for Holsworthy, the member for Fairfield and the member for Heffron. Before concluding, I will address a number of matters that have been raised, particularly by the member for Fairfield and the member for Heffron. The member for Fairfield referred to the creation of additional powers for correctional officers, particularly new section 253MA. These amendments do not expand the powers of correctional officers to use force against visitors. They are intended only to provide clarity on when and how existing powers to use reasonable force against visitors may be employed.

Under section 253L of the Crimes (Administration of Sentences) Act 1999, correctional officers are permitted to use such force as is reasonably necessary to exercise a function under part 13A of that Act. This is a broad power that applies to both inmates and visitors. However, while the regulations provide greater detail on the use of reasonable force against inmates, no such guidance exists in relation to the use of force against visitors. These amendments seek to provide that guidance by expanding on the situations in which force may be used against visitors, and the nature and extent of the force that is permitted. The new legislation now provides greater certainty about when the use of force is reasonable, and better safeguards for staff and visitors.

The member for Heffron suggested that the new offence in schedule 1 [2] is too broad and that inappropriate relationships may sometimes be better dealt with through disciplinary action. Serious misconduct by public officials may be dealt with under the common law criminal offence of misconduct in public office. In

the United Kingdom and Victoria, the common law offence has been used to deal with cases where prison officers and police officers have engaged in sexual misconduct. This shows that criminal proceedings are an appropriate option in these kinds of cases. Sexual misconduct and inappropriate behaviour by correctional employees with offenders are an extremely serious matter.

This kind misconduct has the potential to compromise the safety, security, good order or discipline of correctional facilities and result in the improper administration of sentences. Employees who engage in sexual or intimate relationships with offenders are vulnerable to blackmail by offenders and their associates or become compromised by an attachment to the offender to engage in criminal or corrupt conduct. Employees' sexual or intimate relationships with offenders can also cause significant distress to victims of offenders and undermine public confidence in the administration of justice.

In addition, serious community concerns expressed in response to reports in July 2018 about sexual misconduct and inappropriate behaviour by correctional employees show that the community expects the Government to take action to tackle this issue, including by ensuring that such behaviour is an offence. It is therefore appropriate that criminal penalties should be available to deter and punish such conduct. These amendments will strengthen security in New South Wales correctional centres and detention centres by prohibiting the unauthorised possession or use of remotely piloted aircraft in the vicinity, provide greater clarity on how and when correctional officers may utilise their existing powers to use reasonable force against visitors, and tackle inappropriate behaviour and relationships between Correctional Services staff and offenders. On that basis, I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr MARK TAYLOR: On behalf of Mr Mark Speakman: I move:

That this bill be now read a third time.

Motion agreed to.

CONVEYANCING LEGISLATION AMENDMENT BILL 2018

Second Reading Speech

Mr CHRISTOPHER GULAPTIS (Clarence) (19:11): On behalf of Mr Matt Kean: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 17 October 2018 and it is in the same form. The second reading speech appears at pages 87 to 90 in the proof *Hansard* for that day. I commend the bill to the House.

Second Reading Debate

Mr CLAYTON BARR (Cessnock) (19:11): I note from the outset that the Labor Opposition, as indicated in the upper House, will not be opposing the Conveyancing Legislation Amendment Bill 2018. The bill is a sensible and necessary step forward in providing safety and certainty for people who choose to purchase a home or investment property through what is known as an "off-the-plan process". We all understand that an off-the-plan process is where developers have a concept, a basic broad-brush outline—in some significant detail, to be fair—and purchasers make the choice about whether or not they want, down the track once developed, to buy one of those lots or units.

Historically there has been some gaming of the system but that needs to come to an end. Unfortunately, this bill is being introduced at a time when the heat is coming out of the market. Some developers have gamed the system essentially through offering developments off the plan, with investors giving deposits to developers, who then use those deposits to gain the necessary funding to start the process and get construction underway and towards completion. At that point the investor or purchaser is expected to sign the contract to finalise the payment.

However, a number of developers have been using a sunset clause where they go beyond the completion date, make the deposit null and void, to use my words, and/or make amendments to the construction of the building which, in a material way, changes what the purchasers thought they were going to get when making the deposit. If a unit is offered in a hot property market such as Sydney for, say, $1 million, by the time that unit block is developed and constructed the value of that unit might be $1.2 million or $1.3 million. Some developers have been gaming the system to make the deposit null and void so they can then put the unit back on the market and seek to get $1.3 million, instead of the $1 million that they signed for originally.

In the very hot property market that Sydney has just experienced that is the way the developers have been gaming the system. This bill will close those loopholes and it will allow a number of other provisions, should developers find other loopholes, to also pursue and close those loopholes. But I believe that some of the loopholes that are dealt with in this bill are, by and large, powers that the Registrar General already has. I have dealt with a number of incidents where the developer has made material differences, but their responsibility has been waved through and the product that they finally delivered to the person who had paid a deposit in good faith, and had signed a contract in good faith, was different from the product the developer had offered originally.

The Registrar General, with all the rules, procedures, policies and pro forma, had the opportunity to intervene in those cases but decided not to. I have heard a significant number of accounts of material changes to what was on offer, with all types of evidence and proof of that. Unfortunately, for a number of investors on whose behalf I have made representations, those changes have been waved through, to the benefit of the developer and to the detriment of the purchaser. While I welcome the bill I offer two criticisms. First, it is too late; it should have been done five years ago, and I acknowledge that there have been some improvements along the way. Secondly, the powers that are with the State should be exercised in a way that favour people who are making the most significant investment of their life.

Developers should not be allowed to game the system for a financial benefit when somebody might be trying to establish a home. Surely a home, a house, a place where someone is going to raise a family is more important than the dollars and the bottom line of a developer. In some ways this bill will seek to address that to ensure the integrity of the documentation and the contract entered into so that the home, the house, the investment that people make is be protected from what I would call shonky developers who have been gaming the system. We do not oppose the bill.

Mr ADAM CROUCH (Terrigal) (19:16): I have great pleasure in being the first to speak on behalf of the Government in support of the Conveyancing Legislation Amendment Bill 2018. I commend the Government on this fantastic legislation. In 2015 this Government introduced crucial reforms that have, over the past three years, successfully protected consumers from being taken advantage of by unscrupulous developers who sought to unfairly manipulate sunset clauses. I congratulate the Minister on his proactive response, which has removed the opportunity for this predatory practice. At the time of those reforms, the Government promised to look at off-the-plan contracts more broadly. This bill fulfils that promise. The Government has worked in close consultation with industry and consumer stakeholders on the proposals contained in the bill. This collaboration will continue as the regulations are finalised to supplement the bill.

The bill widens the scope of the existing sunset clause provision, closing a loophole used by rogue developers to sidestep the effect of the legislation and renege on contracts with unsuspecting buyers. This is just one aspect of a comprehensive suite of improvements introduced by the bill, which will strengthen and enhance the regulation of off-the-plan contracts in New South Wales. The central part of the reform will be the introduction of a vendor disclosure regime tailored specifically to the sale of residential property off the plan. I note that the Minister for Finance, Services and Property is in the Chamber. I commend him and his team for this outstanding legislation. As usual, this Minister is at the forefront in leading government reform. I know that he is a great fan of the Data Analytics Centre [DAC] and statistics. This Minister is never afraid to take a step forward and drive what is necessary for the good people of New South Wales. New South Wales already requires vendors to disclose certain information to buyers prior to sale. However, the current disclosure requirements do not explicitly address the situation where a property for sale has yet to be constructed.

The bill provides that vendors of off-the-plan properties will be required to provide an initial disclosure statement that will include, at a minimum, the draft plan. Other attachments, to be prescribed by amendments made to the Conveyancing (Sale of Land) Regulation, will likely include proposed strata by-laws, if relevant, and a schedule of finishes. Most reputable developers already provide this information, and more, to prospective buyers. As part of the off-the-plan vendor disclosure regime, the buyer will have the right to rescind the contract in certain defined circumstances if there is a change to the information provided in the disclosure statement.

The Government is well aware that plans frequently change throughout the construction process, often as a result of external factors beyond the control of developers. As a result, the bill provides that a vendor is required to notify the buyer of a change only if it relates to a material particular. A material particular is one that will adversely affect the use or enjoyment of the buyer's lot. By way of example, this might include a change to a draft strata plan that significantly reduces the size of a buyer's apartment. The right of a buyer to rescind a contract arises if, and only if, the buyer would not have entered into the contract had they been aware of the change and, secondly, that the buyer would be materially prejudiced by the change.

This two-pronged test will ensure that buyers who are legitimately and negatively impacted by changes to a development have the ability to rescind, which is quite appropriate, while also allowing developers the flexibility necessary to complete projects. Buyers will have the opportunity to rescind the contract when a notice

of changes is served by the vendor, which may occur at any time throughout the life of the contract, but at least 21 days before settlement. Buyers will also have the opportunity to rescind at the time the registered plan is served by the vendor, which must also occur at least 21 days before settlement. In either case, the buyer must satisfy the two-pronged test I have already described.

The stringent provisions of the bill strike an appropriate balance between the rights of both parties to a contract for sale of an off-the-plan property. The changes introduced by this bill will ensure the people of New South Wales are protected when they decide to buy a new home off the plan. Buyers should and will be safeguarded from exploitation when making what may be the biggest financial commitment of their lives. The Government has consulted not only with consumers, but also with stakeholder groups and development representatives. It is important that the economic benefits flowing to New South Wales from the development industry are not hampered by excessive regulation.

In preparing this bill, the Minister has struck a fair and practical balance between the continued growth of our incredibly strong economy in New South Wales and the rights of buyers of residential property in this State. I note comments from those opposite about the length of time it has taken for the Government to introduce this bill, but one thing this Government prides itself on is getting the detail right. With this Minister we have seen the appropriate level of consultation with the appropriate stakeholders, which has delivered an excellent outcome for all involved. I commend the Minister and his staff and I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (19:23): On behalf of Mr Matt Kean: In reply: I am pleased to deliver a reply on the Conveyancing Legislation Amendment Bill 2018. As members have heard, the bill provides further protection for consumers buying residential property off the plan. These contracts have become a popular vehicle for developers looking to secure buyers early in the planning approval and project financing process. It also removes obstacles that currently prevent a fully electronic conveyancing process, from contract through to settlement. I thank all members for their contributions to the debate on this bill, in particular the member for Cessnock and the member for Terrigal. In 2015 the New South Wales Government introduced crucial reforms which have, over the past three years, successfully protected consumers from being taken advantage of by unscrupulous developers who sought to unfairly manipulate sunset clauses.

I congratulate all those who have worked very hard to ensure that we have removed this predatory practice. Off-the-plan contracts offer an attractive way for buyers to enter the property market. Buyers can commit to a purchase with minimal delay paying a deposit of only 5 per cent or 10 per cent of the price at the time they sign the contract. The construction period gives some financial breathing space to save additional funds. However, off-the-plan buyers are particularly vulnerable to the actions of developers. These buyers are not generally able to physically inspect the property before purchase and will not have access to registered documents such as by-laws that may restrict the way the land can be used.

The bill addresses this vulnerability through a new mandatory disclosure regime for off-the-plan properties, which supplements existing disclosure obligations for already constructed homes. Off-the-plan buyers will now be given clear information about the development upfront before contracts are signed. At the time the Government promised to look at off-the-plan contracts more broadly and I made that commitment in the second reading speech. This bill fulfils that promise. Our Government has worked in close consultation with industry and consumer stakeholders on the proposals contained in the bill. This collaboration will continue as the regulations are finalised to supplement the bill.

It is important that the economic benefits flowing to New South Wales from the development industry are not hampered by excessive regulation. In preparing this bill I have been determined to strike a fair and practical balance between the continued growth of our economy and the rights of buyers of residential property in this State. The Government also wants to support those in the property industry to move into the digital environment. Removing doubt about the validity of electronic land contracts and deeds will allow industry and consumers to confidently access a more secure, safe and efficient digital conveyancing process. I commend the bill to the House.

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

Motion agreed to.

Third Reading

Mr VICTOR DOMINELLO: On behalf of Mr Matt Kean: I move:

That this bill be now read a third time.

Motion agreed to.

WORKERS COMPENSATION LEGISLATION AMENDMENT (FIREFIGHTERS) BILL 2018

Second Reading Debate

Debate resumed from 24 October 2018.

Mr GUY ZANGARI (Fairfield) (19:27): On behalf of the New South Wales Labor Opposition I make a contribution to debate on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. I acknowledge the firefighters to whom I spoke today. They will be joining us in the gallery shortly. I thank them for their tremendous efforts over the years and their unwavering dedication as career firefighters in New South Wales. I make special mention of Mr Leighton Drury, State Secretary of the Fire Brigade Employees' Union [FBEU]. He is a strong advocate and has been instrumental in securing greater legislative protections for firefighters in this Parliament. The firefighters that I refer to are just a few of the many individuals who will be affected by the legislation before the House.

The Workers Compensation Legislation Amendment (Firefighters) Bill 2018 is before this House as a result of the Liberal-Nationals Government finally caving in to political pressure following the introduction of Labor's Workers Compensation (Firefighters Presumptive Rights to Compensation) Bill 2018. New South Wales firefighters have lobbied the Liberal-Nationals Government for years seeking the introduction of legislation to provide greater support to firefighters who have contracted occupational diseases. Every time the Government failed to act and the firefighters' concerns were pushed aside. Following the heinous cuts made to workers compensation under the O'Farrell regime, this Government's inaction on the matter came as little to no surprise to so many who are in need.

The New South Wales Labor Opposition has been working closely with stakeholders for more than a year to develop legislation that will provide firefighters with the legislative protections they direly need and deserve. Members opposite claim the Government has been working on the legislation before the House for more than a year in consultation with stakeholders. That is all well and good, except a number of the key stakeholders were not consulted prior to the introduction of this bill, nor was their input sought for the draft bill. The first that anyone heard about this bill was when the Government expedited the drafting of its version of the legislation following Labor's announcements about the introduction of its Workers Compensation (Firefighters Presumptive Rights to Compensation) Bill 2018.

NSW Labor invited bipartisan support for its bill. The Government was welcome to work with us to introduce legislation to protect and support firefighters who develop an occupational disease. Rather than working together towards a common goal, the Government concluded it would instead take the low road and vote down our bill. It was afraid of the retrospective protections and the costs associated with it. I acknowledge in the House the members present from the Fire Employees' Brigade Union: Leighton, Mick and Gino. I welcome them. We had discussions today. They will listen closely to the contributions to debate by all members on this side of the House and will wait to see what happens with the proposed Labor amendments to the bill.

This is what sets our sides apart when it comes to the protections for firefighters throughout New South Wales. NSW Labor is not afraid to get stuck in and give it our all to ensure the firefighters are appropriately supported. The New South Wales Labor Opposition will support the bill. We are not opposed to putting partisan politics aside to get things done. New South Wales firefighters deserve the best possible protections and should be supported appropriately should they contract an occupational disease, no strings attached. The primary purpose of this bill is to provide protection for firefighters across New South Wales who have contracted an occupational disease throughout their career. Unfortunately, the legislation before the House falls short of that objective. It will only protect firefighters who have been diagnosed with an occupational disease after 27 September 2018 and onwards.

Any firefighter who contracted an occupational disease and was diagnosed before 27 September 2018 will not have the presumed protection set out in this bill while it remains in its current form. That is why NSW Labor will seek to move an amendment allowing for a six-month amnesty period for firefighters to make a claim under this bill. This amnesty period will ensure that firefighters who contracted an occupational disease prior to 27 September 2018 as described in the bill will not be unfairly discriminated against as a result of the Government's short-sighted selfishness to save a buck. The amnesty period will allow six months to lodge a claim following the commencement of the legislation. It will provide some retrospectivity for the men and women who should not have their illness discounted as a result of an arbitrary date set by this Government.

Recently I have spoken in great detail about the history of legislative protections for firefighters and the introduction of presumptive legislation across the country. It is imperative that New South Wales introduce similar protections for firefighters and it is our duty to ensure that the legislation being introduced provides sufficient coverage to ensure everyone in need will be protected by this bill. There are two key differences between the bill

before the House today and the bill NSW Labor recently introduced. This bill will only protect firefighters who contract an occupational disease and are diagnosed after 27 September 2018. But Labor's bill provided retrospective—I will say that again—retrospective protections to ensure every legitimate compensation claim could be reasonably supported.

Furthermore, Labor's bill provided protections for individuals to lodge a claim up to 10 years following the cessation of their work, which is similar to other jurisdictions. The bill before the House today contains no such provision. In his second reading speech the Minister for Finance, Services and Property detailed that the Government does not support retrospective protections on the grounds that it would add in excess of $350 million in additional claims liability, and that it would be inconsistent with other States and Territories. The price tag of $350 million as a worst-case scenario is far too much for this Government to spend on firefighters who contracted an occupational disease in service to our State. We have said for many months that this Government is willing to commit billions of dollars to stadium infrastructure. However, the cost to support our local firefighters is all of a sudden far too expensive.

Mr Christopher Gulaptis: You would have spent it on schools and hospitals.

Mr GUY ZANGARI: I note the interjection made by the member for Clarence. I would like the member for Clarence to look his firefighters in the eye and tell them why he is not supporting the amendments Labor is proposing to give a grace period of six months. I also ask the member for Ryde and Minister for Finance, Services and Property, to look his constituent Mr Gino Debono in the eye and explain to him why there is no retrospectivity in the bill. If that does not give people some insight into how those opposite think, then let me make it clear: It is all about the money for them. It is clearly not about the wellbeing of our State's firefighters and their families. Put simply, while other people are running out of burning buildings or the bush, or wherever a fire might be, our firefighters are going in. They deserve to a have a Government that protects them.

If we go back 20 or 30 years, firefighters' protective clothing and safety equipment was nowhere near the quality or safety rating as the equipment that is being used today. One thing we all agree on is that firefighters now have state-of-the-art equipment, but there is a long way to go. We still have a lot to do to maintain facilities so that we can prevent our firefighters from getting cancer. Many firefighters are being made to suffer. They have endured so much in their lifetime and their lives are being forfeited due to contracting cancers as a result of performing firefighting duties throughout a long and distinguished career.

What can those opposite say to ease the suffering of firefighters like Mr Gino Debono, who is in the gallery today? Mr Debono is 55 years old. I have had the opportunity to meet and speak with him on a number of occasions. Gino and others like him have dedicated 30 years of service to Fire and Rescue NSW. Gino was diagnosed with brain cancer in October 2015. He has undergone two invasive surgeries, 30 days of radiation therapy and is now thousands of dollars out of pocket because he was required to pay for his own treatment. Like all firefighters, Gino always wore his protective equipment, did things by the book and took every precaution available to keep himself as safe as possible. Unfortunately, the safety equipment and protective clothing was inadequate and he has contracted an occupational disease. This bill would not support Gino for all those years of service to this State.

Another firefighter, Mr David Proust, was here today and would still be in the gallery if he were feeling better than he is. Unfortunately David, who is 59 years of age, is not well and could not stay due to the lateness of this debate. Like Gino, David has always taken care of his health and wellbeing, especially during his 26 years of service to Fire and Rescue NSW. David has grade 4 glioblastoma, which is a terminal brain cancer. He contracted this cancer throughout his dedicated career with Fire and Rescue NSW. I want to put it into perspective for those opposite. David has six children aged from 26 years to 37 years. He is a proud grandfather of 10. Two of David's boys are active serving firefighters in Fire and Rescue NSW. David thanks his lucky stars that the protective equipment and clothing provided nowadays is far superior to the equipment that he was provided. He thanks his lucky stars that today firefighters have that equipment and that his children will stand a better chance than he did. David was diagnosed with his cancer in May 2018. He has since undergone one invasive surgery, 30 days of radiation and is routinely undergoing chemotherapy, blood tests, magnetic resonance imaging and much more.

I note that the member for Terrigal is in the Chamber. David Proust is one of his constituents. I implore the member for Terrigal to look at the amendments Labor is proposing so that people like David can be protected. To date, the Proust family is more than $10,000 out of pocket for David's treatment and, looking forward, who knows how much more? David has been given six months to five years to live as a result of this occupational disease he contracted over his 26-year career with Fire and Rescue NSW. He too will not be protected under this bill. I ask the member for Terrigal, who is sitting opposite me, to think about the amendment that Labor is proposing that will give his constituent, David Proust, the presumed protection of workers compensation. That is, of course, unless those opposite agree to work with the New South Wales Labor Opposition and support the

amendments it will move to provide a six-month amnesty period to support firefighters like Gino and David, and many more who would otherwise be unfairly discriminated against.

We are not asking for the world. We are only seeking due compensation and support for those who have contracted an occupational disease while putting their lives on the line to keep us all safe. I sincerely hope that members opposite will consider doing the right thing and support Labor's amendments to provide the six-month amnesty period for firefighters affected with these occupational diseases. This is the bare minimum. Let us put partisan politics aside. Together, we can work to provide firefighters with the protections they rightly need and deserve. I commend the bill to the House.

Mr ADAM CROUCH (Terrigal) (19:43): I speak in debate on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. I acknowledge the firefighters in the gallery this evening. I strongly support the measures contained in the bill and I am sure that in his reply the Minister will speak to the points mentioned by the member for Fairfield. The Government is committed to providing the best possible protection and support for our firefighters and their families when they need it most. I note the comments of the member for Fairfield about the high standard of equipment that our firefighters now work with. That is in no small measure as a result of this Government delivering that updated equipment, whether it be helmets, protective clothing or fire engines. This Government has spared no expense to ensure that our firefighters have the best equipment in the country to do their jobs in the safest possible way. The member for Fairfield stopped short of acknowledging that the Government has provided those, but I am sure it was an oversight.

The Government is committed to ensuring that the claim process is simpler, fairer and more consistent for firefighters with specific cancers. It is committed to ensuring that the system can and does support firefighters to recover and return to wellbeing and that the workers compensation system acknowledges the important role of all employed firefighters and official Rural Fire Service volunteers across New South Wales. The bill does exactly that. Extensive research in Australian and North American workers compensation jurisdictions identifies and shows conclusively a link between the activities of firefighting and 12 primary cancers. Over the past 12 months the Government has closely consulted with Fire and Rescue NSW and the Rural Fire Service as well as other agencies that represent more than 100,000 current and former firefighters, who will all benefit from this reform.

The amendments, which are supported by those entities and other government agencies, will introduce a presumptive right to workers compensation unless proven otherwise by the liable employer. The presumptive provisions recognise 12 types of primary cancers and their minimum qualifying service periods. The proposed amendments will apply to all firefighters, including those workers employed by the Office of Environment and Heritage through the National Parks and Wildlife Service and the Forestry Corporation of NSW who meet the definition of "employed firefighter". To be clear, those primary cancers and the minimum qualifying service periods are: primary site brain cancer, five years; primary leukaemia, five years; primary site breast cancer, 10 years; primary site testicular cancer, 10 years; primary site bladder cancer, 15 years; primary site kidney cancer, 15 years; primary non-Hodgkin lymphoma, 15 years; multiple myeloma, 15 years; primary site prostate cancer, 15 years; primary site ureteral cancer, 15 years; primary site colorectal cancer, 15 years; and primary site oesophageal cancer, 25 years.

The bill introduces a new section 19A into the 1987 Act that allows eligible firefighters to receive the benefit of presumption. That presumption is that they are entitled to workers compensation when they are diagnosed with one of the specified cancers with a date of injury on or after 27 September 2018. The bill also allows for retrospective application prior to 27 September 2018 for eligible firefighters who made a claim before the commencement of the amendments and the claim was denied by the insurer on the basis that the firefighter could not prove that their work was a substantial contributing factor to that cancer. The bill allows for consecutive and broken periods of eligible service to be aggregated; however, concurrent periods of employed and voluntary service will be counted as a single period of service. Importantly, no time limit will be imposed on a firefighter to make a claim post service or employment. However, the existing provisions for making a claim will still apply in that the firefighter will be required to make a claim within the fixed time periods following diagnosis. As is currently the case, a longer period is available to all injured workers to make a claim with the approval of the State Insurance Regulatory Authority.

The amendments in the Workers Compensation Legislation Amendment (Firefighters) Bill 2018 will better support all firefighters and their families in aiding their recovery and return to health where possible. Every single day our firefighters go to work or volunteer to protect the lives and property of people. In the Central Coast region, six brigades serve our community with distinction: Copacabana Rural Fire Brigade, Avoca Beach Rural Fire Brigade, Macmasters Beach Rural Fire Brigade, Killcare Wagstaffe Rural Fire Brigade, Wamberal Rural Fire Brigade and Empire Bay-Bensville Rural Fire Brigade. They are in addition to the professional services provided by Fire and Rescue NSW in the electorate at Kincumber Fire Station, Terrigal Fire Station and Saratoga Fire Station.

Just last week I had the pleasure of joining the Acting Zone Commander of Metropolitan North 2, Jarrod King, and the crew at Saratoga Fire Station to officially hand over the keys to another brand-new tanker. This multipurpose $310,000 vehicle, an Isuzu four-wheel drive, allows firefighters to access fires in difficult terrain. It also has a water spray protection system that can be operated from the cabin to protect the crew when faced with challenging conditions. We are very fortunate to have some of the best firefighters in the Terrigal electorate and I thank them again for their dedicated service to our community. The State Liberal Government is committed to providing the best equipment, resources, facilities, support and assistance for our volunteer and permanent firefighters to do their jobs. The hundreds of professional and volunteer firefighters who serve our region do a fantastic job at protecting the local area, particularly during the dangerous bushfire seasons on the Central Coast. This bill is about providing better support for our fireys.

When we compare this bill to Labor's bill, the differences are noticeable. Labor's bill is retrospective with no limitations. The Government's bill is retrospective only for people who have previously made a claim and have had it rejected. While Labor's bill may sound good, unfortunately it is not. The costs involved would have been around $350 million. Labor's bill is a significant financial imposition on the people of New South Wales. It would add $101 to an emergency services levy charge and $16.50 to every set of council rates. Poorly thought-through bills from Labor unfortunately do nothing except to undo all of the hard work of this Government to build a strong New South Wales economy. Only this Government can be trusted to manage the economy, create jobs, build infrastructure and provide support and equipment to those who need it, including our hardworking firefighters.

Labor's bill applies a 10-year cap on making a claim once a firefighter has finished employment. This bill does not have a cap, so a firefighter can make a claim beyond 10 years following the completion of their employment. This is about providing support and looking after the 100,000 current and former firefighters who have served in New South Wales, especially the hundreds of firefighters on the Central Coast. I am delighted that the Government is taking the lead in amending the existing workers compensation legislation to better protect firefighters. As I commented to the Minister on his previous bill, he is happy to work constructively to ensure we get the best outcome for New South Wales. I commend Matt Dawson, Jane Standish, the incredible Tom Green, and Emily Wooden, who have worked on this bill with the Minister, staff and stakeholders. I commend the bill to the House.

Mr PHILIP DONATO (Orange) (19:52): I speak in support of the Workers Compensation Legislation Amendment (Firefighters) Bill 2018, which deals with an issue of significance. Less than a month ago, a bill was introduced by the member for Fairfield as a result of concerns that were raised with him in relation to the legislation governing firefighters' compensation rights. On 25 October 2018 I spoke in support of that bill in this House. This matter has bipartisan support and it should have had bipartisan support last month when the matter was brought before the House. The member for Fairfield, in his second reading speech, said in his opening sentence: I invite bipartisan support for this bill by members of the Berejiklian Government to ensure that our State's firefighters receive the support they deserve. It is a shame that politics has entered into the situation. The Government could have brought an amendment on that occasion if it did not agree with the entirety of the bill and the matter could have been resolved much sooner. Unfortunately, as often happens in this place and about which members of the community are somewhat disillusioned, politics plays a role in terms of one-upmanship and gamesmanship when bills are brought before the House. It is disappointing that crossbench or Opposition bills that come before the House are rarely supported in their entirety.

I join in debate to express support for the bill before the House. Full-time and voluntary firefighters perform an essential emergency service in our communities. They place their lives on the line when attending all types of emergency situations, such as raging bushfires, which are common in my electorate of Orange and in many other regional communities, asbestos-riddled buildings engulfed in flames and serious motor vehicle accidents, or responding to hazmat spills and other contaminant leakages. Firefighters, in common with other emergency service men and women, perform an invaluable and vital community service. They keep our community safe and protect life and property. As has been said by other speakers in this debate, they enter premises and go to locations from which others flee. They need and deserve our entire support.

As a civilised modern-day society, we must ensure that our workers, especially those who place themselves in harm's way for the protection of others, are fully protected from expected potential risks to which they are exposed during the course of their duties. Members of this House have an obligation to make sure that risks to which workers are exposed are identified and protected. In my electorate of Orange I have spoken with a number of firefighters, both retained and voluntary, who have expressed concerns over the lack of protections. The bill seeks to address that issue, and I support its objective. In rural regions, hundreds if not thousands of volunteers in the Rural Fire Service brigades—men, women, families and generations of families—share similar concerns.

This legislation identifies that should a firefighter be diagnosed with a certain type of cancer as a result of prolonged exposure to contaminants they will receive legislated protection and access to compensation. Research shows that firefighters are at greater risk of developing certain types of cancers as a consequence of repeated and prolonged exposure to carcinogenic chemicals with which they are regularly in contact in the course of their duties. To name just a few, those cancers include primary leukaemia, brain cancer, breast cancer, testicular cancer, non-Hodgkin lymphoma, bladder cancer, colorectal cancer, kidney cancer and prostate cancer.

I note that Labor has foreshadowed moving amendments to the bill in relation to retrospective claims. I too have spoken to Leighton Drury, State Secretary, Fire Brigade Employee Union, and I welcome to the Parliament members of his team who are in the public gallery. Concerns have been raised about the current form of the bill regarding retrospective claims and access to compensation. Like the member for Fairfield, I have spoken to Gino Debono who joined the fire service in 1989 and has given nearly 30 years' service. He was diagnosed with brain cancer in October 2015 and has had repeated invasive surgeries and days of radiation therapy and is thousands of dollars out of pocket. The bill in its present form will not cover him.

David Proust, who was here earlier but had to leave because of his condition, joined the Fire Brigade in 1992 and has given 26 years' service. In May 2018 he was diagnosed with brain cancer. He has undergone invasive surgery, radiation and six months of chemotherapy and is out of pocket tens of thousands of dollars. He also will not be covered by this bill if our amendments are not supported. They are just two examples of many sufferers. I ask the Government and the Minister, who is decent and reasonable, to show compassion and empathy and give support to our emergency service workers and fire brigade workers who put their lives on the line and in harm's way to protect us. They should be afforded protection.

For the Government to say it is not fiscally possible because it would cost $350 million is, in my opinion, unacceptable when billions of dollars are being spent on stadia and more than $1 billion on moving the Powerhouse Museum 20 kilometres down the road. How can the lives of those men and women who protect us not be more valuable than those projects? I like the Minister, who is decent and reasonable, but he should support the foreshadowed amendments because it is the right thing to do. I support the bill; however, I will also support Labor's foreshadowed amendments.

Ms MELANIE GIBBONS (Holsworthy) (20:00): I support the Workers Compensation Legislation Amendment (Firefighters) Bill 2018, which was introduced by the Hon. Victor Dominello, the Minister for Finance, Services and Property. This bill is an important part of the Government's continued effort to gain more rights for firefighters in regards to workers compensation in respect of certain kinds of cancer. The bill amends the Workers Compensation Act 1987 and Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987. The Government has introduced these amendments as a result of consulting closely with the Fire Brigade Employees Union and the Rural Fire Service Association, which represent current and former firefighters. The principal firefighting agencies, including Fire and Rescue NSW and the Rural Fire Service, have also been part of the consultation.

The New South Wales Liberal-Nationals Government has studied many other jurisdictions across Australia and around the world to get the best possible outcome for the New South Wales firefighters. This bill is very important, as firefighters dedicate their lives to defending our communities. As this House well knows, earlier this year, in April, the Holsworthy electorate had a large bushfire that consumed 4,000 hectares of land. I want to know that those people who rushed to our defence and assistance are also looked after. Without the tireless work of the firefighters from the surrounding Rural Fire Service [RFS] stations, the fire would have destroyed many houses and a larger amount of land. It is obvious that these dedicated people deserve to receive workers compensation for any work-related injuries or illnesses. This amendment bill will include 12 prescribed cancers to be covered under the Workers Compensation Scheme.

Proving causation can be extremely difficult, as exposure to particles can vary and there may be multiple exposures from one event. This bill shifts the onus of proof to the workers compensation insurer to prove the firefighter's cancer diagnosis is not work-related rather than the firefighter trying to prove causation. This bill allows claims to be made at any time and does not have a strict 10-year post-service limit. The bill will simplify the process for making a workers compensation claim by employed and volunteer firefighters diagnosed with any of the cancers in the category.

Every day fire men and women are exposed to significant hazards on the job, including serious health risks. They face severe levels of gas inhalation. Carbon monoxide is one of the main gases present when a fire is burning and one that puts firefighters at a greater risk of cancer than most other working professionals. This is why new section 19A (1) has a presumption that one of the specified cancers was contracted in the course of their firefighting career and that the employment was a substantial contributing factor. The specified cancers are primary site brain cancer, five years; primary leukaemia, five years; primary site breast cancer, 10 years; primary site testicular cancer, 10 years; primary site bladder cancer, 15 years; primary site kidney cancer, 15 years; primary

non-Hodgkin lymphoma, 15 years; multiple myeloma, 15 years; primary site prostate cancer, 15 years; primary site ureter cancer, 15 years; primary site colorectal cancer, 15 years; and primary site oesophageal cancer, 25 years.

The bill defines "firefighting activities as extinguishing, controlling or preventing the spread of fire; bush fire hazard reduction work within the meaning of the Rural Fires Act 1997; and the provision of training or instruction in the performance of extinguishing, controlling or preventing the spread of fire or bushfire hazard reduction work which resulted in exposure to smoke or other hazards of a fire. It is important to note that this bill recognises that firefighters who are exposed to the hazards of a fire are at greater risk of contracting the 12 cancers mentioned above. I read in the *Daily Telegraph* that John Bromwich was diagnosed with non-Hodgkin lymphoma six years ago. Over the past 31 years, he has attended thousands of fires of small and large cars, houses, units, factories and rubbish as well as bushfires and chemical and hazmat incidents. The article also stated:

> When making inquiries about having the cancer recognised as "work-related", he was told he would have to identify the particular chemical responsible.

This meant that it was nearly impossible to establish that his work as a firefighter caused his disease. This amendment introduces presumptive rights legislation that will help people like John get the workers compensation they deserve. This bill also allows that applications made prior to 27 September 2018 and denied by the insurer on the basis that the firefighter could not prove their work as a substantial factor will now be able to be reassessed. Although the bill does not apply full retrospectivity, it is consistent with or better than equivalent legislation in other Australian States and Territories.

New section 19A (5) highlights that periods of service as an official volunteer firefighter can be counted toward the total qualifying service period. However, if an eligible paid firefighter is also a volunteer firefighter, the period will not be added together. The qualifying periods as defined by schedule 4 to the 1987 Act start from a minimum of five years' service for some cancers. Other cancers can require up to 25 years minimum service. The bill defines the date of injury to be the date of diagnosis by a medical practitioner or in the case of a terminal cancer condition the case of death, whichever occurs first. The existing requirements under section 261 of the 1998 Act to make a claim within six months of the date of injury still apply. However, under section 261, claims are able to be made beyond six months when failure to claim was caused by ignorance, absence from the State or other reasonable cause.

As the Minister said, new section 10A (1) relates to personal injury received by a firefighter arising out of or in the course of fighting a bushfire or to an injury being a disease which is contracted, aggravated or exacerbated or which deteriorates in the course of doing anything referred to in subsection (1) or (2) if the doing was the contributing factor. This new section allows diseases that have come about from any firefighting activity, whether performed by an employed firefighter or volunteer, to be covered. With this amendment, volunteer firefighters who are members of the Rural Fire Service [RFS] will also be able to claim workers compensation. Volunteers are important to our community and many of the people who helped save the 888 homes that were directly threatened in the Holsworthy bushfires earlier in the year were volunteers.

On Saturday 14 April the Holsworthy electorate was engulfed in flames from Casula train station all the way through to Wattle Grove and across to Barden Ridge. This resulted in almost 4,000 hectares of land being engulfed in flames. The amazing local RFS crews, Fire and Rescue NSW and other emergency services managed to stop the fires from destroying any homes or major structures. It was an absolutely monumental achievement. I thank Mr Stuart Townsend, captain at Menai RFS; Mr David Collins, captain at Casula RFS; Mr Mark Cassidy, captain at Sandy Point RFS; and the members of our local fire stations for their incredible dedication to keeping our community safe. Not only were our local RFS stations deployed but stations across the State from the Central Coast to the Blue Mountains also supported the Holsworthy electorate to fight the bushfires. I am grateful for all their help and I am proud that this legislation will protect all our firefighters and volunteers across the State.

Members of my family serve as firefighters. Whilst they have not directly lobbied me, I am happy that this bill will make a difference for them, their friends and their colleagues. Having family that serve brings home to me the reality of the people we are helping. They are selfless and they deserve to be protected. I am proud that this Government has provided funds to the Sutherland Shire Council to build the Sandy Point and Menai RFS stations, which will service the Holsworthy electorate. I am also proud to be a part of the State Government that has helped Casula station. I look forward to seeing the new roller door which is the result of a recent grant from the Premier as part of a discretionary fund. Casula firefighters were the first responders to the Holsworthy bushfire and they deserve our thanks for their rapid and incredible action.

I was delighted to open the Sandy Point Rural Fire Brigade station on Saturday 15 September on behalf of the Minister for Emergency Services, Troy Grant. The new station at Sandy Point is worth $1.55 million but to the members of this brigade it is a priceless resource. It means a lot to the community and will make a big difference to it. The fire burned right up to the front doors of the Sandy Point community, so it will make

a difference for the community to know it has this facility, which it needs and deserves. I thank the Minister for Police, and Minister for Emergency Services Troy Grant for his continued support of this reform. I acknowledge all individuals and groups who took part in the significant consultation on this bill. I am grateful that this Government recognises the continued dedication of our firefighters. This amendment bill streamlines the process of claiming workers compensation for specific cancers and shifts the onus to the insurance companies. It is time to support those who selflessly help others. I commend the bill to the House.

Mr CLAYTON BARR (Cessnock) (20:10): It is a bit hard to know where to start on this bill, so I will start with some fundamental words: well, well, well. How do we find ourselves here today? I was elected in 2011 and I am coming to the end of my second term of being fortunate enough to represent the people of Cessnock.

Mr Damien Tudehope: It is your last one.

Mr CLAYTON BARR: There is irony there. Quite frankly, I would have to describe this as the stroke before midnight in terms of the end of the fifty-sixth Parliament. The Coalition Government has been in power for eight years. During that time, I have sat in this Chamber about 450 days and have seen dozens and dozens of pieces of legislation pass through the Chamber. I have seen politics aplenty, of course. But I do not think I have seen anything quite as petty as what we have seen in the past three or four weeks in relation to workers compensation for our firefighters.

I say "petty" because four weeks ago the Labor Opposition introduced a private member's bill in this Chamber. It was almost identical to this bill. In excess of 90 per cent of the two bills—the one before the House today and the one introduced four weeks ago—is identical. Even though there is a little bit of disagreement on the fringes, both bills seek to achieve the same goal. But what happened four weeks ago when Labor brought its bill? Did the Coalition members of Parliament speak about how wonderful our firefighters are, how they need to be protected and how we need this eminently sensible legislation? Did any of them say that? No, they did not because the legislation was introduced by the Opposition. That is why I come back to that word "petty".

The House could have dealt with the moments of disagreement in the two bills, assuming that the Government had actually prepared and thought through its bill at that time a few weeks ago. I assume the Government did not come up with its bill as some sort of fart bubble. We could have worked through the miniscule differences and reached a compromise four weeks ago, rather than deal with this bill at a stroke to midnight before the end of this session of Parliament. With legislation like this having been introduced at the Commonwealth level and across Australia over the past four to six years, with the evidence and science having been agreed to more than a decade ago, we could have been protecting our firefighters since 2012, 2013, 2014 or 2015. We could have protected people like Gino—who is in the Chamber today and whom members have referred to during this debate—who was diagnosed in 2015. If this Parliament had acted more quickly and introduced this legislation years ago, based on the science and the agreement of the States and Commonwealth, people like Gino would have been covered. It was because of the pettiness of politics that our legislation was not approved four weeks ago and we are dealing with this bill today. It was also because of the pettiness of politics that four weeks ago the wonderful work of our firefighters was not acknowledged, yet today those opposite have spoken about the importance of that work. We are not talking about a decision to paint a wall orange or yellow or to make a sign in the shape of a triangle or a square; we are talking about people's lives. We are talking about people who have terminal conditions and whose needs have been ignored, despite being recognised in every other Australian State.

Over the past eight years I have noticed that the Government is first in line if an opportunity arises to take a spear and dig it into the heart of the workforce, but it is last in line if there is a necessity to provide a protection and a fairness to a worker. During the workers compensation legislation debate in 2012 the financial experts were saying, "You don't need to take out the spear. You don't need to sharpen your sword. You don't need to knife the injured workers of this State." But man, oh man, Government members were first in line with a smile on their faces as they dug the spear in and turned it. This bill has been unwillingly—and probably embarrassingly—dragged before the House at the stroke of midnight this term because the Opposition's bill for fairness and equity could not be refused. Indeed, whilst that bill was not supported, its purpose is dealt with in this bill.

I have heard Government members say that it is going to cost this much or retrospectively it is going to cost that much. They say that it is also going to add this much to an emergency service levy. Why not let people see the financial modelling? The Government could table the modelling or put it on its website. In my 450 days in this place I have often heard Government members roll out figures, including figures provided to some in their capacity as Ministers, but the financial modelling is never tabled. The Opposition only has access to the financial modelling that is in the public forum, so whatever we say about it can be tested and verified in the public forum. I repeat, never in my 450 days in this place has the Government provided modelling for the claims it makes in this Chamber.

This is a very important piece of legislation. In the debate four weeks ago, and again today, some really big numbers were trotted out—$350 million. Why not table the financial modelling? This bill is about some of our public servants, and financial modelling goes to the root of it. It goes also to the heart of the protections that should have been afforded to our firefighters for at least five or six years. Last Monday night when I took my daughter to swim club at Cessnock, one of the parents, who is a firefighter, bowled up to me and said, "What's going on with the bill?" I said that the Government voted our bill down and has introduced its own. He asked what the Government was going to do retrospectively for the people who already have cancer. I said that the Government's position is that retrospectively people are not going to be able to make a claim or have compensation awarded to them. He said, "Mate, that is crap. I've got a bloke on my panel as a firefighter who was diagnosed in June." We are talking about people's lives. That particular fellow is terminal; he has 12 months to live. We have been mucking around with the pettiness of politics, but today something is going to be delivered.

Workers compensation affects people's lives; it either allows them to prosper or to flounder. For some of the people who are suffering from the cancers covered in this bill—just like 30 years ago with asbestos—there is no treatment and they will die. They deserve to be treated with some dignity in their last days, weeks or possibly short years. The Labor Opposition will not oppose this bill because we need to make the journey of those affected by cancer as good as it possibly can be. Workers compensation can allow that to happen when people are injured as a result of their work. However, I foreshadow that the Labor Opposition will move amendments to give those people already diagnosed with cancer an opportunity that is consistent with this bill. I urge members opposite to support the Opposition's amendments.

Ms SONIA HORNERY (Wallsend) (20:20): I speak in debate on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. It has been proven that firefighters suffer cancer at higher rates than most. They work in environments filled with toxic smoke, which damages their lungs and leads to both immediate and long-term health conditions. Those precious workers face the most dangerous situations imaginable in an effort to save life and property. Should the worst happen, they deserve our support. A report from the Cancer Council NSW states:

> Studies suggest firefighters are at an increased risk of developing certain types of cancer, owing to exposure to carcinogenic particles associated with fire-fighting.

It also states that firefighters face the probable risk of multiple myeloma, non-Hodgkin lymphoma and prostate cancer, as well as testicular cancer, skin cancer, malignant melanoma, brain cancer, cancer of the rectum, stomach and colon, and leukaemia. Any way one looks at it, that is a worrying list. However, as Fire Brigade Employees Union [FBEU] State Secretary Leighton Drury said:

> Firefighters look after our community in our time of need. I've been a serving firefighter for 20 years, and I joined to help people. Our work is sometimes dangerous and one of those dangers is cancer ... cancer is an occupational disease.

Those hardworking, courageous people not only deserve our respect and thanks but also need stronger support to help with the risks faced in their vital profession. Under current legislation firefighters must prove that they contracted cancer as a result of on-the-job activity in order to get workers compensation. As the FBEU said:

> The last thing a person needs when given diagnosis of a potentially fatal disease, when they and their families are struggling with treatments, doctors and an uncertain outcome, is to have to worry about costs of these treatments or in fact if they will have a job once their employer is aware of the seriousness of their illness.

I agree with that. In support of this, the Cancer Council has noted: ... proving causation can be difficult, because exposure to these [cancer-causing] particles can vary, and there may be multiple exposures from more than one event. The bill will establish presumptive rights to workers compensation for firefighters suffering from certain kinds of cancer—the member for Cessnock has foreshadowed that the Labor Opposition will move amendments about that—and those presumptive rights need to be in line with international and interstate standards. South Australia, Tasmania and Western Australia all have presumptive legislation for firefighters, as do most provinces of Canada and 24 States in the United States. What is covered by this legislation varies from jurisdiction to jurisdiction, but the types of cancer covered by the bill's operation broadly align with the cancers identified by the Cancer Council as being more likely to occur in firefighters. In September the *Newcastle Herald* reported:

> Firefighters have been warned not to use vital breathing equipment for more than 10 minutes while battling blazes inside burning structures.

A Fire and Rescue NSW spokesperson told the *Newcastle Herald*:

> There is nothing more important than our peoples' safety and that of the public.

A high ranking Hunter-based firefighter told that paper:

> It will put limitations not only on what we can do, but also put the people operating them under pressure.

After the last embers of the blaze have gone out, the pressures and worries continue. As Mr Drury said:

Our employer needs to do more to protect us from the risks of firefighting, but we also deserve support if we do contract cancer.

I could not agree more. I know how hard firefighters work. I have been fortunate to meet with many career and volunteer firefighters in the Wallsend electorate—the firefighters at Minmi fire station, Tarro fire station and Wallsend fire station, as well as those who serve at the Fire and Rescue area command at Lambton. They are on the front line of emergency service provision to our community and deserve our support. All the firefighters I have met during my time as the member for Wallsend deserve the most important and protective conditions offered by the Government. Should their work lead to a life-threatening health problem, they and their families deserve a great deal of peace of mind and 100 per cent support from the Government. I supported the bill promoted by the Opposition four weeks ago and I thank the Government for following the lead of the FBEU. I look forward to the Government supporting our sensible amendments to the bill.

Ms JENNY AITCHISON (Maitland) (20:27): It is a privilege to support our firefighters—the men and women who save our homes, our properties, our workplaces, our businesses, and, most importantly, our lives and our health. The Workers Compensation Legislation Amendment (Firefighters) Bill 2018 has been the subject of a long campaign by the Fire Brigade Employees Union [FBEU]. I acknowledge some of their members who are in the gallery tonight, including Leighton Drury, Gino Debono and David. I recognise their fight for this. I acknowledge the efforts of the shadow Minister for Emergency Services, the member for Fairfield, who has met with the members of the FBEU extensively. I also acknowledge the contributions made by other members tonight. Although it has been a long time coming, we welcome the bill—but we note that it must be improved. There are discussions around costs and dollars as an excuse for not making this legislation apply retrospectively to those brave men and women who have fought fires, attended other emergency situations and who have saved countless lives. When a dollar value is put on that service, it sickens me to the core.

Gino Debono joined Fire and Rescue NSW in 1989 and has had a 30-year career. He is still serving today, after all that he has been through. He was diagnosed with brain cancer in October 2015. He has looked his own mortality directly in the face. He has had two invasive surgeries. He has had 30 days of radiation therapy and incurred thousands of dollars in out-of-pocket expenses. This heartless, cruel Government wants to reduce his battle with cancer to a dollar figure. It says that despite 30 years of service to our State, he is not entitled to anything because his cancer was diagnosed before the bill comes into effect. That is a complete disgrace.

David was too unwell to meet with us earlier today, but he, too, has had a terrible experience with cancer. He was diagnosed in May 2018. Despite his 30 days of radiation, six months of chemotherapy, more than $10,000 in out-of-pocket expenses and his invasive surgery, he is not entitled to any compensation under the bill. That is a disgrace. It is known that the top industrial causes of cancer are shift work—tick; working with diesel particulates—tick; working with chemicals—tick. Firefighters work with chemicals such as per- and poly- fluoroalkyl substances [PFAS] and asbestos and are exposed to diesel spills and ruptured fuel tanks. In modern houses and constructions, fires take hold much quicker and they are much more dangerous. A building that used to take 25 minutes to burn to the ground now takes five minutes and the chemicals released are a disgrace.

Earlier today I posted on Facebook about firefighters' lack of access to amenities for proper wash downs of themselves and their clothes to rid them of the toxic chemicals. The Government is dragging the chain on the rollout of that too. We have a Government that is quite happy to take 30 years of Gino's service—30 years of his life—and 26 years of David's life and then say, "Sorry, we don't need to look after you." That is a terrible situation for Gino and David to be in. At Bateau Bay fire station six out of the 16 firefighters have cancer. The bill acknowledges that there is a workplace risk, and yet the Government refuses to look backwards so that those firefighters and their families can look forward.

With earlier detection of cancer there are options. People have the capacity to recover from their cancer. With that in mind, we need to support them economically—especially when their cancer has been caused in the workplace. It is unthinkable that we will not pay them workers compensation. For instance, someone diagnosed with cancer yesterday is not eligible for workers compensation but someone diagnosed after the bill comes into effect will be eligible for compensation. It does not make sense. It is unfair and disgraceful. The Government needs to ensure that it acts.

My community is rightly outraged about this. We rely on our Fire and Rescue NSW service personnel and our firefighters—the heroes of our community—to keep us safe. The very least that this Government should be doing is protecting them. My office has received more than 20 emails from people requesting that I support the legislation. How can I look them in the face? How can I look Gino and David in the face and all those other firefighters who have been diagnosed and suffered so much through a cancer experience caused by their work and say, "Sorry, there is not enough money in the pot for you"? It is outrageous.

I take this opportunity to thank all of our firefighters for the work that they do every day and for the sacrifices they have made. I know from close family friends how hard it is to do the work they do. From speaking

to many firefighters about the impact of their work, I know it goes far beyond what anyone would want to do day to day. The horrors that they face and the fears and very real dangers that they experience are incomprehensible to most people. I wish that we had a government in New South Wales that would treat firefighters with the respect and dignity that they deserve. I commend the bill to the House with the Opposition's amendment that will make the bill one that every firefighter and every family that relies on a firefighter will find some comfort in. I hope they will be able to continue just as the brave men in the gallery and so many other firefighters in our State have been able to.

Ms LIESL TESCH (Gosford) (20:36): I thank the fireys of New South Wales, the career fireys and the bushies, who take risks every time they go to work to look after the people of this great State. I acknowledge the presence of members of the Fire Brigade Employees Union [FBEU] in the gallery tonight. I thank them from the bottom of my heart for the great work they do looking after our fireys who in turn look after the people of New South Wales. I thank them for taking those really difficult phone calls when the fireys call in to say that they have cancer. In particular, I thank Leighton Drury for keeping morale high in a profession where people know they take risks with exposure to products in their workplace. Good on you, mate; you do a really important job across the State.

I cannot begin to imagine the responsibility entrusted to our union representatives who take calls from recently diagnosed members of the fire brigade. Imagine being on shift last week at Bateau Bay fire station on our beautiful Central Coast, where six of the 16 fireys on that shift have cancer. Labor backs those guys 100 per cent. I thank the FBEU and the Rural Fire Service Association for their consultation on this legislation over the past year. Embarrassingly, New South Wales is the only State in Australia without any presumptive protections for its firefighters. We are lagging behind because the Liberal-Nationals Government has failed to take charge. I commend my colleague the shadow Minister for Emergency Services for bringing to the House the Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018 and stimulating this Government into action.

Both bills recognise the risks involved in the industry—not only the day-to-day risks firemen and firewomen take as they jump into the face of danger but also the risks they take in being exposed to the chemicals used in their line of work. While we all appreciate the immediate risks that firefighters face, too often we do not realise the underlying and more insidious dangers. Firefighters are at a much greater risk of developing certain cancers as a result of exposure to hazardous substances while performing their duties. We have a duty to eliminate red tape for firefighters who are seeking support once they are diagnosed for those illnesses and ensure that they get the help they need.

We now know much better than before about some of the health risks that firefighters face, including from the use of the now discredited per- and poly-fluoroalkyl substances [PFAS], which was a popular firefighting tool for many years. The foam was praised as "virtually indestructible" in the environment and able to repel grease, oil and water. It was the key ingredient in 3M's popular fabric protector Scotchgard, and was used widely in firefighting foams, food packaging and metal plating. The chemicals still pose a threat in Australia today, mainly because of their use in aqueous film forming foam, a fire retardant manufactured by 3M and used by the military, commercial airports, fire brigades and heavy industry for decades. In 2009 a global agreement was reached to ban one of the chemicals, perfluorooctane sulfonate [PFOS], by listing it on the United Nations Stockholm Convention.

In the years since, Australia is one of the only countries that has not ratified the decision, which would cost an estimated $39 million. At least 171 countries have agreed to its phasing out, including the United Kingdom, Germany and China. Those countries recognise that PFAS chemicals are a human health hazard that at high enough levels can cause immune dysfunction, hormonal interference and certain types of cancer in humans. Our fireys did not choose those products. They were just doing their jobs. But now some could end up with serious illnesses because of it—and they do. During their career, firefighters attend hundreds of fires and rescues involving houses, cars, factories, the bush, boats, tankers and more, and chemical spills and hazmat incidents involving substances that are extremely toxic and carcinogenic when ingested, inhaled or absorbed through the skin.

I am incredibly honoured to speak tonight while guests who have shared their very personal stories with me are in the Chamber. I say hi to Gino Debono, who joined the fireys in 1989 and has given 30 years of service. Gino showed me his scar from an operation to treat a brain cancer that was diagnosed in October 2015. Thirty days of radiation and thousands of dollars in out-of-pocket expenses will not be compensated under the current New South Wales Liberal Government legislation. I also acknowledge Prousty—David Proust from the beautiful Central Coast—who joined the fire brigade in 1992 and has given New South Wales 26 years of service. His mum was really crook earlier in the year.

Initially it was thought that Prousty had had a stroke because he lost his ability to read. The doctor called him in to tell him he had been diagnosed with grade 4 glioblastoma. It is terminal. This year Prousty was told that

he would not make it to Christmas. His family had organised to have a priest give his mum her last rites and Prousty was able to tell his brother, his sister and his wife of his diagnosis. He said he broke down when he told his younger brother Andy. It is a really personal story but it is very real. Would they tell their mum? She only had a couple of months to live. He said, "Mum, you know what? I didn't have a stroke after all." They had a bit of a joke about who was going to last the longest and his mum said, "I hope I win."

Prousty, you are amazing. Prousty said he did not get his mum anything for Mother's Day because she did not need it. He said goodbye to his mum like I said goodbye to my mum as I took off to go to the Paralympics. It was a really tough decision. When he went to Sydney to get Daryl—his cancer—cut out of his head his mum was there and she lasted a week when she came home. Prousty said the hardest thing of all was to tell his own kids—six kids, 10 grandkids, all living on the coast—that he was not going to live until Christmas. The good news though is that with his treatment he has possibly got two years, maybe three years, but who knows what those years will be like. Fingers and toes crossed that the specialist last Thursday was right.

Prousty is already out of pocket more than $10,000 and his beautiful wife, Therese, as a house mum, knows that she will have to pay all the medical bills out of what she has left to live on. This legislation creates a crevasse for our firefighters across New South Wales. Prousty has missed out on making a claim under this legislation by three months. He is still on the job, he is still looking after the people of New South Wales. He is currently on sick leave and will use the rest of his sick leave, annual leave and possibly his long service leave before his retirement. Of course, he has been too busy managing his life with Daryl—his cancer—with radiation and chemotherapy to put together all the documentation that he needed some time ago in order to be protected by this legislation. To Gino, Prousty and all those other firefighters in New South Wales who have fought the good fight for the people of this State, I am sorry for you guys that this legislation is not going to look after you. You deserve retrospective compensation. Tonight I ask the Minister to support Labor's amendments.

The Liberal Government can afford $2 billion plus to knock down and rebuild stadiums, more than $650 million to move the Powerhouse Museum down the road, and it has coughed up and promised to pay the massive gap left by the Federal Liberal Government to support public education. That money comes from the privatisation of New South Wales' assets. How about looking after these guys? Look after human beings, the people who have fought the good fight for the people of this State, and provide fair workers compensation. I thank the firefighters of New South Wales for the risks they take every day protecting the community. I thank the shadow Minister for Emergency Services, Guy Zangari, and the Fire Brigade Employees' Union [FBEU] for working with volunteer and career firefighters. The FBEU has consulted over the past year to formulate the basis for the bill that the Government has finally brought to the House. I ask members to support Labor's amendments.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (20:45): In reply: I am pleased to reply to the second reading debate on the Workers Compensation Legislation Amendment (Firefighters) Bill 2018. As all members have heard, the bill will support the Government's commitment to providing the best possible protection and support for all our firefighters and their families across New South Wales when they need it most. The bill establishes presumptive rights to workers compensation benefits for eligible firefighters in respect of 12 types of primary cancers. These presumptive rights will apply to employed and official volunteer firefighters who meet the minimum qualifying periods of service.

The amendments will simplify the process for making a claim for workers compensation by employed and volunteer firefighters diagnosed with any of the specified cancers. The bill does this by establishing presumptive rights to workers compensation benefits unless proven otherwise by the insurer. It will also specify 12 types of primary cancers to which the presumption applies. It specifies minimum qualifying periods of service for firefighters and volunteer firefighters. It allows for eligible firefighters to receive the benefit of all the presumptive provisions for the specified cancers diagnosed on and from 27 September 2018, the date on which the Government announced its intention to introduce this bill.

I thank all members who contributed to this important debate—the member for Fairfield, the member for Terrigal, the member for Orange, the member for Holsworthy, the member for Cessnock, the member for Wallsend, the member for Maitland and the member for Gosford. Once again, I emphasise the importance of this bill. It addresses and acknowledges the important role of all employed firefighters and official Rural Fire Service volunteers across New South Wales. We acknowledge and applaud the dangerous and very difficult work they do every day on behalf of our communities. I commend the bill to the House.

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

Motion agreed to.

Consideration in detail requested by Mr Guy Zangari.

Consideration in Detail

TEMPORARY SPEAKER (Mr Adam Crouch): 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.

TEMPORARY SPEAKER (Mr Adam Crouch): The question is that schedules 1 to 3 be agreed to.

Mr GUY ZANGARI (Fairfield) (20:48): By leave: I move Opposition amendments Nos 1 and 2 on sheet C2018-159A in globo:

No. 1 **Existing diseases**

Page 5, Schedule 1 [3] (proposed clause 1 (2) (a) and (b) of Part 19K of Schedule 6), lines 14–21. Omit all words on those lines. Insert instead:

(a) a claim for compensation has been made under the relevant compensation Act in respect of the disease before the commencement of the eligibility provision, and liability for the claim has been denied on the ground that:

(i) the disease was not contracted in the course of the worker's employment, or

(ii) the employment was not a contributing factor, or a substantial contributing factor, to contracting the disease, or

(b) a claim for compensation is made under the relevant compensation Act in respect of the disease within 6 months after the commencement of the eligibility provision.

No. 2 **Existing diseases**

Page 5, Schedule 1 [3] (proposed clause 1 (4) of Part 19K of Schedule 6), lines 25–34. Omit all words on those lines. Insert instead:

(4) A further claim for compensation may be made under the relevant compensation Act in respect of an existing disease if the claim has been made, and liability for the claim has been denied, as referred to in subclause (2) (a) (whether or not the claim has also been the subject of proceedings in the Commission or a court).

I have circulated the amendments and I will speak to them. Amendments Nos 1 and 2 deal with existing diseases. Many members have spoken about the history of the bill before the House and the bill presented four weeks ago by the New South Wales Labor Opposition. I place on record that the emergency services Minister is absent from the Chamber; he is nowhere to be seen. He has done a *Where's Wally?* and has gone missing in action. Let us examine the Government's waste regarding emergency services. The Government's wasteful decisions impact people such as Gino and David who have cancer but will not be protected by presumptive rights. How much money has the Government wasted that could have been redirected to look after firefighters from all the agencies?

I place on record some of the Government's greatest hits when it comes to waste in Fire and Rescue. Who remembers the rebranding of "Fire and Rescue" to "Fire + Rescue"? That brainchild cost thousands of dollars. A consultant was paid $6,000 a day—money that could have been redirected to firefighters suffering from cancer who are in need. But the Government did not do that. The member for Terrigal spoke passionately about firefighting equipment. Do members recall the MSA air sets debacle? I do not think the member for Ryde, and Minister for Finance, Services and Property knows what the MSA air sets debacle is. It is not the fault of the Minister; he is not the emergency services Minister. The emergency services Minister should speak about the fact that the Government has wasted millions and millions of dollars on the air sets debacle.

As the member for Terrigal said, equipment is important in preventing cancer. Firefighters wear breathing apparatus so they can breathe in the midst of a fire and rescue people and put out the fire. The Government replaced the Dräger self-contained breathing apparatus [SCBA]. I will explain to the finance and services Minister about the Dräger SCBA because I do not think he has had a conversation with the emergency services Minister about the waste of millions of dollars. The Dräger equipment was placed in storage and replaced by MSA equipment from the United States. Somewhere along the line there was a dodgy deal. Maintenance of the MSA equipment was done by the private sector as opposed to in-house, which cost a lot more money. The firefighters then realised that the gauges were not working. That meant they were breathing in toxic fumes and smoke, which is not good at all. Once again, we have waste.

The Government talks about protecting firefighters but, somewhere in the upper echelons, fire station number one decided to do this deal to the detriment of our firefighters. I would hate to think about the repercussions of this dodgy deal a few years down the track—heaven forbid. It is incompetence of the highest order that this Government signed a contract locking the State in to the MSA air sets that just did not work. They

were pulled and the old sets had to be retrofitted. The Government had to rob Peter to pay Paul and find the Dräger air sets on Gumtree and elsewhere. We are talking about protecting firefighters. This Government cannot do it.

Let us talk about Government waste. Once again, this is money that could be diverted to help cancer sufferers and protect our firefighters. What about the wonderful training facility at Erskine Park that was the deal of the century? It will cost $6 million per year in rent for the next 25 years and, when we have finished using it, we must return the site to the way it was. We could have purchased the site and paid less. But wait, there's more. When it comes to incompetence and wasteful spending in Fire and Rescue NSW, someone forgot to connect the water and gas to the mains at the training facility. The practical training areas in the facility have no stairs and there are no rooms. The next cohort of men and women who train to be firefighters will have to pretend they are putting out a fire—everyone can hold the hose and just pretend.

There are no areas for simulated practice because whoever planned this training facility did not plan it well. The member for Dubbo, the Minister for Emergency Services, and the member for Mulgoa cut the ribbon to open the facility in July but no-one will move in until December and no-one will be trained until maybe June. That is a really good deal! When it comes to spending the money and putting it where it needs to go, this Government cannot do it. Speaking of waste and mismanagement, when it comes to emergency services, the aerial strategy is not going well for this Government. After announcing the budget, the Government received a caning from us because it had to borrow a 35-year-old Bronto from the Melbourne fire brigade to bring to Parramatta.

When firefighters were fighting fires in Wollongong and the Bronto was being used at Mount Ousley, they received a radio message, "Turn back. We cannot show the Melbourne fire brigade badge." The Government was too embarrassed and they had to send it back. The aerial strategy of this Government is ridiculous—so much so that different portfolios are consistent in that trains do not fit the tracks and appliances do not fit into fire stations. The concrete has to be dug out so that the appliance can fit into the station. Members of the FBEU are having a bit of a giggle about it, but the bottom line is it is really not that funny—not when their members and firefighters across the Rural Fire Service, Fire and Rescue NSW and other agencies are suffering from cancer. Yet this Government bowls up the idea that it will not look back, it will look forward. It will open up the book but it will also shut it.

The member for Ryde must consider these amendments. We are proposing an amnesty of only six months. The Government owes it to the firefighters. The Government did not want to back in our legislation, even though we would have accepted amendments. So we have gone down this road. We assert that this Government has a moral obligation and duty to consider the amendments and to explain to its constituents such as Gino Debono and others that a six-month amnesty will be considered. We are not asking the Government to move a mountain or, heaven forbid, fix all the problems in Fire and Rescue NSW and other agencies. Let us get real. We have to fix the showers, the wash-down areas, find better storage facilities—and the list goes on. I will leave it there, other than to urge Minister Dominello and the Government to support the Opposition amendments for the sake of the men and women firefighters who do a great job protecting the people of New South Wales.

Mr VICTOR DOMINELLO (Ryde—Minister for Finance, Services and Property) (21:00): I speak in response to Opposition amendments Nos 1 and 2 to the Workers Compensation Legislation Amendment (Firefighters) Bill 2018, both of which relate to retrospectivity provisions. To clarify for the member for Fairfield: The retrospectivity is not six months; it is complete retrospectivity. The proposal from those opposite is essentially to extend—as the member calls it—for six months an amnesty period in which a claim for retrospectivity can be made, and it is unlimited retrospectivity. Because of the unlimited nature of the retrospectivity and because it is contrary, in essence, to every other jurisdiction in this land—which I will go through in a moment—the Government will not support amendments Nos 1 and 2. The Government's bill provides limited retrospective application of the presumption.

The bill provides the opportunity for a firefighter to make a second claim for a claim made previously for compensation for one of the specified cancers that was denied because they were not able to prove that the cancer arise from their firefighting exposure. When the firefighter makes the claim again, the Government allows them to rely on the presumption—that is, they get a second bite of the cherry. This means that they do not have to prove the cause of the cancer. It is presumed the cancer was contracted because of their firefighting activities. This policy position addresses any inequity suffered by firefighters who previously tried to make a claim for compensation but who could not gather the evidence to meet the burden of demonstrating causation. The Opposition amendments go further than this and make the retrospective application of the presumption to all firefighters regardless of the fact that they had not previously made a claim. Actuarial assessments indicate that this would cost more than $350 million—an amount that would ultimately be payable by the people of New South Wales.

It is worth running through the history of what has happened across Australia in relation to these provisions that are akin to the Federal level in other States and Territories. In 2011 the Commonwealth and the

Australian Capital Territory Labor governments introduced presumptive legislation and there was no retrospective application and no coverage for former firefighters under those provisions. In 2015 the Queensland Labor Government introduced its presumptive provisions for firefighters with no retrospective application and no post-employment time limit on diagnosis, consistent with our proposal and the laws that apply to Western Australian firefighters. In 2017 the Victorian Parliament voted down a bill that included presumptive provisions for firefighters. The bill also included a controversial merger proposal, which led to the Victorian Opposition and other non-Government members of Parliament voting against it.

The Victorian Liberal Opposition has subsequently confirmed that, if elected in November, it will introduce standalone presumptive legislation for firefighters. With the exception of the Northern Territory, which introduced retrospectivity back to the commencement of the Federal legislation in 2011, almost every Federal, State and Territory jurisdiction in our great land—overwhelmingly Labor governments—have not included retrospectivity. To include it here would be inconsistent with the legislative framework and the application of similar legislation across Australia. Accordingly, the Government does not support the Opposition's amendments.

TEMPORARY SPEAKER (Mr Adam Crouch): The question is that Opposition amendments Nos 1 and 2 on sheet C2018-159A be agreed to.

The House divided.

Ayes 32
Noes 43
Majority.....11

AYES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Chanthivong, Mr A
Dib, Mr J	Donato, Mr P	Finn, Ms J
Greenwich, Mr A	Harrison, Ms J	Haylen, Ms J
Hoenig, Mr R	Hornery, Ms S	Kamper, Mr S
Lalich, Mr N (teller)	Leong, Ms J	Lynch, Mr P
McDermott, Dr H	McGirr, Dr J	McKay, Ms J
Mehan, Mr D	Mihailuk, Ms T	Minns, Mr C
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)	Brookes, Mr G	Conolly, Mr K
Constance, Mr A	Cooke, Ms S	Coure, Mr M
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	Grant, Mr T
Griffin, Mr J	Gulaptis, Mr C	Johnsen, Mr M
Kean, Mr M	Lee, Dr G	Marshall, Mr A
Notley-Smith, Mr B	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		

PAIRS

Cotsis, Ms S	Barilaro, Mr J
Crakanthorp, Mr T	Berejiklian, Ms G
Daley, Mr M	Fraser, Mr A
Doyle, Ms T	Hazzard, Mr B

PAIRS

Foley, Mr L	Henskens, Mr A
Harris, Mr D	O'Dea, Mr J

Amendments negatived.

TEMPORARY SPEAKER (Mr Adam Crouch): The question is that schedules 1 to 3 be agreed to.

Schedules 1 to 3 agreed to.

Third Reading

Mr VICTOR DOMINELLO: I move:

That this bill be now read a third time.

Motion agreed to.

SAINT PAUL'S COLLEGE BILL 2018

First Reading

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

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

JUSTICE LEGISLATION AMENDMENT BILL (NO 3) 2018

CRIMES LEGISLATION AMENDMENT (VICTIMS) BILL 2018

GOVERNMENT INFORMATION (PUBLIC ACCESS) AMENDMENT BILL 2018

Second Reading Debate

Debate resumed from 24 October 2018.

Mr PAUL LYNCH (Liverpool) (21:13): I lead for the Opposition on the Justice Legislation Amendment Bill (No 3) 2018, which is cognate with the Crimes Legislation Amendment (Victims) Bill 2018 and the Government Information (Public Access) Amendment Bill 2018. The Opposition will not oppose these bills, but will move amendments concerning schedule 2 to the first bill, that is, the provisions relating to the retiring age of judicial officers and their pensions. It will also move amendments to the third bill, in particular schedule 1 [6] to the Government Information (Public Access) Amendment Bill. There are three bills to be debated cognately. In the normal course they could, and probably would, have been standalone bills.

This is the third recent instance of various bills having been cobbled together to be dealt with cognately despite there being no obvious need. Overwhelmingly, they represent the Government response to statutory reviews and recommendations for legislative amendment, mostly worthy but uncontroversial. For eight years the Government has not betrayed any suggestion of a coherent legislative agenda. Coming to the end of sitting time for this Parliament, before the election scheduled for next year, the Government is finally alert to responding to reports and reviews. In trying to deal with its self-created logjam the Government has stitched together haphazardly various bills to be debated cognately, even though there is no obvious need for a cognate debate.

The first bill is the Justice Legislation Amendment Bill (No 3). This bill is even odder than the other bills over recent weeks because it includes a number of measures not within the Attorney's portfolio. It has almost got the look of a Statue Law (Miscellaneous Provisions) Bill. Within the breadth of these miscellaneous amendments, in this bill there are some provisions that should be mentioned. Schedule 1.16 amends the provisions of section 44 of the District Court Act relating to the court's civil jurisdiction. This would seem to redress a quite unsatisfactory situation and now allows commercial causes to simply be within the District Court's jurisdiction. Currently its jurisdiction to hear actions applies to actions which, if brought to the Supreme Court, would have been assigned to the Common Law Division of the Supreme Court, as opposed to other divisions, as they stood at 2 February 1988.

I received representations from members of the profession about this problem. They, optimistically, suggested I move an amendment to the recent Statute Law (Miscellaneous Provisions) Bill to rectify the problem with section 44. I explained the unwritten but iron rule of the Legislative Assembly that the Government will never support an opposition amendment or bill. Instead, on 23 October I placed a question on notice to the Attorney about the issue. The next day the Attorney General second read the speech of this bill, and it seems the

provision in it seems to deal with that problem. I understand The Greens have foreshadowed amendments in the Legislative Council to remove that provision. I think that is an inadvisable course and the Opposition will not support removing those amendments.

Schedule 1.17 provides a useful amendment to the legislation of the Drug Court. Not that long ago the Parliament supported some quite sensible changes surrounding licence disqualification provisions granting the Local Court power to remove disqualifications in certain cases. The Opposition was happy to support those proposals at that time. The provisions of this bill extend those powers of the Local Court to the Drug Court so that they can be exercised when the final sentence is determined by the Drug Court. That saves transferring the matter to the Local Court for decision. This has virtues of efficiency and sensibly reducing the use of judicial resources. Additionally the Drug Court is likely to be in a far better position to assess the circumstances of a particular case.

Schedule 1.18 amends the Crimes Act. It replaces the term "probation and parole officers" with the term "community corrections officers" in the definitions of law enforcement officers in section 60AA. That change is also made in other pieces of legislation by this bill. More substantively it extends the situations in which a sexual assault will be treated as an aggravated sexual assault with the concomitant more serious maximum penalty. The aggravated form will now include cases where the alleged offender threatens to inflict grievous bodily harm or wounding on the alleged victim or any other person who is present or nearby without the current requirement that it be by means of an offensive weapon or implement.

There are interesting amendments to the Crimes (Administration of Sentences) Act in schedule 1.9. New sections 8 (2A) and 8 (2B) provide that an inmate can remain in custody for up to four days after the release date. This is conditional upon there being a good reason to delay the release. The section provides as one example of a good reason a lack of transport. It is also conditional upon the inmate requesting or consenting to the delay. That is effectively restated in section 8 (2B). Depriving someone of their liberty for longer than ordered is obviously a very serious issue and potentially a breach of fundamental principle. Those issues are obviously attempted to be dealt with by the conditions that are imposed. The bill's explanatory note advises that currently if an inmate's release date is on the weekend or a public holiday the inmate can request to stay in custody until the day after the weekend or public holiday.

Other provisions of schedule 1.9 deal with courts taking action on the breach of a community corrections order or conditional release order; clarification of the period of a supervision order; the revocation of an intensive corrections order; the recording of decisions by the State Parole Authority and breaches of a re-integration home detention order. Schedule 1.10 clarifies the stay of the operation of a licence disqualification when an appeal is lodged. Schedule 1.11 provides a limit on a relationship between a defendant and a paid carer being treated as a domestic relationship under the Crimes (Domestic and Personal Violence) Act.

Schedule 1.14 deals with situations where sentenced defendants do not properly fulfil undertakings to assist law enforcement authorities despite getting the benefit of a discount for such assistance. Items [1] and [2] of schedule 1.15 enable proceedings for a summary offence to be brought outside the usual six-month limit if the summary offence is a back-up offence to an indictable offence that was withdrawn or dismissed at the time the accused person was found guilty or convicted of the indictable offence and if the conviction for the related indictable offence is later set aside by the District Court on appeal. The proceedings must be commenced within six months after the related indictable offence conviction is set aside on appeal.

At first glance someone like myself is quite nervous about this provision, but I note that as the Attorney put it in his second reading speech it applies to only a very narrow set of circumstances. Schedule 1.15 item [4] allows a court to give directions about the giving of expert evidence concurrently or consecutively in criminal proceedings. Schedule 1.15 item [5] extends the protection against disclosure that currently exists for sensitive evidence held by a prosecuting authority to sensitive evidence held by a health authority. Schedule 1.24 has amendments to the Succession Act flowing from the same-sex marriage amendments to the Marriage Act in December 2017.

Schedule 3 provides amendments to the Legal Profession Uniform Law Application Act 2014 and the Legal Profession Uniform Regulation 2015. They deal with the Solicitors' Mutual Indemnity Fund, which was established in 1987. In 2001 the fund assumed liability for professional negligence claims that would have otherwise been met by HIH, which had of course collapsed. The fund currently has $88 million with limited likelihood of future claims. An agreement was reached between the Government and the Law Society over this fund. Doug Humphreys, President of the Law Society, has made clear to me the society's agreement to the arrangement in this bill. It will be shared in equal parts by the Public Purpose Fund and the Law Society, with the Law Society portion subscribing its share in Lawcover insurance.

A Community Legal Services Fund will be held within the Public Purpose Fund as a dedicated source of funds for community legal centres which will have the divested Solicitors' Mutual Indemnity Fund proceeds. The

interest from these funds can be reinvested or used to fund community legal centres. Other provisions of schedule 3 also deal with issues about the Public Purpose Fund. An additional trustee will be appointed to the fund with financial and investment expertise.

Schedule 3.2 provides in effect that law firms must calculate statutory deposits based on the minimum balance in their general trust account over the past quarter rather than past 12 months. This follows the Victorian model and was recommended by the Steering Committee on the Public Purpose Fund. It should, and I hope will, increase the balance of statutory deposit accounts. It should strengthen the financial position of the Public Purpose Fund, which, in turn, has significant benefits. I particularly welcome this portion of the bill. I am happy to be known as a supporter of Community Legal Centres and these measures, I think, are positive and important. The work done by Community Legal Centres is valuable to our legal system.

Schedule 2 to the bill deals with amendments relating to retirement age for judicial offices. This provides amendments to various pieces of legislation. It increases the maximum retirement age for judges, magistrates, the Director of Public Prosecutions and the Solicitor General. The maximum retirement age will now be increased from 72 to 75 years. Acting judges and magistrates will be able to be appointed up to the age of 78 rather than 77. Judicial officers, of course, can access their pensions after 10 years' service. Judges will be able to access their pensions now at 65 not 60, provided they have served that 10 years. This applies to judges appointed only after these amendments commence. That is, it is not retrospective, and this pension provision does not apply to current judicial officers. The exception to that is to those judges who consent to the changes. The Attorney says that this is in accordance with section 55 of the State Constitution. That is, it is retrospective if judges opt in.

Leaving aside the Constitution, it would be quite inappropriate to unilaterally increase the pension age for those who have accepted appointment on a different set of conditions. The impact of these changes in this bill, however, is that any judicial officer who might have had to retire at age 72, and was several years short of qualifying for a pension, would now be able to consent to serve longer and thus qualify for those benefits. Judicial officers in such a position will no doubt be delighted with the extra benefits flowing to them. The general proposition of allowing people to keep working longer if they are capable and wish to do so is entirely reasonable—and, frankly, desirable. What is referred to by some in the profession as the age of statutory senility is set too low and undoubtedly there are judicial officers who are able to make a positive contribution beyond the current retirement age. That is clear from the number of judges aged over 72 who continue as acting judges.

The only concern that arises is if these changes have a retrospective rather than just prospective aspect, that is, if they apply to current judicial officers rather than just to those appointed after these provisions come into effect. As a general industrial issue I would have thought that changes to conditions should not be retrospective and they should apply only to new appointments. However, these clearly apply to those judicial officers who consent to it. That is, current judicial officers can opt in. Some may want to keep working longer, some may be in a position where, by working as a judicial officer for a couple of years longer, they qualify for a judicial pension when otherwise they would not. The problem with encouraging the current cohort as opposed to future judicial appointments to remain as judicial officers till a later age is that it entrenches the overwhelming lack of diversity that is currently exhibited by judicial appointments. The position is well put by the President of the Bar Association, Arthur Moses, SC, who said this about the retirement age changes:

> The Bar Association generally supports the proposals, with one important exception. The Association is opposed to the Government's stated proposal to the extent that the increase in the judicial retirement age may be applied to existing judicial officers. In the view of the NSW Bar Association such retrospective changes create a dangerous precedent. Increasing the retirement age with retrospective effect may operate to preserve the current composition of the judiciary, the diversity of which lags behind community expectation, and unacceptably delay renewal of the bench.

In a recent release the Bar Association, through Mr Moses, has also said:

> While the Association welcomes these changes in principle, any legislative reform in this space must be prospective, not retrospective, to maintain the independence of the bench, including the appearance of the independence of the judiciary which is fundamental to the rule of law.
>
> Retrospective legislation of any kind creates uncertainty, inconsistency and may also impact upon the appearance of the independence of the judiciary. Varying the retirement age of judges retrospectively inevitably impacts upon the appearance of judicial independence because there may be some judges who benefit from the changes who have a personal desire to remain in office longer or access additional benefits which they were not entitled to at the time of their appointment.

A little further on, Mr Moses continued:

> The Association also opposes retrospectivity because it may set a dangerous precedent for any future government to attempt to alter the conditions of appointment of judges to their detriment in a retrospective manner. While any such step may be constitutional, the association would not wish to see any precedent set that may encourage any future governments to do this. We must be careful to learn from the recent attempt by the Polish Government to reduce the retirement age of judges in an attempt to purge the judiciary. Increasing the retirement age with retrospective effect may operate to preserve the composition of a judiciary, the diversity of which lags behind community expectations.

Mr Moses went on to say:

> Another reason why the Bar is of the view that the amendments need to be prospective is to facilitate the bench reflecting the community it serves. It has only been in recent times because of the changing demographics of the legal profession that as a result of retirements more women have been appointed to the NSW Supreme Court. I would like to see that trend continue, as well as appointments of lawyers from diverse backgrounds. The risk in making these changes retrospective is that the current demographic of the bench is preserved for many more years and renewal of the composition of the judiciary is unacceptably delayed. A judiciary that reflects the community it serves better enhances public confidence in the administration of justice, including respect for the rule of law.

These concerns are entirely legitimate and Mr Moses puts them well. For that reason, the Opposition will move amendments to the bill to reflect the Bar Association's position. I now deal with the second of these purportedly cognate bills. The second bill is the Crimes Legislation Amendment (Victims) Bill. It proposes amendments to the Children (Criminal Proceedings) Act, the Crimes (Domestic And Personal Violence) Act, the Crimes (Sentencing Procedure) Act, the Crimes (Sentencing Procedure) Regulation and the Criminal Procedure Act. The provisions in this bill include changes to Children's Court procedure when a person is charged with child sexual assault. These are provided in a proposed new section 3AA of the Children (Criminal Proceedings) Act. If the prosecution requests that a matter be dealt with according to law rather than finalised summarily in the Children's Court, the court can decide to conduct a committal hearing. The prosecution's case is to be dealt with by written statements and the possibilities for witnesses to give oral statements are limited. The request does not have to be made at the first return date, although if it is made later than that, the court must be satisfied that it is in the interest of justice to proceed. The Children's Court retains the capacity to determine that such matters should be disposed of summarily.

The provisions in relation to the giving of evidence restrict the number of times complainants in child sexual abuse proceedings in the Children's Court are required to give oral evidence compared to the current regime. These matters, as noted by the Attorney General in his second reading speech, were subject to commentary and recommendations in the report of the Royal Commission into Institutional Responses to Child Sexual Abuse. Schedule 2 alters provisions in the Crimes (Domestic and Personal Violence) Act relating to protections for children aged 16 and 17 years. Schedules 3 and 4 amend the Crimes (Sentencing Procedure) Act in relation to victims impact statements. As the Attorney General noted in his second reading speech, many of these provisions relating to victim impact statements stem from a report dated March 2018 from the Sentencing Council entitled, "Victims' involvement in sentencing".

The current division 2 part 3 of the Crimes (Sentencing Procedures) Act dealing with victim impact statements would be replaced by the provisions of this bill. The meaning of a primary victim's "immediate family" will be expanded to include a step-grandparent or step-grandchild of the victim and, in relation to an Aboriginal or Torres Strait Islander victim, a person who is or has been part of the close family or kin of the victim according to kinship system of the victim's culture. The definition of the "primary victim's family" in section 26 extends to anyone regarded by the prosecutor as part of the victim's extended family or culturally recognised family of whom the victim was considered family.

The types of offences in relation to which victims can give a statement are expanded to include offences that are indecent or sexual in nature or involve a violation of privacy. This includes voyeurism or distributing intimate images without consent. Victims will be able to make statements in relation to so-called "form 1 offences" that are taken into account when an offender is sentenced for a principal offence that presently technically cannot happen and seems unnecessarily artificial. The types of harm specified in the statute as able to be raised in a victim impact statement are expanded so that a broader and more complete picture of the harm sustained is understood.

New section 30 consolidates and clarifies provisions about who may assist a victim during the victim impact statement process. Resulting from recommendations of the Sentencing Council and of the statutory review of the Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Act tabled in August this year, the proposed amendments would strengthen provisions about the drawing of inferences about the absence of a victim's impact statement. New section 30F deals with restrictions on the consideration of victim impact statements that are not strictly in accord with the provisions of the legislation. New section 30G provides a statutory basis for the current practice of a copy of a victim impact statement being provided to the offender's lawyer. In practical terms this can avoid cross-examination of a victim, with objections resolved before the statement is presented. The bill includes restrictions about access to and dissemination of statements.

New subdivision 4 intends to expand to all victims provisions such as support persons while a statement is read and, where possible, special arrangements such as closed-circuit television. New subdivision 5 has provisions relating to victims making victim impact statements where there has been a verdict of not guilty by reason of mental illness or a limited finding of guilt under the Mental Health (Forensic Provisions) Act. This echoes changes resulting from the Mental Health (Forensic Provisions) Amendment (Victims) Bill 2018, which was dealt with recently by the Parliament.

Schedule 5 to this second of the three cognate bills amends the Criminal Procedure Act. The Attorney General presents this as an attempt to expand and harmonise some of the available legislative protections to categories of witnesses who may be regarded as vulnerable. These categories include complainants and tendency witnesses in criminal proceedings for prescribed sexual offences; child complainants, witnesses and accused persons under 18 years; complainants or witnesses with a cognitive impairment and domestic violence complainants. The provisions include those relating to support persons and to closed courts. There are also provisions relating to the record of the original evidence of some vulnerable witnesses being admissible in evidence in retrial or subsequent proceedings. Some protections are expanded to a wider range of vulnerable witnesses such as complainants in proceedings for an offence of female genital mutilation and other witnesses in prescribed sexual offences.

Schedule 5 [4] extends the category of witnesses in committal proceedings that can only be directed to attend and give oral evidence if there are special reasons to sexual offence witnesses in prescribed sexual offence matters, often as tendency witnesses, and the witnesses who are vulnerable witnesses, defined as those under 16 years of age or those who are cognitively impaired. Protections available to complainants in matters referred to in sections 83 and 84 of the principal Act are extended to complainants in similar types of Commonwealth offences.

I turn now to the third of these cognate bills, the Government Information (Public Access) Amendment Bill. The object of this bill is to amend the Government Information (Public Access) Act, known as GIPAA, to give effect to recommendations that were made in a statutory review. The statutory review was tabled in August 2017. With 1½ sitting weeks of this Parliament left, we have finally got to this bill a year after the review report was tabled. The review report acknowledged that section 130 of the Government Information (Public Access) Act required the Minister to review the Act of 2009 and that the review was to be undertaken as soon as possible after the period of five years from the date of assent. The Act was assented to on 26 June 2009. Advertisements for the review were published in July 2014 and closed in August.

Not much happened, and so the opportunity to update submissions was allowed in early 2016. Two years after the review started there were face-to-face consultations and a roundtable forum. At the conclusion of this comparatively leisurely process the report was tabled. The bill implements recommendation 3 of the statutory review, which means that agencies can accept access applications electronically without prior permission of the Information Commissioner. It is hard to see why, in contemporary New South Wales, we should not be able to lodge applications electronically. This bill takes a step forward by allowing agencies to accept such applications without the Information Commissioner's consent. However, it is left entirely up to their discretion.

The statutory review on this issue is interesting. The review made recommendations that have resulted in the bill before the House. The review notes that an agency may currently, if it so chooses and with the approval of the Information Commissioner, receive access applications electronically. The review, conducted by the Attorney General's department, is a little shamefaced about all this. It says this: "The use of electronic communication is steadily increasing, and is the preferred method of communication with government for many Australians. Further, the NSW Government has made a commitment to exploring and utilising opportunities for 'digital government'. " A little further along the review also states:

> Offering more avenues for members of the public to seek access to government information is likely to encourage more people to seek information of interest to them, and to the public more widely, thereby promoting the objectives of the GIPA Act. It would also modernise the GIPA Act and reflect the increasing use of digital technologies for service delivery and communication between citizens and government.

The obvious conclusion to draw from the Government's own review would be to compel all agencies to accept access applications electronically. Why on earth in this day and age, and in light of this commentary in the review, should New South Wales Government agencies be able to refuse to accept applications electronically? But that is the position in this bill. The reason for this bizarre and apparently contradictory attitude becomes clear in paragraph 5.5 of the report:

> We appreciate that some agencies have concerns that allowing electronic lodgement may result in a substantial increase in the number of applications being made, the processing of which may result in adverse effects on agency resources. While we acknowledge this concern, we consider that an amendment to section 41 to allow, but not compel, agencies to accept electronically lodged access application will mitigate against this. We also note that the object of the GIPA Act is to encourage open government information; greater numbers of access applications form members of the public would, in fact, further that object.

The melancholy, and frankly appalling, truth that emerges from this is stark. Agencies do not want to be compelled to accept access applications electronically because there might be too many of them. For this Government and its agencies freedom of information is fine, provided there is not too much of it and not too many people actually use it. It is not open government; it is semi-closed government. It is a disgrace. This simply looks like the Government is happy for those agencies that so choose, to make it as difficult as possible for citizens in order to

make them adhere to the principles of open government. Labor will move amendments to provide agencies must accept access applications electronically. The choice should be the applicants', not the agencies'.

The explanatory note to the bill says schedule 1 [8] gives effect to recommendation 19 of the review. In fact, recommendation 19 recommends changes to incorporate a whole series of technical amendments listed in appendix A to the review report. Technical recommendation 5 proposes amendment to section 41 of the Government Information (Public Access) Act to require applicants to disclose whether they have previously or concurrently applied to another agency for the same information and, if they have, which agency. The rationale for the proposal is to encourage inter-agency consultation, assist agencies to decide whether to transfer an application and allow agencies to consider whether to reject the application because information was already provided. Schedule 1[8] seems to do this, although it makes clear that failure to comply does not affect the validity of the application.

There are amendments dealing with disclosure logs. In particular, review recommendation 2 is adopted in schedules 1 [28] and 1 [30] so that on a review of a decision to include information in a disclosure log, the onus is on the objector to establish that the objector's reasons outweigh the public interest in disclosure. Schedule 1 [16] adopts another of the review's technical recommendations set out in the appendix. This is said to align the Government Information (Public Access) Act with the Privacy and Personal Information Protection Act and the Health Records and Information Privacy Act. Schedule 1 [14] adopts recommendation 5, specifically authorising agencies to consult with each other to reach a decision on whether an overriding public interest against disclosure exists. Schedule 1 [21] amends section 60AA of the Act in a manner generally consistent with recommendation 7. Although it is not doing technically exactly what was proposed I think it is having the same effect. I assume it is Parliamentary Counsel's way of providing for a more elegant formulation.

In deciding whether an access application would require an unreasonable and substantial diversion of the agency's resources, the agency may take into account various considerations, including the agency's size and resources. New section 60 (3B) provides such considerations must outweigh the general public interest in favour of disclosure, as well as the demonstrable importance of the information to the applicant. Schedule 1 [15] deals with another technical recommendation that amends section 55 (5) of the Government Information (Public Access) Act. Presently the principal Act allows an agency to require an applicant "to provide proof of his or her identity". The proposed amendment is to qualify this by saying they must be "reasonable steps". The technical amendment in the appendix recommended that agencies should have discretion to require an applicant to prove their identity, but should be applied flexibly to vulnerable clients.

Schedule 1 [20] makes an addition to section 60 to allow an agency to reject an application if the applicant or someone acting in concert with them is involved in current court proceedings and is able to apply for access through that mechanism. This reflects recommendation 8 of the statutory review. Schedule 1 [18] expands the enumerated cases where an agency can decide that information is already available to an applicant in line with a technical recommendation in the review. Section 86 is amended to clarify the timing of the review period for an internal review. Schedule 1 [27] implements recommendation 12. This is an interesting provision. There have been concerns about considerable delays in the Information Commissioner completing external reviews. This new provision provides the Information Commissioner must complete the review within 40 working days of receiving all the information they think is necessary. The period may be extended by agreement with the applicant for review.

If no recommendations are made within the review period, then the commission is deemed not to have made any recommendation. This then allows an application to be made to the New South Wales Civil and Administrative Tribunal [NCAT]. It has some similarities to the deemed refusal provisions concerning development applications. The obvious problem seems to be that the only person who knows that the 40-day provision commences is the Information Commissioner. The Office of the Information Commissioner are the only ones who know what information they have and only they can form a view as to what they consider necessary to complete the review.

These provisions come from what can only be termed chronic delays in the Office of the Information Commissioner. The failure to adequately carry out reviews under the Government Information (Public Access) [GIPA] Act 2009 in a timely manner is corrosive of the principles that the GIPA Act is meant to enshrine. Paragraph 7.24 of the statutory review records that a significant number of submissions to the review raised concerns about the operation of the Information Commissioner's external reviews. The review said that it was not the fault of the legislation and "it appears they stem from practical and historical difficulties with the operation of the review function within the Information and Privacy Commission [IPC], which have created backlogs of review applications."

At page 35 of the 2017-18 annual report of the Information and Privacy Commission, it is recorded that during the 2017-18 period 86 per cent of external reviews were finalised within 90 days. I do not regard three

months as an acceptable benchmark and nor did the statutory review, judging by the time period in recommendation 12 of 40 days. That is less than half the 90-day figure stated in the annual report. Failing to properly resource the Information Commissioner or to have the office run efficiently is simply another barrier imposed by this Government on access to information. Whether the Government is not providing enough money or the office is hopeless, the result is the same and it is unacceptable.

Schedule 1 [29] implements recommendation 13 in relation to third parties having to seek internal reviews before proceeding to NCAT. Items [31] to [33] of schedule 1 give NCAT the power to issue restraint orders, which seems to be the GIPAA version of provisions to deal with vexatious litigants. As with the vexatious litigant provisions, I would hope they are used sparingly. Schedule 1 [34] inserts a new section 112. Currently section 112 has a provision dealing with reports of improper conduct. The report currently is to the responsible Minister. That clearly does not make sense when the responsible Minister is a party to the proceedings.

The new section 112 allows a report to the Information Commissioner where the Minister is a party. I am not sure what sort of sanction that actually is but it is certainly meant to deal with the situation where the Minister is a party. This provision was contained in recommendation 15. I am not sure that all of that recommendation has been adopted. But there really is a problematic area of bad behaviour entirely opposed to the ostensible intention of the GIPA Act that is completely missed by these provisions, although I am fairly sure the original intention was to capture them. I direct the attention of the House to the judgement of NCAT in the case of *Salmon v Corrective Services NSW* [2016] NSWCATAD 257. At paragraph 82, the judgment reads:

> I have commented briefly about Ms Fulford's evidence regarding the Respondent's approach to recommendations by the Office of the Information and Privacy Commission. While this is of itself cause for concern, it appears to me that it reflects an attitude within the organisation rather than the conduct of a particular officer of the agency that shows that the officer has failed to exercise in good faith a function conferred on them by or under the GIPA Act.

That is, if one officer fails to act in good faith there is a sanction of reporting. If it is a systemic issue, then it is a whole different problem. No referral under section 112 was made in Salmon's case. In that case, the officer concerned gave evidence that as matter of course the agency, Corrective Services NSW, did not accept IPC recommendations. The judgement at paragraph 39 reads:

> She also gave evidence that she would not change her view on the basis of a recommendation because it would mean contradicting the view expressed by a more senior officer of the Respondent.

That is because a more senior officer than she had made a decision that she would under no circumstances follow an IPC recommendation. That sort of approach is self-evidently disgraceful. But because this reflects the attitude within the organisation, it is not the bad faith conduct of an officer and thus cannot be referred to or drawn formally to anyone's attention. Such an organisational attitude, frankly, is far more serious, far more corrosive of the principles of the GIPA Act and much more damaging for good government than an individual case of officer bad faith, but nothing can be done. In short, it is too big and too serious a problem to actually have action follow.

There are a number of provisions dealing with issues concerning public interest considerations against disclosure. Schedule 1 [40], which implements recommendation 16, perhaps restricts some circumstances in which Cabinet information provisions can be used to deny access. Part 2, division 1, section 7 of the GIPA Act currently provides for non-disclosure of law enforcement and public safety information. Schedule 1 [44] now extends this to information created by a law enforcement agency in another jurisdiction, including one from outside Australia. A number of other technical amendments encompassed by recommendation 19 are included in items [41], [54] and [55] of schedule 1. There are also a range of other technical amendments. As I indicated, the Opposition will not oppose the cognate bills but will move the amendments I have outlined.

Mr DAVID ELLIOTT (Baulkham Hills—Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) (21:44): I speak in support of the Justice Legislation Amendment Bill (No 3) 2018, which makes a number of amendments to legislation that falls within my portfolios. In particular, I address the amendments in items [10] and [11] of schedule 1.9 to the bill. These amendments will amend the Crimes (Administration of Sentences) Act to require the State Parole Authority to provide formal reasons if it makes any decision following a submission or recommendation from the State or the Commissioner of Corrective Services. These amendments are being brought forward following a decision of the State Parole Authority in June 2017 to amend the parole order of Ahmed Elomar by removing a condition requiring Mr Elomar to submit to electronic monitoring of his movements in the community. The Parole Authority's decision was opposed by the Commissioner of Corrective Services, who made submissions outlining why electronic monitoring of Mr Elomar's movements was necessary.

At the time, consideration was given to applying to the Supreme Court for judicial review of the Parole Authority's decision. However, no formal statement of reasons was issued by the authority, which made it difficult to assess whether its decision could be challenged in the Supreme Court on the usual administrative law grounds. Section 193C (1) of the Crimes (Administration of Sentences) Act currently requires the Parole Authority to make

a written record of its reasons when it makes certain decisions, including decisions that result in the grant, refusal or revocation of parole. However, the authority is not required to make records of reasons in other cases where the commissioner or the State has made submissions, such as where the conditions of an offender's parole are being amended.

The commissioner or the State make submissions in some matters that come before the Parole Authority that involve significant issues relating to community safety, such as the case involving Mr Elomar. It is important that where such issues are significant enough to warrant the intervention of the commissioner or the State, the authority's reasons for its decision should be formally recorded in order to expose the basis of its decision and enable proper assessment to be given to whether to apply to the Supreme Court for judicial review. These amendments will ensure that the Parole Authority's reasons for all decisions made following the receipt of submissions by the commissioner or the State, including decisions to vary the conditions of a parole order, are clearly ventilated. This will facilitate applications for judicial review of the authority's decisions by the Supreme Court under section 69 of the Supreme Court Act and promote the Supreme Court's capacity to ensure that the authority is making appropriate decisions in accordance with statute and the usual principles of administrative law.

I turn now to other key aspects of the bill in relation to the Anzac Memorial Building amendments. Schedule 1.1 to the bill makes a number of amendments to the Anzac Memorial (Building) Act 1923. The bill provides for a representative of the Australian Defence Force to be a trustee of the Anzac Memorial Building and will ensure appropriate military input into decisions made by the board of trustees. The bill updates the Act by limiting the personal liability of a trustee of the Anzac Memorial Building who acts in good faith and for the purposes of executing the Act from any action, liability claim or demands made against them in their personal capacity. Any such liability will instead attach to the Crown.

Provisions to limit the personal liability of trustees who act in good faith are commonplace in similar Acts, such as the Sydney Opera House Trust Act 1961. The bill also updates the statutory description of the Anzac Memorial Building to reflect the extent of the renovation works that the Government committed to as part of the Anzac Memorial Centenary Project. I now turn to matters relating to the Juvenile Justice amendments. Schedule 1.4 to the bill amends the Children (Detention Centres) Act 1987 to authorise juvenile detention centre managers to delegate their functions. Juvenile detention centre managers have many functions under the Children (Detention Centres) Act relating to the operation of juvenile detention centres. Currently, they have no authority to delegate these functions, which means they are obliged to carry out their functions personally.

It is operationally impractical to expect centre managers to personally attend to all functions relating to the operation of their centres. The bill will give them capacity to delegate their functions appropriately so they can get on with managing their centres effectively. Centre managers will be subject to the direction and control of the Secretary of the Department of Justice in the exercise of their functions, including the delegation of their functions. This safeguard will ensure that functions are delegated appropriately and exercised in accordance with the best interests of children and young people in juvenile justice custody.

The bill introduces a new information-sharing framework into the Children (Detention Centres) Act to ensure that sensitive juvenile justice information is protected, whilst giving Juvenile Justice flexibility to share necessary information to carry out its functions and facilitate the functions of other agencies. The bill contains important amendments to improve the operational effectiveness of justice legislation. I commend the Justice Legislation Amendment Bill (No 3) to the House.

Ms JENNY AITCHISON (Maitland) (21:50): I wish to speak on the Justice Legislation Amendment Bill (No 3) and cognate bills. The Attorney General moved the second reading of these cognate bills. There seems to be a trend by the Government to put bills that would normally be considered stand-alone bills together and debate them cognately. I fear that in relation to my portfolio responsibilities with respect to prevention of domestic violence and sexual assault, and also in my acting responsibility for the portfolio of women's affairs, it will be difficult to consider appropriately the changes contained in these bills, which will have a significant impact in those areas. It is important that issues be ventilated in second reading debates, and I question the legislative capacity of the Government when things are dealt with in this way.

In the limited time I have available I will highlight some of the issues that are relevant to my portfolio. I will start with the extension of the circumstances of an aggravated sexual assault. Under this legislation, a sexual assault will be treated as an aggravated sexual assault if the alleged offender threatens to inflict grievous bodily harm or wound the alleged victim or any other person who is present or nearby at the time of, or immediately after or before, the commission of an offence of sexual assault, whether or not it is by means of an offensive weapon or instrument. A review of the New South Wales criminal court statistics establishes how difficult it is to get a conviction for this offence. For example, in 2017, of almost 6,000 charges finalised, only 2,500—or 42 per cent—were proven. Of the 1,576 defendants with a finalised charged, 875—or 55 per cent—had their

charge proven by the court. There is a lot riding on this amending legislation in terms of community deterrence, so the extension of the alleged offence will also include threatening witnesses. That is a positive step.

I also note the updated language for the offence of intimidation, by replacing gender-specific language and extending the provision to include intimidation of a person's de facto partner, where currently the offence extends to intimidation of a person's spouse only. I return to my earlier comments about the impact of these pieces of legislation. We saw earlier, in the most recent term of this Government, changes to apprehended domestic violence orders [ADVOs] to have them set out in plain English. Domestic violence perpetrators have pointed to a lack of understanding of the rules as a reason for breaches. When changes like this—changes which will impact the survivors of sexual assault and perpetrators—are implemented we need to make sure that they are communicated properly. Part of that communication process must surely be an in-depth discussion about those issues, rather than just ramming them through the House in a cognate bill.

Another important aspect of this bill is additional protection for survivors of domestic violence by ensuring that the sharing of information under an information-sharing arrangement does not prevent a claim of sexual assault communications privilege in relation to that information. The Criminal Procedure Act 1986 provides for the sexual assault communications privilege scheme. The scheme protects the counselling records of sexual assault complainants from being compelled to be produced, including by subpoena on behalf of a defendant, and adduced in criminal proceedings without leave of the court.

This is a very important protection for sexual assault complainants. In fact, it was an issue that I discussed at some length with the Attorney General in meetings I held with him and the Minister for the Prevention of Domestic Violence and Sexual Assault last year, particularly in regard to the disastrous privatisation and competitive tender process for the 1800RESPECT sexual assault counselling service. This was very much raised by survivors and the services involved and I pay tribute to Karen Willis of Rape and Domestic Violence Services Australia for the work that she has done in advocating for that. The amendment ensures that the disclosure of a protected confidence for the purposes of part 13A of the Crimes (Domestic and Personal Violence) Act will not result in the loss of sexual assault communications privilege that attaches to the protected confidence.

Part 13A allows for information sharing between government and non-government agencies in cases of domestic violence. The information-sharing arrangements assist to facilitate access for victims and survivors to domestic violence support services and help to reduce or prevent serious threats to the life, health or safety of a victim. Information shared in accordance with part 13A—for example, in the course of developing a safety action plan for a victim—relevantly may include information provided to a counsellor in relation to a sexual assault. This whole area of part 13A has been a real issue for those working in the sector, particularly with changes to the model of dealing with domestic violence and working out the difference between confidentiality of information and privilege around information and privacy. We should all be aware of this because of current issues which I will not go into.

The bill includes clarifying provisions, particularly for survivors of domestic violence and sexual assault, about phone numbers and addresses in subpoenaed material and about whether or not they can be released. We have to be very careful in this regard because we have seen some terrible breaches of personal information, which have put victims and survivors of domestic violence particularly at grave risk. I remember being in this place when I received information that an address of a survivor of domestic violence had been released by police. Her perpetrator had been released from jail and it was a very scary time for that person knowing that details of her address had been made public.

In regard to victim impact statements, I take this opportunity to acknowledge the work of the Sentencing Council. Survivors, victims and their families should be heard as part of the sentencing procedures and I support the proposition in the bill that victims be allowed to explain to the court the full extent of the suffering they have experienced. Part of the violation of sexual assault and crimes in general is often the secrecy and the shame that the victims have experienced. Under the proposed new section 28, a victim impact statement by a primary victim will be able to discuss any of the following harms suffered by the victim or the victim's immediate family as a direct result of the offence: physical, psychological or psychiatric harm; emotional suffering or distress; harm to relationships; and economic loss that arises from these forms of harm.

We see the horror that is attached to discussions about sexual assault, sexual harassment and violence in any forum, but part of the empowerment of those who experience these harms is to tell their story. It is not just about telling their story for the court to take into consideration when sentencing a perpetrator; there is also an incredibly empowering aspect to it. I have been working with many activists to change laws in Tasmania and the Northern Territory in relation to sexual assault victims. In those States victims are precluded at this stage from identifying themselves, even if their perpetrator has been identified.

While that could have been seen as some form of protection because of the shame that traditionally has been apportioned to survivors of assault, it is well past the time for all States move on. I pay tribute to Nina Funnell for pushing the #LetHerSpeak campaign. It is important to note that that enables victims to speak about their issues. I support extending the ranges of offences to which victims are entitled to make a victim impact statement to include additional offences that are sexual or indecent in nature or that involve a violation of privacy, such as voyeurism or distributing intimate images without consent. This inclusion will keep the legislation within twenty-first century technology which is advancing much more rapidly than the law in this case. [*Extension of time*]

Victims of crime are entitled to make a statement. It is also important that they be able to do so in the confidence that they can have a support person present and, where appropriate, read their statement using closed-circuit television or without members of the public being present in the courtroom. I note that the bill includes an amendment to the Criminal Procedure Act 1986 to enable domestic violence complainants in all criminal proceedings for domestic violence offences—not just apprehended domestic violence order proceedings—to have a support person present when giving their evidence. This is vital for victims and survivors because it recognises the power imbalances that are inherent in the legal system. It also recognises the way that victims, who have done nothing wrong, may be put in an environment that is intimidating to them and over which they may not have control. In many cases that may be a factor of the crime that has been perpetrated against them.

Another significant initiative arising from these amendments is that the definition of "member of the primary victim's immediate family" will be expanded. This is important in areas of cultural and linguistically diverse communities and also in our Aboriginal and Torres Strait Islander communities. Our first nation peoples often have more extended definitions of family and kinship which is of significance because often the person who is best able to support a victim through language skills may not necessarily be a member of the traditionally defined family. I support cultural inclusiveness for victims and survivors. It is important that we understand and support those people who have been traumatised by violence in their world. In situations of domestic violence, for example, I hope that survivors feel empowered by the knowledge that they can and will have the support that they need to challenge this totally unacceptable behaviour.

While Opposition members do not oppose the bill I reiterate frustration with the way in which issues are debated in this place and important provisions for many people in our community are being rammed through. Under the Government Information (Public Access) Act I would have liked to speak about freedom of information requests, Anzac memorials, victim impact statements, the jurisdiction of the Small Claims Court, wills and all manner of issues that have been shoved together. Individually they involve significant changes to the lives of the most vulnerable people in our community. This demonstrates the lethargy of this Government over the past eight years. This Government should treat victims and survivors of violence with more respect—an issue that over the past four or five years has been debated in the Parliament and in the community. It is time that this Government gave victims and survivors the support that they need. This legislation will change the way in which victims and survivors are dealt with and they should be treated with more respect. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) (22:04): I contribute to debate on the Government Information (Public Access) Amendment Bill 2018 and cognate bills and praise the Attorney General for introducing these important bills. It would be remiss of me not to praise Bryce O'Connor for his in-depth knowledge and briefing about the bills. I realise he is not the architect of these bills but he has an important part to play in the Attorney General's office. I am pleased to speak in support of the Government Information (Public Access) Amendment Bill 2018. The bill gives effect to a majority of recommendations in the statutory review of the Government Information (Public Access) Act 2009 and the Government Information (Information Commissioner) Act 2009.

Both Acts commenced in 2010 and were designed together to foster change in the way New South Wales agencies make government information available to members of the public. The Acts were also intended to contribute to a cultural shift in the way agencies think about open government. Submissions to the review revealed that the two Acts are well supported and effective at promoting open government. The object of the Government Information (Public Access) Act 2009 is to make government information more accessible to the public by: requiring government agencies to make certain sorts of information freely available; encouraging government agencies to release as much other information as possible; giving the public an enforceable right to make access applications for government information; and restricting access to information only when there is an overriding public interest against disclosure.

The amendments in this bill will ensure that the Government Information (Public Access) Act continues to provide open access to government information while improving its administrative operation for agencies, applicants and third parties alike. The bill includes a range of technical amendments to modernise, streamline and simplify administrative processes and to encourage greater inter-agency communication. Among the many technical amendments contained in the bill, I will highlight that the bill will provide a discretionary power for

agencies to accept access applications lodged electronically without having to seek the Information Commissioner's prior approval to do so. This is a sensible reform that modernises the way government handles information applications. The existing process of applying to the Information Commissioner is adequate but unnecessarily cumbersome.

The bill will introduce a new requirement for an applicant to specify in an application the name of any other agency the applicant has applied to for substantially the same information. This extra piece of information will facilitate inter-agency consultation and rationalise administrative processes. It is important to note that failure by an applicant to disclose the other agency will not invalidate an access application. By alerting agencies to other agencies that have dealt with a request for the same information it is hoped that applications will be dealt with faster. The bill will enable recipient agencies to partially transfer access applications where one agency holds some, but not all, of the requested information. This will streamline the treatment of applications.

Currently, an agency has to consider and deal with an application as a whole even if it knows it holds only part of the information. The reform means that agencies will now be able to transfer the part of the request relating to information held elsewhere in advance. The bill will provide a non-exhaustive list of considerations an agency may take into account when deciding whether to refuse to deal with an application on the basis of an "unreasonable and substantial diversion" of its resources. These will include, for example, the estimated volume of information involved in the request and the agency's size and resources. This will provide greater guidance for agencies and transparency for applicants where this provision of the Government Information (Public Access) Act is called upon.

The bill will provide that agencies may require applicants to take reasonable steps to provide proof of their personal identity before giving access to personal information. This will provide more flexibility in proving identity in order to allow vulnerable applicants, such as young or homeless people, to more easily obtain their own personal information under the Government Information (Public Access) Act. The bill will enable agencies to more efficiently deal with internal reviews concurrently when multiple parties seek internal reviews of a decision on an access application. In such a case, the period within which an agency must decide an internal review will not start until the period within which any of those parties may apply for the internal review expires.

The bill also will allow the NSW Civil and Administrative Tribunal, which is known as NCAT, to order that a person must not make an access application without its prior approval if that person, or someone acting in concert, has made three unmeritorious access applications to agencies in the previous two years. NCAT also will be able to apply certain conditions to such a restraint order, including a specific time period or limiting the restraint order to particular agencies. This is an important reform to ensure that the New South Wales Government Information (Public Access) Act regime operates as effectively as possible. The Act is an essential feature of open government in New South Wales. However, it is important that those who seek to frustrate the Act's objectives are appropriately managed.

The bill will clarify that a Cabinet document containing a combination of factual and non-factual information falls within the definition of Cabinet information. It is important to note that Cabinet information includes information that entirely or in part reveals or tends to reveal information concerning a Cabinet decision or the views of a particular Minister. There is a clear public interest in Cabinet information remaining confidential in order to facilitate free and frank discussions in Cabinet that promote good policy development. The bill will extend protections to law enforcement and public safety documents that are held by New South Wales but created by law enforcement agencies in other jurisdictions, including outside Australia. That will assist in keeping our community safe.

In conclusion let me state that I have highlighted these particular technical amendments because they are among the more significant changes introduced by the bill, but there are a number of other amendments in the bill as well. The Government is committed to ensuring that the Act provides open access to government information while ensuring that administrative processes to achieve that worthy goal are modern, sensible, integrated, clear and consistent. I believe the Government Information (Public Access) Amendment Bill 2018 achieves that balance. I commend the bills to the House.

Ms JENNY LEONG (Newtown) (22:11): On behalf of The Greens I join in debate on the Justice Legislation Amendment Bill (No 3) 2018, the Crimes Legislation Amendment (Victims) Bill 2018 and the Government Information (Public Access) Amendment Bill 2018 to highlight the concerns of The Greens. I foreshadow that The Greens will be moving amendments to the bills in the Legislative Council. The Justice Legislation Amendment Bill (No 3) makes a number of minor amendments to justice-related legislation. The Greens have some concerns about some of the changes.

The changes proposed to the Children (Detention Centres) Act will mean that the State Parole Authority and the Children's Court will no longer be able to determine the period of supervision of a parole order. It will be

a matter instead for the regulations. The Greens oppose that change. The changes proposed in the Justice Legislation Amendment Bill (No 3) 2018 in schedule 1 under the heading "1.15 Criminal Procedure Act 1986 No 209" will remove the time limit for backup summary offences where backup summary charges have been laid for a matter that begins in the Children's Court or Local Court. The Greens will move an amendment in the upper House to seek to remove this provision. It is clearly unfair in the circumstances where a person already has been to a higher court, and a similar matter relating to the same facts has been disposed of, to then have another six months with a possible charge hanging over their heads.

The bill also makes changes to the jurisdiction of the District Court to retrospectively legitimise a number of previous cases brought to that court. The final change in the Justice Legislation Amendment Bill (No 3) that The Greens are concerned about relates to the change to the retirement age of judges in New South Wales. The changes will apply retrospectively to existing judges, which means that, once again, generational change on the bench will be delayed. The Greens absolutely recognise and support the rights of older people to continue to work but we also recognise the need to reflect changes in society in the demographics of the bench. There are a number of senior legal professionals, particularly women and people from diverse backgrounds, who may suffer from not being promoted to the bench because of the amendments. The Greens will move amendments in the upper House to address the problem, recognising the need to balance respecting the right of older people to continue to engage in work while not preventing generational changes from occurring on the bench that reflect society's diversity.

I turn now to briefly address the Crimes Legislation Amendment (Victims) Bill 2018. I highlight that the Legislation Review Committee raised concerns about the changes in the bill that will mean that victim impact statements will capture a larger range of harm and will be treated the same whether they are from a primary victim or a family victim. Those changes may impact on the accused's rights to a fair trial. The Government Information (Public Access) Amendment Bill 2018 makes a number of amendments to the operation of the Government Information (Public Access) Act following a review. The Greens have serious concerns about the changes that will further expand the definition of Cabinet information to clarify that a document containing a combination of factual and non-factual information falls within the definition of Cabinet-in-confidence. The challenges of trying to hold this Government or in fact successive governments to account using the Government Information (Public Access) Act are very clear. Many of us in this place would have experience trying to do that.

Many in the community who have attempted to gain access to information have found it quite amusing that the Act is called the Government Information (Public Access) Act, given the challenge it is to get access to information. The current use of the Cabinet exclusion from the Act is extraordinarily far-reaching and goes well beyond what is reasonably necessary to protect the function of Cabinet as a place where free debate can occur. The Greens strongly oppose expanding the exclusion from public scrutiny. We have asked the Minister for clarification about who supported the change, given that many of those using the scheme would recognise that Cabinet information already is strongly protected under the Act. There are concerns about the purported overriding public interest against disclosure of information contained in public safety documents created by law enforcement agencies in other jurisdictions, including outside Australia.

In particular, we are concerned that this might be used to exclude information that should properly be the subject of public scrutiny such as material provided to meetings in which New South Wales police participate. We have asked the Minister's office for clarification about what is considered to be a public safety document for the purposes of the change. The Greens in the upper House will move an amendment to clarify when the calculation of the reduction of the processing charges apply. It is clear that the current Government Information (Public Access) Act does not work well when it comes to transparency. I will have more to say on that in this place soon. For now, The Greens will move a number of amendments in the other place and we hope that the Minister will go some way to responding to the concerns we have raised about these bills.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (22:16): In reply: I thank the member for Liverpool, the member for Baulkham Hills, the member for Maitland, the member for Tweed and the member for Newtown for their contributions to the debate. The member for Liverpool and the member for Newtown foreshadowed amendments that will be moved either in this House or the other House. I will reserve my comments about the member for Liverpool's proposed amendments when those amendments are moved later this evening. I will leave it to members in the other place to address the member for Newtown's concerns, but I thank her for raising them.

The member for Liverpool referenced parts of the statutory review that suggested that the Information and Privacy Commission [IPC] suffers from chronic delays when processing external reviews. The implication was that the Government is not properly funding the IPC and that is a barrier to Government Information (Public Access) Act applications. In 2017-18 the IPC budget allocation was $5.6 million. Since 2013 IPC staff numbers have remained consistent. The Privacy Commissioner position has been upgraded to a full-time position. I am

advised there are continual improvements in case management practices in the IPC that are focused on more efficient case management under a delegated decision-making model for both information access and privacy.

The IPC service standards require 80 per cent of complaints and reviews to be finalised within 90 days of lodgement. I am advised that for the financial year ended 30 June 2018, the IPC has finalised 86 per cent of information access reviews within the service target time frames. That compares with 43 per cent in 2015-16. I am also advised that over the same period, 70 per cent of privacy reviews were finalised within the service target time frames, which compares with 68 per cent in 2016-17.

I acknowledge the significant hard work of the Information Commissioner, the Privacy Commissioner and their staff in achieving these improved outcomes. The member for Liverpool referred to the New South Wales Civil and Administrative Tribunal in *Salmon v Corrective Services NSW*, which noted that the Government Information (Public Access) Act does not provide recourse for systemic problems with agency approaches to the Government Information (Public Access) Act. I note the member's comment; however, that issue was not considered by the statutory review and is, therefore, not a matter considered by this bill. For the reasons I gave in my second reading speech and, relying upon what the members of the Government said, I commend the bills to the House. They will create an important set of legislation that protects victims and the general public in New South Wales.

The DEPUTY SPEAKER: The question is that these bills be now read a second time.

Motion agreed to.

Consideration in detail requested by Mr Mark Speakman and Mr Paul Lynch.

Consideration in Detail

The DEPUTY SPEAKER: By leave: I will deal with the Justice Legislation Amendment Bill (No 3) 2018 in groups of clauses and schedules. The question is that clauses 1 to 3 be agreed to.

Clauses 1 to 3 agreed to.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (22:21): By leave: I move Government amendments Nos 1 to 3 on sheet C2018-156B in globo:

No. 1 **Federal proceedings in Civil and Administrative Tribunal**

Page 9, Schedule 1.6. Insert after line 22:

[1] Part 3A, heading

Omit "**Diversity**". Insert instead "**Federal**".

[2] Section 34A Definitions

Omit the definition of ***Federal diversity jurisdiction***. Insert instead:

Federal jurisdiction means jurisdiction of a kind referred to in section 75 or 76 of the Commonwealth Constitution.

[3] Section 34B Applications or appeals involving Federal jurisdiction may be made to authorised court

Omit section 34B (2) (b). Insert instead:

(b) the determination of the application or appeal by the Tribunal would involve an exercise of Federal jurisdiction, and

[4] Section 34C Proceedings after leave granted

Omit "diversity" from section 34C (3).

No. 2 **Federal proceedings in Civil and Administrative Tribunal**

Page 9, Schedule 1.6. Insert after line 27:

In *Burns v Corbett* [2018] HCA 15, the High Court decided that the Civil and Administrative Tribunal could not exercise jurisdiction of the kind referred to in section 75 or 76 of the Commonwealth Constitution (commonly called ***Federal jurisdiction***) because only courts could exercise Federal jurisdiction. It was common ground between the parties in that case that the Tribunal was not a court of the State, so the High Court was not required to decide the issue.

An Appeal Panel of the Tribunal decided in *Johnson v Dibbin; Gatsby v Gatsby* [2018] NSWCATAP 45 that the Tribunal was a court of the State and could, as a result, exercise Federal jurisdiction. However, the Court of Appeal decided in *Attorney General for New South Wales v Gatsby* [2018] NSWCA 254 that the Tribunal was not a court of the State for this purpose.

Items [2]–[4] of the proposed amendments extend the current provisions of Part 3A of the *Civil and Administrative Tribunal Act 2013* to enable certain persons to commence proceedings in the District Court or Local Court for the determination of original applications and external appeals that the Civil and Administrative Tribunal cannot determine because they involve the exercise of Federal jurisdiction. Currently, Part 3A is limited to exercises of Federal diversity jurisdiction (that is, jurisdiction referred to in section 75 (iv) of the Commonwealth Constitution). Item [1] makes a consequential amendment.

No. 3 **Federal proceedings in Civil and Administrative Tribunal**

Page 9, Schedule 1.6, line 28. Omit "The proposed amendment". Insert instead "Item [5]".

These amendments will insert a new schedule 1.6 into the Justice Legislation Amendment Bill (No 3) 2018. On 3 February 2017 the Court of Appeal found in *Burns v Corbett*; *Gaynor v Burns* [2017] NSWCA 3 that the NSW Civil and Administrative Tribunal [NCAT] could not hear matters that engage Federal judicial power to resolve disputes between residents of different States. In response to the Court of Appeal decision, the Justice Legislation Amendment Act (No 2) 2017 inserted part 3A into the Civil and Administrative Tribunal Act 2013. Part 3A of the Act allows a Local Court and District Court to hear matters affected by Federal diversity jurisdiction where a matter has been declined by NCAT due to a lack of jurisdiction, and an application is made to the Local Court or District Court for leave to be granted to determine the matter.

The Local Court or District Court can make the full range of orders that NCAT would otherwise have been able to make. Parties are not required to pay any additional fees to the Local or District Court, provided they do not substantially alter their claims. NCAT's status as a low-cost, flexible dispute resolution mechanism is preserved for the majority of its users. On 14 February 2018, the NCAT Appeal Panel held that NCAT is a court of a State in the decision *Johnson v Dibbin*; *Gatsby v Gatsby* [2018] NSWCATAP 45. On 18 April 2018, the High Court in *Burns v Corbett* [2018] HCA 15 found that only the High Court, Federal Courts and courts of the State can hear matters under sections 75 and 76 in chapter III of the Commonwealth Constitution.

On 6 November 2018—Tuesday last week—the Court of Appeal in *Attorney General for New South Wales v Gatsby* [2018] NSWCA 254 found that NCAT is not a court of a State for the purposes of Chapter III of the Constitution and section 39 of the Judiciary Act. This means that NCAT cannot determine any matter that involves an exercise of Federal jurisdiction under sections 75 or 76 of the Constitution. This amendment is in response to that decision. Schedule 1.6 to the bill amends part 3A of the Civil and Administrative Tribunal Act to extend its operation to any matter listed in sections 75 and 76 of the Commonwealth Constitution or Federal jurisdiction. Currently, part 3A applies only to proceedings involving Federal diversity jurisdiction under section 75 (iv) of the Constitution.

A further amendment is proposed to section 34B (2) (b) of the Act to remove the requirement that an authorised court must be satisfied that NCAT does not have jurisdiction to determine the application or appeal before granting leave for the matter to be determined in the authorised court. Instead, the authorised court will have to be satisfied that the application or appeal involves the exercise of Federal jurisdiction before granting leave. Sections 75 and 76 of the Constitution list matters over which the High Court has original jurisdiction. Section 77 of the Constitution provides that, with respect to those sections, the Commonwealth Parliament may make laws investing any court of a State with Federal jurisdiction. Section 39 (2) of the Judiciary Act 1903 of the Commonwealth invests courts of a State with Federal jurisdiction subject to some exemptions and conditions.

Matters that engage Federal jurisdiction are any matter: arising under any treaty; affecting consuls or other representatives of other countries; in which the Commonwealth is a party; between States or residents of different States or between a State and a resident of another State; in which a writ of mandamus, prohibition or an injunction is sought against an officer of the Commonwealth; arising under the Commonwealth Constitution or involving its jurisdiction; arising under any laws made by the Commonwealth Parliament; of admiralty and maritime jurisdiction; and relating to the same subject matter claimed under the laws of different States.

As currently occurs with diversity proceedings, all matters involving Federal jurisdiction brought before the Local Court or District Court under part 3A will maintain some of the flexibility of matters before NCAT. The court can make the full range of orders that NCAT would otherwise have been able to make. Further, provided that parties do not substantially alter their claims, they are not required to pay any additional court fees. The new schedule 1.6 will commence on 1 December 2018 or the date of assent, whichever is the later. This will ensure that the necessary administrative arrangements can be made, including any updates to information technology infrastructure, training materials, and information and websites for the public. Amending part 3A will provide a forum and facilitate the resolution of disputes whenever Federal jurisdiction is engaged. This amendment does not seek to affect or alter NCAT's existing jurisdiction. I commend the amendment to the House.

Mr PAUL LYNCH (Liverpool) (22:26): The Opposition does not oppose the Government's amendments. They seem like a sensible solution to an ongoing and difficult problem.

The DEPUTY SPEAKER: The question is that Government amendments Nos 1 to 3 on sheet C2018-156B be agreed to.

Amendments agreed to.

The DEPUTY SPEAKER: The question is that schedule 1 as amended be agreed to.

Schedule 1 as amended agreed to.

Mr PAUL LYNCH (Liverpool) (22:27): By leave: I move Opposition amendments Nos 1 to 8 on sheet C2018-155 in globo:

No. 1 **Application of new judicial retirement age**

Page 32, Schedule 2.2 [1], lines 29–35. Omit all words on those lines. Insert instead:

> Section 44 of the *Judicial Officers Act 1986*, as amended, has increased the maximum retirement age for Judges to 75 years. Clause 9 of Schedule 6 to the *Judicial Officers Act 1986* provides for the increased retirement age to apply only to Judges appointed on or after the day that section 44 was amended.

No. 2 **Application of new judicial retirement age**

Page 33, Schedule 2.3 [1], lines 5–12. Omit all words on those lines. Insert instead:

> Section 44 of the *Judicial Officers Act 1986* was amended on the increased retirement age day by the *Justice Legislation Amendment Act (No 3) 2018* to increase the maximum retirement age for judges to 75 years. Clause 9 of Schedule 6 to the *Judicial Officers Act 1986* provides for the increased retirement age to apply only to judges appointed on or after that day.

No. 3 **Application of new judicial retirement age**

Pages 34 and 35, Schedule 2.4 [1], line 43 on page 34 to line 2 on page 35. Omit all words on those lines. Insert instead:

> This section, as amended, has increased the maximum retirement age for judicial officers (including Magistrates) to 75 years. Clause 9 of Schedule 6 provides for the increased retirement age to apply only to judicial officers (including Magistrates) appointed on or after the day this section was amended.

No. 4 **Application of new judicial retirement age**

Page 35, Schedule 2.4 [4], lines 8–25. Omit all words on those lines. Insert instead:

> The amendments made to section 44 by the *Justice Legislation Amendment Act (No 3) 2018* apply only to judicial officers appointed on or after the day on which those amendments commenced.

No. 5 **Application of new judicial retirement age**

Page 35, Schedule 2.4, lines 29–33. Omit all words on those lines. Insert instead:

> Item [4] provides that the increased retirement age applies only to judicial officers (including Magistrates) appointed on or after the day on which the amendments made by item [2] commenced.

No. 6 **Application of new judicial retirement age**

Page 35, Schedule 2.5 [1], lines 42–48. Omit all words on those lines. Insert instead:

> Section 44 of the *Judicial Officers Act 1986,* as amended, has increased the maximum retirement age for Judges to 75 years. Clause 9 of Schedule 6 to the *Judicial Officers Act 1986* provides for the increased retirement age to apply only to Judges appointed on or after the day that section 44 was amended.

No. 7 **Application of new judicial retirement age**

Page 36, Schedule 2.6 [1], lines 16–22. Omit all words on those lines. Insert instead:

> Section 44 of the *Judicial Officers Act 1986*, as amended, has increased the maximum retirement age for Magistrates to 75 years. Clause 9 of Schedule 6 to the *Judicial Officers Act 1986* provides for the increased retirement age to apply only to Magistrates appointed on or after the day that section 44 was amended.

No. 8 **Application of new judicial retirement age**

Page 37, Schedule 2.8 [1], lines 34–41. Omit all words on those lines. Insert instead:

> Section 44 of the *Judicial Officers Act 1986*, as amended, has increased the maximum retirement age for Judges and associate Judges to 75 years. Clause 9 of Schedule 6 to the *Judicial Officers Act 1986* provides for the increased retirement age to apply only to Judges and associate Judges appointed on or after the day that section 44 was amended.

I have addressed the amendments in the second reading debate and rely upon the arguments I have thus far presented.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (22:27): The Government opposes the Opposition's amendments for a number of reasons. There are a number of problems with the Opposition's position. First, if implemented, the Opposition's amendments would deprive New South Wales taxpayers of tens of millions of dollars in reduction of liability for the judges' pension scheme. The concept is simple: If the maximum retirement age is increased for current judges, then it is projected that many will retire later than otherwise and therefore work longer before claiming a pension. They will therefore be entitled to a smaller pension over the term of their life. That means many judges spend less time claiming a pension without working, with the consequence of significant savings for the New South Wales taxpayer. The Department of Justice has estimated these savings amount to approximately $50 million. That is $50 million the taxpayers of New South Wales would have to pay because of, we would say, a distorted sense of priorities on the part of the Opposition. We say: Schools and hospitals before judges' pensions.

Secondly, the member for Liverpool raised a number of arguments on which he relied on Bar Association submissions about issues of retrospectivity, threats to the independence of the judiciary, the rule of law and so on. I understood him to endorse the Bar Association's arguments. I will deal with those arguments seriatim in a moment, but let me put this on the record: The Chief Justice of New South Wales, the President of the Court of Appeal, the Chief Judge at Common Law, the Chief Judge in Equity, the Chief Judge of the District Court and the Chief Magistrate of the Local Court support the current proposal that the increase in the maximum retirement age to 75 years of age be available to all existing and future judges and magistrates.

One would expect that those heads of jurisdiction would be in an impeccable position to determine whether applying these changes to maximum retirement ages not only to future appointments but also to existing judicial officers would in any way undermine the rule of law or be a threat to the independence of the judiciary. Those heads of jurisdiction, including what I will call subsidiary heads of jurisdiction—the Chief Judge at Common Law and Chief Judge in Equity and the President of the Court of Appeal—all support the current proposal applying to existing judicial officers. The contention that the changes are retrospective and create a dangerous precedent is erroneous.

The changes do not operate retrospectively in deeming a law at a time in the past to be different from what it in fact was at that time—something described as operating retroactively—nor do they operate retrospectively in the extended sense of altering or interfering with the rights and duties defined by reference to events prior to enactment. The proposed legislative changes do not interfere with a substantive right of a judicial officer. It has been suggested that retrospective legislation creates uncertainty and inconsistency and is often at odds with the rule of law. But as noted in his recent publication entitled "Two Reflections on Retrospectivity in Statutory Interpretation" (2018) 29 PLR 224, Dan Meagher says:

> It is assumed—reflexively—that retrospective law-making occasions unfairness and injustice; that the core rule of law notions of certainty, accessibility and prospectivity are undermined by laws that attach new legal consequences to past facts and events. As a consequence, 'retrospectivity' is usually a strongly pejorative term when used in legal and political discourse.

He goes on to say:

> Yet the reality in terms of the fairness or justice of retrospective law-making is often complex, highly contextual and question-begging.

It is difficult to imagine what doubts may arise about the independence or impartiality of a judicial officer because of the proposed increase to the judicial retirement age. The proposed legislative change is impartial in applying the increase to all judicial officers. It also protects the independence of serving judicial officers by providing for the continuation of the existing retirement age for a current judicial officer unless he or she consents to the increase. The Government does not put all its eggs in this basket but, independently of what I am about to say, there is a question, on one view, about whether carving out existing judicial officers from this change would be inconsistent with section 55 of the Constitution Act 1902.

Section 55 (1) provides that part 9 of the Constitution Act does not prevent the fixing or a change of age at which all judicial officers, or all judicial officers of a court, are required to retire by legislation. Section 55 (1) does not appear to contemplate a change of age for some judicial officers. The word "all" is section 55 (1) may, on one view, suggest that section 44 of the Judicial Officers Act could be amended only so as to apply to all judicial officers, or all judicial officers of a particular court, and could not be amended to apply to future appointments of judicial officers only. In addition, the terms of section 55 (2) require a judicial officer holding office to be given the opportunity to consent to a change to their retirement age. While section 55 (1) on one view has the effect that an amendment to section 44 of the Judicial Officers Act must apply to all judicial officers, Parliament must also include a provision that satisfies section 55 (2). That is what has occurred here with clause 9 of schedule 6, providing that the current retirement age will continue unless a judicial officer consents to the change applying—that is, unless the judicial officer decides to opt in.

On one view, the use of the word "however" at the commencement of section 55 (2) indicates that the two subsections are linked, with a judicial officer in section 55 (2) being a subset of all judicial officers referred to in section 55 (1). On this reasoning, if a change is made to the judicial retirement age under section 55 (1) then a judicial officer must be given the opportunity to consent to the change applying to him or her in accordance with section55 (2). What does all that mean? Without meaning to purport any sort of concluded or definitive view, there is an argument that section 55 only permits an amendment to retirement ages that apply to all judges. But it is unnecessary to rely on that legal proposition because of the plethora of other arguments that I have put. But I make the argument anyway, which raises interesting legal questions.

A couple of aspects are independent to that but related. One is that I am unaware of any occasion when there have been previous changes to judicial retirement ages where there has been a distinction between future appointments and current appointments, so this would be unprecedented. The other point to make is that section 55 of the Constitution Act contemplates that existing judicial officers can consent to a change in their conditions. The Legislature contemplates that what we are purporting to do is an acceptable proposition. In other words, the drafters of the Constitution Act have foreseen that it is not somehow a threat to judicial independence or the rule of law to have a situation where existing judicial officers can accept, or can consent under section 44 (2) to, a change in their conditions.

Given the arcane nature of the so-called threats to the independence of the judiciary and the rule of law, and given that heads of jurisdiction apparently see no problem because they endorse an across-the-board approach, there really is no basis, on the arguments put by the member for Liverpool, to reject this applying across the board. Insofar as the composition of the current bench is concerned, of course women are under-represented compared with the general population. As a broad proposition though, I would submit that compared to the Bar, there is a better representation in most courts than are women represented at the Bar.

Ms Kate Washington: That is a fairly low bar to have to achieve.

Mr MARK SPEAKMAN: That is a capital "B" bar. For women coming through the system, we have achieved better diversity—albeit there is a long way to go in courts at the moment so far as gender is concerned. But if it is good enough to increase the retirement age to 75 because of the capacity that people have to 75 when they are future appointees, then it is good enough to apply that to existing judicial officers—be they judges or magistrates—with capacity to continue to serve the justice system in New South Wales. For those various reasons, the Government opposes the amendments.

Mr PAUL LYNCH (Liverpool) (22:38): Very briefly, I have three points to make and I do not want to take longer than is necessary, for obvious reasons. The point about $50 million is interesting. It would be considerably more persuasive if it appeared somewhere in the Attorney General's second reading speech after the bill was introduced. It did not. I therefore have a degree of scepticism about its relevance here. As to the points about section 55, I have lengthy and detailed advices from three silks, which I will spare from reading to the House. I will simply give the conclusion that they give about the putative argument put by the Attorney General. They put the point in the category of "barely arguable and most unlikely to succeed". The other points made by the Attorney General are matters of opinion where he and I differ, and he differs with Arthur Moses from the New South Wales Bar Association. I assume it is an internal Liberal Party fight.

The DEPUTY SPEAKER: The question is that Opposition amendments Nos 1 to 8 on sheet C2018-155 be agreed to.

The House divided.

Ayes 30
Noes 45
Majority.....15

AYES

Aitchison, Ms J	Atalla, Mr E	Bali, Mr S
Barr, Mr C	Car, Ms P	Chanthivong, Mr A
Dib, Mr J	Finn, Ms J	Greenwich, Mr A
Harrison, Ms J	Haylen, Ms J	Hoenig, Mr R
Hornery, Ms S	Kamper, Mr S	Lalich, Mr N (teller)
Leong, Ms J	Lynch, Mr P	McDermott, Dr H
McKay, Ms J	Mehan, Mr D	Mihailuk, Ms T
Minns, Mr C	Piper, Mr G	Scully, Mr P
Smith, Ms T.F.	Tesch, Ms L	Warren, Mr G

AYES

Washington, Ms K	Watson, Ms A (teller)	Zangari, Mr G

NOES

Anderson, Mr K	Aplin, Mr G	Ayres, Mr S
Bromhead, Mr S (teller)	Brookes, Mr G	Conolly, Mr K
Constance, Mr A	Cooke, Ms S	Coure, Mr M
Crouch, Mr A	Davies, Mrs T	Dominello, Mr V
Donato, Mr P	Elliott, Mr D	Evans, Mr A.W.
Evans, Mr L.J.	Gibbons, Ms M	Goward, Ms P
Grant, Mr T	Griffin, Mr J	Gulaptis, Mr C
Hazzard, Mr B	Johnsen, Mr M	Kean, Mr M
Lee, Dr G	Marshall, Mr A	McGirr, Dr J
Notley-Smith, Mr B	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

PAIRS

Cotsis, Ms S	Barilaro, Mr J
Crakanthorp, Mr T	Berejiklian, Ms G
Daley, Mr M	Fraser, Mr A
Doyle, Ms T	Henskens, Mr A
Foley, Mr L	Humphries, Mr K
Harris, Mr D	O'Dea, Mr J
Park, Mr R	Wilson, Ms F

Amendments negatived.

The DEPUTY SPEAKER: The question is that schedule 2 be agreed to.

Schedule 2 agreed to.

The DEPUTY SPEAKER: The question is that schedule 3 be agreed to.

Schedule 3 agreed to.

The DEPUTY SPEAKER: By leave: I will now deal with the Crimes Legislation Amendment (Victims) Bill in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

Clauses 1 and 2 be agreed to.

The DEPUTY SPEAKER: The question is that schedules 1 to 5 be agreed to.

Schedules 1 to 5 agreed to.

The DEPUTY SPEAKER: By leave: I will now deal with the Government Information (Public Access) Amendment Bill in groups of clauses and schedules. The question is that clauses 1 and 2 be agreed to.

Clauses 1 and 2 agreed to.

Mr PAUL LYNCH (Liverpool) (22:47): By leave: I move Opposition amendments Nos. 1 and 2 on sheet C2018-158 in globo:

No. 1 **Access applications**

Page 3, Schedule 1 [6], lines 18–20. Omit all words on those lines. Insert instead:

(a) it must be in writing sent by post or electronically to, or lodged at, an office of the agency concerned,

No. 2 **Access applications**

Page 3, Schedule 1 [9], lines 29–32. Omit all words on those lines. Insert instead:

[9] Section 41 (2)

Omit the subsection.

I rely upon the arguments I gave during the second reading debate.

Mr MARK SPEAKMAN (Cronulla—Attorney General) (22:47): The Opposition's proposed amendments would remove the discretion for agencies to receive applications as they see fit, restricting the means by which an access application can be made to be either in writing or electronically. Not all agencies currently have the ability to accept electronic applications, so it is appropriate that a discretion exist at this time. It may be appropriate that all agencies be required to accept electronic applications in the future. The amendments moved by the Opposition would also remove the ability of agencies to approve additional payment facilities. The Government considers that this provision should be retained to ensure that electronic payments can be accepted. The Government bill covers the scope of the Opposition's proposed amendments. For these reasons, the Government opposes the amendments.

The DEPUTY SPEAKER: The question is that Opposition amendments Nos. 1 and 2 on sheet C2018-158 be agreed to.

Amendments negatived.

The DEPUTY SPEAKER: The question is that schedule 1 be agreed to.

Schedule 1 agreed to.

Third Reading

Mr MARK SPEAKMAN: I move:

That these bills be now read a third time.

Motion agreed to.

PUBLIC WORKS AND PROCUREMENT AMENDMENT (ENFORCEMENT) BILL 2018

First Reading

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

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

Private Members' Statements

NELSON BAY ROAD DUPLICATION PROJECT

Ms KATE WASHINGTON (Port Stephens) (22:49): In the days before the 2015 election, the former Liberal Premier of New South Wales, Mike Baird, stood on the side of Nelson Bay Road in my electorate of Port Stephens and promised to fully duplicate the road if his Liberal Government was returned. This was the Liberal Party's number one commitment to the people of Port Stephens. In fact, the commitment was so important that it was included in the Government's "Election Commitment 2015 to 2019" document released after that election.

Of course, Nelson Bay Road is one of the most important roads in Port Stephens. It is a State road that connects the Tomaree Peninsula, the Tilligerry Peninsula and the Newcastle Airport to the broader Hunter region. At least half the residents in my electorate must travel on the road. It also brings many tourists to our region, tripling the population in peak times and supporting the many fabulous tourism businesses of Port Stephens. The economic and social wellbeing of Port Stephens is dependent on the connections provided by the road. Despite its importance, sections of the road are single lane and they cause significant congestion during peak times and pose a risk of traffic accidents blocking the only way into and out of the area.

As members may be aware, a number of sections of the road have been duplicated. Stages one and two were completed under the Carr and Iemma governments, and stage three was completed under the O'Farrell Government. Given the importance of the road, my community paid a lot of attention when Mike Baird came to Port Stephens and promised just under $70 million for its full duplication. On that day, Premier Baird said early work would start in the middle of the following year—that is, mid-2016. Instead, no work whatsoever was done. Early this year, documents I was forced to apply for under freedom of information legislation revealed the Government's insult to the people of Port Stephens.

Buried in the internal Roads and Maritime Services documents was the fact that $67 million had been assigned to the project, but not until 2021. Despite the Government's own election commitment document stating that the money would be spent in this term, the truth was that someone on the Government side of the Chamber had de-prioritised the project and delayed it by at least five years. Only $200,000—or less than 1 per cent of the promised money—was due to be spent in the promised period, and only for design work and planning documents. This deferral was so significant that the internal Roads and Maritime Services documents called for a halt to future planning works because construction was not to commence until at least 2021.

What the freedom of information documents do not reveal is who ordered the road project to be deferred. The Minister was asked this during the budget estimates hearings but has failed to come clean with the people of Port Stephens. Tonight I again call on the Minister to tell the truth to the thousands of people who drive on Nelson Bay Road every day: Who cancelled their road upgrade? I can only speculate that any decision involving the deferral of that amount of money would surely need to go to the Expenditure Review Committee [ERC] of Cabinet. Therefore, the then chair of the ERC, then Treasurer Gladys Berejiklian, must have approved this backflip. Premier Gladys Berejiklian can find billions of dollars to knock down and rebuild stadiums in Sydney but cannot deliver the funding that her Government, and she as Treasurer, promised Port Stephens at the last election.

It was only after these freedom of information documents became public that the Government announced it was bringing forward funds to get work started before 2021, but then denied there had ever been a backflip. It is astonishing. Work has now begun on upgrading a single roundabout on Nelson Bay Road. The Government's promise of $67 million and a full duplication of the road in this term has turned into a single roundabout upgrade. One of the main pinch points on this road is the single-lane Tilligerry Creek Bridge. I was caught there only last weekend, so the peak periods have already started in Port Stephens.

Given Mike Baird's commitment to a full duplication, I was astonished when the Parliamentary Secretary for Regional Roads, Maritime and Transport, and member for Tamworth, responded in writing to one of my inquiries saying that the Government had no plans whatsoever to widen or duplicate this section of the road. That was another appalling admission by a government that has its priorities all wrong. The Premier keeps talking about taking back the seat of Port Stephens. In fact, she went so far as to say that Port Stephens belongs to her. For a very long time now this Government has refused to treat my community with the respect they deserve and it continues to break its promises to them. Premier, my community is switched on. They will not cop fake promises. I have no doubt that next March they will send a very clear message that will reflect how they feel about the utter disrespect they have been shown by this Government.

BEGA ELECTORATE INFRASTRUCTURE INVESTMENT

Mr ANDREW CONSTANCE (Bega—Minister for Transport and Infrastructure) (22:54): Tonight I thank the many people across my electorate who have been advocating for both a new Eurobodalla regional hospital and for filtration of the water supply in the Bega Valley. Recently the Premier visited my electorate to announce that the Eurobodalla Health Service will get $150 million to build a new hospital and funding of $25.2 million for two water filtration plants on the Brogo-Bermagui and the Bega-Tathra river systems. This clearly demonstrates that if we manage our finances well we can build the necessary infrastructure in regional New South Wales. People in the bush well know that for many years Labor completely disregarded their desire to flourish. In fact, in the 16 years Labor was in office it did not deliver a thing to electorates like Bega, but now more than $750 million is being spent on infrastructure.

I take this opportunity to thank the 3,000 people who signed a petition within a matter of weeks for the new hospital. Dr Michael Holland organised the petition and a number of people assisted him in collecting those signatures across the Eurobodalla shire. Where to next? Over the past 12 months the area health district has been undertaking clinical service planning and, in light of the capital funding announcement for this project, it now will do even more service planning. The people in my electorate do not want that they or their loved ones are required to travel out of the region—whether to Canberra or Sydney—to access medical services and they expect to receive a level of health care locally. It will be a godsend when the new facility is built. For instance, patients in a shire of approximately 30,000 people will be able to access high-dependency care. The new hospital will complement the South East Regional Hospital at Bega. Those two regional facilities will be of enormous interest to specialists not only to establish their practices but also to provide better and many more specialist services to the people of the Eurobodalla.

As I said, the health district will now be undertaking more clinical service planning and Health Infrastructure, which is a division within NSW Health, will start to undertake work as to the best location for the hospital. Three towns in the Eurobodalla are of reasonable size—Narooma, Moruya and Batemans Bay—and there are a lot of villages in and around each of those towns. Ideally, the facility will be centrally located on a parcel of land that is not landlocked, which will enable the future expansion of the hospital. We also want to

make sure that it is appropriately located to utilities, fire services, the airport and the many other services found in and around such hospitals, including paramedic facilities and the like.

This is an important step in the provision of health care for the region and it comes at a time when, whilst there is record spending on regional health, this Government has rebuilt or built 78 hospitals, of which 48 are in regional New South Wales. I am glad the member for Tweed is in the chair tonight because he knows well the ability of this Government to deliver funding to build these facilities. I was disappointed to see the Labor Party try to play up parochialism and be cynical about this announcement because the entire community is onside. Labor people within the community are supportive of this facility. I do not think Walt Secord from the inner west really understands what it is like to live in a regional community and depend on hospitals that are a long way from your community. To have this new central facility is important. As the member for Bega, it is one that I am very pleased to deliver for the people of the Eurobodalla.

TRUEGAIN INDUSTRIAL SITE

Ms JENNY AITCHISON (Maitland) (23:00): I talk about an issue in my community that has been going on for many years. On the weekend, there was an article in the *Newcastle Herald* by journalists Donna Page and Nick Bielby regarding the Truegain industrial site at Kyle Street, Rutherford. My concern about this issue has been ongoing and sustained since before I was elected to this place. In 2011 the then candidate for the electorate of Maitland and later the member and Minister for the Environment, the Hon. Robyn Parker, was campaigning about the Rutherford stink, as it was known in that area. Since the time that I have been elected to this place, I have worked tirelessly to try to address the issue for my community, such as, putting out a survey to 8,000 people in my community, from whom we got a significant response, with people telling us about their concerns; working with the then Minister for the Environment, the Hon. Mark Speakman; writing letters; asking questions; and employing all sorts of methods that local members do in this place to raise issues.

In March 2016 the site was finally stopped by Hunter Water suspending its licence to discharge with the discovery of per- and polyfluoroalkyl substances [PFAS] on the site that were being released into the environment and the water system. At that time, I suffered in this place attacks on my integrity because of the workers who were employed at that site. It was devastating to read in the paper this weekend about those workers who have suffered significant health risks and health conditions as a result of the rogue operations of the site. One thing that has not been discussed in the recent media coverage of this site is that despite the promises of the current environment Minister in May when this issue came out, they pretended by media release, not by doorknocking or letters to the community, that they had already warned people about PFAS contamination on the site and did it again allegedly.

Although they undertook to put up a clean-up contractor on the site and did a tender process, a reply to my question on notice on 9 August said that the tender has not been awarded as the site owner has engaged a contractor to install a mobile treatment plant to treat PFAS-contaminated wastewater on site. There is no other mention in that answer about what kind of contaminants might also be addressed on that site. In fact, the clean-up notice link that we were given does not work anymore. That is also a concern because the websites have all changed. My concern is about the monitoring the Minister or her agency is doing of the outcomes of that wastewater treatment to ensure the efficiency. That goes to the issues about the usage, storage and disposal of the PFAS contaminant and about what is happening with all the other contaminants on the site.

In my negotiations over the past five years with the Environment Protection Agency [EPA] on this matter, they have told me that the former owners of this business were litigious and that that had been a constraint in getting anything done. A former owner of that business is now in control of that site and while I understand the EPA has a polluter pays principle, it also has a responsibility to protect our community. The Minister has failed repeatedly to take appropriate action, in an appropriate manner, at appropriate times to deliver safety for our community on this site. I will be writing to the Premier to take action to work for the safety of everyone in my community and to provide a proper clean-up of this site.

OVARIAN CANCER

Mr GREG PIPER (Lake Macquarie) (23:05): Today, on average three Australian women will die from ovarian cancer. Roughly four more women will be diagnosed and of those, two will be fortunate if they are alive five years from now. There is no proven method of prevention of ovarian cancer. While ovarian cancer is the eighth most common cancer in Australian women, there is no regular screening program like there is for breast cancer. A few weeks ago I participated in the first Teal Sisters Walk at Warners Bay in Lake Macquarie. I walked with a wonderful local constituent, Liz Wright from Wangi Wangi, who had organised the event in conjunction with Ovarian Cancer Australia to raise awareness and funds for ovarian cancer research. Liz taught me a lot about ovarian cancer and got me thinking about why we do not speak about it often, and why it does not get the coverage that other cancers get.

In June last year, Liz was diagnosed with stage 4 metastatic ovarian cancer—the deadliest women's cancer. It took doctors six months to diagnose her condition, as symptoms are often vague. Her intention was to raise awareness of the disease, and to educate more women about the signs and symptoms. About 40 people participated in the first Teal Sisters Walk. This was a good effort and no doubt there would have been many more people if not for the storms and strong winds that day. More than $5,000 was raised for Ovarian Cancer Australia due largely to the efforts of Liz and her husband, Jeff. Someone else who got me thinking about ovarian cancer was Jill Emberson, who is well known in the greater Newcastle area as a presenter on ABC 1233 Radio. Two years ago, Jill was given a terminal diagnosis; and no doubt, her world changed. Despite her fragile condition and a series of dreadful setbacks, Jill has recorded her journey in podcasts called "Still Jill". They intimately follow her proposal and impending marriage to partner, Ken Lambert, after a second chemotherapy program, and further raise awareness about ovarian cancer.

Jill's initial diagnosis was followed by surgery and what she calls "brutal" chemotherapy, but the cancer returned just a year later. She participated in a clinical trial of a new immunotherapy drug, but it unfortunately did not work. Then, in September 2017, she had emergency brain surgery after the cancer spread to her brain. She said, "The chemo I'm having now is nowhere near as heavy as the initial chemo, and that's because they know they can't save me now. What they are trying to do is knock the disease back so that it doesn't grow rapaciously, but so I can still function." Remarkably, Jill returned to the airwaves at the ABC in May to continue her podcasting. For a while she was also walking 10,000 steps a day to raise money for ovarian cancer research and support. She reached her fundraising goal of $5,000 in a day and has consistently raised her goal.

There are great organisations such as the Jane McGrath Foundation, which has achieved extraordinary results in educating and supporting women with breast cancer, and has raised extraordinary amounts of money for breast cancer research. It is wonderful that there have been great improvements in treatment and survivability of breast and other women's cancers, but this brings into stark relief that we do not have something equal for ovarian cancer, which is the number one reproductive cancer that kills women. As remarkable as Liz and Jill are, and as well as they may know their eventual fate, they are out there fighting on, not just for themselves, but for other women who will be diagnosed at some point in the future.

Great research is being done in this field, but it is desperately underfunded. Much of that research is happening in my region at the Hunter Medical Research Institute. Jill and Liz are hopeful that they will be among the very first wave of women to take advantage of that research and subsequent clinical trials, rather than be on the last wave of women who miss out on it. "At the point I am at, they don't like to give you a time," Jill said of her medical support team recently. "I am not that unwell yet, but the fact is that only 40 per cent of women who get this live beyond five years." "We shouldn't still be having the same treatment for this cancer that we had back in the seventies," she said. Jill is right. We must fund better research. We must raise further awareness. We must continue to strive for a cure, and not leave it to the brave and extraordinary women like Liz Wright and Jill Emberson.

CENTRAL COAST PALLIATIVE CARE SERVICES

Ms LIESL TESCH (Gosford) (23:10): Today I speak again about the community push for palliative care on the Central Coast. Elsie's Retreat is an idea, a dream that one day we might have a dedicated facility on the Central Coast for specialised palliative care. We know the facts and figures. The Central Coast has the largest population of centenarians in New South Wales, and 5.9 per cent of our population is over 80 years old—that is, close to 20,000 people. More than 53,000 people die in New South Wales each year. Many of those deaths will be expected as a result of serious illness, advancing chronic disease or old age. We are living longer than ever before, with modern medicine curing the previously incurable.

Tonight I will tell the story of Anna. Anna is a beautiful young mother of two, who is living on the Central Coast. She works as a midwife at the Gosford Hospital. This year Anna was diagnosed with an aggressive form of breast cancer. Chemotherapy began quickly and was administered rapidly. The plan was to undergo a mastectomy and further radiation treatment to stop the cancer that had already spread to her local lymph nodes. As the end of her treatment neared, it became obvious that her tumour had not responded to the chemo. The cancer had grown, spread and metastasised to her liver and pelvis. Anna has no options left to cure her cancer.

As a midwife, Anna is experienced in catering to the needs of expectant mothers and has assisted with a wide variety of births, supporting the choices of many families by researching various options available to them. As a terminally ill patient, Anna has discovered that there are very few choices available to her. As a Central Coast resident, Anna does not have the option to pass away peacefully with her children and husband by her side in a calm, quiet, home-like environment. The Central Coast has no dedicated palliative care facilities, and Anna has limited options available to her.

We may not have the power to choose when we die, but in situations like Anna's, we should have the power to choose how we die. If given the option, many would chose to be cared for by specialty nurses in a purpose-built facility surrounded by our loved ones, without having to travel to a facility in Sydney or Newcastle. The push for palliative care on the Central Coast has touched the hearts of many. The campaign has spread far and wide, with a petition circulating throughout the coast generating thousands of signatures.

The campaign has received a multitude of letters and emails from concerned community members who believe we should be doing more. Quality palliative care is proven to improve the quality of life of patients and their families facing life-threatening illness, through the assessment and treatment of physical, psychosocial and spiritual problems that patients experience in their final days. Many on the Central Coast spend their time commuting to and from work. There is absolutely no reason someone who is terminally ill should have to commute in their final days.

We currently have no palliative care beds in the Wyong or Gosford hospitals, so patients requiring palliative care are unable to be admitted to these hospitals. Instead, they must be admitted under the guise of patients seeking treatment in oncology, cardiac, respiratory, haematology or other areas. If a patient is diagnosed as palliative while they are in hospital they are given two options for end-of-life care. The first option is to go home, relying on family members to deliver the specialised treatment that is needed. The second option is to go to a nursing home.

A review was conducted into palliative care in the Central Coast Local Health District in October of 2017. It highlighted a lack of training and education for staff working with palliative clients, inadequate financial resources, inadequate human resources and inadequate accommodation resources allocated to caring for palliative patients. I call on this Government to address the shortcomings identified in the report by building the palliative care centre that the Central Coast deserves: Elsie's Retreat. I thank Anna for sharing her story, the Lions clubs of the Central Coast for their continuing push for palliative care on the coast, Oana McBride, Anne Charlton and the members of Elsie's Retreat and the Push for Palliative Care Campaign, as well as all the local organisations that have been so supportive of this idea.

ST GEORGE COMMUNITY AWARDS

Mr MARK COURE (Oatley) (23:14): Tonight I speak about the St George Community Awards, an event I have hosted over the past eight consecutive years. On 29 October more than 600 people were ushered into the venue at Club Central in Hurstville. It was a huge success and it was a great honour to have the Premier of New South Wales, the Hon. Gladys Berejiklian, MP, attend as our special guest on the night. I also thank Paul McGrath, our master of ceremonies for the event. Paul is the station manager and broadcaster for local radio 2NBC. Paul has had 30 years of senior media experience in the radio industry and has transformed 2NBC into one of Sydney's most listened to and respected metropolitan community radio stations.

The Oatley West Public School Combined Band entertained us with two outstanding musical performances, preceded by the Australian national anthem. I thank all the students of the Oatley West Public School and the conductor, Lauren Faulks, for delighting with their musical items. It is always great to have support from local public schools. The St George Community Awards are the highlight of the year for me as a member of Parliament because it is an opportunity for community leaders, volunteers and local heroes to gather and be congratulated on their service to the St George area. It is nights like these that remind me of how fortunate I am to have been born and raised in our local community and how, since 2011, I have had the honour of representing it in the New South Wales Parliament.

Each year I have six categories of awards for which people can be nominated—Individual, Senior, Youth, Community Group, Business and Environment. This year a record number of nominations came through my office, with more than 120 individuals and community groups being recognised on the night. These award recipients are part of a six million-people army who volunteer across our nation. Volunteers make an extraordinary contribution to Australian society. Volunteers are the lifeblood of our community and come from all walks of life—working people, students and professionals, young people and retirees.

I spent a few moments this week reflecting on the successes of our previous community awards nights and the hundreds of individuals who have walked across the stage over these years. Thinking about all the people who have invested time, energy and resources in our local community is incredibly moving. There are consistent volunteers like Janette Beattie, who has been a member of the St George Art and Craft Centre for the past 40 years; environmentalists like Matt Heffernan, who is a parent volunteer at the Oatley Public School, starting projects such as creating a veggie patch and a chicken coop; multicultural groups like the Resourceful Australian Indian Network [RAIN], which does so much for our local community; and young, driven people like Jayden Bitz, who started at Jumbuck Meats as a 17-year-old apprentice and is now the shop manager.

The volunteering spirit in the St George area is certainly not diminishing. Many of us juggle an array of weekly commitments, from work to driving our kids to sport, to visiting family and friends. Regardless of these commitments, this has rarely stopped the local community from enthusiastically embodying the volunteering spirit. In addition to recognising the dozens of award recipients, I also acknowledge the friends, families and colleagues who nominated the individuals and groups. Their enthusiasm and initiative in getting involved in this annual event were demonstrated in the packed-out room on the night. Volunteers and volunteer organisations strengthen our communities. I encourage everyone to get involved because every individual can make a difference.

The House adjourned, pursuant to standing and sessional orders, at 23:20 until Wednesday 14 November 2018 at 10:00.